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## TITLE 1 GENERAL PROVISIONS

### Chapters

[1.01 Code Adoption](#)

[1.05 General Provisions](#)

[1.10 Posting Places](#)

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## CHAPTER 1.01 CODE ADOPTION

### Sections:

- 1.01.010 Adoption.**
- 1.01.020 Title, Citation, Reference, Amendment and Repeal.**
- 1.01.030 Codification authority.**
- 1.01.040 Effective date.**
- 1.01.050 Ordinances passed prior to adoption of the code.**
- 1.01.060 Ordinances excluded from code.**
- 1.01.070 Reservation of prosecutions.**
- 1.01.080 Severability.**

#### **1.01.010 Adoption.**

Pursuant to RCW 35.21.500 through 35.21.570, there is hereby adopted the “Carbonado Municipal Code.”

#### **1.01.020 Title, Citation, Reference, Amendment and Repeal.**

(1) This code shall be known as the “Carbonado Municipal Code” and it shall be sufficient to refer to said code as the “municipal code” in any prosecution for the violation of any provision thereof or in any proceeding at law or equity.

(2) It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the “Carbonado Municipal Code.”

(3) Further reference may be had to titles, chapters, sections and subsections of the “Carbonado Municipal Code” and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code.

(4) New ordinances may be added to the code, and if an ordinance is enacted with a numbering system that is inconsistent with the code numbering system, the town clerk is authorized to assign an appropriate code number and to codify the ordinance accordingly.

(5) The repeal of any code section does not revive the original text of the code section, but rather, repeal of an existing section repeals the underlying ordinance section and all of its amendments.

#### **1.01.30 Codification Authority.**

(1) This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the town of Carbonado codified pursuant to the provisions of RCW 35.21.500 through 35.21.570.

(2) The adoption of this code shall not affect any prosecution for violations of ordinances, which violations were committed prior to the effective date of the adoption of the municipal code, nor shall the adoption of the municipal code be construed as a waiver of any license, fee, or penalty due and owing at the effective date of the code adoption, nor shall adoption affect the validity of any bond or cash deposited with the town pursuant to

the terms of any ordinances, upon its codification; but rather, all rights and obligations pertaining under ordinances in effect prior to codification shall remain in full force and effect.

**1.01.040 Effective Date.**

This ordinance adopting this code as the “Carbonado Municipal Code” shall become effective from and after sixty (60) days of its passage and after publication as required by law.

**1.01.050 Ordinances passed prior to adoption of the code.**

The last ordinance included in this Chapter is Ordinance No. 430, passed June 9, 2015.

**1.01.060 Ordinances excluded from code.**

All general ordinances of the town not included in this code or excluded from the operation and effect of this section are repealed, including but not limited to: 2-16, 19, 21-22, 24-27, 30-41, 43-48, 50-55, 57-60, 62-66, 68, 71-72A, 73A, 73B, 75-76, 78-82, 84-88, 91-94, 96-100, 104-115, 117-127, 129-135, 138-141, 144, 148-151, 153-154, 156-159, 162, 164, 166-168, 170-183, 185-194, 196, 198, 200-203, 205-206, 208-209, 211-220, 222-228, 231, 233-234, 238-242, 247-251, 253-266, 268, 270-272, 277-290, 292-294, 296-298, 300, 302-304, 306-321, 325-332, 334-365, 367-368, 370, 372, 374, 376-377, 381-382, 384-391, 393-395, 398, 404-409, 411, 413, and 418.

**1.01.070 Reservation of prosecutions.**

The adoption of this code shall not affect any prosecution for violations of ordinances, which violations were committed prior to the effective date of the adoption of the municipal code, nor shall the adoption of the municipal code be construed as a waiver of any license, fee, or penalty due and owing at the effective date of the code adoption, nor shall adoption affect the validity of any bonds or cash deposited with the Town pursuant to the terms of any ordinance, upon its codification; but rather, all rights and obligations pertaining under the ordinances in effect prior to codification shall remain in full force and effect.

**1.01.080 Severability.**

If any section, subsection, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The town declares that it would have enacted this code, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, clauses and phrases has been declared invalid or unconstitutional. (Ord. 429 § Appendix A, 2015)



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## CHAPTER 1.05 GENERAL PROVISIONS

### Sections:

- 1.05.010 Definitions**
- 1.05.050 Grammatical interpretation.**
- 1.05.030 Prohibited acts include causing and permitting.**
- 1.05.050 Construction.**
- 1.05.050 Repeal shall not revive any ordinances.**
- 1.05.060 Publication of Ordinances.**
- 1.05.070 Public Notification.**
- 1.05.080 Fee schedules and procedures.**

### **1.05.010 Definitions.**

The following words and phrases, wherever used in the ordinances of the town of Carbonado, Washington, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

- A. “Town” and “town” mean the town of Carbonado, Washington, or the area within the territorial limits of the town of Carbonado, Washington, and such territory outside of the town over which the town has jurisdiction or control by virtue of any constitutional or statutory provision.
- B. “Computation of time” means the determination of the time within which an act is to be done. It is computed by excluding the day of the act, event, or default from which the designated period of time begins to run and including the last day of the period so computed; and if the last day is a Saturday, Sunday or a legal holiday, that day shall be excluded, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday nor a legal holiday.
- C. “Council” means the town council of the town of Carbonado, Washington. “All its members,” or “all council members” means the total number of council members provided by the general laws of the state of Washington and/or all persons currently holding such title.
- D. “County” means the county of Pierce.
- E. “Law” denotes applicable federal law, the constitution and statutes of the state of Washington, the ordinances of the Town of Carbonado, and when appropriate, any and all rules and regulations which may be promulgated thereunder.
- F. “May” is permissive.
- G. “Month” means a calendar month.
- H. Must and Shall. Each is mandatory.

- I. "Oath" is construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" are equivalent to the words "affirm" and "affirmed."
- J. "Ordinance" means a law of the town; provided, that a temporary or special law, administrative action, order or directive may be in the form of a resolution.
- K. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, or the whole or part of such building or land.
- L. "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization or the manager, lessee, agent, servant, officer or employee of any of them.
- M. "Personal property" includes money, goods, chattels, causes of action, things in action and evidences of debt.
- N. "Preceding" and "following" mean next before and next after, respectively.
- O. "Property" includes real and personal property.
- P. "Real property" includes lands, tenements and hereditaments.
- Q. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.
- R. "State" means the state of Washington.
- S. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in this town which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.
- T. "Tenant" and "occupant," applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.
- U. "Title of Office". Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the town.
- V. "Written" includes printed, typewritten, and digitally transmitted materials.
- W. "Year" means a calendar year.

**1.05.050 Grammatical interpretation.**

The following grammatical rules shall apply in the ordinances of the town:

- A. Gender. Designation in the form of any gender includes the masculine, feminine and neuter genders.
- B. Singular and Plural. The singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

**1.05.030 Prohibited acts include causing and permitting.**

Whenever in the ordinances of the town any act or omission is made unlawful, it includes causing and permitting such act or omission.

**1.05.050 Construction.**

The following rules of construction shall apply:

- A. The provisions of the ordinances of the town, and all proceedings under them, are to be construed with a view to affect their objects and to promote justice.
- B. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- C. When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent.
- D. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language.

**1.05.050 Repeal shall not revive any ordinances.**

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

**1.05.060 Publication of ordinances.**

- A. Promptly after adoption, the text of each ordinance or a summary of the content of each ordinance shall be published at least once in the town's official newspaper. An inadvertent mistake or omission in publishing the text or a summary of the content of an ordinance shall not render the ordinance invalid.
- B. No ordinance shall take effect until five days after the date of its publication unless otherwise provided by law, except that an ordinance passed by

a majority plus one of the whole membership of the council, designated therein as a public emergency ordinance necessary for the protection of public health, public safety, public property, or the public peace, may be made effective upon adoption, but such ordinance may not levy taxes, grant renew, or extend a franchise, or authorize the borrowing of money.

**1.05.070 Public notification.**

A. Notification of public hearings before the Town Council shall be published as required by law. Where the Town Council elects to conduct a public hearing on a matter wherein notice is not otherwise required, the Town shall public notice of the hearing once in the Town's official newspaper at least ten days prior to the hearing. The ten (10) day notice requirement herein may be modified or waived by the town council in the event the council determined that delay in conducting the public hearing to comply with the notice period would be detrimental to the public health, safety, and welfare.

B. Notification of the preliminary town council agenda shall be posed at town hall at least two working days prior to the town council meeting. In addition, the town shall, upon request and submission of properly stamped return envelopes, mail copies of the preliminary agenda two working days prior to the town council meeting by regular mail to any person or entity requesting same. Nothing in this subsection shall be construed to prohibit the council from adding additional items to their final agenda prior to the meeting. Failure to comply with the provisions of either subsection (A) or (B) shall not affect the validity of any action taken by the town council.

**1.05.080 Fee schedules and procedures.**

A. Except as otherwise provided by specific provisions of the Carbonado municipal code, the town council shall, by resolution, promulgate and periodically revise minimum fee schedules to recover all costs of administering and reviewing permit fee applications and conducting inspections under the Carbonado municipal code. This provision shall not apply to applications and fees under Titles 15 nor to permits covered by the town's adopted construction codes.

B. Minimum fee payments and supplemental advance deposits shall be processed in accordance with the following procedures:

1. The minimum fee payment shall constitute the minimum fee for the application or review and shall be deposited with the treasurer in the appropriate established fund.

2. For each application or review, the town shall monitor all costs for reviewing the application or conducting the review. Said costs shall include staff time, engineering and consultant fees, legal fees, notice publication and posting costs, and all other costs to the town associated with the process. In the event costs exceed the minimum fee the applicant shall pay to the town the difference between the costs and the minimum fee within thirty (30) days of billing.

3. In the event the treasurer determines that anticipated costs will significantly exceed the minimum fee, the director may require a supplemental advance deposit. Upon receipt of the supplemental advance deposit, the treasurer or designee will receipt the moneys in an appropriate fund from which all costs incurred by the town beyond the minimum fee shall be paid. The applicant shall be advised on request of all costs withdrawn from the deposit. After final action on the request, the treasurer shall refund any excess of the supplemental advance deposit to the applicant within forty-five (45) days of final action. In the event costs exceed the amount deposited the applicant shall pay to the town the difference between the costs and the supplemental advance deposit within thirty (30) days of billing. The town shall not take final action on the application until all costs that have been incurred by the town have been paid or are covered by an advance supplemental deposit. (Ord. 429 § Appendix A, 2015)

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## **CHAPTER 1.10 POSTING PLACES**

### **Sections:**

**1.10.010** Places set for required postings.

**1.10.010** Places set for required postings.

On and after April 9, 1984, any and all ordinances, resolutions or any other matters requiring posting shall be posted in three places in the town of Carbonado as required by law, said places to be at the post office, school, and the outside door to the clerk's office. (Ord. 152 §§ 1, 2, 1984; Ord. 69 § 1, 1966)



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## TITLE 2 ADMINISTRATION AND PERSONNEL

### Chapters:

[2.05 Clerk-Treasurer](#)

[2.20 Town Council](#)

[2.25 Mayor](#)

[2.30 Volunteer Firefighters](#)

[2.35 Caucuses](#)

[2.40 Municipal Court](#)

[2.45 Police Department](#)

[2.50 Hearing Examiner](#)

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## **CHAPTER 2.05 CLERK-TREASURER**

### **Sections:**

#### **2.05.010 Offices combined.**

#### **2.05.010 Offices combined.**

A. The office of town treasurer of the town of Carbonado, Pierce County, Washington, is combined with the office of town clerk.

B. The office of town treasurer is hereby abolished and the town clerk shall exercise all powers and perform all duties required by said statute or ordinance to be performed by the town treasurer. (Ord. 160 §§ 1, 2, 1985; Ord. 1 § 1, 1948)

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## CHAPTER 2.20 TOWN COUNCIL

### Sections:

#### **2.20.010 Meetings – Place.**

#### **2.20.020 Meetings – Time.**

#### **2.20.030 Compensation.**

#### **2.20.040 Nonpayment for nonattendance – Exception.**

#### **2.20.050 Issuance of warrants.**

#### **2.20.010 Meetings – Place.**

On and after the first day of June, 1966, any and all regular meetings of the town council of the town of Carbonado shall be held in the Carbonado Fire Hall. (Ord. 70 § 1, 1966; Ord. 18 § 1, 1950)

#### **2.20.020 Meetings – Time.**

The meetings of said council shall be at 7:00 p.m. on the second Monday of each month, and may be continued from time to time as the council sees fit. (Ord. 70 § 3, 1966; Ord. 18 § 2, 1950)

#### **2.20.030 Compensation.**

The town mayor and the town council members shall receive compensation for attendance at the regular town council meeting at the rate of \$15.00 for the mayor and \$10.00 for the council members and \$5.00 for each meeting after that. (Ord. 116 § 1, 1978; Ord. 95 § 1, 1971)

#### **2.20.040 Nonpayment for nonattendance – Exception.**

If the mayor or a council member is not in attendance at a regular town council meeting, he shall not receive compensation for such meeting unless he has, in advance, presented a valid reason for nonattendance to the town clerk. (Ord. 95 § 2, 1971)

#### **2.20.050 Issuance of warrants.**

The town treasurer is authorized to issue warrants for the payment of the above compensation in accordance with the attendance records and valid notifications of nonattendance supplied by the town clerk. (Ord. 95 § 3, 1971)

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## CHAPTER 2.25 MAYOR

### Sections:

**2.25.010 Absence – Appointment of mayor pro tempore.**

**2.25.020 Mayor pro tempore – Chosen by council vote.**

**2.25.030 Absence of mayor pro tempore – Appointment of council member.**

**2.25.010 Absence – Appointment of mayor pro tempore.**

A mayor pro tempore may be chosen by the council for a term of six months to serve in the absence or temporary disability of the mayor. (Ord. 184 § 1, 1988)

**2.25.020 Mayor pro tempore – Chosen by council vote.**

The mayor pro tempore shall be chosen by a majority vote of the full council. (Ord. 184 § 2, 1988)

**2.25.030 Absence of mayor pro tempore – Appointment of council member.**

In the event that the mayor pro tempore is unable to act during the period of his appointment because of absence or disability, the council shall appoint one of its members, by majority vote of the council then present, to act as mayor until the mayor or mayor pro tempore is able to resume his office. (Ord. 184 § 3, 1988)



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## CHAPTER 2.30 VOLUNTEER FIREFIGHTERS

### Sections:

#### **2.30.010 Volunteer Firemen's Relief and Pension Fund Act – Enrollment.**

#### **2.30.020 Number of members.**

#### **2.30.030 Annual fee.**

#### **2.30.040 Administrative board established.**

#### **2.30.010 Volunteer Firemen's Relief and Pension Fund Act – Enrollment.**

All members of the volunteer fire department of the town of Carbonado are hereby enrolled under the relief and compensation provisions of the Volunteer Firemen's Relief and Pension Fund Act of the State of Washington by Chapter 261 of the Laws of 1945, and all amendments thereto (excepting those features as pertain to the pension or retirement of volunteer firemen), for the purpose of providing protection for the said volunteer firemen of the town of Carbonado and their families from death or disability arising and resulting from the performance of their duties as firemen. (Ord. 20 § 1, 1950)

#### **2.30.020 Number of members.**

The volunteer fire department of the town of Carbonado shall not exceed a ratio of 25 firemen for every 1,000 population or fraction thereof, except that in no event shall the said number of volunteer firemen comprise less than 15 firemen. (Ord. 20 § 2, 1950)

#### **2.30.030 Annual fee.**

An annual fee of \$3.00 for every member of said fire department shall be paid by the town of Carbonado for the purpose of affording the members of the said volunteer fire department with protection from death or disability as in said Act provided. (Ord. 20 § 3, 1950)

#### **2.30.040 Administrative board established.**

There is hereby created and established for the administration of the said Volunteer Firemen's Relief and Pension Fund Act pertaining to the volunteer fire department of the town of Carbonado, a board of five trustees consisting of the mayor of the town of Carbonado, the clerk of the town of Carbonado, the chief of the fire department of the town of Carbonado, and one member of the town council of the town of Carbonado to be elected annually by the said council, and one member of the volunteer fire department to be elected annually by the members of the said fire department. The mayor shall serve as chairman of the board of trustees and the town clerk shall serve as secretary-treasurer of the board of trustees. (Ord. 20 § 4, 1950)

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## CHAPTER 2.35 CAUCUSES

### Sections:

#### **2.35.010 Caucus to be held.**

#### **2.35.020 Time of holding caucus.**

#### **2.35.030 Place of holding caucus.**

#### **2.35.040 Notice of such caucus.**

#### **2.35.010 Caucus to be held.**

There shall be held in the town of Carbonado in the year 1950, and each year thereafter, an open caucus of the qualified voters of said town for the purpose of nominating candidates for the offices to be chosen at the annual election of town officers in said years. (Ord. 17 § 1, 1950)

#### **2.35.020 Time of holding caucus.**

Such caucus shall be held each year in the evening on or before the twenty-fourth day prior to the second Tuesday in March in the year in which it is called. (Ord. 17 § 2, 1950)

#### **2.35.030 Place of holding caucus.**

The town council may arrange for and specify the place of holding such caucus by resolution or motion duly passed at such time as to permit the giving of the notice required hereinafter by this chapter, and by the statutes of the state of Washington. (Ord. 17 § 3, 1950)

#### **2.35.040 Notice of such caucus.**

A. Notice of the holding of such caucus shall be given in writing as required by the statutes of Washington, to wit, by one publication of general circulation within the town at least 10 days prior to the date of holding it. In the event no such publication is available in the town, notice shall be given by posting at the three most prominent places in the town. Such notice shall be issued in the name of the mayor and council, and be attested by the town clerk, and shall specify the day, hour, and place of holding the caucus, and shall state that only qualified voters of the town may attend and participate, and shall further state that the purpose thereof is to nominate persons to be voted upon at the ensuing town general election, and shall specify the offices for which such nominees shall be chosen, and the length of their respective terms.

B. The town council, by resolution or motion passed at least two weeks prior to the date of the caucus, may prescribe the form of the notice, the places of posting, and provide for additional publications, postings or otherwise. In the event the council shall fail so to order, it shall be the duty of the town clerk, or in the event of his failure to do so then of the mayor or any council member, to prepare and give such notice, and the expense thereof shall be a valid charge against the credit of the town and duly and promptly paid. (Ord. 17 § 4, 1950)

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## CHAPTER 2.40 MUNICIPAL COURT

### Sections:

#### **2.40.010 Established.**

#### **2.40.010 Established.**

Pursuant to the authority granted under RCW 3.50.010, there is hereby established a municipal court, which shall be entitled the municipal court of the town of Carbonado which court shall have jurisdiction and exercise all powers declared to be vested in the municipal court pursuant to the authority of Chapter 3.50 RCW as currently enacted or as subsequently amended, together with such other powers and jurisdiction as are generally conferred upon municipal courts of this state either by common law or by expressed statute. Pursuant to the Interlocal Cooperation Act, as codified in Chapter 39.34 RCW, the town of Carbonado will contract with other municipalities to provide the court services. The interlocal agreement entered into between the city of Buckley and the town of Carbonado on the first day of February, 1992, is hereby ratified. The town council may by resolution modify said interlocal agreement, and/or enter into other interlocal agreements without amending this chapter. (Ord. 274 § 1, 1998; Ord. 198 § 1, 1990; Ord. 55 §§ 1, 2, 3, 1961)

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## CHAPTER 2.45 POLICE DEPARTMENT

### Sections:

**2.45.010 Interlocal agreement to provide police services.**

**2.45.020 Pursuit and arrest of violators beyond town limits.**

**2.45.010 Interlocal agreement to provide police services.**

The town of Carbonado is authorized to enter into interlocal agreements with other jurisdictions in order to provide police services to the town of Carbonado. The interlocal agreement between the city of Buckley and the town of Carbonado dated the first day of February, 1992, is hereby ratified. The town may amend, repeal, or enter into other interlocal agreements for police services by resolution with the necessity of amending this chapter. (Ord. 275 § 1, 1998; Ord. 198 § 2, 1990)

**2.45.020 Pursuit and arrest of violators beyond town limits.**

Police officers of the town of Carbonado are hereby authorized to pursue and arrest violators of town ordinances beyond the town limits. (Ord. 67 § 1, 1965)



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## CHAPTER 2.50 LAND USE HEARING EXAMINER

### Sections

- 2.50.010 Chapter purpose.**
- 2.50.020 Office created.**
- 2.50.030 Appointment and terms.**
- 2.50.040 Removal.**
- 2.50.050 Qualifications.**
- 2.50.060 Pro Tem Examiners.**
- 2.50.070 Jurisdiction of the land use hearing examiner.**
- 2.50.080 Appeal to examiner – filing.**
- 2.50.090 Dismissal of untimely appeals.**
- 2.50.100 Expeditious processing.**
- 2.50.500 Time limits.**
- 2.50.120 Condition, modification and restriction examples.**
- 2.50.130 Quasi-judicial powers.**
- 2.50.140 Freedom from improper influence.**
- 2.50.150 Public hearing.**
- 2.50.160 Consolidation of hearings.**
- 2.50.170 Pre-hearing conference.**
- 2.50.180 Notice.**
- 2.50.190 Rules and conduct of hearings.**
- 2.50.200 Examiner findings.**
- 2.50.210 Additional examiner findings – preliminary plats.**
- 2.50.220 Written recommendation or decision**
- 2.50.230 Judicial review of final decisions of the hearing examiner.**
- 2.50.240 Reconsideration of final action.**
- 2.50.250 Hearing examiner fees.**

### **2.50.010 Chapter purpose.**

The purpose of this chapter is to provide a system of considering and applying land use regulations to real property in order to address the following basic needs:

- A. The need to separate the application of land use regulatory controls from the land use planning process;
- B. The need to protect the interests of the public and of private property owners;
- C. The need to adhere to the principles of fairness and due process in public hearings.

### **2.50.020 Office created.**

The office of land use hearing examiner is created. The land use hearing examiner (also referred to as the "hearing examiner" and "examiner") shall act on behalf of the Town Council in considering and applying adopted Town policies and regulations as provided in this chapter.

**2.50.030 Appointment and terms.**

The mayor shall appoint the examiner for a term of three years. The mayor's appointment requires confirmation by the Town council.

**2.50.040 Removal.**

The examiner may be removed from office for just cause at any time by the affirmative vote of not less than four members of the Town Council.

**2.50.050 Qualifications.**

The examiner shall be appointed solely with regard to his or her qualifications for the duties of the office and shall have such training or experience as will qualify him or her to conduct administrative or quasi-judicial hearings on regulatory enactments and to discharge the other functions conferred upon him or her, and shall hold no other appointive or elective public office or position in the Town government except as provided in this chapter.

**2.50.060 Pro tem examiners.**

The mayor may appoint qualified persons to serve as hearing examiner pro tempore, as needed, to expeditiously hear pending applications and appeals.

**2.50.070 Jurisdiction of the land use hearing examiner.**

- A. The examiner shall receive and examine available information, conduct open record public hearings, prepare records and reports thereof, and issue final decisions, including findings and conclusions, based on the issues and evidence in the record in the following cases:
  - 1. Master Site Plans and Planned Unit Developments;
  - 2. Conditional Use Permits;
  - 3. Mixed Use, Commercial and Multi-family Site Plans;
  - 4. Binding Site Plans (Commercial Subdivisions);
  - 5. Preliminary Plats and Residential Subdivisions resulting in the creation of Three or More Lots. Residential Short Subdivisions of Two lots are Administrative Decisions by Town staff. Final Plan approval is the jurisdiction of the Town Council;
  - 6. Appeals of Administrative Decisions made by the Town staff;
  - 7. Appeals of Threshold Decisions by the SEPA Responsible Official;
  - 8. Appeals from the public works department's final decisions regarding transportation concurrency and impact fee payments;
  - 9. Other applications or appeals that the Town Council may prescribe by ordinance.

- B. The examiner's decision may be to grant or deny the application or appeal, or the examiner may grant the application or appeal with such conditions, modifications, and restrictions as the examiner finds necessary to make the application or appeal compatible with the CTC, state laws and regulations, including Chapter 43.21C RCW, and the regulations, policies, objectives, and goals of the Carbonado comprehensive plan, the unified development regulations, and other official laws, policies and objectives of the Town of Carbonado.

**2.50.080 Appeal to examiner – Filing.**

- A. Except as otherwise provided in this chapter, all appeals to the examiner shall be filed with the Town department issuing the original decision with a copy provided by the department to the hearing examiner. Except as otherwise provided in this chapter, an appeal, together with the required appeal fee, shall be filed within twenty-one (21) calendar days from the date of issuance of such decisions.
- B. Department staff shall:
  - 1. Be available within a reasonable time to persons wishing to file an appeal subsequent to an agency ruling, and to respond to queries concerning the facts and process of the Town decision; and
  - 2. Make available within a reasonable time a complete set of files detailing the facts of the department ruling in question to persons wishing to file an appeal, subsequent to an agency ruling. If a department is unable to comply with these provisions, the hearing examiner may authorize amendments to an appeal to reflect information not made available to an appellant within a reasonable time due to a failure by the department to meet the foregoing requirements.
- C. The appeal shall be in writing and identify the decision being appealed and the alleged errors in that decision. Further, the appeal shall state specific reasons why the decision should be reversed or modified, the harm suffered or anticipated by the appellant, and the relief sought. The scope of an appeal shall be based exclusively on matters or issues raised in the appeal. Failure to timely file an appeal or appeal fee deprives the examiner of jurisdiction to consider the appeal.

**2.50.090 Dismissal of untimely appeals.**

On its own motion, or on the motion of a party, the examiner shall dismiss an appeal for untimeliness or lack of jurisdiction.

**2.50.100 Expeditious processing.**

Hearings shall be scheduled by the examiner to ensure that final decisions are issued within the time periods provided in Section 2.50.500 of this chapter. During periods of time when the volume of permit activity is high, the Town shall retain one or more pro tern examiners to ensure that the one hundred twenty (120) day time period for final decisions is met; provided, the parties may waive the one hundred twenty (120) day time period by mutual agreement and consent of the examiner.

Appeals shall be processed by the examiner as expeditiously as possible, giving appropriate consideration to the procedural due process rights of the parties.

**2.50.500 Time limits.**

In all matters where the examiner holds a hearing on applications, the hearing shall be completed and the examiner's written report and recommendations issued within twenty-one (21) days from the date the hearing closes, excluding any time required by the applicant or the department to obtain and provide additional information requested by the hearing examiner and necessary for final action on the application consistent with applicable laws and regulations. In every appeal heard by the examiner pursuant to Section 2.50.070 of this Chapter, the appeal process, including a written decision, shall be completed within ninety (90) days from the date the examiner's office is notified of the filing of a notice of appeal pursuant to Section 2.50.080 of this Chapter. When reasonably required to enable the attendance of all necessary parties at the hearing, or the production of evidence, or to otherwise assure that due process is afforded and the objectives of this chapter are met, these time periods may be extended by the examiner at the examiner's discretion for an additional thirty (30) days. With the consent of all parties, the time periods may be extended. In all such cases, the reason for such deferral shall be stated in the examiner's recommendation or decision. Failure to complete the hearing process within the stated time shall not terminate the jurisdiction of the examiner.

**2.50.120 Condition, modification and restriction examples.**

The examiner is authorized to impose conditions, modifications, and restrictions, including but not limited to setbacks, screenings in the form of landscaping or fencing, covenants, easements, street improvements, dedications of additional street right-of-way, and performance bonds as authorized by Town ordinances.

**2.50.130 Quasi-judicial powers.**

The examiner may also exercise administrative powers and such other quasi-judicial powers as may be granted by Town ordinance.

**2.50.140 Freedom from improper influence.**

Individual councilmembers, Town officials, or any other person shall not interfere with or attempt to interfere with the examiner in the performance of his or her designated duties.

**2.50.150 Public hearing.**

When it is found that an application meets the filing requirements of the responsible Town department, or an appeal meets the filing requirements for an appeal to the examiner, it shall be accepted and a date assigned for public hearing. If for any reason testimony on any matter set for public hearing, or being heard, cannot be completed on the date set for such hearing, the matter shall be continued to the soonest available date. A matter should be heard, to the extent practicable, on consecutive days until it is concluded.

**2.50.160 Consolidation of hearings.**

Whenever a project application includes more than one Town permit, approval, or determination for which a public hearing is required or for which an appeal is provided pursuant to this chapter, the hearings and any such appeals may be consolidated into a single proceeding before the hearing examiner.

**2.50.170 Prehearing conference.**

A. A prehearing conference may be called by the examiner upon the request of a party or on the examiner's own motion. A prehearing conference shall be held in every appeal brought pursuant to this chapter if timely requested by any party. The prehearing conference shall be held at such time as ordered by the examiner, but not less than fourteen (14) days prior to the scheduled hearing on not less than seven days' notice to those who are then parties of record to the proceeding. The purpose of a prehearing conference shall be to identify, to the extent possible, the facts in dispute, issues, laws, parties, and witnesses in the case. In addition, the prehearing conference is intended to establish a timeline for the presentation of the case. The examiner shall establish rules for the conduct of prehearing conferences.

B. Any party who does not attend the prehearing conference, or anyone who becomes a party of record after notice of the prehearing conference has been sent to the parties, shall nevertheless be entitled to present testimony and evidence to the examiner at the hearing.

C. The examiner shall determine whether the prehearing conference will be conducted telephonically or in person.

D. The time limits provided in this chapter may be waived by the parties with the consent of the examiner.

**2.50.180 Notice.**

A. Notice of the time and place of any hearing on an application before the hearing examiner pursuant to this chapter shall be mailed by first class mail at least ten (10) calendar days prior to the scheduled hearing date to the parties and to all persons who requested notice of the hearing.

B. Notice of the time and place of any appeal hearing before the hearing examiner pursuant to this chapter shall be mailed to all parties by first class mail at least ten (10) calendar days prior to the scheduled hearing date.

C. If testimony cannot be completed prior to adjournment on the date set for a hearing, the examiner shall announce prior to adjournment the time and place for the continuation of the hearing.

**2.50.190 Rules and conduct of hearings.**

A. The examiner shall adopt rules for the conduct of hearings and for any mediation process consistent with this chapter. The rules shall be reviewed by the Town council, and remain in effect during this review. Any modifications made by the Town council by motion shall be incorporated by the hearing examiner, and shall become effective ten (10) days after adoption of the motion. Such rules shall be published and available upon request to all interested parties. The examiner shall have the power to issue summons and subpoena to compel the appearance of witnesses and production of documents and materials, to order discovery, to administer oaths, and to preserve order.

B. To avoid unnecessary delay and to promote efficiency of the hearing process, the examiner shall limit testimony, including cross examination, to that which is relevant to the matter being heard and shall exclude evidence and cross examination that is irrelevant, cumulative or unduly repetitious. The examiner may establish reasonable time limits for the presentation of direct oral testimony, cross

examination, and argument. Any written submittals will be admitted only when authorized by the examiner.

**2.50.200 Examiner findings.**

When the examiner renders a decision or recommendation, he or she shall make and enter findings of fact and conclusions of law from the record that support the decision, such findings and conclusions shall set forth and demonstrate the manner in which the decision or recommendation is consistent with and carries out applicable laws, regulations, policies, and/or objectives of the comprehensive plan.

**2.50.210 Additional examiner findings – Preliminary plats.**

When the examiner makes a decision regarding an application for a proposed preliminary plat, the decision shall include additional findings as to whether:

- A. Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
- B. The public use and interest will be served by the platting of such subdivision and dedication.

**2.50.220 Written recommendation or decision.**

Within the time limits prescribed in Section 2.50.500 of this chapter, the examiner shall render a written decision and shall cause a copy thereof to be mailed to all parties of record and to all persons who requested a copy of the decision. If a party is represented by legal counsel, service upon legal counsel shall constitute service upon the party.

**2.50.230 Judicial review of final decisions of the hearing examiner.**

- A. Decisions of the examiner in cases identified in CTC Chapter 2.50 shall be a final and conclusive action unless within twenty-one (21) calendar days from the date of issuance of the examiner's decision an aggrieved person files an appeal in superior court, state of Washington, for the purpose of review of the action taken; provided, no development or related action may occur during the twenty-one (21) day appeal period; provided further, that the twenty-one (21) day appeal period from examiner decisions on appeals of threshold determinations or the adequacy of a final EIS shall not commence until final action on the underlying proposal.
- B. Prior to filing an appeal of a final decision for a conditional use permit or special use permit, requested by a party that is licensed or certified by the Washington State Department of Social and Health Services or the Washington State Department of Corrections, an aggrieved party (other than a county, city or town) must comply with the mediation requirements of Chapter 35.63 RCW (Chapter 119, Laws of 1998). The time limits for appealing a final decision are tolled during the mediation process.

**2.50.240 Reconsideration of final action.**

A. After issuance of a final decision, any party may file a motion for reconsideration. Such motion must be filed within ten (10) days of the date the decision is mailed to the parties. At the same time, copies shall be served on all parties of record personally or by U.S. mail. Within five days following service, a party may file an answer to the motion for reconsideration. In addition, the examiner may require other parties to file an answer. All answers to motions shall be served on all parties of record personally or by U.S. mail.

B. A motion for reconsideration shall be based upon at least one of the following grounds:

1. The decision was based on errors of procedure or misinterpretation of fact or law material to the outcome of the decision;
2. An irregularity occurred in the hearing that prevented a party from receiving due process of law; or
3. Clerical mistakes in the final decision or order.

C. In response to the motion for reconsideration, the examiner may deny the motion, modify the decision, or reopen the hearing. A motion is deemed denied unless the examiner takes action within twenty-one (21) days of the filing of the motion for reconsideration.

D. A decision in response to a motion for reconsideration shall constitute a final decision and order for purposes of judicial review. Copies of the decision on reconsideration shall be served on each party or upon their attorney, if represented, personally or by U.S. mail.

**2.50.250 Hearing Examiner Fees.**

The Hearing Examiner shall be retained on an as-needed basis. All hearing examiner fees, including travel time and/or mileage, and hearing examiner time for hearings and decision writing shall be paid by the applicant at the rates specified in the Hearing Examiner contract. (Ord. 429, Exhibit B, 2015)



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## TITLE 3 REVENUE AND FINANCE

### Chapters:

[3.05 Disposal of Surplus Property](#)

[3.10 Real Estate Excise Tax](#)

[3.15 Sales and Use Tax](#)

[3.20 Additional Sales and Use Tax](#)

[3.25 Claims Clearing Fund](#)

[3.30 Interlocal Drug Fund](#)

[3.35 Payroll Clearing Fund](#)

[3.40 Petty Cash and Change Revolving Fund](#)

[3.45 Public Education Trust Fund](#)

[3.50 Sewer Line Repair and Construction Fund](#)

[3.55 Water Line Repair and Construction Fund](#)

[3.60 Transportation Benefit District](#)

[3.65 Utility Tax](#)

[3.70 Bonds and Obligations](#)

[3.75 Emergency Medical Services Fund](#)

[3.80 Fire and Emergency Medical Services Capital Reserve Fund](#)

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## CHAPTER 3.05 DISPOSAL OF SURPLUS PROPERTY

### Sections:

- 3.05.010 Authority to sell real property.**
- 3.05.020 Real property – Minimum price.**
- 3.05.030 Real property – Competitive bidding required – Exceptions.**
- 3.05.040 Real property – Advertising and posting.**
- 3.05.050 Real property – Advertising requirements.**
- 3.05.060 Real property – Consideration of bids.**
- 3.05.070 Personal property – Sale authority.**
- 3.05.080 Trade-in of personal property.**
- 3.05.090 Personal property – Minimum pricing.**
- 3.05.100 Personal property – Competitive bidding required – Exceptions.**
- 3.05.110 Personal property – Advertising and posting.**
- 3.05.120 Personal property – Advertising requirements.**
- 3.05.130 Personal property – Alternative advertising and posting requirements.**
- 3.05.140 Personal property – Consideration of bids.**
- 3.05.150 Personal property – Cash sales required – Exceptions.**

### **3.05.010 Authority to sell real property.**

Whenever it appears to the town council that it is for the best interests of the town and the people thereof that real property belonging to the town should be sold, the town council shall sell and convey such property under the limitations and restrictions and in the manner provided in this chapter. (Ord. 264 § 1, 1997)

### **3.05.020 Real property – Minimum price.**

The town council shall fix a minimum price at which such real property may be sold. No sale shall be made unless at least the minimum price fixed by the council is bid. (Ord. 264 § 2, 1997)

### **3.05.030 Real property – Competitive bidding required – Exceptions.**

The town clerk shall advertise for written sealed bids on any sale of real property except as follows:

- A. When selling to a governmental agency;
- B. When the town council, setting forth the facts by resolution, has declared an emergency to exist. (Ord. 264 § 3, 1997)

### **3.05.040 Real property – Advertising and posting.**

The town clerk shall publish an advertisement for bids on the sale of real property once each week for two consecutive weeks in the official newspaper of the town. In addition thereto, the town clerk shall also post said advertisement in three public places in the town. Both the posting and the date of the last publication shall be at least five calendar days before the final date for submitting the bids. (Ord. 264 § 4, 1997)

**3.05.050 Real property – Advertising requirements.**

The advertisement for bids shall:

- A. Particularly describe the property or portion thereof proposed to be sold;
- B. When and where the bids are to be submitted;
- C. Designate the place and the time that the bids will be opened;
- D. Set forth the minimum price established by the town council; and
- E. Set forth the terms of the sale. (Ord. 264 § 5, 1997)

**3.05.060 Real property – Consideration of bids.**

The bids shall be opened in public at the time and place stated in the advertisement for bids. The town council may reject any or all bids, or the bid for any one or more of the parcels of real property included in the advertisement for bids. (Ord. 264 § 6, 1997)

**3.05.070 Personal property – Sale authority.**

The town council may authorize the sale or disposal of personal property of the town, including supplies, materials and equipment, if the town council finds that such property is not needed for current town operations, nor will it be needed within the foreseeable future. In the event the value of the personal property exceeds \$400.00, it shall be sold either by written competitive bids or by public auction. In the event the value of the personal property is \$400.00 or less, it may be sold or disposed of by informal procedures to the best interests of the town. (Ord. 264 § 7, 1997)

**3.05.080 Trade-in of personal property.**

- A. The town council may direct either the sale or the "trade-in" of used personal property upon the purchase of new, similar personal property.
- B. If the town council elects to trade in used personal property it shall include in the call for bids (or in the solicitation notice if the purchase is authorized by state law to occur without a call for bids) for the new equipment a notice that the town has for sale or trade-in used equipment of a specific type and description which will be sold or traded in on the same day and hour that bids on the new equipment are opened. Any bidder on the new equipment may include in his offer to sell, an offer to accept the used equipment as a part payment of the new equipment purchase price, setting forth the amount of such allowance.
- C. Persons wishing to bid on the purchase of the used property only may submit a bid for such purchase independent of a bid on the new equipment.
- D. In determining the lowest and best bid on the new equipment, the town council shall consider the net cost to the town of such new equipment after trade-in allowances have been deducted.

E. The town council may accept the new equipment bid of any bidder without trading in the old equipment, but may not require any bidder to purchase the used equipment without awarding the bidder the new equipment contract.

F. The town council may accept an independent offer to purchase the used equipment rather than allowing a trade-in, if that is the most cost-effective to the town. (Ord. 264 § 8, 1997)

**3.05.090 Personal property – Minimum pricing.**

The town council may fix a minimum price at which such property may be sold. No sale shall be made unless the minimum price fixed by the town council is bid. (Ord. 264 § 9, 1997)

**3.05.100 Personal property – Competitive bidding required – Exceptions.**

The town clerk shall advertise for competitive bids on any sale of personal property except as follows:

- A. When selling to a governmental agency;
- B. When personal property to be disposed of is to be traded in upon the purchase of a like article;
- C. When the town council, setting forth the facts, has declared an emergency to exist;
- D. When the value of personal property is \$400.00 or less and is to be disposed of by informal procedures. (Ord. 264 § 10, 1997)

**3.05.110 Personal property – Advertising and posting.**

The town clerk shall publish an advertisement for bids on the sale of the personal property once each week for two consecutive weeks in the official newspaper of the town and shall also post said advertisement in three public places in the town. Both the posting and the date of the last publication shall be at least five calendar days before the final date for submitting the bids. (Ord. 264 § 11, 1997)

**3.05.120 Personal property – Advertising requirements.**

The advertisement for bids shall particularly describe the property to be sold or shall refer to the approved specifications on file in the office of the town clerk and designate the place and time of the auction, or, upon sealed bids, when and where the bids are to be submitted, shall designate the place and the time that the bids will be opened, shall set forth the minimum price established by the town council and shall set forth the terms of the sale. (Ord. 264 § 12, 1997)

**3.05.130 Personal property – Alternative advertising and posting requirements.**

If the town council determines that the best interests of the town will be served by disposing of said surplus personal property by consigning the property for sale at a public auction to be conducted in concert with other governmental agencies, then it may do so without complying with the advertising and posting requirements of this chapter. (Ord. 264 § 13, 1997)

**3.05.140 Personal property – Consideration of bids.**

If the sale is upon sealed bids, the bids shall be opened in public at the time and place stated in the advertisement for bids. The town council may reject any or all bids, or the bid for any one or more of the articles included in the advertisement for bids. (Ord. 264 § 14, 1997)

**3.05.150 Personal property – Cash sales required – Exceptions.**

Sales of personal property must be for cash except as follows:

- A. When property is transferred to a governmental agency;
- B. When the town property is to be traded in on the purchase of a like article, in which case the proposed cash allowance for the trade-in must be a part of the proposition to be submitted by the seller in the transaction. (Ord. 264 § 15, 1997)

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## CHAPTER 3.10 REAL ESTATE EXCISE TAX

### Sections:

#### **3.10.010 Imposition of real estate excise tax.**

#### **3.10.020 Taxable events.**

#### **3.10.030 Consistency with state tax.**

#### **3.10.040 Distribution of tax proceeds and limiting the use thereof.**

#### **3.10.050 Seller's obligation.**

#### **3.10.060 Lien provisions.**

#### **3.10.070 Notation of payment.**

#### **3.10.080 Date payable.**

#### **3.10.090 Excessive and improper payments.**

#### **3.10.100 Establishment of a capital projects fund.**

#### **3.10.010 Imposition of real estate excise tax.**

- A. There is hereby imposed a tax of one-quarter of one percent of the selling price on each sale of real property within the corporate limits of this town. (Ord. 143 § 1, 1982)
- B. In accordance with RCW 82.46.035, and in addition to the excise tax on the sale of real property imposed in Section 3.10.010(1) above, there is imposed an excise tax on each sale of real property located within the corporate limits of the Town of Carbonado at the rate of one quarter of one percent (0.25%) of the selling price to be collected by the County as prescribed in RCW 82.46.060. Proceeds of this additional tax shall be deposited in a separate account in the municipal capital improvements fund, as established in CMC 3.10.100 below, and as authorized by law under RCW 82.46.035(5). (Ord. 380 § 1, 2010)

#### **3.10.020 Taxable events.**

Taxes imposed herein shall be collected from persons who are taxable by the state under Chapter 82.45 RCW and Chapter 458-61 WAC upon the occurrence of any taxable event within the corporate limits of the town. (Ord. 143 § 2, 1982)

#### **3.10.030 Consistency with state tax.**

The taxes imposed herein shall comply with all applicable rules, regulations, laws and court decisions regarding real estate excise taxes as imposed by the state under Chapter 82.45 RCW and Chapter 458-61 WAC. The provisions of those chapters, to the extent they are not inconsistent with this chapter, shall apply as though fully set forth herein. (Ord. 143 § 3, 1982)

#### **3.10.040 Distribution of tax proceeds and limiting the use thereof.**

- A. The county treasurer shall place one percent of the proceeds of the taxes imposed herein in the county current expense fund to defray costs of collection.
- B. The remaining proceeds from town taxes imposed herein shall be distributed to the town monthly and those taxes imposed under CMC 3.10.010 shall be placed by the town treasurer in a municipal capital improvements fund. These capital

improvements funds shall be used by the town for local improvements including those listed in RCW 35.43.040.

- C. This section shall not limit the existing authority of this town to impose special assessments on property benefited thereby in the manner prescribed by law. (Ord. 143 § 4, 1982)

**3.10.050 Seller's obligation.**

The taxes imposed herein are the obligation of the seller and may be enforced through the action of debt against the seller or in the manner prescribed for the foreclosure of mortgages. (Ord. 143 § 5, 1982)

**3.10.060 Lien provisions.**

The taxes imposed herein and any interest or penalties thereon are the specific lien upon each piece of real property sold from the time of sale or until the tax is paid, which lien may be enforced in the manner prescribed for the foreclosure of mortgages. Resort to one course of enforcement is not an election not to pursue the other. (Ord. 143 § 6, 1982)

**3.10.070 Notation of payment.**

The taxes imposed herein shall be paid to and collected by the treasurer of the county within which is located the real property which was sold. The county treasurer shall act as agent for the town within the county imposing the tax. The county treasurer shall cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to its recording or to the real estate excise tax affidavit in the case of used mobile home sales. A receipt issued by the county treasurer for the payment of the tax imposed herein shall be evidence of the satisfaction of the lien imposed in CMC 3.10.060 and may be recorded in the manner prescribed for recording satisfactions or mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax may be accepted by the county auditor for filing or recording until the tax is paid and the stamp affixed thereto; in case the tax is not due on the transfer, the instrument shall not be accepted until suitable notation of this fact is made on the instrument by the county treasurer. (Ord. 143 § 7, 1982)

**3.10.080 Date payable.**

The tax imposed hereunder shall become due and payable immediately at the time of sale and, if not so paid within 30 days thereafter, shall bear interest at the rate of one percent per month from the time of sale until the date of payment. (Ord. 143 § 8, 1982)

**3.10.090 Excessive and improper payments.**

If, upon written application by a taxpayer to the county treasurer for a refund, it appears a tax has been paid in excess of the amount actually due or upon a sale or other transfer declared to be exempt, such excess amount or improper payment shall be refunded by the county treasurer to the taxpayer; provided, that no refund shall be made unless the state has first authorized the refund of an excessive amount or an improper amount paid, unless such improper amount was paid as a result of a miscalculation. Any refund made shall be withheld from the next monthly distribution to the town. (Ord. 143 § 9, 1982)

**3.10.100 Establishment of a capital projects fund.**

There is hereby established a separate fund which shall be delineated as the "capital projects fund." Henceforth, any funds received from REET monies shall be placed in said capital project fund. (Ord. 301 § 1, 2002)

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## CHAPTER 3.15 SALES AND USE TAX

### Sections:

#### **3.15.010 Imposed.**

#### **3.15.020 Rate of tax.**

#### **3.15.030 Administration and collection.**

#### **3.15.040 Inspection of records.**

#### **3.15.050 Failure or refusal to collect tax.**

#### **3.15.010 Imposed.**

There is hereby imposed a sales or use tax, as the case may be, upon every taxable event, as defined in Section 3, Chapter 94, Laws of 1970, First Extraordinary Session, occurring within the town of Carbonado. The tax shall be imposed upon and collected from those persons from whom the state sales or use tax is collected pursuant to Chapters 82.08 and 82.12 RCW. (Ord. 89 § 1, 1970)

#### **3.15.020 Rate of tax.**

The rate of the tax imposed by CMC 3.15.010 shall be one-half of one percent of the selling price or value of the article used, as the case may be; provided, however, that during such period as there is in effect a sales or use tax imposed by Pierce County, the rate of tax imposed by this chapter shall be 425/1,000ths of one percent. (Ord. 89 § 2, 1970)

#### **3.15.030 Administration and collection.**

The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of Section 6, Chapter 94, Laws of 1970, First Extraordinary Session. (Ord. 89 § 3, 1970)

#### **3.15.040 Inspection of records.**

The town hereby consents to the inspection of such records as are necessary to qualify the town for inspection of records of the Department of Revenue, pursuant to RCW 82.32.330. (Ord. 89 § 4, 1970)

#### **3.15.050 Failure or refusal to collect tax.**

Any seller who fails or refuses to collect the tax as required with the intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter shall be guilty of a misdemeanor. (Ord. 89 § 5, 1970)

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## CHAPTER 3.20 ADDITIONAL SALES AND USE TAX

### Sections:

#### **3.20.010 Imposition.**

#### **3.20.020 Rate.**

#### **3.20.030 Administration and collection.**

#### **3.20.040 Inspection of records.**

#### **3.20.050 Authorizing execution of contract for administration.**

#### **3.20.060 Special initiative.**

#### **3.20.070 Violation – Penalty.**

#### **3.20.010 Imposition.**

There is hereby imposed a sales or use tax, as the case may be, as authorized by RCW 82.14.030(2), upon every taxable event, as defined in RCW 82.14.020, occurring within the town of Carbonado. The tax shall be imposed upon and collected from those persons from whom the state sales tax or use tax is collected pursuant to Chapters 82.08 and 82.12 RCW. (Ord. 142 § 1, 1982)

#### **3.20.020 Rate.**

The rate of the tax imposed by CMC 3.20.010 shall be one-half of one percent of the selling price or value of the article used, as the case may be; provided, however, that during such period as there is in effect a sales tax imposed by Pierce County under Section 17(2), Chapter 49, Laws of 1982, First Extraordinary Session, at a rate equal to or greater than the rate imposed by this section, the county shall receive 15 percent of the tax imposed by CMC 3.20.010; provided further, that during such period as there is in effect a sales tax or use tax imposed by Pierce County under Section 17(2), Chapter 49, Laws of 1982, First Extraordinary Session, at a rate which is less than the rate imposed by this section, the county shall receive from the tax imposed by CMC 3.20.010 that amount of revenues equal to 15 percent of the rate of the tax imposed by the county under Section 17(2), Chapter 49, Laws of 1982, First Extraordinary Session. (Ord. 142 § 2, 1982)

#### **3.20.030 Administration and collection.**

The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of RCW 82.14.050. (Ord. 142 § 3, 1982)

#### **3.20.040 Inspection of records.**

The town of Carbonado hereby consents to the inspection of such records as are necessary to qualify the town for inspection of records of the Department of Revenue, pursuant to RCW 82.32.330. (Ord. 142 § 4, 1982)

#### **3.20.050 Authorizing execution of contract for administration.**

The mayor and clerk are hereby authorized to enter into a contract with the Department of Revenue for the administration of this tax. (Ord. 142 § 5, 1982)

#### **3.20.060 Special initiative.**

This chapter shall be subject to a special initiative. The number of registered voters needed to sign a petition for special initiative shall be 15 percent of the total number of names of persons listed as registered voters within the town on the day of the last preceding municipal general election. If a special initiative petition is filed with the town council, the operation of this chapter shall not be suspended pending a final decision on the disposition of the special initiative. The procedures for initiative contained in RCW 35A.11.100 shall apply to any such special initiative petition. (Ord. 142A § 1, 1983; Ord. 142 § 6, 1982)

**3.20.070 Violation – Penalty.**

Any seller who fails or refuses to collect the tax as required with the intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be fined no more than \$500.00 or imprisoned for not more than six months, or by both such fine and imprisonment. (Ord. 142 § 7, 1982)



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## CHAPTER 3.25 CLAIMS CLEARING FUND

### Sections:

#### **3.25.010 Claims clearing fund.**

#### **3.25.020 Transfers of funds.**

#### **3.25.030 Purpose of expenditures.**

#### **3.25.040 Issuance of warrants.**

#### **3.25.010 Claims clearing fund.**

There is created a fund, known and designated as the claims clearing fund, into which shall be paid and transferred from the various departments an amount of money equal to the various claims against the town for any purpose. (Ord. 137 § 1, 1982)

#### **3.25.020 Transfers of funds.**

Whenever it is deemed necessary, the clerk-treasurer is authorized, empowered, and directed to transfer from the funds of the various departments to the claims clearing fund sufficient monies to pay the claims against the various departments of the town. (Ord. 137 § 2, 1982)

#### **3.25.030 Purpose of expenditures.**

The claims clearing fund shall be used and payments therefrom shall be made only for the purpose of paying any claims against the town. (Ord. 137 § 3, 1982)

#### **3.25.040 Issuance of warrants.**

The clerk-treasurer is authorized, empowered and directed to issue warrants on and against the fund in payment of materials furnished, services rendered, or expense or liability incurred by the various departments and offices of the town. The warrant shall be issued only after there has been filed with the clerk proper vouchers, approved by the town council, stating the nature of the claim, the amount due or owing, and the person, firm or corporation entitled thereto. All warrants issued on or against the fund shall be solely and only for the purposes herein set forth and shall be payable only out of and from the fund. Each warrant issued under the provisions of this section shall have on its face the words, "Claims Clearing Fund." (Ord. 137 § 4, 1982)

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## CHAPTER 3.30 INTERLOCAL DRUG FUND

### Sections:

#### **3.30.010 Additional monetary penalty.**

#### **3.30.020 Administration of fund.**

#### **3.30.030 Purpose.**

#### **3.30.010 Additional monetary penalty.**

The Carbonado municipal court shall assess as an additional monetary penalty as a condition of probation or to suspension of sentence after conviction in a drug or alcohol related case the sum of \$50.00. (Ord. 245 § 1, 1994)

#### **3.30.020 Administration of fund.**

All funds collected hereunder shall be forwarded to the City of Buckley to be held and administered by the City of Buckley in accordance with the previously approved interlocal agreement. (Ord. 245 § 2, 1994)

#### **3.30.030 Purpose.**

The funds collected hereunder shall be expended to fund D.A.R.E. program activities as sponsored by and implemented through the Buckley police department. (Ord. 245 § 3, 1994)

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## CHAPTER 3.35 PAYROLL CLEARING FUND

### Sections:

#### **3.35.010 Payroll fund.**

#### **3.35.020 Transfer of funds.**

#### **3.35.030 Purposes of expenditures.**

#### **3.35.040 Issuance of warrants.**

#### **3.35.010 Payroll fund.**

There is created a fund, known and designated as the payroll clearing fund, into which shall be paid and transferred from the various departments an amount of money equal to the various salaries and wages and other compensations due town employees. (Ord. 169 § 1, 1986)

#### **3.35.020 Transfer of funds.**

Whenever it is deemed necessary, the town clerk is authorized, empowered, and directed to transfer from the funds of the various departments to the payroll clearing fund sufficient monies to pay the salaries, wages, and other compensations of the employees of the various departments of the town. (Ord. 169 § 2, 1986)

#### **3.35.030 Purposes of expenditures.**

The payroll clearing fund shall be used and payments therefrom shall be made only for the purpose of paying and compensating employees of the town for services rendered, and paying employee deductions to those persons, agencies, and organizations entitled to such payments. (Ord. 169 § 3, 1986)

#### **3.35.040 Issuance of warrants.**

The clerk-treasurer is authorized, empowered, and directed to issue warrants on and against the fund for payments authorized by CMC 3.35.030. The warrants shall be issued only after there has been filed with the town clerk proper payrolls, due bills, or time certificates approved by the town council stating the nature of the services rendered, the amount due or owing, and the person entitled thereto. All warrants issued on or against the fund shall be solely and for the purposes herein set forth and shall be payable only out of and from the fund. Each warrant issued under the provisions of the section shall have printed on its face the words, "Payroll Clearing Fund." (Ord. 169 § 4, 1986)

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## CHAPTER 3.40 PETTY CASH AND CHANGE REVOLVING FUND

### Sections:

#### **3.40.010 Created.**

#### **3.40.020 Established – Purpose.**

#### **3.40.030 Fund custodian – Disbursements.**

#### **3.40.040 Prohibited uses.**

#### **3.40.010 Created.**

There is created and established a special fund to be known as the petty cash and change revolving fund, for the purpose of paying for purchases of small items and supplies and other expenses incurred for the town or in connection with the official business of the town. (Ord. 163 § 1, 1985)

#### **3.40.020 Established – Purpose.**

The clerk-treasurer is authorized and directed to establish the fund by a warrant with an initial cash amount of \$100.00. The fund is not intended to be a budgetary item as such, but to be in the nature of a revolving account for expenditures of a minor nature which are chargeable to the various departments and funds of the town. (Ord. 163 § 2, 1985)

#### **3.40.030 Fund custodian – Disbursements.**

The custodian of the petty cash and change revolving fund shall be the town clerk-treasurer, who is authorized to make reasonable rules and regulations and forms for the operation and management of the petty cash and change revolving fund. Each disbursement from the fund shall be supported by a receipt showing the amount and purpose of the expense. Reimbursements to the fund shall be made at least monthly and reimbursement vouchers shall have receipts attached thereto. The custodian shall maintain suitable records showing the expenditures incurred and the departments and funds of the town chargeable with such expenditures. (Ord. 163 § 3, 1985)

#### **3.40.040 Prohibited uses.**

The fund may not be used for personal use or personal cash advances secured by check or other I.O.U.'s, and any use of the fund for other than expenditures incurred in connection with official town business shall be considered a misappropriation of public funds. Reimbursable expenses may be paid out of the fund except reimbursements for mileage. All reimbursements for mileage shall be paid by voucher. (Ord. 163 § 4, 1985)



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## CHAPTER 3.45 PUBLIC EDUCATION TRUST FUND

### Sections:

#### **3.45.010 Created.**

#### **3.45.020 Source and placement of funds.**

#### **3.45.030 Purpose.**

#### **3.45.040 Placement of previously received funds.**

#### **3.45.050 Minimum fund amount.**

#### **3.45.010 Created.**

There is hereby created the public education fund. (Ord. 195 § 1, 1990; Ord. 165 § 1, 1985)

#### **3.45.020 Source and placement of funds.**

The town treasurer is hereby directed to place into said fund all monies received from the sale, lease, licensing, use or other disposition of any and all rights in the land to mineral rights conveyed to the town pursuant to the Carbon Hill Coal Company deed referred to above. Also, there should be placed into said fund any monies that the town council may, from time to time direct, or that may be received from private parties, from gifts, devises, bequests, or other conveyances where said transfer is to be used for educational purposes. (Ord. 195 § 2, 1990; Ord. 165 § 2, 1985)

#### **3.45.030 Purpose.**

The monies held in said account shall be used to pay all necessary expenses of managing and protecting the assets conveyed by the Carbon Hill Coal Company deed. The remainder of said trust fund monies shall be used exclusively for furthering the education of the citizens of the town of Carbonado in such manner as the town council, in its discretion, shall direct. (Ord. 195 § 3, 1990; Ord. 165 § 3, 1985)

#### **3.45.040 Placement of previously received funds.**

Any funds received prior to the passage of the ordinance codified in this chapter from sale, lease, use or other disposition of an interest in the property and mineral rights deeded to the town by the Carbon Hill Coal Company shall be placed into this fund, less monies expended in protecting, maintaining and managing said properties. (Ord. 195 § 4, 1990; Ord. 165 § 4, 1985)

#### **3.45.050 Minimum fund amount.**

The monies held in this said account shall not drop below \$25,000. (Ord. 195 § 5, 1990)

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## **CHAPTER 3.50 SEWER LINE REPAIR AND CONSTRUCTION FUND**

### **Sections:**

#### **3.50.010 Created.**

#### **3.50.020 Sanitary sewer general facility charges.**

#### **3.50.030 Applicability – Effective date.**

#### **3.50.010 Created.**

The sewer line repair and construction fund is hereby created. All monies deposited into said fund shall be used for the reconstruction, extension, or major repair of the existing sewer lines and shall not be used for routine maintenance or operational expenses. (Ord. 204 § 1, 1991)

#### **3.50.020 Sanitary sewer general facility charges.**

In addition to any connection charge to the town's sanitary sewer line at the time of connection there shall be paid into the sewer line repair and construction fund the sum of \$2,000 per dwelling unit, or per connection, whichever is greater as and for an area general facility charge. (Ord. 243 § 1, 1994; Ord. 235 § 1, 1993; Ord. 204 § 2, 1991)

#### **3.50.030 Applicability – Effective date.**

The charges referred to in this chapter shall apply to all connections made after the effective date of the ordinance codified in this chapter. (Ord. 204 § 3, 1991)

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## CHAPTER 3.55 WATER LINE REPAIR AND CONSTRUCTION FUND

### Sections:

**3.55.010 Created.**

**3.55.020 Repealed. (Ord. 419 § 5, 2014)**

**3.55.030 Applicability – Effective date.**

**3.55.010 Created.**

The water line repair and construction fund is hereby created. All monies deposited into said fund shall be used for the reconstruction, extension, or major repair of the existing water lines and plant and shall not be used for routine maintenance or operational expenses. (Ord. 207 § 1, 1991)

**3.55.030 Applicability – Effective date.**

The charges referred to in this chapter shall apply to all connections made after the effective date of the ordinance codified in this chapter. (Ord. 207 § 3, 1991)

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## CHAPTER 3.60 TRANSPORTATION BENEFIT DISTRICT

### Sections:

#### **3.60.010 Purpose.**

#### **3.60.020 Transportation Benefit District Established**

#### **3.60.030 Governing board.**

#### **3.60.040 Authority of the district.**

#### **3.60.050 Use of Funds.**

#### **3.60.060 Dissolution of district.**

#### **3.60.070 Liberal construction.**

#### **3.60.010 Purpose.**

The purpose of this chapter is to establish a Transportation Benefit District (TBD) pursuant to RCW 35.21.225 and Chapter 36.73 RCW, consistent with the public interest to provide adequate levels of funding for transportation improvements that preserve, maintain, and as appropriate, construct or reconstruct the transportation infrastructure of the Town of Carbonado.

#### **3.60.020 Transportation Benefit District Established**

1. There is created a transportation benefit district to be known as the Carbonado Transportation Benefit District or "District" with geographical boundaries comprised of the corporate limits of the Town as they currently exist or as they may exist following future annexations. . (Ord. 442 § 3, 2016)
2. The Town of Carbonado shall contract with the Transportation Benefit District for services necessary to operate the Transportation Benefit District. These services shall include, but not be limited to, administrative services such as secretarial and treasury services, public works services such as street, sidewalk and accessory infrastructure maintenance and operation, and all the services necessary to implement the operations of the Transportation Benefit District in accordance with RCW Chapter 36. (Ord. 400 § 1, 2013; Ord. 392, 2012)

#### **3.60.030 Governing board.**

1. The governing board ("board") of the District shall be the Carbonado Town Council which shall have the authority to exercise the statutory powers set forth in Chapter 36.73 RCW and this chapter.
2. The treasurer of the District shall be the Town Clerk-Treasurer.
3. The board shall develop a policy to address major plan changes that affect project delivery or the ability to finance the plan, pursuant to the requirements set forth in RCW 36.73.160(1). At a minimum, if the District funding participation in a transportation improvement exceeds its original cost by more than twenty percent, as identified in the District's original plan, a public hearing shall be held to solicit public comment regarding how the cost change should be resolved.



4. The board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2). (. (Ord. 442 § 4, 2016)

### **3.60.040 Authority of the district.**

1. The District, by a majority vote of its governing board, may authorize a motor vehicle license fee as follows:
  - a. a vehicle fee of up to \$20.00 as provided in RCW 82.80.140 for the purposes set forth in this chapter and as may be subsequently authorized according to law.
  - b. a vehicle fee of up to \$40.00 as provided in RCW 82.80.140 if a vehicle fee of \$20.00 has been imposed for at least 24 months; or
  - c. a vehicle fee of up to \$50.00 as provided in RCW 82.40.140 if a vehicle fee of \$40.00 has been imposed for at least 24 months and the district has met the following requirements:
    - i. Published notice of this intention in one or more newspapers of general circulation within the district by April 1<sup>st</sup> of the year in which the vehicle fee is to be imposed.
    - ii. If within 90 days of the date of publication a petition is filed with the Pierce County Auditor containing the signatures of eight percent of the number of voters registered and voting in the district for the office of the governor at the last preceding gubernatorial election and the Pierce County Auditor certifies the sufficiency to the district's governing board within two weeks, the proposition to impose the vehicle fee must be submitted to the voters of the district at a special election, called for this purpose, no later than the date on which a primary election would be held under RCW 29A.04.311.
    - iii. The vehicle fee may then be imposed only if approved by a majority of the voters of the district voting on the proposition.
2. The District may impose additional taxes, fees, or charges authorized by RCW 36.73.040 or ad valorem property taxes authorized by RCW 36.73.060 only if approved by District voters pursuant to RCW 36.73.065.
3. The District shall have and may exercise any and all powers and functions provided by Chapter 36.73 to fulfill the purposes of the District, including the power to issue general obligation bonds and revenue bonds. (Ord. 442 § 5, 2016, Ord. 400 § 1, 2013; Ord. 392, 2012)

### **3.60.050 Use of Funds.**

The funds generated by the District may be used for any purpose allowed by law including to operate the District and to make transportation improvements that are consistent with existing state, regional, and local transportation plans and necessitated by existing or

reasonably foreseeable congestion levels pursuant to Chapter 36.73 RCW. The District shall select to the extent practicable projects for funding that reduce the risk of transportation facility failure and improve safety, decrease travel time, increase daily and peak period trip capacity, improve modal connectivity, provide for economic development, improve accessibility for persons with special transportation needs, and preserve and maintain optimal performance of the infrastructure over time to avoid expensive infrastructure construction and replacement in the future. Additional transportation improvement projects may be funded only after compliance with the provisions of RCW 36.73.050(b).

**3.60.060 Dissolution of district.**

The District shall be automatically dissolved when all indebtedness of the District has been retired and when all of the District's anticipated responsibilities have been satisfied.

**3.60.070 Liberal construction.**

This chapter is to be liberally construed to accomplish the purpose of establishing a transportation benefit district with the broadest possible authority under Chapter 36.73 RCW as it now exists or is hereafter amended. (Ord. 392, 2012)

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## CHAPTER 3.65 UTILITY TAX

### Sections:

- 3.65.010 Revenue Licensing Power.**
- 3.65.020 Definitions.**
- 3.65.030 Occupation License Required.**
- 3.65.040 Utility Tax Imposed.**
- 3.65.050 Payment.**
- 3.65.060 Exemptions and Deductions.**
- 3.65.070 Records Required.**
- 3.65.080 Delinquent Payments – Penalty.**
- 3.65.090 Refunds.**
- 3.65.100 Violation – Penalty.**
- 3.65.110 Regulations.**

### **3.65.10 Revenue Licensing Power.**

The provisions of this ordinance shall be deemed to be an exercise of the power of the town of Carbonado to license for revenue.

### **3.65.020 Definitions.**

As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

1. "Cable television services" means the transmission of video programming and associated nonvideo signals to subscribers together with subscriber interaction, if any, which is provided in connection with video programming.
2. "Cellular telephone service" means any two way voice and data telephone or similar communications system based in whole or in substantial part on wireless radio communications, including cellular mobile service, and which is not subject to regulation by the Washington State Utilities and Transportation Commission. Cellular mobile service includes other wireless radio communications services including specialized mobile radio, personal communications services, and any other evolving wireless radio communications technology that accomplishes a purpose substantially similar to cellular mobile service. Cellular telephone service is included within the definition of "telephone business" for the purposes of this chapter.
3. "Competitive telephone service" means the providing by any person of telecommunications equipment or apparatus, directory advertising and lease of telephone street directories, or service related to that equipment or apparatus such as repair or maintenance service, if the equipment or apparatus is of a type which may be provided by persons not subject to regulation as telephone companies under Title 80 RCW, and for which a separate charge is made. Transmission of communication through cellular telephones is classified as "telephone business" rather than "competitive telephone service."

4. "Gross income" means the value proceeding or accruing from the performance of the particular business involved, including gross proceeds of sales, compensation for the rendition of services, and receipts

(including all sums earned or charged, whether received or not) by reason of investment in the business engaged in (excluding rentals, receipts or proceeds from the use or sale of real property or any interest therein, and proceeds from the sale of notes, bonds, mortgages or other evidences of indebtedness, or stocks and the like), all without any deduction on account of the cost of property sold, the cost of materials used, labor costs, taxes, interest or discount paid, delivery costs or any expenses whatsoever, and without any deduction on account of losses.

5. "Pager service" means service provided by means of an electronic device which has the ability to send or receive voice or digital messages transmitted through the local telephone network, via satellite or any other form of voice or data transmission. "Pager service" is included within the definition of "telephone business" for the purposes of this chapter.

6. "Person" means any person, firm, corporation, association, or entity of any type engaged in a business subject to taxation under this chapter.

7. "Telephone business" means the business of providing access to a local telephone network, local telephone network switching service, toll service, or coin telephone services, or providing telephonic, video, data, pager or similar communication or transmission for hire, via a local telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. The term includes cooperative or farmer line telephone companies or associations operating an exchange. "Telephone business" does not include the providing of competitive telephone service or cable television service, or other providing of broadcast services by radio or television stations.

### **3.65.030 Occupation License Required.**

After May 1, 2010, no person, firm or corporation shall engage in or carry on any business, occupation, act or privilege for which a tax is imposed by section 4 of this ordinance without first having obtained, and being the holder of, a license so to do, to be known as an occupation license. Each such person, firm or corporation shall promptly apply to the town clerk for such license upon such forms as the clerk shall prescribe, giving such information as the clerk shall deem reasonably necessary to enable the clerk's office to administer and enforce this ordinance; and upon acceptance of such application by the clerk, the clerk shall thereupon issue such license to the applicant. Such occupation license shall be personal and nontransferable and shall be valid as long as the licensee shall continue in said business and shall comply with the terms and conditions of this ordinance.

### **3.65.040 Utility Tax Imposed.**

From and after May 1, 2010, there is levied upon, and shall be collected from a person because of certain business activities engaged in or carried on in the town of Carbonado, taxes in the amount to be determined by the application of rates given against gross income as follows:

1. Upon a person engaged in or carrying on the business of selling, furnishing, or transmitting electric energy, a tax equal to 3% of the total gross income from such business in the town of Carbonado during the period for which the tax is due. Beginning March 1, 2014, the tax upon a person engaging in or carrying on the business of selling, furnishing, or transmitting electric energy, shall be equal to 6% of the total gross income from such business in the town of Carbonado during the period for which the tax is due; (Ord. 410 § 1, 2013, Ord. 373 § 4, 2010).
2. Upon a person engaged in or carrying on any telephone business a tax equal to 6% of the total gross income, including income from intrastate long distance toll service, from such business in the town of Carbonado during the period for which the tax is due;
3. Upon a person engaged in or carrying on the business of selling, furnishing or transmitting cable television service, a tax equal to 6% of the total gross income from such business in the town of Carbonado during the period for which the tax is due.

#### **3.65.050 Payment.**

Payment. The tax imposed by this ordinance shall be due and payable in quarterly installments and remittance shall be made on or before the thirtieth day of the month next succeeding the end of the quarterly period in which the tax accrues. Such quarterly periods are as follows:

First Quarter – January, February, March  
Second Quarter – April, May, June  
Third Quarter – July, August, September  
Fourth Quarter – October, November, December

The first payment made hereunder shall be made by July 31, 2010, for the two-month period ending June 30, 2010. On or before said due date, the taxpayer shall file with the town clerk a written return, upon such form and setting forth such information as the clerk shall reasonably require, together with the payment of the amount of the tax.

#### **3.65.060 Exemptions and Deductions.**

There is excepted and deducted from the total gross income upon which the tax is computed:

1. That part of the total gross income derived from business which the town is prohibited from taxing under the constitution or laws of the United States and the constitution or laws of the State of Washington.
2. Income derived from that portion of network telephone service, as defined in RCW 82.04.065, which represents charges to another telecommunications company, as defined in RCW 80.04.010, for connecting fees, switching charges, or carrier access charges relating to intrastate toll telephone services; or for access to, or charges for, interstate services; or charges for network telephone service that is purchased for the purpose of resale.

3. Adjustments made to a billing or customer account in order to reverse a billing or charge that was not properly a debt of the customer.
4. Cash discounts allowed and actually granted to customers of the taxpayer during the tax year.
5. Uncollectible debts written off the taxpayer's books during the tax year. If subsequently collected, the income shall be reported for the period in which collected.

### **3.65.070 Records Required.**

Each taxpayer shall keep records reflecting the amount of its said gross operating revenues, and such records shall be open at all reasonable times to the inspection of the town clerk, or the town clerk's duly authorized subordinates, for verification of said tax returns or for the fixing of the tax of a taxpayer who shall fail to make such returns.

### **3.65.080 Delinquent Payments – Penalty.**

If any person, firm or corporation subject to this ordinance shall fail to pay any tax required by this ordinance within 30 days after the due date thereof, there shall be added to such tax a penalty of 10 percent of the amount of such tax, and any tax due under this ordinance and unpaid, and all penalties thereon, shall constitute a debt to the town of Carbonado and may be collected by court proceedings, which remedy shall be in addition to all other remedies.

### **3.65.090 Refunds.**

Any money paid to the town of Carbonado through error or otherwise not in payment of the tax imposed hereby or in excess of such tax shall, upon request of the taxpayer, be credited against any tax due or to become due from such taxpayer hereunder or, upon the taxpayer's ceasing to do business in the town of Carbonado, be refunded to the taxpayer.

### **3.65.100 Violation – Penalty.**

Any said person, firm, corporation, municipality, agency or district subject to this ordinance who shall fail or refuse to apply for an occupation license or to make said tax return or to pay said tax when due, or who shall make any false statement or representation in or in connection with any such application for an occupation license or such tax return, or shall otherwise violate or refuse or fail to comply with this ordinance, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$500.00, or by imprisonment for a term of 90 or less days, or by both.

### **3.65.110 Regulations.**

The clerk for the town of Carbonado is hereby authorized to adopt, publish and enforce, from time to time, such rules and regulations for the proper administration of this ordinance

as shall be necessary, and it shall be a violation of this ordinance to violate or to fail to comply with any such rule or regulation lawfully promulgated hereunder. (Ord. 373, 2010)



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## CHAPTER 3.70 BONDS AND OBLIGATIONS

### Sections.

#### **3.70.010 Definitions**

#### **3.70.020 Findings**

#### **3.70.030 Adoption of Registration System**

#### **3.70.040 Statement of Transfer Restrictions**

#### **3.70.010 Definitions.**

The following words shall have the following meanings when used in this ordinance:

- A. "Bond" or "bonds" has the meaning defined in RCW 39.46.020(1), as the same may be amended from time to time.
- B. "Fiscal Agent" means the duly appointed fiscal agent of the State of Washington serving as such at any given time.
- C. "Obligation" or "obligations" has the meaning defined in RCW 39.46.020(3), as the same from time to time may be amended.
- D. "Registrar" means the person, persons or entity designated by the Town to register ownership of bonds or obligations under this ordinance or under an ordinance of the Town authorizing the issuance of such bonds or obligations.
- E. "Town" means the Town of Carbonado, Washington.

#### **3.70.020 Findings.**

The Town Council of the Town finds that it is in the Town's best interest to establish a system of registering the ownership of the Town's bonds and obligations in the manner permitted by law.

#### **3.70.030 Adoption of Registration System.**

The Town adopts the following system of registering the ownership of its bonds and obligations.

- A. Registration Requirement. All bonds and obligations offered to the public, having a maturity of more than one year, on which the interest is intended to be excluded from gross income for federal income tax purposes, shall be registered as to both principal and interest as provided in this ordinance.
- B. Method of Registration. The registration of all Town bonds and obligations required to be registered shall be carried out either by
  - 1. a book entry system of recording the ownership of the bond or obligation on the books of the Registrar, whether or not a physical instrument is issued; or

2. recording the ownership of the bond or obligation and requiring as a condition of the transfer of ownership of any bond or obligation the surrender of the old bond or obligation and either the reissuance of the old bond or obligation or the issuance of a new bond or obligation to the new owner.

No transfer of any bond or obligation subject to registration requirements shall be effective until the name of the new owner and the new owner's mailing address, together with such other information deemed appropriate by the Registrar, shall be recorded on the books of the Registrar.

- C. Denominations. Except as may be provided otherwise by the ordinance authorizing their issuance, registered bonds or obligations may be issued and reissued in any denomination up to the outstanding principal amount of the bonds or obligations of which they are a part. Such denominations may represent all or a part of a maturity or several maturities and on reissuance may be in smaller amounts than the individual denominations for which they are reissued.
- D. Appointment of Registrar. Unless otherwise provided in the ordinance authorizing the issuance of registered bonds or obligations, the Town Clerk-Treasurer shall be the Registrar for all registered interest-bearing warrants, installment contracts, interest-bearing leases, and other registered bonds or obligations not usually subject to trading without a fixed maturity date or maturing one year or less after issuance and the Fiscal Agent shall be the Registrar for all other Town bonds and obligations without a fixed maturity date or maturing more than one year after issuance.
- E. Duties of Registrar. The Registrar shall serve as the Town's authenticating trustee, transfer agent, registrar, and paying agent for all registered bonds and obligations for which he, she, or it serves as Registrar and shall comply fully with all applicable federal and state laws and regulations respecting the carrying out of those duties.

The rights, duties, responsibilities and compensation of the Registrar shall be prescribed in each ordinance authorizing the issuance of the bonds or obligations, which rights, duties, responsibilities, and compensation shall be embodied in a contract executed by the Town and the Registrar, except that (i) when the Fiscal Agent serve as Registrar, the Town adopts by reference the contract between the State Finance Committee of the State of Washington and the Fiscal Agent in lieu of executing a separate contract and prescribing by ordinance the rights, duties, obligations and compensation of the Registrar, and (ii) when the Town Clerk-Treasurer serves as Registrar, a separate contract shall not be required.

In all cases when the Registrar is not the Fiscal Agent and the bonds or obligations are assignable, the ordinance authorizing the issuance of the registered bonds or obligations shall specify the terms and conditions of

1. making payments of principal and interest;
2. printing any physical instruments, including the use of identifying numbers or other designation;

3. specifying record and payment dates;
4. determining denominations;
5. establishing the manner of communicating with the owners of the bonds or obligations;
6. establishing the methods of receipting for the physical instruments for payment of principal, the destruction of such instruments and the certification of such destruction;
7. registering or releasing security interests, if any; and
8. such other matters pertaining to the registration of the bonds or obligations authorized by such ordinance as the Town may deem to be necessary or appropriate.

**3.70.040 Statement of Transfer Restrictions.**

Any physical instrument issued or executed by the Town subject to registration under this ordinance shall state that the principal of and interest on the bonds or obligations shall be paid only to the owner thereof registered as such on the books of the Registrar as of the record date defined in the instrument and to no other person, and that such instrument, either principal or interest, may not be assigned except on the books of the Registrar. (Ord. 340, 2007)

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## **CHAPTER 3.75 EMERGENCY MEDICAL SERVICES FUND**

### **Sections:**

**3.75.010 Created.**

**3.75.020 Purpose.**

**3.75.030 Revenues.**

### **3.75.010 Created.**

There is hereby established Fund #105, the Emergency Medical Services Fund.

### **3.75.020 Purpose.**

Fund cash balances held in the Emergency Medical Services (EMS) Fund may only be expended for those uses pursuant to RCW 84.52.069 and as authorized by the Town Council.

### **3.75.030 Revenues**

- A. Revenues collected by the Town resulting from the Emergency Medical Services levy shall be accrued only in this Emergency Medical Services Fund; and any other revenue received by the Town as a result of the Town's emergency medical services program will be accrued in this EMS Fund.
- B. The Town Council may, at their sole discretion, elect to deposit or transfer revenues to this Emergency Medical Services Fund from other sources so long as allowed by law. If the EMS fund falls into a negative balance, the Town will restore the EMS fund from the general fund revenues. (Ord. 437, 2016)

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**CHAPTER 3.80 FIRE AND EMERGENCY MEDICAL SERVICES CAPITAL RESERVE FUND**

**Sections:**

**3.80.010 Created.**

**3.80.020 Purpose.**

**3.80.030 Revenues.**

**3.80.010 Created.**

There is hereby established Fund #030, the Fire and Emergency Medical Services Capital Reserve Fund.

**3.80.020 Purpose.**

The Fire and Emergency Medical Services Capital Reserve Fund shall be used to purchase fire department facilities, vehicles, apparatus and equipment costing more than one thousand dollars (\$1,000); and may be used to fund the cost for repairs of fire department facilities, vehicles, apparatus and equipment deemed by the Town Council to be major repairs.

**3.80.030 Revenues**

The Town Council may, at their sole discretion, elect to deposit or transfer revenues to the Fire and Emergency Medical Services Capital Reserve Fund from any sources so long as allowed by law. (Ord. 438, 2016)



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**TITLE 4 (RESERVED)**

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## **TITLE 5 BUSINESS LICENSES AND REGULATIONS**

### **Chapters:**

[5.05 Business Licenses and Regulations](#)

[5.10 Amusement Devices](#)

[5.20 Adult Entertainment Business Licensing and Regulations](#)

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## CHAPTER 5.05 BUSINESS LICENSES AND REGULATIONS

### Sections:

- 5.05.010 Definitions.**
- 5.05.015 Compliance required.**
- 5.05.020 Fees designated.**
- 5.05.030 Exemptions.**
- 5.05.040 License – Required.**
- 5.05.050 Payment of fees.**
- 5.05.060 Mailing of notices.**
- 5.05.070 License fee additional to others.**
- 5.05.080 Tax constitutes debt.**
- 5.05.090 Violation – Penalty.**

### **5.05.10 Definitions.**

For the purpose of this title, the following terms, phrases, words and their derivations shall have the meanings given in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory. (Ord. 468 § 1, 2018):

A. "Business" includes all activities, occupations, trades, pursuits or professions located and/or engaged in, within the town, with the object of gain, benefit or advantage to the taxpayer, or to another person or class, directly or indirectly. Each business location shall be deemed a separate business.

B. “Business Licensing Service” is the office within the Washington State Department of Revenue providing business licensing services to the Town of Carbonado. Licensing information is available at: [www.business.wa.gov/BLS](http://www.business.wa.gov/BLS).

The service may be contacted at:

Email:	<a href="mailto:bls@dor.wa.gov">bls@dor.wa.gov</a>	By mail:
Phone:	1-800-451-7985	P.O. Box 9034
Fax:	360-705-6699	Olympia, WA 98507-9034

C. “Day” means one full day and not two half days nor any fractional part of one day. (Ord. 468 § 1, 2018)

D. “Employee” means all full-time and permanent part-time employees and includes the owner or owners of the business if they work on the premises. (Ord. 468 § 1, 2018)

E. "Engaging in business"

1. The term "engaging in business" means commencing, conducting, or continuing in business, and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.

2. This section sets forth examples of activities that constitute engaging in business in the Town, and establishes safe harbors for certain of those activities so that a person who meets the criteria may engage in de minimus business activities in the Town without having to pay a business license fee. The activities listed in this section are illustrative only and are not intended to narrow the definition of "engaging in business" in subsection (1). If an activity is not listed, whether it constitutes engaging in business in the Town shall be determined by considering all the facts and circumstances and applicable law.
3. Without being all inclusive, any one of the following activities conducted within the Town by a person, or its employee, agent, representative, independent contractor, broker or another acting on its behalf constitutes engaging in business and requires a person to register and obtain a business license.
  - a. Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the Town.
  - b. Owning, renting, leasing, using, or maintaining, an office, place of business, or other establishment in the Town.
  - c. Soliciting sales.
  - d. Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.
  - e. Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.
  - f. Installing, constructing, or supervising installation or construction of, real or tangible personal property.
  - g. Soliciting, negotiating, or approving franchise, license, or other similar agreements.
  - h. Collecting current or delinquent accounts.
  - i. Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.
  - j. Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including the listing of homes and managing real property.
  - k. Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, consultants, psychologists, court reporters, dentists, doctors, detectives,

laboratory operators, teachers, veterinarians.

- l. Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.
  - m. Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the Town, acting on its behalf, or for customers or potential customers.
  - n. Investigating, resolving, or otherwise assisting in resolving customer complaints.
  - o. In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of the goods took place.
  - p. Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.
4. If a person, or its employee, agent, representative, independent contractor, broker or another acting on the person's behalf, engages in no other activities in or with the Town but the following, it need not register and obtain a business license.
- a. Meeting with suppliers of goods and services as a customer.
  - b. Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.
  - c. Attending meetings, such as board meetings, retreats, seminars, and conferences, or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person or on its behalf. This provision does not apply to any board of director member or attendee engaging in business such as a member of a board of directors who attends a board meeting.
  - d. Renting tangible or intangible property as a customer when the property is not used in the Town.
  - e. Attending, but not participating in a "trade show" or "multiple vendor events". Persons participating at a trade show shall review the Town's trade show or multiple vendor event ordinances.
  - f. Conducting advertising through the mail.
  - g. Soliciting sales by phone from a location outside the Town.
5. A seller located outside the Town merely delivering goods into the Town by means of common carrier is not required to register and obtain a business license, provided that it engages in no other business activities in the Town. Such activities do not include those in subsection (4).

The Town expressly intends that engaging in business include any activity sufficient to establish nexus for purposes of applying the



license fee under the law and the constitutions of the United States and the State of Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus generating contact or subsequent contacts. (Ord. 468 § 1, 2018)

F. “General business license” means a license issued under this chapter. (Ord. 468 § 1, 2018)

G. “License” or “licensee,” as used generally in this title, includes, respectively, the words “permit,” or “permittee,” or the “holder” for any use or period of time or any similar privilege, wherever relevant to any provision of this title or other law or ordinance. (Ord. 468 § 1, 2018)

H. “Nonprofit” means an exemption from federal taxation as evidenced by a letter from the Internal Revenue Service showing a current tax exempt status pursuant to the Internal Revenue Code.

I. “Nonprofit group” includes individual person(s), partnerships, joint ventures, societies, associations, clubs, trustees, trusts or corporations; or any officers, agents, employees, factors or any kind of personal representatives of any thereof, in any capacity, acting either for himself or any other person under either personal appointment or pursuant to law who qualifies under definition of and certification by the Internal Revenue Service as nonprofit. (Ord. 468 § 1, 2018)

J. "Person" includes individual natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts or corporations; or any officers, agents, employees, factors or any kind of personal representatives of any thereof, in any capacity, acting either for himself or any other person, under either personal appointment or pursuant to law. (Ord. 468 § 1, 2018)

K. “Premises” includes all lands, structures and places, and also any personal property which is either affixed to or is otherwise used in connection with any such business conducted on such premises. (Ord. 468 § 1, 2018)

L. “Special license” means any license required by this title in any chapter other than this chapter (General Business License Provisions). (Ord. 468 § 1, 2018)

M. “Surety bond” means a surety company bond with the licensee as principal and some surety company authorized to do business in the state as surety. Such bond must be approved by the Town attorney, as to form, and by the mayor and clerk as to sufficiency of the surety. (Ord. 468 § 1, 2018)

N. "Taxpayer" includes any person who engages in business or who is required to have a business license under this chapter, or who is liable for the collection of any license fee or tax under this chapter, or who performs any act for which license fee or tax is imposed by this chapter. (Ord. 416 § 1, 2014; 127 § 1, 1980)

O. “Town” is the Town of Carbonado, Washington. (Ord. 468 § 1, 2018)

P. "Town council" is the town council of the Town of Carbonado, Washington. (Ord. 468 § 1, 2018)

Q. "Town license officer" is the community development director of Carbonado, Washington. (Ord. 468 § 1, 2018)

R. "Year" means the period from July 1st through June 30th. (Ord. 468 § 1, 2018)

#### **5.05.015 Compliance required.**

A. It is unlawful for any person, either directly or indirectly, to engage in any business for which a license or permit is required by any law or ordinance of the Town, without a license or permit therefor being first procured and kept in effect at all such times as required by this title or other law or ordinance of the Town.

B. All licenses issued pursuant to the provisions of this title shall be posted in a prominent location at the premises where the licensed business, profession, trade or occupation is carried out or on the person of anyone issued a solicitor's or mobile vendor's license.

C. Threshold Exemption: To the extent set forth in this section, the following persons and businesses shall be exempt from the registration, license and/or license fee requirements as outlined in this chapter:

1. Any non-profit group, or person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the Town is equal to or less than \$2,000 (or higher threshold as determined by Town) and who does not maintain a place of business within the Town shall be exempt from the general business license requirements in this chapter. The exemption does not apply to regulatory license requirements or activities that require a specialized permit. (Ord. 468 § 2, 2018)

#### **5.05.020 Fees designated.**

A. There is levied upon and shall be collected from every person engaging in business in the town an annual license fee or tax for the privilege of engaging in business activities, in the amount of \$25.00.

B. Application for and renewal of the business license must include the Business Licensing Service handling fees designated in RCW 19.02.075 and WAC 458-20-10101. Delinquent renewal filings will be assessed the late penalty designated in RCW 19.02.085.

C. Any business qualifying as nonprofit shall be exempt from paying the \$25 business license fee imposed under subsection (1) of this section; provided, however, a business license application shall be required, the handling fees and any late penalties imposed under subsection (2) must be paid, and a business license must still be obtained and renewed from the State of Washington Business Licensing Service in coordination with the City Clerk or his/her designee. (Ord. 416 § 2, 2014)

#### **5.05.030 Exemptions.**

The provisions of this chapter shall not apply to:

- A. Any farmer, gardener or other person selling, delivering or peddling any fruits, vegetables, berries, eggs or any farm produce or edibles raised, gathered, produced or manufactured by such person.;
- B. The following activities when of a temporary nature lasting less than seven days consecutively: contests, circuses, shows, or auctions;
- C. Any instrumentality of the United States, state of Washington, or political subdivision thereof;
- D. Persons engaged in irregular, casual activities such as babysitting, delivery of newspapers, casual lawn mowing, casual car washing, garage sales, and other similar activities. (Ord. 416 § 3, 2014)

#### **5.05.040 License – Required.**

- A. No person shall engage in any business activity in the town without first having obtained a license, to be known as a "business license", issued under the provisions of this chapter. Such license shall expire on the date established by the Business Licensing Service, and must be renewed annually on or before the expiration date.
- B. Application for a business license must be made through the Business Licensing Service and must include all fees due.
- C. Every license granted under this chapter shall be posted in a conspicuous place in the place of business of the licensee. Each license will be numbered according to the state unified business identifier process and show the name and place of the business.
- D. Business licenses are nontransferable. If business is transacted at two or more separate places by one taxpayer, a separate license must be acquired, as provided in this chapter, for each place of business. No business may permit another business to operate under its business license; each business owner must possess their own business license for their places of business.
- E. If any person required by the terms and provisions of this chapter to pay a license fee for any period fails or refuses to do so, he shall not be granted a license for the current period until such delinquent license fee, together with penalties, has been paid in full. An expired license is considered to be conducting business without a license and may subject the owner of the business to the respective penalties. Any license that remains delinquent for more than 120 days after the expiration date is considered to be abandoned and will be cancelled. (Ord. 416 § 4, 2014)

#### **5.05.050 Payment of fees.**

The license fee is due at time of application for a license and annually thereafter to renew the license. The license fee and term of the license issuance may be prorated to accommodate synchronizing with the expiration date established by the Business Licensing Service. Late payment of fees may subject the business to penalties as provided in this chapter. (Ord. 416 § 5, 2014)

**5.05.060 Mailing of notices.**

Any notice required by this chapter to be mailed to any taxpayer will be sent by the Business Licensing Service by ordinary mail, addressed to the address of the taxpayer most recently provided. Failure of the taxpayer to receive any such mailed notice shall not release the taxpayer from any fee or tax or any penalties thereon, nor shall such failure operate to extend any time limit set by the provisions of this chapter. (Ord. 416 § 6, 2014)

**5.05.070 License fee additional to others.**

The license fee and tax levied in this chapter shall be additional to any license fee or tax imposed or levied under the law of any other ordinance of the town except as otherwise expressly provided in this chapter. (Ord. 127 § 7, 1980)

**5.05.080 Tax constitutes debt.**

Any license fee or tax due and unpaid under this chapter, and all penalties thereon, shall constitute a debt to the town and may be collected by court proceedings in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies. (Ord. 127 § 8, 1980)

**5.05.090 Violation – Penalty.**

Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$150.00, or by imprisonment of not more than 30 days, or by both such fine and imprisonment. (Ord. 127 § 9, 1980)

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## CHAPTER 5.10 AMUSEMENT DEVICES

### Sections:

#### **5.10.010 Definitions.**

#### **5.10.020 License fee – Levied – Amount.**

#### **5.10.030 License – Expiration – Application – Posting.**

#### **5.10.040 License fee due and payable when – Failure to pay.**

#### **5.10.050 Unpaid fee constitutes debt to town.**

#### **5.10.060 Operation without license unlawful.**

#### **5.10.070 Games with payoffs played by persons under age 12 unlawful.**

#### **5.10.080 Violation – Penalty.**

\*Prior legislation: Ord. 7.

#### **5.10.010 Definitions.**

In construing the provisions of this chapter, the following definitions shall be applicable:

A. "Amusement device" shall include pinball machine, pool table, juke box, shuffleboard, or any device where free plays or games are awarded.

B. "Business" includes all activities, occupations, trades, pursuits or professions located and/or engaged in, within the town of Carbonado, with the object of gain, benefit or advantage to any person. Each business location shall be deemed a separate business.

C. "Engaging in business" means commencing, conducting, or continuing in any business, and also the exercise of corporate or franchise powers as well as liquidating a business when the liquidators hold themselves out to the public as conducting such business.

D. "Person" means any individual, firm, partnership, company, corporation, association, receiver, consignee, trust, estate, joint venture, club, joint stock company, business trust, society or group of individuals acting as a unit. (Ord. 128 § 1, 1980)

#### **5.10.020 License fee – Levied – Amount.**

On and after May 1, 1980, there is hereby levied upon and shall be collected from every person engaging in business in the town an annual amusement device license fee on each business in which four or more amusement devices are located on the premises. The annual amusement device license fee shall be \$25.00. (Ord. 128 § 2, 1980)

#### **5.10.030 License – Expiration – Application – Posting.**

The amusement device license imposed by this chapter shall expire at the end of the year in which it was issued, and a new license shall be required for each year. The application for a license shall be made to the town clerk on forms provided by such individual, which application shall set forth the name of the applicant, the residence of the applicant, place of business, the nature of the business, and shall be accompanied by a certificate of the town treasurer stating that the amount of the fee has been deposited with the treasurer by the

applicant. Every license granted under this chapter shall be posted in a conspicuous place in the place of business of the applicant. Any license issued under and by the virtue of the provisions of this chapter shall be personal and nontransferable. In case business is transacted at two or more separate locations by one applicant, a separate amusement device license for each place at which four or more amusement devices are located is required. (Ord. 128 § 3, 1980)

**5.10.040 License fee due and payable when – Failure to pay.**

Each amusement device license fee herein provided for shall become due and payable on the fifteenth day of January of each year as to any business taxable under this chapter and in existence on such date. As to any business to which this chapter becomes applicable after said date, the amusement device license fee for the balance of that year shall be a prorated fee, which fee shall be due and payable on the first day that the amusement device license fee becomes applicable. Failure to pay the license fee within 10 days after the day on which it is due and payable shall render the person subject to penalty of five percent of the amount of the license fee for the first month of delinquency, and an additional penalty of five percent of each succeeding month of delinquency, but not exceeding a total penalty of 25 percent of the amount of such amusement device license fee. (Ord. 128 § 4, 1980)

**5.10.050 Unpaid fee constitutes debt to town.**

Any amusement device license fee due and unpaid under this chapter, and all penalties thereon, shall constitute a debt to the town and may be collected by court proceedings in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies. (Ord. 128 § 5, 1980)

**5.10.060 Operation without license unlawful.**

It is unlawful for any person to operate, maintain, display, or expose, amusement devices at their place of business within the town without first applying for and obtaining an amusement device license as provided for in this chapter. (Ord. 128 § 6, 1980)

**5.10.070 Games with payoffs played by persons under age 12 unlawful.**

It is unlawful for any person under the age of 12 to play or operate any amusement device wherein any payoff, including free plays or free games, is made, and it is unlawful for any operator or owner of any business where such amusement device is kept, maintained or operated to permit or allow any person under the age of 12 to operate any such amusement device. (Ord. 128 § 7, 1980)

**5.10.080 Violation – Penalty.**

Any person, firm, or corporation violating any provision of this chapter is guilty of a misdemeanor and shall be punished by a fine up to \$300.00 or a jail sentence up to 30 days, or by both said fine and jail sentence. (Ord. 128 § 8, 1980)

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## **CHAPTER 5.20 ADULT ENTERTAINMENT BUSINESS LICENSING AND REGULATION**

### **Sections:**

- 5.20.010 Definitions.**
- 5.20.020 Findings of fact.**
- 5.20.030 Penalties.**
- 5.20.040 Additional enforcement.**
- 5.20.050 Business hours.**
- 5.20.060 Activities not prohibited.**
- 5.20.070 License suspension or revocation.**
- 5.20.080 Administrative appeal.**
- 5.20.090 Hearing examiner – Appeal, general powers and duties.**
- 5.20.100 Hearing examiner – Conflict of interest and freedom from improper influence.**
- 5.20.110 Appeal briefs.**
- 5.20.120 Public hearing.**
- 5.20.130 Date, time, place for hearing.**
- 5.20.140 Burden of proof.**
- 5.20.150 Hearing examiner’s decision – Findings required.**
- 5.20.160 Reconsideration.**
- 5.20.170 Action after hearing.**
- 5.20.180 Appeal from hearing examiner’s decision.**
- 5.20.190 Waiver of right to appeal.**
- 5.20.200 Stay during administrative and judicial appeal.**
- 5.20.210 License for establishment required – Fee.**
- 5.20.220 License for managers, entertainers required – Fee.**
- 5.20.230 Due date for license fees.**
- 5.20.240 License applications.**
- 5.20.245 Manager’s, entertainer’s license denial.**
- 5.20.250 Manager on premises.**
- 5.20.260 Advertising rules and regulations.**
- 5.20.270 Standards of conduct and operation.**
- 5.20.280 List of entertainments, fees.**
- 5.20.290 Physical layout of premises – Sight obstructions.**
- 5.20.300 Notice to customers.**
- 5.20.310 Additional requirements for panorams.**
- 5.20.320 Additional requirements for adult entertainment establishments.**
- 5.20.330 Severability.**

### **5.20.010 Definitions.**

For the purpose of this chapter the words and phrases used in this chapter shall have the following meanings unless the context otherwise indicates:

#### **A. “Adult entertainment” means:**

1. Any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance or dance involves a person who is unclothed or in such costume, attire or clothing as to expose any portion of

the pubic region, anus, buttocks, vulva or genitals, or any portion of the female breast below the top of the areola or wearing any device or covering exposed to view which simulates the appearance of any portion of the pubic region, anus, buttocks, vulva or genitals, or the female breast below the top of the areola or human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

2. Any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation or relation to the following specified sexual activities:
  3. Human genitals in a state of sexual stimulation or arousal;
  4. Acts of human masturbation, sexual intercourse or sodomy; or
  5. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast; or
  6. Any exhibition, performance or dance intended to sexually stimulate any patron and conducted in a premises where such exhibition, performance or dance is performed for, arranged with or engaged in with fewer than all patrons on the premises at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance. For purposes of example and not limitation, such exhibitions, performances or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing; or
  7. Any “panoram premises,” which shall mean a business or commercial establishment where on the premises or a portion of the premises, for any form of consideration, one or more still or motion picture projectors, slide projectors, computer generated or enhanced pornography, panoram, peep show, or similar machines, or other image producing machines, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions for individual viewing by the public on the premises of the business, with the viewed materials being characterized by the depiction or description of nudity or of specified sexual activities as defined above at subsection (A)(2) of this section and/or where on the premises there is individual viewing by use of a panoram device of live adult entertainment; or
  8. Any “adult motion picture theater,” which shall mean a motion picture theater business or commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions characterized by the depiction or description of nudity or of specified sexual activities as defined above at subsection (A)(2) of this section are regularly shown.
- B. “Adult entertainment establishment” means any commercial premises to which any patron is invited or admitted and where adult entertainment as defined above at subsection A of this section is provided.

- C. “Applicant” means the individual or entity seeking an adult entertainment license in the Town of Carbonado.
- D. “Applicant control persons” means all partners, corporate officers and directors and any other individuals in the applicant’s business organization who hold a significant interest in the adult entertainment establishment, based on responsibility for management of the adult entertainment business.
- E. “Employee” means any and all persons, including managers, entertainers, and independent contractors who work in or at or render any services directly related to the operation of any adult entertainment establishment.
- F. “Entertainer” means any person who provides live adult entertainment whether or not a fee is charged or accepted for such entertainment.
- G. “Manager” means any person who manages, directs, administers, or is in charge of the affairs and/or the conduct of any portion of any activity involving adult entertainment occurring at any adult entertainment establishment.
- H. “Operator” means any person operating, conducting or maintaining an adult entertainment establishment.
- I. “Panoram” or “peep show” means any device which, upon insertion of a coin or by any other means of payment, including membership fee or other charge, exhibits or displays a picture or view by film, video or by any other means, including observation of live performances.
- J. “Panoram premises” means any premises or portion of a premises or portion of a premises on which a panoram is located and which is open to the public, including through membership.
- K. “Person” means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons, however organized.
- L. “Sexual conduct” means acts of:
  1. Sexual intercourse within its ordinary meaning; or
  2. Any contact between persons involving the sex organs of one person and the mouth or anus of another; or
  3. Masturbation, manual or instrumental, of oneself or of one person by another; or
  4. Touching of the sex organs or anus of oneself or of one person by another.

**5.20.020 Findings of fact.**

The Town council makes the following findings of fact based on historical evidence from other jurisdictions:

- A. The secondary effects of the activities defined and regulated in this chapter may be detrimental to the public health, safety, morals and general welfare of the citizens of the Town and, therefore, such activities must be regulated.

- B. Regulation of the adult entertainment industry is necessary because in the absence of such regulation significant criminal activity has historically and regularly occurred. This history of criminal activity in the adult entertainment industry has included prostitution, illegal employment of minors, narcotics and alcoholic beverage law violations, breaches of the peace, tax evasion and the presence within the industry of individuals with hidden ownership interests and outstanding arrest warrants.
- C. Proximity or contact between entertainers and patrons during adult entertainment performances or between patrons in panorams and adult motion picture theaters can facilitate sexual contact, prostitution and related crimes. Concerns about crime and public sexual activity are legitimate and compelling concerns of the Town which demand reasonable regulation of adult entertainment establishments in order to protect the public health, safety and general welfare.
- D. The activities described in subsections B and C of this section occur, in the absence of regulation, regardless of whether the adult entertainment is presented in conjunction with the sale of alcoholic beverages.
- E. It is necessary to license entertainers in the adult entertainment industry to prevent the exploitation of minors, to ensure that each such entertainer is an adult and to ensure that such entertainers have not assumed a false name, which would make regulation of the entertainer difficult or impossible.
- F. It is necessary to have a licensed manager on the premises of establishments offering adult entertainment at such times as such establishments are offering adult entertainment so that there will at all necessary times be an individual responsible for the overall operation of the adult entertainment establishment, including the actions of patrons, entertainers and other employees.
- G. The license fees required in this chapter are necessary as nominal fees imposed as necessary regulatory measures designed to help defray the substantial expenses incurred by the Town in regulating the adult entertainment industry.
- H. Hidden ownership interests for the purposes of skimming profits and avoiding the payment of taxes have historically occurred in the adult entertainment industry in the absence of regulation. These hidden ownership interests have historically been held by organized and white-collar crime elements. In order for the Town to effectively protect the public health, safety, morals and general welfare of its citizens and effectively allocate its law enforcement resources, it is important that the Town be fully apprised of the actual ownership of adult entertainment establishments, and identities and backgrounds of persons responsible for management and control of the adult entertainment establishment.
- I. It is not the intent of this chapter to suppress or censor any expressive activities protected by the First Amendment of the United States Constitution or Article 1, Section 5 of the Washington State Constitution, but rather to enact time, place and manner regulations which address the compelling interests of the Town in mitigating the secondary effects of adult entertainment establishments.

**5.20.030 Penalties.**

- A. Criminal Penalty. Any person violating any of the terms of this chapter shall be guilty of a misdemeanor and upon conviction thereof be punished as provided in Chapter 9.05 CMC.
- B. Civil Penalty. In addition to any other penalty provided in this section or by law, any person who violates any provision of any business license ordinance shall be subject to a civil penalty in an amount not to exceed \$250.00 per violation, to be directly assessed by the Town clerk. The Town clerk, in a reasonable manner, may vary the amount of the penalty assessed to consider the appropriateness of the penalty to the size of the business of the violator; the gravity of the violation; the number of past and present violations committed; and the good faith of the violator in attempting to achieve compliance after notification of the violation. All civil penalties assessed will be enforced and collected in accordance with the procedure specified under this chapter.

**5.20.040 Additional enforcement.**

Notwithstanding the existence or use of any other remedy, the Town clerk may seek legal or equitable relief to enjoin any acts or practices which constitute or will constitute a violation of any provision of this chapter.

**5.20.050 Business hours.**

No adult entertainment shall be conducted between the hours of 2:00 a.m. and 10:00 a.m.

**5.20.060 Activities not prohibited.**

- A. This chapter shall not be construed to prohibit:
  - 1. Plays, operas, musicals or other dramatic works which are not obscene as defined below at subsection B of this section;
  - 2. Classes, seminars and lectures held for serious scientific or educational purposes; or
  - 3. Exhibitions or dances which are not obscene.
- B. Whether or not activity is obscene shall be judged by consideration of the following factors:
  - 1. Whether the average person, applying contemporary community standards, would find that the activity taken as a whole appeals to a prurient interest in sex; and
  - 2. Whether the activity depicts or describes in a patently offensive way, as measured against community standards, sexual conduct as described in RCW 7.48A.010(2) (b); and
  - 3. Whether the activity taken as a whole lacks serious literary, artistic, political or scientific value.

**5.20.070 License suspension or revocation.**

- A. The Town clerk may, at any time upon the recommendation of the chief of police and as provided below, suspend or revoke any license issued under this chapter:
  - 1. Where such license was procured by fraud or false representation of fact; or
  - 2. For the violation of, or failure to comply with, the provisions of this chapter or any other similar local or state law by the licensee or by any of its servants, agents or employees when the licensee knew or should have known of the violations committed by its servants, agents or employees; or
  - 3. For the conviction of the licensee of any crime or offense involving prostitution, promoting prostitution, or transactions involving controlled substances (as that term is defined in Chapter 69.50 RCW) committed on the premises, or the conviction of any of the licensee's servants, agents or employees of any crime or offense involving prostitution, promoting prostitution, or transactions involving controlled substances (as that term is defined in Chapter 69.50 RCW) committed on the licensed premises when the licensee knew or should have known of the violations committed by its servants, agents or employees.
- B. A license procured by fraud or misrepresentation shall be revoked. Where other violations of this chapter or other applicable ordinances, statutes or regulations are found, the license shall be suspended for a period of 30 days upon the first such violation, 90 days upon the second violation within a 24-month period, and revoked for third and subsequent violations within a 24-month period, not including periods of suspension.
- C. The clerk shall provide at least 10 days' prior written notice to the licensee of the decision to suspend or revoke the license. Such notice shall inform the licensee of the right to appeal the decision for hearing by a hearing examiner and shall state the effective date of such revocation or suspension and the grounds for revocation or suspension.
- D. Notification shall be by personal service or registered or certified mail, return receipt requested, of the decision. Notice mailed to the address on file shall be deemed received three days after mailing. The notice shall specify the grounds for the suspension or revocation. The suspension or revocation shall give notice that it shall become effective 10 days from the date the notice is delivered or deemed received unless the person affected thereby files a written request with the Town clerk for a hearing before the hearing examiner within such 10-day period.
- E. Where the Town of Carbonado public works department, fire marshal, police chief, or the Pierce County health department finds that any condition exists upon the premises of an adult entertainment establishment which constitutes a threat of immediate serious injury or damage to persons or property, said official may immediately suspend any license issued under this chapter pending a hearing in accordance with CMC 5.20.080. The official shall issue notice setting forth the basis for the action and the facts that constitute a threat of immediate serious injury or damage to persons or property, and informing the licensee of the right to appeal the suspension to the hearing examiner under the same appeal provisions set forth in subsection C of this section; provided, however, that a suspension based on

threat of immediate serious injury or damage shall not be stayed during the pendency of the appeal.

**5.20.080 Administrative appeal.**

- A. Notice of Appeal. Any person falling under the provisions of this chapter may appeal for a hearing before an appointed hearing examiner from any notice of suspension, denial or revocation or civil penalty assessment by filing with the Town clerk within 10 days from the date the notice is delivered or deemed received, a written appeal containing:
1. A caption reading: "Appeal of \_\_\_\_\_" giving the names of all appellants participating in the appeal;
  2. A brief statement setting forth the legal interest of each of the appellants participating in the appeal;
  3. A copy of the order being appealed together with a brief statement in concise language of the specific order or action protested, and, if relevant, any material facts claimed to support the contentions of the appellant;
  4. A brief statement in concise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside;
  5. The signatures of all parties named as appellant, and their official mailing addresses;
  6. The verification, by declaration under penalty of perjury, of each appellant as to the truth of the matters stated in the appeal; and
  7. An affidavit or declaration of service upon the Town clerk personally or by mail to the Town Hall of the original appeal.
- B. Notice to Mayor. Upon receipt of the notice of appeal set forth in subsection A of this section, the Town clerk shall provide within one working day of receipt a copy to the mayor.

**5.20.090 Hearing examiner – Appeal, general powers and duties.**

- A. Appeals shall be heard by the Town's hearing examiner (appointed pursuant to Chapter 2.50 CMC).
- B. The hearing examiner shall have the power and duty to receive and examine relevant information in any appeal for which he/she is appointed, to conduct all appeal hearings for each case for which he/she is appointed, to prepare and enter findings of fact and conclusions of law and issue final decisions for each case heard on appeal.
- C. The hearing examiner's decision shall be based upon the policies and provisions of this chapter and all relevant provisions of the Town's comprehensive plan, municipal code, and any other relevant plan, regulation, federal or state law, including case law.

- D. Upon application of either party to an appeal or upon the independent action of the hearing examiner, the hearing examiner may consolidate appeals where the evidence or underlying issues are related, and consolidation would expedite the efficiency of the appeals process without jeopardizing the rights of the parties.

**5.20.100 Hearing examiner – Conflict of interest and freedom from improper influence.**

- A. The appearance of fairness doctrine, as set forth in Chapter 42.36 RCW, shall apply to the hearing examiner.
- B. No councilmember, Town official, or any other person shall interfere or attempt to interfere with the hearing examiner in the performance of his/her designated duties.

**5.20.110 Appeal briefs.**

Each party to an appeal shall be entitled to file an opening brief with the hearing examiner; provided that a copy is also served upon all parties no later than three working days prior to a hearing. The hearing examiner shall have the authority to impose conditions upon the filing of briefs, including time and service.

**5.20.120 Public hearing.**

- A. Before rendering a decision on any application or appeal, the hearing examiner shall hold at least one public hearing thereon with participation at the hearing limited to the parties, their attorney(s) of record, and witnesses called by the parties.
- B. All public hearings conducted by the hearing examiner shall be tape-recorded. Any testimony provided shall be under oath.
- C. The hearing examiner shall review all appeals by reviewing all evidence admitted and by taking testimony. The hearing examiner shall give consideration to, but shall not be bound to, follow the superior court civil rules of evidence.
- D. The hearing examiner shall prescribe rules and regulations for the conduct of hearings. The hearing examiner may make rulings that include, but are not limited to, provisions for the issuance of preliminary decisions in complex cases, and the authorization for parties to propose draft findings of fact.
- E. The opportunity to cross-examine witnesses shall be afforded all parties or their counsel.

**5.20.130 Date, time, place for hearing.**

As soon as practicable after receiving the written appeal, the hearing examiner shall fix a date, time and place for the hearing of the appeal. Such date shall be not less than 10 days nor more than 30 days from the date the hearing examiner is appointed, unless the parties agree to an extension of time. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant and to the Town clerk, as the respondent, by the hearing examiner either by causing a copy of such notice to be delivered to the parties personally or by mailing a copy thereof, postage prepaid, addressed to the parties or to their attorney of record, if any party is represented by counsel.



**5.20.140 Burden of proof.**

In any appeal filed pursuant to this chapter, the Town shall have the burden of proving, by a preponderance of the evidence, that it correctly determined that a violation of the chapter has occurred supporting the Town's enforcement action.

**5.20.150 Hearing examiner's decision – Findings required.**

When the hearing examiner renders a decision he or she shall make and enter findings of fact from the record and conclusions of law thereof which support such decision. The findings of fact shall be supported by substantial evidence in the record and the conclusions of law shall be based upon the applicable law. All decisions of the hearing examiner shall be rendered within 10 working days following the conclusion of all testimony and hearings and closing of the record, unless a longer period is mutually agreed to by the applicant or appellant and the hearing examiner. Upon issuance of the hearing examiner's decision, the hearing examiner shall transmit a copy of the decision by certified mail to the appellant and by regular mail to other parties of record.

**5.20.160 Reconsideration.**

Any party believing that the decision of the hearing examiner was not supported by substantial evidence in the record or that the hearing examiner failed to apply the law correctly may make a written request for reconsideration by the hearing examiner within seven working days of the written decision. The request shall specifically set forth the alleged errors. The hearing examiner may, after review of the record, take such further action as he or she deems proper including convening an additional hearing, and may render a revised decision. The decision of the hearing examiner shall be subject to reconsideration only one time, even if the hearing examiner reverses or modifies his or her original decision.

**5.20.170 Action after hearing.**

Upon completion of the hearing, the hearing examiner shall:

- A. Render his/her written decision including findings and conclusions within 15 days following the close of the appeal hearing. Any person aggrieved by the decision of the hearing examiner shall have the right to appeal the decision to the Pierce County superior court within 14 days of the hearing examiner's decision, by writ of certiorari. The decision of the clerk shall be stayed during the pendency of any judicial appeals except as provided in CMC 5.20.200.
- B. Affirm the Town clerk's or official's decision.
- C. Reverse or modify the Town clerk's or official's decision.

**5.20.180 Appeal from hearing examiner's decision.**

An appeal from a decision of the hearing examiner shall be to the Pierce County superior court and shall be served and filed within 30 days of the decision of the hearing examiner. In the event either party does not follow the procedures within the time periods set forth in this chapter, the action of the hearing examiner shall be final.

**5.20.190 Waiver of right to appeal.**

Failure of any person to file an administrative appeal to the hearing examiner in accordance with the provisions of this chapter shall constitute a waiver of his or her right to subsequent appeal of said decision to superior court.

**5.20.200 Stay during administrative and judicial appeal.**

The decision of the clerk or other official to suspend, revoke or refuse to renew a license under this chapter shall be stayed during the administrative appeal and any subsequent judicial review, except that the clerk's refusal to issue an initial license shall not be stayed and an appeal from a license suspension pursuant to CMC 5.20.070(E) shall not be stayed.

**5.20.210 License for establishment required – Fee.**

- A. Adult entertainment establishments shall not be operated or maintained in the Town unless the operator has first obtained a license from the Town clerk, as set forth in this chapter. It is unlawful for any entertainer, manager, employee or operator to knowingly work in or about, or to knowingly perform any service directly related to, the operation of any unlicensed adult entertainment establishment.
- B. The fee for an adult entertainment establishment license in the Town as required in this chapter is \$500.00 per year. All fees are nonrefundable.

**5.20.220 License for managers, entertainers required – Fee.**

No person shall work as a manager or entertainer at an adult entertainment establishment without having first obtained a manager's or an entertainer's license from the Town clerk. The annual fee for such a license shall be \$75.00. All fees are nonrefundable.

**5.20.230 Due date for license fees.**

- A. The initial license fee required by CMC 5.20.210 is due and payable to the Town clerk at least three weeks before the opening of the adult entertainment establishment.
- B. The license fee required by CMC 5.20.220 is due and payable to the Town clerk before the beginning of such entertainment or beginning employment.
- C. Every license issued or renewed pursuant to this chapter shall expire on December 31st of each year.
- D. The entire annual license fee shall be paid for the applicable calendar year regardless of when the application for license is made, and shall not be prorated for any part of the year except that if the original application for license is made subsequent to June 30th, the license fee for the remainder of that year shall be one-half of the annual license fee. Annual license renewals shall be required to be obtained and paid in full by January 31st of each respective calendar year.

**5.20.240 License applications.**

- A. Adult Entertainment Establishment License.

1. Required Information. All applications for an adult entertainment establishment license shall be submitted to the clerk in the name of the person or entity proposing to operate the adult entertainment establishment on the business premises and shall be signed by such person or his or her agent and notarized or certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the Town, which shall require the following information:
2. The name of the applicant, location and doing-business-as name of the proposed adult entertainment establishment, including a legal description of the property, street address, and telephone number, together with the name and address of each owner and lessee of the property.
3. For the applicant and for each applicant control person, provide names, any aliases or previous names, driver's license number, if any, Social Security number, if any, and business, mailing and residential address, and business telephone number.
4. If the applicant is a partnership, whether general or limited, and if a corporation, date and place of incorporation, evidence that it is in good standing under the laws of Washington, and name and address of any registered agent for service of process.
5. For the applicant and each applicant control person, list any other licenses currently held for similar adult entertainment or sexually oriented businesses, including motion picture theaters and panorams, whether from the Town or another Town, county or state, and if so, the names and addresses of each other licensed business.
6. For the applicant and each applicant control person, list prior licenses held for similar adult entertainment or other sexually oriented businesses, whether from the Town or from another Town, county or state, providing names, addresses and dates of operation for such businesses, and whether any business license or adult entertainment license has been revoked or suspended, and the reason therefor.
7. For the applicant and all applicant control persons, any and all criminal convictions or forfeitures within five years immediately preceding the date of the application, other than parking offenses or minor traffic infractions, including the dates of conviction, nature of the crime, name and location of court and disposition.
8. For the applicant and all applicant control persons, a description of business, occupation or employment history for the three years immediately preceding the date of the application.
9. Authorization for the Town, its agents and employees to seek information to confirm any statements set forth in the application.
10. Two two-inch by two-inch photographs of the applicant and applicant control persons, taken within six months of the date of application, showing only the full face.

11. For the applicant or each applicant control person, a complete set of fingerprints prepared at the Carbonado police department on forms prescribed by the department.
12. A scale drawing or diagram showing the configuration of the premises for the proposed adult entertainment establishment, including a statement of the total floor space occupied by the business, and marked dimensions of the interior of the premises. Performance areas, seating areas, manager's office and stations, restrooms and service areas shall be clearly marked on the drawing. An application for a license for an adult entertainment establishment shall include building plans with sufficient detail to demonstrate conformance with this chapter. Where the proposed adult entertainment business premises plans represent a proposed, but not yet completed design for which a building permit is required pursuant to Chapter 15.05 CMC, a business license may be issued for operation to begin contingent on the applicant complying with all building permit requirements and obtaining any required certificate of occupancy and/or approval from the public works department; provided, that the applicant has complied with all other requirements of this chapter.
13. The application must demonstrate compliance with the provisions of the Town's zoning code concerning allowable locations for adult entertainment establishment.
14. An application shall be deemed complete upon the applicant's provision of all information requested above, including identification of "none" where that is the correct response, and the applicant's verification that the application is complete. The Town clerk may request other information or clarification in addition to that provided in a complete application where necessary to determine compliance with this chapter.
15. The nonrefundable application fee must be paid at the time of filing an application.
16. Each applicant shall verify, under penalty of perjury, that the information contained in the application is true.
17. If any person or entity acquires, subsequent to the issuance of an adult entertainment establishment license, a significant interest based on responsibility for management or operation of the licensed premises or the licensed business, notice of such acquisition shall be provided in writing to the Town clerk no later than 21 days following such acquisition. The notice to the Town clerk shall include the same information required for an initial adult entertainment establishment license application.
18. The adult entertainment establishment license, if granted, shall state on its face the name of the person or persons to whom it is issued, the expiration date, the doing-business-as name and the address of the licensed establishment. The license shall be posted in a conspicuous place at or near the entrance to the adult entertainment establishment so that it can be easily read at any time the business is open.
19. No person granted an adult entertainment establishment license pursuant to this chapter shall operate the establishment under a name not specified on the

license, nor shall any person operate the establishment at any location not specified on the license.

20. Upon receipt of the complete application and fee, the Town clerk shall provide copies to the police, fire and public works departments for their investigation and review to determine compliance of the proposed adult entertainment establishment with the laws and regulations which each department administers. Each department shall, within 14 days of the date of such application, inspect the application and premises and shall make a written report to the Town clerk whether such application and premises comply with the laws administered by each department. No license may be issued unless each department reports that the application and premises comply with the relevant laws. In the event the premises are not yet constructed, the departments shall base their recommendation as to premises compliance on their review of the drawings submitted in the application. Any adult entertainment establishment license approved prior to premises construction or remodeling shall contain a condition that the premises may not open for business until the premises have been inspected and determined to be in substantial conformance with the drawings submitted with the application. A department shall recommend denial of a license under this subsection if it finds that the proposed adult entertainment establishment is not in conformance with the requirements of this chapter or other law in effect in the Town. A recommendation for denial shall cite the specific reason therefor, including applicable laws.

21. An adult entertainment establishment operator license shall be issued by the Town clerk within 30 days of the date of filing a complete license application and fee, unless the Town clerk determines that the applicant has failed to meet any of the requirements of this chapter or provide any information required under this subsection or that the applicant has made a false, misleading or fraudulent statement of material fact on the application for a license. The Town clerk shall notify the applicant within five working days of application submittal if application is incomplete, and shall grant an applicant's request for a reasonable extension of time in which to provide all information required for a complete license application. If the Town clerk finds that the applicant has failed to meet any of the requirements for issuance of an adult entertainment establishment license, the Town clerk shall deny the application in writing and shall cite the specific reasons therefor, including applicable law. If the Town clerk fails to issue or deny the license within 30 days of the date of filing of a complete application and fee, the applicant shall be permitted, subject to all other applicable law, to operate the business for which the license was sought until notification by the Town clerk that the license has been denied, but in no event may the Town clerk extend the application review time for more than an additional 20 days.

B. Application for Manager or Entertainer License.

A. Required Information. No person shall work as a manager, assistant manager or entertainer at an adult entertainment establishment without an adult entertainment manager or entertainer license from the Town. All applications for a manager's or entertainer's license shall be signed by the applicant and notarized or certified to be true under penalty of perjury. All applications shall

be submitted on a form supplied by the Town, which shall require the following information:

- B. The applicant's name, home address, home telephone number, date and place of birth, fingerprints taken by the Carbonado police department, Social Security number, and any stage names or nicknames used in entertaining.
- C. The name and address of each business at which the applicant intends to work.
- D. Documentation that the applicant has attained the age of 18 years. Any two of the following shall be accepted as documentation of age:
  - a. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth;
  - b. A state issued identification card bearing the applicant's photograph and date of birth;
  - c. An official passport issued by the United States of America;
  - d. An immigration card issued by the United States of America; or
  - e. Any other identification that the Town determines to be acceptable.
- E. A complete statement of all convictions of the applicant for any misdemeanor or felony violations in this or any other Town, county, or state within five years immediately preceding the date of the application, except parking violations or minor traffic infractions.
- F. A description of the applicant's principal activities or services to be rendered.
- G. Two two-inch by two-inch photographs of applicant, taken within six months of the date of application, showing only the full face.
- H. Authorization for the Town, its agents and employees to investigate and confirm any statements set forth in the application.
- I. The Town clerk may request additional information or clarification when necessary to determine compliance with this chapter.
- J. A manager's or an entertainer's license shall be issued by the Town clerk within 14 days from the date the complete application and fee are received unless the Town clerk determines that the applicant has failed to provide any information required to be supplied according to this chapter, has made any false, misleading or fraudulent statement of material fact on the application, or has failed to meet any of the requirements for issuance of a license under this chapter. If the Town clerk determines that the applicant has failed to qualify for the license applied for, the Town clerk shall deny the application in writing and shall cite the specific reasons therefor, including applicable laws. If the Town clerk has failed to approve or deny an application for a manager's license within 14 days of filing of a complete application, the applicant may, subject to all other applicable laws, commence work as a manager in a duly licensed adult entertainment establishment until notified by the Town clerk that the license has been denied, but in no event may the Town clerk extend the application review time for more than an additional 20 days.

- K. Every adult entertainer shall provide his or her license to the adult entertainment establishment manager on duty on the premises prior to his or her performance. The manager shall retain the licenses of the adult entertainers readily available for inspection by the Town at any time during business hours of the adult entertainment establishment.

**5.20.245 Manager's, entertainer's license denial.**

- A. The Town clerk may, upon recommendation of the chief of police and as provided below, deny any license applied for under this chapter if application was a fraudulent or false representation of fact.
- B. No license shall be issued pursuant to the provisions of this chapter to the following persons:
  - 1. Any person who, if licensed, is likely to present a danger to the public health, safety, or welfare by reason of any of the following:
    - a. The applicant has been convicted of a crime, which relates directly to the specific occupation, trade, vocation, or business for which the license is sought, provided the time elapsed between the violation and the date of license application is less than three years for felony conviction, or less than one year for a misdemeanor conviction.
    - b. The applicant has had a similar license revoked or suspended pursuant to the provisions of Chapter 5.05 CMC.
    - c. The Town license officer has reasonable grounds to believe applicant to be dishonest or to desire such license to enable applicant to practice some illegal act or some act injurious to the public health or safety.
  - 2. Any person who is not qualified under any specific provision of this title for any particular license for which application is made.

**5.20.250 Manager on premises.**

A licensed manager shall be on the premises of an adult entertainment establishment at all times that adult entertainment is being provided.

**5.20.260 Advertising rules and regulations.**

- A. No adult entertainment or adult entertainment performance may be advertised, nor tickets sold, prior to the obtaining of all required licensing by the establishment, manager, assistant manager, and all entertainers or performers.
- B. All advertising must be in compliance with Town sign code regulations.

**5.20.270 Standards of conduct and operation.**

The following standards of conduct must be adhered to by employees or operators and performers of any adult entertainment establishment whether or not license is issued:

- A. No employee or entertainer shall be unclothed or in such less than opaque and complete attire, costume or clothing so as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, except upon a stage at least 18 inches above the immediate floor level and removed at least eight feet from the nearest patron.
- B. No employee or entertainer mingling with patrons shall be unclothed or in less than opaque and complete attire, costume or clothing as described in subsection A of this section, nor shall any male employee or entertainer at any time appear with his genitals in a discernibly turgid state, even if completely and opaquely covered, or wear or use any device or covering which simulates the same.
- C. No employee or entertainer mingling with patrons shall wear or use any device or covering exposed to view which simulates the female breast below the top of the areola, vulva, genitals, anus or buttocks.
- D. No employee or entertainer shall caress, fondle or erotically touch any patron. No operator, manager, employee, or entertainer shall encourage or permit any patron to caress, fondle or erotically touch any employee or entertainer. No employee or entertainer shall sit on a patron's lap or separate a patron's legs.
- E. No employee or entertainer shall perform actual or simulated acts of sexual conduct as defined in this chapter, or any act which constitutes a violation of Chapter 7.48A RCW, the Washington Moral Nuisances Statute.
- F. No employee or entertainer mingling with patrons shall conduct any dance, performance or exhibition in or about the nonstage area of the adult entertainment establishment unless that dance, performance or exhibition is performed at a torso-to-torso distance of no less than four feet from the patron or patrons for whom dance, performance or exhibition is performed.
- G. No tip or gratuity offered to or accepted by an adult entertainer may be offered or accepted prior to any performance, dance or exhibition provided by the entertainer. No entertainer performing upon any stage area shall be permitted to accept any form of gratuity offered directly to the entertainer by any patron. Any gratuity offered to any entertainer performing upon any stage area must be placed into a receptacle provided for receipt of gratuities by the adult entertainment establishment or provided through a manager on duty on the premises. Any gratuity or tip offered to any adult entertainer conducting any performance, dance or exhibition in or about the nonstage area of the adult entertainment establishment shall be placed into the hand of the adult entertainer or into a receptacle provided by the adult entertainer, and not upon the person or into the clothing of the adult entertainer.

**5.20.280 List of entertainments, fees.**

There shall be posted and conspicuously displayed in the common areas of each place offering adult entertainment a list of any and all entertainment provided on the premises. Such list shall further indicate the specific fee or charge in dollar amounts for each entertainment listed.

**5.20.290 Physical layout of premises – Sight obstructions.**

Every place offering adult entertainment shall be physically arranged in such a manner that:



- A. Performance Area. The performance area where adult entertainment as described in CMC 5.20.010(A) and 5.20.270(A) is provided shall be a stage or platform at least 18 inches in elevation above the level of the patron seating areas, and shall be separated by a distance of at least eight feet from all areas of the premises to which patrons have access. A continuous railing three to five feet in height above the floor and located at least eight feet from all points of the performance area shall separate the performance area and the patron seating areas. The stage and the entire interior portion of cubicles, rooms or stalls wherein adult entertainment is provided must be visible from the common areas of the premises and at least one manager's station. Visibility shall not be blocked or obstructed by doors, curtains, drapes or any other obstruction whatsoever.
- B. No activity or entertainment occurring on the premises shall be visible at any time from any other public place.

**5.20.300 Notice to customers.**

A sign shall be conspicuously displayed in a common area of the premises which shall read as follows:

This adult entertainment establishment is regulated by the Town of Carbonado. Entertainers are:

- A. NOT PERMITTED TO ENGAGE IN ANY TYPE OF SEXUAL CONDUCT.
- B. NOT PERMITTED TO APPEAR SEMI-NUDE OR NUDE, EXCEPT ON STAGE.
- C. NOT PERMITTED TO ACCEPT TIPS OR GRATUITIES IN ADVANCE OF THEIR PERFORMANCE.
- D. NOT PERMITTED TO ACCEPT TIPS OR GRATUITIES DIRECTLY FROM PATRONS WHILE PERFORMING UPON ANY STAGE AREA.

**5.20.310 Additional requirements for panorams.**

The following additional requirements must be adhered to at any panoram or peep show:

- A. The interior of the panoram or peep show premises shall be arranged in such a manner as to insure that patrons are fully visible from the waist down, and all persons viewing such panoram pictures shall be visible from the entrance to each panoram.
- B. The licensee shall not permit any doors to public areas on the premises to be locked during business hours.
- C. Any room or area on such premises shall be readily accessible at all times for inspection by any law enforcement officer or license inspector.
- D. Sufficient lighting shall be provided in and equally distributed in and about the parts of the premises which are open to patrons so that all objects are plainly visible at all times, and so that on any part of the premises which is open to patrons a program, menu or list printed in eight-point type will be readable by the human eye with 20/20 vision from two feet away.

- E. The use of any panoram or peep show device shall be limited to a single patron or customer at a time.

**5.20.320 Additional requirements for adult entertainment establishments.**

At any adult entertainment establishment, the following are required:

- A. Admission must be restricted to persons of the age of 18 years or more.
- B. No adult entertainment shall be visible outside of the adult entertainment establishment, nor any photograph, drawing, sketch or other pictorial or graphic representation which includes lewd matter as defined in Chapter 7.48A RCW or display of sexually explicit material in violation of RCW 9.68.130.
- C. Sufficient lighting shall be provided in and equally distributed in and about the parts of the premises which are open to patrons so that all objects are plainly visible at all times, and so that on any part of the premises which is open to patrons a program, menu or list printed in eight-point type will be readable by the human eye with 20/20 vision from two feet away. This subsection shall not apply to the theater section of an adult motion picture theater during the showing of any movie, film, or material.

**5.20.330 Severability.**

If any action, subsection, paragraph, sentence, clause or phrase of this chapter is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this chapter. (Ord. 429, Exhibit C, 2015)

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## TITLE 6 ANIMALS

### Chapters:

**[6.01 Animal Licensing and Control](#)**

**6.05 *Repealed by Ord. 433 § 5, 2015***

**6.10 *Repealed by Ord. 433 § 5, 2015***

**6.15 *Repealed by Ord. 433 § 5, 2015***

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## CHAPTER 6.01 ANIMAL LICENSING AND CONTROL

### Sections:

#### **6.01.010 Adoption of Pierce County Code Animal Licensing and Control Provisions by Reference.**

#### **6.01.010 Adoption of Pierce County Code Animal Licensing and Control Provisions by Reference.**

1. Chapter 5.02 of the Pierce County Code, titled "General Code" as presently constituted or as hereinafter amended, is hereby adopted by reference in its entirety. The provisions of Chapter 5.02 of the Pierce County Code shall only apply to Chapter 5.24 of the Pierce County Code, which is hereby adopted by reference as if set out in full. Any future amendments and/or modifications of Chapter 5.24 of the Pierce County Code are hereby adopted by reference. (Ord. 441 § 1, 2016)
2. Section 5.04.020 of the Pierce County Code, titled "Kennel, Cattery, Grooming Parlor, Short-Term Boarding Facility, and Pet Shop Fees" as presently constituted or as hereinafter amended, is hereby adopted by reference.
3. Title 6 of the Pierce County Code as presently constituted or as hereinafter amended, is hereby adopted by reference in its entirety.
4. Where the County Code refers to "Pierce County Hearing Examiner," "Hearing Examiner," or "Examiner," such terms shall mean the Town of Carbonado Hearing Examiner.
5. Where the County Code refers to "Pierce County District Court" or "District Court," such terms shall mean the Town of Carbonado Municipal Court.
6. Where the County Code refers to "Pierce County," "County," or "unincorporated Pierce County," such terms shall mean the Town of Carbonado.
7. Where the County Code refers to "Class 3 Civil Infraction" such term shall refer to a monetary penalty not to exceed \$120.00, not including statutory assessments. Whenever a monetary penalty is imposed by a court under this section it is immediately payable. If the person is unable to pay at that time the court may grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting authority of the failure to pay. The court may also order a person found to have committed a civil infraction to make restitution. Payment of a monetary penalty, restitution, or performance of required community service shall not relieve a person of the duty to correct the violation. (Ord. 433, § 2, 2015)

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**TITLE 7 (RESERVED)**



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## TITLE 8 HEALTH AND SAFETY

### Chapters:

[8.05 Cemeteries](#)

[8.10 Disposal of Garbage Materials](#)

[8.15 Garbage Disposal Rules and Regulations](#)

[8.20 Abandoned Vehicles](#)

[8.25 Fire Protection](#)

[8.30 Fireworks](#)

[8.35 Nuisances](#)

[8.40 Noise](#)

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## CHAPTER 8.05 CEMETERIES

### Sections:

- 8.05.010 Definitions.**
- 8.05.020 Authority to set aside.**
- 8.05.030 Authority to acquire.**
- 8.05.040 Income.**
- 8.05.050 Established – Investments.**
- 8.05.060 Deposit.**
- 8.05.070 Management – Investments.**
- 8.05.080 Full payment required.**
- 8.05.090 Schedule of prices.**
- 8.05.100 Notice to superintendent.**
- 8.05.110 Restrictions – Added expense.**
- 8.05.120 Designation of position of grave.**
- 8.05.130 More than one burial per grave.**
- 8.05.140 Disinterment authorization.**
- 8.05.150 Proof of ownership.**
- 8.05.160 Funerals within grounds.**
- 8.05.170 Opening and closing graves.**
- 8.05.180 Liner or vault required.**
- 8.05.190 Sodding and seeding.**
- 8.05.200 Wood boxes prohibited.**

### **8.05.010 Definitions.**

In this chapter, unless the context otherwise requires:

- A. "Burial" means the placement of human remains in a grave.
- B. "Cemetery business," "cemetery businesses," and "cemetery purposes" are used interchangeably and mean any and all business and purposes requisite to, necessary for, or incident to, establishing, maintaining, operating, improving, or conducting a cemetery property.
- C. "Cremated remains" means human remains after cremation in a crematory.
- D. "Grave" means a space of ground in a cemetery used, or intended to be used, for burial. General dimensions are not to exceed 11 feet by four feet.
- E. "Human remains" or "remains" means the body of a deceased person, and includes the body in any stage of decomposition and cremated remains.
- F. "Interment" means the disposition of human remains by cremation and inurnment, entombment, or burial in a place used, or intended to be used, and dedicated, for cemetery purposes.
- G. "Lot," "plot" or "interment plot" means space in a cemetery used or intended to be used for the interment of human remains. Such terms include and apply to one or more than one adjoining graves, one or more than one adjoining crypts or vaults, or one or more than one adjoining niches.
- H. "Plot owner," "owner" or "lot owner" means any person in whose name an interment plot stands of record as owner in the town office. (Ord. 136 § 1, 1982)

**8.05.020 Authority to set aside.**

The town council is authorized to set aside any portion of the Carbonado Cemetery or any portion of any addition to such cemetery for the purpose of caring for such portion or portions of such cemetery, addition or additions, or any lot or lots in the same, and fix the price at which any lot in any portion so set aside shall be sold for, and 60 percent of all monies received from the sale of any lot in such portion set aside shall be paid into the fund established in this chapter, to be invested as in this chapter provided, and the income from such investment shall be used in the care of such lot or lots. (Ord. 136 § 2, 1982)

**8.05.030 Authority to acquire.**

The town is authorized to accept, take and hold any property, real or personal, bequeathed or given upon trust, and invest such property as provided in this chapter, and apply the income therefrom for the improvement or embellishment of said cemetery or addition or additions or any lot or lots therein, or the erection or preservation of any building or structure, fence or walk erected or to be erected upon the said cemetery or addition or additions, or for the repair, preservation, erection or renewal of any tomb, monument, gravestone, fence, railing or other erection at or around such cemetery, addition or additions or lot or lots, or for planting and cultivating trees, shrubs, flowers or plants in or around such lot or lots or for improving or embellishing such cemetery, addition or additions or lot or lots in any manner or form consistent with the design and purpose of the town, and in accordance with the terms of such grant, devise or bequest. (Ord. 136 § 3, 1982)

**8.05.040 Income.**

The town is authorized to accept, take and hold and expend, any grant, devise or bequest made for the purpose of immediate expenditure for improving any of its cemeteries or lot or lots therein, and to place all monies it receives under this section in the regular cemetery fund, and to expend the same in the manner or form consistent with the design and purpose of the town and in accordance with the terms of such grant, devise or bequest. (Ord. 136 § 4, 1982)

**8.05.050 Established – Investments.**

The percentage from the sale of lots mentioned in CMC 8.05.020 and any grant, devise or bequest made and mentioned in CMC 8.05.030, and the income of which only is to be used for the uses in such grant, devise or bequest mentioned, shall be placed in a fund hereby established in the treasury of the town, to be known as the cemetery improvement fund. All money and property placed in such fund shall be held in trust for the purposes designated herein, and be invested, and all investments made for such fund shall be made in municipal, county, school or state bonds, or in first mortgages on good and improved real estate. The income from such investments shall be placed in the regular cemetery fund for expenditure in accordance with the intent and purpose of such percentage, grant, devise, bequest and this chapter and such rules and regulations as the town council may from time to time make. (Ord. 136 § 5, 1982)

**8.05.060 Deposit.**

All monies received or obtained in the manner provided in this chapter shall be deposited with the town treasurer who shall keep the same in the funds as provided in this chapter, and shall be paid out by the treasurer only upon warrants issued on the order of the town council and drawn by the town mayor and attested by the town clerk. Accurate books of account

shall be kept of all transactions pertaining to said funds, which books shall be open to the public for inspection and shall be audited as other accounts of the town are audited. (Ord. 136 § 6, 1982)

**8.05.070 Management – Investments.**

The management of said funds shall be under the control of the town council, and all investments from the cemetery improvement fund shall be made by the town treasurer. The investments, before being made, shall be approved by the town council, and the town treasurer shall be the custodian of all investments made under this chapter. The town, by ordinance, shall make all such additional rules and regulations as may be necessary concerning the control and management of said funds to properly safeguard the same, but the town shall in no wise be liable for any of the monies or funds mentioned herein except a misappropriation thereof. Nothing herein shall bind the town or said funds for any further liability than whatever net interest may be actually realized from such investments, and the town shall not be liable to any particular person for more than the proportionate part of such net earnings. (Ord. 136 § 7, 1982)

**8.05.080 Full payment required.**

All lots are to be purchased at the office of the town treasurer. No lots, tracts, or grave space shall be occupied for burial purposes until the same has been paid for in full, and the cemetery superintendent will permit no burials, except upon production by the applicant applying for permission to bury of a receipt signed by the town treasurer showing payment of the scheduled price of such lot or tract so proposed to be utilized. (Ord. 136 § 8, 1982)

**8.05.090 Schedule of prices.**

The schedule of prices of all lots, blocks, tracts, or parcels of land in the platted portion of said cemetery property shall be fixed and adopted by resolution of the town council and filed in the office of the town clerk. The schedule of prices may be changed or altered by like resolution of the town council from time to time, as in its judgment may be necessary or proper. No lots, tracts, or grave spaces shall be sold or disposed of, for less than the price named in such schedule which may be in force at the time of such sale or disposal. (Ord. 136 § 9, 1982)

**8.05.100 Notice to superintendent.**

When interments or disinterments must be made, notice shall be given in advance to the cemetery superintendent so as to have no less than eight hours of daylight in order to properly prepare the grave. (Ord. 136 § 10, 1982)

**8.05.110 Restrictions – Added expense.**

Lots are sold for the burial of human remains only. Interments, disinterments or removals will not be permitted on Sundays or legal holidays, except in cases of emergencies. When extra expense is brought about by reason of an emergency burial, disinterments or removal will be additional to the established charge of any particular lot or tract, or grave space. (Ord. 136 § 11, 1982)

**8.05.120 Designation of position of grave.**

When an interment is to be made, the exact position of the grave must be designated and this order must be given in person, in writing, or by the funeral director. (Ord. 136 § 12, 1982)

**8.05.130 More than one burial per grave.**

There shall be only one casket per grave on any grave purchased. There shall be allowed the burial of one cremation urn per grave and one casket. (Ord. 136 § 13, 1982)

**8.05.140 Disinterment authorization.**

No disinterment will be allowed without the written consent of one of the following in the order named: the surviving spouse; the surviving children of the decedent; the surviving parents of the decedent; the surviving brothers or sisters of the decedent. Where written consent is not obtained, permission or order by the superior court of Pierce County will be sufficient, provided such permission shall not violate the terms of a written contract or the rules and regulations established. (Ord. 136 § 14, 1982)

**8.05.150 Proof of ownership.**

On the death of any owner of lots in the cemetery, the heirs or assigns or devisees of such decedent must, if required, furnish to and file with the town satisfactory proof of their ownership, and all such papers shall remain with the town. Without such proof, ownership of such lot cannot be recognized by the town. No transfer of any lot or interest therein will be valid without the town first being notified of such transfer and the same shall have been endorsed on the books of the town. A purchaser or lot owner may permit an interment of one not a member of his family, but an heir may not give such permission without the unanimous consent of all the lot owners. No cemetery lot, tract, or grave space purchased from the town shall be resold to any person, firm or corporation other than the town. The town, will, upon written application, return the purchase price of any lot, tract, or grave space at the price originally charged by the town. (Ord. 136 § 15, 1982)

**8.05.160 Funerals within grounds.**

Funerals while within the grounds shall be under the control of the superintendent or one of his assistants. (Ord. 136 § 16, 1982)

**8.05.170 Opening and closing graves.**

All graves shall be opened and closed by town employees. A charge payable in advance shall be made for each opening and closing. (Ord. 136 § 17, 1982)

**8.05.180 Liner or vault required.**

No interments will be permitted in the cemetery without a reinforced concrete liner or approved type of metal or concrete burial vault. (Ord. 136 § 18, 1982)

**8.05.190 Sodding and seeding.**

All graves will be sodded or seeded by the town without charge to the lot owners when the grave has thoroughly settled and has been made level with the surface of the surrounding lawn. (Ord. 136 § 19, 1982)

**8.05.200 Wood boxes prohibited.**

Wood boxes shall not be used for outside protecting boxes for burial in any lot. (Ord. 136 § 20, 1982)



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## **CHAPTER 8.10 DISPOSAL OF GARBAGE MATERIALS**

### **Sections:**

#### **8.10.010 Unlawful except in designated places.**

#### **8.10.020 Violation – Penalty.**

#### **8.10.010 Unlawful except in designated places.**

No garbage, ashes, bottles, cans, or any and all matter considered to be rubbish, refuse or trash shall be thrown, deposited, or scattered in any alleyway, roadway, or vacated lots within the corporate limits of the town of Carbonado, except those designated plots or tracts so designated and laid out by ordinance for such purposes as deposits for the disposal of said garbage, ashes, bottles, cans, or any and all other matter considered as rubbish, refuse or trash. (Ord. 23 § 1, 1951)

#### **8.10.020 Violation – Penalty.**

The violation of this chapter in any way shall be judged a misdemeanor and subject to a fine of not to exceed \$50.00, or less than \$5.00 or by imprisonment in the town jail or county jail for a period not to exceed 30 days, or both such fine and imprisonment, in the discretion of the court. (Ord. 23 § 2, 1951)

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## CHAPTER 8.15 GARBAGE DISPOSAL RULES AND REGULATIONS

### Sections:

#### **8.15.010 Purpose.**

#### **8.15.020 Garbage and water-sewer bills – Consolidation to one bill.**

#### **8.15.030 Collection made compulsory and universal.**

#### **8.15.040 Definitions.**

#### **8.15.050 Office of garbage supervisor.**

#### **8.15.060 Containers – Special circumstances – Incineration.**

#### **8.15.070 Unlawful collection.**

#### **8.15.080 Collections.**

#### **8.15.090 Charges for collection and disposal – Payment – Lien.**

#### **8.15.100 Garbage and refuse service – Rates.**

#### **8.15.110 Violation – Penalty.**

#### **8.15.010 Purpose.**

This chapter and the enforcement thereof is deemed expedient and necessary to promote order, uniformity and harmony in the growth of the town of Carbonado and to safeguard the public health and safety. (Ord. 101 § 1, 1974)

#### **8.15.020 Garbage and water-sewer bills – Consolidation to one bill.**

Water-sewer and garbage bills, from the day of passage of the ordinance codified in this chapter, are consolidated as one bill and, upon failure to make full payment of the consolidated bill, the town shall have the right to discontinue water service to the premises so affected. (Ord. 101 § 4, 1974)

#### **8.15.030 Collection made compulsory and universal.**

The maintenance of health and sanitation require, and it is the intention hereof, to make the collection, removal and disposal of garbage and refuse within the town of Carbonado compulsory and universal. (Ord. 101 § 5, 1974)

#### **8.15.040 Definitions.**

- A. "Ashes" shall include the solid waste products of coal, wood and other fuels used for heating and cooking from all public and private establishments and from all residences.
- B. "Garbage" shall include all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, but not including recognized industrial by-products, and shall include all such substances from all public and private establishments and from all residences.
- C. "Person" shall mean every person, firm, co-partnership, association or corporation.
- D. "Refuse" shall include garbage, rubbish, swill and all other putrescible and nonputrescible wastes except sewage, from all public and private establishments and residences.

- E. "Rubbish" shall include all nonputrescible wastes, except ashes, from all public and private establishments and from all residences.
- F. "Swill" shall mean and include every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit and vegetables. (Ord. 101 § 5, 1974)

**8.15.050 Office of garbage supervisor.**

There is hereby created the office of garbage supervisor, who shall have supervision and control over the collection of garbage within the said town of Carbonado, and shall exercise the duties of his office under the regulations as shall be promulgated by the town council of the town of Carbonado. (Ord. 101 § 6, 1974)

**8.15.060 Containers – Special circumstances – Incineration.**

- A. It shall be the duty of every person in possession, charge, or in control of any dwelling, roominghouse, apartment house, school, hotel, restaurant boarding house or eating place, or in possession, charge, or control of any shop, place of business or establishment where garbage, refuse or swill is created or accumulated, at all times to keep or cause to be kept portable appurtenances, metal or other approved cans for the deposit therein of garbage and refuse, and to deposit or cause to be deposited the same therein. Said containers shall be of not more than 30-gallon capacity and must be kept in clean, sanitary condition at all times by the owners thereof. At times of collection, said containers must be placed in the open (not in garages, not behind locked gates, nor in inaccessible locations) and must be located no further than 20 feet from the property line nearest to the point of collection.
- B. This section is subject to the proviso that in the case of isolated dwellings or place of business located in sparsely settled portions of the town, or where reasonable access cannot be had by truck, garbage and refuse therefrom may, upon special permit of the garbage and refuse department, be collected and removed and disposed of in such a manner that said department shall approve and direct. Garbage and swill shall not be disposed of upon private premises by incineration.
- C. This section is also subject to the proviso that the collection service may offer to the town a service in which a certain number of yard and one-half containers may be placed at strategic points in town for pickup once a week instead of the individual container services. (Ord. 101 § 7, 1974)

**8.15.070 Unlawful collection.**

It shall be unlawful for any person to dump, collect, remove, or in any other manner dispose of garbage or swill upon any street, alley, public place or private property within the town of Carbonado otherwise than as herein provided. (Ord. 101 § 8, 1974)

**8.15.080 Collections.**

Collection of garbage and refuse shall be made in the town of Carbonado at least once each week. (Ord. 101 § 9, 1974)

**8.15.090 Charges for collection and disposal – Payment – Lien.**

The charges for refuse collection and disposal shall be compulsory. The provisions of CMC 13.12.070 shall apply to charges for refuse collection and disposal. Charges for refuse collection and disposal shall become a lien against the property. (Ord. 419 § 4, 2014; Ord. 403 § 1, 2013)

**8.15.100 Garbage and refuse service – Rates.**

The following rates shall be charged for garbage and refuse service in the town of Carbonado:

(1) Can Service with Recycling:

	<b>Per Month</b>
Micro can:	\$13.58
Mini can:	\$17.59
One can curb collection:	\$22.47
Two cans curb collection:	\$31.68
Each additional can placed at curb or alley:	\$16.20
1 can placed max. 20 ft. from curb or alley:	\$24.56
2 cans placed max. 20 ft. from curb or alley:	\$35.70

	<b>Per Pickup</b>
Occasional extra:	\$6.88
Overweight can charge (greater than 47 lbs.):	\$6.88

	<b>Per Month</b>
Yard waste container (optional)	\$6.00

(2) Container Service:

	<b>Per Month</b>
1 cubic yard once a week:	\$89.19
1-1/4 cubic yard once a week:	\$109.72
1-1/2 cubic yard once a week:	\$122.31
2 cubic yards once a week:	\$156.23
Yard waste 96-gallon tote bi-monthly	\$8.45

	<b>Per Pickup</b>
Occasional extra per yard:	\$27.21
Occasional extra yard waste:	\$4.99
Return Trip charge:	\$10.60
Redelivery within 12-months	\$22.42

(Ord. 423 § 1, 2014; Ord. 414 § 1, 2014; Ord. 404 § 1, 2013; Ord. 320 § 2, 2004; Ord. 101 § 11, 1974)

**8.15.110 Violation – Penalty.**

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$100.00 or by imprisonment in jail for a term of not to exceed 30 days, or both, in the discretion of the court. (Ord. 101 § 13, 1974)

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## CHAPTER 8.20 ABANDONED VEHICLES

### Sections:

#### 8.20.010 Definitions.

#### 8.20.020 Town official defined.

#### 8.20.030 Warning notice.

#### 8.20.040 Removal.

#### 8.20.050 Violation – Penalty.

#### 8.20.010 Definitions.

For the purpose of this chapter, certain words used herein are defined as follows:

- (1) "Abandoned vehicle" means a motor vehicle meeting at least three of the following requirements:
  - (a) Has been left on the streets or alleys of the town of Carbonado more than 48 hours without being moved;
  - (b) Is three years old or older;
  - (c) Is extensively damaged, such damage including, but not limited to, any of the following: a broken window or windshield or missing wheels, tires, motor, or transmission;
  - (d) Is apparently inoperable;
  - (e) Has a fair market value equal to the value of the scrap in it;
  - (f) Does not have current license tabs. (Ord. 323 § 1, 2005)

#### 8.20.020 Town official defined.

"Town official" shall mean the clerk/treasurer or his/her authorized representative. (Ord. 323 § 2, 2005)

#### 8.20.030 Warning notice.

When the attention of the town official is called to such a vehicle, he shall cause a warning notice to be placed on the vehicle, indicating the time and date of the warning, stating that it shall be unlawful for the owner to allow the vehicle to remain in its present location more than 48 additional hours, stating that at the expiration of said time the vehicle may be removed and placed in custody of the county sheriff at the owner's expense, and stating the penalty for violation. (Ord. 323 § 3, 2005)

#### 8.20.040 Removal.

If any such vehicle remains in the same location more than 48 hours after the placement of the warning notice provided for above, the town official may cause it to be removed and placed in custody of the county sheriff. Said vehicle may then be sold at auction, if unclaimed, as provided by state law for the sale of abandoned vehicles. (Ord. 323 § 4, 2005)

**8.20.050 Violation – Penalty.**

Any violation or failure to comply with any of the provisions of this chapter shall subject the offender to a fine not to exceed \$500.00. (Ord. 323 § 5, 2005)

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## CHAPTER 8.25 FIRE PROTECTION

### Sections:

#### **8.25.010 Determination of fire hazard – Abatement.**

#### **8.25.020 Failure to abate – Action taken by town – Lien upon land – Enforcement.**

#### **8.25.030 Fire spreading prevention measures.**

#### **8.25.040 Written application required for burning waste forest material within town limits.**

#### **8.25.050 Violation – Penalty.**

#### **8.25.010 Determination of fire hazard – Abatement.**

Any land within the incorporated limits of the town of Carbonado covered wholly or in part by inflammable debris created by logging or other forest operations, land clearing and/or right-of-way and which by reason of such conditions is likely to further the spread of fire and thereby endanger life or property shall constitute a fire hazard and the owner or owners thereof and the person, firm, or corporation responsible for its existence are required to abate such hazards. (Ord. 28 § 1, 1952)

#### **8.25.020 Failure to abate – Action taken by town – Lien upon land – Enforcement.**

If the person, firm or corporation responsible for the existence of any such hazard shall refuse, neglect or fail to abate such hazard, the council of the town of Carbonado may summarily cause it to be abated and the cost thereof and of any patrol or firefighting made necessary by such hazard may be recovered from said person, firm or corporation responsible therefor, or from the owner or owners of the land on which such hazard existed by an action for debt and said costs shall also be a lien upon said land and may be enforced in the same manner with the same effect as a mechanics lien; provided, that said summary action hereinbefore referred to may be taken only after 10 days' notice in writing has been given to the owner or reputed owner of the land on which the hazard exists, by the town council, either by personal service on said owner or by registered letter to said owner at his last known place of residence. (Ord. 28 § 2, 1952)

#### **8.25.030 Fire spreading prevention measures.**

The council of the town of Carbonado shall further require that no burning of any forest material or the waste or debris resulting from logging or land clearing operation until such work shall have been done in and around the slashing, chopping and/or the area to be burned over to prevent the spread of the fire therefrom. The council of the town of Carbonado may require the cutting of dry snags, stumps and dead trees within the area to be burned which in their judgment constitute a menace or are likely to further the spread of fire therefrom. (Ord. 28 § 3, 1952)

#### **8.25.040 Written application required for burning waste forest material within town limits.**

Anyone desiring to dispose of the waste forest material or refuse resulting from logging, land clearing, or other operations on forest lands by burning within the incorporated limits of the town of Carbonado shall make written application to the council of the town of Carbonado and/or the State Supervisor of Forestry or district warden and shall state location and extent of the fire. (Ord. 28 § 4, 1952)

**8.25.050 Violation – Penalty.**

Any person or persons failing to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed \$100.00, or by imprisonment in the town jail or county jail not to exceed 30 days, or both such fine and imprisonment, in the discretion of the court. (Ord. 28 § 6, 1952)

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## CHAPTER 8.30 FIREWORKS

### Sections:

- 8.30.010 Adoption of sections of Revised Code of Washington by reference.
- 8.30.020 Town – Local public agency – Local government – Defined.
- 8.30.030 Local fire official – Defined.
- 8.30.040 Emergency fireworks ban – Defined. (*Effective December 1, 2017*)
- 8.30.050 Designee – Fire chief.
- 8.30.060 “Common fireworks” and “display fireworks” – Additional definitions.
- 8.30.070 State license and town permit required.
- 8.30.080 Inspections required.
- 8.30.090 Copy of license to be filed.
- 8.30.100 Certificate of insurance required.
- 8.30.110 Activities to be conducted in a safe and reasonable manner.
- 8.30.120 Permit required for sales – Application.
- 8.30.130 Retail fireworks stands.
- 8.30.140 Sale and discharge of fireworks. (*Effective December 1, 2017*)
- 8.30.150 Special purchase and use permits.
- 8.30.160 Permit for public display.
- 8.30.170 Agreement to confiscate and destroy illegal fireworks – Alternative to seizure process.
- 8.30.180 Permit revocation.
- 8.30.190 Emergency prohibition of fireworks use. (*Effective December 1, 2017*)
- 8.30.200 Penalty.
- 8.30.210 Severability.

(Ord. 457, 2017) \*Prior legislation: Ords. 19, 222 and 291.

### **8.30.010 Adoption of sections of Revised Code of Washington by reference.**

The following laws contained within the Revised Code of Washington (RCW) are hereby adopted by reference as currently enacted and as hereafter amended from time to time, and shall be given the same force and effect as if set forth herein in full; provided, that any provision in the RCW dealing solely and exclusively with the investigation, prosecution, or sentencing of a felony crime is not adopted herein.

#### RCW

- 70.77.126 Definitions – “Fireworks.”
- 70.77.131 Definitions – “Special fireworks.”
- 70.77.136 Definitions – “Common fireworks.”
- 70.77.141 Definitions – “Agricultural and wildlife fireworks.”
- 70.77.146 Definitions – “Special effects.”
- 70.77.160 Definitions – “Public display of fireworks.”
- 70.77.165 Definitions – “Fire nuisance.”
- 70.77.170 Definitions – “License.”
- 70.77.175 Definitions – “Licensee.”
- 70.77.180 Definitions – “Permit.”
- 70.77.190 Definitions – “Person.”
- 70.77.200 Definitions – “Importer.”
- 70.77.205 Definitions – “Manufacturer.”
- 70.77.210 Definitions – “Wholesaler.”

- 70.77.215 Definitions – “Retailer.”
- 70.77.230 Definitions – “Pyrotechnic operator.”
- 70.77.236 Definitions – “New fireworks item.”
- 70.77.255 Acts prohibited without appropriate licenses and permits – Minimum age for license or permit – Activities permitted without license or permit.
- 70.77.260 Application for permit.
- 70.77.265 Investigation, report on permit application.
- 70.77.270 Governing body to grant permits – State-wide standards – Liability insurance.
- 70.77.280 Public display permit – Investigation – Governing body to grant – Conditions.
- 70.77.285 Public display permit – Bond or insurance for liability.
- 70.77.290 Public display permit – Granted for exclusive purpose.
- 70.77.295 Public display permit – Amount of bond or insurance.
- 70.77.345 Duration of licenses and retail fireworks sales permits.
- 70.77.381 Wholesalers and retailers – Liability insurance requirements.
- 70.77.386 Retailers – Purchase from licensed wholesalers.
- 70.77.401 Sale of certain fireworks prohibited.
- 70.77.405 Authorized sales of toy caps, tricks, and novelties.
- 70.77.410 Public displays not to be hazardous.
- 70.77.415 Supervision of public displays.
- 70.77.420 Storage permit required – Application – Investigation – Grant or denial – Conditions.
- 70.77.425 Approved storage facilities required.
- 70.77.435 Seizure of fireworks.
- 70.77.440 Seizure of fireworks – Proceedings for forfeiture – Disposal of confiscated fireworks.
- 70.77.480 Prohibited transfers of fireworks.
- 70.77.485 Unlawful possession of fireworks – Penalties.
- 70.77.488 Unlawful discharge or use of fireworks – Penalty.
- 70.77.495 Forestry permit to set off fireworks in forest, brush, fallow, etc.
- 70.77.510 Unlawful sales or transfers of special fireworks – Penalty.
- 70.77.515 Unlawful sales or transfers of common fireworks – Penalty.
- 70.77.517 Unlawful transportation of fireworks – Penalty.
- 70.77.520 Unlawful to permit fire nuisance where fireworks kept – Penalty.
- 70.77.525 Manufacture or sale of fireworks for out-of-state shipment.
- 70.77.535 Special effects for entertainment media.
- 70.77.540 Penalty.
- 70.77.545 Violation a separate, continuing offense.
- 70.77.547 Civil enforcement not precluded.
- 70.77.580 Retailers to post list of fireworks.

**8.30.020 City – Local public agency – Local government – Defined.**

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The terms “city,” “town,” “local public agency,” and “local government,” as used in the sections of Chapter 70.77 RCW that are adopted by reference in this chapter, shall mean the town of Carbonado.

**8.30.030 Local fire official – Defined.**

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The term “local fire official,” as used in the provisions of the Revised Code of Washington adopted by this chapter, shall mean the Fire Chief for the City of Buckley Fire Department, the fire chief for the Town of Carbonado, or chief of fire for an alternate agency as contracted by the Town of Carbonado.



**8.30.040 Emergency fireworks ban – Defined. (Effective December 1, 2017)**

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The term “emergency fireworks ban” means use of consumer fireworks is prohibited.

**8.30.050 Designee – Fire chief.**

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Pursuant to RCW 70.77.270, the town council hereby designates the fire chief or his or her designee as the person with authority to grant or deny permits that are sought pursuant to this chapter.

**8.30.060 “Common fireworks” and “display fireworks” – Additional definitions.**

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- (1) The term “common fireworks,” shall, in addition to the definition set forth in RCW 70.77.136, include the types of fireworks set forth in WAC 212-17-035.
- (2) The term “display fireworks,” shall, in addition to the definition set forth in RCW 70.77.131, include the types of fireworks set forth in WAC 212-17-040.

**8.30.070 State license and town permit required.**

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- (1) Pursuant to Chapter 70.77 RCW and this chapter, a permit issued by the fire chief or his or her designee shall be required for any activity enumerated in RCW 70.77.255(1) or CMC 8.30.170.
- (2) No permit for the activities set forth in RCW 70.77.255(1) shall be issued until:
  - (a) A license issued by the Chief of the Washington State Patrol is filed with the fire chief or his or her designee; and
  - (b) A certificate of insurance as required by CMC 8.30.100 and Chapter 70.77 RCW is filed.

**8.30.080 Inspections required.**

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Prior to the issuance of any permit, the fire chief or his or her designee shall perform an inspection of any structure or building intended for retail activity, wholesale activity, manufacturing activity, fireworks storage, or public display of fireworks, to determine whether such structures or buildings comply with the requirements of the Revised Code of Washington, the Washington Administrative Code or the town code. No permit shall be issued until such structures or buildings comply with applicable laws.

**8.30.090 Copy of license to be filed.**

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Any person who obtains a permit as required by this chapter shall file with the fire chief, a copy of each license for such activity required by Chapter 70.77 RCW.

**8.30.100 Certificate of insurance required.**

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- (1) As a condition of the issuance of any permit required by this chapter, and at all times during the sale, storage, or display of fireworks pursuant to the authority granted by a permit issued pursuant to this chapter, every retailer, wholesaler, manufacturer, or pyrotechnic operator operating within the town limits of Carbonado shall obtain and have in effect a bond or insurance in the amounts required by

RCW 70.77.270, 70.77.285 and 70.77.295. The fire chief shall approve the bond or insurance if it meets the requirements of this section.

- (2) Any certificate of insurance or bond required by this chapter or the sections of Chapter 70.77 RCW adopted by this chapter shall provide that:
  - (a) The insurer will not cancel the insured's coverage without 15 days prior written notice to the fire chief of the town of Carbonado and the Chief of the Washington State Patrol through the director of fire protection;
  - (b) The town of Carbonado, its employees, officer, agents, volunteers, and officials are included as additional insureds; and
  - (c) The town of Carbonado is not responsible for any premiums or assessments on the policy.
- (3) Nothing in this section shall relieve any person of the insurance requirements in Chapter 70.77 RCW.

**8.30.110 Activities to be conducted in a safe and reasonable manner.**

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- (1) All retailers of fireworks or persons publicly displaying fireworks shall be responsible for conducting activities in a manner that is safe and responsible and in compliance with all federal, state, and local laws and regulations. The issuance of any permit required by this chapter shall in no way relieve any person from the duty of complying with all federal, state, and local laws and regulations or conducting activities in a safe and reasonable manner. The issuance of a permit shall not be deemed an endorsement by the town of Carbonado of the activity engaged in.
- (2) The town shall not be liable to any person, corporation, entity or holder of property for any damage that is caused by or derived from the display of fireworks, and the person displaying fireworks assumes all risks of such display, and shall hold the town and its employees and officials harmless from any and all claims or causes of action for damage caused by or derived from such display.

**8.30.120 Permit required for sales – Application.**

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An application for a permit to sell fireworks shall be made in writing to the fire chief or his or her designee no later than June 15th of the year for which permit is sought, on forms provided for that purpose. Permit fees, inspection, and plan review charges shall be charged as required by resolution of the town council. The fire chief or his or her designee shall deny or grant any such application in writing. The fire chief or his or her designee may place reasonable conditions on any permit issued. The person applying for a permit may appeal in writing the denial of the permit or the conditions of the permit to the fire chief. The appeal shall be based solely upon written information provided by the applicant and information obtained or held by the fire chief, and no hearing shall be required. The determination of the fire chief of the appeal shall be final.

### **8.30.130 Retail fireworks stands.**

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The following requirements shall apply to the operation of retail fireworks stands (hereinafter “stand”):

- (1) Prior to opening for business, a stand must be inspected and approved by the fire chief or his or her designee.
- (2) Inspections of stands shall not be conducted until the fire chief or his or her designee has received the following:
  - (a) A temporary use application;
  - (b) Documentation of approval by the community development department;
  - (c) A business license;
  - (d) A copy of the state license required by Chapter 70.77 RCW; and
  - (e) Proof of insurance as required by CMC 8.30.100.
- (4) Fire lanes and hydrants shall be maintained clear of obstruction and provide access at all times.
- (5) No decorations shall be used unless flameproof.
- (6) Electrical extension cords shall not be used without specific approval of the State Electrical Inspector or the fire chief or his or her designee.
- (7) No stand shall be located within 25 feet of any other building, including motor homes and trailers, nor within 50 feet of any gasoline or LPG dispensing device.
- (8) Each stand shall have at least two exits. Exits must be doors that open outward and must be clear and unlocked when the stand is occupied.
- (9) Each stand shall have at least two properly operating 2A, 20BC extinguishers mounted on the stand and easily accessible. Occupants must be physically capable of using the extinguishers, and must know how to operate the extinguishers.
- (10) Smoking is prohibited inside stands and within 25 feet of the exterior of stands. “No Smoking” signs shall be posted on the exterior front, back and sides, and interior of the stand.
- (11) No stand shall be located closer than 600 feet from another stand.
- (12) All weeds and combustible material shall be cleared from the location of the stand, including a distance of at least 20 feet surrounding the stand.
- (13) Stands shall be operated by adults, 18 years of age or older only. No fireworks shall be left unattended in a stand.
- (14) Every stand shall have a sign stating:

NO FIREWORKS MAY BE SOLD TO ANY PERSON UNDER THE AGE OF SIXTEEN YEARS. THE DISCHARGE OF FIREWORKS IS ONLY PERMITTED DURING THE FOLLOWING DATES AND TIMES:

JUNE 28: NOON TO 11PM

JUNE 29-JULY 3: 9AM TO 11PM

JULY 4: 9AM TO MIDNIGHT

JULY 5: 9AM TO 11PM

DECEMBER 31: 6PM TO 1AM ON JANUARY 1

CARBONADO MUNICIPAL CODE SECTION 8.30.140.

Signs shall be 12 inches by 18 inches and shall have letters and background of contrasting colors, readily readable from at least 10 feet. Signs shall be affixed to the front of the stand and shall be visible to the public at all times the stand is open for business.

- (15) Overnight sleeping in a stand is prohibited.
- (16) Heating appliances are prohibited in stands.
- (17) All unsold fireworks, accompanying litter, and the stand shall be removed from the location by 12:00 noon on the 6th of July and the 1st of January of each year.

**8.30.140 Sale and discharge of fireworks. (Effective December 1, 2017)**

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- (1) Except as permitted by this chapter and state law, it is unlawful to possess, discharge or sell at wholesale or retail any fireworks other than common fireworks.
- (2) No common fireworks shall be sold or offered for sale at retail within the town except on the following dates and times:
  - June 28: noon to 11pm
  - June 29-July 4: 9am to 11pm
  - July 5: 9am to 9pm
  - December 27-31: noon to 11pm
- (3) It is unlawful for a person to ignite, discharge, use or explode any common fireworks except on the following dates and times:
  - June 28: Noon to 11pm
  - June 29-July 3: 9am to 11pm
  - July 4: 9am to midnight
  - July 5: 9am to 11pm
  - December 31: 6pm to 1am on January 1
- (4) It is unlawful for any person to discharge fireworks on the property of another without permission of the owner of such property. It is unlawful for any person to discharge fireworks in a public park unless a written permit has been obtained by park commissioners. It is unlawful for any person to discharge fireworks on town property that is not a park without the express written permission of the town council.

- (5) No person shall sell any common fireworks to a consumer or user thereof under the age of 16 years.
- (6) No person under the age of 16 years shall possess or discharge any fireworks unless directly supervised by an adult who is responsible for the person under the age of 16 years.
- (7) The transfer of fireworks ownership, whether by sale at wholesale or retail, by gift or by other means of conveyance of title, or the delivery of any fireworks to any person who does not possess a valid permit at the time of such transfer where a permit is required by this chapter, is prohibited.
- (8) The sale, transportation, possession, or discharge of fireworks not marked with the manufacturer's license number and State Fire Marshal's classification, as required by Chapter 70.77 RCW is prohibited.
- (9) It is the responsibility of residents to clean up and remove firework and related debris on town property or with the town right of way within 24 hours of discharge of fireworks.
- (10) This section shall take precedence over and shall preempt any conflicting provision of the Revised Code of Washington or the Washington Administrative Code.

#### **8.30.150 Special purchase and use permits.**

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- (1) Religious organizations or private organizations or persons may purchase or use common fireworks on dates and at times other than that specified in CMC 8.30.160 if:
  - (a) Purchased from a manufacturer, importer or wholesaler licensed pursuant to Chapter 70.77 RCW;
  - (b) For use on prescribed dates and locations;
  - (c) For religious or specific purposes; and
  - (d) A permit is obtained from the fire chief or his or her designee.
- (2) Applications for a permit required under this section shall be made in writing to the fire chief or his or her designee on forms provided for that purpose and shall be accompanied by a fee as required by resolution for each private or religious use of fireworks authorized by this section. The fire chief or his or her designee shall investigate whether the character and location of the proposed use would be hazardous or dangerous to any person or property. Based on such investigation, the fire chief or his or her designee may grant or deny such permit and may place reasonable conditions on any permit issued.
- (3) No permit issued pursuant to this section shall be transferable. If such permit is issued it shall be lawful only for the prescribed uses. A permit authorized by this section shall not be issued unless the applicant is over the age of 18 years.

#### **8.30.160 Permit for public display.**

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- (1) An application to make a public display of fireworks shall be made in writing to the fire chief or his or her designee on forms provided for that purpose and shall be

accompanied by a fee as required by resolution for each display. Application shall be submitted at least 10 days in advance of the proposed display.

- (2) The fire chief or his or her designee shall investigate whether the character and location of the display would be hazardous or dangerous to any person or property.
- (3) If the fire chief or his or her designee grants a permit for the public display of fireworks, the sale, possession and use of fireworks for the public display is lawful for that purpose only. No such permit shall be transferable. Every public display of fireworks shall be conducted or supervised by a competent and experienced pyrotechnic operator approved by the fire chief or his or her designee.
- (4) The person applying for a permit may appeal in writing the denial of the permit or the conditions of the permit to the fire chief. The appeal shall be based solely upon written information provided by the applicant and information obtained or held by the fire chief, and no hearing shall be required. The determination of the fire chief of the appeal shall be final.

**8.30.170 Agreement to confiscate and destroy illegal fireworks – Alternative to seizure process.**

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- (1) In lieu of the formal seizure and forfeiture process set forth in RCW 70.77.435 and 70.77.440, the town and the person possessing or selling fireworks subject to seizure may enter an agreement wherein the town agrees to confiscate and destroy the fireworks subject to seizure.
- (2) An agreement made pursuant to this section vests all right, title and possession in the fireworks with the fire chief or his or her designee. The fireworks may be immediately destroyed or otherwise disposed of at the discretion of the fire chief or his or her designee.

**8.30.180 Permit revocation.**

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Violations of any provision of Chapter 70.77 RCW, this chapter, or a permit issued hereunder, or any failure or refusal on the part of the permittee to obey any rule, regulation or request of the fire chief or his or her designee concerning fireworks, shall be grounds for the revocation of a fireworks permit.

**8.30.190 Emergency prohibition of fireworks use. (Effective December 1, 2017)**

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Upon recommendation of the Mayor, the town council of the town of Carbonado may issue a townwide temporary order prohibiting the use of consumer fireworks. Said recommendation shall be based on a reasonable and articulable belief that hazardous conditions exist where the use of consumer fireworks poses a severe wildland or woodland fire hazard, increasing risk and threatening public safety. Prior to making the recommendation, the town Mayor shall consult the fire chief and/or police chief for best available public safety information pertinent to the conditions. Said information shall be communicated to town council as part of the town Mayor's recommendation. At a minimum the risk of fire danger in Pierce County must be determined by the Washington Department of Natural Resources to be "very high/extreme" or otherwise at the

highest fire danger level. The temporary emergency order shall specify the time period it shall be in effect. The emergency order may be cancelled by the town Mayor prior to its expiration date, based on information from the fire chief and/or police chief as to prevailing conditions.

### **8.30.200 Penalty**

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Except as otherwise provided in this chapter, any person violating any provision of this chapter or any permit issued pursuant to this chapter is guilty of a misdemeanor punishable by imprisonment for a maximum term fixed by the court of not more than 90 days, or by a fine in an amount fixed by the court of not more than \$1,000, or by both such imprisonment and fine. A person is guilty of a separate offense for each day or occurrence during which he or she commits, continues, or permits a violation of any provision of, or permit issued under, this chapter. The inclusion in this chapter of criminal penalties does not preclude enforcement of this chapter through civil means.

### **8.30.210 Severability**

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If any provision of this chapter, or its application to any person or circumstance, is held invalid, the remainder of the chapter or the application of the provisions to other persons or circumstances is not affected.

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## CHAPTER 8.35 NUISANCES

### Sections:

- 8.35.010 Nuisances defined generally.**
- 8.35.020 Specific nuisances designated.**
- 8.35.030 Prohibited conduct.**
- 8.35.040 Violation and penalty.**

### **8.35.010 Nuisances defined generally.**

A nuisance consists of doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either;

- A. Injures or endangers the comfort, repose, health or safety of others;
- B. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any stream, public park, parkway, square, sidewalk, street or highway in the town;
- C. In any way renders other persons insecure in life or the use of property; or
- D. Obstructs the free use of property so as to essentially interfere with the comfortable enjoyment of life and property.

### **8.35.020 Specific nuisances designated.**

The following specific acts, omissions, places, conditions and things are hereby declared to be nuisances, unless otherwise permitted by law:

- A. The existence of any dead, diseased, infested, or dying tree that constitutes a danger to public property or persons thereon;
- B. The existence of any natural or man-made obstruction, such as, by way of example and not limitation, signs, billboards, fencing, buildings, improvements, or landscaping, which includes trees, shrubs, hedges, or foliage, unless by written consent or permit of the city, which is apt to destroy, impair, interfere or otherwise restrict the following:
  - 1. Streets, sidewalks, sewers, utilities, or other public improvements,
  - 2. Free use of, or access to, streets, sidewalks, sewers, utilities, or other public improvements;
- C. The existence of any vines or climbing plants growing into or over any street tree or any utility pole, or the existence of any shrub, vine, or plant growing on, around, or in front of any hydrant, standpipe, sprinkler system connection, or any other appliance or facility provided for fire protection purposes in such a way as to obscure the view thereof or impair the access thereto;
- D. Exterior storage, or the permitting or allowing of such storage, of any junk motor vehicle, unless the same is stored in a location so as not to be visible from any public place or readily visible from any surrounding private property. For purposes

of this chapter, 'junk motor vehicle' means a motor vehicle meeting at least three of the following requirements:

1. Is three years old or older;
  2. Is extensively damaged, such damage including but not limited to any of the following:
    - i. A broken window or windshield,
    - ii. or missing wheels, tires, motor, or transmission;
  3. Is apparently inoperable;
  4. Has an approximate fair market value equal only to the approximate value of the scrap in it;
- E. The existence of any fence or other structure or thing on private property abutting or fronting upon any public street, sidewalk, or place which is in a sagging, leaning, falling, decayed, or other dilapidated or unsafe condition;
- F. Fences constructed with barbed wire, razor wire, ribbon wire, or materials of similar design, which are located within two feet of any public street, highway, alley, or way regularly used by the public for pedestrian, bicycle, or vehicular travel; and all electrified fences;
- G. All trees which are growing on property adjacent to public sidewalks or public pedestrian ways whose limbs are less than 8' above the surface of the sidewalk or public pedestrian way; or trees, regardless of their location, whose limbs are less than 15' above the surface of any public street or alley;
- H. All wires which are strung less than 15' above the surface of a public street, roadway, or alley, or 8' above a sidewalk; except electric power wires, which must be not less than 10' above any sidewalk;
- I. The existence of any drainage onto or over any sidewalk, public pedestrian way, or street or other public property other than through an approved drainage channel or recognized natural watercourse;
- J. All trees, hedges, billboards, or other natural or man-made obstructions, such as fences, buildings, improvements, and landscaping, which prevent or otherwise impair or interfere with persons having visibility of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached. "Visibility" means, for purposes of this subsection, clear and unobstructed view of an intersection and traffic control device(s) plus a sufficient length along the intersecting streets for motor vehicle operators to anticipate and minimize potential conflicts. Intersections include all cases where two streets intersect. Clear and unobstructed vision on streets is measured pursuant the provisions of the Carbonado Zoning Code;
- K. All vacant, unused, or unoccupied buildings and structures within the City, which are allowed to become or remain open to entrance by unauthorized persons or the general public, because of broken, missing, or open doors, windows, or other

openings, so that the same may be used by vagrants or other persons in a manner detrimental to the health and welfare of the inhabitants of the Town;

- L. Graffiti or graffiti visible from any public place;
- M. The existence on any premises, in a place accessible to children, of any unattended and/or discarded icebox, freezer, refrigerator, or other large container which has an airtight door or lid, snap lock, or other automatic locking device which may not be released from the inside, without first removing said door or lid, snap lock, or other locking device;
- N. The closing of any street or alley or the partial obstruction thereof;
- O. The repairing of automobiles or vehicles of any kind upon the public streets or alleys of the Town;
- P. Leaving open any unguarded or abandoned excavation, pit, well, or hole which is dangerous to life and limb unless there are adequate barriers and devices to warn the public day or night;
- Q. The existence of any obstruction to a public street, alley, or sidewalk; and any excavation in or under any public street, alley, crossing, or sidewalk which is prohibited by ordinance or which is made without lawful permission, or which, having been made by lawful permission, is kept and maintained after the purpose thereof has been accomplished, or for an unreasonable length of time, which time shall not in any event be longer than the period specified in any permit issued therefor;
- R. The maintenance of property in such a manner that silt, earth, grass or other vegetation, or waste materials are allowed to run off of said property in such volume as to cause drainage ditches or drainage systems in the proximity of said property to become wholly or partially obstructed;
- S. Any use of property abutting on a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the streets or sidewalks;
- T. Riding or leading horses upon the sidewalks or parking strips anywhere in the Town;
- U. The release of offensive odors, noises, or substances, except those which are permitted by law, which unreasonably disturb, or which are detrimental to the health or safety of, the persons residing or working nearby, or the public;
- V. The release of grass or other vegetation from the property into the sidewalk, street or other public way;
- W. Privies, vaults, cesspools, septic tanks, sumps, pits, or like places which are not securely protected from flies or rats, or which are foul, malodorous, or injurious to public health;
- X. Filthy, littered or trash-covered premises, including all buildings and structures thereon and areas adjacent thereto;

- Y. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all other trash or abandoned material, unless the same is kept in covered bins or metal receptacles approved by the building inspector;
- Z. Trash, litter, rags, accumulations of empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing hay, straw, or other packing material, lumber not neatly piled, scrap iron, tin, and other metal not neatly piled, or anything whatsoever in which flies may breed or multiply or which provides harborage for rats or which may be a fire danger;

**8.35.030 Prohibited conduct.**

It is unlawful for any person to create, permit, maintain, suffer, carry on, or allow, upon any premises, any of the acts, things, or conditions declared by this chapter to be a nuisance. The owners of all residential dwellings, commercial establishments, and/or real estate upon which a violation of this Chapter is found shall be jointly and severally responsible for compliance with this chapter and jointly and severally liable for any damages or costs incurred and awarded under this chapter. For purposes of this chapter, "owner" means any person, including any natural person, joint venture, partnership, association, club, company, corporation, business trust, or organization, or the manager, lessee, agent, officer, or employee of any of them, having any interest in the real estate in question as indicated in the records of the office of the Pierce County Assessor, or who establishes, under this chapter, his or her ownership interest therein.

**8.35.040 Violation and penalty.**

In addition to any other penalty or remedy available, any person, firm or corporation violating any provision of this chapter, or who creates, keeps or maintains or allows to remain any nuisance defined or designated herein shall be guilty of a misdemeanor and shall be punished by a fine in the amount not to exceed \$1,000 or incarceration for a period not exceeding six months, or both such fine and imprisonment. Upon a conviction, and pursuant to a prosecution motion, the court shall also order immediate action by the person, firm, corporation, or other legal entity to correct the condition constituting the violation and to maintain the corrected condition in compliance with this chapter. In addition, any person found guilty of violating this chapter shall pay all expenses incurred by the Town in the enforcement of this Chapter. Any act of a continuing nature as prohibited in this chapter shall be considered a separate offense for each day that the violation occurs. (Ord. 399, 2013)

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## CHAPTER 8.40 NOISE

### Sections

- 8.40.010 Purpose.**
- 8.40.020 Public Disturbance Noises.**
- 8.40.030 Definitions.**
- 8.40.040 Exemptions.**
- 8.40.050 Violation and Penalty.**
- 8.40.060 Severability.**

#### **8.40.010 Purpose.**

The purpose of this section is to minimize the exposure of citizens to the harmful physiological effects of excessive noise. The intent of the Town Council is to control the level of noise pollution in a manner which promotes commerce, the use, value and enjoyment of property, sleep and repose and the quality of the environment by declaring certain noise producing activities to be noise disturbances.

#### **8.40.020 Public Disturbance Noises.**

It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise.

#### **8.40.030 Definitions.**

Public disturbance noise means any noise, sound or signal which unreasonably disturbs the comfort, peace, or repose of another person or persons, without regard to sound level measurement. The following sounds are declared to be public disturbance noises for the purposes of this section:

1. Frequent, repetitive, or continuous noise made by any animal which unreasonably disturbs or interferes with the peace, comfort, and repose of property owners or possessors, except that such sounds made by animal shelters, or commercial kennels, veterinary hospitals, pet shops, or pet kennels licensed under and in compliance with applicable regulations shall be exempt from this subsection. Notwithstanding any other provision of this ordinance, if the owner or other person having custody of the animal cannot, with reasonable inquiry, be located by the investigating officer or if the animal is a repeated violator of this subsection, the animal shall be impounded subject to redemption in the manner provided by Pierce County Code Sections 6.02.070 and/or 6.02.080, as adopted by reference in CMC 6.01.010 (Ord. 369; Ord. 433 § 3, 2015);
2. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle except as a warning of danger or as specifically permitted or required by law;
3. The creation of frequent, repetitive, or continuous sounds in connection with the starting, operation, repair, maintenance, rebuilding, or testing of any motor vehicle, motorcycle, off-highway vehicle, or internal combustion engine in any residential district so as to unreasonably disturb or interfere with the peace, comfort, and repose of owners or possessors of real property;

4. Yelling, shouting, hooting, whistling or singing on or near the public streets or public grounds between the hours of 10:00 p.m. and 8:00 a.m., or at any time and place so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;
5. The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment, or condominium, or yard or parking lot adjacent thereto, which unreasonably interfere with the peace, comfort, and repose of owners or possessors of real property, such as sounds from audio equipment, musical instruments, televisions, band sessions, or social gatherings;
6. Sound from motor vehicle sound systems, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than fifty (50) feet from the vehicle itself;
7. Sound from audio equipment, such as loud speakers, amplification equipment, tape players, radios and compact disc players, operated at a volume so as to be audible greater than fifty (50) feet from the source and not operated upon the property of the operator or with the knowledge, permission or consent of the owner or legal occupant of the property, and if operated on the property of the operator or with the knowledge, permission or consent of the owner or legal occupant of the property, than so as to be audible greater than fifty feet from the boundary of the property. For the purposes hereof, any sound, music or other noise emanating from fixed or portable audio equipment of or in a business shall be presumed to be with the knowledge, permission or consent of the owner or legal occupant of the property, which presumption may be rebutted by reasonable evidence to the contrary;
8. The creation of squealing, screeching or other similar sounds from motor vehicle tires in contact with the ground or other roadway surface because of rapid acceleration, braking or excessive speed around corners or because of such other reason; provided, that sounds which result from actions which are necessary to avoid danger shall be exempt from this section;
9. The creation of sounds originating from residential real property relating to temporary projects for the maintenance or repair of grounds and appurtenances, including, but not limited to, sounds from lawnmowers, powered hand tools, snow removal equipment and composters, between the hours of 10:00 pm and 7:00 am on weekdays and between the hours of 10:00 pm and 9:00 am on weekends;
10. Any other frequent, repetitive, or continuous noise, sound or signal within a residential district which unreasonably disturbs or interferes with the comfort, peace and repose of owners or possessors of real property.

#### **8.40.040 Exemptions.**

This section shall not apply to the following:

1. Town authorized community events at parks, schools or other public property, such as parades, sporting events, or park concerts;
2. Onsite power generators;

3. Sounds originating from residential property between the hours of 7:00 am and 10:00 pm on weekdays and 9:00 am to 10:00 pm on weekends, relating to temporary projects for the maintenance or repair of homes, grounds, or appurtenances, including but not limited to sounds of lawn mowers, hand power tools, chain saws, snow removal equipment and composters.
4. Sounds originating from construction sites, including but not limited to sounds from construction equipment, power tools and hammering, between 7:00 am and 10:00 pm.
5. Public construction projects, emergency construction or repair by public utility agencies, emergency vehicle operation or actions by emergency service providers or any other emergency repair and construction to prevent further damage to persons or property during floods or windstorms or other property or life-threatening emergencies which may occur.

**8.40.050 Violation and Penalty.**

Any violation of or failure to comply with any provision of this ordinance shall be a class 3 civil infraction as provided for in Chapter 7.80 RCW, and shall carry a fine of \$50.00 plus statutory assessments.

**8.40.060 Severability.**

Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof provided the intent of this Ordinance can still be furthered without the invalid provision. (Ord. 369, 2009)



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## TITLE 9 PUBLIC PEACE, MORALS, AND WELFARE

Chapters:

[9.05 Criminal Code](#)

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**CHAPTER 9.05 CRIMINAL CODE**

**Sections:**

**9.05.010 Adopted.**

**\*Prior legislation: Ords. 3, 4, 11, 16, 40, 66, 87, and 108.**

**9.05.010 Adopted.**

The following portions of the RCW are hereby adopted by reference as if fully set forth herein, including any subsequent additions, deletions or amendments thereto:

RCW Titles 9, 9A, 10, and 46, and Chapters 26.50, 66.04, 66.32, 66.44, 69.50, 77.08 and 77.16 RCW. True and correct copies of the said RCW are on file and available for public review at the town offices of the town of Carbonado and for these purposes are deemed annexed hereto. The town clerk shall keep on file all amendments, deletions or additions to the above-referenced RCW titles and chapters when enacted into law by the state of Washington. (Ord. 276 § 1, 1998; Ord. 198 § 3, 1990)

**9.05.020 Adoption by Reference.**

The following statutes regarding animals as currently enacted or as hereafter amended or recodified from time to time, are incorporated by reference (Ord. 433 § 4, 2015):

RCW 9.08.030	False certificate of registration of animals – False representation as to breed.
RCW 16.52.011	Definitions – Principles of liability.
RCW 16.52.015	Enforcement – Law enforcement agencies and animal care and control agencies.
RCW 16.52.080	Transporting or confining in unsafe manner - Penalty.
RCW 16.52.090	Docking horses – Misdemeanor.
RCW 16.52.095	Cutting ears – Misdemeanor.
RCW 16.52.110	Old or diseased animals at large.
RCW 16.52.165	Punishment- Conviction of misdemeanor.
RCW 16.52.190	Poisoning animals – Penalty.
RCW 16.52.193	Poisoning animals – Strychnine sales – Records – Report on suspected purchases.
RCW 16.52.200	Sentences – Forfeiture of animals – Liability for costs – Civil penalty – Education, counseling.
RCW 16.52.207	Animal cruelty in the second degree.
RCW 16.52.300	Dogs or cats used as bait – Seizure – Limitation.

RCW 1 6.52.305	Unlawful use of hook – Gross misdemeanor.
RCW 16.52.310	Dog breeding – Limit on the number of dogs – Required conditions – Penalty – Limitation of section – Definitions.

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## TITLE 10 VEHICLES AND TRAFFIC

### Chapters:

[10.05 Model Traffic Ordinance](#)

[10.10 Speed Limit on State Route 165](#)

[10.15 No Parking and Restricted Parking Zones](#)

[10.20 Major and Secondary Arterials](#)

[10.25 Weight Restrictions](#)

[10.30 State Highway Access Management](#)

[10.35 Motorized Recreational Vehicles \(MRVs\), Wheeled All-Terrain Vehicles \(WATVs\)](#)

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## **CHAPTER 10.05 MODEL TRAFFIC ORDINANCE**

### **Sections:**

**10.05.010 Adopted.**

**\*Prior legislation: Ords. 71 and 90.**

**10.05.010 Adopted.**

The Washington Model Traffic Ordinance as set forth in Chapter 308-330 WAC is hereby adopted by reference. (Ord. 273 § 1, 1998)

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## CHAPTER 10.10 SPEED LIMIT ON STATE ROUTE 165

### Sections:

**10.10.010 Established.**

**10.10.020 Posting.**

**10.10.030 Violations deemed misdemeanors.**

**10.10.040 Certified copy.**

**\*Prior legislation: Ord. 97.**

**10.10.010 Established.**

The speed limit on State Route No. 165, that portion within the town limits of Carbonado, is established at the maximum of 35 miles per hour. (Ord. 199 § 1, 1990)

**10.10.020 Posting.**

The maximum speed limit on said Sign Route No. 165 be posted in accordance herewith. (Ord. 199 § 2, 1990)

**10.10.030 Violations deemed misdemeanors.**

All violations of this chapter shall be deemed misdemeanors. (Ord. 199 § 4, 1990)

**10.10.040 Certified copy.**

A certified copy of the ordinance codified in this chapter shall be forwarded to the State Highway Department for its records and information in fixing the maximum lawful rate of speed on said State Highway Sign Route No. 165 within the corporate limits of the town of Carbonado. (Ord. 199 § 6, 1990)

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## CHAPTER 10.15 NO PARKING AND RESTRICTED PARKING ZONES

### Sections:

- 10.15.010 Stopping, Standing or Parking Restricted or Prohibited at all Times.**
- 10.15.020 Signs and/or Markings Required.**
- 10.15.030 Authority to Designate Parking Restrictions and Prohibitions, Time Limits, Parking Zones and Appropriate Signs and/or Markings.**
- 10.15.040 Vehicle parked unlawfully – Removal.**
- 10.15.050 Violation – Penalty.**
- 10.15.060 Towing and Storage Costs.**
- 10.15.070 Severability.**
- 10.15.080 Emergency Powers.**

### **10.15.010 Stopping, Standing or Parking Restricted or Prohibited at all Times.**

- A. Applicability. The provisions of this Chapter prohibiting or restricting the standing or parking of a vehicle shall apply at all times or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.
- B. No Parking Areas. The Town Engineer may designate any area a No Parking or Restricted Parking area as necessary to protect the public health, safety and welfare. Areas within Town that are designated No Parking include, but are not limited to:
  - 1. Pershing Avenue between 1<sup>st</sup> Street and 4<sup>th</sup> Street;
  - 2. 4<sup>th</sup> Street between 8<sup>th</sup> Avenue and Division Street; and
  - 3. Any portion of a roadway the Town Engineer determines should be a no parking or restricted parking area to preserve the public health, safety and welfare.

### **10.15.020 Signs and/or Markings Required.**

Whenever by this Chapter or any amendments thereto, or by order of the Town Engineer, there is imposed a particular parking time limit or parking restriction or prohibition on any particular street or public property, or in any particular district, it shall be the duty of the Town Engineer or designee to erect appropriate signs and/or markings giving notice thereof, and no regulation shall be effective unless said signs are erected and in place at the time of any alleged offense; provided, however, that this provision shall not apply to any parking restriction or prohibition that is enforced through the town; and this provision shall not require the sign posting of a fire hydrant, public trail crossing, crosswalk, intersection, travel lane, driveway, bridge, tunnel, cross-hatched barrier or multiple laned street on which curb parking is not specifically authorized by appropriate markings.

### **10.15.030 Authority to Designate Parking Restrictions and Prohibitions, Time Limits, Parking Zones and Appropriate Signs and/or Markings.**

The Town Engineer shall hereafter possess the authority and is required to:

- A. Designate fire zones, school zones, school bus stops or zones, restricted and prohibited parking zones or areas on such public streets or properties and in such places and in such number as he/she shall determine appropriate.

- B. Designate all parking time limits.
- C. To designate zones wherein parking fees are required.
- D. To install parking fee collection boxes in the established zone wherein parking fees are required.
- E. Establish a parking fee schedule and post said schedule in the established zone wherein parking fees are required.

**10.15.040 Vehicle parked unlawfully – Removal.**

Whenever a peace officer shall find a vehicle parked in this zone unlawfully, he or she may remove such vehicle or require the operator or other person in charge thereof to remove it from said zone. Any cost incurred in removal shall be paid by the owner of the vehicle so removed and shall be a lien upon the vehicle.

**10.15.050 Violation – Penalty.**

Any person violating the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$100.00, or by imprisonment in the town jail or county jail for a period not to exceed 30 days, or both such fine and imprisonment.

**10.15.060 Towing and storage costs.**

The costs of towing and impound for the vehicle in violation shall be the responsibility of the owners and all charges will be at the owner's expense.

**10.15.070 Severability.**

If any provision of this Chapter or the application thereof to any person or circumstances is held invalid the remainder of this Chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.

**10.15.080 Emergency Powers.**

The Police Department is hereby authorized to direct all stopping, standing or parking of vehicles, either in person or by means of visible or audible signals, in conformance with the provisions of this Chapter; provided, that when necessary to prevent or eliminate congestion or to safeguard persons or property, such officers may direct traffic as conditions may require, notwithstanding the provisions of this Chapter. (Ord. 481 § 1, 2019)

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## CHAPTER 10.20 MAJOR AND SECONDARY ARTERIALS

### Sections:

#### **10.20.010 Major arterials.**

#### **10.20.020 Secondary arterials.**

#### **10.20.030 Existing streets to be secondary arterials.**

#### **10.20.010 Major arterials.**

The following street is hereby designated a major arterial of the town of Carbonado:

- (1) Pershing Avenue from State Highway No. 165 to the northwest corporate limits of the town of Carbonado. (Ord. 103 § 1, 1974; Ord. 56 § 1, 1961)

#### **10.20.020 Secondary arterials.**

The following streets are hereby designated secondary arterials of the town of Carbonado:

- (1) All existing portions of First Street from Railroad Avenue to the dead end;
- (2) Second Street from Railroad Avenue to Eighth Avenue;
- (3) Third Street from Pershing Avenue to Division Street;
- (4) Fourth Street from Railroad Avenue to Sixth Street;
- (5) Fifth Street from Pershing Avenue to Sixth Street;
- (6) Sixth Street from Pershing Avenue to School Street (aka Second Street);
- (7) All of Farm Street to the easterly corporate limits of the town of Carbonado;
- (8) Railroad Avenue;
- (9) Church Street;
- (10) Division Street;
- (11) Hillside Drive;
- (12) A. P. Tubbs Road;
- (13) Seventh Avenue;
- (14) Eighth Avenue;
- (15) Ninth Avenue;
- (16) School Street (aka Second Street). (Ord. 103 § 2, 1974; Ord. 56 § 2, 1961)

#### **10.20.030 Existing streets to be secondary arterials.**

It is the desire and intent of the town council of the town of Carbonado, as set forth above, that all existing streets as of the date of the ordinance codified in this chapter shall be secondary arterials, excluding Pershing Avenue, above designated, and except for that portion of Third Street from Eighth Avenue to Division Street. (Ord. 103 § 3, 1974)



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## CHAPTER 10.25 WEIGHT RESTRICTIONS

### Sections:

#### **10.25.010 Imposed.**

#### **10.25.020 Special per trip permits – Restrictions.**

#### **10.25.030 Effective date.**

#### **10.25.040 Notice.**

#### **10.25.010 Imposed.**

There is hereby imposed a 15-ton weight restriction upon all roads within the town limits. No vehicle shall be operated upon town roads where the gross weight of said vehicle is in excess of 15 tons. A weight limit restriction sign shall be posted at each road entering the town limits. Said sign shall designate the 15-ton weight restriction. (Ord. 155 § 1, 1984)

#### **10.25.020 Special per trip permits – Restrictions.**

A special permit may be obtained from the town mayor for the purpose of authorizing the use of said roads by vehicles in excess of the 15-ton gross weight limit; provided, however, a permit shall only be granted on a per-trip basis and shall not be issued unless the mayor, after consulting with town staff, can determine that the use of the roads under said permit will not be detrimental to the town roads. The mayor may impose such restrictions upon said permit as are deemed necessary in order to protect said road surface and subsurface. (Ord. 155 § 2, 1984)

#### **10.25.030 Effective date.**

The weight limits shall be effective the fifteenth day of December, 1984, and shall remain in effect until such time as the town, by ordinance, removes such restriction. (Ord. 155 § 3, 1984)

#### **10.25.040 Notice.**

The town clerk shall publish the following notice in a local newspaper:

#### NOTICE

Effective December 15, 1984, a 15-ton weight limit restriction shall be in effect on all roads located within the town limits of the Town of Carbonado. A special permit may be obtained from the town mayor in order to exceed said restriction.

Town Clerk

A copy of said notice shall also be posted on or before December 12, 1984, on each road entering into the town. (Ord. 155 § 4, 1984)

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## **CHAPTER 10.30 STATE HIGHWAY ACCESS MANAGEMENT**

### **Sections:**

#### **10.30.010 Adopted.**

#### **10.30.010 Adopted.**

A. RCW Chapter 47.50 (“Highway Access Management”), together with all future amendments thereto, is hereby adopted by reference as though fully set forth herein.

B. Chapter 468-51 (“Highway Access Management Access Permits – Administrative Process”) and Chapter 468-52 (“Highway Access Management – Access Control Classification System and Standards”) of the Washington Administrative Code, together with all future amendments thereto, are hereby adopted by reference as though fully set forth herein. (Ord. 429, Exhibit D, 2014; Ord. 352A, 2008)

**CHAPTER 10.35 MOTORIZED RECREATIONAL VEHICLES (MRVS), WHEELED ALL-TERRAIN (WATVS)**

**Sections**

- 10.35.010 Definitions**
- 10.35.020 Responsible Operation.**
- 10.35.030 Unlawful Activities.**
- 10.35.040 Exemptions.**
- 10.35.050 Violations – Penalty.**
- 10.35.060 Roads Listing.**

**10.35.010 Definitions.**

For the purposes of this chapter, motorized recreational vehicles “MRVs” shall refer to any of the following, except where singled out:

- A. Wheeled All-Terrain Vehicle (WATV): “Wheeled all-terrain vehicle” as defined by RCW 46.09.310(19) means:
  - a. Any motorized non-highway vehicle (all-terrain vehicle “ATV”) with handlebars, that is 50 inches or less in width, has a seat height of at least 20 inches, weighs less than 1,500 pounds, and has four tires having a diameter of 30 inches or less, or
  - b. A utility-type vehicle (“UTV”, “side-by-side”) designed for and capable of travel over designated roads that travels on four or more low-pressure tires of 20 psi or less, has a maximum width less than 74 inches, has a maximum weight less than 2,000 pounds, has a wheelbase of 110 inches or less, and satisfies at least one of the following:
    - i. Has a minimum width of 50 inches;
    - ii. Has a minimum weight of at least 900 pounds; or
    - iii. Has a wheelbase of over 61 inches.

Note: WATVs must be street licensed and are limited to 35 mph or less on public roadways by state statute.

**10.35.020 Responsible Operation.**

MRVs shall operate on roadways approved by state statute and where approved by Carbonado ordinance.

- A. MRV General Rules.
  - 1. A person may not operate an MRV upon a public roadway of this state, not including nonhighway roads and trails, without (i) first obtaining a valid driver’s license issued to Washington residents in compliance with Chapter 46.20 RCW or (ii) possessing a valid driver’s license issued by the state of the person’s residence if the person is a nonresident.

2. A person who operates an MRV under this section is granted all rights and is subject to all duties applicable to the operator of a motorcycle under RCW 46.37.530 and 46.08.175 and Chapter 46.61 RCW, unless otherwise stated in this chapter, except that MRVs may not be operated side by side in a single lane of traffic.
3. Wheeled all-terrain vehicles are subject to Chapter 46.55 RCW. Any person who violates this section commits a traffic infraction.
4. The crossing of any one of these streets or avenues shall be permitted by an MRV if:
  - a. The crossing is made at an angle of approximately 90 degrees to the direction of the street or avenue and at a place where no obstruction prevents a quick and safe crossing;
  - b. The vehicle is brought to a complete stop before crossing the shoulder or roadway of the street or avenue;
  - c. The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;
  - d. The crossing is made only at an intersection of such street or avenue with another street or avenue; and
  - e. Both the headlight and taillight of the vehicle are on when the crossing is made.
  - f. Reported accidents that involve MRVs operated upon streets and highways as authorized under this section must be recorded and tracked in compliance with Chapter 46.52 RCW.

B. WATVs must:

1. Be street licensed, display valid tabs and have registrations readily accessible.
2. Maintain in working order all DOL declaration requirements for roadway access.
3. A head lamp meeting the requirements of RCW 46.37.030 and 46.37.040, to be used whenever the vehicle is in motion on a road.
4. One tail lamp meeting the requirements of RCW 46.37.525. If it is a UTV you'll need two tail lamps meeting the requirements of RCW 46.37.070(1).
5. A stop lamp meeting the requirements of RCW 46.37.200.
6. Reflectors meeting the requirements of RCW 46.37.260.
7. For night travel, turn signals are required meeting the requirements of RCW 46.37.200.
8. A brake system maintained in good operating condition.
9. A mirror on the left or right handlebar. If it is a UTV you'll need two mirrors meeting the requirements of RCW 46.37.400.
10. A horn or warning device meeting the requirements of RCW 46.37.380.
11. A spark arrester as approved by Department of Natural Resources (RCW 46.09.470) that meets a United States Forest Service qualified spark arrester.

12. An adequate manufacturer's muffler system in good working condition (a muffler that meets or exceeds the manufacturer's specifications); and not exceeding state statute of 86 decibels meeting the requirements of RCW 46.37.470.
13. Eye protection, i.e., a pair of glasses, goggles, windshield, or a face shield of a type conforming to rules adopted by the state patrol meeting the requirements of RCW 46.37.430 and WAC 204-10-026.
14. Seatbelts on UTVs meeting the requirements of RCW 46.37.510.
15. Helmets required on ATV operators.
16. Shall be equipped with a bicycle safety flag which extends not less than six feet above ground attached to the rear of the vehicle. The safety flag shall be triangular in shape and shall be day-glo in color.

C. Operators of WATV.

1. The operator must have a valid driver's license and be able to present it on enforcement request.
2. Have participated in a state WATV certification course once DOL has implemented it.
3. Reported accidents that involve WATVs operated upon streets and highways as authorized under this section must be recorded and tracked in compliance with Chapter 46.52 RCW.
4. Insurance is not required by state statute but is available and highly recommended especially in case of bodily injury.
5. Can only travel at a maximum speed of 35 miles per hour (35 mph) and shall observe posted speed limits if lower than 35 miles per hour.
6. Must travel in single file; no parallel group riding.
7. Yield to pedestrian and livestock crossings.
8. Must stay on public roadways.
9. Must securely attach all cargo to the vehicle in such a manner that the cargo remains secured without any assistance of the operator.

**10.35.030 Unlawful Activities.**

MRV operational unlawful activities shall include the following and any other violation of federal, state, or county statutes or ordinances:

- A. No person shall operate an MRV within city limits so as to:
  - a. Operate machines that have been equipped with an exhaust system which has a cutout, bypass or similar device.
  - b. Operate with the spark arrester removed or modified, except for use in a closed-course competition event.
  - c. Travel paralleled as a group on roadways.
  - d. Trespassing on private roadways and property.
  - e. Cause environmental damage to public and private landscapes.
  - f. Driving on posted "local access only" public roadways.

- g. Driving under the influence of intoxicating liquor or a controlled substance (RCW [46.09.470](#)).
  - h. Nonparental transport of minor passenger under 18 years of age.
- B. WATV operators are prohibited from picking up school children using ATVs or ATVs modified for WATV roadways.

**10.35.040 Exemptions.**

- A. Appropriate agency that engages in emergency management, as defined in RCW Title 37, RCW 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a law enforcement agency, as defined in RCW 16.52.011, within the scope of the agency's official duties.
- B. Some applicable segments of this chapter may be suspended while in parades which have been authorized by the state of Washington, or any department, board, commission or political subdivision of the state of Washington.

**10.35.050 Violations – Penalty.**

- A. Causing environmental damage to public and private landscapes (equal to three times damages by state statute).
- B. Any person who violates any provision of this chapter shall be fined \$124.00 for each offense. The fact that a vehicle which violates this chapter is registered in the name of a person shall be considered prima facie proof that such person was in control of the vehicle at the time of such violation. In addition to any penalties for violation hereof, the city of Buckley police department may impound any all-terrain vehicle or utility-type vehicle when operated in violation of state law, county or city ordinance, in the same situation as any violation in connection with a motor vehicle.

**10.35.060 Roads Listing.**

- A. WATV. All roads are open to WATVs unless closed as identified in subsections (1)(a) and (b) of this section.
  - a. Roads closed list: none.
  - b. Local access roads only list: none. (Ord. 444, 2016)



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## **CHAPTER 10.40 TOWN SPEED LIMIT**

### **Sections:**

#### **10.40.010 Maximum Speed Limit.**

#### **10.40.010 Maximum Speed Limit.**

1. For the benefit of public health, safety and welfare the maximum speed limit for all roads within the Town of Carbonado shall be 20 miles per hour.
2. The above provision does not apply to SR 165 or to County maintained roads outside of the Town limits. (Ord. 446, 2016)

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## TITLE 11 PUBLIC WORKS DESIGN STANDARDS

### Chapters

[11.10 General Provisions](#)

[11.20 Permits](#)

[11.30 Public Works Considerations](#)

[11.40 Streets, Pedestrian Paths and Bikeway Standards](#)

[11.45 Complete Streets](#)

[11.50 Storm Drainage Standards](#)

[11.60 Water System Standards](#)

[11.70 Sanitary Sewer Standards](#)

## **CHAPTER 11.10 GENERAL PROVISIONS**

### **Sections**

#### **11.10.010 Application**

#### **11.10.020 General References**

#### **11.10.030 WSDOT Documents as Primary Design and Construction References**

#### **11.10.040 Other Specifications**

#### **11.10.050 Definitions**

#### **11.10.060 Developer to be Informed**

#### **11.10.070 Authority of the Public Works Director (PWD)**

#### **11.10.080 Payment for Town Services**

#### **11.10.010 Application**

These Standards shall apply to all improvements within the public right-of-way and/or public easements, to all improvements required within the proposed public right-of-way of new subdivisions, for all improvements intended for ownership, operation and maintenance by the Town and for all other improvements (on or offsite) for which the Town Code requires approval from the Public Works Director, and/or Town Engineer, and/or Land Use Administrator and/or Town Council. These Standards are intended as guidelines for designers and developers in preparing their plans and for the Town in reviewing plans. Where minimum values are stated, greater values should be used whenever practical; where maximum values are stated, lesser values should be used where practical. The developer/proponent is however cautioned that higher standards and/or additional studies and/or environmental mitigation measures may, and will, in all likelihood, be imposed by the Town when developing on, in, near, adjacent, or tributary to sensitive areas to include, but not be limited to, steep slopes, creeks, ponds, lakes, certain wildlife habitat, unstable soils, etc.

#### **11.10.020 General References**

The Standards implement and are intended to be consistent with:

A. Town of Carbonado Municipal Code, as amended, including:

- Title 10 Vehicles and Traffic
- Title 12 Street, Sidewalks, and Public Places
- Title 13 Public Utilities
- Title 14 Development
- Title 15 Buildings and Construction
- Title 16 Environment
- Title 17 Subdivisions
- Title 18 Zoning

B. The 2005 Edition of the Department of Ecology Stormwater Management Manual for Western Washington (DOE Manual).

C. Town of Carbonado Comprehensive Plan

D. Town of Carbonado Water System Plan

E. Town of Carbonado Sewer System Plan

Where improvements are not covered by these Standards nor by the Standard Specifications (defined in 11.10.003A below), the Town will be the sole judge in establishing appropriate standards. Where these Standards conflict with any existing Town ordinances or discrepancies exist within the body of this text, the higher standards shall be utilized as determined by the Public Works Director.

**11.10.030 WSDOT Document as Primary Design and Construction References**

Except where these Standards provide otherwise, design detail, construction workmanship, and materials shall be in accordance with the following publications produced separately by Washington State Department of Transportation (WSDOT).

- A. WSDOT Standard Specifications for Road, Bridge, and Municipal Construction, current edition, as amended. These will be referred to as the “Standard Specifications.”
- B. The WSDOT Standard Plans for Road and Bridge Construction, to be referred to as the “Standard Plans,” current edition as amended.
- C. WSDOT Design Manual, current edition as amended.

**11.10.040 Other Specifications**

The most recent additions of the following shall be applicable when pertinent, when specifically cited in these Standards or when required by state or federal funding authority.

- A. Local Agency Guidelines, WSDOT, as amended.
- B. Guidelines for Urban Arterial Program, WSDOT, as amended.
- C. Design criteria for federal agencies include the Federal Housing Administration, Department of Housing and Urban Development, and the Federal Highway Administration, Department of Transportation.
- D. A Policy on Geometric Design of Highways and Streets, American Association of State Highway and Transportation Officials (AASHTO), 1984, or current edition when adopted by WSDOT.
- E. Standard Specifications for Highway Bridges, Adopted by AASHTO, current edition.
- F. US Department of Transportation Manual on Uniform Traffic Control Devices, “MUTCD,” as amended and approved by Washington State Department of Transportation, current edition.
- G. Guide for the Development of Bicycle Facilities, adopted by AASHTO, current edition.
- H. Associated Rockery Contractors, Standard Rock Wall Construction Guidelines.
- I. American Society for Testing and Materials (ASTM).
- J. Institute of Transportation Engineers, Traffic Engineering Handbook, current edition.

K. Illumination Engineering Society of America (IES) National Standards Practices for Roadway Lighting, RP-8, current edition.

#### **11.10.050 Definitions**

ADA: Americans with Disabilities Act

ADT: Average Daily Traffic

Alley: A thoroughfare or right-of-way, usually narrower than a street, which provides access to the rear boundary of two or more residential properties and is not intended for general traffic circulation; privately maintained.

AWWA: American Water Works Association.

Auxiliary Lane: The portion of roadway adjoining the traveled way for parking, turning or other purposes supplementary to through-traffic movement.

Bridge: Structure with a span greater than 20 feet in width.

Bulb: Round area for vehicle turnaround typically located at the end of a cul-de-sac street.

Contract Documents: The contract documents shall consist of the following and in case of conflicting provisions, the first mention shall have precedence. These documents shall form the contract:

- A. Developers Agreement
- B. Town of Carbonado Public Works Standards
- C. Other Applicable Town Municipal Codes
- D. Town Right-of-Way Use Permit
- E. Specifications - Conditions and Standards of the Contract (As Approved by Town)
- F. Plans
- G. Town Approved Addenda
- H. Town Approved Change Orders
- I. Standard Details (WSDOT Specifications)
- J. General Conditions

Contractor: Means the Developer's contractor or subcontractor.

Council: The Town Council of Carbonado

**Cul-de-Sac:** Short street having one end open to traffic and the other temporarily or permanently terminated by a vehicle turnaround.

**Culvert:** A pipe or similar element with a span/diameter less than 20 feet.

**Design Speed:** The speed approved by the Town of Carbonado for the design of the physical features of a road as established for neighborhood access streets or equal to 10 miles per hour above the current or expected posted speed limit for arterials.

**Developer:** The party having an agreement with the Town to cause the installation of certain improvements (public and private), to become a part of the Town's utility and/or roadway system upon completion and acceptance. The term shall also include the Developer's contractor employed to do the work or the contractor's employees.

**Development:** The construction, reconstruction, conversion, structural alteration, relocation, enlargement, or change in use of any structure or property, or any project, which will increase vehicle trips per day during peak hour traffic, or any project, which negatively impacts the service level, safety, or operational efficiency of serving roads and storm drainage systems. Individual single family residences are excluded from this definition.

**Developers Agreement:** Any written agreement such as SEPA mitigation conditions, conditions of approval for subdivisions, conditions associated with any permit, approved plans, and any other written agreement between the Town and a Developer.

**Director:** Public Works Director, Town of Carbonado.

**Driveway:** A privately maintained access to no more than two residential, commercial, or industrial properties.

**Engineer:** The Town's Engineer, whether a staff engineer or consultant.

**Eyebrow:** A partial bulb located adjacent to the serving road that provides access to lots and serves as a vehicle turnaround.

**Half-Street:** Street constructed along edge of development, utilizing a portion of the regular width of right-of-way and permitted as an interim facility pending construction of the remaining width of the street by the adjacent owner.

**IES:** Illumination Engineering Society.

**Joint-Use Driveway Tract:** A jointly owned and maintained tract or easement serving two properties.

**Keyway:** A shallow trench of minimum 12-inch depth for rockery and slightly inclined toward the face being protected.

**Landing:** A road or driveway approach area to any public or private road.

**Loop:** Road of limited length forming a loop, having no other intersecting road, and functioning mainly as direct access to abutting properties. A loop may be designed for one-way or two-way traffic.



**Maintenance Bond:** A bond furnished by the Developer and written by a corporate body qualified to write surety in the State of Washington, guaranteeing that the Developer will repair any defects found in the work within the time period as further identified herein. The Town shall approve the amount of the bond.

**Mayor:** The mayor of the Town of Carbonado or his/her authorized representative.

**Off-Street Parking Space:** An area accessible to vehicles, exclusive of roadways, sidewalks, and other pedestrian facilities, that is improved, maintained, and used for the purpose of parking a motor vehicle.

**Pavement Width:** Paved area or paved surface between curb, or ditch lines roads.

**Performance Bond:** A bond furnished by the Developer and written by a corporate body qualified to write surety in the State of Washington, guaranteeing that the work will be completed in accordance with the plans and specifications. The Town shall approve the amount of the bond.

**Permittee:** Any party applying for or being a signator to a permit.

**Plans:** Drawings, including reproductions thereof, of the work to be done as an extension to the Towns infrastructure, prepared by an engineer licensed in the State of Washington.

**Private Street:** A privately owned and maintained access provided for by a tract, easement, or other legal means.

**Professional Engineer:** A professional civil engineer licensed to practice in the State of Washington.

**Public Street:** Publicly owned facility providing access, including the roadway and all other improvements, inside the right-of-way.

**Public Works Director:** The Town's duly appointed Public Works Director, or their Authorized Representative.

**Reviewing Agency:** The Public Works Department.

**Right-of-Way:** Land, property, or property interest (e.g., an easement), usually in a strip, acquired for or devoted to transportation purposes.

**Road:** A facility providing public or private access including the roadway and all other improvements inside the right-of-way.

Road and Street will be considered interchangeable terms for the purpose of these Standards.

**Roadway:** Pavement width plus shoulders.

**Shoulder:** The paved or unpaved portion of the roadway outside the traveled way that is available for emergency parking or non-motorized use.

Specifications: The directions, provisions, and requirements designated by an engineer licensed in the State of Washington for the performance of the work and for the quantity and quality of materials, as contained or referenced herein.

Standard Details: The current WSDOT/APWA Standard Plans for Road and Bridge Construction, State of Washington.

Town: The Town of Carbonado, Washington, Pierce County, a municipal corporation, existing under and by virtue of the laws of the State of Washington.

Traveled Way: The part of the road made for vehicle traffic excluding shoulders and auxiliary lanes.

Utility: A company providing public services such as gas, electric power, telephone, telegraph, water, sewer, or cable television, whether or not such company privately owned or owned by a governmental entity.

WSDOT: Washington State Department of Transportation.

Work: The labor or materials or both, superintendence, equipment, transportation, and other facilities necessary to complete the Contract.

#### **11.10.060 Developer to be Informed**

The Developer is expected to be fully informed regarding the nature, quality, and the extent of the work to be done, and, if in doubt, to secure specific instructions from the Town. Any changes, deletions, or additions to an approved plan or specification shall be permitted only upon written approval by the Town.

#### **11.10.070 Authority of the Public Works Director (PWD)**

1. The Public Works Director shall have the authority to:
  - A. Issue an order to stop work whenever, in their opinion it is deemed to be necessary to insure compliance with the plans and specifications;
  - B. reject work and materials which do not so conform;
  - C. to decide questions which may arise in the execution of the work;
  - D. have the authority to determine the amount, quality, acceptability and fitness of the several kinds of work, material and equipment;
  - E. to decide all questions relative to the classification of materials and the fulfillment of the Contract; and
  - F. to reject or condemn all work or material which does not conform to the terms of the Contract (*See* CMC 11.10.050 Contract Documents.).
2. Approval of all civil improvements are a Process 1 administrative decision by the Public Works Director pursuant to CMC 14.15.040. CMC 11.20.040 describes the variance process for civil improvements. Variances to civil design standards are Process II administrative decisions by the Public Works Director, appealable to the Hearing Examiner.
3. Moreover, the Town has not so delegated, and the Town Public Works Director does not purport to be a safety expert, is not so engaged in that capacity under the Contract, and has neither the authority nor the responsibility to enforce construction safety laws, rules, regulations or procedures, or to order the stoppage of work for claimed violations thereof. The furnishing by the Town of resident project representation and/or inspection shall not be

construed by the Contractor or Developer that the Town is responsible for the identification or enforcement of such laws, rules, or regulations.

#### **11.10.080 Payment for Town Services**

1. The Developer shall be responsible for promptly reimbursing the Town for all costs and expenses incurred by the Town in the pursuit of project submittal, review, approval, and construction. These costs include, but are not limited to, the utilization of staff and “other” outside consultants as may be necessitated to adequately review and inspect construction of the project(s).
2. All legal, administrative, and engineering fees for project review, meetings, approvals, site visits, construction inspection, etc., shall be subject to prompt reimbursement. *See* Town Fee Schedule, CMC 11.20.050 Bonding, CMC 14.55 Performance Guarantees, CMC 14.90 Application Review Fees.
3. The Developer shall pay all such invoices within 30 calendar days after receipt of the same. The Town retains the right to charge additional administration and interest costs for unpaid balances exceeding the due date.
4. The Developer is cautioned that project approval (Town acceptance) and occupancy permits will be denied until all bills are paid in full. The Town may, at its sole discretion require that funds be placed in an account at the Town by which the Town may draw from to reimburse said costs. (Ord. 445 § 2, 2016)

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## **CHAPTER 11.20 PERMITS**

### **Sections:**

#### **11.20.010 Permit Required**

#### **11.20.020 Permit Application**

#### **11.20.030 Permit Issued**

#### **11.20.040 Variances**

#### **11.20.050 Bonding**

#### **11.20.010 Permit Required**

No person, firm, or corporation shall commence work on the construction, alteration, or repair of any facility located either in the public right-of-way or a public easement without any necessary permit(s) first having been obtained from the Town.

#### **11.20.020 Permit Application**

Any party requesting such permit shall file written application therefore with the Town at least 10 working days before construction is proposed to start. Such application shall be made on a standard Town form provided for that purpose.

The Town may require, at their discretion, the filing of any other information when in their opinion such information is necessary to properly enforce the provisions of these Standards or other applicable codes.

#### **11.20.030 Permit Issued**

No permit shall be issued until the proposed work has been approved by the appropriate official. Adjudication of disagreements regarding approvals shall be made by the Public Works Director whose decision shall be final.

No plan shall be approved nor a permit issued where it appears that the proposed work, or any part thereof, conflicts with the provisions of these Standards or any other applicable codes of the Town of Carbonado, nor shall issuance of a permit be construed as a waiver of the Zoning code or other code requirements concerning the Plan.

A fee of an amount as designated by the Town's fee schedule shall accompany all applications for permits.

#### **11.20.040 Variances**

##### **A. General**

Pursuant to CMC 14.15.040, the Public Works Director shall have the authority to grant a variance from the requirements of this specification and from the requirements of this ordinance after considering the matter. No application for a variance shall be granted by unless the following conditions are found to exist:

1. That special conditions and circumstances exist which are peculiar to the land such as size, shape, topography or location, not applicable to other lands in the same

neighborhood, and that literal interpretation of the provisions of this ordinance would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same neighborhood;

2. That the special conditions and circumstances do not result from the actions of the applicant, and are not self-imposed hardships;
3. That granting the variance requested will not confer a special privilege to the subject property that is denied other lands in the same neighborhood;
4. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the subject property is situated;
5. That the granting of the variance requested will be in harmony with the general purpose and intent of these standards, and any applicable Land Use Ordinance(s);
6. That the purpose of the variance is not merely to permit the subject property to be utilized more profitably by the owner or to economize on the cost of improving the property.

B. Conditions

In granting any variance the Director may prescribe appropriate conditions and safeguards that will ensure that the purpose and intent of the specifications shall not be violated. Further, the Director may require the applicant to post a performance bond guaranteeing compliance with such conditions.

C. Procedure for Application of a Variance

The following information, accompanied by variance application fee as specified in the Town's latest fee ordinance, shall be submitted:

1. The Town of Carbonado's "variance application attachment."

Any other information reasonably necessary to make a decision on the variance request.

D. Expiration

Any variance shall become null and void 5 years from the date of granting or approval, if not exercised within that period.

**11.20.050 Bonding**

In addition to the bonding requirements as required by CMC 14.55 Performance Guarantees, Developers and Contractors performing work within the public right-of-way or publicly owned easement(s) shall be prepared to satisfy the following bonding requirements.

- A. Furnishing an assignment of funds, a cash deposit, or a performance bond, approved as to surety by the Public Works Director, and as to form by the Town Attorney, and as to cost by the Town Engineer which bond shall be conditioned upon faithful completion of that portion of the

work performed pursuant to the permit which will require completion by the Town should the permittee or his contractor default. The amount of such bond shall be in the amount of 125 percent of the Town-approved value of the improvements.

B. Furnishing a Warranty Bond. All work shall be guaranteed by the Developer for a 2-year period from the time of inspection and final approval of the construction by the Town. The amount of such bond shall be the greater of 25 percent of the project cost (as approved by the Town) or \$5,000.00. (Ord. 445 § 3, 2016)

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## CHAPTER 11.30 PUBLIC WORKS CONSIDERATIONS

### Sections

#### 11.30.010 Submittal of Plans

#### 11.30.020 Non-interference

#### 11.30.030 Works Standards

#### 11.30.040 Inspection

#### 11.30.050 As-Built Drawings

#### 11.30.010 Submittal of Plans

In addition to the requirements in CMC 14.20.030 and 14.20.040, all construction plans shall be submitted to the Town and when applicable shall include the following required minimum information. The developer shall submit five copies of the plan set.

##### A. General Requirements

1. The pertinent Town's Standard Plan notes, as included in this Section of the project shall be shown in the Plan Set.
2. All Town Standard Details required for project construction.
3. All plan sheets are to have a north arrow with north oriented toward the top of the sheet or to the right edge.
4. All plan sheets are to be the same size (22" x 34") and of legible professional quality.
5. All plan drawings shall be numbered and include all plan titles and referenced by name.
6. All plans shall be based on and at the same scale, 1"=40', and at the same orientation as the site survey.
7. Topographic plans shall extend 50 feet beyond the exterior property lines and detail all natural and manmade features which occur immediately offsite.
8. All plans are to include the preparer, address, and title approval block.
9. All plans are to include the Town of Carbonado signature block.
10. All plans shall be signed and stamped by a Washington State licensed professional engineer.
11. Label all street names.
12. All existing utilities, features, and facilities shall be faded back on the Plan Set.
13. Provide a composite drawing when the Site Plan or Landscape Plan is broken into multiple sheets.

14. Datum shall be NGVD for vertical control and NAD 83/91 for horizontal unless otherwise approved by the Town.

B. Cover Sheet

1. Title of Proposal.
2. Legal owner's address.
3. Name, address, and phone number of all agencies working on development, i.e., engineer, architect, etc.
4. Small scale vicinity map.
5. Legal description.
6. Gross site area in square feet and acres.
7. Total square footage of impervious and pervious surface called out by type, including building footprint.
8. Total number of proposed compact, standard, and barrier free/van parking stalls.
9. Any manufacturing process/hazardous materials to be used onsite.
10. Material Safety Data Sheets (MSDS) for hazardous materials to be used or stored.
11. Listing of any and all permits, required, including those outside the Town of Carbonado.
12. Town of Carbonado standard signature block.

C. Existing Site Survey

1. The survey will be stamped by a licensed surveyor.
2. Show property lines, including distances, bearings, and corner markings.
3. Locate and label all existing adjacent right-of-way improvements including centerline, curb, sidewalk, and all surface hardware. Distances from property line to right-of-way centerline and width of right-of-way are required.
4. Show the location of all existing utility, open space, drainage, native growth protection, and access easements. Include recording number with all easements. Underground utilities shall be shown in the profile drawings.
5. Indicate existing location of mailboxes, waterlines, sewer lines, storm lines, utility vaults, hydrants, fire department connection, electrical conduit and equipment pads, power poles, all exposed HVAC equipment, traffic signs, and all other pertinent above and underground features.

6. Show all trees 6 inches in diameter or larger as measured at 4 1/2 feet above the ground, stands of trees and other vegetation such as wetlands and brush, and a key to abbreviations.
7. Show surface elevation at each corner of the site and existing contours at 2-foot intervals.
8. Indicate all streams, ditches, channels, bridges, culverts, catch basins, and show direction of flow.
9. Show all setbacks (building, stream, lake, etc.) within 50 feet of the project property.

D. Proposed Site/Grading Plan

1. Show finished grade contours at 2-foot intervals.
2. Show property lines including bearings, distances, and corner markings.
3. Show all on-site easements (include width and type), dedicated areas and open space areas.
4. Topographic plans shall extend 50 feet beyond the exterior property lines and detail all natural and manmade features which occur immediately offsite.
5. Show location and overall dimensions of all existing and proposed on-site buildings. Show distances from building walls to property lines.
6. Label, number and dimensions of all standard, compact, and handicapped parking stalls, and loading areas.
7. Show roads and driveway slopes in percent of grade.
8. Indicate width, materials, and location of all internal walkways and connection to public sidewalks or right-of-way.
9. Indicate existing (faded back) and proposed mailboxes, waterlines, sewer lines, storm lines, utility vaults, hydrants, fire department connection, electrical conduit and equipment pads, power poles, all exposed HVAC equipment, traffic signs, and all other pertinent above and underground features.
10. Indicate all existing as well as proposed rockeries and retaining walls and indicate their length, height, color treatment, and materials.
11. Indicate all improvements to be placed within public right-of-way.
12. All exterior light fixtures shall be noted as to location, type, and wattage.
13. Show existing driveways adjacent to the site and on properties on the opposite side of roadway or easements facing the property.

E. Cross Section Details

1. All roadway, sidewalks, and pedestrian trails shall be detailed in a cross sectional scaled drawing.
2. All rockeries and retaining walls taller than 4 feet shall be detailed in a single line cross sectional scaled drawing. This sectional drawing shall extend through the rockery/retaining wall, and end at the outer boundaries of grade disturbance resulting from construction activity.
3. All right-of-way improvements shall be detailed, including distance to centerline or right-of-way, grades, materials, sidewalk width, landscaping area, curb, and gutter and other required improvements.
4. All landscape berms shall be detailed in a single line scale drawing.
5. All detention ponds shall be detailed in a single line scale drawing that includes construction materials and pond depth.

F. Landscape Plan

1. Locate and label all existing and proposed vegetation and indicate vegetation to be saved.
2. List all proposed plants and existing plants that are to remain, including symbol, quantity, size, common, and botanical names, and spacing.
3. All trees 6 inches and larger as measured at 4-1/2 feet aboveground scheduled to be saved shall be shown with a temporary orange plastic fence located at the actual drip lines prior to any on-site grading. Accurately locate these significant trees using the site survey.
4. Provide planting details (root barrier, support systems, soil, mix, planting, depth, spacing, and width, and bark mulch depth).
5. Show all existing and proposed utilities, i.e., power vault, hydrants, overhead wires, lights, poles, signs, etc., in relation to plantings, in a faded layer.
6. Show proposed berm locations and size.
7. Indicate location of existing and proposed rockeries and retaining walls.
8. Show location of proposed buildings, parking areas, accessory structure, and all other pertinent site features.
9. Underground irrigation system plan if required.

G. Storm Drainage Plan

1. Indicate all proposed finished contours at intervals of no greater than 2 feet.

2. Topographic plans shall extend 50 feet beyond the exterior property lines and detail all natural and manmade features.
3. Indicate all surface water features, floodplains, and/or wetlands.
4. Location of all contributing off-site drainage.
5. Indicate existing and proposed detention/retention ponds.
6. Indicate existing and proposed biofiltration areas.
7. Indicate existing and proposed rockeries and retaining walls.
8. All trees 6-inches and larger as measured at 4-1/2 feet aboveground scheduled to be saved shall be shown with a temporary orange plastic fence located at the actual drip lines prior to any on-site grading. These trees shall be accurately located on the Plans.
9. Show location of all utility, open space, drainage, native growth protection, and access easements.
10. Indicate all streams, ditches, and show direction of flow.
11. Indicate location of all existing (faded back) and all proposed storm drainage system improvements, note pipe size, length, slope, type, class, and include catch basins and manhole rims to include elevations and invert elevation of all associated storm pipes.
12. Provide storm drainage calculations in accordance with Town Standards.
13. Provide a temporary erosion and sedimentation control plan.

#### H. Roadway Plan

1. Plan and profile;
2. Street name;
3. Right-of-way and width;
4. Centerline bearings;
5. Centerline/baseline stationing;
6. Centerline elevations every 50 feet;
7. Gutter line elevations every 50 feet;
8. Gutter line elevations around curb radii, 5 points;
9. Slope shall be in percent;

10. Transverse slope: 2 percent standard crown (to be used unless otherwise approved by Town);
11. Longitudinal slope;
12. Horizontal and vertical curves shall be required when a change of centerline grade occurs greater than one percent:
  - 50 feet minimum length;
  - Elevations required at 25-foot stations and at the P.C., P.I., P.T. and low point or high point;
13. Longitudinal gutter line slope;
14. Pavement cross sections per Town standard detail;
15. Accurate locations of existing and proposed monuments at all centerline intersections, cul-de-sacs, P.C.s, P.T.s, and P.R.C.s;
16. Width of sidewalks and driveways;
17. The location of all existing fire hydrants within 300 feet of the Project shall be indicated;
18. Curb and gutter;
19. ADA ramps;
20. Illumination. All illumination plans shall conform to IES standards for the classification of roadway being illuminated. Plans shall include the following:
  - Luminaries - location, material, height, and wattage.
  - Service cabinet - location and material.
  - Conduits and wire - location, material size, and depth.
  - Junction boxes - location and material.
21. Channelization and Signing:
  - Lane markers - location and type.
  - Pavement markings - location and type.
  - Signs - location and type.

I. Water Plan

1. Indicate all existing pertinent underground utilities and aboveground features (fade back).
2. Indicate all existing and proposed water system improvements, note pipe size, length, type, class, fittings, valves, hydrants, blowoffs, air relief assemblies, water sampling stations, water services, back flow assemblies, etc.
3. Indicate all existing fire hydrants within 300 feet of the project boundaries.

J. Sewer Plan

1. Standard Plan Notes

Standard plan notes must be included on all plans. At the applicant's discretion, notes which in no way apply to the project may be omitted with a "N/A;" however, the remaining notes must not be renumbered.

K. General Notes

1. All construction shall be in accordance with the Carbonado Municipal Code (CMC), Carbonado Public Works Standards, and the Town of Carbonado's conditions of approval. It shall be the sole responsibility of the applicant to correct any error, omission, or variation from the above requirements found in these plans. All corrections shall be at no additional cost or liability to the Town.
2. All work and material shall be in accordance with the latest revision, of the Town of Carbonado Development Guidelines and Public Works Standards. Any variance from the Town's standards is not allowed unless specifically approved by the Town prior to construction.
3. The Contractor shall have a copy of the Town of Carbonado's Development Guidelines and Public Works Standards onsite at all times.
4. Before any construction or development activity, a preconstruction meeting must be held between the Public Works Department, the applicant, and the applicant's Construction Representative.
5. A copy of the approved plans must be on the job site whenever construction is in progress.
6. Work hours shall be limited to workdays only excluding Town recognized holidays between the hours of 7:00 a.m. and 7:00 p.m. unless otherwise approved in advance by the Town.
7. It shall be the applicant's/contractor's responsibility to obtain all construction easements necessary before initiating offsite work within the road right-of-way.
8. Franchised utilities or other installations that are not shown on these approved plans shall not be constructed unless a permit has been issued by the Town of Carbonado or its designated representative agency, e.g., Pierce County for Sanitary Sewer.

9. Datum shall be NGVD 29 for vertical control and NAD 83/91 for horizontal unless otherwise approved by the Town.

10. All utility trenches shall be backfilled and compacted to 95 percent maximum density, modified proctor. Test results shall be provided to the Town.

11. All roadway subgrade shall be backfilled and compacted to 95 percent maximum density (WSDOT 2-06.3). Test results shall be provided to the Town.

12. All asphalt shall be compacted to a minimum of 91 percent of the reference maximum density as determined by WSDOT FOP for AASHTO T209.

13. Open cutting of existing roadways is not allowed unless specifically approved by the Town and noted on these approved plans. Any open cut shall be restored in accordance with the Carbonado Public Works Standards.

14. The contractor shall be responsible for providing adequate safeguards, safety devices, protective equipment, flaggers, and any other needed actions to protect the life, health, and safety of the public, and to protect property in connection with the performance of work covered by the contractor. Any work within the traveled right-of-way that may interrupt normal traffic flow shall require at least one flagger for each lane of traffic affected. Section 1-07.23, "Traffic Control," of the Standard Specifications shall apply in its entirety.

15. Call underground utility locate line 1-800-424-5555 a minimum of 2 working days prior to any excavation.

16. The Contractor shall keep a set of plans onsite at all times for recording "as-built" information. One set shall be submitted to the Town of Carbonado at completion of construction.

17. These Plans are approved for a period of 180 days from the date of approval. Every permit issued shall become invalid unless the work on the site authorized on the site by such permit is commenced within a period of 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Town reserves the right to make revisions, modifications, and changes should construction be delayed beyond this time limit. The Public Works Director may grant, in writing, one or more extensions of time. The extension shall be requested in writing and justifiable cause demonstrated.

18. All fees, bonding, and proof of liability insurance shall be submitted to the Town prior to the preconstruction meeting.

L. Erosion and Sediment Control (ESC) Notes

1. The implementation of these ESC plans and the construction, maintenance, replacement, and upgrading of these ESC facilities is the responsibility of the applicant/ESC supervisor until all construction is approved.

2. The boundaries of the clearing limits shown on this plan shall be clearly flagged by a continuous length of orange protection fencing prior to construction. During



construction, no disturbance beyond the clearing limits shall be permitted. The clearing limits shall be maintained by the applicant/ESC supervisor until all construction is approved.

3. The ESC facilities shown on this plan must be constructed prior to or in conjunction with all clearing and grading so as to ensure that the transport of sediment to surface waters, drainage systems, and adjacent properties is prevented.

4. The ESC facilities shown on this plan are the minimum requirements for anticipated site conditions. During the course of construction, these ESC facilities shall be upgraded as needed for unexpected storm events and modified to account for changing site conditions.

5. The ESC facilities shall be inspected daily by the applicant/ESC supervisor and maintained to ensure continued proper functioning. Written records shall be kept of weekly reviews of the ESC facilities during the wet season (October 1 to April 30) and of monthly reviews during the dry season (May 1 to September 30).

6. Any areas of exposed soils, including roadway embankments, that will not be disturbed for 2 days during the wet season or 7 days during the dry season shall be immediately stabilized with the approved ESC methods (e.g., seeding, mulching, plastic covering, etc.).

7. Any area needing ESC measures that do not require immediate attention shall be addressed within 15 days.

8. The ESC facilities on inactive sites shall be inspected and maintained a minimum of once a month or within 48 hours following a storm event.

9. At no time shall more than 1 foot of sediment be allowed to accumulate within a catch basin. All catch basins and conveyance lines shall be cleaned prior to paving. The cleaning operation shall not flush sediment-laden water into the downstream system.

10. Stabilized construction entrances and roads shall be installed at the beginning of construction and maintained for the duration of the project. Additional measures, such as wash pads, may be required to ensure no dirt or mud is tracked off-site and that all paved areas are kept clean for the duration of the project.

11. Any permanent flow control facility used as a temporary settling basin shall be modified with the necessary erosion control measures and shall provide adequate storage capacity Town. If the facility is to function ultimately as an infiltration system, the temporary facility must be graded so that the bottom and sides are at least 2 feet above final grade of the permanent facility.

12. Where straw mulch for temporary erosion control is required, it shall be applied at a minimum thickness of 2-inches.

13. Prior to September 15, all disturbed areas shall be reviewed to identify which ones can be seeded in preparation for the winter rains. Disturbed areas shall be seeded prior to October 1. A sketch map of those areas to be seeded and those areas to remain uncovered shall be submitted to the Town inspector. The Town inspector can require seeding of

additional areas in order to protect surface waters, adjacent properties, or drainage facilities.

M. Drainage Notes

1. All storm lines and retention/detention areas shall be staked for grade and alignment by an engineering or surveying firm capable of performing such work, and currently licensed in the State of Washington to do so.

2. All pipe and appurtenances shall be laid on a properly prepared foundation in accordance with WSDOT 7-02.3(1). This shall include leveling and compacting the trench bottom, the top of the foundation material, and any required pipe bedding to a uniform grade so that the entire pipe is supported by a uniformly dense unyielding base.

3. When appropriate, storm drain pipelines shall be sized and installed to the far property line(s) to serve tributary areas. They shall be appropriately sized to accommodate anticipated flows as further identified herein.

4. All pipe for storm mains shall be “preapproved” by the Town’s Engineer based on localized conditions and comply with the following types:

- Polyvinyl Chloride: PVC pipe shall conform to ASTM D3034, SDR 35 or ASTM F789 with joints and rubber gaskets conforming to ASTM D3212 and ASTM F477.
- Plain Concrete: Plain concrete pipe per Standard Specifications as set forth in Section 7-04.
- Reinforced Concrete: Reinforced concrete pipe shall be Class IV per Standard Specifications as set forth in Section 7-04.
- Ductile Iron: Ductile iron pipe shall conform to AWWA C151 Class 50 and have a cement mortar lining conforming to AWWA C104. All pipes shall be joined using non-restrained joints, which shall be rubber gaskets, push on type or mechanical joint, conforming to AWWA C111.
- Polyethylene: PE smooth wall pipe per Advanced Drainage Systems (ADS) N-12 (bell and spigot), or Town approved equal, constructed per Standard Specifications 7-04.
- High Density Polyethylene Pipe (HDPE): HDPE pipe shall be SDR 25 butt-fused welded pipe high density, black, PE 3408. Pipe shall be made from premium high density polyethylene resin, qualified as Type III, Category 5, Class C, Grade P34 in ASTM D1248-81.

5. All drainage structures, such as catch basins and manholes shall have locking lids.

6. All catch basin grates shall conform to Town of Carbonado drawings, and shall include the stamping “OUTFALL TO STREAM, DUMP NO POLLUTANTS.”

7. All driveway culverts located within the right-of-way shall be of sufficient length to provide a minimum 3:1 slope from the edge of the driveway to the bottom of the ditch. Culverts shall have beveled end sections to match the side slope.

8. Rock for erosion protection for roadway ditches, where required, must be of sound quarry rock, placed to a depth of 1 foot, and must meet the following specifications: 4- to 8-inch rock/40- to 70 percent passing; 2- to 4-inch rock/30- to 40-percent passing; and 2 inch minus rock/10- to 20 percent passing.

#### N. Water Mains and Fittings Notes

1. All water mains shall be furnished and installed as shown on the Plans as approved by the Town.

2. Water mains to be installed shall be ductile iron pipe for all sizes, unless specifically noted otherwise.

3. Maximum deflection of joints shall be 1/2 manufactures recommended deflection.

4. The ductile iron pipe shall conform to ANSI/AWWA C151/A21.51-91 Standards, and current amendments thereto, except the ductile iron pipe shall be thickness Class 52 for 4-inch through 14-inch-diameter pipe (except for 6-inch hydrant spools which shall be Cl. 53) and Class 50 for 16 inch and larger. Grade of iron shall be a minimum of 60-42-10. The pipe shall be cement lined to a minimum thickness of 1/16 of an inch, meeting NSF standards for potable water, and the exterior shall be coated with an asphaltic coating.

5. Type of joint shall be mechanical joint or push-on type, employing a single gasket, such as "Tyton," except where otherwise calling for flanged ends shall conform to AWWA C111. Bolts furnished for mechanical joint pipe and fittings shall be high strength ductile iron, with a minimum tensile strength of 50,000 psi.

6. Restrained joint pipe, where shown on the Plans shall be push-on joint pipe with "Field LOK®" gaskets as furnished by U.S. Pipe or equal for 24 inch diameter and smaller pipe.

7. All fittings shall be short-bodied, ductile iron complying with applicable AWWA C110 or C153 Standards for 350 psi pressure rating for mechanical joint fittings and 250 psi pressure rating for flanged fittings. All fittings shall be cement lined and either mechanical joint or flanged, as indicated on the Plans.

8. Fittings in areas requiring restrained joints shall be mechanical joint fittings with a mechanical joint restraint device. The mechanical joint restraint device shall have a working pressure of at least 250 psi with a minimum safety factor of 2:1 and shall be EBAA Iron, Inc., MEGALUG, or approved equal.

9. All bend fittings and tees shall be installed to include concrete blocking with a mechanical joint restraint device. The mechanical joint restraint device shall have a working pressure of at least 250 psi with a minimum safety factor of 2:1 and shall be Mega Lug (retainer glands) or Town approved equal.

10. All couplings shall be ductile iron mechanical joint (long pattern) sleeves.

11. The pipe and fittings shall be inspected for defects before installation. All lumps, blisters and excess coal tar coating shall be removed from the bell and spigot end of each pipe, and the outside of the spigot and the inside of the bell shall be wire-brushed and wiped clean and dry, and free from oil and grease before the pipe is laid.

12. Every precaution shall be taken to prevent foreign material from entering the pipe while it is being placed in the line. At times when pipe laying is not in progress, the open ends of pipe shall be closed by a watertight plug. If water is in the trench when work resumes, the seal shall remain in place until the trench is pumped completely "dry." No pipe shall be laid in water or when trench conditions are unsuitable or unsafe.

13. The cutting of pipe for inserting fittings or closure pieces shall be done in a neat and workmanlike manner, without damage to the pipe or cement lining, and so as to leave a smooth end at right angles to the axis of the pipe. Pipe shall be laid with bell ends facing in the direction of the laying, unless approved otherwise by the Town. Wherever it is necessary to deflect pipe from a straight line, the amount of deflection allowed shall not exceed the pipe manufacturer's recommendations.

14. For connection of mechanical joints, the socket, plain end of each pipe and gasket shall be cleaned of dirt before jointing, and shall be jointed according to manufacturer's directions. Bolts shall be tightened alternately at top, bottom, and sides, so pressure on gasket is even.

15. For connection of push on type joints, the jointing shall be done according to manufacturer's recommendations, with special care used in cleaning gasket seat to prevent any dirt or sand from getting between the gasket and pipe. Lubricant to be used on the gasket shall be non-toxic and free from contamination. When a pipe length is cut, the outer edge of the cut shall be beveled with a file to prevent damage to the gasket during jointing.

16. Fittings shall be "blocked" with poured-in-place concrete, with a firm minimum bearing against an undisturbed earth wall. Timber blocking will not be permitted. Thrust blocks shall be poured as soon as possible after setting the fittings in place to allow the concrete to "set" before applying the pressure test. The concrete thrust blocks shall be in place before beginning the pressure test. Anchor blocks shall be allowed to set sufficiently to develop the necessary bond strength between the reinforcing rods and the concrete anchor before beginning the pressure test. Concrete shall be commercial Class 3000 psi. A visqueen barrier shall be provided to protect glands, bolts, and other miscellaneous materials required for this type of connection.

17. All of the new piping, valves and blocking shall have been installed, disinfected, and tested up to the point of cutting into existing lines before the crossover is made. The crossover to the existing system shall be in full readiness, including the cut and sized specials. 48-hour notice shall be given the Town in advance of the planned "cut-ins." No connections will be allowed on Fridays.

18. All valves 14 inches and larger shall be butterfly valves. All valves 12 inches and smaller shall be resilient seat gate valves.

19. All resilient-seated gate valves shall conform to AWWA C509 or C515 Standards for resilient-seated, high strength, bronze stemmed gate valves. The valve shall be rated at 250 psi or higher. The valves shall be ductile iron-bodied, iron disk completely encapsulated with polyurethane rubber and bronze, non-rising stem with "O" ring seals. The polyurethane sealing rubber shall be fusion bonded to the wedge to meet ASTM D429 tests for rubber to metal bond. The valves shall open counter-clockwise and be furnished with 2-inch square-operating nuts except valves in vaults shall be furnished with handwheels. All surfaces, interior, and exterior shall be fusion-bonded epoxy coated, acceptable for potable water. Valves shall be Mueller, M&H, American AVK, or approved equal.

20. Butterfly valves shall be of the tight closing rubber seat type with rubber seat either bonded to the body or mechanically retained in the body with no fasteners or retaining hardware in the flowstream. Where threaded fasteners are used, the fasteners shall be retained with a locking wire or equivalent provision to prevent loosening. Rubber seats attached to the valve vane shall be equipped with stainless steel seat ring integral with the body, and the body internal surfaces shall be epoxy coated. Valve discs shall rotate 90 degrees from the full open position to the tight shut position. The valves shall meet the full requirements of AWWA C504, Class 150B. The valve shall be Henry Pratt Company "Groundhog," or owner approved equal.

21. Tapping sleeves and tapping valves shall be rated for a working pressure of 250 psi minimum and furnished complete with joint accessories. Tapping sleeves shall be constructed in two sections to permit assembly around the main without interrupting service. Mechanical joint style sleeves shall be ductile iron or fabricated steel style sleeves, ductile iron mechanical joint style sleeves are required for size-on-size connections as manufactured by Clow, Dresser, Mueller, Tyler, U.S. Pipe, or owner approved equal.

22. Fabricated steel style sleeves shall be fusion bonded coated, acceptable for potable water, and is acceptable for A.C. pipe taps only. Fabricated steel sleeves shall be manufactured by JCM, Romac or approved equal.

23. Tapping valves shall be provided with a standard mechanical joint outlet for use with ductile iron pipe and shall have oversized seat rings. In all other respects, the tapping valves shall conform to the resilient seat gate valves herein specified with regards to operation and materials.

24. The tapping sleeve and valve shall be tested to 100 psi (air) prior to tapping the main.

25. The location of the water mains, valves, hydrants, and principal fittings including modifications shall be staked by the Developer. No deviation shall be made from the required line or grade. The developer shall verify and protect all underground and surface utilities encountered during the progress of this work.

26. All pipelines shall be tested and disinfected to Town and AWWA Standards submitted to the Town for approval.

27. Before acceptance of the water system by the Town, all pipes, appurtenances, vaults, meter boxes, etc., shall be cleaned of all debris and objectionable material.

Mechanical systems shall be field checked for performance. Operation and maintenance manuals shall be provide after a “startup” is satisfactorily witnessed.

28. All fire hydrants shall be approved by the National Board of Fire Underwriters and conform to AWWA Specification C502, breakaway type. The fire hydrants shall be M&H “Reliant” #929, Mueller A423, American AVK, or Town approved equal. The hydrant barrel shall have a diameter of not less than 8-1/2 inches, and the valve diameter shall be not less than 5-1/4 inches. Each hydrant shall be equipped with two 2 1/2 inch hose ports (National Standard Thread), and one 4-1/2-inch pumper connection (National Standard Thread), with a permanent anodized short profile style Storz hydrant adaptor and anodized Storz blind flange shall be installed on the pumps port. The size of the adaptor will be 4 inches in areas within Town limits and 5 inches outside Town limits. The Contractor shall get the Town’s approval of size prior to ordering fire hydrant. Between the time that the fire hydrant is installed and the completed facility is placed in operation, the fire hydrant shall at all times be wrapped in burlap, or covered in some other suitable manner to clearly indicate that the fire hydrant is not in service.

O. Construction Sequence

A recommended construction sequence is provided below:

1. Clearing limits, trees to be retained, and sensitive areas flagged, fenced, and inspected by the Town.
2. Hold a preconstruction meeting.
3. Post a sign with the name and phone number of the project supervisor.
4. Install catch basin protection.
5. Grade and install construction entrance(s).
6. Install perimeter protection.
7. Construct sediment ponds and traps.
8. Grade and stabilize construction roads and staging areas.
9. Construct surface water controls (interceptor ditches, pipe slope drains, etc.) simultaneously with clearing and grading for project development.
10. Maintain erosion control measures in accordance with Town standards and manufacturer’s recommendations.
11. All other work item shall be of the Contractor’s option in keeping with good construction practice.

The Contractor shall conduct the order of work to allow all existing facilities to remain operational except as noted herein during the construction of this project, and to minimize disruption of any utility service.

### **11.30.020 Non-Interference**

The permittee shall be responsible for minimum interference with:

- A. Traffic Routing
- B. Fire Facility Clearance
- C. Adjoining Property
- D. Utility Facilities and Service
- E. Natural Surface Drainage
- F. Refuse Service
- G. US Mail and Postal Service
- H. Emergency Service
- I. School Routes

Prior to construction, these items are to be discussed with the Town Public Works Department, School, and/or local Fire and Police Departments and/or the Town Building Inspector, and special provisions may be included in any applicable Town Permit(s).

### **11.30.030 Work Standards**

All work performed pursuant to a permit issued shall be done in accordance with these Standards and with Adopted Standards as specified in CMC 11.30.010 above.

### **11.30.040 Inspection**

#### **A. General**

The Town shall exercise full right of inspection of all survey, excavation, grading, stockpiling, construction, and other invasion into or upon Town right-of-way or public easements. The Public Works Director shall be notified 5 working days prior to commencing any work in the Town's rights-of-way or public easements. Pursuant to CMC 14.70, the Public Works Director is authorized to and may issue immediate stop work orders in the event of noncompliance with this chapter, safety issues, erosion control issues and/or any of the terms and provisions of the permit or permits issued hereunder.

Timely notification by the developer as noted herein is essential for the Town to verify through inspection that the work meets the standard. Failure to notify in time may oblige the Town to arrange appropriate sampling and testing after-the-fact, with certification, by a professional engineer. Costs of such testing and certification shall be borne by the developer. At the time that such action is directed by the Public Works Director further work on the development may prohibit or limited until all directed tests have been completed and corrections made to the satisfaction of the Public Works Director. If necessary the Town may take further action as set forth in the Carbonado Municipal Code.

#### **B. Requirements within Town Right-of-Way.**

On all water, road and drainage facility construction, proposed or in progress, which relates to subdivision, binding site plan, commercial and right-of-way development, control and inspection will be done by the Town. Unless otherwise instructed by the Town, construction events which require monitoring or inspection along with notice requirements for requested inspections are identified as follows:

1. Preconstruction Conference. 5-working days prior notice. Conference must precede the beginning of construction and include contractor, designing engineer, utilities, and other parties affected. Plan approvals and permits must be in hand prior to the conference.
2. Clearing and Temporary Erosion/Sedimentation Control. 1 working days' notice prior to initial site work involving drainage and installation of temporary water retention/detention and siltation control. Such work to be in accordance with the DOE Manual and the approved Plans.
3. Utility Installation. 1 working days' notice prior to trenching and placing of underground utilities such as storm, sanitary, water, gas, power, telephone, and TV lines.
4. Utility Backfill and Compaction. 1 working days' notice before backfill and compaction of storm sewers and underground utilities.
5. Subgrade Completion. 1 working days' notice at stage that underground utilities and roadway grading are complete, to include placement of gravel base if required. Inspection to include compaction tests and certifications described in the WSDOT standard specifications.
6. Curb and Sidewalk Forming. 1 working days' notice to verify proper forming and preparation prior to pouring concrete.
7. Curb and Sidewalk Placement. 1 working days' notice to check placement of concrete.
8. Crushed Surfacing Placement. 1 working days' notice to check placement and compaction of crushed surfacing base course and top course.
9. Paving. 3 working days' notice in advance of paving with asphalt or Portland cement concrete.
10. Structural. 3 working days' notice prior to each critical stage such as placing foundation piling or footings, placement and assembly of major components, and completion of structure and approaches. Tests and certification requirements will be as directed by the Public Works Director.

#### C. Final Inspection

Prior to final approval of construction, the Town will make a visual inspection of the job site. Restoration of the area shall be complete with all improvements being restored to substantially their original or superior condition. The Town may, at its discretion also require additional non-destructive testing to insure the quality of the work. When such is required (compaction testing, television inspection, engineering inspection, etc.) it shall be subject to full reimbursement by the Developer.

#### **11.30.050 As-Built Drawings**



Permittees who install systems over, across, along, within, on, or below the Town's public rights-of-way or public easements shall furnish the Town with accurate drawings, plans, and profiles, showing the location and curvature of all underground structures installed, including existing facilities encountered and abandoned facilities. Horizontal locations of utilities are to be referenced to street centerlines, as marked by survey monuments, and shall be accurate to a tolerance of plus or minus 1/2 foot. The depth of such structure may be referenced to the elevation of the finished street above said utility, with depths to the nearest 0.1 foot being shown in a minimum of 50-foot intervals along the location of said utility.

Such as-built drawings shall be submitted to the Town within 30 calendar days after completion of the work. As-built drawings shall be stamped, signed, and dated by an engineer or professional land surveyor currently licensed in the State of Washington.

In the event that the permittee does not have qualified personnel to furnish the as built drawing required by this section, he shall advise the Public Works Director (2 working days' notice) in advance of covering underground facilities in order that necessary field measurement may be taken during construction by the Town for the preparation of as-built drawings. All costs of such field inspection and measurement, to include the preparation of the as-built drawings, shall be at the sole expense of the permittee.

Drawing Standards:

- Sheet size 22" x 34"
- Minimum scale - 1" = 40' horizontal; 1" = 5' vertical
- Detail scale - Larger as necessary

Paper as-built drawings shall be submitted with a signature and date which verifies the "as-built" condition of the project. An electronic file in PDF and AutoCAD format (current edition) shall also be provided. (Ord. 445 § 4, 2016)

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## **CHAPTER 11.40 STREETS, PEDESTRIAN PATHS AND BIKEWAY STANDARDS**

### **Sections**

- 11.40.010 General Considerations**
- 11.40.020 Streets**
- 11.40.030 Street Frontage Improvements**
- 11.40.040 Private Streets**
- 11.40.050 Cul-De-Sacs and Eyebrows**
- 11.40.060 Intersections**
- 11.40.070 Half Streets**
- 11.40.080 One-Way Streets**
- 11.40.090 Bus Zones and Turn-Outs**
- 11.40.100 Access and Circulation Requirements**
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- 11.40.250 School Access**
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- 11.40.340 Crushed Surfacing (Base and Top Course)**
- 11.40.350 Surfacing Requirements**
- 11.40.360 Adjustment of New and Existing Utility Structures to Grade**
- 11.40.370 Erosion Control**
- 11.40.380 Finishing and Cleanup**

### **11.40.010 General Considerations**

Grid systems shall be encouraged and developments must provide for the extension of roadways to accommodate and promote “grid” systems. Dead end streets and cul-de-sacs are discouraged. Single entrance/exit roadways are strongly discouraged.

This chapter provides minimum street design standards as well as minimum design standards for “stand alone” pedestrian and/or bike trails/paths. Higher design and construction standards may be warranted due to localized design and construction parameters.

#### **11.40.020 Streets**

##### **A. General**

All plans submitted for channelization, traffic control and road construction or reconstruction shall be prepared by a professional engineer licensed in the State of Washington. All street design must provide for the maximum traffic loading and capacity Town conditions anticipated. The width and grade of the pavement must conform to specific standards set forth herein for safety and uniformity.

##### **B. Design Standards**

The design of streets and roads shall depend upon their type and usage. The design elements of streets shall conform to Town standards as set forth herein.

The layout of streets shall provide for the continuation of existing arterial and neighborhood collector streets in adjoining subdivisions or of their proper projection when adjoining property is not yet subdivided. Local access streets, which serve primarily to provide access to abutting property, shall be designed to discourage through traffic. See Road Section Details and CMC 11.40.020 Table 1 for the Minimum Street Design Standards.

1. Maximum and minimum grades as shown in CMC 11.40.020 Table 1 may be exceeded for short distances of 300 feet or less, upon showing that no practical alternative exists. Exceptions, which exceed 15 percent, will require the approval of the Public Works Director and verification by the fire marshal that additional fire protection requirements will be met.
2. The pavement and right-of-way width depend upon the street classification. The Standard Road Sections show the minimum required widths. Pavement widths shall be measured from face of vertical curb to face of vertical curb on streets with cement concrete curb and gutter.
3. There shall be no islands in the middle of any residential cul-de-sac.
4. The developer may be required to retain a licensed soils engineer to make soils tests and to provide engineering recommendations for design of the pavement based on “in place” soils, depth of “free draining” structural materials, projected pavement loadings, roadway classification, average daily traffic volume, etc.
5. In special circumstances, as may be specifically approved/required by the Public Works Director, due to local conditions and/or geometric

restrictions, paving widths or improvement standards may be required which are different than those specifically listed herein.

6. The Town intends to promote connectivity of roadways within plats and throughout the Town. To facilitate future development within the Town, streets and rights-of-way shall be planned to give access to or permit the future subdivision of adjoining land. Streets shall be extended to the plat boundary to accommodate extensions into future subdivisions or adjoining land and the resulting dead end street shall be barricaded pursuant to WSDOT standards, signed as described in Section 11.40.110, and provided with a temporary cul-de-sac. The cul-de-sac shall be paved per standards. In designing streets, existing development, proposed development and possible future development shall all be considered in the recommendation of right-of-way widths, street widths, paving sections, sidewalks, and other applicable standards.
7. Street jogs with centerline offsets less than 125 feet are prohibited.
8. The location and alignment of streets shall generally conform to existing street layouts, and to the Town's policy of extending transportation corridors unless topography or some physical or environmental feature prohibits the reasonable extension or connection of these streets now or in the future. The Town Council shall approve of all street names.
9. Streets and lots shall be placed in relationship to natural topography so that grading and filling and/or other alternations of existing conditions is minimized.
10. Streets shall conform to all requirements of the latest edition of the International Fire Code as adopted by the Town, and all requirements of the Fire Marshall.
11. Dead end/cul-de-sacs shall terminate in a circular turnaround having minimum pavement diameter of 80 feet.
12. All new utility systems such as power, gas, cable TV, and telephone shall be buried. Design and installation of the system shall be done by the franchised utility company. Design shall be submitted to the Town for review and approval prior to installation;
13. Roads are to be sawcut or ground before permanent patch is made or new AC pavement is installed abutting the existing road;
14. The street system (in residential subdivisions and short subdivisions) shall be laid out with a minimum number of intersections with arterial streets. No streets shall intersect at intervals closer than 125 feet, unless, in the judgment of the Public Works Director, an exception to this rule would be in the public interest and welfare;
15. Streets shall be laid out so as to intersect as nearly as possible at right angles, and in any event, no street shall intersect with any other street at an angle of less than 80 degrees without specific written Town approval.

16. All public streets, sidewalks, and alleys shall conform as a minimum to one of the herein referenced construction standards and shall be adjusted as necessary to match existing facilities, service the proposed development, and meet the needs of anticipated future development.
17. At street intersections, property line corners shall be rounded by an arc, the minimum radii of which shall be 20-feet. A chord may be substituted for such arc if specifically approved by the Town Engineer.
18. Cul-de-sacs for residential and rural streets shall be 400 feet maximum in length, and constructed with a 40 foot minimum radius of pavement at the bulb. Right-of-way at the cul-de-sac bulb shall be 50 feet minimum in radius. All other requirements shall be in accordance with the applicable street standards.
19. Projects of 16 dwelling units or more, accessing off of an arterial road will likely require the design and construction of a center turn lane on the adjacent arterial.

<b>Classification</b>	<b>Arterial Streets</b>	<b>Minor and Collector Arterial Streets</b>	<b>Local Access Streets</b>	<b>Minor Access Street</b>	<b>Dean-End Cul-De-Sac</b>	<b>Half Streets</b>
Typical Road Type	Vertical curb and gutter	Vertical curb and gutter	Vertical curb and gutter	Vertical curb and gutter	Vertical curb and gutter	Vertical curb and gutter
Design Speed (3) mph	25	25	25	25	25	
Maximum Superelevation ft/ft	0.06	0.06	--	--	--	--
Horizontal Curvature	See Table 2	See Table 2	See Table 2	See Table 2	275	
Min./Max. Grade (%) (3)	0.5 - 8	0.5 - 8	0.5 - 15	0.5 - 15	0.5 - 15	0.5 - 15
Std. Stopping Sight Distance (ft) (6)	See Table 2	See Table 2	See Table 2	See Table 2	See Table 2	
Std. Entering Sight Distance (ft) (7)	See Table 2	See Table 2	See Table 2	See Table 2	See Table 2	
Intersection Curb Radius (ft)	30	30	30	25	25	15

- (1) Within the above parameters, geometric design requirements shall be determined for specific arterial roads consistent with AASHTO.
- (2) Direct access allowed only if no other access potential exists.
- (3) Design speed is a basis for determining geometric elements and does not imply posted or legally permissible speed. Curves shall be designed within parameters of B, C, and D in Table 4.1.
- (4) Superelevation may be used, upon approval of the Town Engineer.
- (5) Maximum grade may be exceeded for short distances of 300 feet or less, upon showing that no practical alternative exists. All roads with grades exceeding 15 percent shall be paved with Portland cement concrete.
- (6) Standard stopping sight distance (SSD) shall apply unless otherwise approved by the Town Engineer.  
Standard entering sight distance (ESD) shall apply at intersections and driveways unless otherwise approved by the Town Engineer. ESD shall not apply to residential driveways and local access streets.

**TABLE 1**

**Street Design Values**

<b>Design Speed (mph)</b>	<b>25</b>
Minimum Horizontal Curvature, Radius, (Feet)	180
Stopping Sight Distance (Feet)	155
Entering Sight Distance (Feet)	280

(1) Horizontal curvature to be designed by Engineer.

**11.40.030 Street Frontage Improvements**

- A. All industrial, commercial, and residential development, as well as, subdivisions and short plats shall install street frontage improvements at the time of construction. Such improvements shall include, but not limited to, paving, concrete curb and gutter, concrete sidewalk, street storm drainage, street lighting system, utility relocation, landscaping and irrigation, street pavement widening and underground utilities all per these Standards and/or as required by their Public Works Director. Plans shall be prepared and signed by a licensed civil engineer currently registered in the State of Washington.
- B. All frontage improvements shall be made across the full frontage of the property, and may include tapers and transitions to existing facilities beyond the boundary or the property improvements.
- C. Exceptions
  - 1. When the proponent requests that the Public Works Director evaluate if the required frontage improvements cannot be reasonably performed due to unique conditions, the Public Works Director will consider a request from the proponent that an “equal” and voluntary monetary amount be deposited with the Town and retained by the Town for The installation of street and/or sidewalk improvements in another area of the Town where such improvements will better serve the residents of the Town and of the proposed development per applicable RCWs. The equivalent cost shall be approved by the Town and include design, administration, construction, and construction inspection costs.
  - 2. When improvements cannot be reasonably accomplished in a timely manner a recorded agreement alone with an appropriate financial guarantee on forms provided by the Town shall be completed which provide for these improvements to be installed at a later date by the proponent.
- D. Right-of-way shall be conveyed to the Town by a right-of-way dedication deed. All costs of same to be borne by the property owner/developer.

**11.40.040 Private Streets**

- A. General

While community street requirements are usually best served by public streets, owned and maintained by the Town, private streets may be appropriate for some local access streets.

B. Approval

Private streets may be approved by the Public Works Director only when they are:

1. Permanently established by right-of-way, tract or easement providing legal access to each affected lot, dwelling unit, or business and sufficient to accommodate required improvements, to include provision for future use by adjacent property owners when applicable; and
2. Built to Town standards, as set forth herein, or secured under the provisions of the subdivision regulations; and
3. Accessible at all times for emergency and public service vehicle use; and
4. Not obstructing, or part of, the present or future public neighborhood circulation plan developed in processes such as the Town comprehensive plan, or capital improvement program; and
5. Not going to result in land locking of present or future parcels; and
6. Not needed as public roads to meet the minimum road spacing requirements of these standards; and
7. Not capable of being extended.
8. Maintained by a capable and legally responsible owner or homeowners' association or other legal entity made up of all benefited property owners, under the provisions of the applicable codes; and
9. Clearly described on the face of the plat, short plat, or other development authorization and clearly signed at street location as a private street, for the maintenance of which the Town is not responsible.

C. Acceptance of Private Streets

The Town will not accept private streets for maintenance as public streets until such streets are brought into conformance with current Town standards.

D. Internal Streets Serving Commercial Developments

Internal streets, parking lots, aisles, and alleys serving private commercial, industrial, or multi-family developments shall require the approval of the Town. In all cases, adequate provisions shall be made for emergency access, maintenance and delivery access, and shall provide adequate space for turning and parking movements and pedestrian circulation and access. Where determined by the



Town, pedestrian areas shall be separated from vehicle areas by a physical barrier such as a vertical curb or raised sidewalk. Also, the Town may require walls, curbs, fences, landscaping, or some other approved facilities to protect adjacent properties, provide screening, or prevent unsafe conditions in and around the parking areas. At a minimum, parking aisles and spaces shall be dimensioned in accordance with CMC Title 18.18.

#### **11.40.050 Cul-De-Sacs and Eyebrows**

- A. Any permanent cul-de-sac shall not be longer than 400 feet measured from centerline of intersecting street to the center of the bulb section. Proposed exceptions to this rule will be considered by the Public Works Director based on pertinent traffic planning factors such as topography, sensitive areas, and existing development. The cul-de-sac length may extend to 1,000 feet if there is provision for emergency turnaround near mid-length.
- B. The Public Works Director may require an off-street walk or an emergency vehicle access to connect a cul-de-sac at its terminus with other streets, parks, schools, bus stops, or other pedestrian traffic generators, if the need exists.
- C. If a street temporarily terminated at a property boundary serves more than six lots or is longer than 150 feet, a temporary bulb shall be constructed near the plat boundary. All portions of the temporary bulb lying outside a typical street right-of-way shall be placed in an easement. Building setback shall be measured from the boundary of the easement. Removal of the temporary cul-de-sac, extinguishment of the easement, and extension of the sidewalk shall be the responsibility of the developer who extends the road.
- D. The maximum cross slope in a bulb shall not exceed 6 percent.
- E. Use of a “hammer head” turnaround shall not be used in place of a bulb and shall only be used as an emergency turnaround where approved by the Fire Marshal.

#### **11.40.060 Intersections**

- A. Traffic control will be as specified in the Manual on Uniform Traffic Control Devices (MUTCD) or as may be specifically modified by the Town Public Works Director, as a result of appropriate traffic engineering studies.
- B. Street intersections shall be laid out so as to intersect as nearly as possible at right angles. Sharp angled intersections shall be avoided. For reasons of traffic safety, a “T” intersection (three-legged) is preferable to the cross-road (four-legged) intersection for local access streets. For safe design, the following types of intersection features should be avoided:
  - 1. Intersections with more than four intersecting streets;
  - 2. “Y” type intersections where streets meet at acute angles;
  - 3. Intersections adjacent to bridges and other sight obstructions.

- C. On sloping approaches at an intersection, landings shall be provided with grade not exceed 1 foot difference in elevation for a distance of 30-feet approaching any arterial or neighborhood collector or 20 feet approaching an local access street, measured from nearest right-of-way line (extended) of intersecting street. The Town may require the landing to be measured from the face of future curb or edge of traveled way, if there exists the question of compliance with this standard when the street is improved.
- D. Spacing between adjacent intersecting streets, whether crossing or T-connecting, shall be as follows:

When Highest Classification involved is:	Minimum centerline offset shall be:
Major arterial	330 feet
Minor arterial	300 feet
Collector Arterial	300 feet
Local Access	150 feet

- E. Curb radii at intersections shall be as indicated in Table 4.1.

**11.40.070 Half Streets**

When constructing a half street, the Developer may be required to extend the grading onto adjacent areas to accommodate future completion of the opposite half. No half street will be constructed that presents a vertical separation at the property line that will not allow reasonable completion of the opposite half.

**11.40.080 One-Way Streets**

Local access streets, including loops, may be designated one-way upon a finding by the Public Works Director that topography or other site features make two-way traffic impractical.

**11.40.090 Bus Zones and Turn-Outs**

During the design of arterials and neighborhood collectors, the designer shall contact the service provider, and the local school district to determine bus zone (stop) locations and other bus operation needs. The road project shall provide wheelchair accessible landing pads at designated bus zones as per Americans with Disabilities Act (ADA) and where required shall include turn-outs and shelter pads. Pedestrian and wheelchair access improvements within the right-of-way to and from the bus loading zone or turn-out from nearby businesses or residences shall also be provided as part of the road improvement. Surfacing requirements may also be affected, particularly on shoulders.

**11.40.100 Access and Circulation Requirements**

- A. A future street plan shall:
  - 1. Be filed by the applicant in conjunction with an application for a subdivision or development. The plan shall show the pattern of existing and proposed land division and shall include other parcels within 660 feet surrounding and adjacent to the proposed land division. At the applicant's request, the Town shall prepare a future streets proposal. A street proposal may be modified when subsequent subdivision proposals are submitted.
  - 2. Identify existing or proposed bus routes, pullouts or other transit facilities, bicycle routes and pedestrian facilities on or within 500 feet of the site.
- B. All local access streets and local collector arterials, which abut a development site, shall be extended within the site to provide through circulation when not precluded by environmental or topographical constraints, existing development patterns, or strict adherence to other portions of the Town standards. A street connection or extension is considered precluded when it is not possible to redesign or reconfigure the street pattern to provide required extensions. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the constraint precludes some reasonable street connection.
- C. The location, width, and grade of all streets shall conform to the Town standards and shall be considered in their relation to existing and planned streets, to the continuation or appropriate projection of existing streets in the surrounding areas, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets.
- D. All development shall provide an internal network of connecting streets that minimize travel distances within the development.
- E. Where necessary to give access or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary lines of the tract to be developed, and
  - 1. These extended streets or street stubs to adjoining properties are not considered to be permanent cul-de-sacs since they are intended to continue as through streets at such time as the adjoining property is developed. A temporary cul-de-sac shall be constructed in accordance with Section 4.05.
  - 2. When permitted by the Town a barricade shall be constructed at the end of the street by the developer, which shall not be removed until authorized by the Public Works Director, the cost of which is to be included in the street construction cost.

#### **11.40.110 Second Access Requirements**

In order to provide a second access to a residential subdivision, short subdivision, binding site plan or planned unit development, no residential street shall serve as an access street to any development

of more than 50 lots or dwelling units unless the access street is connected in at least two locations with other streets that have a vehicle carrying capacity the same as or greater than the access street. A local access road may be separated by a median, but the median separation may not constitute or substitute for a second access.

The second access requirement may be satisfied through use of connecting a new street to an existing street in an adjacent neighborhood if:

- A. No other practical alternative exists; or
- B. Existing street was previously stubbed indicating intent for future access; or
- C. An easement has been recorded specifically for said purpose.

These provisions are not intended to preclude the state statute on land locking. This section does not preclude a commercial project from gaining access through a residential development; however, such an access is strongly discouraged. Traffic impacts for such projects will be analyzed during the SEPA process.

#### **11.40.120 Access Requirements**

- A. In order to provide for increased traffic movement on arterial streets and to eliminate turning movement conflicts, the Public Works Director may restrict the location of driveways on such streets and require that the location of driveways be placed on adjacent streets upon the finding that the proposed access would:
  - 1. Cause or increase existing hazardous traffic conditions; or
  - 2. Provide inadequate access for emergency vehicles; or
  - 3. Cause hazardous conditions to exist, which would constitute a clear and present danger to the public health, safety, and general welfare.
- B. In order to eliminate the need to use public streets for movements between commercial or industrial properties, parking areas shall be designed to connect with parking areas on adjacent properties unless not feasible. The Public Works Director shall require access easements between properties where necessary to provide for parking area connections.
- C. In order to facilitate pedestrian and bicycle traffic, access and parking area plans shall provide efficient sidewalk and/or pathway connection between neighboring developments or land uses.
- D. Proposed street or street extensions shall be located to provide direct access to existing or planned transit stops or other neighborhood activity centers, such as schools, shopping areas, and parks.

#### **11.40.130 Street Names**

Pursuant to CMC 12.10, the developer must receive approval from the Town regarding the naming of streets. This should be done at the time the preliminary plat is submitted and again upon approval of the final plat. The correct street names must be shown on all engineering drawings. The Public Works Director will ensure that the name assigned to a new street is consistent with policies of the Town. The Town may require that addresses be assigned at the time of final plat recording.

An address number will be assigned to all new buildings at the time the building permit is issued. It is then the owner's responsibility to see that the house numbers are placed clearly and visibly on the structure and at the main entrance to the property or at the principal place of ingress.

#### **11.40.140 Signing**

The developer is responsible for providing all traffic control signs. Traffic control signing shall comply with the provisions as established by the most recent edition of the U.S. Department of Transportation Manual on Uniform Traffic Control Devices (MUTCD).

Street designation signs, including poles and hardware, shall be paid for by the developer. Street designation signs shall display street names or grid numbers as applicable. Street signs for private streets shall state "Private" directly on the sign. All signs shall conform to Town standards and the Public Works Director will have the authority to reject signage, which is considered not in conformance.

#### **11.40.150 Slope, Wall and Drainage Easements**

Either the functional classification or particular design features of a road may necessitate slope, sight distance, wall, or drainage easements beyond the right-of-way line. Such easements may be required by the Town in conjunction with dedication or acquisition of right-of-way.

#### **11.40.160 Pavement Markings, Markers, and Pavement Tapers**

Pavement markings, markers, or striping shall be used to delineate channelization, lane endings, crosswalks and longitudinal lines to control or guide traffic per MUTCD. Channelization plans or crosswalk locations shall be approved by the Town. The Developer is responsible for designing and installing all pavement markings. The Developer shall submit a pavement marking and channelization plan for the Town's review and approval.

#### **11.40.170 Right-of-Way**

Right-of-way is determined by the functional classification of a street. Arterials shall have a right-of-way consistent with the minimum street design standards.

Right-of-way requirements may be increased if additional lanes, pockets, transit lanes, bus loading zones, change in speed limit, bike lanes, utilities, schools, or other factors are proposed and/or required by the Town.

Right-of-way shall be conveyed to the Town on a recorded plat or by a right-of-way dedication deed. All costs of same to be borne by the property owner/developer.

#### **11.40.180 Signals**

Signalization will be required if warranted as determined by an existing traffic study traffic study performed by the Developer at the request of the Town. The developer shall pay the entire cost of signalization if signalization is warranted. All components of the signals shall become property of the Town.

#### **11.40.190 Parking Lots**

Plans and specifications shall be required to be submitted for review and approval by the Town with respect to storm drainage, matching street and/or sidewalk grades, access locations, parking layout, and to check for future street improvement conformity and Town zoning regulations.

Parking lot surfacing materials shall satisfy the requirement for a permanent all-weather surface. Hot Mix Asphalt pavement and cement concrete pavement satisfy this requirement and are approved materials. Gravel surfaces are not acceptable or approved surface material types. Combination grass/paving systems are approved surface material types; however, their use requires submittal of an overall parking lot paving plan showing the limits of the grass/paving systems and a description of how the systems will be irrigated and maintained. If the Public Works Director determines the grass/paving system is not appropriate for the specific application, alternate approved surfacing materials shall be utilized.

#### **11.40.200 Survey Staking**

All surveying and staking shall be performed by an engineering or surveying firm employed by the Developer and capable of performing such work. The engineer or surveyor performing and directing such work shall be currently licensed by the State of Washington to perform said task. Vertical datum shall be NAVD29 and the horizontal datum shall be NED 83/91.

A preconstruction meeting shall be held with the Town prior to commencing staking. All construction staking shall be inspected by the Town prior to construction.

The minimum staking of streets shall be as follows:

- A. Stake centerline alignment every 25 feet (50 feet in tangent sections) with cuts and/or fills to subgrade.
- B. Stake top of ballast and top of crushed surfacing at centerline and edge of pavement every 25 feet.
- C. Stake top back of curb at a consistent offset for vertical and horizontal alignment.

#### **11.40.210 Driveways**

- A. General

1. Notwithstanding any other provisions, driveways will not be allowed where they are prohibited by separate Town Council action or where they are determined by the Public Works Director to create a hazard, invite or compel illegal or unsafe traffic movements, or impede the operation of traffic on the roadway. Driveways giving direct access onto arterials may be denied if alternate access is available.
2. All abandoned driveway areas on the same frontage shall be removed and the curbing and sidewalk or shoulder and ditch section shall be properly restored, at the Property Owner's expense.
3. Maintenance of driveway approaches and culverts shall be the responsibility of the owners whose property they serve.
4. No person shall begin work on the construction, alteration, or removal of any driveway or the paving of any parking strip on and/or adjacent to any street, alley or other public place in the Town without first obtaining a street work permit from the Town. Exceptions to permit acquisition requirements may be granted at the discretion of the Public Works Director, for emergency repairs only.
5. Existing driveways may be reconstructed or repaired as they exist provided such reconstruction is compatible with the adjacent road. A street work permit shall be required for driveway reconstruction or repair.
6. For driveways crossing an open ditch section, culverts shall be adequately sized to carry anticipated stormwater flows and in no case be less than 12 inches in diameter. The property owner making the installation shall be responsible for determining proper pipe size. The Public Works Director may require the owner to verify the adequacy of pipe size. Concrete pipe shall have a minimum cover of 6 inches to finish grade. All other pipes shall have a minimum cover of 12 inches.
7. Unless otherwise approved by the Public Works Director, all driveways shall be constructed of asphalt concrete (2 inch min.) or Portland Concrete Cement Class 4000 as detailed herein.
8. No commercial driveway shall be allowed where backing onto the sidewalk or street will occur. Exceptions to this may be granted by the Public Works Director due to extenuating circumstances.
9. No driveway apron shall extend into the street further than the face of the curb.
10. The two edges of each driveway approach shall be parallel, where possible.

B. Location of New Driveways

1. A residential driveway shall typically serve only one parcel. A driveway serving more than one parcel shall be classed as a commercial driveway, except as allowed in subsections (2)(a) and (2)(b) of this section.
2. No portion of driveway width shall be allowed within 5 feet of side property lines in residential areas or 9 feet in commercial areas except as follows:
  - a. A joint use driveway tract or easement may be used to serve a maximum of two parcels:
    - (1) Minimum width of the driveway tract shall be 32 feet with a 24-foot paved driving surface, with appropriate slopes and gutters for drainage control. The remaining 8 feet of tract width (4 feet on each side) shall be used for landscaping purposes. Minimum tract length shall be 20 feet as measured from right-of-way line.
    - (2) Driving surface of a joint use driveway tract shall be paved to the edge of pavement of intersecting street.
    - (3) The Public Works Director may allow use of an easement if the only access to a serving roadway is through an adjacent parcel not owned by the applicant.
  - b. Existing driveways may utilize full width of narrow “panhandle” parcels or easements if approved by Director.
  - c. By use of an easement, a commercial driveway may be located on or over the property line if approved by Director. The Director may require a shared driveway easement for commercial properties as a means of limiting the number of driveways and proximity to other driveways and streets.
3. Every driveway must provide access to a garage, carport, parking area or other structure on private or public property requiring the entrance of vehicles. No public curb shall be cut unless a driveway is installed. A single-family residence shall be allowed only one driveway connection to the street or access road.
4. No driveway shall be constructed in such a manner as to be a hazard to any existing street lighting standard, utility pole, traffic regulating device or fire hydrant. At a minimum all portions of the driveway shall be located a minimum of 5 feet from these and similar appurtenances. The cost of relocating any such object when necessary to do so shall be paid by the abutting property owner. The relocation of any object shall be allowed with the specific written approval of the Owner of the object involved.



5. Parking lot circulation and signing needs shall be met on site. The public right-of-way shall not be utilized as part of parking lot circulation..
6. No driveway access shall be allowed onto an arterial street within 100 feet of the nearest right-of-way line of an intersecting street.
7. No driveway shall be located within 20 feet of a crosswalk or traffic calming device.
8. No driveway may access an arterial streets within 75 feet (measured along the arterial) of any other such arterial street access on either side of the street; provided, that such access may be located directly opposite another access.
9. Within the limitations set forth above, access to arterial streets within the Town shall be limited to one driveway for each tract of property separately owned, except that certain commercial and business sites, such as automobile service stations, for example, may be allowed multiple driveways as approved by the Town.

C. Dimensions, Width, Slope, Details

1. Except as otherwise provided, the maximum width of any residential driveway shall be 20 feet (exclusive of the taper). The Public Works Director may authorize additional residential driveway widths for three-car garages, but no residential driveway shall be wider than 30 feet. A street approach or wider driveway may be approved by the Public Works Director where a substantial percentage of oversized vehicle traffic exists, where divisional islands are required/desired, or where multiple exit or entrance lanes are needed. The maximum width for any commercial driveway shall be 60 feet.
2. The width of any driveway shall not be less than 10 feet, exclusive of the taper.
3. The length of any driveway shall not exceed 150 feet, without approval of the Public Works Director and Fire Marshal.
4. Driveway slopes or grades shall not exceed 12 percent unless otherwise authorized/approved by the Public Works Director in writing. The Public Works Director will consider authorizing driveway slopes exceeding 12 percent, up to a maximum of twenty percent, if it is determined that all of the following apply:
  - a. The driveway location is the only economically and environmentally reasonable alternative.
  - b. The driveway will not present a traffic, pedestrian, bicycle or safety hazard.

- c. The Fire Marshal concurs in allowing the increased driveway slope.
  - d. The public health, safety and general welfare will not be adversely affected.
- 5. The angle between any driveway and the street shall be not less than 60 degrees.
  - 6. Curb tapers between driveways shall reach the full height of the curb. In addition, at least 5 feet of full-height curb shall be constructed between driveways in residential areas and 8 feet in commercial areas.
  - 7. With the exception of panhandle/flag lots when approved, the total width of all driveways for any one ownership on a street shall not exceed 30 percent of that ownership along the street. When approved any driveway which has become abandoned or unused through a change of the conditions for which it was originally intended or which for any other reason has become unnecessary, shall be removed, and the owner shall replace any such driveway curb-cut with a standard curb, gutter, sidewalk, parking lanes, etc., according to the Town's standards.

D. Commercial Driveways

For commercial or industrial driveways with heavy traffic volumes or significant numbers of trucks, the Public Works Director may require construction of the access as a street intersection. This requirement will be based on traffic engineering analysis submitted by the applicant that considers, among other factors, intersection spacing, sight distance, and traffic volumes. No commercial or industrial type driveway shall be constructed, where backing onto the sidewalk or street is required. Street approaches and/or ingress and egress tapers may be required in industrial and commercially zoned areas as directed by the Town Engineer.

**11.40.220 Sight Obstruction**

The following sight clearance requirements take into account the proportional relationship between speed and stopping distance.

The sight distance area is a clear-view triangle formed on all intersections by extending two lines of specified length (A) and (B) as detailed within these Standards. The area within the triangle shall be subject to restrictions to maintain a clear view on the intersection approaches.

Sight Distance Triangle: (See Detail ST-13)

A. Stop or Yield Controlled Intersection

Length (A) shall be measured from the center of the intersecting streets along the centerline of the major road.

Length (B) shall be measured from a point on the minor road 15 feet from the edge (extended) of the major road pavement and measured from a height of eye at 3.50 feet on the minor road to height of object at 4.25 feet on the major road.

Speed Limit	Sight Distance (feet)	
	(A) – Major Street	(B) – Minor Street
20 mph	200	*
25 mph	250	*
30 mph	300	*
35 mph	350	*
40 mph	400	*

**B. Uncontrolled Intersection**

Length (A) and (B) as shown below are from the center of the intersecting streets along the centerlines of both streets and connecting these endpoints to form the hypotenuse of the triangle.

Speed Limit	Sight Distance (feet)	
	(A) – Major Street	(B) – Minor Street
20 mph	90	90
25 mph	110	110
30 mph	130	130
35 mph	155	155
40 mph	180	180

The vertical clearance area within the sight distance triangle shall be free from obstructions to a motor vehicle operator’s view between a height of 3 feet and 10 feet above the existing surface of the street.

Sight obstructions that may be excluded from these requirements include: fences in conformance with this chapter, utility poles, regulatory signs, trees trimmed from the base to a height of 10 feet above the street, places where the contour of the ground is such that there can be no cross visibility at the intersection, saplings or plant species of open growth habits and not in the form of a hedge which are so planted and trimmed as to leave at all seasons a clear and unobstructed cross view, buildings constructed in conformance with the provisions of appropriate zoning regulations and preexisting buildings.

**11.40.230 Sidewalks, Curbs and Gutters**

**A. General**

All properties within commercial zones of the Town, properties abutting arterial streets, neighborhood collectors or local access streets shall, in conjunction with new construction on such properties or alterations, reconstruction, or improvements, where the total cost of construction, reconstruction or remodeling

in the opinion of the Town warrants frontage improvements, shall be required to provide sidewalks, curbs and gutters along abutting streets, in accordance with the details provided herein.

Where a project is connected to an improved public street by an “unimproved” right-of-way and “off-site” improvements to the unimproved right-of-way are required, an approved walkway or sidewalk will be required as part of the “off-site” improvements.

B. Design Standards

Plans for the construction of sidewalks, curbs and gutters are to be submitted as part of the street plans when applicable.

The Town has set forth minimum standards as shown in the details, which must be met in the design and construction of sidewalks, curbs and gutters. Because these are minimum standards, they may be modified by the Town should the Public Works Director or Town Engineer feel circumstances require variances to minimum design standards.

C. Sidewalks

1. Sidewalks, curbs and gutters shall be required on both sides of all streets interior to the development. Sidewalks, curbs and gutters and half street improvements shall also be required on the development side streets abutting the exterior of said development.
2. Form and subgrade inspection by the Town, are required before sidewalk is poured.
3. Monolithic pour of curb, gutters, and sidewalk will not be allowed.
4. Obstructions or tripping hazards, shall not be permitted within the sidewalk, including poles, rock walls, manhole covers, utility structures, or other that the Public Works Director deems as a hazard or maintenance problem.
5. All portions of the sidewalk shall meet applicable ADA standards.

D. Curb and Gutter

Cement concrete curb and gutter shall be used for all street edges unless otherwise approved by the Public Works Director. All cement concrete curbs and gutters shall be constructed in accordance with Section 8-04 of the WSDOT Standard Specifications. Curbs shall be of the vertical face type. No rolled curb and gutter profile will be allowed without specific approval of the Public Works Director. When rolled curbs are approved, all sidewalks abutting the rolled curb shall be a minimum 6 inches thick.

Extruded curb and gutter per WSDOT Standard Specifications is allowed only with the specific approval of the Public Works Director.

Form and subgrade inspection by the Town are required before curb and gutter are poured.

Sufficient support shall be given to the form to prevent movement in any direction, resulting from the weight of the concrete or the concrete placement. Forms shall not be set until the subgrade has been compacted within one inch of the established grade. Forms shall be clean and well oiled prior to setting in place. When set, the top of the form shall not depart from grade more than 1/8 inch when checked with a 10-foot straightedge. The alignment shall not vary more than 1/4 inch in 10 feet. Immediately prior to placing the concrete, forms shall be carefully inspected for proper grading, alignment and rigid construction. Adjustments and repairs as needed shall be completed before placing concrete.

The subgrade shall be properly compacted and brought to specified grade before placing concrete. The subgrade shall be thoroughly dampened immediately prior to the placement of the concrete. Concrete shall be spaded and tamped thoroughly into the forms to provide a dense, compacted concrete free of rock pockets. The exposed surfaces shall be floated, finished and brushed with a fiber hair brush approved by the Town's inspector.

The face form of the curb shall be stripped at such time in the early curing as will enable inspection and correction of all irregularities that appear thereon.

Forms shall not be removed until the concrete has set sufficiently to retain its true shape. The face of the curb shall be trowled with a tool cut to the exact section of the curb and at the same time maintain the shape, grade and alignment of the curb. The exposed surface of the curb shall be brushed with a fiber hair brush.

White pigmented or transparent curing compounds shall be applied to all exposed surfaces immediately after finishing. Transparent curing compounds shall contain a color dye of sufficient strength to render the film distinctly visible on the concrete for a minimum period of 4 hours after application.

When the curb section is to be placed separately, the surface of the gutter directly underneath the curb section shall be covered with a protective cover to protect that area from the curing agent when the gutter is sprayed. This cover must remain in place until the curb is placed. Care shall be taken in the placing of this cover to prevent the steel dowels from puncturing the cover.

If, at any time during the curing period any of the forms are removed, a coat of curing compound shall be applied immediately to the exposed surface. The

curing compound shall be applied in sufficient quantity to obscure the natural color of the concrete as approved by the Town Inspector.

Joints shall be constructed in the manner and at the locations shown in the Standard Details. They shall be cleaned and edged as shown on the drawings. All expansion and contraction joints shall extend entirely through the curb section above the pavement surface. Joint filler in the curb shall be normal to the pavement and in full but contact with pavement joint filler.

E. Curb Ramps

All sidewalks must be constructed to provide for curb ramps in accordance with the current standards of applicable state law. Details provided herein are minimum and subject to change. It is the Developer's responsibility to verify current ADA requirements and install same per current standards even if Town has approved of construction drawings with non-compliant ADA requirements.

Curb ramps shall be constructed of Portland Cement Concrete. Form and subgrade inspection by the Town are required before curb ramp is poured.

Detectable warnings or truncated domes shall be required per State and Federal ADA requirements.

F. Survey Staking

The minimum staking of curb, gutter, and sidewalk shall be as follows:

1. Stake top back of curb at a consistent offset for vertical and horizontal alignment every 25 feet (50 feet in tangent sections).

G. Testing

Testing shall be required at the developer's or contractor's expense on all materials and construction as specified in the WSDOT Standard Specifications.

At a minimum, one slump test and one test cylinders shall be taken each day. All other testing frequencies shall be as specified in the Testing and Sampling Table in Section

In addition, the Town shall be notified before each phase of sidewalk, curb and gutter construction commences.

**11.40.240 Separated Walkways, Bikeways, and Trails**

Separated pedestrian, bicycle and equestrian facilities shall be provided where designated in the Comprehensive Plan or where required by the Public Works Director because of anticipated significant public usage. Separated facilities are typically located on an easement, tract, or within the right-of-way when separated from the roadway by a drainage ditch or barrier. Where separated

walkways, bikeways, or equestrian facilities intersect with motorized traffic, sight distance, marking and signalization (if warranted) shall be as provided in MUTCD. Facilities shall be designed as follows:

- A. **Primary Trail.** Primary trails are intended for pedestrian and bicycle use, are meet ADA requirements, and located conveniently so as to connect several community facilities. Primary trails shall be paved with a minimum paved surface width of 10 feet and graded shoulders of at least 2 feet. Primary trails shall include provisions for signage, access, lighting, drainage, visibility, landscaping, and other necessary appurtenances as required by the Town. Tract width shall be a minimum of 20 feet in width.
  
- B. **Secondary Trail**  
  
Secondary trails are intended for pedestrians and bicycles, are located so as to connect community facilities or neighborhoods or to provide access to primary trails. Secondary trails shall have a minimum width of 6 feet with 2 feet of clearance on both sides and shall be paved, and may not meet ADA requirements along the entire length. Tract width shall be a minimum of 15 feet in width.
  
- C. **Footpaths**  
  
Footpaths are typically soft surface facilities designed for pedestrians. Such pathways shall have a minimum width of 4 feet with at least 2 feet of clearance on both sides and shall be soft surface or paved, where required by the Public Works Director. Tract width shall be a minimum of 12 feet in width.
  
- D. All separated walkways, bikeways, and trails not located within a public park, or right-of-way shall be located in a tract dedicated to the Town and identified by survey along the centerline of the tract. Survey shall be recorded at the County Assessor's Office or described and dedicated upon final plat recording.
  
- E. Soft surface construction shall include 2-1/2 inches of crushed surfacing top course or wood chips over cleared and compacted native material as approved by the Public Works Director. Paved surface construction shall include 2 inches of hot mix asphalt over 4 inches of crushed surfacing, top course. Provisions for drainage shall be included for all separated facilities.
  
- F. Where located alongside individual parcels, fencing adjacent to the trail shall be open so as to allow clear visibility into the trail corridor. Fencing on adjacent properties may be required to be located a specific distance from the tract, in order to accomplish the intent of this requirement.

#### **11.40.250 School Access**

School access required as part of development approval shall be provided by a concrete sidewalk unless another alternative is available and approved by the Public Works Director through a road variance request.

#### **11.40.260 Bikeways**

- A. Bikeways are generally shared with other transportation modes, although they may be provided exclusively for bicycle use. Bikeways are categorized below per the WSDOT Design Manual based on degree of separation from motor vehicles and other transportation modes. This classification does not denote preference of one type over another. The planning and design of bikeways in any category shall be in accordance with Section 1020 of the WSDOT Design Manual as modified herein, and the AASHTO Guide for the Development of Bicycle Facilities, current edition. Bikeways are categorized as follows:
1. Bike Path (Class I Bikeway). A separated paved path for the principal use of bicycles. Bike paths shall be 10-feet wide except in high usage areas or areas serving maintenance vehicles, where they shall be 12-feet wide. Graded shoulders of 2 feet shall be provided adjacent to the pavement.
  2. Bike Lane (Class II Bikeway). A portion of the road that is designated by pavement striping for exclusive bicycle use. Bicycle lanes may be signed as part of a directional route system. Bicycle lanes shall be 5 feet wide, measured from the face of curb on a curbed road, and 5-feet wide, measured from the edge of the traveled way (painted fog line) on a shouldered road. Bike lanes shall be provided on all arterials designated as bicycle routes in the Town's Comprehensive Plan.
  3. Bike Routes (Class III Bikeway). A road that provides a widened paved outer lane to accommodate bicycles in the same lane as motor vehicles. These widened lanes may also be used for parking where allowed. Lane width shall be increased at least 3 feet. In areas of high turnover for on street parking, a Bike Lane may be required. Typically, Bike Routes shall be designated by signs and shall connect to higher use bicycle facilities. Bike Routes shall be provided, but not necessarily designated by signs, on all arterial streets.
  4. Shared Roadway With No Designation (Class IV Bikeway). All roads not categorized above where bicycles share the roadway with motor vehicles.
- B. Striping and signing shall be implemented as follows:
1. Pavement markings shall be used on bike lanes and paths according to WSDOT Design Manual and MUTCD.
  2. The design of all signalized intersections shall consider bicycle usage and the need for bicyclists to actuate the signal.

#### **11.40.270 Side Slopes**

Side slopes shall generally be constructed no steeper than 2:1 on both fill slopes and cut slopes. Steeper slopes may be approved by the Public Works Director upon showing that the steeper slopes,



based on soils analyses, will be stable. Side slopes on projects funded by federal grants shall be constructed in conformance with local agency guidelines.

Side slopes shall be permanently stabilized by grass sod or seeding or by other planting or surfacing materials acceptable to the Public Works Director.

All fill slopes shall be compacted in accordance with the developer's geotechnical engineer's recommendations, as approved by the Town, and in no case will be less than 92 percent maximum density, per ASTM D1557, Modified Proctor. Slope compaction shall be accomplished using methods and equipment that ensure compaction through the full depth of the fill material, including the face of the slope. Where fill is placed on existing or cut slopes, appropriate measures shall be taken to support the fill (benches) and to provide subsurface drainage between the fill and native materials.

All slopes shall be hydroseeded or landscaped upon completion of the construction. Irrigation may be required to allow the vegetation to grow in order to provide adequate erosion protection by the onset of the wet season.

#### **11.40.280 Roadside Features**

Miscellaneous features included herein shall be developed and constructed to encourage the uniform development and use of roadside features wherever possible. The design and placement of roadside features included herein shall adhere to the specific requirements as listed for each feature.

##### **A. Survey Monuments**

1. All existing (or new) survey control monuments and/or markers which are disturbed, lost, or destroyed during surveying or building shall be replaced with the proper monument as outlined below by a land surveyor currently registered (licensed) in the State of Washington at the expense of the responsible contractor, builder or developer. Reference RCW 58.24.040(8), RCW 58.09.130, and WAC 332-120.
2. Permanent control monuments shall be established at each and every controlling corner on the boundaries of the parcel of land being subdivided. Permanent monuments shall also be provided at the street intersections of new streets.
3. A precast concrete monument with cast iron monument case and cover installed per Town of Carbonado Standards is required for all new development.
4. Monument Locations

Appropriate monuments shall be placed:

- a. At all street intersections;

- b. At the PI, PC, PTs, and PRCs of all horizontal curves;
- c. At all corners, control points and angle points around the perimeter of subdivisions as determined by the Town;
- d. At all section corners, quarter corners, and sixteenth corners that fall within the right-of-way;
- e. At all termini of streets that will be extended in the future or that terminate in a permanent cul-de-sac.
- f. At all center of cul-de-sacs.

B. Mailboxes

- 1. During construction, existing mailboxes shall be accessible for the delivery of mail or, if necessary, moved to a temporary location. Temporary relocation shall be coordinated with the local U.S. Postal Service. The mailboxes shall be reinstalled at the original location or to a new location as may be required by the local Postmaster, as further outlined below and approved by the U.S. Postal Service.
- 2. Location
  - a. Bottom or base of box shall be 36 inches to 42 inches above the road surface.
  - b. Front of mailbox 6 inches behind vertical curb face or outside edge of shoulder.
  - c. New developments. Clustered mailboxes will, in all likelihood, be required. Contact the U.S. Postal Service for details. Sidewalks shall be constructed to facilitate same.
  - d. Buck-outs in sidewalks and sidewalk re-alignment are required. A clear walkway of 5 feet minimum is required.
- 3. Mailboxes shall be set on posts strong enough to give firm support but not to exceed 4- x 4-inch pressure treated wood or one 1-1/2-inch-diameter galvanized pipe, or material and design with comparable breakaway characteristics. Deviations may be allowed only with the written approval of the Town.

C. Guardrails

Guardrails shall be designed by a licensed engineer in accordance with the criteria of the “Washington State Department of Transportation Design Manual,” current edition.

Where a project impacts an existing guardrail, the engineer shall assess whether the guard rail is needed and if it meets current standards. The developer may be required to remove, relocate, or replace portions of existing guardrail if its existing location cannot be justified or does not meet current standards. Unless otherwise specified in the WSDOT Design Manual, guardrails shall meet the following design criteria:

1. Guardrails shall be W-Beam of Type 1 or 1A, per WSDOT Standard Plan C-1, with wood post assembly.
2. Guard rail terminals, when flared, shall be flared with a taper of 9:1 or greater.
3. Guardrail anchors and terminals shall be of Type 1, per WSDOT Standard Plan C-6.
4. Guardrail end sections shall be of Design C, per WSDOT Standard Plan C-7.
5. Guardrails placed near the top of retaining walls shall be located so as to avoid damage to the wall upon impact and deflection of the guardrail.
6. Guardrails shall be located at least 3 feet from the object they are protecting. The distance shall be measured from the face of the guardrail to the object.
7. Where guardrail is to be placed in conjunction with curbs, the face of guardrail shall be placed at least 18 inches from the face of the curb, to prevent a hazard to bicycles, pedestrians, and vehicles.

#### D. Rock Walls

1. Rock walls may be used for erosion protection of cut or fill embankments up to a maximum height of 6 feet in stable soil conditions, which will result in no significant foundation settlement or outward thrust upon the walls. For heights over 6 feet, or walls of any height supporting an outward thrust (surcharge), or when soil is unstable, an engineered wall of acceptable design stamped by an engineer currently licensed in the State of Washington shall be used. A building permit shall be required for any wall over 4 feet in height or any wall supporting a surcharge, regardless of height. Design and construction shall be per the Association of Rockery Contractors (ARC) Specifications, applicable engineering recommendations and these standards.

All walls affecting public property shall be subject to review, approval, and inspection by the Town. All walls for which a permit is required shall be subject to inspection by the Town and walls requiring design by an engineer, shall be subject to inspection by the owner's engineer. The owner's engineer shall continuously inspect the installation of the wall as it progresses and shall submit inspection reports, including compaction test results and photographs taken during the construction, documenting the techniques used and the degree of conformance to the engineer's design.

The Town shall inspect the wall on at least two occasions. The first inspection shall occur after placement of the first course of rocks and the inspector shall witness burial of the drain pipe. The second inspection shall occur after completion of the wall, including placement of the backfill material and grading behind and in front of the wall.

2. The rock material shall be as nearly rectangular as possible. No stone shall be used which does not extend through the wall. The rock material shall be hard, sound, durable and free from weathered portions, seams, cracks and other defects. The rock density shall be a minimum of 160 pounds per cubic foot.
3. The rock wall shall be started by excavating a trench having a depth below subgrade of one half the base course or 1 foot (whichever is greater).
4. Rock selection and placement shall be such that there will be minimum voids and, in the exposed face, no open voids over 6 inches across in any direction. The final course shall have a continuous appearance and shall be placed to minimize erosion of the backfill material. The larger rocks shall be placed at the base of the rockery so that the wall will be stable and have a stable appearance. The rocks shall be placed in a manner such that the longitudinal axis of the rock shall be at right angles or perpendicular to the rockery face. The rocks shall have all inclining faces sloping to the back of the rockery. Each course of rocks shall be seated as tightly and evenly as possible on the course beneath. After setting each course of rock, all voids between the rocks shall be chinked on the back with quarry rock (2 to 4 inch) to eliminate any void sufficient to pass a 2-inch-square probe.
5. The wall backfill shall consist of quarry rock with a maximum size of 4 inches and a minimum size of 2 inches or as specified by a licensed engineer. This material shall be placed to a 12-inch minimum thickness between the entire wall and the cut or fill material. The backfill material shall be placed in lifts to an elevation approximately 6 inches below the top of each course of rocks as they are placed, until the uppermost course is placed. Any backfill material on the bearing surface of one rock course shall be removed before setting the next course.

6. Perforated rigid drainage pipe shall be installed as required by the Town. Minimum pipe diameter shall be 4 inches. Drainage pipe shall be placed below the bottom course of rocks and shall be bedded and buried with free-draining material, as shown on the drawings, up to a depth of 18 inches. The top of the wall, including the backfill shall be configured so as to prevent surface drainage from flowing over the wall.

Rock walls having heights over 6 feet or walls to be constructed in conditions when soil is unstable require a structural wall having a design approved by the Town of Carbonado. The design of structural walls shall be by a professional engineer currently licensed in the State of Washington qualified in retaining wall design.

E. Street Trees and Landscaping Items

1. The design of planting strips must be approved by the Public Works Director and must include a landscaping plan in which plant maintenance, utilities and traffic safety requirements are discussed. Landscaping plan must include and identify the features in and near the right-of-way such as underground utilities, mailboxes, street lights, walls, driveways, signs, etc.
2. Existing trees and landscaping shall be preserved where desirable and placement of new trees shall be compatible with other features of the environment. In particular, maximum heights and spacing shall not conflict unduly with overhead utilities, or root development with underground utilities.
3. New trees shall not include poplar, cottonwood, soft maples, gum, any fruit bearing trees or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers or cause damage to the adjacent infrastructure improvements (e.g., sidewalks).

F. Roadside Obstacles

Non-yielding or non-breakaway structures, including rockeries and retaining walls, which may be potential hazards to the traveling public shall be placed with due regard to safety. On roads with a shoulder or mountable curb, hazardous objects shall be placed as close to the right-of-way line as practicable and a minimum of 10 feet from the edge of the traveled way or auxiliary lane. On urban roads with a vertical curb section, hazardous objects shall be placed as far from the edge of the traveled way or auxiliary lane as practical. Such an object shall not be placed in a sidewalk or with the object edge nearest the roadway less than 2 feet from face of curb. Placement of any utility structures shall be in accordance with requirements of Section 4.31.

G. Roadway Barricades

Temporary and permanent barricades shall conform to the standards described in Section 6F.60 and 3F.01 of MUTCD.

H. Adjacent and Offsite Areas

Where Town-required improvements affect adjacent improvements, whether within the public right-of-way or on private property, the construction drawings shall clearly identify these impacts and the repair, replacement, or mitigation for those impacts. It shall be the developer's responsibility to inform the Town and all affected property owners of the impacts and to negotiate, if necessary with these property owners with respect to remedy for the affected areas.

Prior to the start of construction, the Contractor and Town inspector shall observe all adjacent areas for the purposes of reviewing these affected areas. Specifically, the Contractor and Town inspector shall review the condition of the road surface, utilities, structures, curbs, gutters, sidewalks, vegetation, and the storm drainage system to establish the existing condition of the areas. Upon completion of the Project, the Contractor shall repair any damaged areas and shall clean the storm drainage system to an equal or better condition than prior to construction. All debris, equipment, extra materials, and other construction related items shall be removed from the site and disposed.

**11.40.290 Utility Crossings in Existing Streets**

For smaller diameter pipes and wires the crossing shall be made without surface cut of the traveled portion. The crossing shall be made by pushing or boring a pipe under the road. Where rock is known or expected in the area of the crossing, open cutting will be permitted, but prior approval of the Town is required.

**11.40.300 Trench Backfill and Restoration**

Trench restoration shall be either by a patch or patch plus overlay as required by the Town, and as shown in the Drawings.

- A. All trench and pavement cuts shall be made by sawcut or grinding. The cuts or grinding shall be a minimum of 1 foot outside the trench width.
- B. All trenching shall be backfilled with bank run gravel, crushed surfacing, or controlled density fill (CDF), materials conforming to Section 4 of the WSDOT Standard Specifications. The trench shall be compacted to 95 percent maximum density, as described in Section 2-03 of the WSDOT Standard Specifications. The Town will be the sole judge of approving materials to be utilized for backfill. Crushed surfacing top course shall be placed and compacted in the trench sections for all perpendicular street crossings.

If the existing material is approved by the Town to be suitable for backfill, the Contractor may use the native material except longitudinal trench sections within the pavement section the top 12 inches of the trench section shall be crushed surfacing top course or other structurally suitable material as approved by the Town. Horizontal trench sections within the pavement section shall be backfilled with crushed surfacing top course. Exceptions may be granted by the Town based

on site evaluation of excavated materials. All trench backfill materials shall be compacted to 95 percent density.

Backfill compaction shall be performed in 6-inch lifts, unless otherwise approved by the Town.

Replacement of the asphalt concrete or Portland concrete cement shall match existing asphalt concrete or concrete cement depth, except asphalt shall be a minimum compacted thickness of 3 inches and concrete cement shall be a minimum thickness of 6 inches.

- C. Tack shall be applied to the existing pavement and edge of cut and shall be emulsified asphalt grade CSS-1 as specified in Section 9-02.1(6) of the WSDOT Standard Specifications. Tack coat shall be applied as specified in Section 5-04 of the WSDOT Standard Specifications.
- D. Hot Mix Asphalt (HMA) Class B PG 58-22 shall be placed on the prepared surface by an approved paving machine and shall be in accordance with the applicable requirements of Section 5-04 of the WSDOT Standard Specifications, except that longitudinal joints between successive layers of Hot Mix Asphalt shall be displaced laterally a minimum of 12 inches unless otherwise approved by the Town. Fine and coarse aggregate for Hot Mix Asphalt shall be in accordance with Section 9-03.8 of the WSDOT Standard Specifications. Hot Mix Asphalt over 2-inches thick shall be placed and compacted in equal lifts not to exceed 2 inches each.

All street surfaces, walks or driveways within the street trenching areas affected by the trenching shall be sawcut or ground and paved to an extent that provides a smooth-riding connection and expeditious drainage flow for the newly paved surface. Feathering shall not be allowed.

Surface smoothness shall be per Section 5-04.3(13) of the WSDOT Standard Specifications. The paving shall be corrected by removal and repaving of the trench only.

- E. All joints and cracks shall be sealed using paving asphalt AR 4000W.
- F. When trenching within the roadway shoulder(s), the shoulder shall be restored to its original or better condition.
- G. The final patch shall be completed as soon as possible and shall be completed within 30 days after first opening the trench. This time frame may be adjusted if delays are caused by inclement paving weather, or other adverse conditions that may exist. However, delaying of final repair is allowable only subject to the Public Works Directors approval. The Public Works Director may deem it necessary to complete the work within the 30 days' time frame and not allow any time extension. If this occurs, the Contractor shall perform the necessary work as required by the Town.

#### **11.40.310 Temporary Street Patching**

Temporary restoration of trenches shall be accomplished by using 2-inch HMA Class B PG 58-22 when available or 4-inch medium-curing (MC-250) liquid asphalt (cold mix), 3-inch asphalt treated base (ATB), or steel plates suitable for H-20 traffic loading conditions. Steel plates shall be provided with a cold mix “lip” to accommodate a smooth transition from pavement to steel plate.

ATB used for temporary restoration may be dumped directly into the trench, bladed and rolled. After rolling, the trench must be filled flush with ATB pavement to provide a smooth riding surface.

All temporary patches shall be maintained by the Contractor until such time as the permanent pavement patch is in place. All temporary patch materials shall be loaded and hauled to waste by the Contractor, in compliance with applicable government regulations.

If the Contractor is unable to maintain a patch for whatever reason, the Town will patch it at actual cost plus overhead and materials. The property owner/developer/permittee shall be invoiced for any Town expenses incurred to comply with this Contractor requirement.

#### **11.40.320 Material and Construction Testing**

Testing shall be required at the developer’s or contractor’s expense. The testing shall be ordered by the developer or contractor and the chosen testing lab shall be preapproved by the Town. Testing shall be done on all materials and construction as specified in the WSDOT Standard Specifications and with frequency as specified herein.

In addition, the Town shall be notified before each phase of street construction commences (i.e., staking, grading, subgrade, ballast, base, top course, and surfacing).



**TOWN OF CARONADO**  
**TESTING AND SAMPLING FREQUENCY GUIDE**

<b><u>Item</u></b>	<b><u>Type of Tests</u></b> <b><u>Frequency</u></b>	<b><u>Min. No.</u></b>	
Gravel Borrow	Grading & SE	1 Each	1-4,000 Ton
Sand Drainage Blanket	Grading	1 Each	1-4,000 Ton
CSTC	Grading, SE & Fracture	1 Each	1-2,000 Ton
CSBC	Grading, SE & Fracture	1 Each	1-2,000 Ton
Ballast	Grading, SE & Dust Ratio	1 Each	1-2,000 Ton
Backfill/Sand Drains	Grading	1 Each	1-2,000 Ton
Gravel Backfill for:			
Foundations	Grading, SE & Dust Ratio	1 Each	1-1,000 Ton
Walls	Grading, SE & Dust Ratio	1 Each	1-1,000 Ton
Pipe Bedding	Grading, SE & Dust Ratio	1 Each	1-1,000 Ton
Drains	Grading	1 Each	1-100 Ton
PCC Structures: (Sidewalk, Curb and Gutter, Foundations)			
Coarse Aggregate	Grading	1 Each	1-1000 Ton
Fine Aggregate	Grading	1 Each	1-500 Ton
Consistency	Slump	1 Each	1-100 CY
Air Content	Air	1 Each	1-100 CY
Cylinders (28 Day)	Compressive Strength	2 Each	1-100 CY
Cement:	Chemical & Physical Cert.	1	1-JOB
Asphalt Cement Concrete:			
Blend Sand	SE	1 Each	1-1,000 Ton
Mineral Filler	S.G. & PI, Certification	1 Each	1-Job
Completed Mix	Fracture, SE, Grading, Asphalt Content	1 Each	1-1,000 Ton
	Compaction	2 Each	5-400 Ton
Asphalt Treated Base:			
Completed Mix	SE, Grading, Asphalt Content	1 Each	1-1,000 Ton
	Compaction	1 Each	5-Control Lot*
Asphalt Materials	Certification	1	1-Job

**Type of Tests**

<b><u>Item</u></b>	<b><u>Frequency</u></b>	<b><u>Min. No.</u></b>	
Rubberized Asphalt:	Certification	1	1-Job
Compaction Testing:			
Embankment	Compaction	1 Each	1-500 LF
Cut Section	Compaction	1 Each	1-500 LF
CSTC	Compaction	1 Each	1-500 LF
CSBC	Compaction	1 Each	1-500 LF
Ballast	Compaction	1 Each	1-500 LF
Trench Backfill	Compaction	1 Each	1-500 LF

SE = Sand Equivalency

\*A control lot shall be a normal day's production. For minor quantities 200 tons or less per day, a minimum of 2 gauge readings shall be taken.

**11.40.330 Subgrade Preparation**

The subgrade area of the street right-of-way shall be cleared of brush, weeds, vegetation, grass and debris, per Section 2-01 of the WSDOT Standard Specifications. All cleared and grubbed material shall be satisfactorily removed and disposed of properly. All depressions, or ruts, which contain water, shall be drained. At a minimum, the subgrade of the road shall consist of free-draining materials to a depth of 12 inches below finish grade.

The subgrade shall then be bladed and dragged to remove inequalities and secure a uniform surface. The existing subgrade will be compacted to a minimum density as defined in the WSDOT Standard Specifications and as witnessed by the Town Inspector. Compaction tests will be required to be conducted at the discretion of the Town to verify same.

**11.40.340 Crushed Surfacing (Base and Top Course)**

Crushed surfacing material shall be uniform in quality and substantially free from wood, roots, bark and other extraneous material. It will compact into a dense and unyielding mass, which will be true to line, grade and cross-section. Crushed surfacing shall conform to Section 9-03 of the WSDOT Standard Specifications.

Base courses and top courses shall be placed in accordance with the approved cross-section. Compaction shall be a minimum of 95 percent of standard density as determined by the compaction control test for granular materials.

### **11.40.350 Surfacing Requirements**

All streets in the Town of Carbonado will be paved with either Hot Mix Asphalt Class B PG 58-22 or Portland Cement Concrete, in strict compliance with these standards. All pavement sections shall be designed by an engineer licensed in the State of Washington. The pavement design shall meet the requirements in the latest publication of the AASHTO Guide for Design of Pavement Structures. Any pavement shall be designed using currently accepted methodology that considers the load bearing capacity of the soils and the traffic carrying capacity requirements of the roadway. Plans shall be accompanied by a pavement thickness design based on soil strength parameters reflecting actual field tests and traffic loading analyses. The analysis shall include the traffic volume and axle loading, the type and thickness of roadway materials and the recommended method of placement.

When an existing asphalt paved street is to be widened or utilities installed, the edge of pavement shall be sawcut or ground to provide a clean, vertical edge for joining to the new asphalt as detailed herein. After placement of the new asphalt section, the joint shall be sealed and the street overlaid 1-1/2 inches, plus a prelevel course, full width throughout the widened area along the length of the utility. The requirement for overlay may be waived by the Public Works Director based on the condition of existing pavement, roadway drainage, and the extent of required changes to channelization. As required by the Public Works Director, grinding and prelevel shall be required in order to restore the street surface to conditions equal to or better than prior to the widening or utility work.

One soil sample per each 500 LF of centerline with three minimum per project representative of the roadway subgrade shall be taken by the Developer and delivered to a Town approved soils lab in order to determine a statistical representation of the existing soil conditions.

Soil tests shall be performed by an engineering firm specializing in soils analysis and currently licensed in the State of Washington.

The soils report, signed and stamped by a soils engineer licensed by the State of Washington, shall be based on actual soils tests and submitted with the plans. All depths indicated are a minimum compacted depth.

Construction of streets paved with Hot Mix Asphalt shall conform to Section 5-04 of the Standard Specifications. Pavement material will be Hot Mix Asphalt 1/2" PG 58-22. Mechanical spreading and finishing will be as described in Section 5-04.3(9) of the Standard Specifications. Compaction will be performed by the equipment and methods presented in Section 5-04.3(10) of the Standard Specifications, and Surface Smoothness shall satisfy the requirement of Section 5-04.3(13) of the Standard Specifications.

Permanent pavement patching will be performed as described in the pavement repair detail listed herein, and in compliance with Section 5-04 of the Standard Specifications. All fill material will be placed in lifts no thicker than 6 inches and mechanically compacted to 95 percent of standard density, as described in Section 2-03 of the Standard Specifications and to the satisfaction of the Town Inspector.

The Town has established minimum surfacing requirements. These minimum standards are to be used in lieu of a pavement design by a licensed engineer on neighborhood collector or local access streets only and only upon approval by the Town:

	<b>Hot Mix Asphalt Class</b>	<b>Asphalt Treated Base</b>	<b>Crushed Surfacing Top Course</b>	<b>Crushed Surfacing Base Course</b>
Option 1	3" <u>1/2" PG 58-22</u>	2"	2"	--
Option 2	3"	--	2"	4"

Concrete shall be minimum of 4,000 psi with fiber mesh reinforcement. Steel rods will be required at all cold joints. Minimum thickness shall be 6 inches of concrete over 4 inches of crushed surfacing. Contraction joints shall be installed along the centerline of the roadway and approximately every 12 feet, to create roughly square panels. Joints are to be sealed. Manholes and other utilities shall be boxed out with construction joints to avoid breaking panel corners. Surface shall be finished with a tine rake pulled perpendicular to the slope.

**11.40.360 Adjustment Of New And Existing Utility Structures To Grade**

This work consists of constructing and/or adjusting all new and existing utility structures Encountered on the Project to finished grade.

On Hot Mix Asphalt paving projects, the manholes shall not be adjusted until the pavement is completed, at which time the center of each manhole lid shall be relocated from references previously established by the Developer and/or Contractor. The pavement shall be cut as further described and base material removed to permit removal of the cover. The manhole shall then be brought to proper grade.

As soon as the street is paved past each manhole, the hot mix asphalt mat shall be scored around the location of the manhole, catch basin, meter boxes or valve box. After rolling has been completed and the mat has cooled, it shall be cut along the scored lines. The manholes, catch basins, meter boxes and valve boxes shall then be raised to finished pavement grade. Before making the asphalt repair, the edge of the existing asphalt pavement and the outer edge of the casting shall be tack coated with hot asphalt cement. The annular spaces shall be filled with Portland cement concrete (8-inch thick) to within 2 inches of the finished grade. The remaining 2 inches shall be filled with Hot Mix Asphalt Class 1/2" PG 58-22 and compacted with hand tampers and a patching roller to give a smooth finished appearance.

After pavement is in place, all joints shall be sealed with hot asphalt cement (AR 4000W). A sand blanket shall be applied to the surface of the AR 4000W hot asphalt cement binder to help alleviate "tracking."

Hot mix asphalt patching shall not be carried out during wet ground conditions or when the ambient air temperature is below the specified values per the most current WSDOT Standards. Hot mix asphalt mix shall be at required temperature when placed.

All debris such as asphalt pavement, cement bags, etc., shall be removed and disposed of by the Developer and/or his Contractor.

#### **11.40.370 Erosion Control**

The detrimental effects of erosion and sedimentation shall be minimized by conforming with the following general principles:

- A. Soil shall be exposed for the shortest possible time.
- B. Reducing the velocity and controlling the flow of runoff.
- C. Detaining runoff on the site to trap sediment.
- D. Releasing runoff safely to downstream areas.
- E. Best Management Practices shall be employed.

In applying these principles, the Developer and/or Contractor shall provide for erosion control by conducting work in workable units; minimizing the disturbance to cover crop materials; providing mulch and/or temporary cover crops, sedimentation basins, and/or diversions in critical areas during construction; controlling and conveying runoff; and establishing permanent vegetation and installing erosion control structures as soon as possible.

##### **A. Trench Mulching**

Where there is danger of backfill material being washed away due to steepness of the slope along the direction of the trench, backfill material shall be compacted and held in place by covering the disturbed area with straw and held with a covering of jute matting or wire mesh anchored in place.

##### **B. Cover-Crop Seeding**

A cover crop shall be sown in all areas excavated or disturbed during construction that were not paved, landscaped, and/or seeded prior to construction. Areas landscaped and/or seeded prior to construction shall be restored to their original or superior condition.

Cover-crop seeding shall follow backfilling operations. Mix shall be approved by the Town.

The Developer and/or Contractor shall be responsible for protecting all areas from erosion until the cover crop affords such protection. The cover crop shall be reseeded if required and additional measures taken to provide protection from erosion until the cover crop is capable of providing protection.

During winter months, the Contractor may postpone seeding, if conditions are such that the seed will not germinate and grow. The Developer and/or Contractor will

not, however, be relieved of the responsibility of protecting all areas until the cover crop has been sown and affords protection from erosion.

The cover crop shall be sown at a rate of 10 to 15 pounds of seed per acre using a hand or power operated mechanical seeder capable of providing a uniform distribution of seed.

#### **11.40.380 Finishing and Cleanup**

After all other work on the Project is completed and before final acceptance, the entire roadway, including the roadbed, planting, sidewalk areas, shoulders, driveways, alley and side street approaches, slopes, ditches, utility trenches, and construction areas shall be neatly smoothed finished to the lines, grades and cross sections of a new roadway consistent with the original section, and as hereinafter specified.

Upon completion of the cleaning and dressing, the Project shall appear uniform in all respects. All graded areas shall be true to line and grade. Where the existing surface is below sidewalk and curb, the area shall be filled and dressed out to the walk. Wherever fill material is required in the planting area, the finished grade shall be elevated to allow for final settlement, but nevertheless, the raised surface shall present a uniform appearance.

All excavated material from the Project shall be removed entirely. Trash of all kinds resulting from operations shall be removed and not placed in areas adjacent to the Project. Where operations have broken down brush and trees beyond the lateral limits of the Project, the Developer and/or Contractor shall remove and dispose of same and restore said disturbed areas at his own expense.

Drainage facilities such as inlets, catch basins, culverts, and open ditches shall be cleaned of all debris, which are the result of the Developer and/or Contractor's operations.

All pavements and oil mat surfaces, whether new or old, shall be thoroughly cleaned. Existing improvements such as Portland cement concrete curbs, curb and gutters, walls, sidewalks, and other facilities, which have been sprayed by the asphalt cement, shall be cleaned to the satisfaction of the Town Inspector.

Castings for monuments, water valves, vaults and other similar installations, which have been covered with the asphalt material, shall be cleaned to the satisfaction of the Town Inspector. (Ord. 445 § 5, 2016)

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## **CHAPTER 11.45 COMPLETE STREETS**

### **Sections.**

#### **11.45.010 Purpose.**

#### **11.45.020 Exceptions.**

#### **11.45.030 Implementation.**

#### **11.45.040 Goals to Foster Partnership.**

#### **11.45.050 Best Practice Criteria.**

#### **11.45.060 Performance Standards.**

#### **11.45.010 Purpose.**

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The town of Carbonado shall, to the maximum extent practical, scope, plan, design, construct, operate and maintain appropriate facilities for the safe accommodation of pedestrians, bicyclists, transit users, motorists, emergency responders, freight and users of all ages and abilities in all new construction, retrofit or reconstruction projects. Through ongoing operations and maintenance, the town of Carbonado shall identify cost-effective opportunities to include complete streets practices. The complete streets concept focuses not just on individual roads but on changing the decision making process so that all users are routinely considered during the planning, designing, building and operating of all roadways.

#### **11.45.020 Exceptions.**

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Facilities for pedestrians, bicyclists, transit users and/or people of all abilities are not required to be provided when:

- A. Where there is no identified long-term need;
- B. Nonmotorized uses are prohibited by law;
- C. Where there are significant adverse environmental impacts to environmentally sensitive areas;
- D. Routine maintenance of the transportation network is performed that does not change the roadway geometry or operations, such as mowing, sweeping and spot repair;
- E. The public cost, including right of way requirements, would be disproportionate to the current need or probable future uses;
- F. Where there are significant adverse impacts on neighboring land uses, including impacts from right of way acquisition; or
- G. In instances where a documented exception is granted by the mayor.

#### **11.45.030 Implementation.**

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- A. As feasible, Carbonado shall incorporate complete streets infrastructure into existing public and private streets to create a comprehensive, integrated, connected transportation network for Carbonado that balances access, mobility, health and safety needs of pedestrians, bicyclists, transit users, motorists, emergency responders, freight and users of all ages and abilities, ensuring a fully connected, integrated network that provides transportation options. “Complete streets infrastructure” means design features that contribute to a safe, convenient, or comfortable travel experience for users, including but not limited to features such as: sidewalks; shared use paths; bicycle lanes; automobile lanes; paved shoulders; street trees and landscaping; planting strips; curbs; accessible curb ramps; bulb outs; crosswalks; refuge islands; pedestrian and traffic signals, including countdown and accessible signals; signage; street furniture; bicycle parking facilities; public transportation stops and facilities; transit priority signalization; traffic calming devices such as rotary circles, traffic bumps, and surface treatments such as paving blocks, textured asphalt, and concrete; narrow vehicle lanes; raised medians; and dedicated transit lanes.
- B. Complete streets may be achieved through single projects or incrementally through a series of smaller improvements or maintenance activities over time. All sources of transportation funding should be drawn upon to implement complete streets. Maximum financial flexibility is important to implement complete streets principles.
- C. Street design must provide for the maximum loading conditions anticipated. The width and grade of the pavement must conform to specific standards set forth herein for safety and uniformity.

**11.45.040 Goals to foster partnerships.**

It is a goal of the town of Carbonado to foster partnerships with all Washington State transportation funding agencies including the Washington State Department of Transportation (WSDOT), the Federal Highway Administration, Pierce County, the Carbonado Historical School District, citizens, businesses, interest groups, neighborhoods, and any funding agency to implement the complete streets ordinance.

**11.45.050 Best practice criteria.**

The mayor or designee shall modify, develop and adopt policies, design criteria, standards and guidelines based upon recognized best practices in street design, construction, and operations including but not limited to the latest editions of American Association of State Highway

Transportation Officials (AASHTO), Institute of Transportation Engineers (ITE) and National Association of Town Transportation Officials (NACTO) while reflecting the context and character of the surrounding built and natural environments and enhance the appearance of such.

**11.45.060 Performance standards.**

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The town of Carbonado shall put into place performance standards with measurable benchmarks to continuously evaluate the complete streets ordinance for success and opportunities for improvement. Performance standards may include transportation and mode shift, miles of bicycle facilities or sidewalks, public participation, number of ADA accommodations built, and number of exemptions from this policy approved. (Ord. 447, 2016)

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## **CHAPTER 11.50 STORM DRAINAGE STANDARDS**

### **Sections**

#### **11.50.010 General**

#### **11.50.020 Amendments to the 2005 Washington State Department of Ecology (WSDOE) Stormwater Management Manual for Western Washington**

#### **11.50.030 Design Standards**

#### **11.50.040 Conveyance**

#### **11.50.050 Connections**

#### **11.50.060 Survey Staking**

#### **11.50.070 Trench Excavation**

#### **11.50.080 Bedding**

#### **11.50.090 Backfilling**

#### **11.50.100 Cleaning and Testing**

#### **11.50.110 Inspection**

#### **11.50.120 Street Patching and Restoration**

#### **11.50.130 Erosion Control**

#### **11.50.010 General**

Storm drainage revisions, additions, modification, or changes shall be made in compliance with Town standards, ordinances, and Best Management Practices as identified in the 2005 Washington State Department of Ecology (WSDOE) Stormwater Management Manual for the Western Washington. Adequate provisions shall be made for storm drainage, storm sewers, and associated appurtenances sufficient to transmit maximum seasonal flows and 100-year floodwaters characterized by the area. All storm drains and facilities shall be designed by a professional engineer licensed in the State of Washington.

If warranted based on the condition and capacity of the existing storm drainage infrastructure (or lack thereof) and, impacts caused by the proposed development, off-site improvements may be required, at the Public Works Director's discretion, to mitigate impacts caused by the proposed development.

#### **11.50.020 Amendments to the 2005 Washington State Department of Ecology (WSDOE) Stormwater Management Manual for Western Washington**

Specific Core Requirements with respect to storm drainage are contained in Carbonado Municipal Code (CMC). The requirements in CMC have been slightly modified from those identified in the WSDOE Stormwater Management Manual for the Western Washington. Refer to CMC for more information. In accordance with CMC, the following minimum Requirement modifications are noted:

- A. Any project that collects 5,000 square feet of more of effective impervious surface in a threshold discharge area shall provide flow control (detention or retention) for stormwater runoff.

In addition, the Town has developed standards with respect to the applicable uses of storm drainage facilities and how they are constructed. These policies are intended to create storm drainage facilities that are safe, effective, functional, accessible, maintainable, and aesthetically pleasing.

The following revisions to the standards contained in the WSDOE Stormwater Management Manual are:

1. All stormwater facilities shall be landscaped as described in the 2005 WSDOE Stormwater Management Manual and as approved by the Town.
2. Stormwater facilities shall not be located where, in the Town's opinion, the facility will create an attractive nuisance or be considered as unattractive from any public street, park, or venue.
3. When preparing the stormwater site plan and construction drawings, the developer's engineer shall make appropriate accommodation for conveyance and bypass of upstream off-site runoff and discharge onto adjacent downstream properties. This will include provisions for easements to accommodate upstream properties and/or constructing a tight line system across downstream properties (in an appropriate easement) where a suitable natural or previously constructed tight line system does not exist.
4. No storm drainpipe shall be buried deeper than 20 feet except that installation to a depth greater than 20 feet can be approved to avoid the need for a pump system.
5. Unless otherwise approved by the Town, pipes shall not be located underneath sidewalks, driveways, walls, or landscaped areas except for where drainpipes cross perpendicular to these areas.
6. Unless otherwise approved by the Town, pump systems will not be allowed for conveying storm runoff to a detention or treatment system.
7. Where frontage improvements are required by the Town, the developer shall include in the detention calculations, the right-of-way improvements and provide detention and treatment for those improvements.
8. Where allowed, underground vaults or tanks shall not be located underneath public roads or recreation facilities.
9. Underground vaults or tanks shall not protrude above the ground surface more than 4 feet in any location. All portions protruding above the ground surface shall have an architectural facing approved by the Town and landscaping provided for screening.
10. Where allowed, underground vaults shall be equipped with a hatch as described in the 2005 WSDOE Stormwater Management Manual, rather than a standard manhole cover.
11. Where allowed, underground vaults and tanks shall be accommodated with easements or setbacks large enough to provide for the complete replacement (without encroaching on any other structures or roads) of the structure should replacement be required in the future.

12. Open vaults with vertical side(s) shall be prohibited.
13. Self-contained treatment devices not included in the 2005 WSDOE Stormwater Management Manual are prohibited due to costs and treatment performance. If selected, the developer must provide proof that the advertised level of treatment can be obtained. Evidence of performance shall be provided which includes actual field data. The Town may also require that the device be approved by the Department of Ecology or the Environmental Protection Agency.
14. Bioswales shall only be constructed where approved by the Town. Specifically, bioswales shall not be constructed in areas that are shaded during the growing season or between single family residences or commercial buildings.
15. Bioswales shall not be constructed with vertical side(s) unless approved by the Town.
16. Bioswales shall not be designed with a longitudinal slope less than 1.5 percent.
17. All ponds shall be constructed with interior and exterior side slopes no steeper than three horizontal to one vertical. Ponds shall not be constructed with vertical side(s) unless approved by the Town.
18. All pond access roads shall be connected to the public street in at least one location (or connected via a public access tract). No portion of the access road shall exceed a 15 percent grade. Bollards shall be installed approximately 25 feet from the edge of traveled way (or curb) in order to provide a safe parking area for maintenance personnel when accessing the pond.
19. Pond access roads shall not be dually used as a bicycle or equestrian trail.
20. For privately owned and operated storm drainage systems, the developer shall execute and record a Declaration of Covenant that identifies the storm drainage system by legal description, allows access to the Town to inspect and maintain, if necessary, and identifies the private owner as the party responsible for operation and maintenance. Covenant shall be recorded at the County prior to final approval of the project.
21. All stormwater drainage systems serving more than one single parcel not located within the public right-of-way or dedicated drainage tract shall be located within a drainage easement granted to a specific party. All easements shall be of sufficient width to allow complete replacement of the identified storm system component without encroaching into the foundation support of nearby buildings, walls, roads, steep slopes, driveways, sidewalks, or other structures.
22. All easements shall be provided in a form acceptable to the Town and recorded at the County assessor's office prior to allowing the construction

of a building on the property, or prior to recording of a plat. For land subdivisions, the easements may be shown on the plat map so long as the plat map identifies the specific party to which the easement is granted, the restrictions for the grantee and grantor, and clearly identifies the dimensions of the easement(s).

23. No public storm drainage easement shall be less than 10 feet in width. Where the easement is provided to gain access to a structure (catch basin, manhole, inlets) the easement width shall not be less than 15 feet.
24. Pipes and swales not located in the center of the easement shall have at least 5 feet of easement width from the pipe or swale to the edge of the easement.
25. Easements shall be located entirely on a single property and shall not be split along property lines.
26. Where easements are provided between properties to convey runoff from an upstream property to a downstream conveyance system within a single project (e.g., subdivision), the conveyance system shall be installed as a requirement of final plat approval. This will ensure that landscaping and other improvements installed on the downstream properties where the easement is located will not be impacted when the upstream property develops and installs its conveyance system.
27. Where the ground surface slopes upwards from a sidewalk, the Town may require that a subsurface drain be installed behind the sidewalk to collect groundwater and shallow surface runoff to avoid icing, moss, and staining on the sidewalk.

### **11.50.030 Design Standards**

The design of storm drainage and detention systems shall depend on their type and local site conditions. The design elements of storm drainage systems shall conform to the CMC and the Town Standards as set forth herein. The following design considerations shall apply:

- A. The use of commercial parking lots for detention of stormwater will be reviewed by the Town and approved or denied based on the design, location and general parameters of the project. The detention area shall be situated away from areas of pedestrian movement. The maximum depth of water in parking lot storage shall be limited to 6 inches. Curbs cannot be used for storage.
- B. Maximum catch basin spacing shall be 200 feet on road grades up to 3 percent, 300 feet when the road grade is 3 percent or greater and 500 feet maximum on main storm drains between access structures, whether catch basins or manholes. No surface water (unless otherwise approved in writing by the Town) shall cross any roadway.
- C. Where storm systems are located outside an existing public right-of-way, permanent easements will be required for public or private maintenance of the

system. Such easement shall be a minimum of 15 feet in width or twice the bury depth of the utility whichever is greater.

- D. Storm Drain Detention Systems shall be, at a minimum, designed and constructed and maintained in compliance with Chapter 16.15 CMC. Local conditions or site specific concerns may warrant higher standards as may be determined by the Town. The Developer and/or Homeowners Association shall enter into a formal, legally binding agreement, as approved by the Town Attorney, regarding the landowner's duties and obligations regarding their ownership, operation and maintenance of the system.
- E. The Standard Plan Notes, as shown in the Appendices and further referenced herein shall be included or referenced of any plans submitted to the Town for construction approval dealing with storm system design.
- F. When appropriate, storm drain pipelines shall be sized and installed to the far property line(s) to serve tributary areas. They shall be appropriately sized to accommodate anticipated flows as further identified herein.
- G. Catch basins and manholes shall not be placed within the sidewalk area.

#### **11.50.040 Conveyance**

Storm drain pipe within a public right-of-way or easement shall be sized to carry the maximum anticipated runoff (25-year design storm) from the possible contributing tributary area.

The minimum pipe size shall be 12-inches diameter. Runoff shall be computed and, if the flow requires it, a larger pipe shall be used. Nothing shall preclude the Town from requiring the installation of a larger sized main if the Town determines a larger size is needed to serve adjacent areas or for future service.

When appropriate, storm drainage pipelines shall be sized and installed to the far property line(s) to serve tributary areas. They shall be appropriately sized to accommodate anticipated flows as further identified herein.

Storm drain gradients shall be such as to assure minimum flow peloton of 2 feet per second when flowing full.

All pipe for storm mains shall be "preapproved" by the Town's Engineer based on localized conditions and comply with the following types:

- A. Polyvinyl Chloride  
PVC pipe shall conform to ASTM D3034, SDR 35 or ASTM F789 with joints and rubber gaskets conforming to ASTM D3212 and ASTM F477.
- B. Reinforced Concrete  
Reinforced concrete pipe shall be Class IV per Standard Specifications as set forth in Section 7-04.



C. Ductile Iron

Ductile iron pipe shall conform to AWWA C151 Class 50 and have a cement mortar lining conforming to AWWA C104. All pipes shall be joined using non-restrained joints, which shall be rubber gaskets, push on type or mechanical joint, conforming to AWWA C111.

D. Polyethylene

PE smooth wall pipe per Advanced Drainage Systems (ADS) N-12 (bell and spigot), or Town approved equal, constructed per Standard Specifications 7-04.

E. High Density Polyethylene Pipe (HDPE)

HDPE pipe shall be SDR 25 butt-fused welded pipe high density, black, PE 3408. Pipe shall be made from premium high density polyethylene resin, qualified as Type III, Category 5, Class C, and Grade P34 in ASTM D1248-81.

Invert elevations for individual storm drainage stubs shall be shown on the final record drawings. In the field, individual storm drainage stubs shall be marked by use of a white 2" x 4" post stamped "STORM." Post shall be placed at the stub invert and shall protrude from ground at a minimum of 3 feet.

**11.50.050 Connections**

Connections of storm drain pipe leading from an existing street inlet location may be made into an existing main storm drain only with a new structure, subject to case-by-case review and approval of the Town Engineer or Public Works Director and subject to the following additional requirements:

- A. The inlet structure shall be a catch basin and not a simple inlet lacking a catch or drop section.
- B. Length of inlet connection shall be as approved by the Town Engineer.
- C. Connection to a catch basin shall not occur at corner of the catch basin. The maximum angle of the pipe to the catch basin shall not exceed more than 30 degrees from perpendicular.

**11.50.060 Survey Staking**

All surveying and staking shall be performed by an engineering or surveying firm employed by the Developer and capable of performing such work. The engineer or surveyor directing and/or performing such work shall be currently licensed by the State of Washington to perform said tasks.

A preconstruction meeting shall be held with the Town prior to commencing staking. All construction staking shall be inspected by the Town prior to construction.

**11.50.070 Trench Excavation**

- A. Clearing and grubbing where required shall be performed within the easement or public right-of-way as permitted by the Town and/or governing agencies. Debris resulting from the clearing and grubbing shall be disposed of by the owner or contractor in accordance with the terms of all applicable permits.
- B. Trenches shall be excavated to the line and depth designed by the Town and per Town standards. Except for unusual circumstances where approved by the Town, the trench sides shall be excavated vertically and the trench width shall be excavated only to such widths as are necessary for adequate working space as allowed by the governing agency and in compliance with all safety requirements of the prevailing agencies. See Detail. The trench shall be kept free from water until joining is complete. Surface water shall be diverted so as not to enter the trench. The Contractor shall maintain sufficient pumping equipment on the job to insure that these provisions are carried out.
- C. The Contractor shall perform all excavation of every description and whatever substance encountered and boulders, rocks, roots and other obstructions shall be entirely removed or cut out to the width of the trench and to a depth 6 inches below storm line grade. Where materials are removed from below the pipeline grade, the trench shall be backfilled to grade with material satisfactory to the Town and thoroughly compacted.
- D. Trenching and shoring operations shall not proceed more than 100 feet in advance of pipe laying without specific written approval of the Town, and shall be in conformance with Washington Industrial Safety and Health Administration (WISHA) and Office of Safety and Health Administration (OSHA) Safety Standard.
- E. The bedding course shall be finished to grade with hand tools in such a manner that the pipe will have bearing along the entire length of the barrel. The bell holes shall be excavated with hand tools to sufficient size to facilitate the construction of pipe joints.

**11.50.080 Bedding**

Gravel backfill for pipe bedding shall be installed in conformance with Section 2-09 of the Standard Specifications (WSDOT).

Gravel backfill for pipe bedding shall consist of crushed, processed, or naturally occurring granular material. It shall be essentially free from various types of wood waste or other extraneous or objectionable materials. It shall have such characteristics of size and shape that it will compact readily and shall meet the following specifications for grading and quality:

<u>Sieve Size</u>	<u>Percent Passing*</u>
3/4" Square	100
3/8" Square	95-100
U.S. No. 8	0-10
U.S. No. 200	0-3
Sand Equivalent	35 min.

\*All percentages are by weight.

#### **11.50.090 Backfilling**

Backfilling and surface restoration shall closely follow installation of pipe so that not more than 100 feet is left exposed during construction hours without approval of the Town. Selected material shall be placed and compacted around and under the storm drain by hand tools. Special precautions should be provided to protect the pipe to a point 12 inches above the crown of the pipe. The remaining backfill shall be compacted to 95 percent of the maximum density in traveled areas, 90 percent outside driveway, roadways, road prism, shoulders, parking or other traveled areas. Where governmental agencies other than the Town have jurisdiction over roadways, the backfill and compaction shall be done to the satisfaction of the agency having jurisdiction. Typically, trench sections crossing existing roadways, in roadway “prisms” or beneath traffic bearing areas shall be backfilled and compacted with 5/8-inch minus crushed rock. Due to localized conditions, the Town may allow/permit the backfill of the trench section with suitable excavated material, as determined by the Town, or if this material is not available from trenching operations, the Town may order the placing and compaction of bank run gravel conforming with Section 9-03.19 of the Standard Specifications or controlled density fill (CDF) conforming with Section 2-09.3(1)E of the Standard Specifications for backfilling the trench. All excess material shall be loaded and hauled to waste.

#### **11.50.100 Cleaning and Testing**

Upon completion of work of the constructed storm drainage system shall be cleaned and tested in accordance with WSDOT Section 7-04.3(1).

All lines shall be flushed clean of all debris prior to acceptance. The debris shall be intercepted and collected at the nearest downstream point of access. The material shall then be waste-hauled to an approved dump site.

Water for flushing shall be made available and obtained from the Town. However, the Town reserves the right to operate all hydrants at times and locations convenient to their schedule and available personnel.

#### **11.50.110 Inspection**

The Contractor shall request for inspection a minimum of 48 hours prior to the Contractor’s scheduled need. Inspection shall be required for the following items of work:

- A. Pipe and bedding installation.
- B. Backfill and compaction.
- C. Grouting catch basins.

Upon completion of the project all storm sewer install shall be inspected with television inspection equipment. The Contractor shall provide the Town with a copy of the inspection and shall have the Town present during the television inspection.

#### **11.50.120 Street Patching and Restoration**

See CMC 11.40 for requirements regarding street patching and trench restoration.

### **11.50.130 Erosion Control**

The detrimental effects of erosion and sedimentation shall be minimized by conforming with the following general principles:

- A. Soil shall be exposed for the shortest possible time.
- B. Reducing the peloton and controlling the flow of runoff.
- C. Detaining runoff on the site to trap sediment.
- D. Releasing runoff safely to downstream areas.

In applying these principles, the Developer and/or Contractor shall provide for erosion control by conducting work in workable units; minimizing the disturbance to cover crop materials; providing mulch and/or temporary cover crops, sedimentation basins, and/or diversions in critical areas during construction; controlling and conveying runoff; and establishing permanent vegetation and installing erosion control structures as soon as possible. All erosion control shall conform to the CMC and 2005 WSDOE Manual.

#### **A. Trench Mulching**

Where there is danger of backfill material being washed away due to steepness of the slope along the direction of the trench, backfill material shall be compacted and held in place by covering the disturbed area with straw and held with a covering of jute matting or wire mesh anchored in place.

#### **B. Cover-Crop Seeding**

A cover crop shall be sown in all areas excavated or disturbed during construction that were not paved, landscaped and/or seeded prior to construction. Areas landscaped and/or seeded prior to construction shall be restored to their original or superior condition.

Cover-crop seeding shall follow backfilling operations.

The Developer and/or Contractor shall be responsible for protecting all areas from erosion until the cover crop affords such protection. The cover crop shall be reseeded if required and additional measures taken to provide protection from erosion until the cover crop are capable of providing protection.

During winter months, the Contractor may postpone seeding, if conditions are such that the seed will not germinate and grow. The Developer and/or Contractor will not, however, be relieved of the responsibility of protecting all areas until the cover crop has been sown and affords protection from erosion.

The cover crop shall be sown at a rate of 10 to 15 pounds of seed per acre using a hand or power operated mechanical seeder capable of providing a uniform distribution of seed. (Ord. 445 § 6, 2016)

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## **CHAPTER 11.60 WATER SYSTEM STANDARDS**

### **Sections**

- 11.60.010 General**
- 11.60.020 Design Standards**
- 11.60.030 General Requirements**
- 11.60.040 Water Pipe Testing and Disinfecting**
- 11.60.050 Backflow Prevention and Sprinkler Systems**
- 11.60.060 Staking**
- 11.60.070 Trench Excavation**
- 11.60.080 Backfilling**
- 11.60.090 Street Patching and Restoration**
- 11.60.100 Finishing and Cleanup**
- 11.60.110 General Guarantee and Warranty**
- 11.60.120 Water System Plan Notes**

### **11.60.010 General**

Off-site improvements to the existing system by the Developer may be required by the Public Works Director based on the condition, size, age, structural integrity, ability, and capacity of the existing water system and impacts caused by the proposed development. These off-site improvements in addition to “on-site” improvements shall be completed as determined by the Town to mitigate impacts caused by the development, and/or installed to facilitate hydraulic looping.

Furthermore, the Town shall require that on-site water system be looped to the Town system and/or be extended to the far property line to provide for future extension and looping of the main. Water mains located on private property outside of the public right-of-way shall be provided to the Town within 15-foot dedicated water easements.

### **11.60.020 Design Standards**

The design elements of water system improvements shall conform to Town Standards as set forth herein and follow current design practice as set forth herein.

- A. All work shall be accomplished conformance with the WSDOT Current Standard Specifications for Road, Bridge, & Municipal Construction, AWWA Standards, the Town’s Standards, and according to the recommendations of the manufacturer of the material or equipment concerned and as specified herein as applicable. Town Standard shall prevail in all circumstances, where conflicts exist the Town’s decision shall be final.
- B. Material and installation specifications shall contain appropriate requirements that have been established by the industry in its technical publications, such as ASTM, AWWA, WEF, WPCF, and APWA standards. Requirements shall be set forth in the specifications for the pipe and methods of bedding and backfilling so as not to damage the pipe or its joints.
- C. All piping and plumbing installed to provide water for human consumption that is connected to the Town’s water system shall be lead free.

- D. The location of the water mains, valves, hydrants, and principal fittings including modifications shall be staked by the Developer. No deviation shall be made from the required line or grade. The Developer shall verify and protect all underground and surface utilities encountered during the progress of this work.
- E. All pipelines shall be tested and disinfected to Town and AWWA Standards prior to acceptance.
- F. Computations and other data used for design of the water system shall be submitted to the Town for approval.
- G. Before acceptance of the water system by the Town, all pipes, appurtenances, vaults, meter boxes, etc., shall be cleaned of all debris and objectionable material. Mechanical systems shall be field checked for performance. Operation and maintenance manuals shall be provided after a “startup” is satisfactorily witnessed.
- H. Fire hydrants are required to be installed a maximum of 600 feet in residential areas and/or located no more than 350 feet from the back of any proposed lot, and a maximum of 300 feet in multi-residential and business and light manufacturing areas. However, fire hydrants shall be furnished and installed at all locations as specifically mandated by the local fire marshal and/or per Town Building Code. Distances referenced herein shall be measured linearly in and along street or road.
- I. Fire hydrants on dead end streets and residential roads shall be located within approximately 300 feet from the center of all lots. Distances referenced herein shall be measured linearly in and along street or road.
- J. Pipes connecting hydrants to mains shall be at least 6 inch in diameter and not longer than 50 feet. Long side hydrants will not be allowed.
- K. Valves shall be installed at intervals not to exceed 1,000 feet. Valve shall be installed at each end of easements.
- L. Dead end lines are not permitted except where the Developer can demonstrate to the Town’s satisfaction that it would be impractical to extend the line at a future date. Water mains located in platted cul-de-sacs shall extend to the plat line beyond the cul-de-sac to neighboring property (is) to allow for a convenient future connection, and/or extended offsite to create a hydraulic loop, and, as minimum, have a 2-inch blowoff assembly installed at the termination point.
- M. Unless otherwise approved or required by the Public Works Director, the water main shall be ductile iron pipe of the class as referenced below. The minimum nominal size for water mains shall be 8 inches, unless otherwise approved/required by Public Works Director.

<u>Pipe Diameter</u>	<u>Class</u>
6" through 14"	Class 52
16" and larger	Class 50

Exception: 6-inch hydrant spools and pipelines located beneath rock walls or other types of retaining walls shall be Class 53.

- N. Residential water service pipe shall be high plastic “Poly” pipe (no joints beneath pavement areas), meeting or exceeding ASTM D2239, SDR-7 as manufactured by Driscopipe (CL 200).
- O. Minimum residential size service lines between the water main and the water meter shall be 1-inch unless otherwise specified. All service lines shall be the minimum size or larger if specified by the adopted Town Plumbing Code in accordance with fixture units. Dual resident service will not be allowed. All services shall be one continuous pipe with no splices between the corp and the meter.

#### **11.60.030 General Requirements**

- A. Prior to construction, the Contractor shall notify the Town and schedule a preconstruction meeting.
- B. Work shall be performed only by contractors experienced and qualified in constructing public water systems.
- C. Prior to any work being performed, the Developer shall contact the Town’s Public Works Director or Town Inspector to set forth his proposed work schedule.
- D. Developer shall obtain approval of materials to be used from Town’s Public Works Department and/or Town Inspector prior to ordering or installing any materials.
- E. Water mains shall be laid only in dedicated streets or in easements, which have been granted to the Town. A street is normally not considered dedicated until the plat, which created it, has been officially filed with the County Auditor. Water mains may be laid within a plat or property identified in the developer extension agreement, subject to dedication of appropriate rights-of-way and recording of appropriate easements at the time the plat and/or warranty bill of sale is filed with the County Auditor
- F. All materials shall be new and undamaged.
- G. Provide bends in field to suit construction, and in accordance with the pipe manufacturer’s recommendations so as not to exceed 1/2 allowable deflection at pipe joints.
- H. Provide concrete thrust blocking and/or restrained joints at all fittings and bends in accordance with the Town standards and as local conditions might dictate. Size of blocking to be designed by Developer’s Engineer and approved by Town. Concrete shall be commercial class 3,000 psi.
- I. Provide concrete anchor blocking at all up-thrust vertical bends in accordance with Town standards. Size of blocking to be designed by Developer’s Engineer and approved by Town. Concrete shall be commercial class 3,000 psi.
- J. All valve marker posts shall be prefabricated concrete and painted yellow (two coats) and marked (in black stenciled letters) with the distance (to nearest foot) to valve being referenced.



- K. Meter services and meter boxes shall be set to final grade and all adjustments shall be made prior to final pressure testing of the system, except as approved by the Town. Centerline of service inlets shall be located to match bottom elevation of meter box in such a manner that meter inlet and outlet will be the same elevation at the bottom of the meter box. Service inlet shall be centered at inlet end of box and faced toward outlet end of box parallel with long sides.
- L. All water services shall end within road right-of-way (i.e., meters located 12 inches inside property/right-of-way line). They shall be located immediately adjacent to neighboring property lines. They shall not be placed in sidewalks, irrigation strips, major landscaping, driveways, or drainage channels.
- M. All meters shall be installed by the Town, and the Developer or property owner shall pay the current meter installation charge. Three feet of clear area shall be maintained around the meter. No structures, bushes, or trees shall be placed within 3 feet of the water mains.
- N. Meters shall not be placed in the sidewalk or driveway.
- O. All services other than single family residential shall be provided with state approved backflow prevention commensurate with the degree of anticipated hazard located outside the building.
- P. All new buildings and residences shall include in their water service a suitable pressure-reducing valve to protect the plumbing from excessive pressures when local water pressure is in excess of 80 psi, unless otherwise waived in writing by the Town.
- Q. All new construction shall comply with the latest addition of the “Accepted Procedure and Practice in Cross Connection Control Manual” as published by the Pacific Northwest Section of the American Water Works Committee” and the Town adopted code.
- R. Cut in connections and wet taps shall not be made on Fridays, the day before a holiday, Town recognized holidays, or weekends (unless approved by the Town). All tapping sleeves and tapping valves shall be pressure tested prior to making connection to existing mains. Only qualified contractors, as approved by Town, will be allowed to make connections/interties into existing system.
- S. Contractor shall notify the Town and obtain approval prior to any scheduled water shutoff or turn on, affecting the water system or its customers, a minimum of 2 working days in advance. The Contractor shall install door hangers for all customers affected by scheduled shutdown. Door hangers shall be provided by the Town.
- T. Road restoration shall be per Town, County, or State permit of approval (as applicable). Developer and Contractor shall become familiar with all State, County, and Town conditions of required permits, and shall adhere to all conditions and requirements.

U. The Developer shall be required, upon completion of the work and prior to acceptance by the Town, to furnish the Town with a written guarantee covering all material and workmanship for a period of 2 years after the date of final acceptance and he shall make all necessary repairs during that period at his own expense, if such repairs are necessitated as the result of furnishing poor materials and/or workmanship. The Developer shall obtain warranties from the Contractors, subcontractors, and suppliers of material or equipment where such warranties are required and shall deliver copies to the Town upon completion of the work.

V. Water Mains and Fittings

1. All water mains shall be furnished and installed as shown on the Plans as approved by the Town and/or in the field as approved by the Town's inspector.
2. Water mains to be installed shall be ductile iron pipe for all sizes, unless specifically noted otherwise. All ductile iron water pipe shall be provided with factory bagging or plugs installed to cover the ends of the pipe. Covers shall remain in unbroken condition throughout transport and storage, and until pipe placement in the trench.
3. The ductile iron pipe shall conform to ANSI/AWWA C151/A21.51-91 Standards, and current amendments thereto, except the ductile iron pipe shall be thickness Class 52 for 4-inch through 14-inch-diameter pipe (except for 6-inch hydrant spools which shall be Class 53) and Class 50 for 16 inch and larger. Grade of iron shall be a minimum of 60-42-10. The pipe shall be cement lined to a minimum thickness of 1/16 of an inch, meeting NSF standards for potable water, and the exterior shall be coated with an asphaltic coating. Each length shall be plainly marked with the manufacturer's identification, year case, thickness, class of pipe and weight.
4. Type of joint shall be mechanical joint or push-on type, employing a single gasket, such as "Tyron," except where otherwise calling for flanged ends shall conform to AWWA C111. Bolts furnished for mechanical joint pipe and fittings shall be high strength ductile iron, with a minimum tensile strength of 50,000 psi.
5. Restrained joint pipe, where shown on the Plans shall be push-on joint pipe with "Field LOK®" gaskets as furnished by U.S. Pipe or equal for 24-inch diameter and smaller pipe. The restrained joint pipe shall meet all other requirements of the non-restrained pipe.
6. All pipe shall be jointed by the manufacturer's standard coupling, be all of one manufacturer, be carefully installed in complete compliance with the manufacturer's recommendations.
7. Joints shall be "made up" in accordance with the manufacturer's recommendations, standard joint materials, including rubber ring gaskets, shall be furnished with the pipe. Material shall be suitable for the specified pipe size and pressures.

8. All fittings shall be short-bodied, ductile iron complying with applicable AWWA C110 or C153 Standards for 350 psi pressure rating for mechanical joint fittings and 250 psi pressure rating for flanged fittings. All fittings shall be cement lined and either mechanical joint or flanged, as indicated on the Plans.
9. Fittings in areas requiring restrained joints shall be mechanical joint fittings with a mechanical joint restraint device. The mechanical joint restraint device shall have a working pressure of at least 250 psi with a minimum safety factor of 2:1 and shall be EBAA Iron, Inc., MEGALUG, or approved equal.
10. All bend fittings and tees shall be installed to include concrete blocking with a mechanical joint restraint device. The mechanical joint restraint device shall have a working pressure of at least 250 psi with a minimum safety factor of 2:1 and shall be MEGALUG (retainer glands) or Town approved equal.
11. All couplings shall be ductile iron mechanical joint (long pattern) sleeves.
12. The pipe and fittings shall be inspected for defects before installation. All lumps, blisters and excess coal tar coating shall be removed from the bell and spigot end of each pipe, and the outside of the spigot and the inside of the bell shall be wire-brushed and wiped clean and dry, and free from oil and grease before the pipe is laid.
13. Every precaution shall be taken to prevent foreign material from entering the pipe while it is being placed in the line. After placing a length of pipe in the trench, the spigot end shall be centered in the bell and pipe forced home and brought to correct line and grade. The pipe shall be secured in place with select backfill tamped under it. Precaution shall be taken to prevent dirt from entering the joint space. At times when pipe laying is not in progress, the open ends of pipe shall be closed by a watertight plug. If water is in the trench when work resumes, the seal shall remain in place until the trench is pumped completely dry. No pipe shall be laid in water or when trench conditions are unsuitable or unsafe.
14. The cutting of pipe for inserting fittings or closure pieces shall be done in a neat and workmanlike manner, without damage to the pipe or cement lining, and so as to leave a smooth end at right angles to the axis of the pipe. Pipe shall be laid with bell ends facing in the direction of the laying, unless approved otherwise by the Town. Wherever it is necessary to deflect pipe from a straight line, the amount of deflection allowed shall not exceed 1/2 the pipe manufacturer's recommendations.
15. For connection of mechanical joints, the socket, plain end of each pipe and gasket shall be cleaned of dirt before jointing, and shall be jointed according to manufacturer's directions. Bolts shall be tightened alternately at top, bottom, and sides, so pressure on gasket is even.

16. For connection of push on type joints, the jointing shall be done according to manufacturer's recommendations, with special care used in cleaning gasket seat to prevent any dirt or sand from getting between the gasket and pipe. Lubricant to be used on the gasket shall be non-toxic and free from contamination. When a pipe length is cut, the outer edge of the cut shall be beveled with a file to prevent damage to the gasket during jointing.
17. Valves, fittings, plugs, and caps shall be set and jointed to pipe in the manner as required. All dead ends on new mains shall be closed with dead end M.J. caps or plugs, or blind flange and blocking.
18. Fittings shall be "blocked" with poured-in-place concrete, with a firm minimum bearing against an undisturbed earth wall. Timber blocking will not be permitted. Thrust blocks shall be poured as soon as possible after setting the fittings in place to allow the concrete to "set" before applying the pressure test. The concrete thrust blocks shall be in place before beginning the pressure test. Anchor blocks shall be allowed to set sufficiently to develop the necessary bond strength (minimum 3 days) between the reinforcing rods and the concrete anchor before beginning the pressure test. Concrete shall be commercial class 3,000 psi. A visqueen barrier shall be provided to protect glands, bolts, and other miscellaneous materials required for this type of connection.
19. All of the new piping, valves and blocking shall have been installed, disinfected and tested up to the point of cutting into existing lines before the crossover is made. The crossover to the existing system shall be in full readiness, including the cut and sized specials. 48-hour notice shall be given the Town in advance of the planned "cut-ins." All solid sleeves shall be "long body" pattern.
20. All backfill in roadway sections shall be placed and compacted in accordance with County, Town, and/or State requirements and copies of the compaction results shall be provided to the Town.
21. All backfill in easements shall be placed and compacted to 90 percent of Modified proctor dry maximum density per ASTM D1557.

W. Valves

All valves 14 inches and larger shall be butterfly valves. All valves 12 inches and smaller shall be resilient seat gate valves.

1. Resilient-Seated Gate Valves

All gate valves shall conform to AWWA C509 or C515 Standards for resilient-seated, high strength, bronze stemmed gate valves. The valves shall be ductile iron-bodied, iron disk completely encapsulated with polyurethane rubber and bronze, non-rising stem with "O" ring seals. The polyurethane sealing rubber shall be fusion bonded to the wedge to meet ASTM D429 tests for rubber to metal bond. The valves shall open counter-clockwise and be furnished with 2-inch square-operating nuts

except valves in vaults shall be furnished with hand wheels. All surfaces, interior, and exterior shall be fusion-bonded epoxy coated, acceptable for potable water.

The valve shall be valve rated at 250 psi or higher.

All valves shall be set with stems rising in a true vertical. The axis of the valve box shall be common with the axis projected off the valve stem. The tops of the adjustable valve boxes shall be set to the existing or established grade, whichever is applicable.

Valves shall be Dresser, M&H, Clow, American AVK, or approved equal.

## 2. Butterfly Valves

Butterfly valves shall be of the tight closing rubber seat type with rubber seat either bonded to the body or mechanically retained in the body with no fasteners or retaining hardware in the flow stream. The valves may have rubber seats mechanically affixed to the valve vane. Where threaded fasteners are used, the fasteners shall be retained with a locking wire or equivalent provision to prevent loosening. Rubber seats attached to the valve vane shall be equipped with stainless steel seat ring integral with the body, and the body internal surfaces shall be epoxy coated to prevent tuberculation's buildup which might damage the disc-mounted rubber seat.

No metal-to-metal sealing surfaces shall be permitted. The valves shall be bubble-tight at rated pressures with flow in either direction, and shall be satisfactory for applications involving valve operations after long periods of inactivity. Valve discs shall rotate 90 degrees from the full open position to the tight shut position. The valves shall meet the full requirements of AWWA C504, Class 150B.

The valve shall be Henry Pratt Company "Groundhog," or approved equal.

## 3. Tapping Sleeves and Tapping Valves

The tapping sleeves shall be rated for a working pressure of 250 psi minimum and furnished complete with joint accessories. Tapping sleeves shall be constructed in sections for ease of installation and shall be assembled around the main without interrupting service.

Stainless steel sleeve shall be used on AC pipe.

Mechanical joint style sleeves shall be ductile iron or fabricated steel style sleeves. Ductile iron mechanical joint style sleeves are required for size-on-size connections. Mechanical cast joint sleeves shall be manufactured by Clow, Dresser, Mueller, Tyler, U.S. Pipe, or owner approved equal.

Fabricated steel style sleeves shall be fusion bonded coated, acceptable for potable water. Fabricated steel sleeves shall be manufactured by JCM, Romac or approved equal.

Tapping valves shall be provided with a standard mechanical joint outlet for use with ductile iron pipe and shall have oversized seat rings to permit entry of the tapping machine cutters. In all other respects, the tapping valves shall conform to the resilient seat gate valves herein specified with regards to operation and materials.

The installation of the tapping sleeves and valves shall be performed by a qualified contractor. Evidence of same shall be provided to the Town.

The tapping sleeve and valve shall be tested to 100 psi (air) prior to tapping the main.

4. Pressure Reducing and Relief Valves (Residential)

When street main pressure exceeds 80 psi, an approved pressure reducing valve with an approved pressure relief device shall be installed in the water service pipe in a separate meter box directly behind the service meter to reduce the pressure to 80 psi or lower, except where the water service pipe supplies water directly to a water-pressure boost system, an elevated water gravity tank, or to pumps provided in connection with a hydro-pneumatic or elevated gravity water-supply tank system. Pressure at any fixture shall be limited to no more than 80 psi under no-flow conditions. Pressure reducing valves remain the property and responsibility of the customer.

Where local water pressure is in excess of 80 pounds per square inch (551 kPa), an approved type pressure regulator preceded by an adequate strainer shall be installed and the pressure reduced to 80 pounds per square inch (551 kPa) or less. For potable water services up to and including 1-1/2 inch (38.1 mm) regulators, provision shall be made to prevent pressure on the building side from exceeding main supply pressure. Approved regulators with integral bypasses are acceptable. Each such regulator and strainer shall be accessibly located and shall have the strainer accessible for cleaning without removing the regulatory or strainer body or disconnecting the supply piping. All pipe size determinations shall be based on 80 percent of the reduced pressure. Pressure regulators and strainers remain the property and responsibility of the customer.

5. Pressure Reducing Valves (System)

If extensions require main line pressure reducing valves as determined by the Town, then such entire installation, including valves, piping, vaults, and drain lines shall be installed by the Developer conforming to Town Standards.

The pressure reducing installation shall be prefabricated and plumbed vault and shall include two Cla-Val pressure-reducing valves, a Cla-Val

pressure relief valve, and system bypass sized for the area to be served downstream of the installation.

6. All Valves

The valves shall be set with stems vertical. The axis of the valve box shall be common with the axis projected off the valve stem. The tops of the adjustable valve boxes shall be set to the existing or established grade, whichever is applicable. Ears of the valve box lid shall be parallel to the main.

All valves with operating nuts located more than 42 inches below finished grade shall be equipped with extension stems to bring the operating nut to within 18 inches of the finished grade.

At the top of the extension stem, there shall be a 2-inch standard operating nut, complete with a centering flange that closely fits the 5-inch pipe encasement of the extension stem. The valve box shall be set in a telescoping fashion around the 5-inch pipe cut to the correct length to allow future adjustment up or down.

Each valve shall be provided with an adjustable two-piece cast iron valve box of 5-inch minimum inside diameter. Valve boxes shall have a top section with an 18-inch minimum length. The valve boxes and covers shall be Rich No. 940 or equal.

Valves located in easements or outside of paved areas shall have concrete collars with a minimum size of 2'-0" diameter by 4-inches thick.

7. Valve Markers

For each valve located outside of an asphalt or concrete surface, provide a concrete valve marker post.

The concrete marker posts shall have a 3-inch minimum square section and a minimum length of 36 inches, with beveled edges, and contain at least one 3/8-inch-diameter bar of reinforcing steel. Markers shall be placed at the edge of the right-of-way opposite the valve, and set so as to leave 12 inches of the post exposed above grade. The exposed portion of the marker posts shall be painted with two coats of Preservative Brand No. 43-616 yellow enamel paint. Distance to referenced valve shall be to the nearest foot, and shall be clearly stenciled in black numerals 2 inches in height.

X. Fire Hydrants

All fire hydrants shall be approved by the National Board of Fire Underwriters and conform to AWWA Specification C502, breakaway type, in which the valve will remain closed if the barrel is broken. The hydrant barrel shall have a diameter of not less than 8-1/2 inches, and the valve diameter shall be not less than 5-1/4 inches. Each hydrant shall be equipped with two 2-1/2-inch hose ports

(National Standard Thread), and one 4-1/2-inch pumper connection (National Standard Thread), with a permanent anodized short profile style Storz hydrant 4-inch adaptor and anodized Storz blind flange shall be installed on the pumper port.

Each hydrant shall be equipped with a suitable positive acting drain valve and 1-1/4-inch pentagonal operating nut (counter-clockwise opening). The fire hydrants shall be Mueller A423, M&H "Reliant" #929, American AVK, or Town approved equal. A blue pavement marker shall be furnished and installed.

The holding spools between the gate valve and fire hydrant shall be made from 6-inch Class 53 ductile iron pipe, 0.34-inch wall thickness. The hydrant and gate valve shall be anchored in place using holding spools and mechanical joint restraint device. Holding spools with length in excess of 17 feet shall be supplied with an M.J. sleeve and mechanical joint restraint device. (Field Lock Type Gasket).

The fire hydrants shall be painted per local Fire Marshal requirements with two coats of Kelly Moore 615 CAT yellow paint. After installation, they shall be wire brushed and field painted with two additional coats of similar yellow enamel paint. Distance to the hydrant valve shall be clearly stenciled in black numerals 2 inches in height on the fire hydrant below the pumper port.

Between the time that the fire hydrant is installed and the completed facility is placed in operation, the fire hydrant shall at all times be wrapped in burlap, or covered in some other suitable manner to clearly indicate that the fire hydrant is not in service.

All fire hydrants shall have 3 feet of clear space around the hydrant for access. No structures, bushes, or trees shall be placed within 3 feet of the hydrant.

Y. Blowoffs and Air Relief Assemblies

Two inch or 4-inch blow-off assemblies (per Town direction) shall be installed at the terminus of all dead end water mains and where required within the system. Blow-offs utilized by the Contractor for flushing the water main shall be sufficiently sized to obtain a minimum 2.5 feet per second velocity in the main. Temporary blow-offs shall be removed and replaced with a suitably sized watertight brass plug.

Two-inch air and vacuum release assemblies shall be installed at principal high points in the system. See detail.

The installation of these items shall include connection piping, gate valve, valve box, and all accessories. Valve markers shall be optional with Town.

**11.60.040 Water Pipe Testing and Disinfecting**

All pipelines shall be tested and disinfected prior to acceptance of work. A water hydrant meter shall be required and procured from the Town for all water utilized for flushing pipelines. All pumps, gauges, plugs, saddles, corporation stops, miscellaneous hose and piping, and measuring equipment necessary for performing the test shall be furnished, installed and operated by the



Developer. Feed for the pump shall be from a barrel or other container within the actual amount of “makeup” water, so that it can be measured periodically during the test period.

The pipeline shall be backfilled sufficiently to prevent movement of the pipe under pressure. All thrust blocks shall be in place and time allowed for the concrete to cure before testing. Where permanent blocking is not required, the Contractor shall furnish and install temporary blocking.

As soon as pipe is secured against movement under pressure, it may be filled with water. Satisfactory performance of air valves shall be checked while the line is filling.

Contractor shall preflush all water mains after water has remained in the main for 24 hours and before pressure testing the main.

After the pipe is filled and all air expelled, it shall be pumped to a test pressure of 250 psi, and this pressure shall be maintained for a period of not less than 30 minutes to insure the integrity of the thrust and anchor blocks. The contractor/developer is cautioned regarding pressure limitations on butterfly valves. All tests shall be made with the hydrant auxiliary gate valves open and pressure against the hydrant valve. Hydrostatic tests shall be performed on every complete section of water main between two valves, and each valve shall withstand the same test pressure as the pipe with no pressure active in the section of pipe beyond the closed valve. The Developer shall provide an oil-filled pressure gauge with a range of 0 to 300 psi.

In addition to the hydrostatic pressure test, a leakage test shall be conducted on the pipeline. The leakage test shall be conducted at 200 psi for a period of not less than 1 hour. The quantity of water lost from the main shall not exceed the number of gallons per hour determined by the formula:

$$L = \frac{ND(P)^{0.5}}{7,400}$$

in which

- L = Allowable leakage, gallons/hour
- N = Number of joints in the length of pipeline tested
- D = Nominal diameter of the pipe in inches
- P = Average test pressure during the leakage test, psi

Pipe Size	Allowable Leakage Gal. Per Hour per 1,000 ft. @ 200 psi
6"	0.64
8"	0.85
10"	1.06
12"	1.28
16"	1.70

Defective materials or workmanship, discovered as a result of the tests, shall be replaced by the Developer at the Developer’s expense. Whenever it is necessary to replace defective material or correct the workmanship, the tests shall be rerun at the Contractor’s expense until a satisfactory test is obtained.

As sections of pipe are constructed and before pipelines are placed in service, they shall be disinfected in accordance with AWWA C561 and in conformance with the requirements of the State of Washington Department of Health Services.

In all instances, the Developer shall utilize a state approved double check valve type backflow prevention device to protect the potable water supply while filling, flushing, and disinfecting the particular water main.

In the process of chlorinating newly laid water pipe, all valves, fire hydrants, and other appurtenances shall be operated while the pipeline is filled with the chlorinating agent.

The Developer shall be responsible for flushing all water mains prior to water samples being acquired. The water mains shall be adequately flushed at a rate to provide a minimum 2.5 feet per second velocity in the main.

In all disinfection processes, the Developer shall take particular care in flushing and wasting the chlorinated water from the mains to assure that the flushed and chlorinated water does no physical or environmental damage to property, streams, storm sewers or any waterways. The Developer shall chemically or otherwise treat the chlorinated water to prevent damage to the affected environment, particularly aquatic and fish life of receiving streams. Flushing water must be disposed of in accordance with Washington State Department of Ecology Standards. Discharge of chlorinated flush water to the sanitary sewer system is prohibited, except with Town preapproval.

Chlorine shall be applied in one of the following manners, listed in order of preference, to secure a concentration in the pipe of at least 50 ppm.

- A. Injection of chlorine-water mixture from chlorinating apparatus through corporation cock at beginning of section after pipe has been filled, and with water exhausting at end of section at a rate controlled to produce the desired chlorine concentration;
- B. Injection similarly of a hypochlorite solution;
- C. Placement of dry chlorinated lime throughout pipeline, as constructed, in proper quantities to produce the desired dosage. Filling of pipeline with this method should be at a very slow rate. Pipeline should be filled within 2 days of placing sterilizing agent.
- D. Other Town preapproved method(s) selected by Developer/Contractor.

After the desired chlorine concentration has been obtained throughout the section of line, the water in the line shall be left standing for a period of 24 hours. Following this, the line shall be thoroughly flushed and a water sample collected. The line shall not be placed in service until a satisfactory bacteriological report has been received.

Town forces only will be allowed to operate existing and new tie-in valves. The Contractor's forces are expressly forbidden to operate any valve on any section of line, which has been accepted by the Town.

#### **11.60.050 Backflow Prevention and Sprinkler Systems**

- A. All water systems connected to the public water system shall have backflow prevention as required by WAC 248-54-285.
- B. All fire sprinkler systems as mandated/proposed/or required by the local Fire Marshal and/or Town Ordinance that have a fire department connection shall have backflow prevention as required by WAC 248-54-285.
- C. Building sprinkler systems may be required based on Building Codes/Fire Marshal requirements.

#### **11.60.060 Staking**

All surveying and staking shall be performed by an engineering or surveying firm employed by the Developer and capable of performing such work. The engineer or surveyor directing and/or performing such work shall be currently licensed by the State of Washington to perform said tasks.

A preconstruction meeting shall be held with the Town prior to commencing staking. All construction staking shall be inspected by the Town prior to construction.

The minimum staking of water systems shall be as follows:

- A. Provide staking sufficient to satisfy Town. In new plat development roadway centerline staking must be readily identifiable.
- B. Stake locations of all proposed fire hydrants, blowoffs, air-vac assemblies, valves, fittings, meters, etc.

#### **11.60.070 Trench Excavation**

- A. Clearing and grubbing where required shall be performed within the easement or public right-of-way as permitted by the Town and/or governing agencies. Debris resulting from the clearing and grubbing shall be disposed of by the Developer or Owner in accordance with the terms of all applicable permits.
- B. Trenches shall be excavated to the line and depth designated or approved by the Town in order to provide a minimum of 3'-0" of cover over the pipe as measured from finished grade. Except for unusual circumstances where approved by the Town, the trench sides shall be excavated vertically and the trench width shall be excavated only to such widths as are necessary for adequate working space, and to accommodate placement of material and compaction, and as mandated by the governing agency and in compliance with all safety requirements. The trench shall be kept free from water. Surface water shall be diverted so as not to enter the trench. The owner shall maintain sufficient pumping equipment on the job to insure that these provisions are carried out.
- C. The contractor shall perform all excavation of every description and whatever substance encountered and boulders, rocks, roots and other obstructions shall be entirely removed or cut out to the width of the trench and to a depth 6 inches below the pipeline grade. Where materials are removed from below the pipeline grade,

the trench shall be backfilled to grade with material satisfactory to the Town and thoroughly compacted.

- D. Trenching and shoring operations shall not proceed more than 100 feet in advance of pipe laying without approval of the Town, and shall be in conformance with Washington Industrial Safety and Health Administration (WISHA) and Office of Safety and Health Administration (OSHA) Safety Standard.
- E. The bedding course shall be finished to grade with hand tools in such a manner that the pipe will have bearing along the entire length of the barrel.

#### **11.60.080 Backfilling**

Backfilling and surface restoration shall closely follow installation of pipe. The Town, based on the location of construction, shall designate the amount of trenching which may be temporarily left open. In no case shall more than 100 feet be left open without approval of the Town. Select material shall be placed and compacted around and under the pipe by employing hand tools and labor. Special precautions should be provided to ensure protection of the piping to a point 12 inches above the crown of the pipe. The remaining backfill shall be compacted to 95 percent of the maximum density of the modified proctor per ASTM D1557 in traveled areas and road prisms, and 90 percent outside driveways, roadways, road prisms, shoulders, parking, or other traveled areas. Where governmental agencies other than the Town have jurisdiction over roadways, the backfill and compaction shall be done to the satisfaction of the agency having jurisdiction. Typically, all trenches located in roadway sections, roadway “prisms,” and in traffic bearing areas shall be required to be backfilled and compacted with imported structural fill. Due to local conditions, as may be specifically approved by the Town, suitable excavated backfill material, may be utilized as backfill, or if such material is not available from trenching operations, the Town may order the placing of structural backfill conforming with Section 9-03.10 of the Standard Specifications (WSDOT). All excess and/or unsuitable excavated material shall be promptly loaded and hauled to waste.

#### **11.60.090 Street Patching and Restoration**

See CMC 11.40 and Standard Details for requirements regarding street patching and trench restoration.

#### **11.60.100 Finishing and Cleanup**

After all other work on this project is completed and before final acceptance, the entire roadway, including the roadbed, planting, sidewalk areas, shoulders, driveways, alley and side street approaches, slopes, ditches, utility trenches, and construction areas shall be neatly finished to the lines, grades and cross sections of a new roadway consistent with the original section, and as hereinafter specified.

On water system construction where all or portions of the construction is in undeveloped areas, the entire area which has been disturbed by the construction shall be cleaned and shaped such that the area will present a uniform appearance, blending into the contour of the adjacent properties. All other requirements outlined previously shall be met.

Slopes, grass, and planting areas shall be smoothed and finished to the required cross section and grade by means of hand labor and/or a grading machine insofar as it is possible to do so without damaging existing improvements, trees and shrubs. Machine dressing shall be supplemented by hand work to meet requirements outlined herein, to the satisfaction of the Town Inspector.

Upon completion of the cleaning and dressing, the project shall appear uniform in all respects. All graded areas shall be true to line and grade. Where the existing surface is below sidewalk and curb, the area shall be filled and dressed out to the walk or right-of-way line as directed by the Town. Wherever fill material is required in the planting area, the finished grade shall be elevated to allow for final settlement, but nevertheless, the raised surface shall present a uniform appearance.

All rocks in excess of 4 inches in diameter shall be removed from the entire construction area and shall be disposed of the same as required for other waste material. In no instance shall the rock be thrown onto private property. Vegetation overhang on slopes which in the Town's opinion appears unsightly or is a menace to the safety and welfare to its citizens shall be trimmed, cut, removed, and waste hauled and the slopes dressed neatly so as to present a uniform, natural, well-graded and stabilized surface.

All excess excavated material shall be removed and wastehauled. Trash of all kinds resulting from clearing and grubbing or grading operations shall be removed and wastehauled. Where machine operations have broken down brush and trees beyond the outer limits of the project, the Developer shall trim, remove and dispose of same and restore said disturbed areas to a like or superior condition at his own expense. Drainage facilities such as inlets, catch basins, culverts, and open ditches shall be cleaned of all debris, which is the result of the Developer and/or Contractor's operations.

All pavements and oil mat surfaces, whether new or old, shall be thoroughly cleaned. Existing improvements such as Portland cement concrete curbs, curb and gutters, walls, sidewalks, and other facilities, which have been sprayed by the asphalt cement, shall be cleaned to the satisfaction of the Town Public Works Superintendent.

Castings for monuments, water valves, vaults, and other similar installations, which have been covered with the asphalt material, shall be cleaned to the satisfaction of the Town.

#### **11.60.110 General Guarantee and Warranty**

The Developer shall be required, upon completion of the work and prior to acceptance by the Town, to furnish the Town a written guarantee covering all material and workmanship for a period of 2 years after the date of final acceptance and the Developer shall make all necessary repairs during that period at the Developer's own expense, if such repairs are necessitated as the result of furnishing poor materials and/or workmanship. The Developer shall obtain warranties from the contractors, subcontractors, and suppliers of material or equipment where such warranties are required, and shall deliver copies to the Town upon completion of the work.

Easement documents, if applicable, shall be filed and recorded with the Pierce County auditor's office and the documents reviewed by the Town prior to project acceptance.

#### **11.60.120 Water System Plan Notes**

The following notes shall also be shown on the plans.

**WATER SYSTEM NOTES:**

- A. All work in Town right-of-way requires a permit from the Town of Carbonado. Prior to any work commencing, the general contractor shall arrange for a preconstruction meeting at the Town to be attended by all major contractors, representatives of involved utilities, and the Town of Carbonado. Contact the engineering division to schedule the meeting (360-829-0125). The contractor is responsible to have their set of plans at the meeting.
- B. After completion of all items shown on these plans and before acceptance of the project, the contractor shall obtain a “punch list” prepared by the Town’s inspector detailing remaining items of work to be completed. All items of work shown on these plans shall be completed to the satisfaction of the Town prior to acceptance of the water system and provision of sanitary sewer service.
- C. All materials and workmanship shall conform to the Standard Specifications for Road, Bridge, and Municipal Construction (hereinafter referred to as the “Standard Specifications”), Washington State Department of Transportation and American Public Works Association, Washington State Chapter, latest edition, unless superseded or amended by the Town of Carbonado Town Standards for Public Works Engineering and Construction (hereinafter referred to as the “Town Standards”).
- D. A copy of these approved plans and applicable Town developer specifications and details shall be onsite during construction.
- E. Any revisions made to these plans must be reviewed and approved by the developer’s engineer and the Town engineer. The Town shall not be responsible for any errors and/or omissions on these plans.
- F. The contractor shall have all utilities verified on the ground prior to any construction. Call (1-800-424-5555) at least 48 hours in advance. The owner and his/her engineer shall be contacted immediately if a conflict exists.
- G. Any structure and/or obstruction which requires removal or relocation relating to this project shall be done so at the developer’s expense.
- H. Biological test samples will be taken by the Town and paid for by the contractor.
- I. Water mains shall have a minimum cover of 42 inches in improved right-of-way and a minimum of 48 inches in unimproved right-of-way and easements.
- J. Pipe for water mains shall be ductile iron conforming to Section 7-09 of the WSDOT Standard Specifications and shall be thickness Class 52 or greater, with Tyton or approved equal joints. Pipe shall be cement lined in accordance with A.S.A. Specification A 21.4-1964.
- K. Connections to existing water mains shall be wet taps through a tapping ‘tee’ and tapping valve and shall be made by a Town-approved contractor. The tapping

sleeve shall be epoxy coated steel or ductile iron. Stainless sleeves shall only be used on AC pipe. The Town shall approve the time and location for these connections.

- L. All water mains and appurtenances shall be hydrostatically tested at 200 psi in accordance with Section 7-11.3(11) of the WSDOT Standard Specifications.
- M. Fire hydrants shall be installed conforming to Town Standard No. 303.
- N. Valve marker posts shall be installed where valve boxes are hidden from view or in un paved areas. The installation shall conform to Town Standard No. 312.
- O. Resilient seated wedge gate valves shall be used for 12-inch mains and smaller. Butterfly valves shall be used for mains greater than 12 inches.
- P. Pipe fitting for water mains shall be ductile iron and shall be mechanical joint conforming to AWWA Specification C111-72.
- Q. Water main pipe and service connections shall be 10 feet away from building foundations and/or roof lines.
- R. Where a water main crosses a gas main, the water line shall be cased with PVC pipe a minimum of 10 feet beyond each side of the gas line easement. Contact with the gas provider shall occur before the crossing is made.
- S. Trenching, bedding, and backfill for water mains shall be in accordance with standard details.
- T. All commercial developments, irrigation systems, and multi-family water service connections shall be protected by a double check valve assembly or a reduced pressure backflow assembly as directed by the Town. (Ord. 445 § 7, 2016)

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## CHAPTER 11.70 SANITARY SEWER STANDARDS

### Sections

- 11.70.010 General**
- 11.70.020 Sanitary Sewer System Design Criteria**
- 11.70.030 Wastewater Quality Requirements**
- 11.70.040 Design Criteria Specific to Short Plats**
- 11.70.050 Sanitary Sewer Plan Requirements**
- 11.70.060 Sanitary Sewer Plan Notes**

### 11.70.010 General

The design of sanitary sewers shall be in conformance with the applicable sections of the State of Washington, Department of Ecology manual, Criteria for Sewage Works Design, August 2008, and the Standard Specifications for Road, Bridge, and Municipal Construction (hereinafter referred to as the “Standard Specifications”), Washington State Department of Transportation and American Public Works Association, Washington State Chapter, latest edition, unless superseded or amended by the Town of Carbonado Town Standards for Public Works Engineering and Construction (hereinafter referred to as the “Town Standards”).

### 11.70.020 Sanitary Sewer System Design Criteria

The following additional design requirements shall also apply:

- A. All materials shall be new and undamaged.
- B. All public sanitary sewer lines shall be 8-inch-minimum diameter. All lines shall be to the minimum size as indicated in the Town’s Comprehensive Plan.
- C. All sewer pipe shall be PVC sewer pipe conforming to ASTM D-3034, SDR35 for pipe sizes 15-inch and smaller and ASTM F679 for pipe sizes 18 to 27 inch, or ductile iron pipe Class 51 or greater unless otherwise noted.
- D. All sewer lines shall be designed and constructed to give mean velocities, when flowing full, of not less than 2.0 feet per second. The following minimum slopes should be provided:

<b>Sewer size (inches)</b>	<b>Minimum slope (percent)</b>
8	0.40
10	0.28
12	0.22
14	0.17
15	0.15
16	0.14
18	0.12
<b>Sewer size</b>	<b>Minimum slope</b>

<u>(inches)</u>	<u>(percent)</u>
21	0.10
24	0.08
27	0.07
30	0.06
36	0.05

E. Commercial Developments

The Town may require specific monitoring facilities to be installed. Which will allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage system. This shall include, but not limited to, such devices as sampling tee's, sampling manholes, industrial wastewater monitoring stations, flow meters and flume vaults.

(3) Monitoring – The Town may require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage system. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Town's requirements and all applicable local construction standards and specifications.

- F. For commercial developments in which sources of grease and/or oils may be introduced to the Town sanitary sewer system, a Town-approved grease interceptor shall be installed downstream from the source.
- G. Side sewers shall be installed from the Town sewer main to 10 to 15 feet beyond the property line at all building sites and shall be a minimum of 6 inches in diameter with a 0.02 foot per foot minimum slope. The depth at the property line shall be a minimum of 5 feet.
- H. A separate and independent side sewer from the public main to all building sites shall be provided for each building. A cleanout shall be installed on side sewer lines at the property line or easement line.
- I. Manholes shall be installed at a maximum spacing of 400 feet.
- J. All public sanitary sewer lines shall end with a manhole; cleanouts will not be allowed.
- K. The minimum design velocity shall be 2 feet per second flowing full unless directed otherwise.
- L. Sewer lines shall have a 0.1-foot drop through manholes from inlet invert to outlet invert.

- M. Manholes shall be installed at all junctions of two or more connecting sanitary sewer pipes and at changes of direction, slope, and/or pipe size.
- N. Connection of side sewer to main line shall be with a “tee.” Side sewer laterals shall be of the same material as the main lines unless approved by Town.
- O. Easements shall be a minimum of 20-feet wide. No building structures shall be allowed within easements.
- P. The Town requires that all new construction provide a new sanitary sewer service all the way to the main. The existing trench shall be used and the old sanitary sewer stub shall be removed.
- Q. Residential Sanitary Sewer Pump and Pressure line systems:
  - 1. Only “Environment One” Packaged Grinder Lift Station Model #2010 (<http://www.eone.com>) or approved equal shall be used.
  - 2. A gravity sewer line with clean out shall be installed to each building site, with the pressure line installed per Town of Carbonado Standard SS-7.
  - 3. Each building site shall have its own Grinder Pump Station and discharge to its own gravity side sewer connection.
  - 4. Grinder Pump Stations shall be installed within 15 feet of the building. The pump station shall be accessible for maintenance and repair. Finished grade shall slope away from the pump station. The pump station is not to be located within low areas that may pond. Fences, plants, or any other object shall not hinder the maintenance or repair of the pump station.
  - 5. The property owner shall retain ownership and maintenance of the Grinder Pump Station and associated lines to the property line, gravity side sewer cleanout, or where the pressure line discharges to a Town of Carbonado owned gravity sewer cleanout or structure.
  - 6. The property owner shall be responsible for any sewer backups or spills due to power or pump failure.
  - 7. See Grinder Pump Installation Details and Pressure Line to Gravity Line Side Sewer Connection and Clean-out Details.

### **11.70.030 Wastewater Quality Requirements**

Discharge of objectionable materials of any sort is prohibited. “Objectionable material” includes rubbish, dead animals, brush, concentrations of grease and oils, anything over 100 degrees F in temperature, stormwater, septic tank pumping, and other matter not normally and customarily discharged into the sanitary sewer system. Normal material entering a toilet, kitchen sink, and wash trays is the only type of material permitted to enter a sewer or sewer treatment plant without pretreatment.

Commercial and industrial operations which discharge into the Town sanitary sewer system shall be responsible for compliance with the requirements of the Washington State Water Pollution Control Act (RCW 90.48) including application for State Waste Discharge Permit (WAC 173-216) and Submission of Plans and Reports for Construction of Wastewater Facilities (WAC-240). Town of Carbonado building permits may be issued only upon proof of submittals to the Washington State Department of Ecology. Examples are car washes, automobile service stations, paint shops, and chemical processing of hazardous materials. Industries which discharge domestic wastewater or wastewater similar in character and strength to domestic wastewater which does not have the potential to adversely affect performance of the treatment system only require a permit from the Town. Examples are hotels, restaurants, non-industrial laundries, and food preparation. In both cases the Town regulates the effluent into the system.

A. Effluent Requirements

Effluent discharged into the Town's sanitary sewer system shall not exceed 100 mg/l oil and grease if discharged to the sanitary sewer. The use of grease interceptors and/or oil/water separators shall be required when the effluent is expected to be greater than the 100 mg/l maximum.

B. Oil/Water Separators

Oil/water separators are required when petroleum-derived waste is to be discharged into the sanitary sewer in which the effluent is expected to be greater than the 100 mg/l maximum.

1. The business owner shall provide six sets of specifications and plans for the project. They shall bear the stamp of a Washington State licensed professional engineer.
2. The plans and specifications shall illustrate property boundaries, piping, and drainage details, and connections to the sanitary or storm sewer. Detail and elevation drawings of the oil/water separator shall be supplemented with design calculations to show capacity, detention time, and removal efficiencies.
3. Effluent from oil/water separators shall not exceed 100 mg/l oil and grease if discharged to the sanitary sewer. When effluent discharge is to the storm sewer, there shall be no visible oil sheen allowed. The oil and grease discharge shall average less than 10 mg/l daily and at no time shall exceed 15 mg/l.
4. The applicant shall be responsible for compliance with the requirements of the Washington State Water Pollution Control Act (RCW 90.48) including application for State Waste Discharge Permit (WAC 173-216) and Submission of Plans and Reports for Construction of Wastewater Facilities (WAC-240). A Town of Carbonado building permit may be issued upon proof of submittals to the Washington State Department of Ecology.
5. Separators installed in paved areas shall comply with HS-20 loading standards.

6. The separator shall be so installed and connected such that it shall be easily accessible for inspection, cleaning, and removal at all times. No sanitary wastewater shall be conveyed to the separator. It shall be placed as close as practical to the service area. Manhole covers shall be gas tight and have a minimum opening of 24 inches in diameter.
7. Plumbing/piping shall be constructed to establish “parallel flow” (90° to the tank baffle) through the separator. No radius, bend, or elbow shall be allowed in the inlet pipe for a minimum of 10 feet or 20 pipe diameters upstream of the separator, whichever is greater (e.g., where the inlet pipe = 6 inches, then 6 inches x 20 = 120 inches = 10 feet).
8. A valve shall be located in the discharge piping, a maximum of 10 feet from the separator. This valve shall be closed when cleaning or servicing the device. Any pump mechanism shall be installed downstream of the separator to prevent oil emulsification. A “tee” connection shall be installed in the discharge piping to provide for sample collection.
9. All separators shall be filled with clean water before use.
10. The design engineer shall provide the Town engineer or his representative with a letter of inspection certifying that the installation was performed in accordance with all regulations and the approved plan.
11. Final inspection is required by the Town engineer or his representative prior to connection to the sanitary or storm sewer.
12. The property owner shall retain ownership of the separator and side sewer lines and shall be responsible for their operation and maintenance. A service/maintenance record shall be kept on the premises at all times and shall be immediately available to the Town engineer or his representative upon request.
13. The property owner shall report immediately to the Town engineer or his representative any spill, surcharge, bypass, or mechanical fault or failure which interrupts or otherwise reduces the capacity or removal efficiency of the separator.

C. Grease Interceptors

Grease interceptors are required for all commercial facilities involved in food preparation. The design of grease interceptors shall be in accordance with the 1988 Uniform Plumbing Code, Town Standard SS-8, and the following design criteria:

1. The business owner shall provide six (6) sets of specifications and plans for the project. They shall bear the stamp of a Washington State licensed professional engineer.

2. The plans and specifications shall illustrate property boundaries, piping/drainage details, and connections to the sanitary sewer. Detail and elevation drawings of the grease interceptor shall include UPC Appendix H design calculations to show capacity, detention time, and removal efficiencies.

No. of meals/peak hr x Flow Rate x Retention Time x Storage Factor = Capacity  
in Gallons

3. Effluent from grease interceptor shall not exceed 100 mg/l fat, oil, and grease discharged to the sanitary sewer.
4. Grease interceptors installed in paved areas shall comply with HS-20 loading standards.
5. The grease interceptor shall be so installed and connected such that it shall be easily accessible for inspection, cleaning, and removal at all times. No sanitary wastewater shall be conveyed to the separator. A separate side sewer shall be required to carry sanitary waste to the main. It shall be placed as close as practical to the service area. Manhole covers shall be gas tight and have a minimum opening of 24 inches in diameter.
6. Plumbing/piping shall be constructed to establish “parallel flow” (90° to the tank baffle) through the grease interceptor. No radius, bend, or elbow shall be allowed in the inlet pipe for a minimum of 10 feet or 20 pipe diameters, whichever is greater, upstream of the interceptor (e.g., where the inlet pipe = 6 inches, then 6 inches x 20 = 120 inches = 10 feet).
7. Venting of interceptors shall be in accordance with Chapters 4, 5, and 7 of the Uniform Plumbing Code 1988 or as adopted by the Town of Carbonado.
8. A valve shall be located in the discharge piping at a maximum of 10 feet from the grease interceptor. This valve shall be closed when cleaning or servicing the device. Any pump mechanism shall be installed downstream of the interceptor to prevent fat, oil, and grease emulsification. A “tee” connection shall be installed in the discharge piping to provide for sample collection.
9. All grease interceptors shall be filled with clean water before use.
10. The design engineer shall provide the Town engineer or his representative with a letter of inspection certifying that the installation was performed in accordance with all regulations and the approved plan.
11. Final inspection is required by the Town engineer or his representative prior to connection to the sanitary sewer.
12. The property owner shall retain ownership of grease interceptor and side sewer lines and shall be responsible for their operation and maintenance. A service/maintenance record shall be kept on the premises at all times

and shall be immediately available to the Town engineer or his representative upon request.

13. The property owner shall report immediately to the Town engineer or his representative, any spill, surcharge, bypass, or mechanical fault or failure which interrupts or otherwise reduces the capacity or removal efficiency of the grease interceptor.

#### **11.70.040 Design Criteria Specific to Short Plats**

The proposed short plat shall be reviewed for potential sewer adequacy. If known local conditions exist which may affect future building sites, these conditions shall be stated on the face of the short plat.

#### **11.70.050 Sanitary Sewer Plan Requirements**

The following requirements shall be shown on the plans:

- A. Plan and profile in accordance with Section 2.0 herein.
- B. Sanitary sewer pipe including locations, length, material, slope, depth, and size.
- C. Manholes including location, type, and rim and invert elevations. All new manholes shall be numbered consecutively and all existing manholes shall be referenced to the Town's current numbering system.
- D. Detail any inside drop manhole connections per Town Standard SS-2 and SS-2A.
- E. Identify any possible utility conflicts.
- F. Provide stationing and reference points.
- G. All public sewer main lines shall be located within roadway rights-of-way or easements.
- H. Location and stationing from downstream manholes shown.
- I. Perpendicular connection of side sewers to the main lines.
- J. Proper reference and layout for saw cutting and patching existing streets.
- K. An all-weather maintenance access, including typical cross section of said access roads.
- L. Existing septic tanks and drainfields.

#### **11.70.060 Sanitary Sewer Plan Notes**

The following applicable notes shall also be shown on the plans.

#### **SANITARY SEWER NOTES**

- A. All work in Town right-of-way requires a permit from the Town of Carbonado. Prior to any work commencing, the general contractor shall arrange for a preconstruction meeting to be attended by all major contractors, representatives of involved utilities, and the Town of Carbonado. Contact the Administrative Office at the Town of Carbonado to schedule the meeting (360) 829-0125. The contractor is responsible to have their set of plans at the meeting.
- B. After completion of all items shown on these plans and before acceptance of the project, the contractor shall obtain a “punch list” prepared by the Town’s inspector detailing remaining items of work to be completed. All items of work shown on these plans shall be completed to the satisfaction of the Town prior to acceptance of the water system and provision of sanitary sewer service.
- C. All materials and workmanship shall conform to the Standard Specifications for Road, Bridge, and Municipal Construction (hereinafter referred to as the “Standard Specifications”), Washington State Department of Transportation and American Public Works Association, Washington State Chapter, latest edition, unless superseded or amended by the Town of Carbonado Town Standards for Public Works Engineering and Construction (hereinafter referred to as the “Town Standards”).
- D. A copy of these approved plans and applicable Town developer specifications and details shall be on site during construction.
- E. Any revisions made to these plans must be reviewed and approved by the developer’s engineer and the Town engineer prior to any implementation in the field. The Town shall not be responsible for any errors and/or omissions on these plans.
- F. The contractor shall have all utilities verified on the ground prior to any construction. Call (1-800-424-5555) at least 48 hours in advance. The owner and his/her engineer shall be contacted immediately if a conflict exists.
- G. Any structure and/or obstruction which requires removal or relocation relating to this project, shall be done so at the developer’s expense.
- H. Minimum grade on all 4 inch residential side sewers shall be 2 percent and 6-inch commercial side sewers shall be 1 percent; maximum shall be 8 percent.
- I. Side sewer installation work shall be done in accordance with the Washington Industrial Safety and Health Act (WISHA).
- J. All sewer pipe shall be PVC sewer pipe conforming to ASTM D-3034, SDR 35 for pipe sizes 15-inch and smaller and ASTM F679 for pipe sizes 18 to 27 inch, or ductile iron pipe Class 51 or greater, unless otherwise noted. Trenching, bedding, and backfill shall be in accordance with Town Standard. Minimum cover on PVC pipe shall be 3.0 feet. Minimum cover on ductile iron pipe shall be 1.0 foot.



- K. Sanitary sewer manhole covers shall be marked “SEWER,” with 2-inch raised letters. Minimum weight of the frame shall be 210 pounds. Minimum weight of the cover shall be 150 pounds.
- L. All sanitary sewer manholes shall be channeled for future lines as specified on these plans.
- M. Sanitary sewer pipe and side sewers shall be 10 feet away from building foundations and/or roof lines.
- N. No side sewers shall be connected to any house or building until all manholes are adjusted to the finished grade of the completed asphalt roadway and the asphalt patch and seal around the ring are accepted.
- O. All public sanitary sewer mains shall be television inspected prior to acceptance by the Town. A copy of the tape shall be provided to the Town.
- P. After all other utilities are installed and prior to asphalt work, all sanitary pipes shall pass a low pressure air test in accordance with Section 7-17 of the “WSDOT Standard Specifications.” Products used to seal the inside of the pipe are not to be used to obtain the air test.
- Q. For commercial developments in which sources of grease and/or oils may be introduced to the Town sanitary sewer system, a Town approved grease interceptor shall be installed downstream from the source.
- R. All sanitary sewer mains shall be mandrelled. (Ord. 445 § 8, 2016)

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## TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES

### Chapters:

[12.05 Traveling On or Use of Certain Streets](#)

[12.10 Naming of Streets](#)

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## CHAPTER 12.05 TRAVELING ON OR USE OF CERTAIN STREETS

### Sections:

**12.05.010 Use of logging trucks on oil-matted or black-topped streets prohibited.**

**12.05.020 Use of iron-wheeled or lugged vehicles on streets prohibited.**

**12.05.030 Moving of injurious materials on streets prohibited.**

**12.05.040 Moving sharp-shod animals on oil-matted or black-topped streets prohibited.**

**12.05.050 Violation – Penalty.**

**12.05.010 Use of logging trucks on oil-matted or black-topped streets prohibited.**

No loaded log or logging trucks may use or travel on any oil-matted or black-topped streets, avenues or alleys in the town of Carbonado at any time. (Ord. 61 § 1, 1963)

**12.05.020 Use of iron-wheeled or lugged vehicles on streets prohibited.**

No iron-wheeled or lugged vehicles may use, travel on or be dragged on the surface or surfaces of any streets, avenues or alleys in the town of Carbonado. (Ord. 61 § 2, 1963)

**12.05.030 Moving of injurious materials on streets prohibited.**

No person or persons shall drag, slide or move any iron, wood or other material on the surface of any streets, avenues or alleys in the town of Carbonado that may injure the existing surface or surfaces of any street, avenue or alley in the town of Carbonado. (Ord. 61 § 3, 1963)

**12.05.040 Moving sharp-shod animals on oil-matted or black-topped streets prohibited.**

No person or persons may ride, load or cause to be moved any sharp-shod animal or animals on any black-topped or oil-matted surface of any street, avenue or alley in the town of Carbonado. (Ord. 61 § 4, 1963)

**12.05.050 Violation – Penalty.**

(1) Any person or persons found guilty of violating this chapter shall, at the discretion of the municipal court of the town of Carbonado, be found guilty of a misdemeanor and shall be punishable by a fine of not to exceed \$100.00, or 20 days in the county jail or the town jail. Both fine and imprisonment shall be at the discretion of the municipal court of the town of Carbonado.

(2) Any person or persons found guilty of violating this chapter shall be held responsible for the repair of said streets, avenues or alleys to the condition that the surfaces were before conviction of violating this chapter. (Ord. 61 § 4, 1963)

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## CHAPTER 12.10 NAMING OF STREETS

### Sections

- 12.10.010 Definitions**
- 12.10.020 Designation of Ways of Travel**
- 12.10.035 Assignment of Numbers**
- 12.10.040 Display of Designations**
- 12.10.050 Notification of Address Assignments**
- 12.10.060 Powers and Duties of the Town**

### **12.10.010 Definitions**

Within the provision of this chapter, the following definitions shall apply:

- A. "Avenue" means a way-of-travel which runs generally north and south.
- B. "Street" means a way-of-travel which runs generally east and west.
- C. "Road" means a way-of-travel which has heretofore been designated as a road or which is an extension of an existing road. Whether it be an Avenue or a Street.
- D. "Private Driveway" means a way-of-travel which is maintained by one or two dwellings for use as their exclusive access.
- E. "Private Road" means a way-of-travel which is maintained by more than two dwelling units and is used as their exclusive access.
- F. "Way-of-Travel" means a roadway of whatever sort, including but not limited to, avenues, boulevards, courts, drives, lanes, places, roads, streets, and ways, which are capable of carrying traffic.

### **12.10.020 Designation of Ways of Travel.**

The designations of ways-of-travel existing prior to the adoption of this Ordinance will not be changed to conform to the requirements set forth in this Ordinance unless necessary to eliminate duplication or confusion in such designations.

### **12.10.030 Assignment of Numbers.**

Numbers shall be assigned to all houses and building as well as lots within the corporate limits of the Town based upon the following scheme:

- A. Buildings and unimproved real property shall be designated numerically. The first numerals of such designation shall be consistent with the official map showing the Town's buildings and unimproved real properties.
- B. The even and odd numerical designations shall be assigned consecutively and opposite one another and in a manner that is consistent.

- C. Buildings not visible from a public street or set back from a public street to the extent that the building address is not readily visible, are addressed from the driveway access:
- D. All proposed names for new ways-of-travel and private roads, along with the addressing of such homes must be reviewed and approved by the Town Council.
- E. Addresses shall contain whole numbers. The Town's designated employee shall re-designate an existing address if the Town should determine the address is inconsistent with this subsection.

**12.10.040 Display of Designations.**

- A. The owner, occupant, tenant, lessee or any other person or entity with a legal or equitable interest in any building which is habitable for residential, commercial, business, storage, or; other purposes shall conspicuously display the numerical designation assigned to such building by the Town. The numerical designation shall be easily legible with numerals not less than three inches in height and the numerals shall be displayed upon a contrasting background and at least 5 inches in height for commercial use.
- B. The numerical designation shall be displayed upon the building unless the building is not clearly visibly from an adjacent way-of-travel. For buildings nor clearly visible from an adjacent way-of-travel, the numerical designation shall be displayed near the main entrance to the property upon which the building is situated. Sign location and dimensions shall be approved by the department.
- C. Buildings which are accessory to the buildings which are required to be numerically designated need not, but may, be numerically designated. Unimproved real property need not, but may, be numerically designated.

**12.10.050 Notification of Address Assignments**

Upon assignment of a building address, the Town shall notify the:

- A. United States Postal Service
- B. The necessary Emergency Response Departments
- C. Pierce County Planning and Land Services

**12.10.060 Powers and Duties of the Town**

- A. The Town is authorized and empowered to assign and/ or change numerical designations of building and unimproved real property.
- B. When necessary to promote the intent and spirit of this Ordinance or to reduce or eliminate potential confusion, the Town is authorized and empowered to assign and/or require numerical designations of buildings and unimproved real property in a manner other than specified in this Ordinance.



- C. The Town shall maintain official record of the current addresses (Ord. 429, Exhibit E, 2014; Ord. 366, 2009).

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## TITLE 13 PUBLIC UTILITIES

### Chapters:

[13.12 Water and Sewer Utility](#)

[13.13 Individual Grinder Pump System Control](#)

[13.15 Water Conservation](#)

[13.20 Cross-Connection Control Program](#)

[13.36 Storm and Surface Water Utility](#)

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## CHAPTER 13.12 WATER AND SEWER UTILITY

### Sections:

- 13.12.010 Utilities department created.**
  - 13.12.020 Supervisory body and officers.**
  - 13.12.030 Utilities superintendent.**
  - 13.12.040 Utilities clerk.**
  - 13.12.050 Utilities accounts.**
  - 13.12.060 Service applications.**
  - 13.12.070 Billing-Delinquency**
  - 13.12.080 Utilities fund.**
  - 13.12.090 Service installation.**
  - 13.12.100 Water and sewer service rates.**
  - 13.12.105 Leak Adjustment.**
  - 13.12.110 Inspection.**
  - 13.12.120 Disconnection from Water System for Delinquency- Reconnection Charge.**
  - 13.12.130 Water shortage.**
  - 13.12.140 Use during fire.**
  - 13.12.150 Shut off and waiver.**
  - 13.12.160 Tampering with utilities.**
  - 13.12.170 Property owner's responsibility.**
  - 13.12.180 Compliance.**
  - 13.12.190 Standards and Specifications.**
  - 13.12.200 Rights.**
  - 13.12.210 Maintenance.**
  - 13.12.220 Water General Facilities Charges.**
  - 13.12.230 Fire hydrant- Permit required for use- Violation.**
  - 13.12.240 Fire hydrant- Operation restrictions.**
  - 13.12.250 Fire hydrant- Monthly rates for water consumption.**
  - 13.12.260 Miscellaneous utility fees.**
  - 13.12.270 Enforcement of water and sewer liens.**
- 
- 13.12.010 Utilities department created.**

There is hereby created a utilities department of the town of Carbonado, which department shall develop, manage and operate the water and sewer systems of the town, and all improvements thereto. The utilities department shall fulfill any obligations incurred or contracts entered into by the town in regards to the provision of water and sewer services.

### **13.12.020 Supervisory body and officers.**

The town council shall constitute and act as the governing body of the utilities department, and shall have supervisory control of the department. The managing officer of the utilities department shall be the superintendent, who shall be appointed by the mayor and serve at his pleasure and shall receive such compensation as shall be established by the town council from time to time. The town clerk shall be the ex officio utilities department clerk, and shall hold such office and perform the duties of that office as an additional officer of the town, and not as town clerk, and shall receive such additional compensation for the duties of such office as is from time to time fixed by the town council.

**13.12.030 Utilities superintendent.**

The utilities superintendent shall, subject to the direction of the town council, have direct charge of the water and sewer systems of the town of Carbonado to enforce the provisions of this chapter and all rules and regulations of the utilities department. The utilities superintendent shall have authority in case of accident to employ such help and procure such materials as are necessary to repair any breaks or damage to the water or sewer systems. At all other times the utilities superintendent may, with the approval of the town council, employ such laborers or other workmen as are necessary for the construction of new extensions, repair of leaks, or preservation of the system. All bills and claims against the town created by the utilities department shall be audited by the utilities superintendent.

**13.12.040 Utilities clerk.**

The utilities clerk shall keep all books and records of the utilities department, collect all accounts and fees payable to the utilities department, and perform all the duties as prescribed by this chapter or as established from time to time by the town council. The utilities clerk shall provide a bond in the sum of \$500.00 insuring the proper performance of the duties of such office.

**13.12.050 Utilities accounts.**

All utilities accounts shall be kept in the name of the property owner and all charges shall be made against the property as well as the owner thereof. No change of ownership or occupancy shall affect the application of this section. It shall be the responsibility of the owner to notify the town of any change in ownership. Utility accounts shall be kept on the books of the utilities department by service address, owner's mailing address, the account number assigned thereto, and by the name of the owner for which service is provided. Utility bills shall be mailed to the owner at the mailing address specified by the owner. It shall be the responsibility of the property owner to pay all claims, charges, penalties and/or costs imposed by the town for the furnishing and/or delivery of utilities and/or services to the owner's property. The property owner's responsibility shall exist independent of any claim of lien the town may have or make pursuant to any statute, rule or regulation. The fact the owner has directed or allowed the billings for utilities furnished and/or services delivered to the owner's property to be delivered to a tenant or other third person does not in any way reduce or extinguish the property owner's responsibility for water, sewer, storm and surface water, and/or garbage billings, charges, costs or penalties imposed by the town. The owner shall provide the town with the name and address of the tenant, if any, and shall notify the town of any change in tenant. At the owner's request, the town may send a copy of the utility bill to a tenant, but sending a bill to a tenant shall not relieve the owner from liability for payment of the bill. Upon consent of the owner, the town may send bills via email or other electronic means.

**13.12.060 Service applications.**

All applications for new service connections to the water or sewer system shall be made in writing at the office of the utilities clerk on forms provided by the utilities department, which forms shall require such information as the utilities superintendent deems necessary. Such application shall be made by the owner of the property upon which a connection is requested, or by his authorized agent, and shall include a statement signed by the applicant promising to conform to the rules and regulations of the utilities department. No connections

shall be made until water or sewer permit has been issued and the applicant deposits all connection, installation, and general facilities charges due, as hereinafter provided. The water or sewer permit shall expire if connection to the city's water or sewer system is not made within one year of issuance. A 90-day extension may be granted for justifiable cause, including but not limited to extension of the related building permit for 90 days. Issuance of a permit is subject to system capacity and availability. Allocation of water service connections shall be in accordance with Ordinance No. 374 as may be amended from time to time. (Ord. 481 § 1, 2019)

### **13.12.070 Billing-Delinquency**

- A. Combined billing. The town of Carbonado combines its utility bills, consisting of garbage, storm and surface water, sewer and water. All billings to a property for utility services are combined utility billings. To the fullest extent permitted by law, all payments received from a customer for utility services shall be credited first to penalty charges, if any, next to garbage charges, if any, next to storm and surface water charges, if any, next to sewer charges, if any, and last to water charges, if any. Payments are credited first to the oldest charge or penalty appearing on the billing. A delinquency in payment for any utility service to a subject property may result in the termination of such service or any other utility service to the subject property.
- B. Billing Dates. Utility customers shall be billed on a monthly basis and bills are due and payable when mailed. All bills become delinquent if not paid in full, including all penalties by 9:00 a.m. on the 20<sup>th</sup> day from the billing date, provided that if the 20<sup>th</sup> day is not a Town of Carbonado business day, bills shall not be considered delinquent until the next Town of Carbonado business day at 9:00 a.m. (the "Delinquency Date"). A monthly penalty of \$25.00 shall be assessed on all delinquent accounts at 9:00 a.m. on the Delinquency Date. Service becomes subject to shutoff if the bill is not paid in full by 9:00 a.m. on the Delinquency Date.
- C. Shutoff and turn-on. Charges shall be established by the town council by resolution and incorporated into the town's fee schedule. The current fee schedule is available at town hall.
- D. Shut-off. In the event of any nonpayment for water, sewer, garbage or storm and surface water utility services for any billing cycle, the town shall have all remedies as provided in this chapter or by any other applicable law, including, without limitation, liens and/or shutting off, disconnecting, or discontinuing the service. However, prior to any service being shut off, disconnected or discontinued, the utility department shall provide written notice of nonpayment at least seven days prior to actual shut off, discontinuation or disconnection of service. The written notice shall be mailed to the premises' occupant and owner. The notice shall specify at least:
  - 1. That payment for service is overdue, the total amount due, and that the statutory lien may be imposed;
  - 2. That service will be shut off, discontinued or disconnected as the case may be unless payment in full is made to the town within seven (7) days;

3. The shutoff/discontinuation/disconnection date.
  4. The address and telephone number of the utility department;
  5. That the town will charge a shut-off, disconnection and reconnection fee before service is resumed following a shut off of service.
- E. NSF Check Fee. When a customer of the utilities department submits payment with a check, and the bank returns it due to insufficient funds or because of account closure a fee in an amount established by the town council by resolution shall be applied to the account, in addition to applicable late fees and charges. Thereafter the customer must pay the total bill and all applying fees with cash, money order, or a cashier's check.
- F. Sewer Delinquency. If sewer should be capped or plugged due to delinquencies, the customer will pay all amounts in regards to parts and labor incurred by the town which will be added directly to the customer's account in addition to all delinquencies and fees. Sewer service shall not be restarted or reconnected until all delinquencies and fees are paid in full.
- G. If a bill becomes past due, no officer, agent, or employee of the town may process any application for a permit or license from the town, when such application has been requested by the person in whose name an account stands past due or when the delinquent utility bill is against the property or business to which the application for permit or license pertains. This requirement shall remain in effect until the past due account is paid in full.
- H. Damage Fee. When a customer of the utilities department cuts the locking device to the customer's water meter in an act to turn on or reconnect service, a fee in an amount set by the town council by resolution, plus the cost of labor and materials. Such fee shall be separate from the customer's utility account and due and payable with ten days after notice. Any damage fees not paid within ten days after notice, together with recording costs and attorneys' fees shall constitute a lien upon the property to which the meter served. A lien shall be effective upon recording by the town.
- I. Water Sharing. When water service has been shut off or disconnected due to delinquencies, there shall be no water sharing. Water sharing shall mean any other home or customer supplying the shut off or disconnected property with a hose or accessibility to water in a manner that shall supply a living source for them. Penalty for such sharing shall include water disconnection for the supplier for the same length of time that it takes for the delinquent customer to pay all delinquencies and fees. The supplier shall also be charged a fee in an amount set by the town council by resolution, which fee shall be separate from the customer's utility account and due and payable with ten days after notice. Any such fees not paid within ten days after notice, together with recording costs and attorneys' fees, shall constitute a lien upon the supplier's property. A lien shall be effective upon recording by the town. (Ord. 464 § 1 & 2, 2018).



**13.12.080 Utilities fund.**

All funds received by the utilities clerk in payment of account or obligation owing the utilities department shall be deposited to the credit of the utilities fund in the treasury of the town of Carbonado. Disbursements may be made from such fund, in the manner provided by law, to meet authorized obligations relating to the development, maintenance and operation of the water and sewer systems, and all obligations relating to the improvement of such systems, and for such other purposes as are authorized by law to be paid from such a fund.

**13.12.090 Service installation.**

- A. Water Connections. A separate connection shall be made for each dwelling unit or other non-residential use added to the water system, provided that apartments or townhomes with three or more dwelling units and multi-tenant commercial or industrial buildings may have shared water service. Single-family and duplex uses shall have one water service connection per unit in the Residential Low Density and Residential Moderate Density zones.

In the event that capacity to provide service connection for water service is less than the demand for such services, the water service connection shall be granted via a lottery. One service connection per parcel is open to everyone inside the Town's water service area. No connections will be granted outside the water service area.

All new construction, residential and commercial, on property which is located within 200 feet of a water main of the town, shall be required to extend the water main to and across the entire frontage of their property and connect to the town water system prior to the occupancy of the building, provided there is sufficient water system capacity to service such new construction. No new wells shall be constructed and no alterations to existing wells shall be permitted on properties that can be served, within 200 feet of a water main of the town or are now served by the town water system.

1. Procedure for Water Service Connection – Lottery. In the event capacity for additional water service connections becomes available, the connections shall be allocated by lottery any applicant with a parcel located within the Town's water service area. Priority shall be given to existing buildable lots without a well or Town water service. The notice shall be published in the official newspaper and posted at Town Hall at least 14 days prior to the last day applications for inclusion in the lottery will be received. The notice shall include (1) the number of ERU's available; (2) a statement that water service connections shall be allocated in accordance with this Ordinance; (3) the deadline for submittal of applications for inclusion in the lottery; and (4) the time and location where the lottery will be held. Lottery applications shall be submitted in forms provided by the Town, and must be signed by the property owner, include a description of the lot for which the water service connection would be provided, and such other information as the Town may require. Only one lottery application may be submitted per lot.

2. At the time and place specified in the notice, the Town shall draw at random the number of lottery applicants equal to the number of ERU's available. The drawing shall be open to the public. Only one lottery application may be submitted per parcel.
3. Each lottery applicant who is drawn shall pay the applicable water system general facilities charge at the time of the drawing, and then have one year to submit a complete building permit application and water service application for a single family dwelling for the lot identified in the lottery application (and if applicable, a short plat application), together with all applicable fees and charges, including any water meter installation charges. One 90 day extension may be granted by the Town for good cause, if such extension request is made to the Town in writing, prior to the expiration of the 90 day period. Applicant shall have two years from receipt of a building permit and water service permit from the Town, to complete construction of the single family dwelling and connect the dwelling to the Town's water system. One six-month extension may be granted by the Town for good cause, if such extension request is made to the Town in writing, prior to the expiration of the two year period. The right of a winning lottery applicant to a one-ERU water service connection for the lot shall terminate if complete permit applications are not submitted and all fees paid within the one year period (or any authorized extension), or if construction of the single family dwelling and connection of the dwelling to the town water system is not completed within the two year period (or any authorized extension). In the event a water service connection right is terminated under this section, a new lottery shall be held under the provisions of this ordinance, and the prior winner shall not be eligible to submit a lottery application for such lottery for the same lot. Once a permit is issued for a water service connection under this section, the lot shall be subject to monthly service rates under CMC Chapter 13 regardless of whether any water is actually used. If a water service connection right is terminated under this section, the general facilities charges shall be refunded, but all other application fees and monthly base rate charges shall be retained by the Town. (Ord. 481 § 2, 2019, Ord. 420 § 1 & 2, 2014, Ord. 374 § 1 & 2, 2010)

B. Water Connection Charges. The installation charges for new water connections within the corporate limits of the town shall be set by the town council by resolution, and incorporated into the town fee schedule.

C. Sewer Connections. Each and every structure within the town which is utilized for human occupation, required to have sewer facilities and not then connected to the town sewer system, shall connect to the town sewer system at the sole expense of the property owner when the property is within 200 feet of a sewer main line and one of the following occurs:

1. The septic system serving the property is deemed to have failed by the Pierce County health department;
2. Upon expansion of the structure beyond its then existing square footage, unless a certificate from the Pierce County health department is delivered to

the town indicating the septic system is in proper working order and adequate for the proposed expansion; or

3. Upon sale of the property, unless a certificate from the Pierce County health department is delivered to the town indicating the septic system is in proper working order and adequate for the proposed existing structure.

All new construction within 200 feet of an existing sewer line shall be connected to the town sewer system if the property can feasibly be served by a gravity line to the existing sewer line. All new construction required to be connected to the public sewer shall, at the property owner's expense, extend the sewer main to and across the entire frontage of each lot or parcel prior to connection to the public system.

Frontage definition, sewer size and sewer depth shall be as necessary to provide service in accordance with city sewer plans.

- D. Sewer Connection Charges. Sewer connection charges shall be established by the town council by resolution and incorporated into the town's fee schedule. The current fee schedule is available at town hall.

#### **13.12.100 Water and sewer service rates.**

A. Water Service. Water rates and charges shall be established by the town council by resolution and incorporated into the town's fee schedule. The current fee schedule is available at town hall.

B. Sewer Service. Sewer rates and charges shall be established by the town council by resolution and incorporated into the town's fee schedule. The current fee schedule is available at town hall.

C. Base Rates. Inasmuch as the town provides year-round facilities for supplying water and collecting wastewater and factors a continuous rate base into its rate calculations, all users will be billed on a continuing basis for the water and sewer availability. Availability charges shall continue during periods of non-use, including periods during which the water service has been terminated due to delinquency or when a structure is unoccupied.

D. Utilities Charged to Town. The town of Carbonado shall pay for water and sewer services used by the town, from the town general fund.

#### **13.12.105 Leak Adjustment.**

A. In the event of a leak in the water service pipe, the owner may be entitled to an adjustment of his or her water bill; provided that the owner complies with the following conditions:

1. Within seven days of the leak's discovery by the owner or within seven days of the town notifying the owner of a probable leak, whichever occurs sooner, the owner submits to the town an invoice showing that the leak has been repaired.

2. Within seven days of the leak's discovery by the owner or within seven days of the town notifying the owner of a probable leak, whichever occurs sooner, the owner submits to the town an application for an adjustment to his or her water bill, which shall be presented to the town council for review.
  3. The town inspects and verifies the existence of the leak and inspects and verifies any repairs to the leak.
  4. The owner shall appear in person before the town council to present his or her application for rate adjustment.
  5. If the water bill is due prior to the appearance before the town council, the owner makes full payment of the water bill such that if any adjustment is subsequently authorized by the town council, such adjustments will be credited to their account.
  6. If the town council finds that an adjustment to the owner's water bill is appropriate, the amount of the adjustment will be the difference between the bill under review and the average of the prior year.
- B. A leak adjustment shall only be available to the owner once every three years.

**13.12.110 Inspection.**

The utilities superintendent or his authorized representative shall have free access at any reasonable time to all parts of any premises through which water or sewer lines connected to the town systems run, for the purpose of inspecting the conditions of the pipes and fixtures and the manner in which the water is used.

**13.12.120 Disconnection from Water System for Delinquency - Reconnection Charge.**

The utilities superintendent is authorized to disconnect water service for an account delinquency of one year or more. Disconnection shall require complete removal of the water meter by authorized town staff. Water billings shall cease during periods of disconnection. All water charges due and owing at the time of disconnection shall bear interest at the rate of 8% per annum until paid in full. Prior to disconnection for delinquencies, notice shall be sent as provided in CMC section 13.02.070(4) to the owner and any mortgage holder of record, except the notice period shall be 30 days. Once water service is disconnected, the property shall have no guarantee of future water service. Reconnection shall be conditioned on water availability at the time a complete application for reconnection is received. A general facilities charge shall be paid at the time of reconnection. The general facilities charge will be calculated by taking the difference between the current general facilities charge, and the general facilities charge paid by the customer, if any, at the time of original connection; The customer shall also be responsible for paying any charges for establishing a new connection to the system.

**13.12.130 Water shortage.**

The town reserves the right in case of a shortage of water to regulate the hours and/or use of water for irrigating or sprinkling purposes. The utilities superintendent is hereby authorized and empowered to issue any such necessary order and to give notice of the same through a notice posted on the town bulletin board. Any person violating such an order shall be subject to a fine an amount established by resolution of the town council, which fine or fines shall constitute a charge against the premises supplied, and shall give rise to a termination of the water supply as in the case of other delinquencies unless promptly paid.

**13.12.140 Use during fire.**

No person shall use any water for irrigation or sprinkling during the progress of any fire in the town. Ail irrigation and sprinkling shall be immediately terminated when the town fire alarm is sounded and shall not be resumed until the fire has been extinguished. Any person violating this provision shall be subject to a fine in an amount established by resolution of the town council, which fine shall constitute a charge against the premises supplied, and shall give rise to a termination of the water supply as in the case of the other delinquencies unless promptly paid.

**13.12.150 Shut off and waiver.**

The water in the town's water system may be shut off at any time without notice for the purpose of making repairs, extensions or performing other necessary work. The town shall not be responsible for the safety of boilers on the premises of any water consumer or of any result due to the suspension of water services. The town shall not be responsible for any damage to property caused by fire due to an insufficient water supply or low water pressure.

**13.12.160 Tampering with utilities.**

It shall be unlawful for any person not having the express consent of the utilities superintendent to connect, or disconnect any line to the water or sewer systems, or in any way tamper with the water or sewer system. Any person violating this section shall be guilty of a misdemeanor and shall be liable for a fine not to exceed \$1,000.00 or by imprisonment for a period not to exceed 30 days, or by both such fine and imprisonment

**13.12.170 Property owner's responsibility.**

Property owners or developers or builders for property owners are hereafter responsible for the installation of water and sewer lines together with all costs relative to said installation including labor, materials, and engineering designs.

**13.12.180 Compliance.**

The property owners, developers or builders who are installing water or sewer lines shall make all installations, together with materials, design and size of pipes, comply with the specifications of the town of Carbonado, and said compliance shall be a condition before obtaining a building permit within the town limits of the town of Carbonado.

**13.12.190 Standards and Specifications.**

The utilities superintendent shall promulgate standards and specifications of the town of Carbonado for the installation of water and sewer lines. The current standards and specifications as amended from time to time by the utilities superintendent are available with the utilities clerk.

**13.12.200 Rights.**

All title and right to the newly installed water or sewer lines (excluding said lines on or inside the boundaries of the property owner's real estate and premises) shall revert to the town of Carbonado upon completion and compliance with all specifications.

**13.12.210 Maintenance.**

All property owners shall bear the full responsibility and costs of installing and maintaining all necessary lines on their property together with any lines necessary to be installed to attach to the trunk line. Such installation shall be made pursuant to the town of Carbonado's standards and specifications, and said property owners shall further be responsible for repairing any damage to street or property required to make said installation. This section applies to both water and sewer lines and installation.

**13.12.220 Water General Facilities Charges.**

- A. A general facilities charge (GFC) shall be levied for each new water service connection to the town water system and for each service upgrade requiring a larger meter. The GFC is a fee based on an equitable share of the cost of the existing water system and future facilities necessary to accommodate projected growth. This fee is established pursuant to RCW 35.92.025 and this chapter. GFC's shall be set by the town council by resolution and incorporated in to the town's fee schedule.
- B. GFC Exemptions. New water service connections dedicated exclusively for fire protection purposes shall be exempt from payment of the GFC. The conversion of a dedicated fire service to a service for use other than exclusively for fire protection shall require the payment of the CFC as provided in subsection A of this section.
- C. Existing Facilities. An additional GFC will be required when additional living units are being added.
- D. Credit policy for customers previously or currently metered. When a request or requirement for a larger meter is made, the customer shall have GFC credit for the old meter for the current published GFC amount for the old meter size.

**13.12.230 Fire hydrant - Permit required for use - Violation.**

- A. Any person, firm or corporation desiring water service from a fire hydrant or hose connection shall first make application for a hydrant use permit to the town.
- B. Any person, firm or corporation making connections to or alterations in any pipe wherever water may be drawn from the town's mains or taking water from any fire hydrant, bib pipe or fixture of any kind, without first having

secured and having in their possession a hydrant use permit for the same from the town shall be guilty of a misdemeanor. All fines collected under this section shall be placed to the credit of the water/sewer operating fund.

**13.12.240 Fire hydrant- Operation restrictions.**

It is unlawful for any person, other than properly authorized employees of the town or members of the fire department, to operate fire hydrants and hose outlets unless permission has first been granted by the utilities department and proper arrangements have been made with the utilities clerk for payment of the water to be used.

**13.12.250 Fire hydrant- Monthly rates for water consumption.**

The monthly rates for the water consumed from fire hydrants, as well as meter rental rates and deposit amounts shall be set by the town council by resolution, and incorporated in the town's fee schedule. The user shall be billed for the service until the town is notified in writing that the service is to be discontinued.

**13.12.260 Miscellaneous Utility Fees.**

In addition to other fees and charges set forth in this chapter, the town shall charge an appropriate fee in an amount established by the town by resolution for the following utility-related services:

1. Service application fee;
2. Notice of delinquency;
3. Additional notice or collection letter;
4. Transfer of ownership or billed person;
5. Special meter reads;
6. Lien filing.

**13.12.270 Enforcement of sewer and water liens.**

- A. All charges for sanitary sewage disposal service and for connections thereto, together with penalties and interest thereon as provided in this title and by statute, shall be a lien upon the property to which such connection is made or such service furnished, superior to all other liens or encumbrances except those for general taxes, special assessments, and town water service. A sewer lien shall be effective for a total not to exceed one year's delinquent service charges without the necessity of any writing or recording of the lien with the county auditor. Enforcement and foreclosure of any sewer lien shall be in the manner provided by state law.
- B. As an additional and concurrent method of enforcing sewer, garbage, and storm and surface water utility lien authorized by ordinance or state law, the town may shut off the water service to the premises to which such service was furnished or connections

made after the charges became delinquent and unpaid, until the charges are paid, subject to the conditions set forth in state law.

- C. All charges for water service shall be a lien upon the premises and shall be enforceable by shutting off water service until the delinquent bill is paid, subject to the conditions set forth in state law. When water service is shut off pursuant to this section, the water shall not be turned on again until the entire amount owed on the account is paid in full together with a turn-on charge as established by resolution of the town council. (Ord. 419, 2014)



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## Chapter 13.13 – Individual Grinder Pump System Control

### Sections:

- 13.13.010 Purpose.
- 13.13.020 Responsibility.
- 13.13.030 Definitions.
- 13.13.040 Right of Entry.
- 13.13.050 Elimination of Potential Sanitary Sewer Overflows.
- 13.13.060 Installation, Inspection, Testing, Maintenance, Repair, and Compliance.
- 13.13.070 Notification of Violation and Penalty.

#### **13.13.010 PURPOSE.**

A. The purpose of this Chapter is to regulate the installation, operation, and maintenance of individual grinder pump systems (“grinder pump system”) as defined in this Chapter, to deliver the tenant/owner’s (“Customer’s”) wastewater to the Town’s wastewater collection system, and to provide for enforcement of the provisions of this Chapter to protect the environment and the public health, safety, and welfare from the possibility of hazard associated with untreated sewage, sewer back-up, and sewer overflows associated with individual grinder pump systems, due to improper installation, operation, and maintenance.

B. This Chapter defines the authority of the Town of Carbonado, as the wastewater purveyor, entitled to require such measures prior to discharge into its wastewater system.

#### **13.13.020 RESPONSIBILITY.**

A. The responsibility of the Town of Carbonado.

The Town of Carbonado will be primarily responsible for protecting the environment and the public health, safety, and welfare.

1. The Mayor and/or his/her designee shall exercise vigilance to ensure that the Customer has taken the proper steps to protect the environment, public health, and the Town’s wastewater system.
2. When it has been determined that an individual grinder pump system is required to serve a building/residential dwelling, the Town Engineer shall review the application for service and proposed plan for the grinder pump system which must receive Town approval before the commencement of construction.
3. Prior to installation of any individual grinder pump system, the Customer shall apply for service, understand the proper operation/maintenance associated with a grinder pump system, and assume all liability and responsibilities for operation and maintenance. The Customer will be required to sign an Addendum to Water and Sewer Utility Service Contract for Individual Grinder Pump Systems (“Addendum”). The Town will file the original Addendum in the Carbonado Town Hall and a copy will be provided to the Customer. A copy

of this Chapter or a handout developed from this Chapter will also be provided to the Customer, when an application is processed.

4. Certification records should be updated accordingly as ownership changes (service changes). New Customers will be required to sign the Addendum and will receive the proper documents.
  5. The grinder pump system shall be installed by a licensed contractor at the Customer's expense. The Town must approve the installation of the grinder pump system after construction to ensure the installation was as specified. No service will be provided until the Town has approved the installation.
  6. When it has been determined that the Customer has failed to operate or maintain the individual grinder pump system in accordance with this Chapter, the Town shall notify the property owner of any such building or premises, to correct within a time set by this Chapter, any deficiencies that are in violation of this code.
  7. The Town has authority to stop any discharges from any grinder pump system in order to prevent contamination to the environment.
- B. The responsibility of the Customer.
1. The Customer shall install, operate, maintain, and pay for the installation, operation and maintenance of the grinder pump system on their property to where it joins the Town's wastewater trunk line in the street right-of-way or easement.
  2. The Customer has the responsibility of preventing sanitary sewer overflow and the introduction of contaminants or pollutants from their property into the Town's wastewater system owned and operated by the Town of Carbonado. The Customer, at his/her own expense, shall install, operate, and maintain the individual grinder pump system in accordance with this Chapter.
  3. The Customer has the responsibility of understanding the proper operation/maintenance associated with an individual grinder pump system and assuming all liability and responsibilities for operation and maintenance. The Customer will be required to sign an Addendum as identified under the Town responsibility in subsection A above.
  4. If the Customer does not fulfill this contractual obligation, the Town shall assume that obligation and shall make the necessary maintenance, repairs, and improvements to assure that the waters of the State are protected from possible discharge of wastewater. Any expense related to the Town's cost to operate or repair the grinder pump system shall be billed to Customer.
  5. The Customer will be responsible for informing renters of all policies associated with individual grinder pump system, including proper maintenance and operation as well as informing the Town of ownership changes.
  6. A properly maintained grinder pump should be able to handle wastewater from the kitchen, bathroom, laundry, etc. However, some chemicals, items,

materials, and substances can adversely impact a grinder pump and can cause safety hazards. Always check labels on all chemicals before using or disposing to a sewer system. Never pour the following items down drains or flush down toilets as these items can damage grinder pumps and their controls, causing blockages and backups which may lead to unsafe conditions in grinder pump systems or adversely affect the quality of the effluent:

- a. Aquarium gravel;
- b. Ashes, such as from a fireplace;
- c. Baby wipes, facial tissue, or diapers;
- d. Cat litter;
- e. Chemicals & Drain Cleaners: some of these can corrode sewage grinder pump parts causing costly damage;
- f. Cooking oil, fat, grease, lard;
- g. Cigarettes, cigarette butts, filters;
- h. Cleaning wipes;
- i. Condoms;
- j. Cotton swabs or wipes;
- k. Degreasing solvents;
- l. Dental floss;
- m. Explosive, combustible, or flammable liquids or materials;
- n. Fuel or lubricating oil, paint thinner or antifreeze;
- o. Glass fragments or debris;
- p. Hair;
- q. Metal fragments or scraps;
- r. Pharmaceuticals;
- s. Plastic toys, scraps, or fragments;
- t. Q-tips / cotton swabs of any sort;
- u. Rubber gloves or latex objects;
- v. Sanitary napkins, tampons, or other feminine products; and
- w. Seafood shells.

**13.13.030 DEFINITIONS.**

As used in this Chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this Chapter shall have the indicated meanings. Words not defined herein shall be construed as defined in Merriam-Webster Collegiate Dictionary.

- A. "Critical Component" means a component of the grinder pump system that is essential to the functionality of the system.
- B. "Customer" shall mean the utility customer and/or property owner.
- C. "Grinder Pump System" includes a collection tank, grinder pump, control panel, visual-audible alarm, pressure service line, check valve, effluent piping, and power to deliver the Customer's wastewater to the Town's wastewater collection system utilized when access to a gravity sewer line is neither practical nor cost effective.
- D. "Non-Critical Component" means a component of the grinder pump system that is not a critical component of the system as determined by the Town of Carbonado Utilities Superintendent.
- E. "Shall" or "Will" or "Must" is mandatory.

**13.13.040 RIGHT OF ENTRY.**

- A. Authorization.
  - 1. Upon presentation of proper credentials and identification, any authorized representative from the Town of Carbonado shall have the right to enter any building, structure, or premises during normal business hours or at any time during the event of an emergency, to perform any duty imposed upon him/her by this code. Those duties may include disconnecting water and wastewater service, sampling and testing of wastewater or inspection and observation of all pumping and piping systems connected to the Town's wastewater system. Refusal to allow these representatives to enter for these purposes will result in the Town of Carbonado utilizing the provisions of Carbonado Municipal Code Chapter 13.12, Water and Sewer Utility for inspection and potential disconnection of wastewater service.
  - 2. On request, the Customer shall furnish to the Town any pertinent information regarding the individual grinder pump system.

**13.13.050 ELIMINATION OF POTENTIAL SANITARY SEWER OVERFLOWS.**

- A. Improper Operation, Failure to Properly Maintain, or Replace Prohibited.
  - 1. No individual grinder pump system shall be installed and connected to the Town's wastewater system unless it is compliant with the provisions of this Chapter and other applicable laws. Service of water and wastewater to any premises shall be discontinued by the Town of Carbonado if an individual grinder pump system is not installed, operated, and maintained in accordance with this Chapter. Service will be terminated within twenty-four (24) hours of a critical component failure. Service will be restored after all such conditions

or defects are corrected.

2. No Customer shall fail to maintain in good operating condition any individual grinder pump system, which is part of the wastewater system.
3. Customers shall submit to the Town of Carbonado any record, which is required by this Chapter.

B. The system must be in compliance with the applicable requirements of the Carbonado Municipal Code including Chapter 11.70, Sanitary Sewer Standards.

**13.13.060 INSTALLATION, INSPECTION, TESTING, MAINTENANCE, REPAIR, AND COMPLIANCE.**

A. The purpose of this section is to require individual grinder pump systems to be properly located, installed, operated, and maintained so that the system is in compliance with the Town of Carbonado Municipal Code, Town policies, the regulations and policies of the Tacoma Pierce County Department of Health and the Washington State Department of Ecology requirements, including the Federal Clean Water Act objectives, and/or the manufacturer's specifications, whichever is most restrictive, as determined by the Town Engineer.

1. The installation, maintenance, replacement, or repair of an individual grinder pump system shall only be performed by a licensed contractor / technician.
2. The Town Engineer and/or utilities supervisor shall review the application for service and proposed plan for the grinder pump system, which must receive Town approval before the commencement of construction. Specifications for individual grinder pump systems are determined by the Town Engineer and furnished by the Town of Carbonado. Applicable easements must also be established and recorded with the Pierce County Recorder, as needed. Any unapproved individual grinder pump system must be replaced within a time set by the Town, with an approved system.
  - a. The following information shall be provided at least ten (10) days prior to installation:
    1. Service address,
    2. Property owner,
    3. Type of assembly,
    4. Manufacturer,
    5. Model,
    6. Serial number,
    7. Project sketch
  - a. House, large trees, pool, sidewalks, driveways and any other major features,

- b. All existing underground utilities,
- c. Pipe route from the house to the pump tank,
- d. Pump tank location,
- e. Power source for pump,
- f. Pipe route from the pump tank to the tie-in at the main,
- g. Tie-in location,
- h. Proposed pump, control panel, and pipe materials,
- i. Septic tank and drain field location (if applicable), and
- j. Any other pertinent information, and

8. Other information as requested by the Town

- b. All individual grinder pump systems must be installed on the premises at or near the building/dwelling, as approved by the utilities superintendent.
- c. If it has been determined that an individual grinder pump assembly cannot be installed outside the dwelling, the utilities superintendent may allow the assembly to be installed inside the building through a written request from the Customer. The location must be easily accessible for inspection and maintenance.
- d. Grinder system tanks shall have a minimum of 24 hours of emergency storage volume (70 gallons per ERU served). Tanks without 24 hours of storage shall be installed with a power transfer switch with an emergency generator plug or other device for allowing emergency power connection or shall have reserve volume provided with a separate vessel.
- e. For new systems plans that propose to utilize an existing pump tank as part of the grinder pump system, the tanks must be cleaned, inspected, repaired, modified or replaced if necessary, to minimize inflow and infiltration into the collection system prior to connection. Septic tanks may not be used as part of the grinder system.
- f. All individual grinder pump systems shall be equipped with a below ground isolation valve located within the Right-of-Way at or near the point of connection to the Town's wastewater system, as determined by the Town Engineer.
- g. All individual grinder pump systems shall be equipped with a dedicated circuit inside the premise's electrical breaker box.
- h. All individual grinder pump systems shall be equipped with an audible and visual alarm. Alarm shall be located at least 30" above final grade in a conspicuous location.

3. No service shall be completed until the Town Engineer has been provided information or has inspected the premise's wastewater system to determine that the individual grinder pump system has been installed and is functioning properly.
  4. Inspection, testing, and maintenance of individual grinder pump systems shall be made by a qualified technician. Such inspections and tests are to be conducted as determined by the utilities superintendent and the test results shall be submitted to the utilities superintendent within thirty (30) days after the completion of any testing.
    - a. If a repair is found necessary, it must be retested with results sent to the utilities superintendent within thirty (30) days of completion of the repair.
    - b. Each Customer must maintain a complete copy of any tests or repairs.
  5. Any time that repairs to individual grinder pump systems are deemed necessary, whether through required inspection and testing or by the Town, these repairs must be completed within a specified time in accordance with the criticality of the repair, 5a and 5b below. If an imminent hazard or unreasonable threat of contamination to the Town's wastewater system or pollution is detected, the Town Engineer or utilities supervisor may require the repair or replacement of the required components immediately. Notice shall be provided as identified in Section 13.13.070 of this code.
    - a. Critical Component – within 7 days
    - b. Non-Critical Component – within 21 days
  6. If a Customer does not wish for wastewater service to be interrupted during testing, cleaning, repair, or replacement, a parallel installation must be made as determined by the Town Engineer, at the Customer's expense, using an approved system or component of the same size.
  7. Any Customer making any modification to the premise's system configuration or use of, which may change the performance or operation of the unit, shall notify the Town before any modification is made. If the Town Engineer determines that such modification requires a different individual grinder pump system or component, the installation must be completed before the modification is made.
  8. All existing facilities requesting Certificate of Occupancy from the Town shall be inspected for compliance with this Chapter.
  9. It shall be unlawful to submit any record to the Town which is false or incomplete in any material respect or to fail to submit to the Town Engineer any record which is required by this Chapter. Such violations may result in any of the enforcement actions outlined in Section 13.13.070 of this code.
- B. In the event the Customer's individual grinder pump system becomes nonfunctional, the audio-visual alarm is alarming and cannot be reset, or the Customer



has reason to believe that a sanitary sewer overflow incident has occurred, the Customer shall notify the Town immediately. The Town may terminate water/wastewater service as described in Section 13.13.050 of this code, instruct the Customer on proper action, and/or take appropriate measures to isolate and clean up the pollution. The Town will not be responsible for cleanup or repair costs, or other associated expenses. The Town will bill the property owner for time and materials needed to provide any service or for any incurred expenses. A twenty-four (24) hour emergency contact number will be placed on each control panel.

**13.13.070 Notification of Violation and Penalty**

- A. In the event of a violation, the town shall provide a Notice and Order to Correct and/or Abate pursuant to Chapter 14.70 CMC.
- B. In the event a Customer is found in violation of this Chapter and fails to correct the violation in a timely manner, or to pay any civil penalty or expense assessed under this section, the water/wastewater service will be terminated as described in Section 13.13.050 of this code.
- D. Any person violating provisions of this Chapter shall be guilty of a misdemeanor and in addition may be liable for damages or subject to abatement proceedings in a civil action in which the Town may, in addition to its other remedies, recover a reasonable cost and attorney's fee for bringing the action. Each day in which any violations continue shall be deemed a separate offense. (Ord. 480 § 1, 2019)

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## CHAPTER 13.15 WATER CONSERVATION

### Sections:

- 13.15.010 Purpose.**
- 13.15.020 Level I water supply problem.**
- 13.15.030 Level II water supply problem.**
- 13.15.040 Level III water emergency.**
- 13.15.050 Nonessential residential uses.**
- 13.15.060 Nonessential industrial or public facility uses.**
- 13.15.070 Service disconnections.**
- 13.15.080 Variances.**

### **13.15.010 Purpose.**

The conservation and efficient use of water is found and declared to be a public purpose of highest priority. It will result in preservation of natural resources, enhancement of public health, safety and welfare, and a reduction in public costs for the construction of enlarged water facilities. (Ord. 230 § 1, 1993)

### **13.15.020 Level I water supply problem.**

At the discretion of the water plant manager for the town of Carbonado, a Level I water supply problem may be declared. During a Level I water supply problem, the water manager may request voluntary water conservation measures by notice to and education of water users of the town of Carbonado water system, particularly with regard to nonessential use as defined in CMC 13.15.050 and 13.15.060. (Ord. 230 § 2, 1993)

### **13.15.030 Level II water supply problem.**

In the event of a system failure or other situation in which water usage exceeds the rate of resupply, the water manager may declare a Level II water supply problem. During a Level II water supply problem, the water manager shall implement voluntary water conservation measures, up to and including reduced or altered lawn watering schedules. (Ord. 230 § 3, 1993)

### **13.15.040 Level III water emergency.**

In the event of a system failure or other situation in which water supply fails to meet the demand for water, and voluntary conservation measures remain ineffective or would be expected to be inadequate, the water manager may request a declaration by the mayor that a Level III water emergency exists. In the event of a Level III water emergency, no person or customer shall sprinkle, water, or irrigate any shrubbery, trees, lawn, grass, ground covers, plants, gardens, flowers, vegetables or any other vegetation except as specifically authorized by the declaration. In addition, no person or customer shall cause or permit water to run to waste in any gutter or drain. (Ord. 305 § 1, 2003; Ord. 230 § 4, 1993)

### **13.15.050 Nonessential residential uses.**

The following residential uses are hereby determined to be nonessential and are prohibited during a Level III water emergency:

- A. The use of water to wash any motorized vehicle, boat, trailer or other vehicle.
- B. The use of water to wash down any sidewalks, walkway, driveways, parking areas, tennis courts, patios or other hard surfaced area, or building or structure.
- C. The use of water to fill, refill, or add to any indoor or outdoor swimming pools, jacuzzi pools, or hot tubs except for neighborhood fire control where the pool has been designated for use in fighting fires.
- D. The use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support fish life. (Ord. 230 § 5, 1993)

**13.15.060 Nonessential industrial or public facility uses.**

The following water uses are hereby determined to be nonessential and are prohibited during a Level III water emergency:

- A. The use of water from hydrants or faucets for construction purposes, fire drills or any purpose other than firefighting.
- B. The use of water for flushing sewers or storm drains except where flushing is required for health reasons.
- C. The use of water for dust control. (Ord. 230 § 6, 1993)

**13.15.070 Service disconnections.**

If the water manager, mayor or any town council member determines that a customer has failed to comply with any provisions of this chapter relating to a Level III water emergency, then one written warning notice shall personally be delivered to a responsible occupant of the customer's residence. If there is no responsible occupant present, then the notice shall be posted at the front entrance of the residence. If the customer fails to comply with the notice then the following penalties shall be charged to the customer:

- A. First violation – Water disconnected to residence and shall only be restored upon payment of a \$250.00 turn-on charge.
- B. Second violation – Water disconnected to residence and shall only be restored upon payment of a \$500.00 turn-on charge.
- C. Third violation – Water disconnected to residence and shall only be restored upon payment of a \$1,000 turn-on charge. (Ord. 305 § 2, 2003; Ord. 230 § 7, 1993)

**13.15.080 Variances.**

The water manager or mayor may, in writing, grant temporary variances for prospective uses of water otherwise prohibited after determining that due to unusual circumstances, failure to grant such variance would cause an emergency condition affecting health, sanitation, or fire protection of the applicant or the public.

A. The town council shall ratify or revoke any such variance at its next scheduled meeting. Any variance so ratified may be revoked by later action of the town council.

B. No variance shall be retroactive or otherwise justify any violation of this chapter occurring prior to issuance of said temporary variance. (Ord. 230 § 8, 1993)

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## CHAPTER 13.20 CROSS-CONNECTION CONTROL PROGRAM

### Sections:

- 13.20.010 Introduction.**
- 13.20.020 Acronyms.**
- 13.20.030 Definitions.**
- 13.20.040 Regulatory framework.**
- 13.20.050 Classification of risk.**
- 13.20.060 Cross-connection control methods.**
- 13.20.070 Selection of backflow prevention device.**
- 13.20.080 Backflow assembly installation and testing.**
- 13.20.090 Existing backflow assemblies.**
- 13.20.100 Surveillance program.**
- 13.20.110 Existing buildings, structures, and grounds.**
- 13.20.120 Records and reports.**
- 13.20.130 Contamination of water supply emergency response actions.**
- 13.20.140 Program manager checklist.**
- 13.20.150 Backflow assembly tester (BAT) requirements.**

### **13.20.010 Introduction.**

All water systems have a responsibility to protect their facilities from contamination due to cross-connections. Cooperation among all agencies involved in cross-connection control is required, including the State Department of Health (DOH), the local health officer, the local plumbing and building code authority, and the fire departments. (Ord. 299, 2002)

### **13.20.020 Acronyms.**

AG	air gap
AVB	atmospheric vacuum pressure breaker
BAT	backflow assembly tester
CCS	cross-connection control specialist
DCDA	double check detector backflow prevention assembly
DCVA	double check valve assembly
DOH	Department of Health
PVBA	pressure vacuum breaker assembly
RPBA	reduced pressure backflow assembly
UPC	Uniform Plumbing Code

(Ord. 299, 2002)

### **13.20.030 Definitions.**

"Approved air gap (AG)" means a physical separation between the free-flowing end of a potable water supply pipeline and the overflow rim of an open or nonpressurized receiving vessel. For an air gap to be approved by the department, the separation must be at least:

(a) Twice the diameter of the supply piping measured vertically from the overflow rim of the receiving vessel, and in no case less than one inch, when unaffected by vertical surfaces (sidewalls); and

(b) Three times the diameter of the supply piping, if the horizontal distance between the supply pipe and a vertical surface (sidewall) is less than or equal to three times the diameter of the supply pipe, or if the horizontal distance between the supply pipe and intersecting vertical surfaces (sidewalls) is less than or equal to four times the diameter of the supply pipe and in no case less than one and one-half inches.

"Approved backflow preventer" means an approved air gap, an approved backflow prevention assembly, or an approved atmospheric vacuum pressure breaker (AVB). The terms "approved backflow preventer," "approved air gap," or "approved backflow-prevention assembly" refer only to those approved backflow preventers relied upon by the purveyor for the protection of the public water system. The requirements of WAC 246-290-490 do not apply to backflow preventers installed for other purposes.

"Backflow" means the undesirable reversal of the flow of water or other substances through a cross-connection into the public water system or consumer's potable water system.

"Backflow assembly tester (BAT)" means a person holding a valid BAT certificate issued in accordance with Chapter 246-292 WAC.

"Back pressure" can occur whenever a potable system is connected to a nonpotable supply operating under a higher pressure by means of a pump, boiler, elevation difference, air, or steam pressure. There is a high risk that nonpotable water may be forced into the potable system whenever these interconnections are not properly protected.

"Back siphonage" can occur when there is a negative or reduced pressure in the supply piping. Under normal conditions, the pressure in the distribution system is sufficiently high to create a positive flow to all taps. However, if system pressures are reduced due to fire demands, pipe breakage, or other cause, water may flow from higher elevations into lower parts of the system or vacuum pressure may draw water from service connections. A cross-connection occurs when nonpotable water is drawn back through the supply line. Elevated piping at a reduced pressure relative to the system at street level is especially susceptible. The suction side of booster pumps may also cause reduced pressures and create a higher backflow potential.

Code Authority and Enforcement. The enforcement of this cross-connection control program in the area served by the water purveyor will be in accordance with WAC 246-290-490.

"Consumer" means any person receiving water from a public water system from either the meter or the point where the service line connects with the distribution system if no meter is present. For purpose of cross-connection control, "consumer" means the owner or operator of a water system connected to a public water system through a service connection.

"Consumer's water system," as used in WAC 246-290-490, means any potable and/or industrial water system that begins at the point of delivery from the public water system and is located on the consumer's premises. The consumer's water system includes all auxiliary sources of supply, storage, treatment, and distribution facilities, piping, plumbing, and fixtures under the control of the consumer.



"Contaminant" means a substance present in drinking water that may adversely affect the health of the consumer or the aesthetic qualities of the water.

"Cross-connection" is defined as any unprotected actual or potential connection or structural arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. Cross-connections usually take the form of either back pressure or back siphonage.

"Cross-connection control program" means the administrative and technical procedures the purveyor implements to protect the public water system from contamination via cross-connection as required in WAC 246-290-490.

"Cross-connection control specialist (CCS)" means a person holding a valid CCS certificate issued in accordance with Chapter 246-292 WAC.

"Cross-connection control summary report" means the annual report that describes the status of the purveyors' cross-connection control program.

"Degree of hazard" expresses the results of a health, system, or plumbing hazard evaluation.

"Double check valve assembly (DCVA)" means a Washington State-approved backflow-prevention assembly composed of two single, independently acting "approved check valves" including tightly closing resilient seated ball shutoff valves located at each end of the assembly, and suitable connections (test cocks) for testing the water tightness of each check valve.

"In-premises protection" means a method of protecting the health of consumers served by the consumer's potable water system located within the property lines of the consumer's premises by the installation of an approved air gap or backflow prevention assembly at the point of hazard, which is generally a plumbing fixture.

"Local administrative authority" means the local official board, department, or agency authorized to administer and enforce the provisions of the Uniform Plumbing Code (UPC) as adopted under Chapter 19.27 RCW. The local administrative authority can deputize a cross-control connection program administrator to administer and enforce the provisions of the UPC as they apply to cross-connection control.

"Low health cross-connection hazard" means a cross-connection that could cause an impairment of the quality of potable water to a degree that does not create a hazard to the public health but does adversely and unreasonably affect the aesthetic qualities of such potable waters for domestic use.

"Potable" means water suitable for drinking by the public.

"Public water supply" means the water supply intended or used for human consumption or other domestic use including source, treatment, storage, transmission, and distribution facilities where water is furnished by the town of Carbonado water department to the residences of the town of Carbonado and the immediate surrounding area.

"Purveyor" means an agency, subdivision of the state, municipal, corporation, firm, company, mutual cooperative association, institution, partnership, person, or other entity

owning or operating a public water system. "Purveyor" also means the authorized agents of such entities.

"Reduced pressure backflow assembly (RPBA)" means a Washington State-approved backflow-prevention assembly containing a minimum of two independently acting, approved check valves including tightly closing resilient seat ball shutoff valves located at each end of the assembly, and suitable connections (test cocks) for testing the water tightness of each check valve, together with an automatically operated pressure differential relief valve located between the two approved check valves. During normal flow, the pressure between these two check valves shall be less than the upstream (supply) pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the two check valves at less than the supply pressure.

"Service connection" means a connection between the public water supply distribution system and the customer's system. Each dwelling shall be considered as a service connection except when the customer's system distributes to more than one family dwelling.

"System hazard" means a threat to the physical properties or the customer's potable water system by a material not dangerous to health, but aesthetically objectionable that would have a degrading effect on the quality of the potable water in the system.

"Unapproved auxiliary water supply" means a water supply (other than the purveyor's water supply) on or available to the consumer's premises that is either not approved for human consumption by the health agency having jurisdiction or is not otherwise acceptable to the purveyor. (Ord. 299, 2002)

**13.20.040 Regulatory framework.**

- A. The regulatory framework for cross-connection control is through the Safe Drinking Water Act whose intent is to assure safe, potable water for all U.S. citizens. State regulations pertaining to cross-connection control are found in Washington State statutes and the State of Washington Drinking Water Regulations, WAC 246-290-490.
- B. The town of Carbonado adopted this chapter for cross-connection control.
- C. All community water systems must also comply with the requirements set forth in WAC 246-290-490 when establishing a cross-connection control program. The general program requirements are as follows:
  - 1. Elimination of cross-connections between the distribution system and the consumer's water system.
  - 2. Establish minimum cross-connection control operating policies.
  - 3. Establish backflow-prevention assembly installation practices.
  - 4. Establish backflow-prevention assembly testing procedures.
  - 5. Establish the enforcement authority.

- D. The minimum elements of a cross-connection control program can be viewed in the sections below:
1. Element 1. The purveyor's adoption of a legal instrument that establishes legal authority, establishes operating policies, and describes corrective actions.
  2. Element 2. The purveyor's development and implementation of procedures and schedules to determine the degree of hazard individual consumer water systems pose to the purveyor's water system.
  3. Element 3. The purveyor's development and implementation of procedures and schedules to eliminate and/or control cross-connections.
  4. Element 4. The certification of a cross-connection control specialist to aid in the implementation of the cross-connection control plan.
  5. Element 5. The establishment of a backflow preventer inspection and testing program per Chapter 246-290 WAC.
  6. Element 6. The development and implementation of a backflow preventer testing quality control program.
  7. Element 7. The development and implementation of an emergency response plan to isolate backflow incidents.
  8. Element 8. The development of a consumer education program.
  9. Element 9. The development and maintenance of cross-connection control records, including backflow assembly installation (type, location, model, size, serial number), testing (date, location, results), and repairs (date, location).
  10. Element 10. The conformance to additional cross-connection control requirements imposed by the DOH when employing reclaimed water within the water system service area. (Ord. 299, 2002)

#### **13.20.050 Classification of risk.**

Cross-connections are classified as either low or high health hazards. A low health hazard is posed by any cross-connection involving any substance that generally would not be a health hazard, but would constitute a nuisance, or be aesthetically objectionable, if introduced into the potable supply. A high health hazard is posed by any cross-connection or potential cross-connection involving any substance that could, if introduced to the water system, cause death, illness, spread of disease, or have a high probability of causing such effects.

Classification of risk must consider the potential that piping may be changed, equipment may be used incorrectly, or negligence on the part of the consumer may result in a backflow condition. In general, risk increases both as a function of the hydraulic probability of backflow and the toxicity of the substance that may be introduced into the potable supply.

When choosing a backflow prevention method, the toxicity of the substance that may be introduced into the potable supply is the governing factor.

General high health classifications of risk for various types of facilities requiring premises isolation is presented in Table 1.

<b>Table 1. High Health Cross-Connection Hazards Requiring Premises Isolation by AG or RPBAa</b>
Agricultural (farms and dairies)
Beverage bottling plants
Car washes
Chemical plants
Commercial laundries and dry cleaners
Premises where both reclaimed and potable water are provided
Film processing facilities
Food processing plants
Hospitals, medical centers, nursing homes, veterinary, medical and dental clinics, and blood plasma centers
Premises with separate irrigation systems using the purveyor's water supply and with chemical addition
Laboratories
Metal plating industries
Mortuaries
Petroleum processing or storage plants
Piers and docks
Radioactive material processing plants or nuclear reactors
Survey access denied or restricted
Wastewater lift stations and pumping stations
Wastewater treatment plants
Premises with an unapproved auxiliary water supply interconnected with the potable water supply
<p>a. From WAC 248-290-490.</p> <p>b. For example: parks, playgrounds, golf courses, cemeteries, estates, etc.</p> <p>c. RPBA's for connections serving these premises are acceptable only when used in combination with an in-plant approved air gap; otherwise, the purveyor shall require an approved air gap at the service connection.</p>

For water service connections on premises that pose a high threat of potential cross contamination, it is required that an approved air gap or RPBA is installed to isolate the premises' water from the water system unless the purveyor's cross-connection control

system determines that no hazard is present at the connection of said premises. The appropriate method of backflow protection for high and low health cross-connection hazards is outlined in Table 2.

<b>Table 2. Appropriate Methods of Backflow Protection for Premises Isolation a</b>		
<b>Degree of Hazard</b>	<b>Application Condition</b>	<b>Appropriate Approved Backflow Preventer</b>
High health cross-connection hazard	Back siphonage or back pressure backflow	AG, RPBA <sup>b</sup> , or RPDA
Low health cross-connection hazard	Back siphonage or back pressure backflow	AG, RPBA, RPDA, DCVA, or DCDA <sup>c</sup>
<p>a. Per WAC 246-290-490.</p> <p>b. Reduced pressure principal detector backflow-prevention assembly.</p> <p>c. Double-check detector backflow-prevention assembly.</p>		

(Ord. 299, 2002)

**13.20.060 Cross-connection control methods.**

When cross-connections cannot be eliminated, several methods of cross-connection control through approved backflow-prevention devices are available. In general, the more serious the health hazard the greater the complexity and cost of the required backflow prevention device. The most commonly used devices for cross-connection control are listed below.

- (1) Approved air gap (AG);
- (2) Pressure vacuum breaker assembly (PVBA);
- (3) Atmospheric vacuum pressure breaker (AVB);
- (4) Double check backflow prevention valve assembly (DCVA);

- (5) Reduced pressure principal backflow prevention assembly (RPBA);
- (6) Reduced pressure principal detector backflow prevention assembly (RPDA);
- (7) Double check detector backflow prevention assembly (DCDA). (Ord. 299, 2002)

**13.20.070 Selection of backflow prevention device.**

A. Tables 1 and 2 can be used as a guide in selecting the appropriate backflow for individual cross-connections and those needed for premises isolation. Premises isolation is needed in addition to individual equipment isolation when high-risk substances could backflow. WAC 246-290-490 places the following limitations on backflow-prevention devices:

- 1. If a cross-connection cannot be eliminated, then:
  - (i) An AG, RPBA, or RPDA shall be installed if the cross-connection creates an actual or potential health threat or system hazard.
  - (ii) An AG, RPBA, RPDA, DCVA, or DCDA shall be installed if the cross-connection is objectionable, but does not pose an unreasonable risk to health.
  - (iii) A PVBA or an AVB may be installed where the substance, which could backflow, is objectionable, but does not pose an unreasonable risk to health and where there is no possibility of back pressure in the downstream piping.
  - (iv) Backflow prevention assemblies appropriate for the degree of hazard, or air gaps, and in some cases both, shall be installed at the service connection or within the following facilities, unless in the judgment of the water purveyor and the department, no hazard exists: hospitals, mortuaries, clinics, laboratories, piers and docks, sewage treatment plants, food and beverage processing plants, chemical plants using water process, metal plating industries, petroleum processing or storage plants, radioactive material processing plants or nuclear reactors, car washes, facilities having a nonpotable auxiliary water supply, and others specified by the DOH.

B. Any uncertainty in type of backflow prevention assembly required should be verified in the Accepted Procedure and Practice in Cross-Connection Control Manual or through the DOH.

C. All installed RPBAs, RPDAs, DCVAs, DCDAs, PVBAs, and AVBs must be approved models included on the current list of backflow assemblies (see Appendix B to the ordinance codified in this chapter), approved for installation in Washington State, and maintained and published by the DOH.

D. Backflow-prevention assemblies in service but not listed can remain in service provided they were on the current cross-connection control list at the time of installation, are properly maintained, are appropriate for the degree of hazard, and are tested and successfully pass the test annually. The unlisted assemblies cannot be moved or require more than the minimum maintenance or the assembly will be subject to replacement with a currently approved model. (Ord. 299, 2002)

**13.20.080 Backflow assembly installation and testing.**

- A. Backflow preventers shall be installed in the manner for which they are approved.
- B. Backflow assemblies shall be installed adjacent to the meter or property line.
- C. Backflow assemblies shall be installed according to manufacturer's recommendations, town of Carbonado standards, USC manual, and PNWS-AWWA manual.
- D. To ensure proper operation and accessibility of all backflow prevention assemblies, the following requirements shall be met:
  - 1. No part of the backflow prevention assembly shall be submerged in water or installed in a location subject to flooding. If installed in a vault, adequate drainage shall be provided.
  - 2. Assemblies must be installed at the point of delivery of the water supply.
  - 3. The assemblies must be protected from freezing and severe weather conditions.
  - 4. All backflow prevention assemblies installed must be on the Washington State Department of Health's "Approved Assembly List."
  - 5. The assembly shall be easily accessible with adequate room for maintenance and testing.
  - 6. The property owner assumes all responsibility for installation, testing, and maintenance of the assembly, as determined and required by the water department.
  - 7. Water department personnel, building department, and health officials must have access to all assemblies during regular working hours (8:00 a.m. to 4:00 p.m.) seven days a week.
  - 8. Reduced pressure assemblies may be installed in a vault only if relief valve discharge can be drained through a "bore-sight" drain to the atmosphere. The drain must have adequate capacity to carry full-rated flow from the assembly.
  - 9. An approved air gap shall be provided at the valve's relief valve orifice. The air gap shall be at least twice the inside diameter of the incoming supply line as measured vertically above the top rim of the drain line and in no case less than one inch.

10. Upon completion of installation, the property owner will have a certified backflow assembly tester (BAT) inspect and test the assembly. The town's cross-connection specialist (CCS) will be notified to check installation and will be given a copy of the BAT report, which will include the date of installation, make and model, serial number, and location of the assembly(ies). The BAT will also provide his/her certification number and calibration data for testing the assembly. (Ord. 299, 2002)

**13.20.090 Existing backflow assemblies.**

A. Backflow assemblies installed prior to initiation of these regulations shall be allowed providing they:

1. Were included on the Department of Health's Approved Assembly List when installed.
2. Have been maintained.
3. Meet or exceed the degree of hazard.
4. Have successfully passed the annual test.

B. Backflow assemblies shall be replaced with approved assemblies whenever:

1. They do not meet the conditions above.
2. The assembly is moved.
3. The assembly cannot be repaired using parts from the original manufacturer.

C. The property owner will have a certified backflow assembly tester test each assembly on their premises and submit a report to the town's cross-connection control program manager in the following situations:

1. At the time of installation.
2. Annually after installation.
3. After a backflow incident.
4. After an assembly is repaired or installed. (Ord. 299, 2002)

**13.20.100 Surveillance program.**

A. The control of cross-connections requires cooperation between the customer, water purveyor, the health officer, and the plumbing inspector. The water purveyor has primary responsibility to prevent contamination of the public water supply (WAC 246-290-490). The local administrative authority (or cross-connection control program administrative designee), the public health officer, and the customer served are jointly responsible for contamination prevention of the water system within the customer's



premises (Chapter 51-46 WAC and RCW 19.27.031(4)). The property owner must realize that he/she may be held responsible for acts of negligence.

B. A surveillance program for cross-connection and sanitary hazards requires the inspection/evaluation of all new and existing buildings, structures, and grounds. As proposed, the premises isolation procedure identified in this program will require the work of a Washington State certified cross-connection control specialist (CCS) who must be knowledgeable in the field of plumbing, piping arrangements, and cross-connection control. The town will contract out for this service is designated as the CCS and administrator for the town of Carbonado's program.

C. The systematic program of inspection/evaluation shall be established with priority given on the basis of risk to public health and shall be conducted as outlined below:

1. Upon application for a building permit, an authorized CCS shall evaluate the proposed premises and determine the appropriate backflow assembly installation required for premises isolation.

2. During the construction phase of any new building, structure, or ground installation, an authorized CCS will perform the required premises isolation cross-connection control inspection to verify that the backflow assembly(ies) are installed correctly and that no new cross-connections exist. Upon completion of the inspection, the CCS shall notify the customer that a Washington State certified backflow assembly tester (BAT) shall test the backflow assembly(ies) and submit a report of the test to the town of Carbonado CCC program administrator prior to connection of water service and a BAT report on an annual basis from the date of connection. (Ord. 299, 2002)

### **13.20.110 Existing buildings, structures, and grounds.**

An initial premises inspection and/or evaluation (prioritized by degree of health hazard) will be conducted by an authorized CCS.

Upon completion of the premises inspection/evaluation, an authorized CCS will orally brief the cross-connection control program administrator of the findings.

The cross-connection control program administrator will issue a compliance letter to the property owner. The compliance letter shall include the recommendations and requirements for corrective actions and a corrective action dates (normally 90 calendar days). A copy of the initial compliance letter shall reside in the cross-connection program administrator's permanent cross-connection control file for the premises.

The cross-connection control program administrator shall ensure the corrective actions have been completed by the corrective action completion date. If the corrective actions have not been completed, the cross-connection control program administrator shall issue a compliance warning letter with a new corrective action completion date (normally 15 calendar days). A copy of the compliance warning letter shall reside in the cross-connection control program administrator's permanent cross-connection control file for the premises.

The cross-connection control program administrator shall ensure the corrective actions have been completed by the corrective action completion date of the warning letter. If the corrective actions have not been completed, the cross-connection control program manager

shall issue a termination letter notifying the property owner that the water to the premises shall be discontinued within 15 calendar days if the corrective action(s) have not been completed. This compliance termination letter shall be issued as certified mail with return receipt requested. A copy of the compliance termination letter shall reside in the cross-connection control program manager's permanent cross-connection control file for the premises.

When all required actions have been completed, the file copy of completed actions shall be placed in the cross-connection control file for the facility, together with any completed backflow assembly test report forms. Records will be kept on file for a minimum of 10 years, and for as long as the backflow assembly remains in service.

Evaluation and/or reinspection of each premise found to be subject to this procedure shall be accomplished at least annually, or more often if the degree of hazard so indicates. (Ord. 299, 2002)

### **13.20.120 Records and reports.**

The cross-connection control inspections file should include the following:

- A. A separate jacket file shall be established, by the cross-connection control program manager, for each individual customer that requires the installation of a backflow prevention assembly.
- B. The following information shall be maintained in each individual jacket file:
  - 1. Copies of all correspondence with customer relative to cross-connection control. Example letters are attached regarding installation and testing on these assemblies (see Appendix D to the ordinance codified in this chapter).
  - 2. Copy of inspection reports complete with field drawings. Examples of the town of Carbonado standards for the backflow assembly are attached to this document.
  - 3. Copy of application and completed installation order.
  - 4. Copies of backflow assembly test reports for all backflow assemblies. An example of the test report is attached (see Appendix D to the ordinance codified in this chapter).
- C. All backflow assembly test report forms shall be entered into a computer program to track backflow testing and dates of tests.
- D. An annual cross-connection control summary report shall be made available to the Washington State Department of Health upon demand. This report will describe the status of the purveyor's cross-connection control program.
- E. All private and town-owned backflow prevention assemblies are documented. Attached are the current connections for the town (see Appendix attached to the ordinance codified in this chapter). (Ord. 299, 2002)

### **13.20.130 Contamination of water supply emergency response actions.**

- A. Isolate contamination if possible.
- B. Perform chemical and chlorine residual analysis at various locations within the system.
- C. Flush the section of the distribution system affected by the contamination.
- D. Disinfect lines as dictated by the nature of contamination.
- E. Resample portions of the distribution system to verify if decontamination was successful.
- F. Turn on isolated area.
- G. Report the backflow incident to the Department of Health at (360) 664-0768 as soon as possible, but no later than the end of the next business day. This will be done if the backflow incident occurs in the town of Carbonado's water system or within the premises of the consumer served by the town of Carbonado.
- H. Document details of incident on a backflow incident report form (include this form in cross-connection program summary at the end of the calendar year). (Ord. 299, 2002)

**13.20.140 Program manager checklist.**

- A. New Construction Steps.
  - 1. Issue questionnaire upon receiving building/remodel application (see Appendix D to the ordinance codified in this chapter).
  - 2. Review building plans for CCC.
  - 3. Inspect new premises for any new cross-connections when under construction.
  - 4. Inspect backflow assembly(ies) installation.
  - 5. Acquire BAT report for all assemblies on premises.
  - 6. If installation(s) are satisfactory, turn on water at premises.
  - 7. Notify customer that a BAT report is due annually.
- B. Existing Structure Steps.
  - 1. Notify customer of upcoming inspection.
  - 2. CCS inspection of premises.
  - 3. Issue compliance letter with recommendations/requirements for corrective actions (90 days to comply) or require immediate action if necessary.

4. After 90 days, check installation of assembly(ies) and acquire BAT report from premises owner.
  - (i) If compliance is not complete, issue warning letter (15 days to comply).
  - (ii) If compliance is not complete after 15 days, issue termination letter (certified mail with return receipt, 15 days to comply).
  - (iii) After 15 days from issuance of warning letter, discontinue water service.
5. File all correspondence in premises file. (Ord. 299, 2002)

**13.20.150 Backflow assembly tester (BAT) requirements.**

BAT must submit documentation of current certification validation annually. Test gauge calibration must be performed annually and a copy of the calibration report must be submitted to the water department. Assembly test forms must be Carbonado's water department forms, or approved equal. A completed test report form must be submitted to the water department within 15 days after testing is done. (Ord. 299, 2002)

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## CHAPTER 13.36 STORM AND SURFACE WATER UTILITY

### Sections:

- 13.36.010 Title.**
- 13.36.020 Intent.**
- 13.36.030 Authority.**
- 13.36.040 Definitions.**
- 13.36.050 Storm and surface water fund established.**
- 13.36.060 Administration.**
- 13.36.070 Liability disclaimer.**
- 13.36.080 Investigations.**
- 13.36.090 Service charge system established--Service charges imposed.**
- 13.36.100 Exemptions.**
- 13.36.110 Storm and surface water service charge schedule.**
- 13.36.120 Rate adjustments and appeals.**
- 13.36.130 Billing and collection.**
- 13.36.140 Liens.**
- 13.36.150 Capital facilities charges.**

(Ord. 396, 2014)

### **13.36.010 Title.**

This title shall be known as the Storm and Surface Water Utility Code. The Storm and Surface Water Utility shall be referred to as the "utility" throughout this chapter.

### **13.36.020 Intent.**

A. Public Health, Safety and Welfare. Establishment of this utility is necessary in order to promote public health, safety and welfare by promoting a management approach to surface and stormwater issues. This management approach includes the following elements: planning, land use regulation, construction of facilities, maintenance, and provision of storm and surface water management services.

B. Rates and Charges. This code is intended to establish rates and charges, which shall be uniform for the same class of customer and service, and to establish methods of development and construction. The purpose of the rates and charges established herein is to provide a method for payment of all or any part of the cost and expense of storm and surface water management services and to secure financing for such services. Imposition of these rates and charges is also necessary in order to promote public health, safety and welfare by minimizing uncontrolled surface and stormwater, erosion and water pollution; to preserve and utilize the many values of the town's natural drainage system including water quality, open space, fish and wildlife habitat, recreation, and to provide for the management and administration of storm and surface water.

### **13.36.030 Authority.**

This code constitutes an exercise of the police power of the town to promote public health, safety and welfare, and its provisions shall be liberally construed for the accomplishment of that purpose.

#### **13.36.040 Definitions.**

"Capital facilities charge" means the fee applied to properties at the time of development enabling the town to recover the prior public investment in infrastructure capacity installed to accommodate additional storm and surface water runoff generated by future development.

"Developed parcel" means any parcel or parcels of property altered from the natural state by the construction, creation or addition of impervious surfaces.

"Director" means the Mayor and his/her designee.

"Drainage facility" means the system of collecting, conveying and storing storm and surface water runoff. Drainage facilities shall include but not be limited to all storm and surface water conveyance and containment facilities including streams, pipelines, channels, ditches, wetlands, closed depressions, infiltration facilities, retention/detention facilities, erosion/sedimentation control facilities, and other drainage structures and appurtenances, both natural and constructed.

"Impervious surface" means a surface which greatly reduces or stops the transmission of water, including, but not limited to, asphalt and Portland cement paving, paving blocks, compacted soils and gravel for parking areas, rooftops, or any man-made material that impedes the flow of water and is permanently fixed to the ground. Lattice work paving systems which have a portion of their areas open to the subgrade shall not be considered impervious as to the portion which is open.

"Maintenance" means the act or process of cleaning, repairing or preserving a system, unit, facility, structure or equipment.

"Parcel" means the smallest separately segregated unit or plot of land having an identified owner, boundaries and surface area which is documented for property tax purposes and given a tax lot number by the Pierce County Assessor.

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

"Property owner of record" means a person or persons shown in the records of the Pierce County Assessor to be the owner of property and to whom property tax statements are directed.

"Rate category" means the classification in this chapter given to a parcel in the service area based on the land use designation of the parcel.

"Rates" means the dollar amount charged per developed parcel.

"Residence" means a building or structure or portion thereof, designed for and used to provide a place of abode for human beings. The term residence includes the term "residential" or "residential unit" as referring to the type of or intended use of a building or structure.

"Service charges" means charges to property owners for storm and surface water management services.

"Storm and surface water management services" means the services provided by the utility, including but not limited to planning, facility design and construction, facilities maintenance, regulation, financial administration, and public involvement.

"Storm and surface water" means the water originating from rainfall and other precipitation that is found on the ground surface and in drainage facilities, streams, springs, seeps, ponds and wetlands.

"Storm and surface water management system" means constructed drainage facilities and any natural surface water drainage features which collect, store, control, treat and/or convey storm and surface water runoff.

"Undeveloped parcel" means any parcel that has not been altered by construction, and/or creation or addition of impervious surface(s), and is not otherwise considered a developed parcel.

"Undeveloped vegetated area" means an area of primarily native vegetation which is unaltered by construction or other land alteration activity.

#### **13.36.050 Storm and surface water fund established.**

The storm and surface water management fund is created. All service charges shall be deposited in this fund, to be used only for the purpose of paying all or any part of the cost and expense of providing storm and surface water management services, or to pay or secure the payment of all or any portion of any financing for such purpose.

#### **13.36.060 Administration.**

The utility herein created shall be administered and enforced by the Director. The Director is authorized to specify such storm and surface water facility operation, maintenance and performance standards as necessary to implement the requirements of this code and carry out the duties of the Director.

#### **13.36.070 Liability disclaimer.**

A. Floods from stormwater runoff may occasionally occur which exceeds the capacity of drainage facilities constructed and maintained by funds made available under this chapter. The Town's adoption of this code does not imply that property liable for the service charges shall always be free from flooding or flood drainage. Further, this code does not purport to reduce the need or the necessity for any property owner to obtain flood insurance.



B. This chapter shall be administered and enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.

C. No provision of or any term used in this chapter is intended to impose any duty upon the Town or any of its officers or employees which would subject them to damages in a civil action.

**13.36.080 Investigations.**

Upon presentation of proper credentials, the Director may, with the consent of the owner or occupier of the premises or property, or pursuant to a lawfully issued warrant, enter at reasonable times any property or premises subject to the consent or warrant, in order to implement this code.

**13.36.090 Service charge system established--Service charges imposed.**

A. Effective February 1st, 2013, the town shall impose on all developed parcels located within the town limits, a storm and surface water service charge.

**13.36.100 Storm and surface water drainage service charges.**

A. Undeveloped Parcels. Undeveloped parcels do not contribute to an increase in surface and storm water runoff into the storm and surface water management system, and are exempt from the storm and surface water utility service charges. Upon issuance of a building permit, the full service charge for that property shall begin to be collected in accordance with this chapter and a capital facilities charge in accordance with Carbonado Municipal Code (CMC) Section 13.36.150 shall also be collected.

B. No Benefit/No Burden. Parcels receiving no benefit from or placing no burden on the storm and surface water management system or programs, are exempt from storm and surface water service charges.

C. Private Systems. Properties with private stormwater management systems may be eligible for a reduction in the stormwater service charge by the percentage of the lot proven to not burden the stormwater conveyance system. To realize this rate reduction, the property owner must be able to demonstrate, to the satisfaction of the Director through certification by a licensed engineer experienced in stormwater management, that sixty-five percent of the developed parcel is retained in an undeveloped vegetated area and the site stormwater management system achieves a runoff rate less than or equal to that which would be achieved by a maximum of ten percent impervious surface coverage on the developed parcel, provided that all life, safety, health and environmental considerations (including but not limited to aquifer recharge areas and bluff protection areas) are met. The property owner shall reimburse the town for all costs incurred in performing the evaluation of the engineering certification provided by the property owner.

D. Road System. All town public roads and rights-of-way are exempt from storm and surface water service fees.

**13.36.110 Storm and surface water service charge schedule.**

A. Schedule. The monthly schedule for storm and surface water service charges shall be \$2.10 for each residential parcel and \$2.10 for each developed parcel other than a residential parcel. (Ord. 450 § 1, 2016).

B. Town Reserves the Right to Make Changes. The Town Council recognizes that future state and/or federal stormwater requirements, as well as increased costs in identified projects or additional costs of new projects, may require adjustments to the rate structure and/or rates. The Council believes that the adopted rate structure contains sufficient flexibility to meet these future needs. Because not all needs or requirements of the utility are foreseeable, however, the Council retains the ability and authority to modify rates and the rate structure as needed.

C. Annual Review of Schedule. The Town Council will review the storm and surface water management service charges annually to ensure the long-term fiscal viability of the program and to guarantee that any debt covenants are met.

**13.36.120 Rate adjustments and appeals.**

A. Any person billed for service charges may file a "request for rate adjustment" with the utility within two years of the date from which the bill was sent. However, filing of such a request does not extend the period for payment of the charge.

B. Requests for rate adjustment may be granted or approved by the Director only when the following conditions exist:

1. The parcel is owned by, as determined by the County Assessor, the person requesting the rate adjustment; and
2. The service charge is determined by the Director to be in error; or
3. The service charge was otherwise not calculated in accordance with the terms of this chapter.

C. The property owner shall have the burden of proving that the rate adjustment sought should be granted.

D. Decisions on requests for rate adjustments shall be made by the Director based on information submitted by the applicant within thirty days of the adjustment request except when additional information is needed. The applicant shall be notified in writing of the Director's decision. If an adjustment is granted that reduces the charge for the current year or two prior years, the applicant shall be credited the amount overpaid in the current and two prior years.

E. If the Director finds that a parcel has been undercharged, then either an amended bill shall be issued that reflects the increase in the service charge or the undercharged amount shall be added to the next month's bill. This amended bill shall be due and payable in accordance with a payment schedule approved by the Director. The Director

may include in the bill the amount undercharged for two previous billing years in addition to the current bill.

F. Decisions of the Director on requests for rate adjustments shall be final unless within thirty days of the date the decision was mailed, the applicant files an action in the Pierce County Superior Court.

#### **13.36.130 Billing and collection.**

The town may administer the billing and collection services required to implement this chapter, it may contract for such services or it may enter into inter-local agreements with other governments for this purpose. All billing and collection services shall be implemented as follows:

A. All property subject to service charges shall be billed monthly based upon the applicable property rate category.

B. Parcel characteristics affecting the service charge that are altered after November first of any year shall not be a basis for calculation of the service charge until after December thirty- first of the following year.

C. Adjustments to the annual service charge may be made when property is annexed into the Town. The service charge for the billing year during which annexation occurs shall be subject to a proration formula included in an inter-local agreement between the Town and Pierce County.

D. The provisions of CMC 13.12.070 shall apply to storm and surface water utility billing and collection. (Ord. 419 § 4, 2014; Ord. 396, 2012)

#### **13.36.140 Liens.**

Nothing contained in this chapter shall be construed as a waiver of liens, and the Town shall have all rights to liens as provided in Chapter 35.67 RCW, as the same exists or may hereafter be amended, or any other rights to enforce the collection of storm and surface water service charges as may from time to time be provided in State law. Liens for storm and surface water service charges shall be effective for a total not to exceed one year's delinquent charges without the necessity of any writing or recording of the lien with the County Auditor. The lien shall have superiority as established by RCW 35.67.290. There shall be added to the delinquent amounts and interest all costs and expenses incurred by the Town in compelling payment of the same.

#### **13.36.150 Capital facilities charges.**

The purpose of this section is to establish storm and surface water capital facilities charges for all development activity. Upon issuance of a building permit for an undeveloped parcel, the service charge for that parcel shall begin to be collected in accordance with the Town storm and surface water rate structure. At the time of building permit issuance, a capital facilities charge will be collected. The capital facilities charge is to recover the fair share of the prior public investment in infrastructure capacity installed to accommodate the additional storm and surface water runoff generated with construction of new development. The capital facilities charge shall be calculated by multiplying the monthly service charge

for the subject property times the number of months having passed from FEBRUARY 15, 2013 to the time of building permit issuance, provided that the charge shall be calculated on a maximum number of on hundred eighty months. (Ord. 396, 2012)

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## TITLE 14 DEVELOPMENT

### Chapters:

- [14.05 General Provisions](#)
- [14.10 SEPA \(State Environmental Policy Act\)](#)
- [14.15 Permit Decision and Appeal Processes](#)
- [14.20 Application Requirements](#)
- [14.25 Site Plan Approval](#)
- [14.30 Conditional Use Permit Approval](#)
- [14.40 Variances](#)
- [14.45 Newly Annexed Property](#)
- [14.50 Concurrency](#)
- [14.55 Performance Guarantees](#)
- [14.60 Permit Revision and Modification](#)
- [14.65 Administration and Enforcement](#)
- [14.70 Notices and Orders to Correct and/or Abate](#)
- [14.75 Suspension and Revocation of Permits](#)
- [14.80 Comprehensive Plan Amendments](#)
- [14.85 Zoning Code Amendments](#)
- [14.90 Application Review Fees](#)
- [14.95 Specialized Service Fees](#)
- [14.100 School Impact Fees](#)

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## CHAPTER 14.05 GENERAL PROVISIONS

### Sections:

#### **14.05.010 Title.**

#### **14.05.020 Purpose.**

#### **14.05.030 Comprehensive plan.**

(Ord. 429, Exhibit F, 2015)

#### **14.05.010 Title.**

This article, including the exhibits, shall collectively be known as the town of Carbonado development code. (Ord. 268 § 1, 1997)

#### **14.05.020 Purpose.**

The purpose of this title is to consolidate all development regulations into one place in order to facilitate full public knowledge and ease of use in understanding the development regulations of the town of Carbonado. (Ord. 268 § 2, 1997)

#### **14.05.030 Comprehensive plan.**

The town council hereby adopts the town of Carbonado comprehensive plan, updated June 9, 2015, a copy of which is attached to Ordinance 426 and marked as Attachment A and made a part hereof.



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## CHAPTER 14.10 SEPA (STATE ENVIRONMENTAL POLICY ACT)

### Sections:

**14.10.010 Purpose.**

**14.10.020 Policy.**

### **I. Authority**

**14.10.030 Authority.**

### **II. General Requirements**

**14.10.040 Purpose of this part and adoption by reference.**

**14.10.060 Designation of responsible officials.**

**14.10.070 Lead agency determination and responsibilities.**

**14.10.080 Transfer of lead agency status to a state agency.**

**14.10.090 Additional timing considerations.**

### **III. Categorical Exemptions and Threshold Determinations**

**14.10.100 Purpose of this part and adoption by reference.**

**14.10.110 Use of exemptions.**

**14.10.120 Environmental checklist.**

**14.10.130 Mitigated DNS.**

### **IV. Environmental Impact Statement (EIS)**

**14.10.140 Purpose of this part and adoption by reference.**

### **V. Commenting**

**14.10.150 Adoption by reference.**

**14.10.160 Public notice.**

**14.10.170 Designation of official to perform consulted agency responsibilities for the town.**

### **VI. Using Existing Environmental Documents**

**14.10.180 Purpose of this part and adoption by reference.**

### **VII. SEPA and Agency Decisions**

**14.10.190 Purpose of this part and adoption by reference.**

**14.10.200 Substantive authority.**

**14.10.210 Notice/statute of limitations.**

### **VIII. Categorical Exemptions**

**14.10.220 Adoption by reference.**

### **IX. Agency Compliance**

**14.10.230 Purpose of this part and adoption by reference.**

**14.10.240 Fees.**

### **X. Forms**

**14.10.250 Adoption by reference.**

**(Ord. 429, Exhibit F, 2015)**

**14.10.010 Purpose.**

The town does adopt, by reference, the policies of the State Environmental Policy Act (SEPA) as expressed in RCW 43.21C.010, 43.21C.020, 43.21C.031 and 43.21C.095.

**14.10.020 Policy.**

Agencies shall to the fullest extent possible:

Interpret and administer the policies, regulations and laws of the state in accordance with the policies set forth in SEPA and these rules;

Find ways to make the SEPA process more useful to decisionmakers and the public, promote certainty regarding the requirements of the act, reduce paperwork and the accumulation of extraneous background data and emphasize important environmental impacts and alternatives;

Prepare environmental documents that are concise, clear and to the point, and are supported by evidence that the necessary environmental analyses have been made;

Initiate the SEPA process early in conjunction with other agency operations to avoid delay and duplication;

Integrate the requirement of SEPA with existing agency planning and licensing procedures and practices, so that such procedures run concurrently rather than consecutively;

Encourage public involvement in decisions that significantly affect environmental quality;

Identify, evaluate and require or implement, where required by the act and these rules, reasonable alternatives that would mitigate adverse effects of proposed actions on the environment.

**I. Authority**

**14.10.030 Authority.**

The town adopts this chapter under the State Environmental Policy Act (SEPA), RCW 43.21C.120 and the SEPA rules, WAC 197-11-904, and this chapter contains the town's procedures and policies under SEPA. Hereafter the SEPA rules, Chapter 197-11 WAC, shall be used in conjunction with this chapter.

**II. General Requirements**

**14.10.040 Purpose of this part and adoption by reference.**

This part contains the basic requirements that apply to the SEPA process. The town adopts the following sections of Chapter 197-11 WAC by reference:

WAC

197-11-040	Definitions.
197-11-050	Lead agency.
197-11-055	Timing of the SEPA process.
197-11-060	Content of environmental review.
197-11-070	Limitations on actions during SEPA process.
197-11-080	Incomplete or unavailable information.
197-11-090	Supporting documents.
197-11-100	Information required of applicants.

**14.10.060 Designation of responsible officials.**

For those proposals for which the town is the lead agency, the responsible official shall be the land use administrator or his/her designee.

A. For all proposals for which the town is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the “lead agency” or “responsible official” by those sections of the SEPA rules that were adopted by reference in WAC 173-806-020.

B. The town shall retain all documents required by the SEPA rules (Chapter 197-11 WAC) and make them available in accordance with Chapter 42.17 RCW.

**14.10.070 Lead agency determination and responsibilities.**

A. The department within the town receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under WAC 197-11-050 and 197-11-922 through 197-11-940, unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency.

B. When the town is the lead agency for a proposal, the department receiving the application shall forward to the responsible official who shall supervise compliance with the threshold determination requirements and, if an EIS is necessary, shall supervise preparation of the EIS.

C. When the town is not the lead agency for a proposal, all departments of the town shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the town may conduct supplemental environmental review under WAC 197-11 600.

D. If the town or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within 15 days of receipt of the determination, or the town/county must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the 15-day time period. Any such petition on behalf of the town may be initiated by the responsible official.

E. The town is authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944; provided, that the responsible official that will incur responsibilities as the result of such agreement approve the agreement.

F. When the town makes a lead agency determination for a private project it shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal (that is: which agencies require nonexempt licenses?).

**14.10.080 Transfer of lead agency status to a state agency.**

For any proposal for a private project where the town would be the lead agency and for which one or more state agencies have jurisdiction, the responsible official may elect to transfer the lead agency duties to a state agency. The state agency with jurisdiction appearing first on the priority listing in WAC 197-11-936 shall be the lead agency and the town shall be an agency with jurisdiction. To transfer lead agency duties, the responsible official must transmit a notice of the transfer together with any relevant information available on the proposal to the appropriate state agency with jurisdiction. The responsible official shall also give notice of the transfer to the private applicant and any other agencies with jurisdiction over the proposal.

**14.10.090 Additional timing considerations.**

A. For nonexempt proposals, the DNS or draft EIS for the proposal shall accompany the staff recommendation to any appropriate advisory body, such as the planning commission.

B. If the town's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the town conduct environmental review prior to submission of the detailed plans and specifications.

**III. Categorical Exemptions and Threshold Determinations**

**14.10.100 Purpose of this part and adoption by reference.**

This part of this chapter contains the rules for deciding whether a proposal has a "probable significant, adverse environmental impact" requiring an environmental impact statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. The town adopts the following sections by reference:

WAC

197-11-300	Purpose of this part.
197-11-305	Categorical exemptions.
197-11-310	Threshold determination.
197-11-315	Environmental checklist.
197-11-330	Threshold determination process.
197-11-335	Additional information.
197-11-340	Determination of nonsignificance (DNS).
197-11-350	Mitigated DNS.

- 197-11-355 Optional DNS process.
- 197-11-360 Determination of significance (DS)/initiation of scoping.
- 197-11-390 Effect of threshold determination.

**14.10.110 Use of exemptions.**

A. Each department within the town that receives an application for a license or, in the case of governmental proposals, the department initiating the proposal shall determine whether the license and/or the proposal is exempt. The department's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter apply to the proposal. The town shall not require completion of an environmental checklist for an exempt proposal.

B. In determining whether or not a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.

C. If a proposal includes both exempt and nonexempt actions, the town/county may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that as authorized in WAC 197-11-070:

1. A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and
2. A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

**14.10.120 Environmental checklist.**

A. A completed environmental checklist (or a copy) in the form provided in WAC 197-11-960 shall be filed at the same time as an application for a permit, license, certificate or other approval not specifically exempted in this chapter, except a checklist is not needed if the town/county and applicant agree an EIS is required, SEPA compliance has been completed or SEPA compliance has been initiated by another agency. The town/county shall use the environmental checklist to determine the lead agency and, if the town/county is the lead agency, for determining the responsible official and for making the threshold determination.

B. For private proposals, the town/county will require the applicant to complete the environmental checklist, providing assistance, as necessary. For town/county proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

C. The town/county may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if either of the following occurs:

1. The town/county has technical information on a question or questions that is unavailable to the private applicant; or
2. The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

**14.10.130 Mitigated DNS.**

A. As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

B. An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:

1. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and
2. Precede the town/county's actual threshold determination for the proposal.

C. The responsible official should respond to the request for early notice within 20 calendar days. The response shall:

1. Be written;
2. State whether the town/county currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the town/county to consider a DS; and
3. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

D. As much as possible, the town/county should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

E. When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the town/county shall base its threshold determination on the changed or clarified proposal and should make the determination within 15 days of receiving the changed or clarified proposal:

1. If the town/county indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the town/county shall issue and circulate a DNS under WAC 197-11-340(2);

2. If the town/county indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the town/county shall make the threshold determination, issuing a DNS or DS as appropriate;

3. The applicant’s proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to “control noise” or “prevent storm water runoff” are inadequate, whereas proposals to “muffle machinery to X decibel” or “construct 200-foot storm water retention pond at Y location” are adequate;

4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

F. Mitigated DNSs issued under WAC 197-11-340 require a 15-day comment period and public notice.

G. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the town/county.

H. If the town/county’s tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the town/county should evaluate the threshold determination to assure consistency with WAC 197-11-340(3)(a) (Withdrawal of DNS).

I. The town’s written response under subsection B of this section shall not be construed as determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the town/county to consider the clarifications or changes in its threshold determination.

#### **IV. Environmental Impact Statement (EIS)**

##### **14.10.140 Purpose of this part and adoption by reference.**

This part of the chapter contains the rules for preparing environmental impact statements. The town adopts the following sections by reference:

#### **WAC**

- 197-11-400 Purpose of EIS.
- 197-11-402 General requirements.
- 197-11-405 EIS types.
- 197-11-406 EIS timing.
- 197-11-408 Scoping.
- 197-11-410 Expanded scoping (optional).
- 197-11-420 EIS preparation.
- 197-11-425 Style and size.
- 197-11-430 Format.
- 197-11-435 Cover letter or memo.



197-11-440	EIS contents.
197-11-442	Contents of EIS on nonproject.
197-11-443	EIS contents when prior nonproject EIS.
197-11-444	Elements of the environment.
197-11-448	Relationship of EIS to other considerations.
197-11-450	Cost-benefit analysis.
197-11-455	Issuance of DEIS.
197-11-460	Issuance of FEIS.

## **V. Commenting**

### **14.10.150 Adoption by reference.**

This part contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. The town hereby adopts the following sections by reference, as supplemented in this part:

#### **WAC**

197-11-500	Purpose of this part.
197-11-502	Inviting comment.
197-11-504	Availability and cost of environmental documents.
197-11-508	SEPA register.
197-11-535	Public hearings and meetings.
197-11-545	Effect of no comment.
197-11-550	Specificity of comments.
197-11-560	FEIS response to comments.
197-11-570	Consulted agency costs to assist lead agency.

### **14.10.160 Public notice.**

A. Whenever the town issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3), the town shall give public notice as follows:

1. If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.
2. If no public notice is required for the permit or approval, the town shall give notice of the DNS or DS by:
  - a. Posting the property, or requiring the applicant post the property, for site-specific proposals;
  - b. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;

c. Notifying the news media.

3. Whenever the town issues a DS under WAC 197-11-360(3), the town shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.

B. Whenever the town issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:

1. Indicating the availability of the DEIS in any public notice required for a nonexempt license;

2. Posting the property, or requiring the applicant post the property, for site-specific proposals;

3. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;

4. Notifying the news media.

C. Whenever possible, the town shall integrate the public notice required under this section with existing notice procedures for the town's nonexempt permit(s) or approvals required for the proposal.

D. The town may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

**14.10.170 Designation of official to perform consulted agency responsibilities for the town.**

A. The land use administrator shall be responsible for preparation of written comments for the town in response to a consultation request prior to a threshold determination, participation in scoping and reviewing a DEIS.

B. The land use administrator shall be responsible for the town's compliance with WAC 197-11-550 whenever the town is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the town.

**VI. Using Existing Environmental Documents**

**14.10.180 Purpose of this part and adoption by reference.**

This part contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for the town's own environmental compliance. The town adopts the following sections by reference:

WAC

197-11-600 When to use existing environmental documents.

- 197-11-610 Use of NEPA documents.
- 197-11-620 Supplemental environmental impact statement – Procedures.
- 197-11-625 Addenda – Procedures.
- 197-11-630 Adoption – Procedures.
- 197-11-635 Incorporation by reference – Procedures.
- 197-11-640 Combining documents.

**VII. SEPA and Agency Decisions**

**14.10.190 Purpose of this part and adoption by reference.**

This part contains rules (and policies) for SEPA’s substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This part also contains procedures for appealing SEPA determinations to agencies or the courts. The town adopts the following sections by reference:

WAC

- 197-11-650 Purpose of this part.
- 197-11-655 Implementation.
- 197-11-660 Substantive authority and mitigation.
- 197-11-680 Appeals.

**14.10.200 Substantive authority.**

A. The policies and goals set forth in this chapter are supplementary to those in existing authorization of the town.

B. The town may attach conditions to a permit or approval for a proposal so long as:

1. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this chapter; and
2. Such conditions are in writing; and
3. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
4. The town has considered whether other local, state or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
5. Such conditions are based on one or more policies in subsection D of this section and cited in the license or other decision document.

C. The town may deny a permit or approval for a proposal on the basis of SEPA so long as:

1. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this chapter; and
2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and
3. The denial is based on one or more policies identified in subsection D of this section and identified in writing in the decision document.

D. The town designates and adopts by reference as hereafter may be modified by the town the following policies as the basis for the town's exercise of authority pursuant to this section:

1. The comprehensive plan of the town.
2. Storm water comprehensive plan of the town.
3. Town of Carbonado water system plan.
4. Town of Carbonado transportation improvement plan.
5. Town of Carbonado comprehensive storm water plan.
6. Town of Carbonado electric system plan.
7. The town shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs and resources to the end that the state and its citizens may:
  - a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
  - b. Assure for all people of the state safe, healthful, productive and aesthetically and culturally pleasing surroundings;
  - c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety or other undesirable and unintended consequences;
  - d. Preserve important historic, cultural and natural aspects of our national heritage;
  - e. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
  - f. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
  - g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

8. The town recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

**14.10.210 Notice/statute of limitations.**

A. The town, the applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action.

B. The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the land use administrator, applicant or proponent pursuant to RCW 43.21C.080.

**VIII. Categorical Exemptions**

**14.10.220 Adoption by reference.**

The town adopts by reference the following rules for categorical exemptions:

WAC

- 197-11-800 Categorical exemptions.
- 197-11-880 Emergencies.
- 197-11-890 Petitioning DOE to change exemptions.

**IX. Agency Compliance**

**14.10.230 Purpose of this part and adoption by reference.**

This part contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, listing agencies with environmental expertise, selecting the lead agency and applying these rules to current agency activities. The town adopts the following sections by reference:

WAC

- 197-11-900 Purpose of this part.
- 197-11-902 Agency SEPA policies.
- 197-11-916 Application to ongoing actions.
- 197-11-920 Agencies with environmental expertise.
- 197-11-922 Lead agency rules.
- 197-11-924 Determining the lead agency.
- 197-11-926 Lead agency for governmental proposals.
- 197-11-928 Lead agency for public and private proposals.
- 197-11-930 Lead agency for private projects with one agency with jurisdiction.
- 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/town.
- 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/town, and one or more state agencies.

- 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
- 197-11-938 Lead agencies for specific proposals.
- 197-11-940 Transfer of lead agency status to a state agency.
- 197-11-942 Agreements on lead agency status.
- 197-11-944 Agreements on division of lead agency duties.
- 197-11-946 DOE resolution of lead agency disputes.
- 197-11-948 Assumption of lead agency status.

**14.10.240 Fees.**

The agency shall require the following fees for its activities in accordance with the provisions of this chapter:

A. **Threshold Determination.** For every environmental checklist the town will review when it is a lead agency, the town shall collect a fee as per the adopted fee schedule (CMC 14.90 and 14.95) from the proponent of the proposal prior to undertaking the threshold determination. The time period provided by this chapter for making a threshold determination shall not begin to run until payment of the fee.

B. **Environmental Impact Statement.**

1. When the town is the lead agency for a proposal requiring an EIS and the land use administrator determines that an EIS shall be prepared by the employees of the town or designated third party, the town may charge and collect a reasonable fee from any applicant to cover cost incurred by the town in preparing the EIS. The land use administrator shall advise the applicant of the projected costs for the EIS prior to actual preparation; the applicant shall post bond, or deposit \$5,000 cash, or otherwise ensure payment of such costs.

2. The land use administrator may determine that the town will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the town and may bill such costs and expenses directly to the applicant. The town may require the applicant to post bond, deposit \$5,000 cash or otherwise ensure payment of such costs. Such consultants shall be selected by mutual agreement of the town and the applicant after a call for proposals.

3. If a proposal is modified so that an EIS is no longer required, the land use administrator shall refund any fees collected under subsection (B)(1) or (B)(2) of this section together with any interest accrued which remain after incurred costs are paid.

C. The town may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter relating to the applicant’s proposal.

D. The town shall not collect a fee for performing its duties as a consulted agency.

E. The town may charge any person for copies of any document prepared under this chapter and for mailing the document, in a manner provided by Chapter 42.17 RCW.

F. Environmental checklist review pursuant to CMC 14.90 and 14.95 shall include review by the public works director or consulting engineer who shall submit a written report to the responsible official incorporating, if relevant, documentation of any off-site improvements to mitigate said impacts. The responsible official shall determine the reasonable cost to the town of the environmental checklist review and shall require the applicant to pay a fee in addition to the original deposit to cover the cost of such review. If the cost of review is substantially less than the environmental checklist review fee deposit the responsible official shall document the difference and refund said difference to the applicant, minus transaction costs incurred by the town in said refund process.

G. Voluntary Pre-Project Application Environmental Review. The potential applicant for any project action listed at CMC 14.10 may obtain an environmental review similar to the review set forth at subsection F of this section, upon payment of a fee deposit as set forth as relevant, CMC 14.90 and 14.95. The fee deposit shall be subject to the terms set forth at subsection F of this section. The potential applicant shall be provided a copy of the written report prepared by the public works director or consulting engineer. Upon timely submission of a substantially similar project application and environmental checklist, the responsible official may reduce the fee deposit required pursuant to subsection F of this section when a second duplicative town engineering review is determined to be unnecessary. In such a case the engineering review under this subsection shall be used to complete the requirement of subsection F of this section.

## **X. Forms**

### **14.10.250 Adoption by reference.**

The town adopts the following forms and sections by reference:

#### **WAC**

197-11-960	Environmental checklist.
197-11-965	Adoption notice.
197-11-970	Determination of nonsignificance (DNS).
197-11-980	Determination of significance (DS) and scoping notice.
197-11-985	Notice of assumption of lead agency status.
197-11-990	Notice of action.

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## CHAPTER 14.15 PERMIT DECISION AND APPEAL PROCESSES

### Sections:

- 14.15.010 Purpose and scope.**
- 14.15.020 Definitions.**
- 14.15.030 Framework for decisions.**
- 14.15.040 Process type table.**
- 14.15.050 Specific – Process types.**
- 14.15.060 General – Consolidated review.**
- 14.15.070 General – Preapplication meeting requirement.**
- 14.15.090 General – Neighborhood public meeting requirements.**
- 14.15.100 General – Town procedure – Timelines.**
- 14.15.110 General – Computation of 120-day clock.**
- 14.15.120 General – Notice of application procedures.**
- 14.15.130 General – Open record hearing procedures.**
- 14.15.140 General – Closed record hearing procedures.**
- 14.15.150 General – Administrative appeal procedure.**
- 14.15.154 Commencement of activity.**
- 14.15.155 Deadline for hearing examiner decisions and recommendations.**
- 14.15.160 General – Limitations on refiling an application.**

(Ord. 429, Exhibit F, 2015)

### **14.15.010 Purpose and scope.**

The purpose of this chapter is to establish standard procedures for all land use decisions made by the town and associated appeal processes. The procedures are designed to promote timely and informed public participation, provide efficient review and determination of land use decisions, and result in development approvals that further town goals as set forth in the comprehensive plan. As required by RCW 36.70B.060, these procedures provide for an integrated and consolidated land use permit process. The procedures integrate the environmental review process with the procedures for review of land use decisions and provide for the consolidation of appeal processes for land use decisions.

In case of conflict between the text of this chapter and the tables in CMC 14.20 and 14.15.040, the tables shall prevail.

### **14.15.020 Definitions.**

As used in this chapter, the following terms are defined as:

- A. “Application, complete” means an application which meets the requirements outlined in Chapter 14.20 CMC (Application Requirements).
- B. “Applicable Director” means the land use administrator, building official, SEPA responsible official, public works director, fire chief, or designee for any of these.
- C. “Open record hearing” means a public hearing, conducted by a single hearing body or officer authorized to conduct such hearings, which creates a record through testimony and submission of evidence and information.

D. “Closed record hearing” means a hearing, conducted by a single hearing body or officer authorized to conduct such hearings, in which testimony is restricted to information contained in the record developed in a prior open record hearing. Additional evidence may only be entertained as allowed by Chapter 36.70C RCW.

E. “Permit or application” means any land use or environmental permit or license required for a project action, including, but not limited to, subdivisions, short subdivisions, variances, planned development district master plans, conditional uses, shoreline substantial development permits, site plan approval, permits or approvals required by the critical areas ordinance, or site specific rezones authorized by a comprehensive plan.

F. “Public or neighborhood meeting” means an informal meeting, hearing, workshop, or other public gathering to obtain comments from the public or other agencies on a proposed project permit prior to the decision. A public meeting does not constitute an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the project permit application file.

#### **14.15.030 Framework for decisions.**

There are six processes (Process Types I through VI) based on who makes the decision. Please refer to the process type table, CMC 14.15.040.

In general, Process Types I through III are administrative, minor or ministerial decisions made by town officials. Process categories differ according to the amount of public participation.

Process Types IV and V decisions are quasi-judicial. Process Type IV decisions are made by the hearing examiner on project applications. Process Type V decisions are made by the town council.

Process Type VI decisions are legislative non-project decisions made by the town council.

**14.15.040 Process type table.**

14.15.040 Process Types						
	Administrative			Quasi-Judicial		Legislative
	Process I	Process II	Process III	Process IV	Process V	Process VI
<b>Preapplication Meeting</b>	None	None	Optional	Recommended	Recommended	Recommended
<b>Notification Requirement</b>	None	None	500 feet	500 feet	500 feet	Citywide
<b>Neighborhood Meeting</b>	None	None	Optional	Required	Required	Optional
<b>Written Report</b>	None	Staff	Staff	Applicable Director	Applicable Director	Applicable Director
<b>Open Record Hearing</b>	None	None	None	Hearing Examiner	Hearing Examiner	Town Council
<b>Closed Record Hearing</b>	None	None	None	None	Town Council	Town Council
<b>Decision-Maker</b>	Applicable Director	Applicable Director/Hearing Examiner	Applicable Director	Hearing Examiner	Town Council	Town Council
<b>Administrative Appeal</b>	None	Hearing Examiner	Hearing Examiner	None	None	None
<b>Judicial Appeal</b>	Superior Court	Superior Court	Superior Court	Superior Court	Superior Court	Growth Management Hearings Board or Superior Court
<b>Type of Review/Permit</b>	Enforcement Action CMC Titles 5-18	Code Interpretation CMC Titles 8-18	Minor Site Plan Approval Chapter 14.25 CMC	Preliminary Subdivision Chapter 17.15 CMC	Special Use Permit Chapter 18.105 CMC	Code Amendment MMC Titles 15-18
	Engineering and Utilities CMC Titles 12, 13 and 17	Home Occupation Chapter 18.40 CMC	Preliminary Short Plat Chapter 17.35 CMC	Binding Site Plan Chapter 17.50 CMC		Comprehensive Plan Amendment Chapter 14.75 CMC
	Clear and Grade Permit Title 13 CMC	Final Subdivision Chapter 17.15 CMC	Minor Wireless Communication Facility Chapter 18.95 CMC	Major Wireless Communication Facility Chapter 18.95 CMC		Zoning Map Amendment Chapter 14.80 CMC
	Storm Water Drainage Permit Title 13 CMC	Deviation from Standards Titles 12, 13 and 18 CMC	Modifications to Process IV Decisions	Mobile Home Park Chapter 18.100 CMC		Shoreline Master Plan Amendments Title 16 CMC
	Building Permit Title 15 CMC	Nonconforming Sign Chapter 18.80 CMC	SEPA Threshold Determination not otherwise combined Chapter 14.10 CMC	Major Site Plan Approval Chapter 14.25 CMC		
	Boundary Line Adjustment Chapter 17.45 CMC	Nonconforming Uses or Structures Chapter 18.85 CMC	Shoreline Substantial Development Permit Title 16 CMC	Conditional Use Permit Chapter 14.30 CMC		
	Sign Permits Chapter 18.80 CMC	Critical Areas Decision (Map) Chapter 16 CMC		Revocation of Decision - All Processes		
	Temporary Use Chapter 18.90 CMC			Variance Chapter 14.40 CMC		
	Critical Areas Exemption Title 16 CMC			Shoreline Permit Title 16 CMC		
	Final Short Plat Chapter 17.35 CMC			Reasonable Use Exception Titles 16 and 18 CMC		

**14.15.050 Specific – Process types.**

A. Process Type I. Process Type I applications are for ministerial, nondiscretionary permits with only judicial appeal possible.

1. Preapplication Meeting.

a. None required.

2. Notification Requirement.

a. No notification required.

3. Neighborhood Meeting.

a. No neighborhood meeting required.

4. Written Report.

a. No written report of the Process Type I decision is required. The permit itself or the approved final short plat or approved boundary line adjustment shall represent the Process Type I decision. The project record shall consist of the application materials, any requests for revisions, any associated correspondence, the permit itself, and any other written documents indicating the application decision. If the land use administrator denies the permit, the file shall contain written documentation demonstrating the basis of this decision.

5. Open Record Hearing.

a. No open record hearing is allowed.

6. Closed Record Hearing.

a. No closed record hearing is permitted.

7. Decision-Maker.

a. The land use administrator is the decision-maker.

8. Administrative Appeal.

a. No administrative appeal is allowed.

9. Judicial Appeal.

a. General. A final town decision on a Process Type I permit application should be appealed according to the judicial appeal process specific to that permit. Final land use decisions may be appealed to superior court by filing a land use petition meeting the requirements set forth in Chapter 36.70C RCW.

B. Process Type II. Process Type II applications are for administrative decisions, no public notice, with administrative appeal as well as judicial appeal.

1. Preapplication Meeting.

a. None required.

2. Notification Requirement.

a. No notification required.

3. Neighborhood Meeting.

a. No neighborhood meeting required.

4. Written Report.

a. The land use administrator or designee shall prepare a written decision for each Process Type II application. The decision record may be in the form of a staff report, letter, the permit itself or other written document. In the case of a final subdivision, the report shall be written as a recommendation to the hearing examiner.

b. For each Process Type II application, the land use administrator or hearing examiner shall indicate whether the decision was to approve, approve with conditions or deny the permit. The land use administrator's or hearing examiner's decision must reflect compliance with applicable review criteria and/or the specific code section governing the permit, any conditions necessary to ensure consistency with town development regulations, and may include any mitigation measures proposed under the provisions of the State Environmental Policy Act (SEPA).

5. Open Record Hearing.

a. An open record hearing shall be conducted by the hearing examiner as governed by CMC 14.15.130 for administrative appeals; provided, that notice shall only be required for the applicant and town and that only the applicant and town shall have a right to participate in the appeal hearing. The applicant and town may present witnesses to the extent their testimony is relevant to the appeal.

6. Closed Record Hearing.

a. No closed record hearing is permitted.

7. Decision-Maker.

a. The land use administrator is the decision-maker, or in the case of a final subdivision, the hearing examiner is the decision-maker.

8. Administrative Appeal.

a. Process Type II decisions are subject to administrative appeal as governed by CMC 14.15.150. Administrative appeals filed on Process Type II decisions are

heard by the hearing examiner. There is no administrative appeal of a final subdivision.

9. Judicial Appeal.

a. A final land use decision may be appealed to superior court by filing a land use petition meeting the requirements set forth in Chapter 36.70C RCW.

C. Process Type III. Process Type III applications are for administrative decisions, with proper public notice, and administrative appeal as well as judicial appeal.

1. Preapplication Meeting.

a. A preapplication meeting may be requested at the option of the applicant.

2. A notice of application must be prepared and distributed as specified in CMC 14.15.120.

3. Neighborhood Meeting.

a. Neighborhood meetings are not required. They are at the option of the applicant. The department of planning and community development shall set a date for such a meeting if one is requested by the applicant or the applicant's agent.

4. Written Report.

a. The land use administrator or designee shall prepare a written decision for each Process Type III application. The decision record may be in the form of a staff report, letter, the permit itself or other written document.

b. For each Process Type III proposal, the land use administrator shall indicate whether the decision was to approve, approve with conditions or deny the permit. The land use administrator's decision must reflect compliance with applicable permit or approval review criteria and/or the specific code section governing the land use permit, any conditions necessary to ensure consistency with town development regulations, and may include any mitigation measures proposed under the provisions of the State Environmental Policy Act (SEPA).

5. Open Record Hearing.

a. An open record hearing shall be conducted by the hearing examiner for administrative appeals.

6. Closed Record Hearing.

a. No closed record hearing is permitted.

7. Decision-Maker.

a. The decision-maker is the land use administrator.

8. Administrative Appeal.

a. Process Type III decisions are subject to administrative appeal as governed by CMC 14.15.150. Administrative appeals filed on Process Type III decisions are heard by the hearing examiner in an open record hearing as governed by CMC 14.15.130.

#### 9. Judicial Appeal.

a. A final land use decision may be appealed to superior court by filing a land use petition meeting the requirements set forth in Chapter 36.70C RCW.

D. Process Type IV. Process Type IV applications are for discretionary permits or land use approvals with full public notice, a required neighborhood meeting, which are decided upon by the hearing examiner with an administrative appeal to the town council.

#### 1. Preapplication Meeting.

a. Preapplication meetings are heavily encouraged by the town so that fundamental errors may be avoided by the applicant. The meetings are, however, optional on the part of the applicant.

2. Notice of Application. A notice of application shall be prepared and distributed for Type IV applications as specified in CMC 14.15.120.

#### 3. Neighborhood Meeting.

a. A neighborhood meeting is required for all Process Type IV proposals. The town clerk shall set a date for such a meeting.

#### 4. Written Report.

a. The land use administrator shall prepare a staff report containing findings of facts and conclusions of law and a written recommendation to the hearing examiner for each Process Type IV decision.

b. For each Process Type IV proposal, the land use administrator shall indicate whether the recommendation was to approve, approve with conditions or deny the permit. The land use administrator's recommendation must reflect compliance with applicable review criteria and/or the specific code section governing the land use permit, any conditions necessary to ensure consistency with town development regulations, and may include any mitigation measures proposed under the provisions of the State Environmental Policy Act (SEPA).

5. Open Record Hearing. An open record hearing shall be held by the hearing examiner on Type IV applications as governed by CMC 14.15.130.

#### 6. Decision-Maker/Criteria.

a. The hearing examiner is the decision-maker for a Process Type IV process application. The hearing examiner shall approve a project, or approve with modifications if the applicant has demonstrated the proposal complies with the

applicable decision criteria of the Carbonado Municipal Code and all applicable development standards. The applicant carries the burden of proof and must demonstrate a preponderance of the evidence supports the conclusion that the application merits approval or approval with modifications. In all other cases, the hearing examiner shall deny the application.

#### 7. Administrative Appeal.

a. Process Type IV decisions are subject to administrative appeal as governed by CMC 14.15.150. Administrative appeals filed on Process Type IV decisions are heard by the town council in a closed record hearing as governed by CMC 14.15.140.

#### 8. Judicial Appeal.

a. A final town decision on a land use permit or zoning (CMC Title 17) application for a Process Type IV decision may be appealed to superior court by filing a land use petition meeting the requirements set forth in Chapter 36.70C RCW.

E. Process Type V. Process Type V applications are for discretionary, quasi-judicial permits or land use approvals with full public notice, and a required neighborhood meeting, which are decided upon by the town council.

##### 1. Preapplication Meeting.

a. Preapplication meetings are heavily encouraged by the town so that fundamental errors may be avoided by the applicant. The meetings are, however, optional on the part of the applicant.

2. Notification of Application. Type V applications must prepare and distribute a notice of application as governed by CMC 14.15.120.

##### 3. Neighborhood Meeting.

a. A neighborhood meeting is required for all Process Type V proposals. The town clerk shall set a date for such a meeting.

##### 4. Written Report.

a. The land use administrator shall prepare a staff report containing findings of facts and conclusions of law and a written recommendation to the hearing examiner for each Process Type V decision.

b. For each Process Type V proposal, the land use administrator shall indicate whether the recommendation was to approve, approve with conditions or deny the permit. The land use administrator's recommendation must reflect compliance with applicable review criteria and/or the specific code section governing the land use permit, any conditions necessary to ensure consistency with town development regulations, and may include any mitigation measures proposed under the provisions of the State Environmental Policy Act (SEPA).



5. Open Record Hearing.

a. The hearing examiner shall conduct the open record hearing for Process Type V applications as governed by CMC 14.15.130.

b. Transmittal of File. The land use administrator shall transmit to the hearing examiner all written comments received prior to the hearing and information reviewed or relied upon by the land use administrator and/or the SEPA responsible official in making the recommendation to the hearing examiner. The file shall also include information verifying compliance with public notice requirements.

c. Hearing Record. The hearing examiner shall create a complete record of the public hearing including all exhibits introduced at the hearing and an electronic sound recording of the hearing.

d. Criteria for Recommendation.

i. The hearing examiner in Process Type V shall recommend approval, or approval with modifications, for a project if the applicant has demonstrated the proposal complies with the applicable decision criteria of the Carbonado Municipal Code and all applicable development standards. The applicant carries the burden of proof and must demonstrate a preponderance of the evidence supports the conclusion that the application merits approval or approval with modifications. In all other cases, the hearing examiner shall recommend denial of the application.

e. Conditions. The hearing examiner may include conditions to ensure a proposal conforms to the relevant decision criteria.

f. Written Recommendation.

i. The hearing examiner for Process Type V shall within 10 working days following the close of the record issue a written recommendation.

ii. The recommendation shall contain the following:

(A) Any conditions of approval; and

(B) Findings of facts upon which the recommendation, including any conditions, was based and the conclusions derived from those facts.

6. Closed Record Hearing.

a. The town council shall conduct a closed record public hearing for Process Type V applications as governed by CMC 14.15.140.

b. Set Date for the Closed Record Public Hearing. The town clerk shall schedule the required public hearing before the town council after the completion of the hearing examiner's review and recommendation on the application.

c. General. The town council shall, at a closed record public hearing as governed by CMC 14.15.140, consider and take final action on each Process Type V application.

d. Decision. The town council shall either:

i. Approve the application; or

ii. Approve the application with modifications; or

iii. Remand the application to the hearing examiner for further review, provided the hearing examiner may not conduct another hearing as prohibited by Chapter 36.70B RCW; or

iv. Deny the application.

e. Conditions. The town council may, based on the record, include conditions approving or approving with modifications an application in order to ensure the application conforms to the decision criteria.

f. Findings of Fact and Conclusions. The town council shall include findings of fact and conclusions derived from those facts, which support the decision of the council, including any conditions, approving or approving with modifications, or denial of the application. The town council may adopt by reference some or all of the findings and conclusions of the hearing examiner.

g. Distribution. The town clerk shall mail a letter, bearing the postmark date, indicating the content of the final decision of the town to the applicant, the applicant's agent and any party of record on the application who supplied an address to the town.

h. Effect of Decision. The decision of the town council on the application is the final decision of the town and may be appealed to superior court.

i. Commencement of Activity. The applicant may commence activity or obtain other required approvals authorized by the Process Type V decision the day following the effective date of the ordinance approving the project or approving it with modifications. Activity commenced prior to the expiration of the full appeal period is at the sole risk of the applicant.

#### 7. Decision-Maker.

a. The town council is the decision-maker for all Process Type V applications.

#### 8. Administrative Appeal.

a. There is no administrative appeal of Process Type V applications.

#### 9. Judicial Appeal.

a. A final land use decision may be appealed to superior court by filing a land use petition meeting the requirements set forth in Chapter 36.70C RCW.

F. Process Type VI. Process Type VI applications are for legislative decisions which are made by the town council.

1. Preapplication Meeting.

a. Most legislative proposals are public in nature with no private applicants. For site specific rezones, preapplication meetings are heavily encouraged by the town so that fundamental errors may be avoided by the applicant. The meetings are, however, optional on the part of the applicant.

2. Notice of Application. A notice of application as governed by CMC 14.15.120 shall be prepared and distributed for site specific rezones but not any other Type VI application.

3. Neighborhood Meeting.

a. Most legislative proposals are public in nature with no private applicants. For site specific rezones, neighborhood meetings are heavily encouraged by the town. The town clerk shall set a date for such a meeting.

4. Written Report.

a. The land use administrator shall prepare a staff report containing findings of facts and conclusions of law and a written recommendation to the town Council for each Process Type VI application.

b. For each Process Type VI proposal, the land use administrator shall indicate whether the recommendation was to approve, approve with conditions or deny the application. The land use administrator's recommendation must reflect compliance with applicable review criteria and/or the specific code section governing the land use permit, any conditions necessary to ensure consistency with town development regulations, and may include any mitigation measures proposed under the provisions of the State Environmental Policy Act (SEPA).

5. Open Record Hearing.

a. Town Council Open Record Hearing and Recommendation.

i. General. The land use administrator will introduce Process Type VI proposals to the town Council. The Council may schedule study sessions, as needed, to consider the proposal. Prior to making a recommendation, the town Council shall schedule at least one public hearing; provided, that the town Council may only hold one public hearing on site specific rezones. After the public hearing, and after any further study sessions as may be needed, the town Council shall transmit its recommendation to the town council through the land use administrator or town clerk. The town council may take final action on the proposal with or without additional public hearing(s); provided, that it may not hold any additional hearings on site specific rezones.

ii. Criteria. The town Council may adopt with modifications a proposal if it complies with the applicable decision criteria of the Carbonado Municipal

Code or the development code. In all other cases, the town Council shall recommend denial of the proposal.

iii. Limitation on Modification. If the town Council recommends a modification that has not been subject to public participation and an additional public hearing is required by Chapter 36.70A RCW, the town Council shall conduct a new public hearing on the proposal as modified or recommend that the town council hold another public hearing prior to adopting the modification. This subsection shall not apply to site specific rezones, where multiple hearings are prohibited by Chapter 36.70B RCW.

iv. Required Vote. A vote to recommend adoption of the proposal or adoption with modification must be by a majority vote of a quorum of the town Council members present and voting. Any other vote constitutes a recommendation of denial of the proposal.

b. Set Date for Public Hearing. The land use administrator shall schedule the required open record public hearing.

c. Participation in Hearing. Any person may participate in the open record public hearing by submitting written comments to the land use administrator prior to the hearing or by submitting written comments or making oral comments at the hearing.

d. Transmittal of File. The land use administrator shall transmit to the town Council all written comments received prior to the hearing and information reviewed by or relied upon by the land use administrator and/or the SEPA responsible official in making the recommendation to the town council. The file shall also include information verifying compliance with public notice requirements.

e. Hearing Record. The town Council shall create a complete record of the public hearing including all exhibits introduced at the hearing and an electronic sound recording of the hearing.

f. Criteria for Recommendation. The town Council in Process Type VI decisions shall recommend approval, or approval with modifications, for a project if the applicant has demonstrated the proposal complies with the applicable decision criteria of the Carbonado Municipal Code and all applicable development standards. The applicant carries the burden of proof and must demonstrate a preponderance of the evidence supports the conclusion that the application merits approval or approval with modifications. In all other cases, the town Council shall recommend denial of the application.

g. Conditions. The town Council may include conditions to ensure a proposal conforms to the relevant decision criteria.

h. Written Recommendation. The town Council shall issue a written recommendation that contains findings of facts upon which the recommendation, including any conditions, was based and the conclusions derived from those facts.

i. The public hearing for a site specific rezone shall be subject to CMC 14.15.130. The notice for all other public hearings for Type VI applications shall be published

on the town's website, a newspaper of general circulation within the town and mailed to the applicant if not the town within 15 calendar days of the hearing date.

j. Town Council Review and Decision.

i. Schedule for Public Hearing. The town clerk shall inquire of the town council whether it wishes to conduct a committee meeting, a study session, or, when not a site specific rezone, a public hearing on the proposal or whether it will consider the proposal as a regular agenda item. The town clerk shall schedule the hearing or meeting date for the proposal as directed by the town council.

ii. General. The town council shall consider each recommendation transmitted by the town Council and information gathered at any of its own hearings. If the council wishes to modify the proposal and the modification has not been subject to public participation, it shall hold another open record hearing if required by Chapter 36.70A RCW, or require the town Council to hold another open record hearing on the modification. This subsection shall not apply to site specific rezones, where multiple hearings are prohibited by Chapter 36.70B RCW.

k. Decision. The town council shall either:

i. Adopt the proposal; or

ii. Adopt the proposal with modifications; or

iii. Remand the proposal to the town Council for further review; or

iv. Deny the proposal.

l. Findings of Fact and Conclusions. The town council shall include findings of fact and conclusions derived from those facts, which support the decision of the council. The town council may adopt by reference some or all of the findings and conclusions of the town Council.

m. Required Vote. Since all Process VI proposals are adopted by ordinance, any approval of an ordinance requires a majority of the membership of the town council as required by RCW 35A.12.120.

n. Distribution. The town clerk shall mail a letter, bearing the postmark date, indicating the content of the final decision of the town to the applicant, the applicant's agent and any party of record on the application.

o. Effect of Decision. The decision of the town council on the application is the final decision of the town and may be appealed to the Growth Management Hearings Board.

6. Decision-Maker.

a. The town council is the decision-maker for Process Type VI actions.

b. The decision shall be mailed to the applicant (or agent of the applicant) and anyone who requested a copy of the decision in writing and provided a mailing address or who provided a written address during a public comment period or hearing for the application. The effective date of the decision shall be considered five days after publication of the adopting ordinance, unless otherwise specified by the ordinance. Since Process Type VI decisions are adopted by ordinance, the ordinance adoption process shall provide the notice and distribution necessary for issuance of a Process Type VI decision.

7. Administrative Appeal.

a. There is no administrative appeal of Process Type VI actions.

8. Judicial Appeal.

Effect of Town Council Action. Any party may appeal the action of the town council on a Process Type VI proposal together with any SEPA threshold determination by filing a petition with the Growth Management Hearings Board or superior court, as dictated by applicable state law.

**14.15.060 General – Consolidated review.**

The applicant may elect to have all permits, except Process I permits and final subdivisions, for a project considered concurrently. The review process for land use permits for the same site with different process types will follow the higher process decision type.

**14.15.070 General – Preapplication meeting requirement.**

The preapplication meeting is a meeting scheduled by the land use administrator with a potential applicant for a land use permit to discuss the application submittal requirements and pertinent fees. A preapplication meeting is recommended for Process Type IV, V and VI permits and suggested for Process Type III permits. Other attendees to the preapplication meeting might include representatives from the town electric and water utilities, the storm water compliance officer and any land use administrator. A preapplication meeting does not vest the project to the requirement identified at the preapplication meeting.

**14.15.090 General – Neighborhood public meeting requirements.**

Where required or elected in the process type a neighborhood public meeting shall be conducted. The land use administrator shall schedule public meetings as early in the review process as possible. The land use administrator shall publish notice of the public meeting in the same manner as the notice of the public hearing. The land use administrator will combine the public meeting notice and the notice of application whenever possible.

**14.15.100 General – Town procedure – Timelines.**

A. A final decision on Process Type I and II should be issued within 120 days of the filing of a complete application.

B. Process Types III through V and site specific rezone decisions, critical area decisions (Title 16 CMC) and boundary line adjustments (Chapter 17.45 CMC) must be issued within 120 days of the issuance of a notice of complete application, as governed by CMC 14.15.110(A); provided, that subdivisions and short subdivisions (including final subdivisions and short subdivisions) shall be subject to the deadlines imposed by Chapter 58.17 RCW, to the extent required by state law.

C. Clock Operation.

1. Start Date. The 120-day clock shall start upon the issuance of a notice of complete application for projects governed by subsection B of this section and upon the filing of a complete application for projects governed by subsection A of this section and will be suspended whenever a letter requesting revisions or information is issued.

2. A project clock shall restart upon application revisions being submitted to the town through its permits counter. These revisions must be submitted for all of the items of requested revision or information in the letter. If such a letter is issued by the town and a partial revision is submitted by the applicant, the clock shall not restart.

3. The number of revision cycles affects the time spent on a project. The town assumes that projects will take no more than two revision cycles. The limitation of the 120-day clock is intended to be supportive of those applicants who are striving in good faith to meet town requirements. The 120-day clock limit will be extended by 40 days for each cycle of revision for any application which exceeds two cycles of revisions.

4. End Date. The 120-day clock is intended to measure the time spent by the town from the start date to approval date. The approval date is inclusive of any approval hearings conducted by the town, but appeals are not included.

5. To the extent allowed by RCW 36.70B.080(1), the town may extend the 120-day clock for specific applications by making written findings that a specified amount of additional time is necessary.

6. The town council finds that more than 120 days is necessary to review master plan applications due to their high complexity, large scale and intensive impacts. For these reasons, master plan applications involving more than 30 acres shall be subject to a 180-day review period instead of 120 days.

D. Inactive Applications. If an applicant fails to submit information identified in the notice of incomplete application or subsequent revision requests within 120 days from the land use administrator's mailing date, the application shall be deemed withdrawn. Once an application is withdrawn, the land use administrator may require a new application and/or fees to reactivate the file. The land use administrator may grant extensions to the withdrawal deadline if a written request demonstrating good cause is filed with the land use administrator prior to the withdrawal date.

**14.15.110 General – Computation of 120-day clock.**

A. Notice of Complete or Incomplete Application. The following applies to all Process Types III through V applications, boundary line adjustments (Chapter 17.45 CMC), site specific rezones and critical areas decisions (Chapter 14.80 CMC):

1. Within 28 calendar days after the date the development permit application was filed, the land use administrator shall send written notice by post to the applicant containing either of a:

a. Notice of complete application; or

b. Notice of incomplete application and a list of the information necessary to make the application complete.

2. The application will become legally complete if the land use administrator does not provide the applicant a notice of incomplete application within 28 days from the date the development permit application was filed.

3. The land use administrator may request additional information to supplement an incomplete application. The applicant has 120 calendar days from the postmarked date of the director's request to provide the requested information. Within 14 calendar days after an applicant has submitted the requested additional information, the director shall notify the applicant stating whether or not the additional information adequately responds to the notice of incomplete application. If the information is sufficient, the director will issue a notice of complete application. If the information is insufficient to meet the application requirements, the director will request further submittals.

B. Computation of Time.

1. The town should issue a final decision on all permit applications within 120 days of notice of complete application or the filing of a complete application, as specified by CMC 14.15.100(A) and (B). The following time periods shall be exempt from the 120-day time period requirement:

a. Any period during which the applicant has been requested by the land use administrator to correct plans, perform required studies, or provide additional required information due to the applicant's misrepresentation or inaccurate or insufficient information;

b. Any period during which an environmental impact statement is being prepared;

c. Any period for administrative appeals of land use permits, or as suspended by any decision-making forum of competent jurisdiction;

d. Any extension of time mutually agreed upon in writing between the applicant and the land use administrator.

2. The 120-day time period shall not apply in the following situations:



a. If the permit requires approval of a new fully contained community as provided in RCW 36.70A.350, master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200.

b. If, at the applicant's request, there are substantial revisions to the project proposal, in which case the time period shall start from the date on which the land use administrator issues a notice of complete application for the revised project application.

3. Time Computations. All time periods, unless otherwise specifically stated, shall refer to calendar days. All dates are counted from the date submitted to the postmarked date of the response.

**14.15.120 General – Notice of application procedures.**

When a notice of application is required, it shall be distributed as follows:

A. The land use administrator shall mail notice of the application to the applicant, the applicant's agent (if any) and owners of real property within 500 feet of the project site.

B. The land use administrator shall mail notice to each person who has requested such notice and paid any fee as established by the land use administrator. When requested by the recipient, the town may provide notice via electronic mail as an alternative to mailing a physical notice to each such person.

C. The land use administrator shall publish public notice of the application in a newspaper of general circulation within the town 15 days after the notice of complete application.

D. The land use administrator shall post a sign or placard on the site or in a location immediately adjacent to the site that provides visibility to motorists using adjacent streets. The land use administrator shall establish standards for size, color, layout, design, wording, placement, and timing of installation and removal of the signs or placards.

E. The land use administrator shall post notification on the community bulletin board and on the community website and one other place in the town limits.

F. The minimum comment period after the publication of the notice of application and before the land use administrator's decision shall be no less than 15 days, except for SEPA determinations, which are regulated by Chapter 18.12 CMC.

G. A notice of application shall be published, mailed and posted no later than 15 days after the notice of complete application.

**14.15.130 General – Open record hearing procedures.**

A. Notice of Hearing. The notice required for a notice of application, CMC 14.15.120, shall also apply to notices of public hearing; provided, that notice shall be published, mailed and posted at least 15 calendar days prior to the date of the hearing.

B. Participation in Hearing. Any person may participate in the open public hearing by submitting written comments to the land use administrator prior to the hearing or by submitting written comments or making oral comments at the hearing.

C. Transmittal of File. The land use administrator shall transmit all written comments received prior to the hearing and information reviewed or relied upon by the land use administrator and/or the SEPA responsible official in making the recommendation to the hearing examiner, town Council or town council. The file shall also include information verifying compliance with public notice requirements.

D. Hearing Record. The hearing examiner, town Council or town council shall create a complete record of the public hearing including all exhibits introduced at the hearing and an electronic sound recording of each hearing.

**14.15.140 General – Closed record hearing procedures.**

A. Elements for Consideration. The presiding officer or body conducting a closed record hearing shall not accept new information, written or oral, on the application, unless authorized by Chapter 36.70B RCW, but shall consider the following in deciding upon an application:

1. The complete record developed before the hearing examiner including all testimony; and
2. The recommendation of the hearing examiner.

**14.15.150 General – Administrative appeal procedure.**

A. Time Limit for Filing an Appeal.

1. Parties wishing to file appeals from decisions or rulings must do so within 14 days of the date of issuance of the decision. A decision shall be deemed issued three business days after mailing. If the decision is personally delivered or picked up at Town Hall, the date of issuance shall be the date of receipt.
2. If the last day for filing an appeal falls on a weekend day or a holiday, the last day for filing shall be the next working day.

B. Who May Appeal Administrative Decisions. The project applicant or agent or any party of record may appeal the decision. For Type II decisions, the only parties of record are the applicant and the town.

C. Form of Administrative Appeal.

1. A person filing an administrative appeal to the land use administrator's decision or hearing examiner must file a written statement setting forth:

- a. Facts demonstrating that the person is adversely affected by the decision;
- b. A concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria or an identification of specific errors in fact or conclusion;
- c. The specific relief requested; and
- d. Any other information reasonably necessary to make a decision on the appeal.

2. The appeal must include the written statement and an appeal notification form available from the office of the town clerk. The appellant must pay any appeal fee.

D. Upon receiving notice of appeal, the land use administrator shall forthwith transmit to the hearing examiner or the town council all of the records pertaining to the decision being appealed.

E. Notice of Administrative Appeal Hearings.

1. Notified Parties. If a party files an administrative appeal, the land use administrator or town clerk shall set a public hearing before the town hearing examiner or town council.

2. Content of Notice. The town clerk shall prepare a notice of an appeal hearing containing the following:

- a. The name of the appellant, and if applicable the project name; and
- b. The street address of the subject property, and a description in nonlegal terms sufficient to identify its location; and
- c. A brief description of the decision being appealed; and
- d. The date, time and place of the appeal hearing before the town council.

3. Time and Provision of Notice. The town clerk shall mail notice of the appeal hearing no less than 15 days prior to the appeal hearing to each person entitled to participate in the appeal pursuant to this section.

4. Merged Process Types. If the application includes a merger of different process type decisions, the town will consolidate the public hearing on the appeals and follow the more restrictive provisions. The town will issue a single public hearing notice for the consolidated appeals.

5. The hearing examiner or town council shall conduct an open record hearing on an appeal of a decision. The appellant, the applicant, and the town shall be designated parties to the appeal. Each party may participate in the appeal hearing by presenting testimony or calling witnesses to present testimony. Interested persons, groups, associations, or other entities who have not appealed may participate only if called by one of the parties to present information; provided,

that the hearing examiner or town council may allow nonparties to present relevant testimony if allowed under the hearing examiner's rules of procedure.

6. Hearing Examiner Decision or Town Council on Administrative Appeals. Within 10 working days after the close of the record for the appeal, the hearing examiner or town council shall issue a decision to grant, grant with modifications, or deny the appeal. The decision shall be based upon findings of fact and conclusions of law. The town clerk shall mail the appeal to the appellant, applicant and any other parties of record to the appeal.

**14.15.154 Commencement of activity.**

The applicant may commence activity or obtain other required approvals authorized by a project decision the day following the effective date of the decision or ordinance approving the project or approving it with modifications. Activity commenced prior to the expiration of the full appeal period is at the sole risk of the applicant.

**14.15.155 Deadline for hearing examiner decisions and recommendations.**

The final land use decision or recommendation of the hearing examiner shall be issued within 10 working days of the close of the record as required by state law.

**14.15.160 General – Limitations on refiling an application.**

A. Limitations on Refiling of Application. The town will not accept permit applications for a specific site if the town previously denied a substantially similar permit on the site. A permit application shall be considered substantially similar if:

1. The proposed application and site plan (i.e., building layout, lot configuration, dimensions) are the same, or substantially the same, as the town considered and denied in the earlier decision and relevant circumstances or code provisions have not materially changed since denial; or
2. In the case of a variance or deviation from standard, if the special circumstances which the applicant alleges as a basis for the request are the same, or substantially the same, as those the town considered and denied in the earlier decision. In every instance, the applicant bears the burden of proving that an application is not similar.

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## CHAPTER 14.20 APPLICATION REQUIREMENTS

### Sections:

- 14.20.010 Purpose and scope.**
- 14.20.020 Requirements of applications.**
- 14.20.030 Application requirements.**
- 14.20.040 Required information for all civil plan sets.**
- 14.20.050 Required information for final land use permits.**
- 14.20.060 Modification to applications.**

(Ord. 429, Exhibit F, 2015)

### **14.20.010 Purpose and scope.**

The purpose of this chapter is to provide general application requirements for land use permits. The regulations identified in this section apply to the land use permits identified in Table 14.20.030D. The application requirements described herein do not replace but instead complement the unique or specific requirements noted in individual permit procedures in CMC Titles 12 through 18. In case of any conflicts between this chapter and CMC Titles 12 through 18, the more specific or restrictive requirement shall apply, unless superseded by state law. CMC Title 15 requirements shall supersede conflicting requirements in this chapter. The applicant for a land use permit requested under this title shall have the burden of proving that a proposal is consistent with the criteria for such application.

### **14.20.020 Requirements of applications.**

- A. The director or land use administrator responsible for staff review of a permit application may prepare and/or prescribe the form in which land use applications are made.
- B. The applicant is responsible for providing complete and accurate information on all forms as specified in Table 14.20.030D.
- C. The town staff shall not commence review of any application set forth in this chapter until the applicant has submitted all of the materials and fees specified for complete applications.
- D. The land use administrator may add to any of the specific submittal requirements required by this chapter to the extent necessary to assess consistency with applicable permitting criteria, or waive any required information to the extent the information is unnecessary to assess consistency.

### **14.20.030 Application requirements.**

- A. An engineer licensed in the state of Washington or a professional surveyor must prepare and stamp all site plans or plat maps and associated plans or studies.
- B. When more than one plan sheet is required, the application must include an index sheet of the same size, showing the entire project, with the sheets lettered in alphabetical order as a key.

C. The applicant shall attest by written oath to the accuracy of all information submitted for an application.

D. Applications shall include the following as relevant to the proposed project, or as specified by the land use administrator:

- Application Narrative with Notarized Owner and Agent Signatures
- Pre-application Meeting Summary
- Proof of Ownership (Deed or Contract to Purchase)
- Plat Certificate or Title Report (Updated within 60 days)
- Legal Description (including Tax Parcel Numbers)
- State Environmental Policy Act (SEPA) Checklist
- Existing Covenants
- Survey
- Certificate of Power Availability
- Certificate of Water Availability
- Certificate of Sewer Availability
- Noticing Labels (Sets)
- Information on Surrounding Area
- Site Specific Critical Area Maps and Delineation Reports
- Prior Decisions/Permits Relevant to This Application
- Proposed Site Plan or Subdivision Map
- Lot Closure Calculations (Existing and Proposed Lots)
- Proposed Storm Water Plan
- Civil Engineering - Roads, Grading and Utilities
- Civil Engineering - TESC
- Transportation Impact Analysis
- Proposed Lighting Plan
- Proposed Landscaping Plan
- Final Site Plan or Plat Map Sets
- Proposed Covenants for Maintenance
- Installation and Maintenance Agreements with Sureties
- Mylar for Recording Approved Project
- Additional Information Requested by Town
- Payment of All Applicable Fees

**14.20.040 Required information for all civil plan sets.**

For civil engineering plans required by Table 14.20.030D, the applicant must submit copies of the civil plans to the land use administrator on 18-inch by 24-inch paper or other prior approved paper size. Each plan set must demonstrate, as applicable, the following information:

- A. Civil utilities plan per the development guidelines and public works standards;
- B. Grading plan for any project proposing a finished grade change greater than 24 inches from existing grade;

- C. Final landscape plan;
- D. Existing and proposed lighting plans;
- E. Location and log of soil test holes;
- F. Location of existing structures, utilities, watercourse, drainage ditches, culverts and streets;
- G. Location and material description of all proposed connections to utility systems including sanitary sewers, storm facilities, water, electric, gas, cable television, fiber optic conduits, telephone lines and solid waste;
- H. Location, structural calculations and details of existing and proposed walls and fences;
- I. Storm water drainage and TESC plan (Chapter 13.36 CMC);
- J. Street and access drive section plan and turning radii per the public works development standards; and
- K. Fire access turn-around section and details per the public works development standards.

**14.20.050 Required information for final land use permits.**

When civil engineering plans are required by Table 14.20.030D, the applicant must submit the following information, as required by Table 14.20.030D on a reproducible set to the land use administrator:

- A. Certification by a licensed civil engineer or land surveyor that a survey has been made and that monuments and stakes have been set. The survey must include:
  - 1. The legal description of the plat or plan boundary and all new lots;
  - 2. Primary control points such as street lines or official monuments as approved by the director of public works or designee and to which all dimensions, angles, bearings, and similar data on the plat or plan set shall be referred;
  - 3. The true courses and distances from the control points on the plat or plan set to municipal, township, county or section lines and monuments;
  - 4. The location and description of all monuments;
  - 5. Sufficient data to determine readily and reproduce on the ground the location, length and bearing or curvature of every boundary line, right-of-way line, easement line, and property line and including all curve data for curved lines;



6. All dimensions to the nearest one-tenth of a foot and angles to the nearest second;

7. Tract boundary lines; right-of-way lines of streets, roads, alleys, easements and other rights-of-way; property lines of residential lots, areas or reservations to be dedicated for public use, and areas to be reserved for any other use with notes stating the purpose of the areas and all limitations thereon. All lots shall be numbered in sequence; and

8. Easements for privately owned utilities shall be shown by note on the plat or plan set. Any easements or restriction affecting the property with a description of purpose and referenced by the auditor's file number and/or recording number.

B. Certification showing that applicant is the landowner and dedicates streets, rights-of-way and any sites for public use, and acknowledgment by a notary public as to the validity of the foregoing certification. Any lands to be dedicated to the town shall be confirmed as being owned in fee title by the owner(s) signing the dedication certificate. Additionally, if lands are to be dedicated to the town as part of the proposal, a title policy may be required by the public works director.

C. Certification by the town that the applicant has complied with one of the following:

1. All improvements have been installed in accordance with the requirements of this title; or

2. A security bond or assignment of funds has been posted by the applicant in sufficient amount to ensure such completion of all improvements; or

3. A contract has been signed by a contractor and the applicant in which the contractor has agreed to install the required improvements and has furnished a performance bond to the town ensuring that the required improvements shall be installed; or

4. A combination of any of these methods.

D. Certification by the land use administrator that all of the SEPA mitigation measures requiring performance prior to final approval have been completed.

E. Full engineering and details for construction of connections to utility systems, including sanitary sewers, storm facilities, water, electric, gas, cable television, fiber optic conduits, telephone lines, solid waste, and lighting.

F. For site plan approvals (Chapter 14.25 CMC) and conditional use permits (Chapter 14.30 CMC), include the location, typical floor plans and building elevations, floor area size and building envelopes of all existing and proposed buildings, structures and other improvements, including maximum heights, types of dwelling units, typical lot landscaping plans, density per type and nonresidential structures including commercial facilities.

G. The location, dimension and area (in acres or square feet) of all tracts or parcels to be conveyed, dedicated or reserved as common, usable, conservation, buffer, or constrained open spaces, public parks, recreational areas, school sites and similar public and semipublic uses.

H. The existing and proposed pedestrian and bike circulation system, including its interrelationships with the vehicular circulation system, consistency with the town's comprehensive plan and indicating proposed solutions to points of conflict.

I. Final landscape and irrigation plan indicating the treatment of materials used for private and common, usable, or conservation open space and buffers including a planting schedule.

J. For the final plans of site plans, submit a proposed comprehensive sign plan encouraging the integration of signs into the framework of the building or buildings on the property should be included with the final PUD, master plan or site plan application.

K. Provisions for maintenance of all open spaces or common property, landscaping, sidewalks, critical areas buffers, recreation facilities, service areas, walls, signage and fencing, including conditions whereby the town may enforce any provisions or requirements needed to ensure the meeting of plat objectives. These provisions may include proposed private restrictive covenants, or may come in the form of maintenance agreements attached to the title of all affected properties, easements for the public, the town and utility providers and appropriate maintenance securities. Covenants must be recorded and filed separately with the county auditor. The auditor's recording number shall be shown on the recorded final plat or plan set.

L. Certification by the county treasurer that all taxes on property included in the proposed plat or development and dedications have been paid.

M. Certification by the county assessor that all assessments against property included in the proposed development have been paid.

#### **14.20.060 Modification to applications.**

The town will treat proposed modifications to a complete application (CMC 14.20.020 (C)) prior to final approval, as follows:

A. Modifications proposed by the land use administrator will not result in the requirement to file a new application.

B. If the applicant proposes modifications to an application and the land use administrator determines said modifications would result in a substantial increase in a project's impacts, the director may require the applicant to submit a new application. The new application must conform to the requirements of CMC Titles 12 through 18 in effect at the time of the most recent submittal.

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## CHAPTER 14.25 SITE PLAN APPROVAL

### Sections.

- 14.25.010 Purpose.**
- 14.25.020 Site plan approval required.**
- 14.25.030 Application requirements.**
- 14.25.040 Permit decision and appeal processes.**
- 14.25.050 Site plan review and approval criteria.**
- 14.25.060 Permit revisions and modifications.**
- 14.25.070 Time limits.**

(Ord. 429, Exhibit F, 2015)

### **14.25.010 Purpose.**

The purpose of site plan approval is to ensure compatibility between new developments, existing uses and future development in a manner consistent with the goals and policies of the comprehensive plan, in order to create safe and healthful conditions, and to protect critical areas. Site plan approval is required in order to promote developments which are harmonious with their surroundings; to maintain a high quality of life for area residents; to ensure that new developments are planned and designed to protect privacy; to determine appropriate lighting and noise mitigation measures; and to ensure adequate and safe access. A site plan may be approved for a single parcel of land or in conjunction with a subdivision or binding site plan.

### **14.25.020 Site plan approval required.**

A. No site plan approval is required for:

1. Any form of subdivision approval or amendment;
2. Any single-family home or duplex;
3. Any mobile or manufactured home.

B. Minor site plan approval is required for the following:

1. Multifamily residential developments creating up to five dwelling units on a single parcel of land;
2. New nonresidential construction of up to 2,000 square feet;
3. Additions of up to 5,000 square feet in impervious surface.

C. Major site plan approval is required for the following:

1. Multifamily residential developments creating more than five dwelling units;
2. New nonresidential construction of over 2,000 square feet;

3. Additions of over 5,000 square feet in impervious surface;
4. Mixed use developments;
5. Any type of development that is not classified as a “minor” site plan;
6. Any project for which the city’s SEPA responsible official determines that site plan approval is appropriate or necessary.

D. Applicants seeking exemption to subdivision review by subjecting projects to Chapters 64.32 and 64.34 RCW as authorized by CMC 17.50 shall acquire binding site plan review by meeting the requirements of this chapter. Single-family residential developments with five units or less shall be classified as a minor site plan and those with more than five dwelling units shall be classified as major site plans. The approved site plan shall contain the statements required by CMC 17.05. The site plan shall be recorded.

E. No person shall commence any use or erect any structure without first obtaining the approval of a site plan as set forth in this chapter, and no use shall be established, no structure erected or enlarged, and no other grading, improvement or construction undertaken except as shown on an approved site plan which is in compliance with the requirements set forth in this chapter.

**14.25.030 Application requirements.**

An application for a site plan approval permit shall include all of the information required in Chapter 14.20 CMC (Application Requirements).

**14.25.040 Permit decision and appeal processes.**

A. The director of planning and community development shall decide on minor site plan reviews. The review shall be in accordance with Process Type III (Chapter 14.15 CMC, Permit Decision and Appeal Processes).

B. The hearing examiner shall decide on applications for major site plan review. The review shall be in accordance with Process Type IV of Chapter 14.15 CMC (Permit Decision and Appeal Processes).

**14.25.050 Site plan review and approval criteria.**

A. The hearing examiner or the director shall review and approve, approve with conditions, or disapprove the site plans for all proposed new developments or structures where site plan approval is required.

B. The hearing examiner or the director shall make the following findings:

1. The site is of adequate size to accommodate the proposed use, including, but not limited to, parking, traffic circulation, and buffers from adjacent properties, if needed; and

2. All external illumination is designed to face inward, so that impact to adjacent properties is minimized to the greatest extent practicable; and
3. Parking areas are designed to assure that headlight glare from internal traffic does not affect motorists on adjoining streets; and
4. On-site drainage is designed to assure that post-construction drainage has no greater impact on downstream properties than preconstruction drainage; and
5. There is adequate sight distance at each proposed point of access to the site to assure traffic safety; and
6. If the site abuts an existing residential use, a solid visual and noise barrier composed of fencing and landscaping will be in place prior to occupancy; and
7. The site plan is consistent with the policies set forth in the state's Growth Management Act; and
8. The site plan is consistent with the city's comprehensive plan; and
9. The site plan complies with all applicable city development regulations including, but not limited to, all regulations found in CMC Titles 12, 13, 16, 17 and 18.

**14.25.060 Permit revisions and modifications.**

Revisions to an approved site plan shall follow the procedure as set forth in Chapter 14.60 CMC (Permit Revision and Modification).

**14.25.070 Time limits.**

- A. The site plan approval process is intended to run concurrently with any other required city approval, such as a conditional use permit or a building permit.
- B. Site plan approval expires in one year from the date of approval, unless a building permit has been issued for one of the principal structures, in which case the expiration shall be tolled commencing from the issuance date of all building permits issued for principal structures; provided, that permits for all principal structures shall be issued within five years of site plan approval. Upon written request and payment of a new application fee, the planning and community development director may grant one-year extensions to an approved site plan for good cause. An extension shall not be granted if an amendment to the official zoning map or to any other section of this chapter renders the proposed use of the site to be nonconforming.
- C. Site plan approval is intended to run with the land. The change in use from one permitted use to another, or any change in ownership or tenancy, shall not require the issuance of a new site plan approval provided there are no changes in the impervious surface or traffic pattern from the existing to the new use and the change in use does not exceed the parking required for the site plan at the time of vesting.

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## CHAPTER 14.30 CONDITIONAL USE PERMITS

### Sections:

- 14.30.010** Conditional uses authorized.
- 14.30.015** Purpose.
- 14.30.020** Application requirements.
- 14.30.030** Permit decision and appeal processes.
- 14.30.040** Conditional use permit review and approval criteria.
- 14.30.050** Expiration.
- 14.30.060** Permit revisions and modifications.
- 14.30.070** Revocation.

(Ord. 429, Exhibit F, 2015)

### **14.30.010** Conditional uses authorized.

The hearing examiner may grant conditional use permits for such conditional uses as are authorized by this code.

### **14.30.015** Purpose.

A. The purpose of a conditional use permit shall be:

1. To assure by means of special controls that the compatibility between uses and the purposes of the code shall be maintained with respect to the particular use on the particular site, and in consideration of other existing and potential uses within the general area in which such use is proposed to be located; and
2. To impose controls that will reasonably assure that nuisance or hazard to life or property will not develop, due to noise, smoke, dust, fumes, vibration, odors, traffic hazards, mining hazards, or other factors.

B. The hearing examiner shall impose conditions upon approval to the extent necessary to comply with the criteria for approval.

### **14.30.020** Application requirements.

An application for a conditional use permit shall include all of the information required in Chapter 14.20 CMC (Application Requirements).

### **14.30.030** Permit decision and appeal processes.

The hearing examiner shall decide on applications for conditional use permits. The review shall be in accordance with Process Type IV (Chapter 14.15 CMC, Permit Decision and Appeal Processes).

### **14.30.040** Conditional use permit review and approval criteria.



The hearing examiner shall review conditional use permits in accordance with the provisions of this chapter and may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit.

A. Required Findings. The hearing examiner may use this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record:

1. That the granting of the proposed conditional use is:
  - a. Consistent with the town's comprehensive plan;
  - b. Consistent with the policies set forth in the state's Growth Management Act; and
  - c. Consistent with the level of service standards for public facilities and services in accordance with concurrency management requirements.
2. That the granting of the proposed conditional use permit will not:
  - a. Be detrimental to the public health, safety, and general welfare;
  - b. Would not be consistent with design criteria and standards;
  - c. Adversely affect the established character and planned character of the surrounding vicinity;
  - d. Be injurious to the uses, planned uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located; and
  - e. Introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties.
3. That all conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.

B. Decision. The hearing examiner may approve an application for a conditional use permit, approve with conditions, require modification of the proposal to comply with specified requirements, or deny the application.

**14.30.050 Expiration.**

Any conditional use permit shall become null and void five years from the date of granting or approval, if not exercised within that period.

**14.30.060 Permit revisions and modifications.**

Revisions to an approved conditional use permit shall follow the procedure as set forth in Chapter 14.60 CMC (Permit Revision and Modification).

**14.30.070 Revocation.**

After a public hearing held in the manner prescribed for granting conditional use permits, the hearing examiner may revoke or modify any conditional use permit on the grounds that the permit is being exercised contrary to the terms or conditions of the approval.

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## CHAPTER 14.40 VARIANCES

### Sections:

- 14.40.010 Purpose.**
- 14.40.020 Application requirements.**
- 14.40.030 Decision and appeal process.**
- 14.40.040 Review and approval criteria.**
- 14.40.045 Reasonable use permit.**
- 14.40.050 Conditions authorized.**
- 14.40.060 Expiration.**
- 14.40.070 Revocation.**
- 14.40.080 Permit revisions and modifications.**

(Ord. 429, Exhibit F, 2015)

### **14.40.010 Purpose.**

The purpose of this chapter is to establish a process for reviewing and approving variances from the requirements of Title 18 Zoning, except for Chapter 18.20 CMC, Table of Uses, and procedural requirements.

### **14.40.020 Application requirements.**

The applicant shall provide application materials as required in Chapter 14.20 CMC (Application Requirements.)

### **14.40.030 Decision and appeal process.**

The hearing examiner shall decide on applications for variances from the municipal code in accordance with Process Type IV of Chapter 14.15 CMC (Permit Decision and Appeal Processes).

### **14.40.040 Review and approval criteria.**

The hearing examiner shall have the authority to grant a variance from the bulk and dimensional provisions of Title 18 Zoning, when the variance is consistent with the general purpose and intent of this zoning code and all the following conditions have been found to exist:

- A. That there are special circumstances applicable to the subject property, or to the intended use, such as shape, topography, location, or surroundings, that do not apply generally to the other property or class of use in the same vicinity and zone. Special circumstances should not be predicated upon any factor personal to the owners or the ability to make more profitable use of the property.
- B. That the variance is necessary for the preservation and enjoyment of a substantial property right or use, possessed by other property in the same vicinity and zone, but when because of special circumstances is denied to the property in question.

C. That the granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the vicinity and zone in which the subject property is located.

D. That the granting of the variance is consistent with the comprehensive plan.

E. No variances to use standards are allowed. Variances shall be limited to bulk and dimensional standards.

F. The variance requested is not borne from actions of the applicant, property owner, or agents of the applicant or property owner.

**14.40.045 Reasonable use permit.**

A. The hearing examiner shall decide on applications for reasonable use exceptions in accordance with Process Type IV of Chapter 14.15 CMC. In addition to the procedures identified in Chapter 14.15 CMC under a Process Type IV, a neighborhood meeting shall be held prior to approval. When strict or literal application of this title denies all reasonable economic use to the property and a variance would not provide sufficient relief, the hearing examiner, after conducting a hearing, shall have the authority to issue an exception from said regulation when the following conditions have been found to exist:

1. The application of this title would deny all reasonable use of the property;
2. There is no other reasonable use which would result in less adverse significant environmental impacts;
3. The proposed development does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this title and the public interest, and does not conflict with the Endangered Species Act or other relevant state or federal laws; and
4. Any waivers of this title's regulations shall be the minimum necessary to allow for reasonable use of the property.
5. Regulatory waivers under this reasonable use exception shall be limited to bulk and dimensional requirements. If the only way to comply with these reasonable use criteria is by modification to use restrictions, the examiner shall note this in his or her decision and the applicant may then apply for a rezone to seek relief; provided, that nothing in this section shall be construed as altering the requirements for qualifying for a rezone.

B. Any authorized waivers of development regulations under this section shall be subject to conditions established by the examiner including, but not limited to, mitigation in an approved mitigation plan.

**14.40.050 Conditions authorized.**

When granting a variance, the hearing examiner shall have the power to attach specific conditions to the variance as necessary to satisfy the criteria for approval.

**14.40.060 Expiration.**

Any variance shall become null and void five years from the date of granting or approval, if not exercised within that period.

**14.40.070 Revocation.**

After a public hearing held in the manner prescribed for the granting of variances, the hearing examiner may revoke or modify any variance on any of the following grounds:

- A. That the approval was obtained by fraud;
- B. That the variance is being exercised contrary to the terms or conditions of the approval.

**14.40.080 Permit revisions and modifications.**

Revisions to an approved variance shall follow the procedure as set forth in Chapter 14.60 CMC (Permit Revision and Modification).

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## CHAPTER 14.45 NEWLY ANNEXED PROPERTY

### Sections:

**14.45.010 Zoning.**

**14.45.020 Request for change of zone before annexation.**

**(Ord. 429, Exhibit F, 2015)**

**14.45.010 Zoning.**

Any and all new property annexed to the town shall be zoned in accordance with the designation shown in the town's comprehensive plan, or in accordance with any joint agreement reached with Pierce County.

**14.45.020 Request for change of zone before annexation.**

A. Any owner of property being considered by the town council for annexation may request a change of zone before annexation and will be considered without payment of fee according to the procedures in Chapter 14.85 MMC. The decision of the town council following this procedure will then determine the zoning of the annexed property.

B. The town council shall not approve any change of zoning unless it shall find that such change conforms to the comprehensive plan.



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## CHAPTER 14.50 CONCURRENCY

### Sections:

**14.50.010 Purpose.**

**14.50.020 Exemptions.**

**14.50.030 Concurrency procedures.**

**14.50.040 Check for adequacy.**

**14.50.050 Approval or denial of permits.**

**14.50.060 Concurrency test may be requested without an application.**

(Ord. 429, Exhibit F, 2015, Recodified from 14.30)

### **14.50.010 Purpose.**

The purpose of this section is to ensure that the public facilities and services owned, operated, or provided by the town of Carbonado and public facilities and services owned, operated by other governments, special districts and applicable organizations within the town of Carbonado are provided simultaneous to or within a reasonable time after development occurs. (Ord. 268 § 3(Ch. 8(8.1)), 1997)

### **14.50.020 Exemptions.**

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

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

1. Additions, accessory structures, or interior renovations to or replacement of a residence which do not result in a change in use or increase in the number of dwelling units or residential equivalents;
2. Additions to or replacement of a nonresidential structure which do not result in a change in use, expansion in use, or otherwise increase demand in public facilities as defined above;
3. Demolitions.

B. Permits. The following permits are exempt from the test for concurrency:

1. Boundary line adjustments;
2. Temporary use permits;
3. Variances;
4. Other permits as determined by the town.

C. SEPA. Applications exempt from the test for concurrency are not necessarily exempt from SEPA. (Ord. 268 § 3(Ch. 8(8.2)), 1997)

**14.50.030 Concurrency procedures.**

A. Concurrency Review Procedures. The test for concurrency shall be performed in the processing of discretionary land use permits and building permits, through a concurrency review process established by the individual service providers.

1. The concurrency review process shall be completed prior to the issuance of a building permit.
2. The concurrency review process shall include review of phased projects.
3. The concurrency review process established by the individual service providers shall be specified in written policy, and shall be available for town distribution.

B. Test for Concurrency – Roles.

1. The town clerk-treasurer shall provide the overall coordination of the test for concurrency by:
  - a. Notifying the service providers of all applications requiring a test for concurrency;
  - b. Notifying the service providers of all exempted development applications which use capacity;
  - c. Notifying the service providers of expired development permits or other actions resulting in a release of capacity reserved through a certificate of capacity.
2. Service providers as defined in subsection (2)(a) of this section shall:
  - a. Be responsible for conducting the test for concurrency for their individual public facilities, for all applications requiring a test for concurrency;
  - b. Reserve the capacity needed for each application;
  - c. Account for the capacity for each exempted application which uses capacity;
  - d. Adjust capacity to reflect the release of reserved capacity as notified by the town;
  - e. Annually report the capacity of their public facilities to the town. The annual report shall include an analysis of the comprehensive plan infrastructure priorities in accordance with the six-year capital facilities plan; and
  - f. Have the authority to charge applicable fees to recover the costs of concurrency testing and monitoring their concurrency systems.

C. Capacity. For sanitary sewer, surface water management, and domestic water supply, only available capacity shall be used in conducting the test for concurrency. For streets, parks, and schools, available and planned capacity may be used in conducting the test for concurrency.

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

1. A certificate of capacity will be issued upon payment of any fee, performance of any condition, or other assurances required by the service provider.
2. A certificate of capacity shall apply only to the specific land use types, densities, intensities, and development project described in the certificate.
3. A certificate of capacity is not transferable to other land, but may be transferred to new owners of the subject land along with any conditions imposed by the town in the permit or approval documents.
4. A certificate of capacity shall expire if the accompanying permit expires or is revoked. The expiration date of the certificate of capacity may be extended according to the same terms and conditions as the accompanying permit. If the permit is granted an extension, so shall the certificate of capacity. If the accompanying permit does not include an expiration date, the certificate of capacity shall expire two years from the date of issuance. Expiration dates shall be included in the certificate of capacity.

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

1. The scope of the project may be reduced to the level equal to that which would absorb the available capacity;
2. The phasing of the project may be modified to accommodate planned capacity improvements;
3. The capacity shortfall may be mitigated as part of the project; or
4. The results of the test for concurrency may be appealed in accordance with the provisions of Chapter 18.35 CMC. (Ord. 268 § 3(Ch. 8(8.3)), 1997)

#### **14.50.040 Check for adequacy.**

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

A. The town shall:

1. Provide the affected service providers a report on all permit applications occurring within the past year;
2. Provide population growth figures to the service providers;
3. Maintain a cumulative record of all checks for adequacy.

B. Service providers shall provide annual reports on checks for adequacy to the town. (Ord. 268 § 3(Ch. 8(8.4)), 1997)

**14.50.050 Approval or denial of permits.**

A. Approvals. Permits which would not result in a reduction of an adopted level of service standard for a public facility or service may be approved as long as other provisions of the zoning and subdivision codes are met.

B. Denials. Permits which would result in a reduction of an adopted level of service standard for a public facility or service are subject to denial. (Ord. 268 § 3(Ch. 8(8.5)), 1997)

**14.50.060 Concurrency test may be requested without an application.**

A test for concurrency may be requested without an accompanying permit application. Any available capacity found at the time of the test cannot be reserved and no certificate of concurrency will be issued. (Ord. 268 § 3(Ch. 8(8.6)), 1997)

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## CHAPTER 14.55 PERFORMANCE GUARANTEES

### Sections:

- 14.55.010 Purpose and scope.**
- 14.55.020 Performance and maintenance guarantees.**
- 14.55.030 Guarantees prior to occupancy.**

(Ord. 429, Exhibit F, 2015)

### **14.55.010 Purpose and scope.**

The purpose of this section is to define the use of performance guarantees for permits not already addressed by other parts of the CMC. It enables the land use administrator to prescribe the form of the performance guarantee and establish the amount, format and terms of any required maintenance security.

### **14.55.020 Performance and maintenance guarantees.**

This section details the required performance guarantees for all permits and decisions in this title and to what the guarantee applies.

A. Installation and Maintenance Guarantees. The planning and community development director may require the applicant to guarantee funding for installation and maintenance of all affected properties for any hard or vegetated landscaping, open space enhancements, pathways and preservation or enhancement of critical areas.

B. Covenants. In addition to the requirements of CMC 14.55.050(A), the decision-maker may require the applicant to enter into written covenants. The covenants must ensure the development remains in accordance with the proposed design and conditions of project approval. Covenants must bind all future purchasers, tenants and occupants of the proposal. The covenants should provide that the provisions required by the town may not be amended without the consent of the town. The applicant must record the covenants prior to or concurrent with final permit approval. The permit agreement may include as applicable, and without limitation, all of the following provisions:

#### 1. Open Space Preservation.

- a. An adequate guarantee providing for the permanent preservation, retention and maintenance of all open space and other public areas, including all wetlands or critical areas buffers, easements for public or private utilities, etc.
- b. The applicant must provide assurances for the ongoing care and maintenance of open space reservations. The agreement shall provide that if the property owners fail to care for and maintain the open space, the town may do the care and maintenance at the cost of the property owners.
- c. The town must approve the method of ownership, maintenance responsibility and tax liability of private open space reservation.

2. Landscaping. The covenant must provide for the care and ongoing maintenance of common landscape areas, furniture and structures.

3. Storm Water Facilities. The covenant must provide for the care and maintenance of private storm water facilities.

4. Streets and Driveways. The covenant must provide for the care and maintenance of private streets, access roads and driveways.

5. Pedestrian Facilities. The covenant must provide for the care of private pedestrian facilities.

6. All covenant provisions required to implement conditions of project approval shall be subject to the reasonable approval of the applicable director. Any such covenant provisions may not be amended without the written approval of the town, which shall not be unreasonably withheld.

**14.55.030 Guarantees prior to occupancy.**

A. Fire Protection and Emergency Access. The building official will not issue a building permit for a structure other than a temporary contractor's office or temporary storage building for a proposal prior to a determination by the fire marshal that adequate fire protection and access for construction needs exists.

B. Required Civil Improvements for Issuance of Building Permit. The building official will not issue a building permit for a structure other than a temporary contractor's office, temporary storage building, or model home for a lot or parcel within an approved proposal until either:

1. All required improvements which will serve the subject lot or parcel have been constructed and the town has accepted the improvements; or
2. All required improvements have been bonded or otherwise guaranteed; or
3. Until the public works director accepts an improvement bond in an amount adequate to guarantee construction of those required improvements.



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## CHAPTER 14.60 PERMIT REVISION AND MODIFICATION

### Sections:

- 14.60.010 Purpose and scope.**
- 14.60.020 Major and minor revisions or modifications.**
- 14.60.030 Application requirements.**
- 14.60.040 Decision process.**

(Ord. 429, Exhibit F, 2015)

### **14.60.010 Purpose and scope.**

The purpose of this section is to define types of modifications to permits and to identify procedures for those actions.

### **14.60.020 Major and minor revisions or modifications.**

#### A. Minor Revisions or Modifications.

##### 1. Minor revisions include:

- a. Proposals resulting in a change of use that is within the scope of the existing permit or is an authorized use in the current zone classification;
- b. Proposals resulting in the addition of no more than 10 percent, or 4,000 square feet of gross square footage, of structures, whichever is greater, to the site;
- c. Proposals which do not increase the overall impervious surface on the site by more than 25 percent over the original approved project.

##### 2. Proposals that individually or cumulatively exceed the requirements in this section shall be reviewed as a major revision.

B. Major Revisions or Modifications. A major revision or modification is any proposal to revise or modify an application which exceeds any of the provisions of subsection (A)(1) of this section.

### **14.60.030 Application requirements.**

Requests for revisions or modifications shall be in the form required in Chapter 14.20 CMC (Application Requirements) for the type of application for which was originally required in the original approval.

### **14.60.040 Decision process.**

A. The application type determines the decision criteria for the revision. The notice requirement is also determined by the application type; provided, that all parties involved in the original application shall be notified. Otherwise the decision shall be as follows:

1. Decisions on minor revisions or modifications shall be considered administrative and shall be one process type lower than the original decision, but not higher than Process Type III; and

2. Decisions on major revisions or modifications shall be the same process type as the original decision.

B. The land use administrator or the hearing examiner may attach new conditions to any revision or modification decision.

C. Permit revision or modification decisions shall be in writing and attached to the official file.

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## CHAPTER 14.65 ADMINISTRATION AND ENFORCEMENT

### Sections:

- 14.65.010 Interpretation.**
- 14.65.020 Violation.**
- 14.65.030 Public nuisance and abatement.**

(Ord. 429, Exhibit F, 2015)

### **14.65.010 Interpretation.**

A. The land use administrator may interpret the provisions of CMC Titles 12-18. The decisions shall be in writing, kept in a publicly accessible place and updated as code amendments render them obsolete. The process for making an interpretation shall be pursuant to Process Type II of Chapter 14.15 CMC (Permit Decision and Appeal Processes).

B. Where the conditions imposed by any provision of this zoning code upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this zoning code or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

C. This zoning code is not intended to abrogate any easement, covenant, or any other private agreement; provided, that where the regulations of this zoning code are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this zoning code shall govern.

D. No building, structure or use which was not lawfully existing at the time of the adoption of this zoning code shall become, or be made, lawful solely by reason of the adoption of this zoning code; and to the extent that, and in any manner, the unlawful building, structure or use is in conflict with the requirements of this zoning code, the building, structure or use remains unlawful under this code.

### **14.65.020 Violation.**

It is unlawful for any person or entity to own, use, construct, erect, enlarge, alter, repair, move, improve, convert, equip, occupy, maintain, locate, demolish or cause to be constructed, located or demolished any structure, land or property within the city of Carbonado in any manner that is contrary to the provisions of CMC Titles 12 through 18 or any permit, condition, order, rule or regulation imposed or adopted pursuant thereto. Each and every day that a structure, land or property is owned, leased, controlled, used or maintained in violation of the CMC Titles 12 through 18 shall constitute a separate violation.

### **14.65.030 Public nuisance and abatement.**

Any violations of any provisions identified in CMC 14.65.020 are hereby determined to be detrimental to the public health, safety and welfare and declared to be a public nuisance,

subject to abatement by the land use administrator or his/her designee by any legal means available.

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## CHAPTER 14.70 NOTICES AND ORDERS TO CORRECT AND/OR ABATE

### Sections:

- 14.70.005 Definitions.**
- 14.70.010 Initiation.**
- 14.70.020 Issuance – Contents.**
- 14.70.030 Issuance – Supplemental.**
- 14.70.040 Service.**
- 14.70.050 Appeals.**
- 14.70.060 Suspension of penalties/ compliance action during appeal.**
- 14.70.070 Final order – Designated.**
- 14.70.075 Final order – Violation a misdemeanor.**
- 14.70.080 Final order – Enforcement.**

(Ord. 429, Exhibit F, 2015)

### **14.70.005 Definitions.**

A. For the purposes of this chapter, “development regulation” shall mean any requirement imposed by any provision of CMC Titles 12, 13, and 15 through 18, including any permit conditions imposed thereunder, or rules and/or regulations adopted pursuant thereto. Violations of development regulations that are subject to state mandated criminal penalties shall not be subject to civil enforcement unless authorized by state law. State criminal penalties shall supersede any conflicting CMC penalties as required by RCW 35A.11.020.

B. “Land use administrator” shall mean the land use administrator or his/her designee.

### **14.70.010 Initiation.**

A. Whenever the land use administrator has reason to believe that a use, structure or condition exists in violation of a development regulation, he is authorized to commence an administrative notice and order proceeding under this chapter, including the pursuance of remedies specified in CMC 14.70.020(B). The land use administrator may not initiate a notice and order for any violation that would constitute a violation of a state criminal statute, to the extent prohibited from doing so by RCW 35A.11.020. Violation of development regulation under Chapter 13.36 CMC relating to storm drainage of surface water may be enforced as provided under said chapter.

B. Pending commencement and completion of the notice and order procedure provided for in this chapter, the land use administrator may cause an order to cease violation to be posted on the subject property or served on persons engaged in any work or activity in violation of a land use ordinance, if adverse impacts cannot be prevented by the delays in the notice and order process. The effect of such an order shall be to require the immediate cessation of such work or activity until authorized by the land use administrator to proceed.

### **14.70.020 Issuance – Contents.**



A. Whenever the land use administrator or his/her designee has reason to believe that violation of any development regulation will be most equitably terminated by an administrative notice and order proceeding, he/she shall issue a written notice and order directed to either the owner or operator of the source of the violation, the person in possession of the property where the violation originates or the person otherwise causing or responsible for the violation.

B. The notice and order shall contain, and the land use administrator is authorized to require, the following:

1. The street address, when available, and a legal description of real property and/or description of personal property sufficient for identification of where the violation occurred or is located;
2. A statement that the land use administrator has found the person to be in violation of a development regulation with a brief and concise description of the conditions found to be in violation;
3. A statement of the corrective action required to be taken. If the land use administrator has determined that corrective work is required, the order shall require that all required permits be secured, that work physically be commenced and that the work be completed within such times as the land use administrator determines are reasonable under the circumstances;
4. A statement specifying the amount of any civil penalty assessed on account of the violation and, if applicable, the conditions on which assessment of such civil penalty is contingent. The land use administrator shall have the authority to impose a penalty of up to \$1,000 per day per development regulation violation. Each day any structure or use fails to comply with a development regulation shall be deemed a separate violation;
5. Statements advising any of the following to the extent that the land use administrator chooses any as a remedy:
  - a. If any required work is not commenced or completed within the times specified, which may be immediately if circumstances warrant, the land use administrator will proceed to cause abatement of the violation as a public nuisance and cause the work to be done and charge the costs thereof as a joint and separate personal obligation of any person in violation to the extent permitted by law; and
  - b. If any assessed civil penalty is not paid, the land use administrator will charge the amount of the penalty as a joint and separate personal obligation of any person in violation; and/or
  - c. If any required compliance is not commenced or completed within the times specified, which may be immediately if circumstances warrant, the land use administrator will proceed with a permit suspension or revocation as authorized in CMC 14.75;

6. A statement advising that the order shall become final, unless, no later than 21 days after the notice and order are served, any person aggrieved by the order requests in writing an appeal before the hearing examiner.

**14.70.030 Issuance – Supplemental.**

At any time other than during the pendency of an appeal, the land use administrator may add to, rescind in part or otherwise modify a notice and order by issuing a supplemental notice and order. The supplemental notice and order shall be governed by the same procedures applicable to all notice and orders contained in this title. The land use administrator may withdraw a notice and order at any time and also reissue the same notice and order or a modified version so long as reissuance is consistent with any appeal decision.

**14.70.040 Service.**

Service of the notice and order shall be made upon all persons identified in the notice and order either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested. If the address of any such person cannot reasonably be ascertained, a copy of the notice and order shall be mailed to such person at the address of the location of the violation and/or posted on the subject property. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this chapter. Service by certified mail in the manner provided in this section shall be effective on the date of postmark. The notice and order may be, but is not required to be, posted on the subject property.

**14.70.050 Appeals.**

A. A person aggrieved by the order of the land use administrator may, upon payment of a filing fee in accordance with the town's fee schedule, request in writing within 21 days of the service of the notice and order an appeal hearing before the hearing examiner. The request shall cite the notice and order appealed from and contain a brief statement of the reasons for seeking the appeal hearing.

B. A record shall be made at the appeal hearing and the hearing examiner shall have such rule-making and other powers necessary for conduct of the hearing. Such appeals hearing shall be conducted within a reasonable time after receipt of the request for appeal, which unless special circumstances dictate otherwise should be within 60 days of receiving the appeal request. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appealing party, to the land use administrator, and to other interested persons who have requested in writing that they be so notified. The land use administrator whose order is being appealed may submit a report and other evidence indicating the basis for the enforcement order.

C. Each party shall have the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To impeach any witness regardless of which party first called him to testify;

4. To rebut evidence against him;
5. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

D. Following review of the evidence submitted, the hearing examiner shall make written findings and conclusions, and shall affirm or modify the order previously issued if the examiner finds that a violation has occurred. The burden of proof is upon the land use administrator to establish the commission of the violation by a preponderance of the evidence. The examiner shall have the authority to modify any monetary penalties imposed by the land use administrator in the notice and order, including the authority to increase them. The examiner shall reverse the order if the examiner finds that no violation occurred. The written decision of the examiner shall be mailed by certified mail, postage prepaid, return receipt requested to the parties.

**14.70.060 Suspension of penalties/ compliance action during appeal.**

Any corrective actions or penalties imposed in a notice and order shall be suspended during the pendency of the appeal on the notice and order. Orders to immediately cease activities, as authorized by CMC 14.70.010(B), shall not be suspended during the pendency of an appeal.

**14.70.070 Final order – Designated.**

A. Any order duly issued by the land use administrator pursuant to the procedures contained in this title shall become final 21 days after service of the notice and order unless a written request for hearing is received and filed with the planning department within the 21-day period.

B. An order which is subject to the appeal procedure of CMC 14.70.060 shall be final and conclusive upon the date of the examiner's decision. The examiner's decision shall be appealable to superior court pursuant to applicable state statutes.

**14.70.075 Final order – Violation a misdemeanor.**

The failure of a person or entity to comply with the applicable provisions of an order issued pursuant to CMC 14.70.010(B) or 14.70.070 shall constitute a misdemeanor subject to the penalties of RCW 9A.20.010(2), as now or hereafter amended.

**14.70.080 Final order – Enforcement.**

If, after any order duly issued by the land use administrator has become final, the person to whom such order is directed fails, neglects or refuses to obey such order, including refusal to pay a civil penalty assessed under such order, the land use administrator may, as provided in the issued notice and order:

A. Cause such person to be prosecuted for committing a misdemeanor, as provided in CMC 14.70.075; and/or

B. Institute any appropriate action to collect a civil penalty assessed under this title; and/or

C. Suspend or revoke a land use permit as authorized by CMC 14.75.010; and/or

D. Pursue any other appropriate remedy at law or equity under this title.

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## CHAPTER 14.75 SUSPENSION AND REVOCATION OF PERMITS

### Sections:

#### **14.75.010 Suspension and revocation.**

**(Ord. 429, Exhibit F, 2015)**

#### **14.75.010 Suspension and revocation.**

A. The land use administrator may temporarily suspend or permanently revoke any permit issued under CMC Titles 13 through 18, when those titles do not provide for any alternative suspension or revocation procedure, under the following circumstances:

1. Failure of the holder to comply with the requirements of any requirement of CMC Titles 13 through 18, or rules or regulations adopted thereunder; or
2. Failure to comply with any notice and order issued pursuant to this title.

B. Such permit suspension or revocation shall be carried out through the notice and order provisions of this title and the suspension shall be effective upon service of the notice and order upon the holder or operator. The holder or operator may appeal such suspension as provided by this title. The land use administrator may pursue permit revocation as opposed to permit suspension if he/she determines that permit suspension will not accomplish code compliance or that suspension instead of revocation will result in significant adverse impacts to adjoining property owners or the community at large.

C. Notwithstanding any other provision of this title, whenever the land use administrator finds that a violation of any land use ordinance, or rules and regulations adopted thereunder, has created or is creating a dangerous or other condition which, in his judgment, constitutes an immediate and irreparable hazard, he may, without service of a written notice and order, suspend and terminate operations under the permit immediately.

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## CHAPTER 14.80 COMPREHENSIVE PLAN AMENDMENTS

### Sections:

- 14.80.010 Purpose.**
- 14.80.020 Types of amendments.**
- 14.80.030 Application timeline and review period.**
- 14.80.040 Application requirements.**
- 14.80.045 Exceptions to yearly amendments.**
- 14.80.050 Review process.**
- 14.80.060 Review and approval criteria.**

(Ord. 429, Exhibit F, 2015)

### **14.80.010 Purpose.**

The purpose of this section is to provide for the annual amendment of the Carbonado comprehensive plan and to ensure those amendments are consistent with state, county and local laws and plans.

### **14.80.020 Types of amendments.**

A. Map amendments are any proposed amendments to the Carbonado comprehensive plan land use map.

B. Text amendments are any amendments to the Carbonado comprehensive plan that do not constitute a map amendment.

### **14.80.030 Application timeline and review period.**

A. Applications for amendment requests shall be submitted to the town no earlier than January 1st and no later than February 28th of each year. When these dates fall on a day when town offices are closed, the due dates shall be the next business day when town offices are open.

B. Requests for amendments that arise during other parts of the year shall be recorded and retained on the docket for application during the next amendment cycle. Parties that initiated the docket item shall be notified of the upcoming application period by first class mail no later than December 1st prior to the application filing period. Docket items must be submitted as a formal application during the next amendment cycle or they will be removed from the docket. Amendment requests that were denied in the previous cycle may not be docketed or submitted in the cycle immediately following. Docket items that are not submitted for application in the next available cycle shall be removed from the docket; however, the item may be listed on the docket for the following cycle if requested.

C. Amendment requests may be submitted by private parties; however, requests for map amendments by private parties may only be submitted by the owner or an authorized agent. Amendment requests may also be initiated by the commission or council upon a formal motion and approval by the body.



D. Applications shall be considered as a group for purposes of analysis and processing. At the first regular meeting of the town Council in March of each year, staff shall present a list and brief description of each application received during the application period. The town Council shall set an estimated schedule for review of the applications, including the public hearing and special meetings in order to prepare and forward a recommendation to council in a timely fashion.

E. Upon completion of the SEPA process, public meeting, state review, and council consideration, the council shall adopt an ordinance incorporating the proposed amendments, in whole or in part or as modified by the council, into the Carbonado comprehensive plan. At the same meeting, the council shall also adopt an ordinance for any concurrent rezones necessary for consistency.

**14.80.040 Application requirements.**

In addition to submittal requirement under Chapter 14.20 CMC, applications shall include the following:

- A. A detailed statement of the proposed change and why it is to be changed;
- B. A statement of anticipated impacts of the change, including geographic area affected and issues presented;
- C. A statement of how the request is or is not consistent with the adopted Carbonado comprehensive plan, pertinent subarea and functional plans and countywide planning policies, and the goals of the GMA; and
- D. A description of any changes to development regulations, modifications to capital improvement programs, subarea, neighborhood, and functional plans required for implementation so that these will be consistent with the plan.

**14.80.045 Exceptions to yearly amendments.**

- A. There are six exceptions to the rule of considering comprehensive plan amendments only once per year. The process for adoptions of these six exemptions is the same as stated in CMC 14.80.030. These six exceptions are:
  - 1. For the initial adoption of a subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea; or
  - 2. For amendment of a shoreline master program; or
  - 3. For the amendment of the capital facilities element of the comprehensive plan occurring concurrently with the adoption or amendment of the town's budget; or
  - 4. For an amendment to resolve a Growth Management Hearings Board appeal or other court order; or
  - 5. In the event of an emergency; or

6. The adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.031(2), as outlined in RCW 36.70A.130(2)(v).

B. Findings must be made indicating that the amendment is in the public interest and not detrimental to the public health, safety and welfare. The land use administrator shall prepare written findings for approval of the Carbonado town Council.

C. Applications shall be considered as a group for purposes of analysis and processing. The land use administrator shall present a brief description of each application. The Council shall set an estimated schedule for review of the applications, including the public hearing and special meetings, in order to prepare and forward a recommendation to council in a timely fashion.

**14.80.050 Review process.**

The town Council shall review applications for comprehensive plan amendments pursuant to Process Type VI of Chapter 14.15 CMC (Permit Decision and Appeal Processes).

**14.80.060 Review and approval criteria.**

The town council may adopt any comprehensive plan amendment if it (1) is in the public interest and complies with the Growth Management Act, and (2) is in the public interest and not contrary to the public health, safety and welfare. In making this determination, the council shall weigh the following factors:

- A. Consistency with the adopted Carbonado comprehensive plan;
- B. Consistency with pertinent plans for adjacent jurisdictions and countywide planning policies;
- C. Eliminates conflicts with existing elements or policies;
- D. Establishes a logical, compatible extension of existing land use designations;
- E. Clarifies or amplifies existing policy or accommodates new policy directives of the town council;
- F. Change in conditions.

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## CHAPTER 14.85 ZONING CODE AMENDMENTS

### Sections:

#### **14.85.010 Initiation.**

#### **14.85.020 Decision and appeal process.**

#### **14.85.030 Review and approval criteria.**

(Ord. 429, Exhibit F, 2015)

#### **14.85.010 Initiation.**

The zoning code may be amended whenever public necessity, convenience, or welfare requires. This code may be amended by amending the zoning map, or by amending the text of the zoning code (CMC Title 18). Such amendments may be initiated by:

- A. The verified application of one or more owners (including contract purchasers) of property which is proposed to be changed or reclassified; or
- B. The land use administrator or the town Council.

#### **14.85.020 Decision and appeal process.**

The town Council shall review applications for zoning code amendments pursuant to Process Type VI of Chapter 14.15 CMC (Permit Decision and Appeal Processes).

#### **14.85.030 Review and approval criteria.**

When reviewing amendment requests the staff, town Council and town council shall, at a minimum, apply the following criteria and prepare findings that show:

- A. Consistency with the adopted Carbonado comprehensive plan;
- B. Consistency with countywide planning policies and the Growth Management Act;
- C. Consistency with other sections and chapters of the Carbonado Municipal Code;
- D. An evaluation of the long-term consequences of the change;
- E. For site specific rezones, the rezone must bear a substantial relationship to the public health, safety, morals, or welfare and must either implement the comprehensive plan or a change in circumstances must necessitate the rezone.

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## **CHAPTER 14.90 APPLICATION REVIEW FEES**

### **Sections:**

#### **14.90.010 Charges.**

**(Ord. 429, Exhibit F, 2015; Re-codified from 14.55)**

#### **14.90.010 Charges.**

The town of Carbonado shall charge applicants for all land use actions and plan reviews 100 percent of the charges incurred by the town in reviewing said applications. A town administrative fee of actual costs, not to exceed 10 percent of said review charges, will also be charged. (Ord. 210 § 1, 1992).

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## CHAPTER 14.95 SPECIALIZED SERVICE FEES

### Sections:

#### 14.95.010 Specialized services.

(Ord. 429, Exhibit F, 2015; Re-codified from 14.60)

#### 14.95.010 Specialized services.

The following specialized services are provided by the town of Carbonado. The cost for each service or permitting activity is shown with the service:

##### Specialized Planning Services

- 1) Administrative fee: for services performed by town staff in conjunction with outside consultant's services.
- 2) Annexation of less than 10 acres: \$100.00, plus consultant fees, publication fees and administrative fee.
- 3) Annexation of more than 10 acres: \$500.00, plus consultant fees, publication fees and administrative fee.
- 4) Appeal of land use decision: \$200.00, plus consultant fees, publication fees and administrative fee.
- 5) Comprehensive plan amendment: \$100.00, plus consultant fees, publication fees and administrative fee.
- 6) Conditional use permit: \$50.00, plus consultant fees, publication fees and administrative fee.
- 7) Consultant services: when the town, in its sole discretion, deems it necessary to obtain specialized advice or assistance on a specific project, the applicant for the service shall be charged 100 percent of the consultant's fee plus an administrative fee not to exceed 15 percent.
- 8) Environmental impact statement (EIS): actual costs, including staff and consultant charges.
- 9) Final plat: \$100.00, plus \$50.00 per lot, plus consultant fees, publication fees and administrative fee.
- 10) Lot line adjustment: \$50.00, plus consultant fees, publication fees and administrative fee.
- 11) Major modification of an approved preliminary plat: \$500.00, plus consultant fees, publication fees and administrative fee.



- 12) Minor modification of an approved preliminary plat: \$300.00, plus consultant fees, publication fees and administrative fee.
- 13) Variance: \$100.00, plus consultant fees, publication fees and administrative fee.
- 14) Preliminary plat application and inspection: \$250.00, plus consultant fees, publication fees and administrative fee.
- 15) SEPA checklist:
  - a. First review: \$150.00, plus consultant fees, publication fees and administrative fee.
  - b. Subsequent reviews: actual costs.
- 16) Short plat: \$200.00, plus consultant fees, publication fees and administrative fee.
- 17) Zoning code amendment: \$50.00, plus consultant fees, publication fees and administrative fee. (Ord. 267 § 1, 1997)

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## CHAPTER 14.100 SCHOOL IMPACT FEES

### Sections:

- 14.100.010 Purpose.**
- 14.100.020 New construction creates impact on public facilities and services.**
- 14.100.030 Applicability.**
- 14.100.040 Authorization of interlocal agreement.**
- 14.100.050 Impact fee account funds established.**
- 14.100.060 Use of funds.**
- 14.100.070 Impact fee cost.**

(Ord. 429, Exhibit F, 2015)

### **14.100.010 Purpose.**

This title is intended to assist in the implementation of the comprehensive plan for Carbonado and to help achieve the goals and objectives of the land use and capital facilities elements. This title provides for an impact fee on new residential development in Carbonado, to assure that new development bears a proportionate share of the cost of capital expenditures necessary to meet the demands for town public facilities, related to the new development, including school facilities. (Ord. 268 § 3(Ch. 3(3.1)), 1997)

### **14.100.020 New construction creates impact on public facilities and services.**

The town of Carbonado finds that the following conditions exist in the town of Carbonado:

- (1) New residential and nonresidential development causes increased demands on town public facilities, including schools, parks, and roads.
- (2) Projections indicate that development will continue and will place ever-increasing demands on the town and school district to provide necessary public improvements.
- (3) To the extent that new development places demands on the public facility infrastructure, those demands should be partially satisfied by shifting a proportionate share of the responsibility for financing the provision of such new facilities from the public at large to the developments actually creating demands.
- (4) The imposition of impact fees upon residential development in order to finance specified public facilities, the demand for which is created by such development, is in the best interest of the general welfare of the town and its residents, is equitable, does not impose an unfair burden on such development by requiring new development to pay more than its fair or proportionate share of the cost, and is reasonably necessary in order to provide the necessary public facility infrastructure to serve new development as planned for in the Carbonado comprehensive plan.
- (5) Providing for impact fees in no way limits the ability of the Carbonado Historical School District to petition the town council of the town of Carbonado for an emergency ordinance establishing an interim moratorium on development activity based on, but not limited to, some or a combination of some of the following concerns:

- (a) Inadequate existing or potential permanent or temporary educational facilities to accommodate increases in student population.
  - (b) Lack of adequate transportation services to transport students to and from school without an undue adverse impact on the educational program.
  - (c) Deterioration of the educational program evidenced by such factors as increased student-to-teacher ratios, lack of adequate instructional materials, inadequate support staff, etc.
  - (d) Failure to pass bond, capital, maintenance and operations, transportation or other locally approved levies, or reductions or elimination of state or federal funding sources.
  - (e) Health, welfare, and safety issues including, but not limited to, inadequate sanitary sewer at existing schools, legal restrictions against siting additional portable classrooms at existing schools, inadequate parking, playground, or nonclassroom facilities, etc.
- (6) Pursuant to RCW 43.21C.065 (SEPA mitigation), a person required to pay an impact fee for schools' capital facilities under this title is not required to pay for the same capital facility system improvements under SEPA, consistent with RCW 82.02.100.
- (7) Consistent with RCW 82.02.100, a person required to pay an impact fee for schools capital facilities under this title is not required to pay for the same capital facility system improvements pursuant to Chapter 58.17 RCW, the Subdivision Act, or the town subdivision ordinance (CMC Title 17).
- (8) The town of Carbonado is authorized by Chapter 82.02 RCW to require new growth and development within the town to pay a proportionate share of the cost of new facilities to serve such new growth and development through the assessment of impact fees, and impact fees may be collected and spent only for (a) public streets and roads, (b) publicly owned parks, open space, and recreation facilities, (c) school facilities, and (d) fire protection facilities in jurisdictions that are not part of a fire district.
- (9) RCW 82.02.050(4) as amended provides that "after the date a county, city or town is required to adopt its development regulations under Chapter 36.70A RCW, continued authorization to collect and expend impact fees shall be contingent on the county, city or town adopting or revising a comprehensive plan in compliance with RCW 36.70A.070," and on the capital facilities plan identifying deficiencies and how such deficiencies will be eliminated, additional demands due to new development, and additional public facility improvements required to serve new development.
- (10) The town of Carbonado adopted its comprehensive plan, including the capital facilities plan, on September 13, 1995 and subsequently updated it with the latest adoption in June 2015, in compliance with Chapter 36.70A RCW and has complied with the requirements of RCW 82.02.050(4) for the continued assessment of impact fees.

(11) The Carbonado Historical School District No. 19 is authorized to provide public education for the residents in Carbonado.

(12) The town council of the town of Carbonado is authorized by Chapter 82.02 RCW to impose impact fees on behalf of and for the benefit of the Carbonado Historical School District No. 19.

(13) The town of Carbonado and the Carbonado Historical School District are authorized by Chapter 39.34 RCW to enter into interlocal agreements for cooperative action, and the town and school district shall enter into an interlocal agreement for the collection, expenditure, and reporting of school impact fees. (Ord. 268 § 3(Ch. 3(3.2)), 1997)

**14.100.030 Applicability.**

(1) This title applies to any person seeking permission to construct new residential dwellings within the town limits of the town of Carbonado, after the effective date of the ordinance codified in this title, by applying for a building permit for a residential building or a permit for residential mobile/manufactured home installation. Such fee payer is required to pay an impact fee in the manner and amount set forth in this title.

(2) The following development activities are excluded from paying impact fees for the specific facilities and services noted on the grounds that they either do not create an impact on those facilities and services or that the impacts created have already been adequately mitigated as provided:

(a) Alteration, expansion, reconstruction, remodeling, or replacement of existing single-family or multifamily dwelling units that does not result in additional dwelling units; or

(b) Any dwelling unit subject to restrictions that may be legally enforced by a private party or governmental entity limiting occupants exclusively to residents over a minimum age or other populations that do not include children of the ages from five years old to 21 years old, including without limitation nursing homes and retirement centers; provided, however, this exclusion ceases if the housing is later converted to permanent use as a single-family or multifamily residence not subject to such restrictions; or

(c) Any dwelling unit licensed and operated as transient accommodations under Chapter 70.62 RCW and WAC 248-144-020(26), such as hotels, motels, condominiums, and resort; provided, however, this exclusion ceases if the housing is later converted to permanent use as a single-family or multifamily residence not subject to such restrictions; or

(d) Any development activity that is exempt from the payment of an impact fee pursuant to RCW 82.02.100, due to mitigation of the same system improvement under the State Environmental Policy Act. (Ord. 268 § 3(Ch. 3(3.3)), 1997)

**14.100.040 Authorization of interlocal agreement.**

The mayor is authorized to execute, on behalf of the town, an interlocal agreement with the Carbonado Historical School District for the collection, expenditure, and reporting of impact fees provided that such interlocal agreement complies with the provisions of this title. All aspects of this title, including the interlocal agreement, must be in place prior to the collection of any fees. (Ord. 268 § 3(Ch. 3(3.4)), 1997)

**14.100.050 Impact fee account funds established.**

- (1) There are hereby authorized a special purpose school district impact fee suspense fund into which all school district impact fees shall be deposited.
- (2) At regular intervals, in accordance with the interlocal agreement, the town shall transmit to the Carbonado Historical School District the impact fee collected in the preceding period. Impact fees received by the district shall be earmarked specifically and retained by the district in appropriate interest-bearing accounts. All impact funds and interest shall be expended for the purposes identified in the capital facilities plan.
- (3) Annually, in accordance with the interlocal agreement, the district shall prepare and submit to the town council a report on the school impact fees showing the source and amount of all monies collected, earned, or received, and the public improvements that were financed in whole or in part by the impact fees. (Ord. 268 § 3(Ch. 3(3.5)), 1997)

**14.100.060 Use of funds.**

- (1) Pursuant to this title, impact fees:
  - (a) Shall be used for public facility improvements that will reasonably benefit the new development; and
  - (b) Shall not be imposed for maintenance and operations.
- (2) Impact fees may be spent for improvements, including but not limited to facility planning, land acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, capital equipment pertaining to public facilities, and any other expenses which can be capitalized and are consistent with the capital facilities plan.
- (3) Impact fees may also be used to recoup public facility improvement costs previously incurred to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.
- (4) In the event that bonds or similar debt instruments are or have been issued for the construction of public facility or system improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the new development. (Ord. 268 § 3(Ch. 3(3.6)), 1997)

**14.100.070 Impact Fee Cost.**

(1) Assessment. The impact fee for a single-family structure shall be \$1,425 per dwelling unit. The impact fee for multifamily structures shall be \$750.00 per dwelling unit.

(2) Impact fees shall be calculated by the building official. His determination of the fee is final.

(3) Impact fees are due and payable to the town of Carbonado at the time of building permit issuance. No building permit for a residential structure in the town of Carbonado shall be issued without an impact fee being first calculated and paid to the town of Carbonado.

(4) Administrative Fee. The town may levy a \$50.00 per dwelling unit administrative fee. This fee is in addition to the impact fee, and shall be paid at the time of permit issuance. (Ord. 268 § 3(Ch. 3(3.7)), 1997)

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## TITLE 15 BUILDINGS AND CONSTRUCTION

### Chapters:

**15.05** *Repealed*

**15.06** **Building Code**

**15.07** **Fire Code**

**15.10** **Mobile Dwellings**

**15.15** **New Dwellings and Placement Plans**

**15.20** **Temporary Structures**

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## CHAPTER 15.06 BUILDING CODE

### Sections:

- 15.06.010**      **Washington State Building Code Adopted.**
- 15.06.020**      **Conflicts and Interpretations of Codes.**
- 15.06.030**      **Building Permit Required.**
- 15.06.040**      **Fees.**
- 15.06.050**      **Violations and Penalties.**

(Ord. 456, 2017)

### **15.06.010**      **Washington State Building Code Adopted.**

The Town adopts the Washington State Building Code as follows:

A.        The International Building Code (2015 Edition), as published by the International Code Council, and amended by the Washington State Building Code Council in WAC 51-50, to be known hereafter as the "International Building Code" or the " IBC," together with Appendix Chapters C, E, G, H, and I.

B.        ICC/ANSI A117.1-2009, as referenced by Chapter 11 of the "IBC".

C.        The International Residential Code (2015 Edition), published by the International Code Council, and amended by the Washington State Building Code Council in WAC 51-51, with the exception of Chapter 11 and Chapters 25 through 43, to be known hereafter as the "International Residential Code" or the "IRC," together with Appendix Chapters E, F, G, H, J, K and Q.

D.        The International Mechanical Code (2015 Edition), published by the International Code Council, and amended by the Washington State Building Code Council in WAC 51-52, to be known as the "International Mechanical Code" or the "IMC."

E.        The International Fuel Gas Code (2015 Edition), published by the International Code Council and amended by the Washington State Building Code Council to be known as the "International Fuel Gas Code" or the "IFGC."

F.        The Uniform Plumbing Code (2015 Edition), published by the International Association of Plumbing and Mechanical Officials, and amended by the Washington State Building Code Council in WAC 51-56, which shall be known hereafter as the "Uniform Plumbing Code" or the "UPC," excluding chapters 12 and 14 and those requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel fired appliances as found in Chapter 5, and those portions of the code addressing building sewers, but including:

Appendix A: Recommended Rules for Sizing the Water Supply System;

Appendix B: Explanatory Notes on Combination Waste and Vent Systems; and

Appendix I: Installation Standards.

G.        International Energy Conservation Code (2015 Edition)/Washington State Energy Code \* as set forth in Washington Administrative Code (WAC) chapter 51-11C (Commercial); WAC 51-11R (Residential), together with appendix A, B, C and D.

\* Based on the 2015 IECC; "Residential" includes One- and Two-family dwellings, Townhouses and Group R-2 and R-3 buildings three stories or less, "Commercial" includes all buildings not covered under the definition "Residential".

H. The International Existing Building Code (2015 Edition), published by the International Code Council, to be known hereafter as the "International Existing Building Code" or the "IEBC".

I. The International Swimming Pool and Spa code (2015 Edition) published by the International Code Council, to be known hereafter as the "International Swimming Pool and Spa Code" or the "ISPSC".

J. The International Property Maintenance Code (2015 Edition), published by the International Code Council, to be known hereafter as the "International Property Maintenance Code" or the "IPMC".

K. The Washington State Manufactured Homes Installation Requirements, or Mobile Homes Installation Requirements. Pursuant to RCW 43.22.440, the installation standards of WAC 296-150M, are adopted as amended by the State of Washington.

L. The Washington State Factory Built Housing and Commercial Structures Installation Requirements, or Modular Installation Requirements. Pursuant to RCW 43.22.455, the installation standards of WAC 296-150F, are adopted as amended by the State of Washington.

**15.06.020. Conflicts and Interpretation of Codes.**

A. In case of conflict among the codes enumerated in Section 15.06.010(A) through (L) of this Chapter, the first named code shall govern over those following, except as specifically described in WAC 51-11R-10600.

B. Wherever the adopted codes reference the International Plumbing Code, it shall mean the Uniform Plumbing Code as adopted by the State of Washington. Wherever the adopted codes reference the International Electrical Code, ICC Electrical Code, or the Electrical Code, it shall mean the National Electrical Code (NFPA 70) as adopted by the State of Washington in accordance with RCW 19.28 and WAC 296-46B. Wherever the adopted codes reference the International Energy Conservation Code, it shall mean the Washington State Energy Code as adopted by the State of Washington.

**15.06.030 Permits Required.**

No persons shall build or construct any new building, alter or enlarge any old building, or raze or demolish a building without having first obtained from the building inspector or designated official a permit to do so.

**15.06.040 Fees.**

A permit shall not be issued under the Building Code or any of the Codes identified in Section 15.06.010 until the fees established by the Town have been paid, nor shall an amendment to a permit be released until the additional fee, if any, is paid. The Town has established a fee schedule for permits for all of the Codes identified in Section 15.06.010 by Resolution.

**15.06.050      Violations and Penalties.**

A.        Section [A] 114.4 of the International Building Code is hereby amended to read as follows:

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the building inspector, or of a permit or certificate used under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment not exceeding one year or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

B.        Section R113.4 of the International Residential Code is hereby amended to read as follows:

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the building inspector, or of a permit or certificate used under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment not exceeding one year or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

C.        Section 106.3 Penalties of the Uniform Plumbing Code is hereby amended to read as follows:

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the building inspector, or of a permit or certificate used under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment not exceeding one year or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

D.        Section [A] 108.4 of the International Mechanical Code is hereby amended to read as follows:

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the building inspector, or of a permit or certificate used under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment not exceeding one year or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

E.        Section [A] 108.4 of the International Fuel Gas Code is hereby amended to read as follows:

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the building inspector, or of a permit or certificate used under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment not exceeding one year or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

F. Section [A] 106.4 of the International Property Maintenance Code is hereby amended to read as follows:

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the building inspector, or of a permit or certificate used under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment not exceeding one year or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

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## CHAPTER 15.07 FIRE CODE

### Sections:

- 15.07.010**      **General.**
- 15.07.020**      **International Fire Code Adopted.**
- 15.07.030**      **Appointment.**
- 15.07.040**      **Board of Appeals.**
- 15.07.050**      **Permits Required.**
- 15.07.060**      **Permit Fees.**
- 15.07.070**      **Definitions.**
- 15.07.080**      **Fire Alarm and Detections Systems and Related Equipment.**
- 15.07.090**      **Unsafe Buildings.**
- 15.07.100**      **Failure to Comply.**
- 15.07.110**      **Fire Apparatus Access Roads - Dimensions.**
- 15.07.120**      **Fire Department Access Roads – Turning Radius.**
- 15.07.130**      **Fire Department Access Roads - Grade.**
- 15.07.140**      **Fire Department Access Roads – Fire Lanes.**
- 15.07.150**      **Fire Department Connections – Location.**
- 15.07.160**      **Fire Protections Systems - Records.**
- 15.07.170**      **Automatic Sprinkler Systems – Group R.**
- 15.07.180**      **Water Supply.**
- 15.07.190**      **Appendices Adopted.**
- 15.07.200**      **Signage.**
- 15.07.210**      **Violations and Penalties.**

(Ord. 454, 2017)

### **15.07.010**      **General.**

Section 103.1 of the International Fire Code is deleted in its entirety and replaced as follows:

Section 103.1 General. The department of fire prevention, also known as the Fire Marshal, is established within the jurisdiction under the direction of the Fire Chief. The function of this department shall be the implementation, administration and enforcement of the provisions of this Code.

### **15.07.020**      **International Fire Code Adopted.**

The 2015 Edition of the International Fire Code, published by the International Code Council, including those standards of the National Fire Protection Association specifically referenced in the International Fire Code, and as amended by the Washington Administrative Code Chapter 51-54, and as subsequently amended by this Chapter, is hereby adopted along with Appendices B, C, D, F, and G.

Whenever the following words appear in the International Fire Code, they are to be changed as follows:



1. “Chief of the Fire Department”, “Fire Prevention Engineer”, “Enforcement Official”, “Fire Code Official” to “Fire Chief”.
2. “Name of Jurisdiction” or “Jurisdiction” to “City of Carbonado”.
3. “Corporate Counsel” to “City Attorney”.
4. “Fire Department” to “City of Buckley Fire Department”.

**15.07.030 Appointment.**

Section 103.2 of the International Fire Code is deleted in its entirety and replaced as follows:

Section 103.2 Appointment. The Fire Chief shall be appointed by the Mayor.

**15.07.040 Board of Appeals.**

Section 108 of the International Fire Code is hereby repealed. Permit decisions made by the Fire Chief, or their designee shall be subject to the review and appeal by the Hearing Examiner. Formal Fire Code interpretations made by the Fire Chief shall be considered administrative decisions for purposes of appeal rights and responsibilities.

**15.07.050 Permits Required.**

Section 105.6 of the International Fire Code is amended as follows:

- A. 105.6.16 Fire Hydrants and valves is deleted.
- B. 105.6.37 Private Fire Hydrants is deleted.

**15.07.060 Permit Fees.**

Section 105.8 is added to the International Fire Code to read as follows:

1. Construction Permits. Fees for construction permits for new construction, including but not limited to tenant improvements, shall be based on the number of hours spent by the Fire Chief, or their designee, performing the plan review and fire code inspection. A per hour fee, established by a Resolution of the City Council, shall be assessed in 30-minute increments with the first 30 minutes or any portion thereof charged the full hourly rate.
  - a. Revocation. The Fire Chief is authorized to suspend or revoke a permit when it is determined that the permittee failed, refused or neglected to pay required fees within 30 days following mailing of an invoice to the permittee requiring payment. Mailing shall be accomplished by first class mail of the U.S. Postal Service.

**15.07.070 Definitions.**

Section 502.1 of the International Fire Code is amended to add the following:

FIRE APPARATUS. Fire apparatus is a vehicle such as a fire pumper, aerial ladder truck, fire tender, elevated platform, rescue squad, fire ground support vehicle or similar fire-fighting or reserve equipment, including emergency medical response vehicles.

**15.07.080 Fire Alarm and Detections Systems and Related Equipment.**

Section 105.7.6 of the International Fire Code is amended to read as follows:

Section 105.7.6 Fire alarm and detection systems and related equipment. A construction permit is required for installation of or modification to fire alarm and detections systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

EXCEPTION: Household fire alarm and detection system equipment installed in Group R-3 occupancies.

**15.07.090 Unsafe Buildings.**

Section 110.5 is added to the International Fire Code to read as follows:

Section 110.5 Damaged buildings. The owner, occupant or other person having under their control any property or materials on a property damaged by a fire or explosion shall, when ordered by the Fire Chief, immediately secure the property against entry or unauthorized access by the public, by boarding up all openings, fencing, barricading or utilizing other appropriate measures.

**15.07.100 Failure to Comply.**

Section 111.4 of the International Fire Code is deleted in its entirety and replaced as follows:

Section 111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe condition shall be guilty of a civil infraction as specified in CMC 15.07.210.

**15.07.110 Fire Apparatus Access Roads - Dimensions.**

Section 503.2.1 of the International Fire Code is deleted in its entirety and replaced as follows:

503.2.1 Dimensions. Fire apparatus access roads serving one dwelling unit shall have an unobstructed width of not less than 15 feet, exclusive of shoulders. All other fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders. All fire apparatus access road shall have an unobstructed vertical clearance of not less than 13 feet 6 inches. When a fire apparatus access road is required, it shall extend from the public or private road or

shared access facility to within 150 feet of all portions of an exterior wall of the first story, as measured in an approved route around the exterior of the building.

**15.07.120 Fire Department Access Roads – Turning Radius.**

Section 503.2.4 of the International Fire Code is deleted in its entirety and replaced as follows:

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be not less than 28 feet inside, and not less than 48 feet outside radius.

**15.07.130 Fire Department Access Roads - Grade.**

Section 503.2.7 of the International Fire Code is deleted in its entirety and replaced as follows:

503.2.7 Grade. The road grade of a fire apparatus access road shall not exceed 12% with a minimum side slope of 2%. All sections of fire apparatus access roads with grades of over 10% shall be paved.

Exception: Side slope may be less than 2% as required or approved by the City Engineer.

**15.07.140 Fire Department Access Roads – Fire Lanes.**

Section 511 is added to the International Fire Code to read as follows:

Section 511.1 Establishment of Fire Lanes. Fire lanes in conformance with this code shall be established by the fire chief or his/her authorized designee, and shall be referred to as designated fire lanes in this section.

Section 511.2 Definition of Fire Lanes. The area within any public right-of-way, easement, or on private property designated for the purpose of permitting fire apparatus use, travel upon, and parking.

Section 511.3 Marking of Fire Lanes. All designated fire lanes shall be clearly marked by signage and/or surface painting as required by the fire chief. Painted identification shall be by a four-inch wide line and block letters two feet high, painted in the lane in bright yellow or bright red, at 50-foot or such other intervals as determined by the fire chief, stating “Emergency Vehicles Only,” and by posting of signs stating, “Emergency Vehicles Only – No Parking – Violator Vehicles Subject to Impound.” Signs shall be posted on or immediately next to the curb line, or on the building. Signs shall be 12 inches by 18 inches and shall have red letters on a white background, readily readable from at least a 50-foot distance. Signs shall be posted no further than 50 feet apart, unless a greater distance is deemed reasonable by the fire chief, nor shall they be more than four feet from the ground unless a greater height is determined necessary by the fire chief.

Section 511.4 Obstruction of Fire Lanes Prohibited. The obstruction of a designated fire lane by a parked vehicle or any other object is prohibited and shall constitute a traffic hazard as defined in state law and an immediate hazard to life and property.

Section 511.5 Maintenance of Fire Lanes. Fire lane markings shall be maintained at the expense of the property owner as often as needed to clearly identify the designated areas as being a fire lane.

Section 511.6 Property Owner Responsible. The owner, manager, or person in charge of any property upon which designated fire lanes have been established shall prevent the parking of vehicles or placement of other obstructions in such fire lanes.

Section 511.7 Violation – Civil Infraction. Any person who fails to mark or maintain the markings of a designated fire lane as prescribed in this chapter, or who parks a vehicle in, allows the parking of a vehicle in, obstructs, or allows the obstruction of a designated fire lane commits a civil infraction. The penalty for failing to mark or maintain the markings of a designated fire lane shall be \$150.00. The penalty for parking a vehicle in, allowing the parking of a vehicle in, obstructing, or allowing the obstruction of a designated fire lane shall be \$50.00.

Section 511.8 Impoundment. Any vehicle or object obstructing a designated fire lane is hereby declared a traffic hazard and may be abated without prior notification to its owner by impoundment pursuant to the applicable state law.

Section 511.9 Enforcement. The City of Buckley Police Department or any other designated representative of the fire chief shall have authority to enforce the provisions of this code.

**15.07.150 Fire Department Connections – Location.**

Section 912.2 of the International Fire Code is deleted in its entirety and replaced as follows:

912.2 Location. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of the fire department connection shall be approved by the Fire Chief and shall not be closer than 50 feet from a structure or 1 ½ times the height of the structure.

**15.07.160 Fire Protections Systems - Records.**

Section 901.6.2 of the International Fire Code is deleted in its entirety and replaced as follows:

901.6.2 Records. Records of all system inspections, testing and maintenance required by the referenced standards shall be maintained on the premises for a

minimum of 3 years. A copy of any inspection, test or maintenance shall be forward to the Fire Chief within 30 days of the service.

**15.07.170 Automatic Sprinkler Systems – Group R.**

Section 903.2.8 of the International Fire Code is deleted in its entirety and replaced as follows:

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided for Group R occupancies.

Exception: An automatic sprinkler system is not required in Group R-3 occupancies where the total living space of the building does not exceed 5,000 square feet.

**15.07.180 Water Supply.**

Section 3408 of the International Fire Code is amended as follows:

A. 3408.1 Water Supply is deleted.

**15.07.190 Appendices Adopted.**

2015 IFC Appendix B, Fire-Flow Requirements for Buildings is amended as follows:

Section B105 of the International Fire Code is deleted in its entirety and replaced as follows:

B105 Fire-Flow requirements for buildings. Prior to the issuance of a building permit for any building, portion of a building, or substantial alteration thereto, fire-flow shall be provided in the amount required by this Section. Fire-flow shall be automatically available and supplied at a residual pressure of not less than 20 pounds per square inch (psi) (138 kPa).

B105.1 One- and Two-family dwellings. The minimum fire-flow requirements for one- and two-family dwellings (Group R-3) having a fire-flow calculation area which does not exceed 3,600 square feet shall be 750 gallons per minute (GPM) for one (1) hour for each hydrant providing fire flow. Fire-flow for buildings of 3,600 square feet or more in floor area including attached garages, covered porches and under upper story decks shall be 1,000 GPM for one (1) hour for each hydrant providing fire flow.

**EXCEPTIONS:**

- a) Fire-protection credits as described in Table B105.2 may be used in lieu of providing minimum fire-flow requirements for one- and two-family dwellings (Group R-3) on lots which are one gross acre or more in area.

- b) Fire-protection credits as described in Table B105.2 may be used in lieu of providing minimum fire-flow requirements for one- and two-family dwellings (Group R-3) if a water main capable of providing at least 500 GPM of fire-flow is not available to the building, portion of a building, or substantial alteration thereto. If the above fire-flow can be provided by the addition of a fire hydrant, the fire hydrant shall be installed.
- c) When at least 500 GPM is available from an approved fire hydrant, it shall be credited toward the required fire-flow for one- and two-family dwellings (Group R-3). The additional fire-flow requirements may be provided by using fire-protection credits as described in Table B105.2 in lieu of providing additional fire flow.

B105.2 Group U Occupancies. The minimum fire-flow requirements for Group U occupancies shall be 750 GPM for one (1) hour for each hydrant providing fire flow.

**EXCEPTIONS:**

1. Minimum fire-flow is not required for Group U occupancies meeting all of the following criteria:
  - a) It does not exceed 2,500 square feet; and
  - b) It is accessory to a one- or two-family dwelling (Group R-3) that has fire-flow or 100% of fire protection credits as described in Table B105.2; and
  - c) It has setbacks from side and rear lot lines of at least 20 feet, and is at least 10 feet from other buildings on the same lot.
2. Fire-protection credits as described in Table 105.2 may be used in lieu of providing minimum fire-flow requirements for Group U occupancies on lots which are one gross acre or more in area.
3. Fire-protection credits as described in Table B105.2 may be used in lieu of providing minimum fire-flow requirements for Group U occupancies if a water main capable of providing at least 500 GPM of fire-flow is not available to the building, portion of a building, or substantial alteration thereto. If the above fire-flow can be provided by the addition of a fire hydrant, the fire hydrant shall be installed.
4. When at least 500 GPM is available from an approved fire hydrant, it shall be credited toward the required fire-flow for Group U occupancies. The additional fire-flow requirements may be provided by using fire-

protection credits as described in Table B105.2 in lieu of providing additional fire flow.

B105.3 Buildings other than One- and Two-family dwellings (Group R-3) and Group U occupancies. The minimum fire-flow requirements for buildings other than one- and two-family dwellings (Group R-3) and Group U occupancies shall not be less than that specified in Table B105.1 of the International Fire Code (IFC).

**EXCEPTIONS:**

1. A reduction in required fire-flow of up to 50%, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 of the IFC. Where buildings are also of Type I or II construction and are a light-hazard occupancy as defined by NFPA 13, the reduction may be up to 75%. However, the minimum amount of fire-flow required shall at no time be less than 1,500 GPM except as noted in Exception number 2 below. Fire-flow and duration of fire-flow shall be the fire-flow and duration of the actual fire-flow required after reductions for fire protection features described above.
2. When at least 1,000 GPM is available from an existing approved water main, or is provided by the extension of or from an existing water main, it shall be credited toward the required fire-flow. The fire-flow requirement may be reduced to that available by using fire-protection features such as approved monitored automatic sprinkler systems or fire resistive building construction as specified in Table B105.2 in lieu of additional fire-flow. Fire-flow and duration of fire-flow shall be the fire-flow and duration of the actual fire-flow required after reductions for fire protection features described above.
3. Non-combustible fueling station canopies shall be exempt from all fire flow provisions.

<b>TABLE B105.2</b>		
<b>Fire Protection Credits <sup>(1)</sup></b>		
<b>Options to reduce Fire-Flow <sup>(2)</sup></b>	<b>Group R-3 &amp; U <sup>(3)</sup></b>	<b>All Others <sup>(3) (4)</sup></b>
	<b>% of reduction</b>	<b>% of reduction <sup>(5)</sup></b>
Building less than 2,000 sq. ft.	-35%	-25%
Building 2,000 sq. ft. to 3,600 sq. ft.	-20%	n/a
NFPA 13 D extended coverage sprinkler system <sup>(6)</sup>	-65%	n/a
NFPA 13 D sprinkler system	-50%	n/a
NFPA 13 R sprinkler system	-50%	n/a
Residential Range-top Fire Suppression System	-15%	n/a
NFPA 13 sprinkler system	n/a	-50%
30' minimum setback from property lines <sup>(8)</sup>	-25%	-15%
Monitored Fire Alarm	-25%	-25%
1-hour construction <sup>(7)</sup>	-15%	-25%
Class A or B roof	-15%	-10%
60% brick/stone exterior or approved non-combustible exterior	-15%	-10%

<sup>(1)</sup> Each portion of a building shall be considered as a separate fire area when separated by one or more four-hour fire walls with no openings and a 30-inch parapet, constructed in accordance with the International Building Code (IBC).

<sup>(2)</sup> Credits used for or with substantial alterations shall be applied to the entire structure.

<sup>(3)</sup> Types of construction are based upon the IBC.

<sup>(4)</sup> Shall not apply to IBC Group-H Occupancy classifications.

<sup>(5)</sup> In Types IA and IB construction, only the three largest successive floor areas shall be used.



- (6) Consists of a 13D sprinkler system with sprinkler coverage extended into the garage, attic, small bathrooms and closets, and porch coverings.
- (7) Consists of a minimum of “type X” drywall throughout interior for Group R-3 and U occupancies. Other occupancy groups shall meet the requirements for one-hour construction specified by the IBC.
- (8) The 30-foot setback is from side and rear property lines. Front setbacks may be allowed by the zoning of the property.

**15.07.200 Signage.**

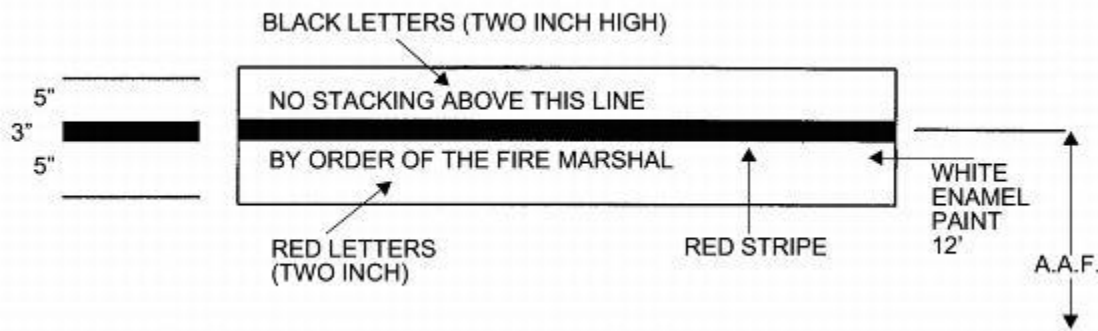
A new Section 3205.6.1 is hereby added to the Fire Code, adopted in Section CMC 15.07.020, which shall read as follows;

A. Section 3205.6.1, Signage.

Facilities designed in accordance with this section shall include the appropriate signage (as shown below) and shall be properly posted as described herein.

Example of approved signage required for use of Section 3205.6.1, as amended:

- 1. This sign must be posted prior to building being occupied.
- 2. Mount signs at 50'0" O.C. on all walls starting 25'0" from any exterior corner; also on two sides of each column.
- 3. Signage required on end of racks, if installed in rows.



- 1. This sign must be posted prior to building being occupied.
- 2. Mount signs at 50'0" O.C. on all walls starting 25'0" from any exterior corner; also on two sides of each column.
- 3. Signage required on end of racks, if installed in rows.

B. Additionally, signage shall comply with Section 310.3 of the International Fire Code which requires the fire code official to approve the content, lettering, size, color and location of required “No Smoking” signs.

**15.07.210 Violations and Penalties.**

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the building inspector, or of a permit or certificate used under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment not exceeding one year or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

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## CHAPTER 15.10 MOBILE DWELLINGS

### Sections:

- 15.10.010 Purpose of chapter.**
  - 15.10.020 Placement, occupation requirements.**
  - 15.10.030 Permanently fixed location required.**
  - 15.10.040 Statement of ownership.**
  - 15.10.050 Conformity with existing structures – Permission of neighboring property owners.**
  - 15.10.060 Placement permit.**
  - 15.10.070 Assessment as part of real estate.**
  - 15.10.080 Statement of compliance – Extension.**
  - 15.10.090 Existing nonconforming mobile dwellings.**
  - 15.10.100 Penalty for violation.**
  - 15.10.110 Exemption for travel trailers.**
- 
- 15.10.010 Purpose of chapter.**

This chapter and the enforcement thereof is deemed expedient and necessary to promote the order, uniformity and harmony in the growth of the town of Carbonado and to safeguard the public health, safety and morals. (Ord. 322 § 1, 2005)

### **15.10.020 Placement, occupation requirements.**

No trailer house or mobile home, hereinafter referred to as "mobile dwelling," shall be placed on any lot or occupied as a dwelling in the town of Carbonado except as hereinafter provided. (Ord. 322 § 2, 2005)

### **15.10.030 Permanently fixed location required.**

Any mobile dwelling placed in the town of Carbonado shall be permanently fixed in location on a permanent foundation; such shall mean placed upon masonry or concrete perimeter foundation; shall have the hitch, wheels, and axles removed; shall have fixed pipe connections with sewer, water, and other utilities; and shall be assessed and taxed as part of the real estate to which it is attached. (Ord. 322 § 3, 2005)

### **15.10.040 Statement of ownership.**

The owner of the mobile dwelling must apply for and receive from the town clerk a written statement indicating that the clerk has examined evidence sufficient to establish that the owner of the mobile dwelling is also the owner or purchaser of the lot or lots upon which it is to be placed. (Ord. 322 § 4, 2005)

### **15.10.050 Conformity with existing structures – Permission of neighboring property owners.**

If the mobile dwelling is to be placed on a lot within 150 feet of any permanent dwelling erected by conventional on-site construction methods, it shall be necessary for the owner of the proposed mobile dwelling to obtain a statement or statements from three-fourths of the property owners within 150 feet from his lot, indicating that they feel the proposed mobile dwelling would adequately conform to the standards of their neighborhood and indicating their permission to have the mobile dwelling placed as proposed. (Ord. 322 § 5, 2005)

**15.10.060 Placement permit.**

The owner of the mobile dwelling must, prior to placement upon a lot, apply for and receive a placement permit from the town building inspector. With his application, the owner must furnish evidence sufficient to indicate that his mobile dwelling will comply with all provisions of the town building code. The owner must also furnish two copies of a plan showing the proposed location of the mobile dwelling upon the lot, must provide a written description of the type of foundation that is to be used, must pay a permit fee of \$750.00, must furnish a copy of a statement of ownership issued by the town clerk under CMC 15.10.040, and if necessary, must provide statements showing that permission of neighboring property owners has been obtained. Upon examination of the material provided by the owner, and upon being satisfied that the proposed installation will be in compliance with all provisions of this chapter, the building inspector shall issue to the owner a placement permit authorizing the placement of the mobile dwelling in compliance with the proposal and all applicable ordinances within 60 days. (Ord. 322 § 6, 2005)

**15.10.070 Assessment as part of real estate.**

Immediately upon the placement of the mobile dwelling, the owner shall take whatever steps are required by the county assessor to ensure that the mobile dwelling is assessed as part of the real estate upon which it sits. (Ord. 322 § 7, 2005)

**15.10.080 Statement of compliance – Extension.**

The owner must complete the installation of his mobile dwelling, apply to the building inspector for inspection thereof within 60 days of issuance of the placement permit, and provide evidence that the mobile dwelling has been or will be entered on the tax rolls, for assessment purposes, as part of the real estate upon which it sits. For good cause shown the owner may obtain one 30-day extension, but there shall be a \$10.00 extension fee. Upon the request of the owner, the building inspector shall promptly inspect the installation, and if in compliance with the proposed plan and all applicable ordinances, the inspector shall issue a statement of compliance. It shall be unlawful to reside in a mobile dwelling prior to receipt of the statement of compliance, and no town utilities shall be connected prior to that time. (Ord. 322 § 8, 2005)

**15.10.090 Existing nonconforming mobile dwellings.**

Because of the hardship that would be involved in demanding immediate compliance with this chapter by owners of existing nonconforming mobile dwellings, said owners shall be given three years from the date of passage of the ordinance codified in this chapter to comply or remove nonconforming mobile dwellings from the town. (Ord. 322 § 9, 2005)

**15.10.100 Penalty for violation.**

Any person found guilty of violating any provision of this chapter shall be punished by a fine of not more than \$500.00 or by imprisonment of not more than 30 days or both such fine and imprisonment. Every violation shall be considered a separate offense; and each month that a particular violation continues shall be considered a new and separate offense. In addition, any statement of compliance issued may be revoked if the violation is not ceased within 30 days after notice to the owner, and the mobile dwelling may be ordered removed from the town. (Ord. 455 § 1, 2017)

**15.10.110 Exemption for travel trailers.**

Travel trailers, which shall mean mobile dwellings less than 50 feet in length, may be brought into the town of Carbonado under the following conditions:

- A. It shall be unlawful to park or cause or permit a travel trailer to stand or to be upon any public street, avenue, alley, or any other public place for more than eight hours in any three-day period.
- B. Travel trailers may be stored on private property so long as they do not hinder public safety. The town official will determine such safety.
- C. Travel trailers may not be used for dwelling or sleeping purposes while within the town except under the following conditions:
  - 1. A travel trailer may be temporarily occupied if located on private property for no more than ten (10) consecutive and/or calendar days per year, or
  - 2. The Town Council grant an exception for a temporary dwelling pursuant to CMC 15.10.120 through CMC 15.10.150. (Ord. 455 § 2, 2017)

**15.10.120 Temporary Dwellings – Permit Required**

- A. It is unlawful for any person to occupy a temporary dwelling without first having a duly issued temporary dwelling permit.
- B. If a person is constructing or substantially renovating a residence and wishes to occupy a temporary dwelling until construction is completed, or if a person wishes to temporarily house a family member in a travel trailer, then that person may apply for a temporary dwelling permit with the town building inspector. A nonrefundable fee of \$500.00 shall be paid at the time the application is submitted. A \$500.00 nonrefundable fee shall be paid with each application for a 180-day period including the first 180-day period;
- C. A temporary dwelling permit shall be valid for 180 days and may be renewed for three subsequent 180-day periods; provided, however, before a renewal shall be issued the building inspector shall certify that the temporary dwelling still meets all applicable Carbonado Municipal Code requirements. (Ord. 455 § 3, 2017)

**CMC 15.10.130 Temporary Dwellings – Permit Conditions.**

A temporary dwelling permit shall not be issued unless the following requirements are met:

- A. A temporary dwelling must be located upon the same lot as the primary residence or upon which the residence is being constructed and must be occupied by the property owner or a direct family member.
- B. The temporary dwelling unit must contain indoor plumbing, including bathroom facilities.
- C. The temporary dwelling must be hooked up to a public sewer system, or to an approved subsurface soil absorption system, prior to occupancy.
- D. The temporary dwelling unit must be hooked up to a public water system, or an approved private water system, prior to occupancy.

- E. A temporary occupancy permit shall not be issued until a building permit for the permanent structure is obtained.
- F. The temporary structure must be safety-inspected for plumbing, electrical and structural requirements and shall meet current federal standards for mobile homes.
- G. The temporary structure must meet all lot setback requirements.
- H. No outdoor storage with the exception of lawn furniture, grills and children's outdoor play toys is allowed.
- I. All garbage must be in an approved garage receptacle.
- J. There must be an approved off-street parking space for every vehicle. (Ord. 455 § 4, 2017)

**15.10.140 Temporary Dwellings – Cancellation, Expiration.**

A temporary dwelling permit shall automatically be canceled if the building permit for the permanent structure is canceled, expired or otherwise becomes ineffective. The temporary dwelling permit shall automatically expire upon the approval of the permanent residence for occupancy. (Ord. 455 § 5, 2017)

**15.10.150 Temporary Dwellings – Removal from Site.**

The temporary dwelling shall be removed from the site or vacated within two weeks after the permanent structure is approved for occupancy or the permit expires. (Ord. 455, § 6, 2017)

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**CHAPTER 15.15 NEW DWELLINGS AND PLACEMENT PLANS**

**Sections:**

**15.15.010 Number restriction.**

**15.15.020 Minimum square feet required.**

**15.15.030 Filing of plans.**

**15.15.040 Violation – Penalty.**

**15.15.010 Number restriction.**

Only one residence or dwelling will be permitted to be built or placed on any one lot. (Ord. 83 § 1, 1969)

**15.15.020 Minimum square feet required.**

Any residence or dwelling hereafter erected or placed in the town of Carbonado must contain a minimum of 800 square feet of living space. (Ord. 83 § 2, 1969)

**15.15.030 Filing of plans.**

In addition to other requirements of law, no permit for the building or placement of a dwelling in the town shall be issued until two plans showing the proposed location of the dwelling in relation to its lot boundaries have been filed with the town building inspector. (Ord. 83 § 3, 1969)

**15.15.040 Violation – Penalty.**

Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this chapter, or portion thereof, shall be punished by a fine not to exceed \$100.00, or by imprisonment for a period not to exceed 30 days, or by both such fine and imprisonment. (Ord. 83 § 4, 1969)

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## CHAPTER 15.20 TEMPORARY STRUCTURES

### Sections:

**15.20.010 Temporary residential structures on lots with another residential structure.**

**15.20.010 Temporary residential structures on lots with another residential structure.**

No building permit shall be issued for a residential building to be constructed upon a lot upon which another residential structure exists, unless town ordinances allow for more than one single-family residence on the lot. Provided, however, a building permit may be issued even though a temporary residential structure is located on the property if all of the following conditions are met:

- (1) The temporary structure is connected to town water and the public sanitary sewer system or an approved septic system, if allowed by town ordinance; and
- (2) The temporary structure is not on a permanent foundation; and
- (3) The temporary structure is removed from the lot prior to occupancy of the new structure; and
- (4) The building permit remains valid at all times; and
- (5) The property owner, prior to issuance of the building permit, signs an agreement with the town that it will comply with the provisions of this chapter and if the temporary structure is not timely removed, then the town may, at the property owner's expense, have the temporary structure removed and the town's costs and reasonable attorney's fees incurred in the process shall be a lien against the property which can be foreclosed in the same manner as a labor lien. (Ord. 295 § 1, 2001)

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**TITLE 16 ENVIRONMENT**

**Chapters:**

[16.05 General Provisions](#)

[16.10 Definitions](#)

[16.15 Use and Activity Regulations](#)

[16.20 Wetlands](#)

[16.25 Flood Hazard Areas](#)

[16.30 Regulated Fish and Wildlife Species and Habitat Conservation Areas](#)

[16.35 Aquifer Recharge and Wellhead Protection Area](#)

[16.40 Volcanic Hazard Areas](#)

[16.45 Landslide Hazard Areas](#)

[16.50 Seismic Hazard Areas](#)

[16.55 Mine Hazard Areas](#)

[16.60 Erosion Hazards](#)

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## CHAPTER 16.05 GENERAL PROVISIONS

### Sections:

- 16.05.010 Authority.**
- 16.05.020 Title.**
- 16.05.030 Purpose.**
- 16.05.040 Interpretation.**
- 16.05.050 Applicability.**
- 16.05.060 Definitions.**
- 16.05.070 Administration.**
- 16.05.080 Critical Area Protective Measures.**
- 16.05.090 Reconsideration and Appeal Procedures.**
- 16.05.100 Fees.**
- 16.05.110 Compliance.**
- 16.05.120 Warning and Disclaimer of Liability.**
- 16.05.130 Severability.**
- 16.05.140 Appendices.**
- A. Mapping Sources.**
- B. Title and Plat Notification/Plat Notes.**
- C. Forfeiture of Financial Guarantees.**

(Ord. 428, 2015)

### **16.05.010 Authority.**

This Title is established pursuant to RCW 36.70A, RCW 86.16, WAC 173-22, and Carbonado Ordinance No. 428.

### **16.05.020 Title.**

This Title shall be known as "Title 16, Development Regulations – Critical Areas."

### **16.05.030 Purpose.**

Erosion, landslide, seismic, volcanic, mine, and flood hazard areas; streams; wetlands; certain fish and wildlife species and habitat; and aquifer recharge areas constitute critical areas. All of these areas are of special concern to the people of Carbonado, Pierce County and the State of Washington. The purpose of this Title is to protect critical areas of Carbonado from the impacts of development and protect development from the impacts of hazard areas by establishing minimum standards for development of sites which contain or are adjacent to identified critical areas and thus promote the public health, safety, and welfare by:

- A. Avoiding impacts to critical areas;
- B. Mitigating unavoidable impacts by regulating development;
- C. Protecting from impacts of development;
- D. Protecting the public against losses from:

1. Costs of public emergency rescue and relief operations where the causes are avoidable; and
  2. Degradation of the natural environment and the expense associated with repair or replacement.
- E. Preventing adverse impacts on water availability, water quality, wetlands, and streams;
- F. Protecting unique, fragile, and valuable elements of the environment, including critical fish and wildlife habitat;
- G. Providing town officials with sufficient information to adequately protect critical areas and proposed development when approving, conditioning, or denying public or private development proposals;
- H. Providing the public with sufficient information and notice of potential risks associated with development in natural hazard critical areas; and
- I. Implementing the goals and requirements of the Growth Management Act of 1990, the State Environmental Policy Act, the Puget Sound Water Quality Management Plan, the Pierce County Charter, the Carbonado Comprehensive Plan, and all updates and amendments, functional plans, and other land use policies formally adopted by the town of Carbonado.

**16.05.040 Interpretation.**

In the interpretation and application of this Title, all provisions shall be:

- A. Considered the minimum necessary;
- B. Liberally construed to serve the purposes of this Title; and
- C. Deemed neither to limit nor repeal any other powers under State statute.

**16.05.050 Applicability.**

- A. This Title shall apply to all lands or waters within Carbonado town limits that are designated as critical areas.
- B. No development shall hereafter be constructed, located, extended, converted, or altered or land subdivided without full compliance with the terms of this Title.
- C. When the requirements of this Title are more stringent than those of other Carbonado municipal codes and regulations, including the Uniform Building Code, the requirements of this Title shall apply.
- D. Compliance with these regulations does not remove an applicant's obligation to comply with applicable provisions of any other Federal, State, or local law or regulation.
- E. Criteria for determining critical areas is contained within each Chapter of this Title.



F. When a site contains two or more critical areas, the minimum standards and requirements for each identified critical area as set forth in this Title shall be applied.

G. Critical areas, as defined and regulated by this Title, are identified on the following Carbonado and/or Pierce County Critical Areas Atlas Maps:

1. Town or County Wetland Inventory Maps;
2. Landslide Hazard Area Maps;
3. Erosion Hazard Area Maps;
4. Seismic Hazard Area Maps;
5. Volcanic Hazard Area Maps;
6. Mine Hazard Area Maps;
7. Aquifer Recharge and Wellhead Protection Areas Maps;
8. Fish and Wildlife Habitat Area Maps; and
9. Flood Hazard Area Maps.

H. The exact boundary of each critical area depicted on the Critical Areas Atlas Maps is approximate and is intended only to provide an indication of the presence of a critical area on a particular site. Additional critical areas that have not been mapped may be present on a site. The actual presence of a critical area or areas and the applicability of these regulations shall be determined based upon the classification or categorization criteria and review procedures established for each critical area.

**16.05.060 Definitions.**

See Chapter 16.10 for a complete list of defined terms.

**16.05.070 Administration.**

A. **Approvals Required.** An approval must be obtained from the land use administrator when the land use administrator determines that the site or project area may contain a critical area or its buffer, as set forth in each Chapter.

B. **Application Requirements.**

1. **Preliminary Review.** The provisions for conducting a preliminary review for an application is set forth in Chapter 14.05 General Provisions and 14.15 Permit Decision and Appeal Processes.

2. **Application Filing.**

- a. Applications shall be reviewed for completeness in accordance with land use submittal standards checklists and pursuant to Chapter 14.20 Application Requirements.
  - b. The town may maintain a roster of consultants (e.g., wetland specialists, fish and wildlife biologists, etc.), except those professionals who are licensed by the State of Washington such as engineers, geologists and surveyors) who are eligible to submit applications and accompanying assessments, reports, studies, evaluations, delineations, verifications, surveys, etc. as required under this Title. A consultant may be removed from the town's eligibility roster (i.e., given an ineligibility status) for a time period of not less than six months nor greater than twelve months when the land use administrator determines that the consultant knowingly or repeatedly (three times) submits inaccurate assessments, reports, plans, surveys, certification forms, etc. The consultant will be informed in writing of the town's decision for removal from the roster, the time period for such removal, and appeal procedures.
3. Modifications.
- a. The land use administrator may request an update of any required assessment, report, delineation, study, etc. due to the potential for change in the existing environment that may have been caused by a natural event (e.g., seismic event, landslides, flooding, etc.) that occurred after the original document was initially submitted but prior to the land use administrator granting issuance of the permit or approval.
  - b. The request to update any required assessment, report, delineation, study, etc. shall be utilized when there is a potential for life safety issues that may occur as a result of the natural event (e.g., increased potential for landslide).
  - c. The land use administrator shall request any required updates in writing.
- C. Public Notice. Public notice provisions for notice of application; public hearing, if applicable; and final decision pursuant to this Title are outlined in Chapter 14.05 General Provisions.
- D. Review.
1. Initial Review. The land use administrator shall conduct an initial review of any application in accordance with the provisions outlined in Chapter 18.60 CMC, Development Regulations – General Provisions.
  2. Review Responsibilities.
    - a. The land use administrator is responsible for administration, circulation, and review of any applications and approvals required by this Title.
    - b. The Examiner shall be the decision authority for any approval under this Title requiring a public hearing, including, but not limited to Reasonable Use Exceptions and Variances.

c. State agencies, as determined by the land use administrator, may review an application and forward their respective recommendations to the land use administrator or Examiner, as appropriate.

3. Review Process.

a. The land use administrator shall perform a critical area review for any application submitted for a regulated activity, including but not limited to those set forth in CMC 16.15.020. Reviews for multiple critical areas shall occur concurrently.

b. The land use administrator shall, to the extent reasonable, consolidate the processing of related aspects of other Carbonado regulatory programs which affect activities in regulated critical areas, such as subdivision or site development, with the approval process established herein so as to provide a timely and coordinated review process.

c. As part of the review of all development or building-related approvals or permit applications, the land use administrator shall review the information submitted by the applicant to:

- (1) Confirm the nature and type of the critical area and evaluate any required assessments, reports, or studies;
- (2) Determine whether the development proposal is consistent with this Title;
- (3) Determine whether any proposed alterations to the site containing critical areas are necessary; and
- (4) Determine if the mitigation and monitoring plans proposed by the applicant are sufficient to protect the public health, safety, and welfare consistent with the goals, purposes, objectives, and requirements of this Title.

d. When it is determined that regulated activities subject to SEPA (Title 14.10 CMC) are likely to cause a significant, adverse environmental impact to the critical areas identified in this Title that cannot be adequately mitigated through compliance with this Title, mitigation measures may be imposed consistent with the procedures established in CMC 14.10.

e. Critical area applications required under this Title shall be approved prior to approval of any related action (parent application) such as, but not limited to, a building permit, land division action, site development action, or use permit.

f. The requirement to submit critical area assessments, reports, etc. required under this Title may be waived at the land use administrator's discretion when the proposed project area for a regulated activity is located in an area that has been the subject of a previously submitted and approved assessment, report etc. if all of the following conditions have been met:

- (1) The provisions of this Title have been previously addressed as part of another approval.

(2) There has been no material change in the potential impact to the critical area or required buffer since the prior review.

(3) There is no new information available that is applicable to any critical review of the site or particular critical area.

(4) The permit or approval has not expired or, if there is no expiration date, no more than five years have elapsed since the issuance of that permit or approval.

4. Approval.

a. Carbonado may approve, approve with conditions, or deny any development proposal in order to comply with the requirements and carry out the goals, purposes, objectives and requirements of this Title. Approval or denial shall be based on the land use administrator's or Examiner's, as applicable, evaluation of the ability of any proposed mitigation measures to reduce risks associated with the critical area and compliance with required standards.

b. Applicants shall comply with the recommendations and/or mitigation measures contained in final approved assessments or reports and any land use administrator or Examiner conditions of approval.

c. Approval of an application required under this Title must be given prior to the start of any development activity on a site.

5. Denial. The land use administrator or Examiner, as applicable, shall have the authority to deny any application for development or building-related approvals or permits when the criteria established in this Title have not been met.

6. Time Period for Final Decision. The provisions for issuing a notice of final decision on any application filed pursuant to this Title are set forth in Chapter 14.05.

E. Time Limitations.

1. Expiration of Approval.

a. Approvals granted under this Title shall be valid for the same time period as the underlying permit (e.g., preliminary plat, site development, building permit). If the underlying permit does not contain a specified expiration date then approvals granted under this Title shall be valid for a period of three years from the date of issue, unless a longer or shorter period is specified by the land use administrator.

b. The approval shall be considered null and void upon expiration; unless a time extension is requested and granted as set forth in subsection 2 below.

2. Time Extensions.

a. The applicant or owner(s) may request in writing a one-year extension of the original approval.

- b. Knowledge of the expiration date and initiation of a request for a time extension is the responsibility of the applicant or owner(s).
- c. A written request for a time extension shall be filed with the land use administrator at least 60 days prior to the expiration of the approval.
- d. Upon filing of a written request for a time extension, a copy shall be sent to each party of record together with governmental land use administrators or agencies that were involved in the original approval process. By letter, the land use administrator shall request written comments be delivered to the land use administrator within 30 days of the date of the letter.
- e. Prior to the granting of a time extension, the land use administrator may require a new application(s), updated study(ies), and fee(s) if:
  - (1) The original intent of the approval is altered or enlarged by the renewal;
  - (2) If the circumstances relevant to the review and issuance of the original approval have changed substantially; or
  - (3) If the applicant failed to abide by the terms of the original approval.
- f. If approved, the one-year time extension shall be calculated from the date of granting said approval.
- g. The land use administrator has the authority to grant or deny any requests for time extensions based upon demonstration by the applicant of good cause for the delay.

F. Recording.

1. Approvals.

- a. Approvals issued pursuant to this Title shall be recorded on the title of the project parcel(s) at the Pierce County Auditor's Office prior to issuance of any site development permits or building permits, as applicable. Failure to record an approval in this timeframe may result in the imposition of enforcement actions.
- b. Recording of critical area approvals for work completed within utility line easements on lands not owned by the jurisdiction conducting the regulated activity shall not be required.

**16.05.080 Critical Area Protective Measures.**

A. General. All critical area tracts, conservation easements, land trust dedications, and other similarly preserved areas shall remain undeveloped in accordance with the conditions of approval, except as they may be allowed to be altered pursuant to each Chapter.

B. Financial Guarantees.

- 1. Carbonado may require an applicant to submit one or more financial guarantees to the town, as set forth in each Chapter, to guarantee any performance, mitigation,

maintenance, or monitoring required as a condition of permit approval. The approval for the project will not be granted until the financial guarantee is received by the land use administrator. Projects where the land use administrator is the applicant shall not be required to post a financial guarantee.

2. Financial guarantees required under this Title shall be:

- a. In addition to any other site development construction guarantees as required in other Titles.
- b. In the amount of 125 percent of the estimate of the cost of mitigation or monitoring to allow for inflation and administration should the town have to complete the mitigation or monitoring, unless the provisions set forth in CMC 16.05.080 C. below are applicable.
- c. Released by the town only when town officials have inspected the site(s) and the applicant's appropriate technical professional has provided written confirmation that the performance, mitigation, or monitoring requirements have been met.

C. Title and Land Division Notification.

1. General.

- a. Title and/or land division notice shall be required to be recorded with the Pierce County Auditor on each site that contains a critical area, prior to approval of any regulated activity on a site.
- b. If more than one critical area subject to the provisions of this Title exists on the site, then one notice, which addresses all of the critical areas, shall be sufficient.
- c. Title and land division notifications and notes shall be approved by the land use administrator and shall be consistent with CMC 16.05.140 – Appendix B.

2. Title Notification.

- a. When the land use administrator determines that activities not exempt from this Title are proposed, the property owner shall file a notice with the Pierce County Auditor. The notice shall provide a public record of the presence of a critical area and associated buffer, if applicable; the application of this Title to the property; and that limitations on actions in or affecting such critical area and associated buffer, if applicable, may exist.
- b. The notice shall be notarized and shall be recorded with the Pierce County Auditor prior to approval of any regulated use or activity for the site.
- c. Notice on title is not required for utility line easements on lands not owned by the jurisdiction conducting the regulated activity (e.g., gas pipelines).

3. Land Division Notification and Notes. The applicant shall include notes, as referenced in CMC 16.05.140 – Appendix B, on the face of any proposed final plat, binding site plan, large lot, and short subdivision documents for projects that contain critical areas

or critical area buffers. The applicant shall also clearly identify the critical area boundaries and the boundary of any associated buffers on the face of these documents.

D. Tracts and other Protective Mechanisms. Prior to final approval of any subdivisions, short subdivisions, large lot divisions, or binding site plans, the part of the critical area and required buffer which is located on the site shall be placed in a separate tract or tracts, or alternative protective mechanism such as a protective easement, public or private land trust dedication, or similarly preserved through an appropriate permanent protective mechanism as determined by the land use administrator. Approval of an alternative protective mechanism will be based upon the land use administrator's or Hearing Examiner's, as applicable, determination that such alternative mechanism provides the same level of permanent protection as designation of a separate tract or tracts. Each lot owner within the subdivision, short plat, large lot, or binding site plan shall have an individual taxable interest in the tract(s) or protective mechanism created by this Section.

E. Homeowners Covenants. A description of the critical area and required buffer shall be placed in any required homeowners' covenants. Such covenants shall contain a detailed description of the allowable uses within the critical area and, if applicable, associated buffer and long-term management and maintenance requirements.

F. Identification of Critical Areas and Required Buffers on Construction Plans. Critical areas and required buffers shall be clearly identified on all construction plans such as, but not limited to, site development plans, residential building plans, commercial building plans, forest harvest plans, conversion option harvest plans, etc.

G. Markers, Fencing, and Signage.

1. Markers. The land use administrator may require the outer edge of the critical area boundaries or, if applicable, required buffer boundaries on the site to be flagged by the qualified professional, as outlined in each Chapter. These boundaries shall then be identified with permanent markers and located by a licensed surveyor, unless otherwise stated in this Title. The permanent markers shall be clearly visible, durable, and permanently affixed to the ground.

2. Fencing.

a. Temporary Construction Fencing. Temporary fencing is required when vegetation is to be retained in an undisturbed condition within the critical area and required buffer. In such cases, the applicant will be required to construct silt fencing, construction fencing, or other town approved method of temporary fencing at the edge of the critical area or, if applicable, the edge of the required buffer prior to beginning construction on the site. Temporary fencing shall not be required when alteration to a critical area or the buffer is allowed.

b. Permanent Fencing. The land use administrator may require the construction of permanent fencing along the buffer boundary of a wetland, fish or wildlife habitat conservation area or active landslide hazard area.

3. Signage.

- a. The land use administrator may require permanent signage to be installed at the edge of the critical area or, if applicable, the edge of the required buffer.
- b. When a sign is required, it shall indicate the type of critical area and if the area is to remain in a natural condition as permanent open space.
- c. Exact sign locations, wording, size, and design specifications shall be established by the land use administrator. Required signage shall be clearly visible, durable, and permanently affixed to the ground.
- d. Prior to final approval of any critical area application, the applicant shall submit an affidavit of posting to the land use administrator as proof that any required signs were posted on the site.

H. Building Setbacks.

1. Unless otherwise provided in this Title, buildings and other structures shall be set back a distance of 15 feet from the edge of all critical area buffers or, where no buffers are required, the edge of the critical area.
2. The following uses and activities may be allowed in the building setback area:
  - a. Landscaping;
  - b. Uncovered decks;
  - c. Building overhangs if such overhangs do not extend more than 18 inches into the setback area;
  - d. Impervious ground surfaces, such as driveways, parking lots, roads, and patios, provided that such improvements conform to the water quality standards set forth in Title 13.12 and/or 13.36 CMC and that construction equipment does not enter the buffer during the construction process; and
  - e. Clearing and grading.

**16.05.090 Reconsideration and Appeal Procedures.**

Procedures for appeal of an administrative decision and procedures for reconsideration or appeal of a Hearing Examiner decision issued pursuant to this Title are set forth in Chapter 14.15 CMC.

**16.05.100 Fees.**

Fees for applications and/or review of reports, studies, or plans filed pursuant to this Title are set forth in Chapter 14.90 and/or 14.95 CMC.

**16.05.110 Compliance.**

- A. The regulations for compliance with the provisions of this Title are set forth in Chapter 14.05 CMC.



B. When a critical area or its required buffer has been altered in violation of this Title, the land use administrator shall require the property owner to bring the site into compliance. The property owner shall be required to submit the appropriate critical area application and commence review, as applicable for each Chapter. In addition to any required site investigation, delineations, assessments, reports, etc., the property owner shall be required to submit a restoration plan that identifies the proposed mitigation to bring the subject property into compliance with the requirements of this Title.

**16.05.120 Warning and Disclaimer of Liability.**

To promote public health, safety, and welfare, this Title provides the minimum standards for development of sites which contain or are adjacent to identified critical areas. The minimum standards are deemed to be reasonable for regulatory purposes and are based on scientific and engineering considerations. However, natural and manmade events that exceed the scope regulated under this Title may include but are not limited to: erosion of land, landslides, seismic and volcanic activity, mining, and flooding. Such events may cause serious personal or bodily injury, including death, and damage to or loss of property. The minimum standards in this Title are not a guarantee against damage or injury. Applicants under this Title are responsible for fully investigating and making their own assessment of all potential risks, harm, and dangers that may be present in or near their site and are free to exceed the established standards if they choose.

**16.05.130 Severability.**

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

**16.05.140 Appendices.**

- A. Mapping Sources.
- B. Title and Plat Notification/Plat Notes.
- C. Forfeiture of Financial Guarantees.

**16.05.140 – Appendix A  
Mapping Sources**

The following sources of information, or latest available version, may be used to indicate the presence of critical areas within Carbonado and provide data used in the development of the Carbonado Critical Areas Maps and/or the Pierce County Critical Area Atlas Maps:

- A. The following sources identify wetlands that are depicted in the Carbonado Wetlands Maps and/or the Pierce County Wetland Inventory Maps and/or used as indicators of wetland presence:
  - 1. Soil Survey of Pierce County Area, Washington, 1979, Soil Conservation Service, United States land use administrator of Agriculture (USDA);
  - 2. Soil Survey of Snoqualmie Pass Area, Parts of King and Pierce Counties, Washington, United States land use administrator of Agriculture, Soil Conservation Service, December 1992;

3. National Wetland Inventory Maps, U.S. land use administrator of Interior, Fish and Wildlife Service, 1973;
4. FEMA FIRM Maps and Flood Insurance Study;
5. Aerial photographs, land use administrator of Natural Resources, 1985 (Assessor's Office aerials);
6. Ongoing field investigation to categorize and delineate wetlands; and
7. Carbonado Comprehensive Plan Wetland Inventory, 1992 through 2015.

B. The following sources identify landslide and erosion hazard areas that are depicted in the Carbonado Landslide Hazards Area Map and/or the Pierce County Critical Areas Atlas-Landslide Hazard Area Maps and Erosion Hazard Areas Maps and/or used as indicators of landslide and erosion hazard area presence:

1. Soil Survey of Pierce County Area, Washington, 1979, Soil Conservation Service, United States land use administrator of Agriculture (USDA);
2. Soil Survey of Snoqualmie Pass Area, Parts of King and Pierce Counties, Washington, United States land use administrator of Agriculture, Soil Conservation Service, December 1992;
3. Areas designated as slumps, earthflows, mudflows, lahars, or landslides on maps published by the United States Geological Survey or Washington land use administrator of Natural Resources Division of Geology and Earth Resources;
4. Pierce County topographic data;
5. United States Geologic Survey Quadrangle maps;
6. Coastal Zone Atlas of Washington, Volume VII, Pierce County, Washington land use administrator of Ecology;
7. Applicant supplied and verified data of active landslide areas and potentially unstable areas; and
8. Carbonado Comprehensive Plan Landslide Hazard Area maps 1992 through 2015.

C. The following sources identify seismic hazard areas which are depicted in the Pierce County Critical Areas Atlas-Seismic Hazard Areas Map and/or used as indicators of seismic hazard area presence:

1. Washington State land use administrator of Natural Resources Division of Geology and Earth Resources 1-100,000 Scale Digital Geology of Washington State; and
2. Areas designated as faults or subject to liquefaction or dynamic settlement on maps or data published by the United States Geological Survey or Washington land use administrator of Natural Resources Division of Geology and Earth Resources;

3. Washington State land use administrator of Natural Resources Division of Geology and Earth Resources 1-100,000 Scale Digital Geology: Liquefaction Susceptibility of the Greater Tacoma Urban Area, Pierce and King Counties, Washington; Sumner 7.5 Minute Quadrangle, Washington; and the Auburn and Poverty Bay 7.5 Minute Quadrangles, Washington; and
4. Liquefaction Hazard Ranking by S.P. Palmer, Ph.D., L.E.G., based on Youd and Hoose (1977) and Youd and Perkins (1978).

D. The following sources identify mine hazard areas which are depicted in the Carbonado Mining Hazards Map and the Pierce County Critical Areas Atlas-Mine Hazard Areas Map and/or used as indicators of mine hazard area presence:

1. The Washington land use administrator of Natural Resources, Division of Geology and Earth Resources, Washington State Coal Mine Cap Collection, Open File Report 94-7, June 1994;
2. Ashford Vicinity Map and Map of Lands of Mashell Coal & Coke Company at Ashford, Washington by Andrew Kennedy as verified by Allan J. Papp, P.E.
3. Washington Geological Survey, Bulletin No. 10, The Coal Fields of Pierce County, Joseph Daniels, 1915;
4. Maps of Pierce County Coal Mines compiled by Timothy J. Walsh, Chief Geologist, Division of Geology and Earth Resources, Washington land use administrator of Natural Resources; and
5. Carbonado Comprehensive Plan Mining Hazard Area maps 1992 through 2015.

E. The following sources identify volcanic hazard areas that are depicted in the Pierce County Critical Areas Atlas-Volcanic Hazard Areas Map:

1. "Map Showing Debris Flows and Debris Avalanches at Mount Rainier, Washington – Historical and Potential Future Inundation Areas," Hydrogeologic Investigations Atlas HA-729, U.S. Dept. of Interior, Geologic Survey, 1995 as amended by Kevin Scott, USGS, on November 10, 1997, to be consistent with the reports listed as 2. and 3. below;
2. Volcano Hazards from Mount Rainier, Washington by Hoblitt, Walder, Driedger, Scott, Pringle, and Valance, U.S. Geological Survey Open File Report 95-273, 1995;
3. Sedimentology, Behavior, and Hazards of Debris Flows at Mount Rainier, Washington, U.S. Geological Survey Professional Paper 1547, 1995;
4. Emergency Action Plan for Nisqually Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 1862, December 13, 1996, City of Tacoma, land use administrator of Public Utilities, Light Division; and
5. Table of Estimated Lahar Travel Times for Lahars 107 to 108 Cubic Meters in Volume (Approaching a "Case I" Lahar in Magnitude) in the Puyallup River Valley, Mount

Rainier, Pierson, T.C., 1998, An empirical method for estimating travel times for wet volcanic mass flows; Bulletin of Volcanology, v. 60, p. 98-109.

F. The following sources identify fish and wildlife habitats or presence and/or are used as indicators of critical fish or wildlife presence:

1. Water Type Reference Maps, Washington Department of Natural Resources, were used as sources to identify fish and wildlife habitat areas that are depicted in the Critical Areas Atlas-Fish and Wildlife Habitat Areas-Stream Typing Maps;
2. Natural Heritage Data Base, Washington Department of Natural Resources, was used as a source to identify fish and wildlife habitat areas which are depicted in the Critical Areas Atlas-Fish and Wildlife Habitat Areas-Vascular Plants and Fish and Wildlife Habitat Areas-Animals Maps;
3. Puget Sound Environmental Atlas, Puget Sound Water Quality Authority;
4. Priority Habitats and Species Program and Priority Habitat Species Maps, Washington Department of Fish and Wildlife;
5. Nongame Data Base, Washington Department of Fish and Wildlife;
6. Streamnet Database, Washington Department of Fish and Wildlife;
7. Water Resource Index Areas (WRIA), Washington Department of Fish and Wildlife;
8. Salmon Distribution Maps, Washington land use administrator of Fish and Wildlife and Washington State Conservation Commission Data, January 2000; and
9. Carbonado Comprehensive Plan maps, 1992-2015.

G. The following sources identify the aquifer recharge and wellhead protection areas that are depicted in the Pierce County Critical Areas Atlas-Aquifer Recharge Area-DRASTIC Zones Map and Aquifer Recharge Area-Clover/Chambers Creek Basin Map:

1. The boundaries of the two highest DRASTIC zones which are rated 180 and above on the DRASTIC index range, as identified in Map of Groundwater Pollution Potential, Pierce County, Washington, National Water Well Association, U.S. Environmental Protection Agency;
2. The Clover/Chambers Creek Aquifer Basin boundary as identified in the Clover/Chambers Creek Basin Groundwater Management Program (TPCHD 1991); and
3. Wellhead protection areas as identified by the Tacoma-Pierce County Health land use administrator.

H. The following sources identify flood hazard areas:

1. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Pierce County, and Incorporated Areas" dated March 7, 2017, with an accompanying

Flood Insurance Rate Map (FIRM), and, are hereby adopted by reference and declared to be a part of this ordinance. Pierce County may add or delete land from areas of special flood hazard or revise base flood elevations in accordance with federal regulations.

2. The Flood Insurance Study and Maps provide the base information used in the administration of this Title. The Flood Insurance Study is on file at the Pierce County Public Works and Utilities, 2401 South 35th Street, Tacoma, Washington; and

3. Where the Flood Insurance Study, FIRM, and floodway maps do not provide adequate, best, or most recent information, Pierce County may utilize flood information that is more restrictive or detailed than the FEMA data which can be used for identifying flood hazard areas. This information may include but is not limited to new and more accurate mapping or data on: channel migration, high water elevations from flood events, base flood elevations, groundwater flooding areas, potholes, maps showing increased flood inundation based on future build-out or changed hydrologic conditions, specific maps from watershed basin plans or related studies, studies by federal or state agencies, or other information deemed appropriate by the County. (Ord. 454 § 2, 2017)

4. Channel Migration Zones (CMZs).

a. Channel migration zones shall be regulated as floodways, and shall apply only to the Carbon River.

b. Channel Migration Zones on the Carbon River will be regulated when CMZ studies are completed, accepted and adopted by Pierce County. For more information regarding Channel Migration Zones, please refer to Chapter 16.25 CMC, Flood Hazard Areas.

c. Geomorphic Evaluation and Channel Migration Zone Analysis; Puyallup, Carbon and White Rivers, for Pierce County Public Works and Utilities, Water Programs Division, June 19, 2003, GeoEngineers, Inc.

**16.05.140 – Appendix B  
Title and Plat Notification/Plat Notes**

A. Notice for Title Notification.

(EXAMPLE: WETLAND AND/OR WETLAND BUFFER NOTICE)

Tax Parcel Number:

Address:

Legal Description:

Present Owner:

NOTICE: This property contains (example: wetlands or wetland buffers) as defined by Title 18E, Pierce County Code. The site was the subject of a development proposal for application number \_\_\_\_\_ filed on \_\_\_\_\_ (date). Restrictions on use or alteration of the site may exist due

to natural conditions of the property and resulting regulations. Review of such application has provided information on the location of the (example: wetland or wetland buffers) and any restriction on use.

\_\_\_\_\_  
Date      Signature of owner

Notary acknowledgment and notary seal

B.    Additional Title Notification Statements.

1.    Title notification for liquefaction and dynamic settlement hazard areas shall include a statement of the performance criteria (i.e., protection of life safety only, provision for minimal structural damage so that post-earthquake functionality is substantially unchanged, no structural damage for the design earthquake).

2.    Title notification for fault rupture hazard areas shall include a statement that a fault rupture hazard area or associated buffer exists on the site. The title notification shall include a site plan of the subject property with the fault rupture hazard area and associated buffer identified.

3.    Properties that contain flood hazard areas shall include the following statement: "Flood Elevation Certificates are kept on file at the land use administrator of Planning and Land Services."

4.    Properties that have used a portion or the total of the "substantial development or substantial improvement" value shall include the following statement: "This property is regulated by the Flood Hazard Chapter (Title 16.25 of the Carbonado Municipal Code). Development on this property has used a portion or the total of the value allotted for "substantial improvement" or substantial development" of the property. To verify what is remaining to be used, the records are kept electronically on file at the Carbonado Town Hall."

C.    Notice for Plat Notification/Plat Notes.

1.    General. The following notice shall be placed on the face of the final plat, short plat, large lot, or binding site plan documents when said subdivision contains critical areas or critical area buffers:

Notice: This site lies within a (example: landslide hazard area) as defined in Title 16.45 Carbonado Municipal Code. Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation.

2.    Native/Natural Vegetation Preservation Areas. The following notice shall be placed on the face of the final plat, short plat, large lot, or binding site plan documents when said subdivision contains critical areas or critical area buffers and when said critical areas or critical area buffers have been identified as native/natural vegetation preservation areas.

Notice: "The Critical Areas (e.g., Native Growth Areas) appearing on this (final site plan/preliminary plat/final plat/short plat/large lot/engineering drawing) contain areas of

natural/ native vegetation intended to buffer the Critical Area from the adverse effects of development. These Critical Areas (e.g., Native Growth Areas) shall remain and be maintained in a natural, undeveloped, open space state. There shall be no clearing, grading, filling, or construction within the Critical Areas (e.g., Native Growth Areas), except as shown on plans or documents approved by the land use administrator and contained in the official files for this development. Each Critical Area (e.g., Native Growth Area) shall remain undisturbed except for periodic watering and hand weeding of plants designated as noxious by the State of Washington."

3. Plat Notes for the Carbon River and Creeks. The following notes shall be placed on the face of any of final plat, short plat, large lot, or binding site plan (includes commercial, industrial, multi-family and single family residential) documents which lies within a flood hazard area adjacent to the river or creeks:

The owner, their heirs, successors and assigns grant to Carbonado, its officers, employees, agents, successors, assigns, contractors, a perpetual easement with a right of immediate entry and continued access over, under, and across the easement and/or the floodplain land area adjoining the Carbon River or \_\_\_\_ Creek, as an unobstructed ingress and egress to access the Carbon River or \_\_\_\_\_ Creek and associated flood control levee and/or bank protection revetment facility as shown on the plat. The purpose of this easement shall also be for the following purposes:

- a. Ingress and egress;
- b. Trucking and hauling of rock, other material, equipment, and crews to the river, river bank (including the top of bank, channel side slope, channel toe, and bottom), floodplain (including the floodway and flood fringe);
- c. Performing work related to riverbank protection, channel construction, development/rehabilitation, and river systems maintenance;
- d. Levee, dike, and/or revetment construction, relocation, and maintenance as required by the town of Carbonado;
- e. Constructing, maintaining, and/or repairing the river including top of bank, river channel side slopes, channel toe, channel bottom, embankment side slopes (including embankment side slopes that extend beyond the easement width);
- f. Together with the right of Carbonado to remove gravel or natural/foreign debris from the river system, manage vegetation, grading, and other such work required to maintain and/or stabilize the river system and its appurtenance in and adjacent to the subject floodplain area described hereon the Plat of \_\_\_\_\_; and
- g. This easement and stated conditions shall be enforceable in law or equity against any person or persons violating or attempting to violate this covenant either to restrain violation or to recover any cost or damages or otherwise enforce this easement and/or covenant. If Carbonado is required to bring action to recover any costs, or otherwise enforce this agreement and covenant, Carbonado will be entitled to recover reasonable attorney fees and interest of 12 percent per annum. Said interest to run from the date work was performed by Carbonado.



4. Plat Notes for Flood Hazard Areas. The following notes shall be placed on the face of any of final plat, short plat, large lot, or binding site plan (includes commercial, industrial, multi-family and single family residential) documents which lie within a flood hazard area:

a. Grading, clearing, and/or filling within the limits of the 100-year floodplain is regulated per Chapter 16.25 CMC, Flood Hazard Areas.

b. The property relating to this subject final plat, short plat, large lot, or binding site plan lies within a flood hazard area. This means that flood events may and can occur that cause serious personal or bodily injury, including death, and damage to or loss of property.

c. The owner on his behalf and on behalf of his/her heirs, successors and assigns hereby waives any right to assert any claim against Carbonado for any loss, or damage to people or property either on or off the property site resulting from flooding except only for such losses that may directly result from the sole negligence of the town.

**16.05.140 – Appendix C  
Forfeiture of Financial Guarantees**

Failure to complete any performance, mitigation, or monitoring requirement may result in the forfeiture of a financial guarantee. Once a financial guarantee is forfeited, the following process will apply:

A. Financial guarantees necessary to ensure the completion of required improvements will not be accepted by the Town of Carbonado to allow final approval of any plat (short plat, formal plat, large lot) from any principal with any outstanding default(s). Necessary improvements must be constructed and must be accepted as complete prior to the final approval (short plat, large lot, formal plat).

B. Financial guarantees that are necessary for approval of a permit (such as a site development permit) to allow construction to begin will still be accepted from applicants who have defaulted as follows:

1. Financial guarantees for work in existing town right-of-way will still be accepted, however these financial guarantees must be by bond and must be for two times the required amount (2 x 125 percent of estimate).

2. Financial guarantees for reclamation will still be accepted, however these financial guarantees must be by bond and must be for two times the required amount (2 x number of disturbed acres x \$1,500.00).

3. Financial guarantees for wetland mitigation construction and wetland monitoring will be accepted, however these financial guarantees must be by bond and must be for two times the required amount.

4. Financial guarantees for temporary road approaches must be by assignment of funds and must be for two times the required amount.



5. Financial guarantees that have been accepted in order to allow permit approval to construct plat improvements do not create rights to obtain final approval of the plat (short plat, formal plat, large lot).

C. 18-month guarantees are required after site development improvements are complete to warranty defects in design, construction, etc. 18-month guarantees will still be accepted from applicants who have defaulted, but these guarantees must be by bond and must also be equal to two times the required amount or \$5,000.00, whichever is higher.

D. Applicants who have defaulted on a financial guarantee can clear the outstanding default and return to normal financial guarantee processing through any of the following actions:

1. Completing the improvements that were defaulted on;
2. Proving to the land use administrator that the requirement is impossible to meet;
3. Showing that completing the requirements will cause a hardship for the affected community;

or

Showing that the requirement has been substantially met so as to constitute constructive, although not absolute, compliance with the requirement or condition.

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**CHAPTER 16.10 DEFINITIONS**

**Sections:**

**16.10.010 Purpose of this chapter and adoption by reference.**

**16.10.020 Definitions.**

**(Ord. 428, 2015)**

**16.10.010 Purpose of this chapter and adoption by reference.**

This chapter contains uniform usage and definitions of terms under this title. The town adopts the following sections by reference:

WAC

197-11-700	Definitions.
197-11-702	Act.
197-11-704	Action.
197-11-706	Addendum.
197-11-708	Adoption.
197-11-710	Affected tribe.
197-11-712	Affecting.
197-11-714	Agency.
197-11-716	Applicant.
197-11-718	Built environment.
197-11-720	Categorical exemption.
197-11-722	Consolidated appeal.
197-11-724	Consulted agency.
197-11-726	Cost-benefit analysis.
197-11-728	County/town.
197-11-730	Decisionmaker.
197-11-732	Department.
197-11-734	Determination of nonsignificance (DNS).
197-11-736	Determination of significance (DS).
197-11-738	EIS.
197-11-740	Environment.
197-11-742	Environmental checklist.
197-11-744	Environmental document.
197-11-746	Environmental review.
197-11-748	Environmentally sensitive area.
197-11-750	Expanded scoping.
197-11-752	Impacts.
197-11-754	Incorporation by reference.
197-11-756	Lands covered by water.
197-11-758	Lead agency.
197-11-760	License.
197-11-762	Local agency.
197-11-764	Major action.
197-11-766	Mitigated DNS.
197-11-768	Mitigation.

197-11-770	Natural environment.
197-11-772	NEPA.
197-11-774	Nonproject.
197-11-776	Phased review.
197-11-778	Preparation.
197-11-780	Private project.
197-11-782	Probable.
197-11-784	Proposal.
197-11-788	Responsible official.
197-11-790	SEPA.
197-11-792	Scope.
197-11-793	Scoping.
197-11-794	Significant.
197-11-796	State agency.
197-11-797	Threshold determination.
197-11-799	Underlying governmental action.

**16.10.020 Definitions.**

In addition to those definitions contained within WAC 197-11-700 through 197-11-799, when used in this title, the following terms shall have the following meanings, unless the context indicates otherwise. Words and phrases used in this title shall be interpreted as defined below. Where ambiguity exists, words or phrases shall be interpreted so as to give this title its most consistent and reasonable application in carrying out its regulatory purpose.

“Adjacent” means immediately adjoining (in contact with the boundary of the critical area) or within a distance that is less than that needed to separate activities from critical areas to ensure protection of the functions and values of the critical areas. “Adjacent” shall mean any activity or development located a distance equal to or less than the required critical area buffer width and building setback.

“Alteration” means any human-induced activity that changes the existing condition of a critical area. Alterations include, but are not limited to, grading; filling; dredging; draining; channelizing; clearing or removing vegetation; discharging pollutants; paving; construction; or any other human activity that changes the existing landforms, vegetation, hydrology, fish, wildlife, or wildlife habitat of a critical area.

“Anadromous fish” means species, such as salmon, which are born in fresh water, spend a large part of their lives in the sea, and return to fresh water rivers and streams to procreate.

“Applicant” means the person, party, firm, corporation, or other entity that proposes any activity that could affect a critical area.

“Aquifer” means a saturated geologic formation that will yield a sufficient quantity of water to serve as a private or public water supply.

“Aquifer recharge areas” means areas where the prevailing geologic conditions allow infiltration rates which create a high potential for contamination of ground water resources or contribute significantly to the replenishment of ground water. Aquifer recharge areas are classified as follows:

- A. High Significance Aquifer Recharge Areas. Areas with slopes of less than 15 percent that are underlain by coarse alluvium or sand and gravel, and overlain by soils with

moderate to rapid permeability, as classified by the U.S. Department of Agriculture Soil Conservation Service;

B. Moderate Significance Aquifer Recharge Areas.

1. Areas with slopes of less than 15 percent that are underlain by fine alluvium, silt, clay, or glacial till, and overlain by soils with moderate to rapid permeability as classified by the U.S. Department of Agriculture Soil Conservation Service; and
2. Areas with slopes of 15 to 30 percent that are underlain by coarse alluvium, sand or gravel, and overlain by soils with moderate to rapid permeability, as classified by the U.S. Department of Agriculture Soil Conservation Service;

C. Low Significance Aquifer Recharge Areas.

1. Areas with slopes of 15 to 30 percent that are underlain by silt, clay, or glacial till; and
2. Areas with slopes greater than 30 percent.

“Aquifer susceptibility” means the ease with which contaminants can move from the land surface to the aquifer based solely on the types of surface and subsurface materials in the area.

“Base flood” means a flood having a one percent chance of being equaled or exceeded in any given year; also referred to as the 100-year flood.

“Best available science” means the current scientific information used in the process to designate, protect, or restore critical areas that is derived from a valid scientific process as defined by WAC 365-195-900 through 365-195-925.

“Best management practices (BMPs)” means the conservation practices or systems of practices and management measures that:

- A. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment;
- B. Minimize adverse impacts to surface water and ground water flow, circulation patterns, and to the chemical, physical, and biological characteristics of wetlands;
- C. Protect trees and vegetation designated to be retained during and following site construction; and
- D. Provide standards for proper use of chemical herbicides within critical areas.

The town shall monitor the application of best management practices to ensure that the standards and policies of this title are adhered to.

“Buffer” or “buffer area” means a naturally vegetated and undisturbed or revegetated zone surrounding a critical area that protects the critical area from adverse impacts to its integrity and value, or is an integral part of the resource’s ecosystem.

“City or Town” means the town of Carbonado, including any department, official, board or body thereof with jurisdiction over the subject of this chapter.

“Clearing” means the removal of timber, brush, grass, ground cover, or other vegetative matter from a site that exposes the earth’s surface of the site or any actions that disturb the existing ground surface.

“Conservation easement” means a legal agreement that the property owner enters into to restrict uses of the land. Such restrictions can include, but are not limited to, passive recreation uses such as trails or scientific uses and fences or other barriers to protect habitat. The easement is recorded on a property deed, runs with the land, and is legally binding on all present and future owners of the property, therefore providing permanent or long-term protection.

“Creation” means bringing a wetland or stream corridor into existence at a site in which a wetland or stream corridor did not formerly exist.

“Critical aquifer recharge areas” are areas designated by WAC 365-190-080(2) that are determined to have a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2).

“Critical areas” include any of the following areas or ecosystems: aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands, as defined in Chapter 36.70A RCW and this chapter.

“Critical ecosystems” means environmentally sensitive areas subject to natural hazards or those landform features which in their natural state carry, hold or purify water and support unique, fragile or valuable natural resources such as fish, wildlife and other organisms. These areas also provide flood protection, shoreline stability and aid in recharging valuable ground water resources. These critical ecosystems include aquifer recharge areas, fish and wildlife habitat conservation and open space areas, frequently flooded areas, geologically hazardous areas, natural resource areas, stream corridors, wetlands and their associative transitional buffer zones.

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

“Critical geologic hazard areas” means lands or areas subject to high or severe risks of geologic hazard.

“Critical habitats” means those habitat areas which meet any of the following criteria:

- A. Areas with which species listed by the federal government or state of Washington as endangered, threatened, or sensitive have a primary association;
- B. Those streams identified as Type I or Type II streams as defined in Chapter 16.30 CMC;
- C. Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat;

D. Those wetlands identified as Category I or II wetlands, as defined in Chapter 16.20 CMC;

E. Open space wetlands, river and stream banks, ravines, wooded areas and any other upland areas that provide essential habitat for sensitive and locally important plant or wildlife species;

F. Areas with which priority species (as determined by the Washington Department of Fish and Wildlife) have a primary association;

G. Priority habitats as identified by the Washington Department of Fish and Wildlife. Priority habitats are areas with one or more of the following attributes: comparatively high wildlife density, high wildlife species richness, significant wildlife species richness, significant wildlife breeding habitat, significant wildlife seasonal ranges, significant movement corridors for wildlife, limited availability, and/or high vulnerability;

H. Habitats or species of local importance.

“Critical species” are all animal and plant species listed by the state or federal government as threatened or endangered.

“Cumulative impacts or effects” are the combined, incremental effects of human activity on ecological or critical areas functions and values. Cumulative impacts result when the effects of an action are added to or interact with other effects in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis and changes to policies and permitting decisions.

“DBH” or “diameter at breast height” means the diameter of a tree as measured at breast height (54 inches above the ground).

“Degraded wetland” means a wetland in which the vegetation, soils and/or hydrology have been adversely altered, resulting in lost or reduced functional value.

“Department” means any division, subdivision or organizational unit of the town established by resolution, rule or order.

“Department of Ecology” means the State Department of Ecology.

“Developable area” means a site or portion of a site that may be utilized as the location of development, in accordance with the rules of this title.

“Development” means a use consisting of the construction or exterior alteration of structures, dredging, drilling, dumping, filling, removal of any sand, gravel or minerals, stockpiling of materials, bulkheading, driving of piling, paving, placing of obstructions, or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the provisions of this chapter at any state of water level.

“DNS” means determination of nonsignificance.

“Dredging” means the removal of earth from the bottom of a navigational channel, berthing area or to obtain bottom materials for landfill.

“DS” means determination of significance.

“Early notice” means the town’s response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant’s proposal (mitigated determination of nonsignificance (DNS) procedures).

“Emergent wetland” means a wetland with at least 30 percent of its surface covered by erect, rooted, herbaceous vegetation at the uppermost vegetative strata.

“Enhancement” means an action that increases the functions and values of a stream, wetland, or other critical area or buffer.

“Epicenter” means the location on the surface of the earth directly above the place where an earthquake originates.

“Erosion” means wearing away of the earth’s surface as a result of movement of wind, water, ice or any means.

“Erosion hazard areas” means those lands susceptible to the wearing away of their surface by water, wind or gravitational creep. Erosion hazard areas are classified as low, moderate or high risk based on slope inclination and soil types as identified by the U.S. Department of Agriculture Soil Conservation Service:

- A. Low. All sites classified with soil types designated by the U.S. Department of Agriculture Soil Conservation Service as having no or slight erosion hazard.
- B. Moderate. All sites classified with soil types designated as moderate hazard.
- C. High. All sites classified with soil types designated as severe or very severe erosion hazard.

“Existing and ongoing agriculture” means those activities conducted on lands defined in RCW 84.34.020(2), and those existing activities involved in the production of crops or livestock. Activities may include the operation and maintenance of farm and stock ponds or drainage ditches; operation and maintenance of existing ditches or irrigation systems; changes from one type of agricultural activity to another agricultural activity; and normal maintenance, repair, and operation of existing serviceable structures, facilities, or improved areas. Activities which bring a nonagricultural area into agricultural use are not part of an ongoing operation. An operation ceases to be ongoing when the area on which it is conducted is converted to a nonagricultural use or has lain idle for more than five years.

“Exotic” means any species of plants or animals which are foreign to the planning area.

“Extraordinary hardship” means the prevention of all reasonable economic use of a site by strict application of this chapter and/or procedures adopted to implement this chapter.

“Fill” means dumping or placing, by any means, any material from, to or on any soil or sediment surface including temporary stockpiling of material.



“Fish and wildlife habitat conservation areas” are areas necessary for maintaining fish and wildlife species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-080(5).

“Fish habitat” means habitat that is used by fish at any life stage at any time of the year, including potential habitat likely to be used by fish that could be recovered by restoration or management and includes off-channel habitat.

“Flood hazard areas” means those areas subject to inundation by the base flood. These areas consist of the following components, as determined by the town:

- A. Floodplain. The total area subject to inundation by the base flood.
- B. Flood Fringe. That portion of the floodplain outside the floodway which is generally covered by floodwaters during the base flood. It is generally associated with standing water rather than rapidly flowing water.
- C. Floodway. The channel of the stream and that portion of the adjoining floodplain that is necessary to contain and discharge the base flood flow without increasing the base flood elevation more than one foot.

“Forested wetland” means a wetland with at least 20 percent of the surface area covered by woody vegetation greater than 20 feet in height.

“Frequently flooded areas” are lands in the floodplain subject to a one percent or greater chance of flooding in any given year and those lands that provide important flood storage, conveyance and attenuation functions, as determined by the town in accordance with WAC 365-190-080(3). Classifications of frequently flooded areas include, at a minimum, the 100-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program.

“Functional value” means the beneficial role streams and wetlands serve including, but not limited to, fish and wildlife habitat, ground water recharge/discharge, water quality protection, storm water storage, conveyance, floodwater and storm water retention, provision of erosion and sediment controls and recreation and aesthetic value.

“Geologic hazard areas” means lands or areas characterized by geologic, hydrologic, and topographic conditions that render them susceptible to potentially significant or severe risk of landslides, erosion, or seismic activity.

“Grading” means any excavating, filling, clearing, leveling, or contouring of the ground surface by human or mechanical means.

“Ground water” means all water found beneath the ground surface, including slow- moving subsurface water present in aquifers and recharge areas.

“Ground water management area” means a specific geographic area or subarea designated pursuant to Chapter 173-100 WAC for which a ground water management program is required.

“Ground water management program” means a comprehensive program designed to protect ground water quality, to assure ground water quantity, and to provide for efficient management of water resources while recognizing existing ground water rights and meeting future needs consistent with

local and state objectives, policies and authorities within a designated ground water management area or subarea and developed pursuant to Chapter 173-100 WAC.

“Growth Management Act” means Chapters 36.70A and 36.70B RCW, as amended.

“Habitat” means the specific area or environment in which a particular type of plant or animal lives.

“Habitat conservation areas” means areas designated as fish and wildlife habitat conservation areas.

“Hazard areas” means areas designated as frequently flooded areas or geologically hazardous areas due to potential for erosion, landslide, seismic activity, mine collapse, or other geological condition.

“Hazardous substance” means any substance defined as a “hazardous substance” pursuant to RCW 70.105D.020(5), which subsection is adopted by reference as though set forth herein in full.

“Hazardous substance processing or handling” means the use, storage, manufacture or other land use activity involving hazardous substances, but does not include individually packaged household consumer products or quantities of hazardous substances of less than five gallons in volume per container.

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

“Dangerous waste” means any discarded, useless, unwanted, or abandoned substances including, but not limited to, certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

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

“Extremely hazardous waste” means any waste which:

1. 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 make-up of humans or wildlife; and
2. Is disposed of at a disposal site in such quantities as would present an extreme hazard to humans or the environment.

“Hazardous waste treatment and storage facility” means a facility that treats and stores hazardous waste and is authorized pursuant to Chapter 70.105 RCW and Chapter 173-303 WAC. It includes all contiguous land and structures used for recycling, reusing, reclaiming, transferring, storing, treating, or disposing of hazardous waste.

“Height” means the vertical distance measured from the average grade level to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to one-half the vertical distance between the eaves and ridge of a gable, hip or gambrel roof; provided, however, that where buildings are set back from the street line, the height of the buildings may be measured from the average elevation of the finished yard grade along the front of the building.

“High intensity land use” means a use associated with high levels of human or structural activity. These uses include:

- A. Residential buildings and structures;
- B. Active recreational areas and facilities;
- C. Commercial or industrial uses and structures; or
- D. Similar activities.

“Hydric soil” means soil that is saturated or flooded long enough during the growing season to develop anaerobic (oxygen deficient) conditions in the upper part. In order to develop these characteristics, the soil must be covered or saturated by water for at least seven days during the normal growing season for at least two or more years.

“Hydroperiod” means the seasonal occurrence of flooding and/or soil saturation which encompasses the depth, frequency, duration and seasonal pattern of inundation.

“Hydrophyte” means an aquatic plant growing in water or on a substrate (hydric soil) that is at least periodically deficient in oxygen where the water or waterlogged soil is too wet for most plants to survive. Examples of these plants can include:

- A. Cattails;
- B. Sedges;
- C. Bulrush;
- D. Alder;
- E. Salmonberry.

“Hyporheic zone” means the saturated zone located beneath and adjacent to streams that contains some portion of surface waters, serves as a filter for nutrients, and maintains water quality.

“Impervious surface” means a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development or that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of storm water.

“Infiltration” means the downward entry of water into the immediate surface of soil.

“Injection well(s)” means as follows:

- A. Class I. A well used to inject industrial, commercial, or municipal waste fluids beneath the lowermost formation containing, within one-quarter mile of the well bore, an underground source of drinking water.
- B. Class II. A well used to inject fluids:
  - 1. Brought to the surface in connection with conventional oil or natural gas exploration or production and may be commingled with wastewaters from gas plants that are an integral part of production operations, unless those waters are classified as dangerous wastes at the time of injection;
  - 2. For enhanced recovery of oil or natural gas; or
  - 3. For storage of hydrocarbons that are liquid at standard temperature and pressure.
- C. Class III. A well used for extraction of minerals, including but not limited to the injection of fluids for:
  - 1. In-situ production of uranium or other metals that have not been conventionally mined;
  - 2. Mining of sulfur by Frasch process; or
  - 3. Solution mining of salts or potash.
- D. Class IV. A well used to inject dangerous or radioactive waste fluids.
- E. Class V. All injection wells not included in Classes I, II, III, or IV.

“In-kind compensation” means to replace critical areas with substitute areas whose characteristics and functions closely approximate those destroyed or degraded by a regulated activity. It does not mean replacement “in category.”

“Inter-rill” means areas subject to sheetwash.

“Isolated wetlands” are those wetlands that are outside of and not contiguous to any 100- year floodplain of a lake, river, or stream, and have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.

“Lahars” means mudflows and debris flows originating from the slopes of a volcano.

“Land Use Administrator”. "Land Use Administrator" means the person, firm or agency designated by the Mayor of Carbonado to perform planning review and administrative decision making for the town shall serve as “land use administrator”.

“Landslide” means episodic downslope movement of a mass of soil or rock.

“Landslide hazard areas” means areas that, due to a combination of slope inclination, relative soil permeability and hydrologic factors, are susceptible to varying risks of landsliding.

“Liquefaction” means a process by which a water-saturated granular (sandy) soil layer loses strength because of ground shaking commonly caused by an earthquake.

“Lot slope” means a measurement by which the average slope of the lot is calculated as a percentage. The lowest elevation of the lot is subtracted from the highest elevation, and the resulting number is divided by the horizontal distance between these two points. The resulting product is multiplied by 100.

“Magnitude” means a quantity characteristic of the total energy released by an earthquake. Commonly, earthquakes are recorded with magnitudes from zero to eight.

“Maintenance dredging” means the removal of earth from the bottom of a stream, river, lake, bay or other water body for the purpose of maintaining a prescribed minimum depth of any specific waterway project.

“Marsh” means a wetland which is permanently submerged or has intermittent aquatic plant life where dominant vegetation is nonwoody plants such as grasses and sedges.

“Mass wasting” is a general term for a variety of processes by which large masses of rock or earth material are moved downslope by gravity, either slowly or quickly.

“Mineral extraction” means the removal of naturally occurring materials from the earth, excluding dredging as defined in this chapter.

“Mineral resource lands” means any area presently operating under a valid Washington State Department of Natural Resources (DNR) surface mining permit. Other areas shall be classified as mineral resource lands when a surface mining permit is granted by the DNR

“Minerals” means gravel, sand and valuable metallic substances.

“Monitoring” means evaluating the impacts of development proposals on the biological, hydrological, and geological elements of such systems and assessing the performance of required mitigation measures through the monitoring period and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features, and includes gathering baseline data.

“Native growth protection area (NGPA)” means an area where native vegetation is preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering and protecting plants and animal habitat and removal of invasive species.

“Native vegetation” means plant species that are indigenous and naturalized to the town’s region and which can be expected to naturally occur on a site. Native vegetation does not include noxious weeds.

“Nonconformity” means a legally established existing use or legally constructed structure that is not in compliance with current regulations.

Nonindigenous. See “Exotic.”

“Noxious weed” means any plant which, when established, is highly destructive, competitive, or difficult to control by cultural or chemical practices. Any plant designated as a noxious weed in the state noxious weed list, as defined and referenced at RCW 17.10.010, shall be presumed to be a noxious weed for purposes of this chapter.

“Ordinance” means the ordinance or other procedure used by the town to adopt regulatory requirements.

“Ordinary high water mark (OHWM)” on all lakes, streams and tidal water means that mark that will be found by examining the bed and banks and ascertaining where the presence and action of water are so common and usual, and so long continued in all ordinary years as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, as that condition exists on June 1, 1971, or as it may naturally change thereafter; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining saltwater shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

“Out-of-kind compensation” means to replace critical areas with substitute critical areas whose characteristics do not closely approximate those destroyed or degraded. It does not refer to replacement “out-of-category.”

“Palustrine wetland” means a freshwater wetland, emergent herbaceous vegetation, scrub-shrub vegetation and/or trees that are isolated from a larger water body.

“Permeability” means the capability of an aquifer or confining bed to transmit water. It is a property of the aquifer or confining bed and is independent of the force causing movement.

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

“Ponds” means naturally occurring impoundments of open water less than 20 acres and more than 2,500 square feet which maintain standing water throughout the year.

“Porous soil types” means soils, as identified by the National Resources Conservation Service, U.S. Department of Agriculture, that contain voids, pores, interstices or other openings which allow the passing of water.

“Potable water” means water that is safe and palatable for human use.

“Practicable alternatives” means alternatives to the proposed project which shall accomplish essentially the same objective and avoid or have less adverse impacts than the proposed project.

“Primary association area” means the area used on a regular basis by, or is in close association with, or is necessary for the proper functioning of the habitat of a critical species. “Regular basis” means that the habitat area is normally or usually known to contain a critical species, or based on known habitat requirements of the species, the area is likely to contain the critical species. Regular basis is species- and population-dependent. Species that exist in low numbers may be present infrequently yet rely on certain habitat types.

“Priority habitats” means seasonal range or habitat element with which a given species is primarily associated and which, if altered, may reduce survival potential of that species over the long term. These may include habitat areas of:

- A. High relative density or species richness;
- B. Breeding habitat;
- C. Winter range and movement corridors;
- D. Limited availability; or
- E. High vulnerability to alteration.

“Priority species” means plant or animal species which are of concern due to their population status and sensitivity to habitat alteration. Priority species include those which are listed by the state as endangered, threatened or sensitive as well as other species of concern and game species.

“Project area” means all areas within 50 feet of the area proposed to be disturbed, altered, or used by the proposed activity or the construction of any proposed structures. When the action binds the land, such as a subdivision, short subdivision, binding site plan, planned unit development, or rezone, the project area shall include the entire parcel, at a minimum.

“Protection” (preservation) means removing a threat to, or preventing the decline of, conditions by an action in or near a critical area or buffer.

“Qualified professional” means a person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology or a related field, and a minimum of two years of related work experience.

- A. A qualified professional for habitats or wetlands must have a degree in biology and professional experience related to the subject species.
- B. A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington.
- C. A qualified professional for critical aquifer recharge areas must be a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.

“Rare, threatened or endangered species” means plant or animal species that are regionally relatively uncommon, are nearing endangered status or whose existence is in immediate jeopardy and that are usually restricted to highly specific habitats.

“Reasonable alternative” means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impacts to critical areas.



“Reasonable use” means alternatives to the proposal which will result in minimum feasible alteration or impairment of the functional characteristics including contours, vegetation, fish and wildlife resources, ground water and hydrological conditions.

“Recessional outwash geologic unit” means sand and gravel materials deposited by melt-water streams from receding glaciers.

“Recharge” means the process involved in the absorption and addition of water to ground water.

“Reclaimed water” means municipal wastewater effluent that has been adequately and reliably treated so that it is suitable for beneficial use. Following treatment it is no longer considered wastewater (treatment levels and water quality requirements are given in the water reclamation and reuse standards adopted by the State Departments of Ecology and Health).

“Recreation” means the refreshment of body and mind through forms of play, amusement or relaxation. The recreational experience may be active, such as boating and swimming, or may be passive such as enjoying the natural beauty of the shoreline or its wildlife through nature walks, wildlife observation, fishing and hiking.

“Regulated activities” means any act which would destroy natural vegetation; result in significant change in water temperature, physical or chemical characteristics; substantially alter existing patterns of tidal flow; obstruct the flow of sediment or alter the natural contours of a site.

“Repair or maintenance” means an activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter critical areas are not included in this definition.

“Restoration” means measures taken to restore an altered or damaged natural feature including:

A. Active steps taken to restore damaged wetlands, streams, protected habitat, or their buffers to the functioning condition that existed prior to an unauthorized alteration; and

B. Actions performed to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events.

“Rills” are steep-sided channels resulting from accelerated erosion. A rill is generally a few inches deep and not wide enough to be an obstacle to farm machinery. Rill erosion tends to occur on slopes, particularly steep slopes with poor vegetative cover.

“Riparian habitat” means wetland habitat bordering a stream which is occasionally flooded and periodically supports predominantly hydrophytes.

“Scrub-shrub wetland” means a wetland with at least 30 percent of its surface area covered with woody vegetation less than 20 feet in height.

“Seeps” means a spot where water oozes from the earth, often forming the source of a small stream.

“Seismic hazard areas” means areas that, due to a combination of soil and ground water conditions, are subject to severe risk of ground shaking, subsidence, or liquefaction of soils during earthquakes. These areas are typically underlain by soft or loose saturated soils (such as alluvium), have a shallow



ground water table and are typically located on the floors of river valleys. Geologic material is weighted most heavily in the following classification of seismic risk:

- A. Class I – High. All areas with lands designated as alluvium and recessional outwash surficial geologic units (as identified in Groundwater Occurrence and Stratigraphy of Unconsolidated Deposits, Central Pierce County, WA, Water Supply Bulletin No. 22, Plates One and Two, U.S. Department of the Interior, Geological Survey, Water Resources Division), or high risk slopes.
- B. Class H – Low. All other sites with a lower risk geological classification.

“SEPA rules” means Chapter 197-11 WAC adopted by the Department of Ecology.

“Sheetwash” means overland flow of water in thin sheets.

“Shorelands or shoreland areas” are those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes and tidal waters which are subject to the provisions of Chapter 90.58 RCW.

Shoreline Environmental Designation. There is one shoreline environment defined and designated to exist on the shorelines within the town. This shoreline environmental designation is defined as rural-residential. The rural-residential designation is designed to ensure medium intensity residential, commercial and multifamily development and to allow for a natural transitional area between the highly intensified land use of urban areas and the surrounding minimal agricultural uses, recreational uses and open space found in the rural environment.

“Shorelines” means all the water areas, including the streams, lakes, and ponds, together with the lands underlying it.

“Shorelines of statewide significance” are those areas defined in RCW 90.58.030(2)(e).

“Shorelines of the town” means the total of all “shorelines” and “shorelines of statewide significance” within the town.

“Shorelines of the state” are the total of all “shorelines,” as defined in RCW 90.58.030(2)(d), and “shorelines of statewide significance” within the state, as defined in RCW 90.58.030(2)(c).

“Significant portion of its range” means that portion of a species’ range likely to be essential to the long-term survival of the population in Washington.

“Slope” means an inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance.

“Sludge” means a semisolid substance consisting of settled solids combined with varying amounts of water and dissolved materials generated from a wastewater treatment plant or system or other sources, including septage sludge, sewage sludge, or industrial sludge.

“Sludge land application site” means a site where stabilized sludge, septage, and other organic wastes are applied to the surface of the land in accordance with established agronomic rates for fertilization or soil conditioning.

“Soil survey” means the most recent soil survey for the local area or county by the National Resources Conservation Service, U.S. Department of Agriculture.

“Solid waste” means all putrescible and nonputrescible solid and semisolid wastes including garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles and parts thereof, discarded commodities and any other discarded materials which may be deemed to be worthless for any use or purpose.

“Special protection areas” are aquifer recharge areas defined by WAC 173-200-090 that require special consideration or increased protection because of unique characteristics, including, but not limited to:

- A. Ground waters that support an ecological system requiring more stringent criteria than drinking water standards;
- B. Ground water recharge areas and wellhead protection areas that are vulnerable to pollution because of hydrogeologic characteristics; and
- C. Sole source aquifer status.

“Species, endangered” means any fish or wildlife species that is threatened with extinction throughout all or a significant portion of its range and is listed by the state or federal government as an endangered species.

“Species of local importance” means those species of local concern due to their population status or their sensitivity to habitat manipulation, or that are game species.

“Species, priority” means any fish or wildlife species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels as classified by the Department of Fish and Wildlife, including endangered, threatened, sensitive, candidate and monitor species, and those of recreational, commercial, or tribal importance.

“Species, threatened” means any fish or wildlife species that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the state or federal government as a threatened species.

“Stockpiling of materials” means the accumulation and storage of raw materials, equipment, apparatus and/or supplies by an individual, business or organization. Stockpiling of materials as a primary use activity is subject to all applicable shoreline permits. Stockpiling of materials as a secondary use activity pursuant to a valid shoreline permit is considered a permitted use activity.

“Stream corridor” means perennial, intermittent or ephemeral waters included within a channel of land, and its adjacent riparian zones, which serve as a transitional zone between the aquatic and terrestrial upland ecosystems.

“Streams” means those areas where surface waters flow sufficiently to produce a defined channel or bed. 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.

“Swamp” means wetlands where the dominant vegetation is composed of woody plants and trees.

“Temporary erosion control” means on-site and off-site control measures that are needed to control conveyance or deposition of earth, turbidity, or pollutants during development, construction, or restoration.

“Transitional zones” means an area of land adjacent to a sensitive ecosystem which serves as an integral component of that ecosystem and can help to minimize or reduce the impacts to the ecosystem.

“Unavoidable and necessary impacts” means impacts to regulated streams or wetlands and their associated buffer zones that will remain after it has been demonstrated that no practicable alternatives exist.

“Underground utilities” means services which produce and carry electric power, gas, sewage, communications, oil, water and storm drains below the surface of the ground.

“Upland” means landward of the ordinary high water mark.

“Utility line” means pipe, conduit, cable or other similar facility by which services are conveyed to the public or individual recipients. Such services shall include, but are not limited to, water supply, electric power, gas, communications and sanitary sewers.

“Vadose zone” means the zone between land surface and the water table within which the moisture content is less than saturation (except in the capillary fringe) and pressure is less than atmospheric.

“Volcanic hazard areas” are areas that are subject to pyroclastic flows, lava flows, debris avalanche, or inundation by debris flows, mudflows, or related flooding resulting from volcanic activity.

“Vulnerability” means the combined effect of susceptibility to contamination and the presence of potential contaminants.

“Water-dependent activity” means activity or use that requires the use of surface water to fulfill the basic purpose of the proposed project.

“Water-dependent use” means a use which cannot logically exist in any other location but on the shoreline and is dependent on the water by reason of the intrinsic nature of its operation. Examples would include, but not be limited to, the following:

- A. Marinas and boat launch facilities;
- B. Dockside fishing facilities;
- C. Moorage facilities – permanent/transient.

“Water-related use” means a use which is not intrinsically dependent on a waterfront location but whose location on or near the waterfront will either facilitate its operation or will provide increased opportunity for general public use and enjoyment of shorelines and shoreline areas. Examples would include, but not be limited to, the following:

- A. Commercial. Other commercial uses which provide increased opportunity for general public use and enjoyment of shorelines and shoreline areas.

B. Marine Recreation.

1. View and observation areas;
2. Trails and pathways;
3. Clubhouses, meeting areas and related uses.

C. Marine-related educational or scientific uses.

“Water table” means that surface in an unconfined aquifer at which the pressure is atmospheric. It is defined by the levels at which water stands in wells that penetrate the aquifer just far enough to hold standing water.

“Watercourse” means any portion of a channel, bed, bank, or bottom waterward of the ordinary high water line of waters of the state including areas in which fish may spawn, reside, or through which they may pass, and tributary waters with defined beds or banks, which influence the quality of fish habitat downstream. This includes watercourses that flow on an intermittent basis or which fluctuate in level during the year and applies to the entire bed of such watercourse, whether or not the water is at peak level. This definition does not include irrigation ditches, canals, storm water run-off devices, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans.

“Well” means a bored, drilled or driven shaft, or a dug hole whose depth is greater than the largest surface dimension for the purpose of withdrawing or injecting water or other liquids.

“Wellhead protection area (WHPA)” means the portion of a zone of contribution for a well, wellfield or spring, as defined using criteria established by the State Department of Ecology.

“Wetland edge” means the boundary of a wetland as delineated based on the definitions contained in this chapter. “Wetland edge” also means a line dividing uplands from water habitat. The line can be identified through procedures in the 1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands by examining the presence or absence of aquatic plants (hydrophytes), hydric soils and/or water table at or near the surface.

“Wetlands” are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands. For identifying and delineating a wetland, local government shall use the Washington State Wetland Identification and Delineation Manual.

Wetlands.

A. “Regulatory wetlands” means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include small lakes, ponds, streams, swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, farm ponds and landscape amenities if routinely maintained for those purposes. The applicant shall bear the burden of proving that the site was not previously wetlands. However, wetlands do include those artificial wetlands intentionally created to mitigate conversion of wetlands.

B. For inventory, incentives and nonregulatory purposes, wetlands are those lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For the purposes of this definition, wetlands must have one or more of the following attributes:

1. At least periodically, the land supports predominantly hydrophytes;
2. The substrate is predominately un-drained hydric soil; or
3. The substrate is nonsoil, is saturated with water, or covered by shallow water at some time during the growing season of the year.

“Wetlands biologist” means a person who has earned a degree in biological sciences from an accredited college or university and has demonstrated experience in delineating wetland boundaries, analyzing wetland functions and values, and has experience in developing wetland mitigation plans. A professional person who has had equivalent education and training or with equivalent experience may also qualify as a wetlands biologist for the purpose of performing wetland delineations, analysis of functions and values and determination of possible mitigation subject to the approval of the land use administrator.

“Zone of contribution” means the area surrounding a well or spring that encompasses all areas or features that supply ground water recharge to the well or spring.

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**CHAPTER 16.15 USE AND ACTIVITY REGULATIONS**

**Sections:**

- 16.15.010 Permitted Uses.**
- 16.15.020 Regulated Uses and Activities.**
- 16.15.030 Exemptions.**
- 16.15.040 Nonconforming Uses and Structures.**
- 16.15.050 Reasonable Use Exceptions.**
- 16.15.060 Variances.**
- 16.15.070 Substantial Improvement and Substantial Damage.**

**(Ord. 428, 2015)**

**16.15.010 Permitted Uses.**

Uses permitted on properties containing critical areas shall be the same as those permitted in the zone classification shown in Carbonado Comprehensive Plan Future Land Use Map unless specifically prohibited by this Title.

**16.15.020 Regulated Uses and Activities.**

A. Unless the requirements of this Title are met, Carbonado shall not grant any approval or permission to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement regulated through the following: building permit, commercial or residential; binding site plan; franchise right-of-way construction permit; site development permit; right-of-way permit; shoreline permits; short subdivision; large lots; use permits; subdivision; utility permits; or any subsequently adopted permit or required approval not expressly exempted by this Chapter.

B. The following activities are regulated within critical fish and wildlife habitat areas, wetlands, aquifer recharge areas, landslide hazard areas, erosion hazard areas, flood hazard areas, and/or their buffers unless exempted by CMC 16.15.030:

1. Removing, excavating, disturbing, or dredging soil, sand, gravel, minerals, organic matter, or materials of any kind;
2. Dumping, discharging, or filling;
3. Draining, flooding, or disturbing the water level or water table. In addition, an activity which involves intentional draining, flooding, or disturbing the water level or water table in a wetland or stream in which the activity itself occurs outside the regulated area may be considered a regulated activity;
4. Driving piling or placing obstructions, including placement of utilities;
5. Constructing, reconstructing, demolishing, or altering the size of any structure or infrastructure;
6. Altering the character of a regulated area by destroying or altering vegetation through clearing, harvesting, cutting, intentional burning, shading, or planting;

7. Activities which result in significant changes in water temperature or physical or chemical characteristics of wetland or stream water sources, including changes in quantity of water and pollutant level;
8. Application of pesticides, fertilizers, and/or other chemicals unless demonstrated not to be harmful to the regulated area.
9. The division or redivision of land pursuant to Title 17 CMC and boundary line adjustments.
10. The creation of impervious surfaces.

**16.15.030 Exemptions.**

The following activities are exempt from the provisions of this Title:

A. Existing agricultural activities established prior to February 2, 1992; that after that date, do not cause permanent conversion of a critical area through actions such as filling, ditching, draining, clearing, grading, etc. provided that:

1. Existing agricultural activities and structures shall comply with the provisions of Chapter 16.25 CMC, Flood Hazard Areas; and
2. Determination of an agricultural exemption status is limited to the specific area(s) upon which lawfully established agricultural activities are being conducted. A determination that an activity is exempt within one portion of a property does not necessarily extend to other portions of the property.

B. The following forest practice activities shall be exempt from the provisions of this Title when conducted in accordance with the requirements of the Forest Practice Act (Chapter 76.09 RCW) and its rules:

1. Forest practice activities that meet all of the following:
  - a. Are located outside the urban growth area and located outside any area designated by Washington Department of Natural Resources as "lands likely to convert" pursuant to RCW 76.09;
  - b. Do not take place on lands platted as of January 1, 1960; and
  - c. Do not result in the conversion of land to a use other than commercial forest product.
2. Forest practices that are conducted in accordance with a ten-year forest management plan approved by the Washington State Department of Natural Resources (DNR).
3. Any other forest practice activity that the DNR has determined is exempt from Pierce County jurisdiction, provided that the DNR has issued a written notice of this determination to Pierce County.



C. Maintenance or reconstruction of existing, lawfully established public facilities provided that reconstruction does not involve expansion of the facility:

1. Roads, paths, bicycle ways, trails, bridges, and associated storm drainage facilities or other public rights-of-way;

2. Flood control improvements, such as but not limited to levees, revetments, floodwalls, regional storm drainage facilities, drainage structures, or channel capacity projects to protect public infrastructure and/or existing development, when administered by Carbonado Public Works and Utilities provided that the work shall:

a. Not increase the height of the facility or linear length of the affected stream edge;

b. Not expand the footprint of the facility waterward or into any landward aquatic habitat; and

c. Use approved fish-friendly bioengineering techniques to the extent feasible.

D. Maintenance or reconstruction of existing private roads, driveways, onsite septic systems, and wells, provided that reconstruction does not involve expansion of facilities, widening, or relocation.

E. Public and private utility line work (new construction, maintenance and repair) within improved surfaces (e.g., driveways, parking lots, concrete or asphalt surfaces, gravel roads and road shoulders, and hard surface-earthen rights-of-way or easements).

F. Reconstruction, remodeling, or maintenance of existing single-family residential structures and accessory structures that are located outside a flood hazard area and active landslide hazard area, provided that a one-time only expansion of the building footprint does not increase by more than 25 percent and that the new construction or related activity extends away from the critical area or related buffer. The exemption shall not apply to reconstruction which is proposed as a result of structural damage associated with a critical area, such as slope failure in a landslide hazard area or flooding in a flood hazard area. Expansion up to 25 percent may also occur in a direction parallel to the critical area or related buffer if the expansion takes place upon existing impervious surfaces.

G. Reconstruction, remodeling, or maintenance of structures, other than single-family structures and accessory structures that are located outside a flood hazard area and active landslide hazard area, provided that such reconstruction, remodeling, or maintenance does not increase the floor area nor extend beyond the existing ground coverage. The exemption shall not apply to reconstruction which is proposed as a result of site or structural damage associated with a critical area, such as slope failure in a landslide hazard area or flooding in a flood hazard area.

H. Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests, and other related activities. Critical area impacts shall be minimized and disturbed areas shall be immediately restored.

I. Emergency action necessary to prevent imminent threat or danger to public health or safety, or to public or private property, or serious environmental degradation.

1. The land use administrator shall review all proposed emergency actions to determine the existence of the emergency and reasonableness of the proposed actions taken, however, post-emergency actions, such as submittal of permits and completion of town review shall be required by the land use administrator. Modification or removal of the emergency repair work or mitigation may be required by the land use administrator.

2. Shoreline erosion protection measures shall only be allowed as an emergency action when the owner can demonstrate that there is an imminent threat to an existing residential, commercial, industrial, or agricultural structure or associated utilities.

J. Activities in artificial wetlands intentionally created from upland sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities; or, those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Artificial wetlands intentionally created from upland to serve as mitigation are regulated.

K. Activities affecting:

1. Category III wetlands less than 2,500 square feet in size which are not contiguous with a freshwater or estuarine system, or part of a mosaic wetland complex, as set forth in CMC 16.20.

2. Category IV wetlands less than 10,000 square feet in size which are not contiguous with a freshwater or estuarine system, or part of a mosaic wetland complex, as set forth in CMC 16.20.

3. Activities within Category III and IV wetlands that are exempt under this Section may still be considered regulated under the provisions of Title 13.

L. Placement of access roads, utility lines, and utility poles across a Category IV wetland and/or a buffer for a Category IV wetland if there is no reasonable alternative.

M. Activities on improved portions of roads, rights-of-way, or easements, provided there is no expansion of ground coverage.

N. Activities in wetlands in areas managed according to a Special Area Management Plan or other plan adopted by Carbonado and specifically designed to protect wetland resources.

O. Removal by hand of manmade litter and control of noxious weeds that are included on the State noxious weed list (WAC 16-750) or invasive plant species as identified by Carbonado. Control may be conducted by clipping, pulling, over-shading with native tree and shrub species, or non-mechanized digging. Alternative methods such as mechanical

excavation, barrier installation, or herbicide use may be allowed upon approval by the Department and acquisition of any necessary permits.

P. Activities undertaken to comply with a United States Environmental Protection Agency superfund related order or a Washington Department of Ecology order pursuant to the Model Toxics Control Act, including the following activities:

1. Remediation or removal of hazardous or toxic substances;
2. Source control; and
3. Natural resource damage restoration.

Q. Maintenance of lawfully established landscaping and gardens within a regulated critical area or its buffer, including but not limited to mowing lawns, weeding, removal of noxious and invasive species as identified by Carbonado, harvesting, and replanting of garden crops, pruning and planting of vegetation to maintain the condition and appearance of such areas as they existed on the effective date of this Title and planting of indigenous native species.

R. Activities designed for previously approved maintenance and enhancement of critical areas and/or their associated buffers.

S. Activities undertaken on the site of an existing holding pond where the water flow and/or water table is controlled by a previously approved pump system.

T. A residential building permit for a lot which was created through a land division action subject to previous reports and assessments as required under this Title; provided that the previous reports and assessments adequately identified the impacts associated with the current development proposal as outlined in CMC 16.05.070 D.3.f.

U. Maintenance of individual cemetery plots in established and approved cemeteries.

V. Activities that are within a fish and wildlife habitat area buffer or wetland buffer, but are separated from the critical area by an existing permanent substantial improvement, such as a paved area, dike, levee, or other permanent structure which serves to eliminate or greatly reduce the impact of the proposed activity upon the critical area. The land use administrator shall review the proposal to determine the likelihood of associated impacts.

W. Passive recreation such as hunting, hiking, fishing, and wildlife viewing that does not involve the construction of trails.

X. Enhancement actions that do not involve clearing, grading, or construction activities (e.g., revegetation with native plants and installation of nest boxes). Enhancement activity proposals shall be reviewed by the land use administrator.

Y. Repair or replacement of existing shoreline erosion protection measures or structures provided that the repair or replacement shall not serve to expand the area protected by any existing structures or increase the length of erosion protection structures nor increase the impacts of such structures on regulated fish or wildlife habitat.

Z. In addition to the general exemptions listed in this Section, the following uses or activities are exempt from the provisions of Chapter 16.35 CMC, Aquifer Recharge and Wellhead Protection Areas:

1. Sewer lines and appurtenances;
2. Biosolids and sludge land application sites provided that these activities comply with the requirements established in WAC 173-200, 173-216, and 173-304; and
3. Single-family and two-family dwellings and associated accessory structures.

AB. Activities in artificial channels.

AC. Trails. Construction of pedestrian trails of 12 foot maximum width may be allowed within the buffer of a wetland or a buffer of a riparian area, lake or pond subject to the following criteria:

- a. The trail is constructed within the outer 10 percent of the standard (i.e. not averaged or reduced) wetland buffer or buffers identified in Table 18E.40.060.
- b. The trail is constructed of pervious material.
- c. The trail results in less than 6,000 square feet of disturbance.
- d. The trail requires less than 50 cubic yards of fill.
- e. The trail does not cross or alter any regulated drainage features or natural waters.
- f. The trail is located outside of any fish and wildlife habitat conservation areas and their associated buffers (except as noted in a. above).
- g. The trail is a component of a pedestrian-only public trail system approved by the County Council.
- h. Mitigation, pursuant to CMC 16.20.050, for impacts is provided through the standard wetland review process.

**16.15.040 Nonconforming Uses and Structures.**

Uses and structures lawfully established prior to the effective date of this Title which become nonconforming due to the application of the requirements of this Title may continue subject to the following:

- A. Nonconforming Use Expansion. Nonconforming uses shall not be expanded or changed in any way that increases the nonconformity without a permit issued pursuant to the provisions of this Title;

B. Nonconforming Structure Expansion. Existing structures shall not be expanded or altered in any manner that will increase the nonconformity without a permit issued pursuant to the provisions of this Title, except as provided in CMC 16.15.030 F. and G.

C. Discontinued Uses. Activities or uses which are discontinued for 12 consecutive months shall be allowed to resume only if they are in compliance with this Title; and

D. Substantial Damage. Nonconforming structures, except for structures located in a floodway, active landslide hazard area, fault rupture hazard area, or active shoreline erosion hazard area which are damaged or destroyed by fire, explosion, flood, or other casualty, may be restored or replaced if reconstruction is commenced within one year of such damage and is substantially completed within 18 months of the date such damage occurred. The reconstruction or restoration shall not serve to expand, enlarge, or increase the nonconformity except as allowed through the provisions in CMC 16.15.030 F. and G. This subsection does not apply to structures located in a FEMA floodway, deep or fast flowing floodway, active landslide hazard area, fault rupture hazard area, and/or active shoreline erosion hazard area.

1. Floodway – Channel Migration Zone. Structures that are located in a floodway only by the fact they are in the Channel Migration Zone, may only be allowed to be restored up to the limits of substantial improvement, as set forth in CMC 16.15.070, if the structure is damaged or destroyed as a result of flooding or channel migration. Damage as a result of fire, explosion or other casualty may be restored or replaced as described in CMC 16.15.040 D.4.

2. Floodway – Other Categories. Structures that are located in these areas must comply with CMC 16.25.040, Flood Hazard Area Standards.

3. Active Landslide Hazard Area, Fault Rupture Hazard Area, or Active Shoreline Erosion Hazard Area. Structures in an active landslide hazard area, fault rupture hazard area, or active shoreline erosion hazard area may only be allowed to be restored up to the limits of substantial improvement, as set forth in CMC 16.15.070, if the structure is damaged or destroyed as a result of landslide, seismic, or shoreline erosion respectively. Damage as a result of fire, explosion or other casualty may be restored or replaced as described in CMC 16.15.040 D.4.

4. All other Critical Areas. Nonconforming structures which are damaged or destroyed by fire, explosion, or other casualty, may be restored or replaced if reconstruction is commenced within one year of such damage and is substantially completed within 18 months of the date such damage occurred. The reconstruction or restoration shall not serve to expand, enlarge, or increase the nonconformity except as allowed through the provisions in CMC 16.15.030 F. and G.

E. Nonconforming Mobile Home Replacement – Channel Migration Zone. Nonconforming mobile homes that are located in a floodway only by the fact they are in the Channel Migration Zone, may be replaced even if the mobile home exceeds the substantial damage or improvement threshold in CMC 16.15.070. Because the valuation of a mobile home is calculated in a different manner than manufactured housing or conventional construction, it is the intent to allow the replacement of the mobile home with approximately a like for like structure.

F. Nonconforming Mobile Home Replacement – FEMA and Deep-Fast Flowing Floodways. Mobile homes that are nonconforming uses or structures and located in floodway designations other than a Channel Migration Zone area only shall not be replaced.

**16.15.050 Reasonable Use Exceptions.**

A. General Requirements.

1. If the application of this Title would deny all reasonable use of a site, development may be allowed which is consistent with the general purposes of this Title and the public interest. Nothing in this Title is intended to preclude all reasonable use of property.
2. The provisions outlined in this Section shall only be used when application of this Title would deny all reasonable use of a site and a proposed project cannot meet the prescriptive standards outlined in this Title.
3. Reasonable use provisions shall apply to new construction, expansions, additions, replacements, and redevelopment projects.
4. The Reasonable Use Exception process shall not be used to create lots that are deemed unbuildable through application of the provisions outlined in this Title.
5. The proposal must comply with all provisions in Chapters 16.25 CMC, Flood Hazard Area, and 16.60 CMC, Erosion Hazard Areas.

B. Application Requirements. An application for a reasonable use exception shall include the following information:

1. A description of the areas of the site that contains a critical area, buffers, or within setbacks required under this Title;
2. A description of the amount of the site that is within setbacks required by other standards of the Zoning Code;
3. A description of the proposed development, including a site plan;
4. An analysis of the impact that the amount of development described in CMC 16.15.050 B.3. above would have on the critical area(s);
5. An analysis of whether any other reasonable use with less impact on the critical area(s) and associated buffer(s) is possible;
6. A design of the proposal so that the amount of development proposed as reasonable use will have the least impact practicable on the critical area(s);
7. An analysis of the modifications needed to the standards of this Title to accommodate the proposed development;

8. A description of any modifications needed to the required front, side, and rear setbacks; building height; and buffer widths to provide for a reasonable use while providing greater protection to the critical area(s);

9. Such other information as the land use administrator determines is reasonably necessary to evaluate the issue of reasonable use as it relates to the proposed development, such as but not limited to a wetland analysis report, mitigation plan, habitat evaluation study, and/or a buffer enhancement plan;

10. An analysis of cumulative impacts based upon best available science.

C. Review.

1. Public Hearing Required. The land use administrator shall set a date for a public hearing before the Carbonado Hearing Examiner after all requests for additional information or plan correction, as set forth in CMC 14.15 and 14.20 have been satisfied. The public hearing shall follow the procedures set forth in Chapter 14.05, 14.15 and Chapter 2.50 CMC.

2. Decision Criteria. The Hearing Examiner may approve a reasonable use exception if the Examiner determines all of the following criteria are met:

a. The proposed development is located on a lot that was created prior to February 13, 2006, and there is no other reasonable use or feasible alternative to the proposed development with less impact on the critical area(s) and/or associated buffers including phasing or project implementation, change in timing of activities, buffer averaging or reduction, setback variance, relocation of driveway, or placement of structure.

b. The development cannot be located outside the critical area and/or its associated buffer due to topographic constraints of the parcel or size and/or location of the parcel in relation to the limits of the critical area and/or its associated buffer and a building setback variance or road variance has been reviewed, analyzed, and rejected as a feasible alternative.

c. The proposed development does not pose a threat to the public health, safety, or welfare on or off the site, nor shall it damage nearby public or private property.

d. Any alteration of the critical area(s) shall be the minimum necessary to allow for reasonable use of the property.

e. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant in subdividing the property or adjusting a boundary line thereby creating the undevelopable condition after the effective date of this Title.

f. The proposal mitigates the impacts on the critical area(s) to the maximum extent possible, while still allowing reasonable use of the site.



g. The proposed activities will not jeopardize the continued existence of species listed by the State or Federal government as endangered, threatened, sensitive, or documented priority species or priority habitats.

h. The proposed activities will not cause significant degradation of groundwater or surface water quality.

3. Additional Decision Criteria for Wetlands and Associated Buffers. In addition to the decision criteria listed in subsection 2. above, a reasonable use exception for wetlands and associated buffers shall also demonstrate that the proposed activity will result in minimum feasible alteration or impairment to the wetland's functional characteristics and existing contours, vegetation, fish and wildlife resources, and hydrological conditions.

4. Additional Decision Criteria for Critical Fish and Wildlife Habitat Areas and Associated Buffers. In addition to the decision criteria listed in subsection 2. above, the Hearing Examiner may approve a reasonable use exception for critical fish and wildlife habitat areas and associated buffers if the Examiner determines that the proposal complies with the mitigation measures as set forth in CMC 16.30.050.

5. Additional Decision Criteria for Volcanic Hazard Areas – Special Occupancy Structures or Covered Assemblies. In addition to the decision criteria listed in subsection 2. above, the Hearing Examiner may approve a reasonable use exception for special occupancy structures or covered assemblies located within volcanic hazard areas if the Examiner determines that the proposal complies with the following conditions:

a. The applicant has shown through submittal of a travel time data the amount of time that is anticipated for a lahar to reach the proposed project and evacuation route.

b. The applicant has demonstrated through submittal of a volcanic hazard emergency evacuation plan that:

(1) The proposed project is located directly adjacent to a safety zone (area completely located outside the limits of a Case I lahar) that is within walking distance in an amount of time less than the anticipated time that it takes a lahar to reach a given point (refer to CMC 16.40.020 C). (Note: The time that it takes a lahar to reach a given point is calculated from either the source of the event to the given point, or from the source of the lahar warning signal to the given point, i.e., only the Puyallup and Carbon River drainages at this time have the Acoustic Flow Monitoring System. The time of walking distance shall be calculated based upon the amount of time necessary for physically or mentally challenged individuals to get from the proposed project to the safety zone.

(2) The estimated travel time analysis for the lahar to reach the evacuation route is greater than the estimated travel time for



physically or mentally challenged individuals to have cleared the evacuation route and reached the safety zone.

(3) The evacuation route must be at a slope and surface to be considered handicapped accessible (e.g., slopes may not exceed 1' in 12' rise and surface must be an all weather, hard material) as determined by the Pierce County Building Official.

(4) The evacuation route has been determined not to contain any other potential natural hazards, such as landslide or flood hazards, to cause a blockage or destruction of the evacuation route during an event (i.e., seismic event triggers a landslide that results in the evacuation route becoming impassible).

(5) The evacuation route is not located adjacent to any highways or arterial road networks that may cause a life safety threat to evacuating pedestrians.

(6) The safety zone is an area with adequate ingress/egress (i.e., a direct exit once individuals reach this location).

c. The proposed structure(s) shall have an automated emergency warning system that is connected into the County's Automated Lahar Warning System.

d. Proposed public structure(s) shall have an adequate contingency plan that identifies where occupants and emergency response equipment and vehicles will be relocated in the event that a lahar damages the facility to an uninhabitable condition.

6. Additional Decision Criteria for Volcanic Hazard Areas – Fire Stations. The Hearing Examiner may approve a reasonable use exception for fire stations, located within volcanic hazard areas if the Examiner determines that the proposal complies with the following conditions:

a. The applicant has shown through submittal of travel time data (available from Pierce County) the amount of time anticipated for a lahar to reach the proposed project and evacuation route.

b. The applicant has demonstrated through submittal of a volcanic hazard emergency evacuation plan that:

(1) The proposed project has an identified safety zone (area completely outside the limits of a Case 1 lahar) that is within a distance that can be traveled in an amount of time less than the anticipated time that it takes a lahar to reach a given point (refer to CMC 16.40.020 C.). (Note: The time that it takes a lahar to reach a given point is calculated from either the source of the event to the given point, or from the source of the lahar warning signal to the given point, i.e., only the Puyallup and Carbon River drainages at this time have the Acoustic Flow Monitoring System.

(2) The evacuation route must be at a slope and surface to be considered accessible by the fire equipment and personnel as determined by the Pierce County Building Official.

(3) The evacuation route has been determined not to contain any other potential natural hazards, such as landslide, to cause a blockage or destruction of the evacuation route during an event (i.e., seismic event triggers a landslide that results in the evacuation route becoming impassible).

(4) The safety zone is an area with adequate ingress/egress (i.e., a direct exit once individuals reach this location).

(5) The estimated travel time analysis for the lahar to reach the evacuation route is greater than the estimated travel time to relocate emergency response equipment, vehicles, and personnel to a safety zone.

c. The proposed structure(s) shall have an automated emergency warning system that is connected into the County's Automated Lahar Warning System.

d. Proposed fire stations shall have an adequate contingency plan that identifies where occupants and emergency response equipment and vehicles will be relocated in the event that a lahar damages the facility to an uninhabitable condition. Proposed fire stations shall indicate their proposed back-up station or stations.

7. Additional Decision Criteria for Active Landslide Hazard Areas and Their Associated Buffers. In addition to the decision criteria listed in subsection 2. above, a reasonable use exception for active landslide hazard areas and their associated buffers shall also demonstrate the following:

a. Mitigation measures are provided for proposed driveways, shared accesses, roads or bridges that will ensure that these facilities will not be susceptible to damage from landslide-induced ground deformation or impact/coverage by landslide debris. Mitigation measures shall be designed for static and seismic loading condition in accordance with the most recent version of the American Association of State Highway and Transportation Officials (AASHTO) Manual.

b. For developments that propose access through an active landslide area or its associated buffer, a secondary access route is provided when the development will contain more than 20 dwellings (existing or proposed dwellings). The secondary access route must, as a minimum, meet emergency vehicle standards and shall not be located in an active landslide hazard area or its associated buffer.

c. The proposed development shall not create the need for larger landslide hazard area buffers or setbacks on neighboring properties unless

approved through a notarized written agreement with the affected property owners.

d. Any dwellings proposed as part of the development shall not be located within the active landslide hazard area or its associated buffer.

8. **Examiner's Authority.** The Examiner has the authority to approve an application for a reasonable use exception, approve with additional requirements above those specified in this Title, require modification of the proposal to comply with specified requirements or local conditions, or deny the application if it fails to comply with the requirements of this Title.

9. **Required Written Findings and Determinations.** A reasonable use exception may be approved by the Examiner only if all of the following findings can be made regarding the proposal and are supported by the record:

a. The granting of the proposal will not be detrimental to the public health, safety, and general welfare.

b. The granting of the proposal will not be injurious to the property, regulated critical area(s), or improvements adjacent to and in the vicinity of the proposal.

c. The proposal minimizes adverse environmental impacts to the maximum practicable extent and provides mitigation to offset any impacts.

d. The granting of the proposal is consistent and compatible with the goals, objectives, and policies of the Comprehensive Plan and the provisions of this Title.

**16.15.060 Variances.**

A. **General.** An applicant, who seeks to reduce a wetland buffer below the provisions of CMC 16.20, or a critical fish and wildlife habitat buffer below the provisions of CMC 16.30.060, or the Flood Hazard Area Standards of CMC 16.25, may pursue a variance.

B. **Application Requirements.**

1. **Preliminary Review.** The provisions for conducting a preliminary review of a proposed variance are set forth in Chapter 14.40.

2. **Application Filing.** Variance applications shall be reviewed for completeness in accordance with submittal standards checklists and pursuant to Chapter 14.20 CMC.

C. **Public Notice.** Public notice provisions for notice of application, public hearing, and final decision pursuant to this Title are outlined in Chapter 14.15 CMC.

D. **Review.**

1. Initial Review. The land use administrator shall conduct an initial review of any variance application in accordance with the provisions outlined in Chapter 14.40 CMC.
2. Public Hearing Required. When a public hearing is required, the Department shall set a date for a public hearing before the Carbonado Hearing Examiner after all requests for additional information or plan correction, as set forth in CMC 14.15, have been satisfied.
3. Decision Criteria for Wetland Buffers and Fish and Wildlife Habitat Buffers.
  - a. The Hearing Examiner shall have the authority to grant a variance from the requirements of CMC 16.30 when, in the opinion of the Examiner, all of the following criteria have been met:
    - (1) There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to surrounding properties or that make it impossible to redesign the project to preclude the need for a variance;
    - (2) The applicant has avoided impacts and provided mitigation to the maximum practical extent;
    - (3) The buffer reduction proposed through the variance is limited to that necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property, but which because of special circumstances is denied to the property in question; and
    - (4) Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvement.
  - b. In lieu of criteria CMC 16.15.060 D.3.a.(1)-(4), above, an applicant may pursue a wetland buffer variance through demonstration of all of the following criteria:
    - (1) The variance results in an overall increase in the function of the wetland.
    - (2) The variance results in the preservation or enhancement within the project area of other Habitats of Local Importance discussed in CMC 16.30.020 D.
    - (3) The applicant has avoided impacts and provided mitigation, pursuant to CMC 16.30.050, to the maximum practical extent.
  - c. In lieu of criteria CMC 16.15.060 D.3.a.(1)-(4), above, an applicant may pursue a fish and wildlife habitat buffer variance through demonstration of all of the following criteria:

- (1) The variance will not adversely impact receiving water quality or quantity.
- (2) The variance will not adversely impact any functional attribute of the habitat area.
- (3) The variance will not jeopardize the continued existence of species listed by the Federal government or the State as endangered, threatened, sensitive, or documented priority species or priority habitats.
- (4) The applicant has avoided impacts and provided mitigation, pursuant to CMC 16.30.050 to the maximum practical extent.

4. Variances to Flood Hazard Area Standards.

a. General. Variances to the flood hazard area standards set forth within CMC 18E.70.040 may be authorized by the Director as provided by WAC 173-158-120 and 44 CFR Part 60.6, as amended, upon a showing of good and sufficient cause. Variances are limited to situations where exceptional hardship would result from the failure to grant the variance.

b. Exceptional Hardship.

(1) Approval of variances shall be strictly limited to situations where exceptional hardship would result from failure to grant the variance, such as the inability to utilize property in a manner permitted through zoning.

(2) The applicant shall bear the burden of proving the existence of an exceptional hardship.

(3) The claimed hardship must be exceptional, unusual and peculiar to the property involved. Inconvenience, aesthetic considerations, personal preferences or the disapproval of neighbors do not qualify as exceptional hardships under 44 CFR Part 60.6, as amended.

(4) Improvements that violate zoning or building codes, including failure to obtain required permits, are created hardships and shall not be used to demonstrate exceptional hardship.

c. Lot of Record Limitation. Applications for variances under this Section shall be limited to lots in existence prior to February 13, 2006, and shall not be used to enable further land division.

d. Variances to Elevation Standards. Variances to elevation requirements are discouraged due to the potential increase in risk to life and property. Generally, the only condition under which a variance to

elevation standards may be issued is for new construction and substantial improvements to be erected on small or irregularly shaped lots contiguous to and surrounded by lots with existing structures constructed below the base flood elevation. As lot size increases the technical justification for issuing a variance to elevation standards increases.

e. Criteria for Variance Approval. The Director shall have the authority to grant a variance from the requirements of CMC 16.25.040 when, in the opinion of the land use administrator, all of the following criteria have been met:

- (1) Granting the variance will not result in an increase in flood levels during the base flood discharge of not greater than 0.01 feet or 0.00 feet in a FEMA mapped floodway;
- (2) The applicant has avoided impacts and provided mitigation to the maximum practical extent;
- (3) The variance is the minimum necessary, considering the flood hazard, to afford relief;
- (4) Failure to grant the variance would result in an exceptional hardship to the applicant as set forth within CMC 16.15.060 D.4.b.;
- (5) The structure or other development is protected by methods that minimize flood damages during the base flood;
- (6) Granting the variance will not foreseeably result in material being swept onto other lands in a manner that could cause injury to life or property;
- (7) The granting of a variance will not foreseeably result in additional threats to public safety; extraordinary public expense; nuisances; fraud or victimization of the public; or conflict with other local, state, or federal regulations;
- (8) For historic structures, that the repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure; and
- (9) No other alternative development locations for the proposed structure or facility are available on the site that are not subject to flooding or erosion damage or reduced flooding and erosion.

f. Notification.

- (1) The applicant shall be notified in writing that the issuance of a variance to construct a structure below the base flood level

will result in increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage and that such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

(2) Notice of the granting of the variance, in a form approved by the land use administrator, shall be recorded with the title of the property.

g. Land Use Administrator's Authority. When granting a variance, the land use administrator may attach specific conditions to the variance which will serve to meet the goals, objectives, and policies of this Title. The land use administrator has the authority, as part of the approval of the variance, to establish expiration dates or time periods within which the approval must be exercised. Upon expiration, the permit or approval shall be considered null and void. No extensions of the expiration date shall be permitted.

5. Examiner's Authority. When granting a variance, the Examiner may attach specific conditions to the variance, which will serve to meet the goals, objectives, and policies of this Title. The Examiner has the authority, as part of the approval of the variance, to establish expiration dates or time periods within which the approval must be exercised. Upon expiration the permit or approval shall be considered null and void. No extensions of the expiration date shall be permitted.

**16.15.070 Substantial Improvement and Substantial Damage.**

A. Substantial Improvement. Substantial improvement is the repair, reconstruction, addition, rehabilitation, replacement, or other improvement of a structure taking place during a period of five years, the cumulative cost of which equals or whereby the current valuation for the work exceeds 50 percent of the current valuation of the existing structure.

1. The Building Official shall determine the current valuation per Title 15.05 CMC.

2. Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. Substantial improvement does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

B. Substantial Damage. A structure is considered substantially damaged when the current valuation for the work of reconstructing or restoring a structure to its before damage condition exceeds 50 percent of the current valuation of the existing structure.

1. Damage to a structure may be sustained through any origin such as but not limited to earthquakes, fire, explosion, flood, landslides, or other calamity.

2. The Building Official shall determine the current permit valuation per Title 15.05 CMC.



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## CHAPTER 16.20 WETLANDS

### Sections:

- 16.20.010 Purpose**
- 16.20.020 Identification and Rating**
- 16.20.030 Regulated Activities**
- 16.20.040 Exemptions and Allowed Uses in Wetlands**
- 16.20.050 Wetland Buffers**
- 16.20.060 Critical Area Reports**
- 16.20.070 Compensatory Mitigation**
- 16.20.080 Unauthorized Alterations and Enforcement**

### Appendix A Definitions

(Ord. 428, 2015)

#### 16.20.010 Purpose

The purposes of this Chapter are to:

- A. Recognize and protect the beneficial functions performed by many wetlands, which include, but are not limited to, providing food, breeding, nesting and/or rearing habitat for fish and wildlife; recharging and discharging ground water; contributing to stream flow during low flow periods; stabilizing stream banks and shorelines; storing storm and flood waters to reduce flooding and erosion; and improving water quality through biofiltration, adsorption, and retention and transformation of sediments, nutrients, and toxicants.
- B. Regulate land use to avoid adverse effects on wetlands and maintain the functions and values of wetlands throughout Carbonado.
- C. Establish review procedures for development proposals in and adjacent to wetlands.

#### 16.20.020 Identification and Rating

A. Identification and Delineation. Identification of wetlands and delineation of their boundaries pursuant to this Chapter shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within the town meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Chapter. Wetland delineations are valid for five years; after such date the town shall determine whether a revision or additional assessment is necessary.

B. Rating. Wetlands shall be rated according to the Washington Department of Ecology wetland rating system, as set forth in the Washington State Wetland Rating System for Western Washington—2014 Update (Ecology Publication #14-06-029, or as revised and approved by Ecology), which contains the definitions and methods for determining whether the criteria below are met.

- 1. Category I. Category I wetlands are: (1) relatively undisturbed estuarine wetlands larger than 1 acre; (2) wetlands of high conservation value that are

identified by scientists of the Washington Natural Heritage Program/DNR; (3) bogs; (4) mature and old-growth forested wetlands larger than 1 acre; and (5) wetlands that perform many functions well (scoring 23 points or more). These wetlands: (1) represent unique or rare wetland types; (2) are more sensitive to disturbance than most wetlands; (3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (4) provide a high level of functions.

2. Category II. Category II wetlands are: (1) estuarine wetlands smaller than 1 acre, or disturbed estuarine wetlands larger than 1 acre; (2) wetlands with a moderately high level of functions (scoring between 20 and 22 points).

3. Category III. Category III wetlands are: (1) wetlands with a moderate level of functions (scoring between 16 and 19 points); and (2) can often be adequately replaced with a well-planned mitigation project. Wetlands scoring between 16 and 19 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

4. Category IV. Category IV wetlands have the lowest levels of functions (scoring fewer than 16 points) and are often heavily disturbed. These are wetlands that we should be able to replace, or in some cases to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree.

C. Illegal modifications. Wetland rating categories shall not change due to illegal modifications made by the applicant or with the applicant's knowledge.

**16.20.030 Regulated Activities**

A. For any regulated activity, a critical areas report (see Chapter 16.20.060 of this Chapter) may be required to support the requested activity.

B. The following activities are regulated if they occur in a regulated wetland or its buffer:

1. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind.
2. The dumping of, discharging of, or filling with any material.
3. The draining, flooding, or disturbing of the water level or water table.
4. Pile driving.
5. The placing of obstructions.
6. The construction, reconstruction, demolition, or expansion of any structure.

7. The destruction or alteration of wetland vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland.

8. "Class IV - General Forest Practices" under the authority of the "1992 Washington State Forest Practices Act Rules and Regulations," WAC 222-12-030, or as thereafter amended.

9. Activities that result in:

a. A significant change of water temperature.

b. A significant change of physical or chemical characteristics of the sources of water to the wetland.

c. A significant change in the quantity, timing, or duration of the water entering the wetland.

d. The introduction of pollutants.

C. Subdivisions. The subdivision and/or short subdivision of land in wetlands and associated buffers are subject to the following:

1. Land that is located wholly within a wetland or its buffer may not be subdivided.

2. Land that is located partially within a wetland or its buffer may be subdivided provided that an accessible and contiguous portion of each new lot is:

a. Located outside of the wetland and its buffer; and

b. Meets the minimum lot size requirements of Chapter 16.20.020.

#### **16.20.040 Exemptions and Allowed Uses in Wetlands**

A. The following wetlands are exempt from the buffer provisions contained in this Chapter and the normal mitigation sequencing process in Chapter 16.20.020. They may be filled if impacts are fully mitigated based on provisions in Chapter 16.20.070. If available, impacts should be mitigated through the purchase of credits from an in-lieu fee program or mitigation bank, consistent with the terms and conditions of the program or bank. In order to verify the following conditions, a critical area report for wetlands meeting the requirements in Chapter 16.20.060 must be submitted.

1. All isolated Category III and IV wetlands less than 1,000 square feet that:

a. Are not associated with riparian areas or buffers;

b. Are not part of a wetland mosaic; and

- c. Do not contain habitat identified as essential for local populations of priority species identified by the Washington Department of Fish and Wildlife or species of local importance identified in Chapter 16.20.020.

B. Activities Allowed in Wetlands. The activities listed below are allowed in wetlands. These activities do not require submission of a critical area report, except where such activities result in a loss of the functions and values of a wetland or wetland buffer. These activities include:

1. Those activities and uses conducted pursuant to the Washington State Forest Practices Act and its rules and regulations, WAC 222-12-030, where state law specifically exempts local authority, except those developments requiring local approval for Class 4 – General Forest Practice Permits (conversions) as defined in RCW 76.09 and WAC 222-12.
2. Conservation or preservation of soil, water, vegetation, fish, shellfish, and/or other wildlife that does not entail changing the structure or functions of the existing wetland.
3. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.
4. Drilling for utilities/utility corridors under a wetland, with entrance/exit portals located completely outside of the wetland buffer, provided that the drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column will be disturbed.
5. Enhancement of a wetland through the removal of non-native invasive plant species. Removal of invasive plant species shall be restricted to hand removal unless permits from the appropriate regulatory agencies have been obtained for approved biological or chemical treatments. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Re-vegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.
6. Educational and scientific research activities.
7. Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way, provided that the maintenance or repair does not expand the footprint of the facility or right-of-way.

**16.20.050 Wetland Buffers**

A. Buffer Requirements. The standard buffer widths in Table 16.20.01 have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington state wetland rating system for western Washington.

1. The use of the standard buffer widths requires the implementation of the measures in Table 16.20.2, where applicable, to minimize the impacts of the adjacent land uses.
2. If an applicant chooses not to apply the mitigation measures in Table 16.20.2, then a 33% increase in the width of all buffers is required. For example, a 75-foot buffer with the mitigation measures would be a 100-foot buffer without them.
3. The standard buffer widths assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.
4. Additional buffer widths are added to the standard buffer widths. For example, a Category I wetland scoring 8-9 points for habitat function would require a buffer of 225 feet (75 + 150).

**Table 16.20.1 Wetland Buffer Requirements for Western Washington**

Wetland Category	Buffer Width if wetland scores 3-4 habitat points	Additional buffer width if wetland scores 5 habitat points	Additional buffer width if wetland scores 6-7 habitat points	Additional buffer width if wetland scores 8-9 habitat points
Category I: Based on total score	75ft	Add 30 ft	Add 90 ft	Add 150 ft
Category I: Bogs and Wetlands of High Conservation Value	190 ft			Add 35 ft
Category I: Coastal Lagoons	150 ft		Add 15 ft	Add 75 ft
Category I: Interdunal	225 ft (habitat scores not applicable)			
Category I: Forested	75ft	Add 30 ft	Add 90 ft	Add 150 ft
Category I: Estuarine	150 ft (habitat scores not applicable)			
Category II: Based on score	75 ft	Add 30 ft	Add 90 ft	Add 150 ft
Category II: Interdunal Wetlands	110 ft		Add 55 ft	Add 115 ft
Category III (all)	60 ft	Add 45 ft	Add 105 ft	Add 165 ft
Category IV (all)	40 ft			

**Table 16.20.2 Required Measures to Minimize Impacts to Wetlands**

(Measures are required, where applicable to a specific proposal)

<b>Disturbance</b>	<b>Required Measures to Minimize Impacts</b>
Lights	<ul style="list-style-type: none"> <li>• Direct lights away from wetland</li> </ul>
Noise	<ul style="list-style-type: none"> <li>• Locate activity that generates noise away from wetland</li> <li>• If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source</li> <li>• For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer</li> </ul>
Toxic runoff	<ul style="list-style-type: none"> <li>• Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered</li> <li>• Establish covenants limiting use of pesticides within 150 ft of wetland</li> <li>• Apply integrated pest management</li> </ul>
Stormwater runoff	<ul style="list-style-type: none"> <li>• Retrofit stormwater detention and treatment for roads and existing adjacent development</li> <li>• Prevent channelized flow from lawns that directly enters the buffer</li> <li>• Use Low Intensity Development techniques (per PSAT publication on LID techniques)</li> </ul>
Change in water regime	<ul style="list-style-type: none"> <li>• Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns</li> </ul>
Pets and human disturbance	<ul style="list-style-type: none"> <li>• Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion</li> <li>• Place wetland and its buffer in a separate tract or protect with a conservation easement</li> </ul>
Dust	<ul style="list-style-type: none"> <li>• Use best management practices to control dust</li> </ul>
Disruption of corridors or connections	<ul style="list-style-type: none"> <li>• Maintain connections to offsite areas that are undisturbed</li> <li>• Restore corridors or connections to offsite habitats by replanting</li> </ul>

5. Increased Wetland Buffer Area Width. Buffer widths shall be increased on a case-by-case basis as determined by the Administrator when a larger buffer is necessary to protect wetland functions and values. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the wetland. The documentation must include but not be limited to the following criteria:

- a. The wetland is used by a plant or animal species listed by the federal government or the state as endangered, threatened, candidate, sensitive, monitored



or documented priority species or habitats, or essential or outstanding habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees; or

b. The adjacent land is susceptible to severe erosion, and erosion-control measures will not effectively prevent adverse wetland impacts; or

c. The adjacent land has minimal vegetative cover or slopes greater than 30 percent.

6. Buffer averaging to improve wetland protection may be permitted when all of the following conditions are met:

a. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a “dual-rated” wetland with a Category I area adjacent to a lower-rated area.

b. The buffer is increased adjacent to the higher-functioning area of habitat or more-sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion as demonstrated by a critical areas report from a qualified wetland professional.

c. The total area of the buffer after averaging is equal to the area required without averaging.

d. The buffer at its narrowest point is never less than either  $\frac{3}{4}$  of the required width or 75 feet for Category I and II, 50 feet for Category III, and 25 feet for Category IV, whichever is greater.

7. Averaging to allow reasonable use of a parcel may be permitted when all of the following are met:

a. There are no feasible alternatives to the site design that could be accomplished without buffer averaging.

b. The averaged buffer will not result in degradation of the wetland’s functions and values as demonstrated by a critical areas report from a qualified wetland professional.

c. The total buffer area after averaging is equal to the area required without averaging.

d. The buffer at its narrowest point is never less than either  $\frac{3}{4}$  of the required width or 75 feet for Category I and II, 50 feet for Category III and 25 feet for Category IV, whichever is greater.

B. To facilitate long-range planning using a landscape approach, the Administrator may identify and pre-assess wetlands using the rating system and establish appropriate wetland

buffer widths for such wetlands. The Administrator will prepare maps of wetlands that have been pre-assessed in this manner.

C. Measurement of Wetland Buffers. All buffers shall be measured perpendicular from the wetland boundary as surveyed in the field. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland. Only fully vegetated buffers will be considered. Lawns, walkways, driveways, and other mowed or paved areas will not be considered buffers or included in buffer area calculations.

D. Buffers on Mitigation Sites. All mitigation sites shall have buffers consistent with the buffer requirements of this Chapter. Buffers shall be based on the expected or target category of the proposed wetland mitigation site.

E. Buffer Maintenance. Except as otherwise specified or allowed in accordance with this Chapter, wetland buffers shall be retained in an undisturbed or enhanced condition. In the case of compensatory mitigation sites, removal of invasive non-native weeds is required for the duration of the mitigation bond (Section 16.20.070.H.2.a.viii).

F. Impacts to Buffers. Requirements for the compensation for impacts to buffers are outlined in Section 16.20.070 of this Chapter.

G. Overlapping Critical Area Buffers. If buffers for two contiguous critical areas overlap (such as buffers for a stream and a wetland), the wider buffer applies.

H. Allowed Buffer Uses. The following uses may be allowed within a wetland buffer in accordance with the review procedures of this Chapter, provided they are not prohibited by any other applicable law and they are conducted in a manner so as to minimize impacts to the buffer and adjacent wetland:

1. Conservation and Restoration Activities. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife.
2. Passive recreation. Passive recreation facilities designed and in accordance with an approved critical area report, including:
  - a. Walkways and trails, provided that those pathways are limited to minor crossings having no adverse impact on water quality. They should be generally parallel to the perimeter of the wetland, located only in the outer twenty-five percent (25%) of the wetland buffer area, and located to avoid removal of significant trees. They should be limited to pervious surfaces no more than five (5) feet in width for pedestrian use only. Raised boardwalks utilizing non-treated pilings may be acceptable.
  - b. Wildlife-viewing structures.
3. Educational and scientific research activities.
4. Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way, provided that the maintenance or repair does not increase the footprint or use of the facility or right-of-way.

5. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.

6. Drilling for utilities/utility corridors under a buffer, with entrance/exit portals located completely outside of the wetland buffer boundary, provided that the drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column is disturbed.

7. Enhancement of a wetland buffer through the removal of non-native invasive plant species. Removal of invasive plant species shall be restricted to hand removal. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.

8. Stormwater management facilities. Stormwater management facilities are limited to stormwater dispersion outfalls and bioswales. They may be allowed within the outer twenty-five percent (25%) of the buffer of Category III or IV wetlands only, provided that:

- a. No other location is feasible; and
- b. The location of such facilities will not degrade the functions or values of the wetland; and
- c. Stormwater management facilities are not allowed in buffers of Category I or II wetlands.

9. Non-Conforming Uses. Repair and maintenance of non-conforming uses or structures, where legally established within the buffer, provided they do not increase the degree of nonconformity.

I. Signs and Fencing of Wetlands and Buffers:

1. Temporary markers. The outer perimeter of the wetland buffer and the clearing limits identified by an approved permit or authorization shall be marked in the field with temporary "clearing limits" fencing in such a way as to ensure that no unauthorized intrusion will occur. The marking is subject to inspection by the Administrator prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until permanent signs, if required, are in place.

2. Permanent signs. As a condition of any permit or authorization issued pursuant to this Chapter, the Administrator may require the applicant to install permanent signs along the boundary of a wetland or buffer.

a. Permanent signs shall be made of an enamel-coated metal face and attached to a metal post or another non-treated material of equal durability. Signs must be posted at an interval of one (1) per lot or every fifty (50) feet, whichever is less, and must be maintained by the property owner in perpetuity. The signs shall be worded as follows or with alternative language approved by the Administrator:

Protected Wetland Area

Do Not Disturb

Contact Town of Carbonado Regarding Uses, Restrictions, and Opportunities for Stewardship

b. The provisions of Subsection (a) may be modified as necessary to assure protection of sensitive features or wildlife.

3. Fencing

a. The applicant shall be required to install a permanent fence around the wetland or buffer when domestic grazing animals are present or may be introduced on site.

b. Fencing installed as part of a proposed activity or as required in this Subsection shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the wetland and associated habitat.

**16.20.060 Critical Area Report for Wetlands**

A. If the Administrator determines that the site of a proposed development includes, is likely to include, or is adjacent to a wetland, a wetland report, prepared by a qualified professional, shall be required. The expense of preparing the wetland report shall be borne by the applicant.

B. Minimum Standards for Wetland Reports. The written report and the accompanying plan sheets shall contain the following information, at a minimum:

1. The written report shall include at a minimum:

a. The name and contact information of the applicant; the name, qualifications, and contact information for the primary author(s) of the wetland critical area report; a description of the proposal identification of all the local, state, and/or federal wetland-related permit(s) required for the project; and a vicinity map for the project.

b. A statement specifying the accuracy of the report and all assumptions made and relied upon.

c. Documentation of any fieldwork performed on the site, including field data sheets for delineations, rating system forms, baseline hydrologic data, etc.

- d. A description of the methodologies used to conduct the wetland delineations, rating system forms, or impact analyses including references.
  - e. Identification and characterization of all critical areas, wetlands, water bodies, shorelines, floodplains, and buffers on or adjacent to the proposed project area. For areas off site of the project site, estimate conditions within 300 feet of the project boundaries using the best available information.
  - f. For each wetland identified on site and within 300 feet of the project site provide: the wetland rating, including a description of and score for each function, per Wetland Ratings (Section 16.20.020.B) of this Chapter; required buffers; hydrogeomorphic classification; wetland acreage based on a professional survey from the field delineation (acres for on-site portion and entire wetland area including off-site portions); Cowardin classification of vegetation communities; habitat elements; soil conditions based on site assessment and/or soil survey information; and to the extent possible, hydrologic information such as location and condition of inlet/outlets (if they can be legally accessed), estimated water depths within the wetland, and estimated hydroperiod patterns based on visual cues (e.g., algal mats, drift lines, flood debris, etc.). Provide acreage estimates, classifications, and ratings based on entire wetland complexes, not only the portion present on the proposed project site.
  - g. A description of the proposed actions, including an estimation of acreages of impacts to wetlands and buffers based on the field delineation and survey and an analysis of site development alternatives, including a no-development alternative.
  - h. An assessment of the probable cumulative impacts to the wetlands and buffers resulting from the proposed development.
  - i. A description of reasonable efforts made to apply mitigation sequencing pursuant to Mitigation Sequencing (Chapter 16.2020) to avoid, minimize, and mitigate impacts to critical areas.
  - j. A discussion of measures, including avoidance, minimization, and compensation, proposed to preserve existing wetlands and restore any wetlands that were degraded prior to the current proposed land-use activity.
  - k. A conservation strategy for habitat and native vegetation that addresses methods to protect and enhance on-site habitat and wetland functions.
  - l. An evaluation of the functions of the wetland and adjacent buffer. Include reference for the method used and data sheets.
2. A copy of the site plan sheet(s) for the project must be included with the written report and must include, at a minimum:

a. Maps (to scale) depicting delineated and surveyed wetland and required buffers on site, including buffers for off-site critical areas that extend onto the project site; the development proposal; other critical areas; grading and clearing limits; areas of proposed impacts to wetlands and/or buffers (include square footage estimates).

b. A depiction of the proposed stormwater management facilities and outlets (to scale) for the development, including estimated areas of intrusion into the buffers of any critical areas. The written report shall contain a discussion of the potential impacts to the wetland(s) associated with anticipated hydroperiod alterations from the project.

**16.20.070 Compensatory Mitigation.**

A. Mitigation Sequencing. Before impacting any wetland or its buffer, an applicant shall demonstrate that the following actions have been taken. Actions are listed in the order of preference:

1. Avoid the impact altogether by not taking a certain action or parts of an action.
2. Minimize impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
3. Rectify the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reduce or eliminate the impact over time by preservation and maintenance operations.
5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments.
6. Monitor the required compensation and take remedial or corrective measures when necessary.

B. Requirements for Compensatory Mitigation:

1. Compensatory mitigation for alterations to wetlands shall be used only for impacts that cannot be avoided or minimized and shall achieve equivalent or greater biologic functions. Compensatory mitigation plans shall be consistent with Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans--Version 1, (Ecology Publication #06-06-011b, Olympia, WA, March 2006 or as revised), and Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington) (Publication #09-06-32, Olympia, WA, December 2009).
2. Mitigation ratios shall be consistent with Subsection G of this Chapter.
3. Mitigation requirements may also be determined using the credit/debit tool described in “Calculating Credits and Debits for Compensatory Mitigation in

Wetlands of Western Washington: Final Report (Ecology Publication #10-06-011, Olympia, WA, March 2012, or as revised) consistent with subsection H of this Chapter.

C. Compensating for Lost or Affected Functions. Compensatory mitigation shall address the functions affected by the proposed project, with an intention to achieve functional equivalency or improvement of functions. The goal shall be for the compensatory mitigation to provide similar wetland functions as those lost, except when either:

1. The lost wetland provides minimal functions, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal Washington state watershed assessment plan or protocol; or
2. Out-of-kind replacement of wetland type or functions will best meet watershed goals formally identified by the town, such as replacement of historically diminished wetland types.

D. Preference of Mitigation Actions. Mitigation for lost or diminished wetland and buffer functions shall rely on the types below in the following order of preference:

1. Restoration (re-establishment and rehabilitation) of wetlands:

a. The goal of re-establishment is returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.

b. The goal of rehabilitation is repairing natural or historic functions of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.

2. Creation (establishment) of wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of non-native species. Establishment results in a gain in wetland acres. This should be attempted only when there is an adequate source of water and it can be shown that the surface and subsurface hydrologic regime is conducive to the wetland community that is anticipated in the design.

a. If a site is not available for wetland restoration to compensate for expected wetland and/or buffer impacts, the approval authority may authorize creation of a wetland and buffer upon demonstration by the applicant's qualified wetland scientist that:

i. The hydrology and soil conditions at the proposed mitigation site are conducive for sustaining the proposed wetland and that creation of a wetland at the site will not likely cause hydrologic problems elsewhere;

ii. The proposed mitigation site does not contain invasive plants or noxious weeds or that such vegetation will be completely eradicated at the site;

iii. Adjacent land uses and site conditions do not jeopardize the viability of the proposed wetland and buffer (e.g., due to the presence of invasive plants or noxious weeds, stormwater runoff, noise, light, or other impacts); and

iv. The proposed wetland and buffer will eventually be self-sustaining with little or no long-term maintenance.

3. Enhancement of significantly degraded wetlands in combination with restoration or creation. Enhancement should be part of a mitigation package that includes replacing the altered area and meeting appropriate ratio requirements. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement alone will result in a loss of wetland acreage and is less effective at replacing the functions lost. Applicants proposing to enhance wetlands or associated buffers shall demonstrate:

a. How the proposed enhancement will increase the wetland's/buffer's functions;

b. How this increase in function will adequately compensate for the impacts; and

c. How all other existing wetland functions at the mitigation site will be protected.

4. Preservation. Preservation of high-quality, at-risk wetlands as compensation is generally acceptable when done in combination with restoration, creation, or enhancement, provided that a minimum of 1:1 acreage replacement is provided by re-establishment or creation. Ratios for preservation in combination with other forms of mitigation generally range from 10:1 to 20:1, as determined on a case-by-case basis, depending on the quality of the wetlands being altered and the quality of the wetlands being preserved.

Preservation of high-quality, at-risk wetlands and habitat may be considered as the sole means of compensation for wetland impacts when the following criteria are met:

a. The area proposed for preservation is of high quality. The following features may be indicative of high-quality sites:

i. Category I or II wetland rating (using the wetland rating system for western Washington)

ii. Rare wetland type (for example, bogs, mature forested wetlands, estuarine wetlands)



- iii. The presence of habitat for priority or locally important wildlife species.
- iv. Priority sites in an adopted watershed plan.
- b. Wetland impacts will not have a significant adverse impact on habitat for listed fish, or other ESA listed species.
- c. There is no net loss of habitat functions within the watershed or basin.
- d. Mitigation ratios for preservation as the sole means of mitigation shall generally start at 20:1. Specific ratios should depend upon the significance of the preservation project and the quality of the wetland resources lost.
- d. Permanent preservation of the wetland and buffer will be provided through a conservation easement or tract held by a land trust.
- e. The impact area is small (generally  $<1/2$  acre) and/or impacts are occurring to a low-functioning system (Category III or IV wetland).

All preservation sites shall include buffer areas adequate to protect the habitat and its functions from encroachment and degradation.

E. Location of Compensatory Mitigation. Compensatory mitigation actions shall be conducted within the same sub-drainage basin and on the site of the alteration except when all of paragraphs 1-4 below apply. In that case, mitigation may be allowed off-site within the subwatershed of the impact site. When considering off-site mitigation, preference should be given to using alternative mitigation, such as a mitigation bank, an in-lieu fee program, or advanced mitigation.

1. There are no reasonable opportunities on site or within the sub-drainage basin (e.g., on-site options would require elimination of high-functioning upland habitat), or opportunities on site or within the sub-drainage basin do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts. Considerations should include: anticipated replacement ratios for wetland mitigation, buffer conditions and proposed widths, available water to maintain anticipated hydrogeomorphic classes of wetlands when restored, proposed flood storage capacity, and potential to mitigate riparian fish and wildlife impacts (such as connectivity);
2. On-site mitigation would require elimination of high-quality upland habitat.
3. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the altered wetland.
4. Off-site locations shall be in the same sub-drainage basin unless:
  - a. Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the town and strongly justify location of mitigation at another site; or

- b. Credits from a state-certified wetland mitigation bank are used as compensation, and the use of credits is consistent with the terms of the certified bank instrument;
- c. Fees are paid to an approved in-lieu fee program to compensate for the impacts.

The design for the compensatory mitigation project needs to be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation, restoration, or enhancement of an atypical wetland. An atypical wetland refers to a compensation wetland (e.g., created or enhanced) that does not match the type of existing wetland that would be found in the geomorphic setting of the site (i.e., the water source(s) and hydroperiod proposed for the mitigation site are not typical for the geomorphic setting). Likewise, it should not provide exaggerated morphology or require a berm or other engineered structures to hold back water. For example, excavating a permanently inundated pond in an existing seasonally saturated or inundated wetland is one example of an enhancement project that could result in an atypical wetland. Another example would be excavating depressions in an existing wetland on a slope, which would require the construction of berms to hold the water.

F. **Timing of Compensatory Mitigation.** It is preferred that compensatory mitigation projects be completed prior to activities that will disturb wetlands. At the least, compensatory mitigation shall be completed immediately following disturbance and prior to use or occupancy of the action or development. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.

1. The Administrator may authorize a one-time temporary delay in completing construction or installation of the compensatory mitigation when the applicant provides a written explanation from a qualified wetland professional as to the rationale for the delay. An appropriate rationale would include identification of the environmental conditions that could produce a high probability of failure or significant construction difficulties (e.g., project delay lapses past a fisheries window, or installing plants should be delayed until the dormant season to ensure greater survival of installed materials). The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the delay shall not be injurious to the health, safety, or general welfare of the public. The request for the temporary delay must include a written justification that documents the environmental constraints that preclude implementation of the compensatory mitigation plan. The justification must be verified and approved by the town.

G. **Wetland Mitigation Ratios**

Category and Type of Wetland	Creation or Re-establishment	Rehabilitation	Enhancement
Category I: Bog, Natural Heritage site	Not considered possible	Case by case	Case by case
Category I: Mature Forested	6:1	12:1	24:1
Category I: Based on functions	4:1	8:1	16:1
Category II	3:1	6:1	12:1
Category III	2:1	4:1	8:1
Category IV	1.5:1	3:1	6:1

Ratios for rehabilitation and enhancement may be reduced when combined with 1:1 replacement through creation or re-establishment. See Table 1a, Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance--Version 1, (Ecology Publication #06-06-011a, Olympia, WA, March 2006 or as revised). See also Paragraph D.4 for more information on using preservation as compensation.

H. Credit/Debit Method. To more fully protect functions and values, and as an alternative to the mitigation ratios found in the joint guidance “Wetland Mitigation in Washington State Parts I and II” (Ecology Publication #06-06-011a-b, Olympia, WA, March, 2006), the administrator may allow mitigation based on the “credit/debit” method developed by the Department of Ecology in “Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Final Report,” (Ecology Publication #10-06-011, Olympia, WA, March 2012, or as revised).

I. Compensatory Mitigation Plan. When a project involves wetland and/or buffer impacts, a compensatory mitigation plan prepared by a qualified professional shall be required, meeting the following minimum standards:

1. Wetland Critical Area Report. A critical area report for wetlands must accompany or be included in the compensatory mitigation plan and include the minimum parameters described in Minimum Standards for Wetland Reports (Section 16.20.060.B) of this Chapter.

2. Compensatory Mitigation Report. The report must include a written report and plan sheets that must contain, at a minimum, the following elements. Full guidance can be found in Wetland Mitigation in Washington State– Part 2: Developing Mitigation Plans (Version 1) (Ecology Publication #06-06-011b, Olympia, WA, March 2006 or as revised).

- a. The written report must contain, at a minimum:

- i. The name and contact information of the applicant; the name, qualifications, and contact information for the primary author(s) of the compensatory mitigation report; a description of the proposal; a summary of the impacts and proposed compensation concept; identification of all the local, state, and/or federal wetland-related permit(s) required for the project; and a vicinity map for the project.
- ii. Description of how the project design has been modified to avoid, minimize, or reduce adverse impacts to wetlands.
- iii. Description of the existing wetland and buffer areas proposed to be altered. Include acreage (or square footage), water regime, vegetation, soils, landscape position, surrounding lands uses, and functions. Also describe impacts in terms of acreage by Cowardin classification, hydrogeomorphic classification, and wetland rating, based on Wetland Ratings (Section 16.2020) of this Chapter.
- iv. Description of the compensatory mitigation site, including location and rationale for selection. Include an assessment of existing conditions: acreage (or square footage) of wetlands and uplands, water regime, sources of water, vegetation, soils, landscape position, surrounding land uses, and functions. . Estimate future conditions in this location if the compensation actions are NOT undertaken (i.e., how would this site progress through natural succession?).
- v. A description of the proposed actions for compensation of wetland and upland areas affected by the project. Include overall goals of the proposed mitigation, including a description of the targeted functions, hydrogeomorphic classification, and categories of wetlands.
- vi. A description of the proposed mitigation construction activities and timing of activities.
- vii. A discussion of ongoing management practices that will protect wetlands after the project site has been developed, including proposed monitoring and maintenance programs (for remaining wetlands and compensatory mitigation wetlands).
- viii. A bond estimate for the entire compensatory mitigation project, including the following elements: site preparation, plant materials, construction materials, installation oversight, maintenance twice per year for up to five (5) years, annual monitoring field work and reporting, and contingency actions for a maximum of the total required number of years for monitoring.

ix. Proof of establishment of Notice on Title for the wetlands and buffers on the project site, including the compensatory mitigation areas.

b. The scaled plan sheets for the compensatory mitigation must contain, at a minimum:

i. Surveyed edges of the existing wetland and buffers, proposed areas of wetland and/or buffer impacts, location of proposed wetland and/or buffer compensation actions.

ii. Existing topography, ground-proofed, at two-foot contour intervals in the zone of the proposed compensation actions if any grading activity is proposed to create the compensation area(s). Also existing cross-sections of on-site wetland areas that are proposed to be altered, and cross-section(s) (estimated one-foot intervals) for the proposed areas of wetland or buffer compensation.

iii. Surface and subsurface hydrologic conditions, including an analysis of existing and proposed hydrologic regimes for enhanced, created, or restored compensatory mitigation areas. Also, illustrations of how data for existing hydrologic conditions were used to determine the estimates of future hydrologic conditions.

iv. Conditions expected from the proposed actions on site, including future hydrogeomorphic types, vegetation community types by dominant species (wetland and upland), and future water regimes.

v. Required wetland buffers for existing wetlands and proposed compensation areas. Also, identify any zones where buffers are proposed to be reduced or enlarged outside of the standards identified in this Chapter.

vi. A plant schedule for the compensation area, including all species by proposed community type and water regime, size and type of plant material to be installed, spacing of plants, typical clustering patterns, total number of each species by community type, timing of installation.

vii. Performance standards (measurable standards reflective of years post-installation) for upland and wetland communities, monitoring schedule, and maintenance schedule and actions by each biennium.

J. Buffer Mitigation Ratios. Impacts to buffers shall be mitigated at a 1:1 ratio. Compensatory buffer mitigation shall replace those buffer functions lost from development.

K. Protection of the Mitigation Site. The area where the mitigation occurred and any associated buffer shall be located in a critical area tract or a conservation easement consistent with Chapter 16.2020.

L. Monitoring. Mitigation monitoring shall be required for a period necessary to establish that performance standards have been met, but not for a period less than five years. If a scrub-shrub or forested vegetation community is proposed, monitoring may be required for ten years or more. The project mitigation plan shall include monitoring elements that ensure certainty of success for the project's natural resource values and functions. If the mitigation goals are not obtained within the initial five-year period, the applicant remains responsible for restoration of the natural resource values and functions until the mitigation goals agreed to in the mitigation plan are achieved.

M. Wetland Mitigation Banks.

1. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:
  - a. The bank is certified under state rules;
  - b. The Administrator determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
  - c. The proposed use of credits is consistent with the terms and conditions of the certified bank instrument.
2. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the certified bank instrument.
3. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the certified bank instrument. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.

N. In-Lieu Fee. To aid in the implementation of off-site mitigation, the town may develop an in-lieu fee program. This program shall be developed and approved through a public process and be consistent with federal rules, state policy on in-lieu fee mitigation, and state water quality regulations. An approved in-lieu-fee program sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the in-lieu program sponsor, a governmental or non-profit natural resource management entity. Credits from an approved in-lieu-fee program may be used when paragraphs 1-6 below apply:

1. The approval authority determines that it would provide environmentally appropriate compensation for the proposed impacts.
2. The mitigation will occur on a site identified using the site selection and prioritization process in the approved in-lieu-fee program instrument.
3. The proposed use of credits is consistent with the terms and conditions of the approved in-lieu-fee program instrument.

4. Land acquisition and initial physical and biological improvements of the mitigation site must be completed within three years of the credit sale.

5. Projects using in-lieu-fee credits shall have debits associated with the proposed impacts calculated by the applicant's qualified wetland scientist using the method consistent with the credit assessment method specified in the approved instrument for the in-lieu-fee program.

6. Credits from an approved in-lieu-fee program may be used to compensate for impacts located within the service area specified in the approved in-lieu-fee instrument.

O. Advance Mitigation. Mitigation for projects with pre-identified impacts to wetlands may be constructed in advance of the impacts if the mitigation is implemented according to federal rules, state policy on advance mitigation, and state water quality regulations.

P. Alternative Mitigation Plans. The Administrator may approve alternative critical areas mitigation plans that are based on best available science, such as priority restoration plans that achieve restoration goals identified in the SMP. Alternative mitigation proposals must provide an equivalent or better level of protection of critical area functions and values than would be provided by the strict application of this chapter.

The Administrator shall consider the following for approval of an alternative mitigation proposal:

1. The proposal uses a watershed approach consistent with Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington) (Ecology Publication #09-06-32, Olympia, WA, December 2009).

2. Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas.

3. Mitigation according to Section E is not feasible due to site constraints such as parcel size, stream type, wetland category, or geologic hazards.

4. There is clear potential for success of the proposed mitigation at the proposed mitigation site.

5. The plan shall contain clear and measurable standards for achieving compliance with the specific provisions of the plan. A monitoring plan shall, at a minimum, meet the provisions in Section I.

6. The plan shall be reviewed and approved as part of overall approval of the proposed use.

7. A wetland of a different type is justified based on regional needs or functions and values; the replacement ratios may not be reduced or eliminated unless the reduction results in a preferred environmental alternative.

8. Mitigation guarantees shall meet the minimum requirements as outlined in Section.I.a.viii.
9. Qualified professionals in each of the critical areas addressed shall prepare the plan.
10. The town may consult with agencies with expertise and jurisdiction over the resources during the review to assist with analysis and identification of appropriate performance measures that adequately safeguard critical areas.

**16.20.080 Unauthorized Alterations and Enforcement**

A. When a wetland or its buffer has been altered in violation of this Chapter, all ongoing development work shall stop, and the critical area shall be restored. The town

shall have the authority to issue a “stop-work” order to cease all ongoing development work and order restoration, rehabilitation, or replacement measures at the owner’s or other responsible party’s expense to compensate for violation of provisions of this Chapter.

B. Requirement for Restoration Plan. All development work shall remain stopped until a restoration plan is prepared and approved by the town. Such a plan shall be prepared by a qualified professional using the currently accepted scientific principles and shall describe how the actions proposed meet the minimum requirements described in Subsection (C). The Administrator shall, at the violator’s expense, seek expert advice in determining the adequacy of the plan. Inadequate plans shall be returned to the applicant or violator for revision and resubmittal.

C. Minimum Performance Standards for Restoration. The following minimum performance standards shall be met for the restoration of a wetland, provided that if the violator can demonstrate that greater functions and habitat values can be obtained, these standards may be modified:

1. The historic structure, functions, and values of the affected wetland shall be restored, including water quality and habitat functions.
2. The historic soil types and configuration shall be restored to the extent practicable.
3. The wetland and buffers shall be replanted with native vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities. The historic functions and values should be replicated at the location of the alteration.
4. Information demonstrating compliance with other applicable provisions of this Chapter shall be submitted to the Administrator.

D. Site Investigations. The Administrator is authorized to make site inspections and take such actions as are necessary to enforce this Chapter. The Administrator shall present proper credentials and make a reasonable effort to contact any property owner before entering onto private property.



E. Penalties. Any person, party, firm, corporation, or other legal entity convicted of violating any of the provisions of this Chapter shall be guilty of a misdemeanor.

1. Each day or portion of a day during which a violation of this Chapter is committed or continued shall constitute a separate offense. Any development carried out contrary to the provisions of this Chapter shall constitute a public nuisance and may be enjoined as provided by the statutes of the state of Washington. The town may levy civil penalties against any person, party, firm, corporation, or other legal entity for violation of any of the provisions of this Chapter. The civil penalty shall be assessed at a maximum rate of \$16 dollars per day per violation.

2. If the wetland affected cannot be restored, monies collected as penalties shall be deposited in a dedicated account for the preservation or restoration of landscape processes and functions in the watershed in which the affected wetland is located. The town may coordinate its preservation or restoration activities with other cities in the watershed to optimize the effectiveness of the restoration action.

## Appendix A - Definitions

Alteration – Any human-induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to, grading, filling, channelizing, dredging, clearing of vegetation, construction, compaction, excavation, or any other activity that changes the character of the critical area.

Best Available Science – Current scientific information used in the process to designate, protect, or restore critical areas that is, derived from a valid scientific process as defined by WAC 365-195-900 through 925. Examples of best available science are included in Citations of Recommended Sources of Best Available Science for Designating and Protecting Critical Areas published by the Washington State Department of Commerce.

Best Management Practices (BMPs) – Conservation practices or systems of practices and management measures that:

- (a) Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, or sediment;
- (b) Minimize adverse impacts to surface water and ground water flow and circulation patterns and to the chemical, physical, and biological characteristics of wetlands;
- (c) Protect trees, vegetation and soils designated to be retained during and following site construction and use native plant species appropriate to the site for re-vegetation of disturbed areas; and
- (d) Provide standards for proper use of chemical herbicides within critical areas.

Bog – A low-nutrient, acidic wetland with organic soils and characteristic bog plants, which is sensitive to disturbance and impossible to re-create through compensatory mitigation.

**Buffer or Buffer Zone** – The area contiguous with a critical area that maintains the functions and/or structural stability of the critical area.

**Critical Areas** – Critical areas include any of the following areas or ecosystems: critical aquifer recharge areas, fish and wildlife habitat conservation areas, geologically hazardous areas, frequently flooded areas, and wetlands, as defined in RCW 36.70A and this Chapter.

**Creation** – The manipulation of the physical, chemical, or biological characteristics to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Creation results in a gain in wetland acreage and function. A typical action is the excavation of upland soils to elevations that will produce a wetland hydroperiod and hydric soils, and support the growth of hydrophytic plant species.

**Cumulative Impacts or Effects** – The combined, incremental effects of human activity on ecological or critical area functions and values. Cumulative impacts result when the effects of an action are added to or interact with the effects of other actions in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis and changes to policies and permitting decisions.

**Developable Area** – A site or portion of a site that may be used as the location of development, in accordance with the rules of this Chapter.

**Development** – A land use consisting of the construction or exterior alteration of structures; grading, dredging, drilling, or dumping; filling; removal of sand, gravel, or minerals; bulk heading; driving of pilings; or any project of a temporary or permanent nature which modifies structures, land, or shorelines and which does not fall within the allowable exemptions contained in the town Code.

**Enhancement** – The manipulation of the physical, chemical, or biological characteristics of a wetland to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in wetland function(s) and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Examples are planting vegetation, controlling non-native or invasive species, and modifying site elevations to alter hydroperiods.

**Functions and Values** – The services provided by critical areas to society, including, but not limited to, improving and maintaining water quality, providing fish and wildlife habitat, supporting terrestrial and aquatic food chains, reducing flooding and erosive flows, wave attenuation, historical or archaeological importance, educational opportunities, and recreation.

**Growth Management Act** – RCW 36.70A and 36.70B, as amended.

**Hazardous Substances** – Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical, or biological properties described in WAC 173-303-090 or 173-303-100.

**Historic Condition** – Condition of the land, including flora, fauna, soil, topography, and hydrology that existed before the area and vicinity were developed or altered by Euro- American settlement, or in some cases before any human habitation occurred.

**Impervious Surface** – Any alterations to the surface of a soil that prevents or retards the entry of water into it compared to its undisturbed condition, or any reductions in infiltration that cause water to run off the surface in greater quantities or at an increased rate of flow compared to that present prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking

lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of stormwater.

**In-Kind Compensation** – To replace critical areas with substitute areas whose characteristics and functions closely approximate those destroyed or degraded by a regulated activity.

**In-Lieu-Fee Program** – An agreement between a regulatory agency (state, federal, or local) and a single sponsor, generally a public agency or non-profit organization. Under an in-lieu-fee agreement, the mitigation sponsor collects funds from an individual or a number of individuals who are required to conduct compensatory mitigation required under a wetland regulatory program. The sponsor may use the funds pooled from multiple permittees to create one or a number of sites under the authority of the agreement to satisfy the permittees' required mitigation.

**Infiltration** – The downward entry of water into the immediate surface of soil.

**Isolated Wetlands** – Those wetlands that are outside of and not contiguous to any 100-year floodplain of a lake, river, or stream and have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water, including other wetlands.

**Mature Forested Wetland** – A wetland where at least one acre of the wetland surface is covered by woody vegetation greater than 20 feet in height with a crown cover of at least 30 percent and where at least 8 trees/acre are 80 to 200 years old OR have average diameters (dbh) exceeding 21 inches (53 centimeters) measured from the uphill side of the tree trunk at 4.5 feet up from the ground.

**Mitigation** – Avoiding, minimizing, or compensating for adverse critical areas impacts. Mitigation, in the following sequential order of preference, is:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
- (c) Rectifying the impact to wetlands, critical aquifer recharge areas, and habitat conservation areas by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;
- (d) Minimizing or eliminating a hazard by restoring or stabilizing the hazard area through engineered or other methods;
- (e) Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;

- (f) Compensating for the impact to wetlands, critical aquifer recharge areas, and habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and
- (g) Monitoring the hazard or other required mitigation and taking remedial action when necessary.

Mitigation for individual actions may include a combination of the above measures.

**Monitoring** – Evaluating the impacts of development proposals on the biological, hydrological, and geological elements of such systems, and assessing the performance of required mitigation measures through the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features. Monitoring includes gathering baseline data.

**Native Vegetation** – Plant species that occur naturally in a particular region or environment and were not introduced by human activities.

**Off-Site Compensation** – To replace critical areas away from the site on which a critical area has been impacted.

**On-Site Compensation** – To replace critical areas at or adjacent to the site on which a critical areas has been impacted.

**Ordinary High Water Mark** – That mark which is found by examining the bed and banks of water bodies and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, that the soil has a character distinct from that of the abutting upland in respect to vegetation.

**Practical Alternative** – An alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, with less of an impact to critical areas.

**Preservation** – The removal of a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This term includes the purchase of land or easements, repairing water control structures or fences, or structural protection. Preservation does not result in a gain of wetland acres but may result in a gain in functions over the long term.

**Project Area** – All areas, including those within fifty (50) feet of the area, proposed to be disturbed, altered, or used by the proposed activity or the construction of any proposed structures. When the action binds the land, such as a subdivision, short subdivision, binding site plan, planned unit development, or rezone, the project area shall include the entire parcel, at a minimum.

**Prior Converted Croplands** – Prior converted croplands (PCCs) are defined in federal law as wetlands that were drained, dredged, filled, leveled, or otherwise manipulated, including the removal of woody vegetation, before December 23, 1985, to enable production of an agricultural commodity, and that: 1) have had an agricultural commodity planted or produced at least once prior to December 23, 1985; 2) do not have standing water for more than 14 consecutive days during the growing season, and 3) have not since been abandoned.

Qualified Professional – A person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905. 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 have at least five years of related work experience.

- (a) A qualified professional for wetlands must be a professional wetland scientist with at least two years of full-time work experience as a wetlands professional, including delineating wetlands using the federal manuals and supplements, preparing wetlands reports, conducting function assessments, and developing and implementing mitigation plans.
- (b) A qualified professional for habitat must have a degree in biology or a related degree and professional experience related to the subject species.
- (c) A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington.
- (d) A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.

Re-establishment – The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in rebuilding a former wetland and results in a gain in wetland acres and functions. Activities could include removing fill, plugging ditches, or breaking drain tiles.

Rehabilitation – The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions and processes of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or returning tidal influence to a wetland.

Repair or Maintenance – An activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter critical areas are not included in this definition.

Restoration – Measures taken to restore an altered or damaged natural feature, including:

- (a) Active steps taken to restore damaged wetlands, streams, protected habitat, or their buffers to the functioning condition that existed prior to an unauthorized alteration; and
- (b) Actions performed to re-establish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events.

SEPA – Washington State Environmental Policy Act, Subchapter 43.21C RCW.

Soil Survey – The most recent soil survey for the local area or county by the National Resources Conservation Service, U.S. Department of Agriculture.

Species – Any group of animals or plants classified as a species or subspecies as commonly accepted by the scientific community.

Species, Endangered – Any wildlife species native to the state of Washington that is seriously threatened with extinction throughout all or a significant portion of its range within the state (WAC 232-12-297, Section 2.4).

Species of Local Importance – Those species of local concern designated by the town in Chapter 16.20 due to their population status or their sensitivity to habitat manipulation.

Species, Priority – Any fish or wildlife species requiring protective measures and/or management guidelines to ensure its persistence at genetically viable population levels as classified by the Washington Department of Fish and Wildlife, including endangered, threatened, sensitive, candidate, and monitor species, and those of recreational, commercial, or tribal importance.

Species, Threatened – Any wildlife species native to the state of Washington that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range within the state without cooperative management or removal of threats (WAC 232-12-297, Section 2.5).

Species, Sensitive – Any wildlife species native to the state of Washington that is vulnerable or declining and is likely to become endangered or threatened throughout a significant portion of its range within the state without cooperative management or removal of threats (WAC 232-12-297, Section 2.6).

Stream – An area where open surface water produces 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 a watercourse naturally occurring prior to construction. A channel or bed need not contain water year-round, provided there is evidence of at least intermittent flow during years of normal rainfall.

Unavoidable Impacts – Adverse impacts that remain after all appropriate and practicable avoidance and minimization has been achieved.

Washington Administration Code (WAC) – Administrative guidelines implementing the Growth Management Act, WAC 365-190 and WAC 365-195, as amended.

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

Wetland Mitigation Bank – A site where wetlands are restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing advance mitigation to compensate for future, permitted impacts to similar resources.

Wetland Mosaic – An area with a concentration of multiple small wetlands, in which each patch of wetland is less than one acre; on average, patches are less than 100 feet from each other; and areas delineated as vegetated wetland are more than 50% of the total area of the entire mosaic, including uplands and open water.

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**CHAPTER 16.25 FLOOD HAZARD AREAS**

**Sections:**

- 16.25.010 Purpose.**
- 16.25.015 Definitions.**
- 16.25.020 Flood Hazard Areas.**
- 16.25.030 Flood Hazard Area Review Procedures.**
- 16.25.040 Flood Hazard Area Standards.**
- 16.25.050 Appendix A. Floodplain/Floodway Analysis.**

**(Ord. 428, 2015)**

**16.25.010 Purpose.**

The purpose of this Chapter is to promote the public health, safety, and general welfare of the citizens of Pierce County. Under this Chapter, development is protected from the impacts of flood hazards by establishment of minimum standards for sites which contain or are adjacent to identified flood hazard areas. The standards contained in this Chapter are intended to minimize public and private losses due to flood conditions in flood hazard areas and provide criteria necessary for regulated activities located within flood hazard areas in Carbonado. The following statements describe the purpose of this Chapter:

- A. Protect human life and health;
- B. Minimize expenditure of public money and costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public infrastructure, facilities and utilities;
- F. Minimize damage to critical fish and wildlife habitat areas;
- G. Minimize net loss of ecological functions of floodplains;
- H. Ensure that potential buyers are notified that property is in a flood hazard area;
- I. Ensure that those who occupy flood hazard areas assume responsibility for their actions; and
- J. Qualify Carbonado for participation in the National Flood Insurance Program, thereby giving the citizens of Carbonado the opportunity to purchase flood insurance with particular emphasis to those in flood hazard areas.

**16.25.015 Definitions.**

**Base Flood** means the flood having a one percent chance of being equaled or exceeded in any given year.

**Flood elevation determination** means a determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

**Development, Flood Hazard Areas** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

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

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

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

**Flood elevation study** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

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

**Lowest Floor** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; Provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of section 44 CFR 60.3.

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

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

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

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

**Recreational vehicle** means a vehicle which is:

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

**Area of special flood hazard** is the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHB. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

**Start of Construction** (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means:

- a. A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;
- b. A manufactured home (“a manufactured home,” also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
- c. A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.
- d. For the latter purpose, “structure” does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

**Subsidized rates** mean the rates established by the Federal Insurance Administrator involving in the aggregate a subsidization by the Federal Government.

**Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- b. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure's continued designation as a “historic structure”.

**Violation** means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. (Ord. 454 § 4, 2017)

#### **16.25.020 Flood Hazard Areas.**

Pierce County regulates per CMC 16.05 – Appendix A, Mapping Sources, the following flood hazard areas:

A. Potential Flood Hazard Areas.

1. Potential flood hazard areas, as depicted on the Carbonado Comprehensive Plan Flood Hazard Map and/or the Pierce County Critical Areas Atlas-Flood Hazard Area Map, include:

a. Detailed Study Areas.

(1) FEMA Flood Insurance Rate Map and Floodway Map numbered A zones and V zones.

(2) Areas within 300 feet horizontal distance from the base flood elevation established for the mapped A and V zones.

(3) Areas within 5 feet of vertical height from the base flood elevation established for the mapped A and V zones.

b. Unstudied Areas. FEMA Flood Insurance Rate Map unnumbered A zones and B zones and areas within 300 feet horizontal distance from the mapped areas of the mapped A and B zones.

c. Natural Waters/Watercourse. Areas within 65 feet horizontal distance from the ordinary high water mark of an identified natural watercourse.

d. Groundwater Flooding Areas. Areas within 300 feet horizontal distance from a mapped groundwater flooding area.

e. Potholes. Areas not identified as a mapped flood hazard area, but within 10 feet of vertical relief from the bottom of an identified pothole or within 2 feet of vertical relief of a potential surface water spillway or other type of outlet. Potholes may be identified by Pierce County topographic mapping, field survey, or site inspections.

f. Channel Migration Zones (CMZ). Channel Migration Zones shall apply only to those watercourses listed below in CMC 16.25.020 B.4. In those areas where detailed CMZ studies have been completed and accepted by Pierce County, additional horizontal and vertical review threshold criteria (i.e., 300' horizontal and 5' vertical) shall not apply.

2. The Carbonado Comprehensive Plan Critical Areas Flood Hazard Areas Maps may not show all potential flood hazard areas that may be necessary for a specific site analysis. The land use administrator may make interpretations, where needed, as to the approximate location of the boundaries of potential flood hazard areas. Where the Flood Insurance Study, FIRM, and floodway maps do not provide adequate, best, or most recent information, flood information that is more accurate or detailed may be used. When there is a conflict between the elevations and the mapped potential flood hazard area boundaries, the elevations shall govern.

3. Where there is insufficient information shown on the Critical Areas Atlas-Flood Hazard Areas Maps, the Land use administrator may require the applicant to verify that the site is out of the flood hazard area using the flood hazard area review procedures set forth in CMC 16.25.030.

B. Floodway. A floodway is an extremely hazardous area due to the depth and/or velocity of floodwaters which carry debris, potential projectiles, and have erosion potential. The following areas are regulated by Carbonado as floodways:

1. Regulatory Floodway. Regulatory floodway designated by flood hazard area maps.

2. Deep and/or Fast Flowing Water Areas. Areas of deep and/or fast flowing water shall be regulated as a floodway. Based on the criteria set forth in CMC 16.25.030 D., the Land use administrator shall make the determination after review and approval of the applicant's analysis of whether the project site falls within the floodway area based on deep and/or fast flowing waters.

3. Potholes and B Zones. That portion of a pothole and B zone area that is 3 feet or greater in water depth in a 100-year flood event shall be regulated as a floodway.

4. Channel Migration Zones (CMZs).

a. Channel migration zones shall be regulated as floodways, and shall apply only in the Carbon River.

b. Channel Migration Zones on the Carbon River will be regulated when CMZ studies are completed, accepted and adopted by Pierce County.

C. Flood Fringe. All areas subject to inundation by the base flood, but outside the limits of the floodway and the limits of the channel migration zone as set forth in CMC 16.25.020 B. Those portions of the A and B zones not defined as floodway, and that portion of a pothole and FEMA B zone area that is between 0 feet (base flood elevation) and 3 feet in depth shall be regulated as a flood fringe.

D. Other Areas of Special Flood Hazard.

1. Groundwater Flooding Areas. Groundwater flooding areas are those areas identified by Pierce County and shown on flood hazard maps and are subject to flood inundation from subsurface waters that result from a fluctuation of the groundwater table. Groundwater flooding areas shall be regulated as a floodway or flood fringe pothole.

2. Natural Waters/Watercourse. Natural waters/watercourse as identified on Pierce County topographic, planimetric or orthophoto maps, WDNR stream classification maps, USGS quadrangle maps, or other source maps that are not identified as a flood hazard area on the FEMA maps. That portion of the natural watercourse located within 65 feet horizontal distance from the ordinary high water mark shall be regulated as a floodway or flood fringe.

**16.25.030 Flood Hazard Area Review Procedures.**

A. General Requirements.

1. The Carbonado Comprehensive Plan Flood Hazard Area Map provides an indication of where potential flood hazard areas are located within the County. The actual presence or location of a flood hazard area shall be determined using the procedures and criteria contained in this Chapter.

2. The Land use administrator will complete a review of the Flood Hazard Area Maps, and other source documents, for any development proposal to determine whether the proposed project area for a regulated activity falls within a potential flood hazard area. When there is a conflict between the elevations and the mapped 100- or 500-year floodplain or floodway boundaries, the elevations shall govern.

3. When the Land use administrator's maps or sources indicate that the proposed project area for a regulated activity is or may be located within a potential flood hazard area, the Land use administrator shall require a flood boundary delineation survey as outlined in subsection B. below, and may require a flood study as outlined in subsection C. below, a deep and/or fast flowing water analysis as outlined in subsection D. below, and/or a zero-rise analysis as outlined in subsection E. below, except for coastal flood hazard areas which shall not be required to submit a flood study, deep and/or fast flowing water analysis, or a zero-rise analysis.

4. Any proposed development located within a flood hazard area shall comply with the flood hazard area standards set forth in CMC 16.25.040.

5. The Land use administrator shall utilize an expedited review and approval process in communities recovering from County, State or Federally declared disasters. This process shall be developed administratively and shall be documented in the Land use administrator's Disaster Recovery Standards (DRS). The purpose of these standards is to assist property owners recovering from declared disasters including, but not limited to, floods. The DRS shall establish processes for allowing recovery related to sediment and debris removal, expedited building permit review for repair and reconstruction of damaged structures, and other recovery procedures deemed necessary by the Land use administrator. A copy of the Land use administrator's DRS shall be available to the public upon request.

6. A FEMA Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) shall not be submitted to FEMA until review and approval has been granted by Pierce County. Pierce County shall not recognize any LOMA or LOMR as an amendment to the Comprehensive Plan's Flood Hazard maps unless prior approval has been granted by the County Public Works and Utilities Department.

7. Unless otherwise stated in this Chapter, the critical area protective measure provisions contained in CMC 16.05 shall apply.



B. Flood Boundary Delineation Survey.

1. If the Comprehensive Plan's maps or sources indicate that the proposed project area for a regulated activity is located within a potential flood hazard area, then a flood boundary delineation survey that delineates the horizontal and vertical limits of the base flood elevation shall be submitted to the Land use administrator.

a. In areas where a base flood elevation has not been previously determined, it will be necessary to conduct a flood study pursuant to subsection C. below in order to produce the flood boundary delineation survey.

b. A base flood elevation that has been established through a detailed flood study accepted by Pierce County may be used in lieu of conducting a flood study.

c. The floodplain limits for a natural watercourse as set forth in CMC 16.25.020 E.2. shall be established at 65 feet horizontal distance from the ordinary high water mark.

2. The requirement to submit a flood boundary delineation survey may be waived at the Land use administrator's discretion, when the Land use administrator can determine, using contour elevations, base flood data, orthophotos, and parcel data, that the extent of the regulated activity is clearly above the base flood elevation.

3. The flood boundary delineation survey shall be prepared, signed, and dated by a professional land surveyor.

4. The Land use administrator shall review the flood boundary delineation survey to evaluate if the proposed development is located within a flood hazard area.

5. If the proposed development lies within the flood hazard area, the limits of the floodway, as well as the base flood elevation, shall be shown on the flood boundary delineation survey.

C. Flood Study.

1. A flood study shall be conducted when the Land use administrator's maps or sources indicate that the proposed project area for a regulated activity is or may be located within a potential flood hazard area where base flood elevation data is not available through the Flood Insurance Study or other authoritative sources, or when an established base flood elevation is contested. An engineering analysis to determine the base flood elevation shall be required by Pierce County. Base flood elevations shall be determined using the detailed methods established in CMC 16.25.050 – Appendix A. Alternative methods may be approved by the land use administrator.



2. The flood study shall be prepared under the responsible charge of and signed and dated by a professional engineer.

3. Once the Land use administrator has reviewed and approved the flood study, the applicant shall be required to provide a flood boundary delineation survey, utilizing the newly established base flood elevation, as outlined in subsection C. above.

D. Deep and/or Fast Flowing Water Analysis.

1. When the Land use administrator determines that a proposed project area for a regulated activity is located within a flood hazard area, a deep and/or fast flowing water analysis based on CMC 16.25.050 – Appendix A shall be required to determine the floodway limits.

2. The floodway limits and flood fringe limits identified in the deep and/or fast flowing water analysis shall be depicted on the flood boundary delineation survey, as outlined in subsection B. above.

3. The deep and/or fast flowing water analysis shall be prepared under the responsible charge of and signed and dated by a professional engineer.

E. Zero-Rise Analysis.

1. When the Land use administrator concludes that a proposed project area for a regulated activity is located within a flood hazard area, a zero-rise analysis shall be required to determine that no increase in base flood elevation, displacement of flood volume, or flow conveyance reduction will occur as a result of the development.

2. The zero-rise analysis shall be conducted utilizing HEC-RAS modeling methodology or other alternative methodology approved by the town (see CMC 16.25.050 – Appendix A). The analysis shall show that no rise (0.01 feet or less) has occurred as a result of the proposed development except that development proposed to occur in a FEMA mapped floodway shall show no rise in excess of 0.00 feet. The proposed development may need to be reduced or specially engineered (such as utilizing piers or pilings) to achieve zero-rise.

3. The zero-rise analysis shall be prepared under the responsible charge of and signed and dated by a professional engineer.

4. The zero-rise analysis shall be documented on the Zero-Rise Analysis Form, as set forth in CMC 16.25.050 – Appendix A, and shall be attached to the flood hazard area permit.

5. Zero-rise analysis shall not be required for coastal flood hazard areas.

6. The requirement to submit a zero rise analysis may be waived at the Land use administrator's discretion for the following types of projects:

- a. Structures elevated by pier or pilings, or where no fill is placed in the flood hazard area.
- b. Placement of instream structures for the purpose of fish habitat enhancement, stream restoration, and monitoring, where it is readily apparent that such placement will not negatively impact adjacent properties or heighten flood risk.
- c. In the flood fringe where there is ineffective flow, as defined by the latest edition of FEMA's "Guidelines and Specifications for Study Contractors", and as determined by a Pierce County certified floodplain manager.
- d. In the flood fringe when at least 25 percent additional live compensatory storage is provided than is required in this Chapter and the fill/development is achieved in a manner that does not adversely affect performance standards for flood water conveyance as specified by a Pierce County certified floodplain manager. Hydraulic analysis for conveyance may be required.

**16.25.040 Flood Hazard Area Standards.**

A. General.

1. New construction done by or for Carbonado or Pierce County, such as bridges, roads, flood control works, revetments, retaining walls, drainage structures, sewer or water lines, parks, or other structures necessary to promote the public's health, safety, and welfare shall be allowed in a flood hazard area when:
  - a. The project is prepared under the responsible charge of and is signed and dated by a registered professional engineer in the State of Washington. The project shall be designed so the project does not result in any increase in flood levels during the occurrence of the base flood discharge (zero-rise) nor obstruct the floodway nor cause an adverse impact to critical fish or wildlife habitat on adjacent, cross-channel, or upstream or downstream properties; and
  - b. The improvements utilize appropriate flood hazard protection standards.
2. A Federal Emergency Management Agency (FEMA) elevation certificate shall be required for new construction, additions affixed to the side of a structure, and substantial improvements located within flood hazard areas. The most current version of the FEMA elevation certificate must be completed by a professional land surveyor, currently licensed in the State of Washington, and kept on file with the Land use administrator.
3. Agricultural chemicals, fertilizers, pesticides, and similar hazardous materials that may contaminate surface and groundwater in the event of flood inundation shall not be stored in agricultural accessory structures except as otherwise provided within CMC 16.25.040 B. and C. below.

4. Plat notes for the Carbon River and Creeks and for other Flood Hazard Areas as well, shall be placed on the face of any final plat (includes commercial, industrial, single family, and multi-family residential), short plat, large lot, or binding site plan documents which lie in these areas. The plat notes shall be per CMC 16.05.140 – Appendix B, Title and Plat Notification/Plat Notes.

B. Floodways. Any development, encroachment, filling, clearing, grading, new construction, and substantial improvement shall be prohibited within the floodway, except as follows:

1. When located in a floodway only designated as a floodway because it is in a Channel Migration Zone and when in conformance with CMC 18.85, Nonconforming Uses.

2. Structures that do not require a building permit and that do not have any associated fill.

3. Agricultural activities as follows:

a. Agricultural activities that do not require the installation of structures and that do not have any associated fill;

b. Agricultural structures that do not require a building permit and have no associated fill;

c. The storage and manufacture of compost outside the FEMA mapped floodway on land meeting the definition of farm or agricultural land pursuant to RCW 84.34.020; provided that the compost is manufactured from feedstock produced on-site. The composting operation shall meet the requirements of WAC 173-350-220 and the maximum volume of composting material on site at any one-time shall be limited to 25 cubic yards. Compost and composting material meeting the requirements of this subsection shall not be considered fill; and

d. The import and application of compost for purposes of soil amendment on land meeting the definition of farm or agricultural land pursuant to RCW 84.34.020 and located outside the FEMA mapped floodway. The maximum amount of compost imported to a site shall not exceed 20 cubic yards per acre per year. Compost imported to a site shall be applied within 180 days and not more than one year's supply of compost shall be present on site. The import and application of compost consistent with the requirements of this subsection shall not be considered fill.

4. Additions to an existing structure provided the additions are not substantial improvements and comply with the elevation requirements set forth in CMC 16.25.040 C.6.

5. Repairs of an existing structure within the footprint of the existing structure provided the repairs are not substantial improvements.

6. Repair, reconstruction, and replacement of substantially damaged residential structures in accordance with WAC 173-158-076, as amended, when recommended by the Department of Ecology and elevated to the standards set forth within CMC 16.25.040 C.6.

7. Repair, reconstruction, replacement, and improvements to existing farmhouses pursuant to WAC 173-158-075, as amended, within an Agricultural Resource Lands (ARL) or Rural Farm (RF) zone when in compliance with the following standards:

a. The new farmhouse is a replacement for an existing farmhouse on the same farm site;

b. There is no potential safe building site for a replacement farmhouse on the same farm site outside the designated floodway or the location requires close proximity to other structures in the farm operation in order to maintain the integrity and operational viability of the farm; in no case shall a replacement be located into an area with higher flood hazards in terms of depths, velocities and erosion;

c. Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;

d. A replacement farmhouse shall not exceed the total square footage of encroachment of the structure it is replacing;

e. A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse;

f. For substantial improvements, and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, shall comply with the elevation requirements set forth in CMC 16.25.040 C.6.;

g. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;

h. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters; and

i. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

8. Repairs, reconstruction, replacement, or improvements to existing non-residential agricultural structures as follows:

- a. The non-residential agricultural structure is a replacement for an existing structure on the same farm site and the use of the structure must be limited to agricultural purposes only;
- b. There is no potential safe building site for a replacement non-residential agricultural structure on the same farm site outside the designated floodway or the location requires close proximity to other structures in the farm operation in order to maintain the integrity and operational viability of the farm; in no case shall a replacement be located into an area with higher flood hazards in terms of depths, velocities and erosion;
- c. The agricultural structure must be built, repaired, or reconstructed with flood-resistant materials for the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) for all parts of the building below the BFE;
- d. The agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic and debris impact forces;
- e. The agricultural structure must meet the NFIP openings requirement. NFIP requires that enclosure walls or foundations walls, subject to the 1 percent recurrence interval flood, contain openings that will permit the automatic entry and exit of floodwaters;
- f. Any mechanical, electrical, or other utility equipment must be located at or above the lowest floor per CMC 16.25.040 C.6. or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions;
- g. An agricultural structure being replaced shall be removed, in its entirety, including foundation, from the floodway within 90 days of final inspection of the structure by the Carbonado Building Official;
- h. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;
- i. New and replacement onsite sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters;
- j. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage;
- k. Storage of agricultural chemicals, fertilizers, pesticides, and similar hazardous materials shall be permitted only where no other on-site storage alternative outside the floodplain exists and the building permit is

accompanied by a written description of how on-site storage procedures will prevent the release of agricultural chemicals during a flood event; and

l. The repair, reconstruction, replacement, or improvement of the non-residential agricultural structures shall not exceed the square footage of the structure being repaired or replaced except where through an approved zero-rise analysis the applicant has shown it will not result in an increase in flood elevations.

9. Park and recreational uses and facilities that do not require the installation of structures and that do not have any associated fill.

10. For existing park and recreational property uses, existing park and recreation structures and facilities may be substantially improved provided they are located outside of the FEMA mapped floodway and comply with the following conditions:

a. The repair, reconstruction, replacement, and improvement of the existing structure and facility complies with the elevation requirements set forth in CMC 16.25.040 C.6.

b. The repair, reconstruction, replacement, and improvement of the existing structure and facility shall not increase the total square footage of encroachment of the existing structure and facility.

c. Any fill material used to elevate the structure(s) shall provide compensatory storage per CMC 16.25.040 C.4.a. Backfill material within a stem wall crawlspace foundation does not apply to the compensatory storage requirement.

d. The existing access to the site shall not be required to be elevated to 1.0 feet above the BFE, as outlined in CMC 16.25.040 C.3.

e. The repair, reconstruction, replacement, and improvement of the existing structure and facility will not result in an increase in flood elevations.

11. Individual recreational vehicles, not located in a RV park, that are licensed and ready for highway use and are not permanently attached to the site.

12. Habitat enhancement/stream restoration activities are permitted subject to the provisions outlined in CMC 16.25.040 D.

13. Rehabilitation, reconstruction, or an upper story addition to an existing structure that does not exceed the limits for a substantial improvement.

14. Private bridges may be allowed to cross the floodway provided that the structure meets the requirements contained in CMC 16.25.030 and the following:

a. The lowest structural member of a private bridge proposed to cross the floodway portion of any of the rivers listed in CMC 16.25.020 B.4. shall be a minimum of 6 feet above the base flood elevation.

b. The lowest structural member of a private bridge proposed to cross the floodway portion of any other watercourse shall be a minimum of 1 foot above the base flood elevation.

C. Flood Fringe Areas. All activities allowed in CMC 16.25.040 B. shall be permitted in a flood fringe area provided they comply with CFR 60.3.a, herein adopted by reference as set forth in full. Any other proposed development, encroachments, filling, clearing or grading, new construction, and substantial improvements are prohibited in a flood fringe area except as follows:

1. Structures that do not require a building permit and that do not have any associated fill are permitted.

2. All other regulated activities shall only be allowed when the proposed development is located on an existing lot of record that was created prior to February 13, 2006. Applicants shall demonstrate there are no other feasible alternatives that would allow the proposed development to occur completely outside the flood hazard area. At a minimum, the following shall be demonstrated:

a. The development cannot be located outside the flood hazard area due to topographic constraints of the parcel or size and/or location of the parcel in relation to the limits of the flood hazard area and a building setback variance has been reviewed, analyzed, and rejected as a feasible alternative to encroachment into the flood hazard area; and

b. The proposed development shall not cause an adverse impact to adjacent, cross-channel, or upstream or downstream properties.

3. Access.

a. Access including, but not limited to, roads, bridges, driveways, emergency vehicle access, and other access routes and easements, where allowed, shall be constructed and armored based on the standards in CMC 16.25.040 C.4. and elevated a minimum of 1 foot above the base flood elevation. Provided, however, that the requirement to elevate the access may be waived in whole or part by the Land use administrator whenever it is determined that the roadway to which the access connects is located at an elevation that would make the roadway impassible during the base flood and no plan for elevating the roadway exists.

b. Parking lots shall be elevated to a minimum of one-half foot below the base flood elevation.

4. Grading and Filling. When development is permitted under this subsection, it shall be designed to a zero-rise standard as set forth in CMC 16.25.030 E. and CMC 16.25.050 – Appendix A. Any filling, grading, or clearing associated with the permitted development shall not increase flood hazards, water velocities, or

flood elevations. In addition to meeting the requirements for zero-rise, all permitted development must also meet the following requirements:

a. **Compensatory Storage.** New excavated storage volume shall be equivalent to the flood storage capacity eliminated by filling or grading within the flood fringe. Equivalent shall mean that the storage removed shall be replaced by equal live storage volume between corresponding 1-foot contour intervals that are hydraulically connected to the floodplain through their entire depth. The compensatory storage requirement may be waived for pre-existing lots where compensatory storage is not available and filling or grading is limited to either elevating the interior building crawl space or providing positive drainage from the structure in accordance with IBC standards.

The requirement for compensatory storage may be waived at the discretion of a Carbonado Certified Floodplain Manager in flood hazard areas when all of the following conditions exist:

- (1) The flood hazard area is the result of emergent groundwater;
- (2) Groundwater flooding is isolated in porous soils; and
- (3) No surface flow component contributes to flooding.

b. **Flow Conveyance.** New excavated conveyance areas shall be equivalent to existing conveyance within the flood fringe. Equivalent shall mean a mechanism for transporting water from one point to another using an open channel system.

c. **Erosion Protection.** Development shall be protected from flow velocities greater than 2 feet per second through the use of bio-engineering methods or, when bio-engineering methods have been deemed insufficient to protect development, then hard armoring may be utilized. All erosion protection shall extend 1 to 3 feet, depending on development requirements, above the base flood elevation and shall be covered with topsoil and planted with native vegetation.

5. **Critical Facilities.**

a. New construction, additions affixed to the side of an existing structure, and substantial improvement of hazardous facilities and special occupancy structures are prohibited.

b. New construction of an essential facility, reconstruction of an existing essential facility, or additions to an existing essential facility that exceed the threshold for substantial improvement shall be permitted when no feasible alternative site is available outside the flood hazard area. Such regulated activities are subject to the following:



(1) Essential facilities with a crawlspace elevated by fill shall have the lowest floor and any utilities and ductwork elevated a minimum of 3 feet above base flood elevation.

(2) Essential facilities elevated by piers or pilings shall have the bottom of the lowest horizontal structural member and any utilities and ductwork elevated a minimum of 3 feet above the base flood elevation and must be designed by a professional structural engineer.

(3) Essential facilities shall be armored based on the standards in CMC 16.25.040 C.4. above. Flood resistant materials, construction methods and practices shall be used in construction of such facilities.

(4) Adequate containment and sealing measures must be taken to insure that toxic or explosive substances will not be displaced or released into floodwaters.

6. Structures. Single-family, two-family, multi-family, mobile/manufactured homes, commercial, and industrial structures, etc., except for critical facilities as set forth in CMC 16.25.040 C.5. above, shall be allowed subject to the following standards:

a. New construction, additions affixed to the side of an existing structure, and substantial improvement of any structure shall have the lowest floor elevated a minimum of 1 foot above base flood elevation when constructed with a crawlspace or a minimum of 2 feet above the base flood elevation when constructed using a slab on grade construction, except as provided in CMC 16.25.040 C.6.d. and e. below. Flood resistant materials, construction methods and practices shall be used.

b. New construction, additions affixed to the side of an existing structure, and substantial improvement of any structure elevated by piers or pilings shall have the bottom of the lowest horizontal structural member elevated a minimum of 2 feet above the base flood elevation, except as provided in subsections 16.25.040 C.6.d. and e. below, and must be designed by a professional structural engineer. Areas below the lowest horizontal structural member shall not be enclosed and shall remain free of obstructions. Flood resistant materials, construction methods and practices shall be used. Fully enclosed areas below the lowest horizontal structural member are prohibited.

c. Enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters as follows:

(1) Provide a minimum of two openings on each of two opposite side walls in the direction of flow, with each of these

walls having a total open areas of not less than one square inch for every square foot of enclosed area subject to flooding;

(2) Design the bottom of all openings to be no higher than 1 foot above grade; and

(3) Screens, louvers or other coverings or devices are allowed if they do not restrict entry and exist of flood waters.

d. New construction of minor residential detached accessory structures and substantial improvement of minor residential detached accessory structures including, but not limited to, storage buildings, detached garages, sheds, and small pole buildings, together with attendant utility facilities may as an alternative to the provisions of CMC 16.25.040 C.6.a. and b. be flood proofed when compliant with the following:

(1) The structure must have a low potential for structural flood damage and shall not exceed 576 square feet in size;

(2) Be designed and oriented to allow the free passage of floodwaters through the structure in a manner affording minimum flood damage;

(3) Not be used for human habitation;

(4) Shall not have internal plumbing nor be connected to sanitary sewage/on-site septic facility;

(5) Include adequate hydrostatic flood openings;

(6) Use flood resistant materials below the flood protection elevation (minimum elevation required per foundation type as set forth in CMC 16.25.040 C.6.a. and b. above);

(7) Must offer minimum resistance to the flow of floodwater;

(8) Must be anchored to prevent flotation, collapse or lateral movement; and

(9) All utilities must comply with the standards set forth in subsection 16.25.040 C.9.e.

e. New commercial, industrial, or other non-residential structures and substantial improvements of such structures shall elevate the lowest floor to the flood protection elevation (minimum elevation required per foundation type as set forth in CMC 16.25.040 C.6.a. and b. above) or meet the following standards:

(1) Dry flood-proof the structure to the flood protection elevation to meet the following standards:

(a) The applicant shall provide certification by a civil or structural engineer that the dry flood-proofing methods are adequate to withstand the flood depths, pressures, velocities, impacts, uplift forces, and other factors associated with the base flood. After construction, the engineer shall certify that the permitted work conforms to the approved plans and specifications; and

(b) Approved building permits for dry flood-proofed non-residential structures shall contain a statement notifying applicants that flood insurance premiums are based upon rates for structures that are 1 foot below the BFE;

(2) Use materials and methods that are resistant to and minimize flood damage;

(3) Design and construct the areas and rooms below the lowest floor to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters as set forth in subsection 16.25.040 C.6.c.; and

(4) Dry flood proof all electrical, heating, ventilation, plumbing, air conditioning equipment, and other utility and service facilities to, or elevated above, the flood protection elevation.

f. A written notice regarding the use of flood proofing, in a form approved by the Land use administrator shall be recorded with the title of the property. The notice shall:

(1) Disclose that the structure is located in a flood hazard area and portions of the structure are below the base flood elevation;

(2) Disclose that flood proofing has been utilized;

(3) Include a diagram identifying the flood proofed spaces; and

(4) Disclose that the use of flood proofing in lieu of elevating a structure to the flood protection elevation may result in increased flood insurance premiums.

g. The property owner shall be responsible for notifying future owners of the use of flood proofing and associated risks and limitations.

## 7. Agricultural Accessory Structures.

a. Storage of agricultural chemicals, fertilizers, pesticides, and similar hazardous materials shall be permitted only where no other on-site storage alternative outside the floodplain exists and the building permit is

accompanied by a written description of how on-site storage procedures will prevent the release of agricultural chemicals during a flood event.

b. The lowest floor in an agricultural accessory structure shall be located at the base flood elevation or higher provided that the structure is designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a professional engineer in the State of Washington or must meet or exceed the following minimum criteria:

(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

(2) The bottom of all openings shall be no higher than 1 foot above grade; and

(3) Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

8. Construction Standards.

a. Construction of a basement is prohibited.

b. Flood proofing in lieu of elevating the structure is prohibited, except for non-residential structures and residential accessory structures as set forth in CMC 16.25.040 c.6.d and e.

c. All single-family, two-family, multi-family, mobile/manufactured homes, commercial, and industrial structures shall be placed on standard concrete stemwall/footing foundations or piles, piers, or column foundations. Structures shall also be anchored to the foundation to resist floatation, collapse, and lateral movement.

d. Electrical, heating, ventilation, plumbing, air-conditioning equipment, other service facilities, and associated ductwork shall be elevated to at least the minimum required lowest floor elevation; however, the Land use administrator may approve a lesser minimum distance above base flood elevation provided that the systems are designed to prevent floodwater from entering or accumulating within the components.

9. Sewage Disposal and Potable Water Installation.

a. New and replacement public water sources (i.e., wells and water supply lines) and public sanitary sewage conveyance systems are allowed. These systems shall be designed to withstand scour resulting from flow velocity, minimize or eliminate infiltration of floodwaters into the systems, and minimize or eliminate discharge from the systems into floodwaters.

b. All replacement wells and replacement on-site sewage system (OSS) shall be designed to minimize or eliminate impairment to them or contamination from/to them during flooding (i.e., infiltration of floodwaters into or discharge out of the systems). They shall not be located in pothole or no-outlet floodplains.

c. All new individual wells and new on-site sewage system (OSS) shall be prohibited. Conveyance systems from a structure to a well or OSS located outside of the flood hazard area shall be allowed provided these systems are designed to meet the standards in CMC16.25.040 C.3. above. (Ord. 454 § 1 & 3, 2017)

D. Alteration of Watercourses. Any alteration of a watercourse shall comply with the following standards:

1. Carbonado will notify adjacent communities and the Washington State Department of Ecology prior to any alteration or relocation of a watercourse proposed by the applicant and submit evidence of such notification to the Federal Insurance Administration.

2. Carbonado shall require that maintenance be provided within the altered or relocated portion of said watercourse, so that the flood-carrying capacity is not diminished. Therefore, if the maintenance program calls for future cutting of planted native vegetation used in performing the alteration, the system shall be oversized at the time of construction to compensate for said vegetation growth or any other natural factor that may need future maintenance.

3. The project engineer shall design the watercourse alteration so the activity does not increase the water surface elevation (zero-rise); decrease the capacity, storage, and conveyance of the watercourse; nor cause an adverse impact to adjacent, cross-channel, or upstream or downstream properties. Carbonado has the discretion to determine if potential impacts may be insignificant or not applicable.

#### **16.25.050 – Appendix A Floodplain/Floodway Analysis**

This Appendix describes the flood hazard analyses and studies as required by Title 16.25 CMC, Flood Hazard Area Chapter. Flood hazard studies establish the base flood elevation and delineate floodplain and/or floodway(s) when a proposed project contains or is adjacent to a river, stream, lake, or closed depression.

Flood hazard studies must conform to FEMA regulations described in Part 65 of 44 Code of Federal Regulations (CFR). In addition, the following information must be provided and procedures performed for flood hazard studies used under Chapter 16.25 CMC to examine development proposals or improvements within a floodplain.

#### **I. FLOODWAY DETERMINATION**

Pierce County recognizes three distinct floodways. The FEMA Floodway describes the limit to which encroachment into the natural conveyance channel can cause 1 foot or less rise in water surface elevation. The Deep and/or Fast Flowing (DFF) water floodways are hazardous areas and conditions of the floodplain for both people and habitable structures. Life safety and protection to improved properties are compromised if encroached upon. Encroachment cannot occur within these areas. DFF areas are determined by using Figure 16.25-9 in Chapter 18E.120 CMC. The Channel Migration Zone Floodways apply only to regulated watercourses per CMC 16.25.020 where a detailed CMZ study has been completed by Pierce County.

A. FEMA Floodways.

1. FEMA Floodways are determined through the procedures outlined in the FEMA publication Guidelines and Specifications for Study Contractors using the 1-foot maximum allowable rise criteria.
2. Transitions shall take into account obstructions to flow such as road approach grades, bridges, piers, culverts, or other restrictions. General guidelines for transitions may be found in HEC-RAS, Water Surface Profiles-Users Manual, Appendix IV, Application of HEC-RAS Bridge Routines, published by the Hydrologic Engineering Center, Davis, California.

B. Deep and/or Fast Flowing (DFF) Floodways.

1. DFF floodways are generally assumed to include the entire 100-year floodplain until Pierce County approves a detailed floodway analysis that defines areas of DFF within the entire floodplain area based on the criteria.
2. The hydraulic model must adequately be calibrated to known or recorded stage elevations of past flood events with a computed recurrence frequency intervals for the 100-year flood recurrence interval. This is to ensure model accuracy.

## II. FLOOD STUDY

### CONTENT AND REQUIRED INFORMATION

Three copies of the completed floodplain/floodway analysis study report and the modeling digital files shall be submitted. The report submittal must be stamped by a licensed professional civil engineer and include the following information in addition to that required for the drainage plan of a proposed project:

A. Floodplain/Floodway Map.

1. A scaled survey base map stamped by a licensed professional land surveyor registered in the State of Washington. The map must accurately locate the proposed development with respect to the floodplain and floodway, the channel of the subject stream, river, and/or pothole location, and the existing improvements within the subject study area. It must also supply all pertinent information such as the nature of the proposed project, legal description of the property on which the project would be located, fill quantity, limits and elevation, the building floor elevations, and use of compensatory storage.

2. The map must show elevation contours at a minimum of 2-foot vertical intervals and shall comply with survey and map guidelines published in the FEMA publication Guidelines and Specifications for Study Contractors. The map must show the following:

- a. Elevations, ground contours and spot elevations, reported in vertical datum NGVD 1929 (or most recent vertical datum accepted by Pierce County).
- b. Elevations and dimensions of existing structures, fill, and compensatory storage areas.
- c. Size, location, elevation and spatial arrangement of all proposed structures on the site.
- d. Location and elevations of roadways, drainage facilities, water supply lines, and sanitary sewer facilities.
- e. Areas of DFF must clearly be shown and plotted on the map sheet depicting the bounded area of the floodway on both sides of the study channel, through the subject site. DFF floodway studies must reflect all transitions as referenced above as well.
- f. The base maps must also be accompanied by all field survey notes/computations, drawings, etc. for each cross-section with water surface elevation at the time the cross-section field survey was done.

B. Study Report.

1. Soil maps, groundcover maps, and photographs.
2. A narrative report containing purpose of the study and description of the study area, data collection, methodology for both the hydrology and hydraulics, detailed discussion on the input parameters used, modeling results, and conclusions.
3. A floodplain/floodway analysis must include calculations and all computer analysis input and output information, supporting graphical illustrations as well as the following additional information:
  - a. Scaled cross-sections showing the current/existing conditions of the river/stream channel, the floodplain adjoining each side of the channel, the computed floodway, the cross-sectional area to be occupied by any proposed development and all historic high water information.
  - b. Profiles showing the bottom of the channel, the top of both left and right banks and computed base flood water surface elevations for the 10-, 25-, 50- and 100-year events.

- c. Plans and specifications of any flood protection for structures, construction areas, filling, dredging, channel improvements, storage of materials, water supply, and sanitary facilities within the floodplain.
- d. Complete printout of input and output data of the model that was used for the analysis. Liberal use of comments and written discussion will assist considerably in understanding the model logic and minimize misinterpretations and/or questions.
- e. A map showing the graphical/plotted location and limits of the computed floodway and/or floodplain. All mapping must conform to Pierce County's accepted horizontal/vertical datum standards.
- f. Three copies of ready-to-run digital files of both the hydrologic and hydraulic model and its input and output files used in the study. Data shall be submitted on a disk in standard ASCII format, ready to use on an IBM-compatible personal computer and in the applicable software application (i.e., HEC-RAS, HSPF, SBUH, etc.).
- g. A section on the flood flow including computer modeling and/or calculations (see below for additional requirements on flood flow determinations).
- h. Aerial photographs of the site including pre-Feb. 1996 and post-Feb. 1996 photos of the site.
- i. All field survey notes/computations, maps, and drawings for each cross-section with water surface elevation at the time of the cross-section field survey.

C. Computer Modeling Information. Floodway/floodplain studies submitted to Carbonado for review must include output summary tables and include the following (but not limited to) items:

- 1. Cross-section(s) identification number.
- 2. Range of flows being examined.
- 3. Computed water surface elevation at each cross-section.
- 4. Energy grade line at each cross-section.
- 5. Graphical plots of the channel cross-sections with computed water surface elevations for all model runs including calibrated model runs.
- 6. All model input and output printouts.
- 7. Graphical plots of the model output data that shows the points and segments along each cross-section where Deep and/or Fast Flowing water occurs. This shall include cross-section plots of depth and velocity in one-unit increments. The plots shall also be accompanied with a table listing the station distance (right and left



bank), flow rate, area, hydraulic depth, velocity, and whether each point is floodway.

8. A plan sheet clearly showing the graphical representation of the bounded area of the floodway based on DFF criteria through the entire study site and reach. Note that identified "islands" or "pockets" within the middle of the bounded floodway area are generally considered as part of the floodway, unless otherwise approved by Carbonado.

9. Discussion on the starting water surface elevation for the hydraulic model.

### III. DETERMINING FLOOD FLOWS

The three techniques used to identify the flows used in a flood study depend on whether gage data is available, whether a basin plan has been adopted, or a detailed flood study has been done and approved for use by Pierce County. The first technique is for basins with adopted basin plan areas. The second technique is used if a gaging station exists on the stream. The third technique is used on un-gaged catchments or those with an insufficient length of record. In all cases (and at minimum) the engineer shall be responsible for assuring that the hydrologic methods used are technically reasonable, conservative, conform to the FEMA publication Guidelines and Specifications for Study Contractors, and are acceptable by FEMA and Pierce County.

A. Flood Flows from Adopted Basin Plan Information. For those areas where Pierce County has adopted basin plans with future conditions flow modeling, flood flows may be calculated using information from the basin plan. The hydrologic model used in the basin plan shall be updated to include the latest changes in zoning or any additional information regarding the basin which has been acquired since the adoption of the basin plan.

B. Flood Flows from Stream Gage Data. Calculating flood flows from stream gage data uses the Log-Pearson Type III distribution method as described in the Guidelines for Determining Flood Flow Frequency, Bulletin 17B of the Hydrology Committee, United States Water Resources Council (revised September 1981).

1. This methodology may only be used if data from a gaging station in the basin is available for a period of at least 10 years.

2. If the difference in the drainage area on the stream at the study site and the drainage area to a gaging station on the stream at a different location in the same basin is less than or equal to 50 percent, the flow at the study site shall be determined by transferring the calculated flow at the gage to the study site using a drainage area ratio raised to the 0.86 power, as in the following equation:

$$Q_{ss} = Q_s(A_{ss}/A_g)^{0.86}$$

where

$Q_{ss}$  = estimated flow for the given return frequency on the stream at the study site.

$Q_s$  = flow for the given return frequency on the stream at the gage site.

$A_{ss}$  = drainage area tributary to the stream at the study site.

Ag = drainage area tributary to the stream at the gage site.

3. If the difference in the drainage area at the study site and the drainage area at a gaging station in the basin is more than 50 percent and a basin plan has not been prepared, a continuous model shall be used as described below to determine the flood flows at the study site.

4. In all cases where dams or reservoirs, floodplain development, or land use upstream may have altered the storage capacity or runoff characteristics of the basin so as to affect the validity of this technique, a continuous model shall be used to determine flood flows at the study site.

5. This methodology can only be used for areas outside of the urban growth boundary. Future flow values must be used for rural areas when an adopted basin plan provides such flow values. Within the urban growth boundary, future flows from current adopted basin plans must be used. Where adopted basin plans are not existent, then continuous flow simulation modeling must be used to determine future conditions.

6. Flows for major river systems within the urban growth boundary do not need to be computed using continuous simulation modeling. Regression analysis using the referenced Bulletin 17B may be used instead to determine flow magnitudes where an adopted or formally approved and accepted flood study done by or for the County (purposes of regulatory or best information) is non-existent.

C. Flood Flows from a Calibrated Continuous Model. Flood flows may be calculated by utilizing a continuous flow simulation model such as HSPF or other equivalent continuous flow simulation model, as approved by the County. Where flood elevation or stream gaging data are available, the model shall be calibrated to the known gage data. Otherwise, County accepted and approved regional parameters may be used.

#### IV. IDENTIFYING FLOOD ELEVATIONS,

##### PROFILES and FLOODWAYS (Hydraulic Model)

A. Reconnaissance. The applicant's project engineer is responsible for the collection of all existing data with regard to flooding in the study area. This shall include a literature search of all published reports in the study area and adjacent communities and an information search to obtain all unpublished information on flooding in the immediate and adjacent areas from Federal, State, and local units of government. This search shall include specific information on past flooding in the area, drainage structures such as bridges and culverts that affect flooding in the area, available topographic maps, available community maps, photographs of past flood events, and general flooding problems within the community. Documented discussions with nearby property owners should also be done to obtain a witness account of the flooding extent. A field reconnaissance shall be made by the applicant's project engineer to identify hydraulic conditions of the study area, including type and number of structures, locations of cross-sections, and other parameters including the roughness values necessary for the hydraulic analysis.

B. Base Data. Channel cross-sections used in the hydraulic analysis shall be current/existing (unless otherwise approved by the County) at the time the study is performed and shall be obtained by field survey. Topographic information obtained from aerial photographs/mapping may be used in combination with surveyed channel cross-sections in the hydraulic analysis. The elevation datum of all information used in the hydraulic analysis shall be verified. All information shall be referenced directly to NGVD 1929 unless otherwise approved by Pierce County.

C. Methodology. Flood studies and analysis (including Deep and/or Fast Flowing floodways and Zero-Rise Analysis) shall be calculated using the U.S. Army Corps of Engineers HEC-RAS computer model (or subsequent revision) unless otherwise approved by Pierce County.

D. Adequacy of the Hydraulic Model. Pierce County considers the following (but not limited to) factors when determining the adequacy of the hydraulic model for use in the floodway/floodplain model:

1. Cross-section downstream starting location and spacing.
2. Differences in energy grade line (significant differences in the energy grade line from cross-section to cross-section are an indication that cross-sections should be more closely spaced or that other inaccuracies exist in the hydraulic model.)
3. Methods and results for analyzing the hydraulics of structures such as bridges and culverts.
4. Lack of flow continuity.
5. Use of a gradually varied flow model. In certain cases, rapidly varied flow techniques may need to be used in combination with a gradually varied flow model such as weir flow over a levee, flow through a spillway of a dam, or special application of bridge flow (pressure flow if bridge superstructure is shown to be submerged for the study event).
6. Mannings "n" value.
7. Calibration of hydraulic model to known and/or observed flow stage elevations including past flood events.
8. Special applications. In some cases, steady state-one dimensional hydraulic models may not be sufficient for preparing the floodplain/floodway analysis. This may occur where sediment transport, two-dimensional flow, or other unique hydraulic circumstances affect the accuracy of the model. In these cases, the project engineer must propose and obtain Pierce County approval of alternative models for establishing the water surface elevations.
9. All reported error and/or warning messages by the model must be properly and adequately addressed and/or resolved and included in the report for review verification.

## V. ZERO-RISE ANALYSIS (ZRA)

A. Zero-rise analysis (ZRA) is required where encroachment within the flood fringe area is allowed and approved by Pierce County. The ZRA must show that the proposed development encroachment in the flood fringe area will not show a measurable rise in the base flood elevation (i.e., less than 0.01 foot), resulting from a comparison of existing conditions and proposed conditions. This is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, coefficients, discharge, and other hydraulic parameters.

B. In addition to those items listed in A. above, the following shall be included in a ZRA:

1. Floodway boundaries (based on zero-rise) are to follow the stream lines and reasonably balance the rights of property owners on either side of the floodway. Use of the automatic equal conveyance encroachment option in the model will be considered equitable.

2. The ZRA must include a sufficient number of cross-sections in order to accurately model the subject fill and compensatory storage areas of the site. In all cases, cross-sections shall be located downstream, through the subject site and upstream of the site at a very minimum. They shall also be located where changes in channel and the fill material characteristics occur, such as slope, shape, and roughness. The sections shall also be located perpendicular to the flow path in the channel and the outside overbank areas. Pierce County shall review and approve the proposed number and location of cross-sections. All cross-sections and surveys shall be prepared and certified by a professional land surveyor or registered professional engineer in the State of Washington.

3. Difference between two profiles water surface elevation at the cross-section (e.g., difference between existing and encroached water surface). The model must report 0.01 foot or less an allowable change in the water surface elevation. This must be shown in the profile graphical plot as well.

4. Difference between profiles of the energy grade line at the cross-section. The model must report 0.01 foot or less. This is the allowable change in the energy grade line. This must be shown in the profile graphical plot as well.

5. Where the encroachment is in a floodway shown on the FEMA FIRM, the analysis shall show no rise measured to 0.00 feet.

C. Conveyance Capacity.

1. The ZRA must also show that the proposed development encroachment in the flood fringe area will not show a measurable decrease (less than 0.1 CFS) in the conveyance capacity of the channel, resulting from a comparison of existing conditions and proposed conditions, for each of the cross-sections. This is also directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, coefficients, discharge, and other hydraulic parameters.

2. The analysis must provide calculations of the reduction in conveyance caused by the proposed development encroachment, assuming no change in the water surface elevation, and using the roughness coefficient value(s) appropriate for the proposed development.

3. The analysis must then provide calculations for the increase in conveyance of the proposed compensatory measure, using the roughness coefficient value(s) appropriate for the proposed development.

4. Include a comparison analysis and discussion from No. 2 and 3 above. The comparison must adequately show that the conveyance capacity has not measurably decreased between the existing condition and proposed development condition.

Floodplain/Floodway Zero-Rise Certification

This is to certify that I am a duly qualified professional engineer licensed to practice in the State of Washington.

This is to further certify it is my professional opinion that the attached floodplain/floodway Zero-Rise Analysis conclusively shows that the proposed development of:

\_\_\_\_\_  
(Name of Development)

Parcel Number will not increase the 100-yr base flood elevation(s) and widths nor reduce the conveyance capacity of the floodplain/floodway and its associated channel to the

\_\_\_\_\_  
(Name of River, Stream, Pothole or other Watercourse)

Supporting Data

Base Flood Elevation (Pre-Development) = \_\_\_\_\_ FT (NAVD 1988)

Base Flood Elevation (Post-Development) = \_\_\_\_\_ FT (NAVD 1988)

Conveyance Capacity (Pre-Development) = \_\_\_\_\_ CFS

Conveyance Capacity (Post-Development) = \_\_\_\_\_ CFS with compensatory storage)

Fill Added to Floodplain (At or Below BFE) = \_\_\_\_\_ C.Y.

Compensatory Excavation from Floodplain = \_\_\_\_\_ C.Y.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Firm Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City ,

\_\_\_\_\_  
State

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ZIP Code

Seal, Signature, and Date

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**CHAPTER 16.30 REGULATED FISH AND WILDLIFE SPECIES AND HABITAT  
CONSERVATION AREAS**

**Sections:**

- 16.30.010 Purpose.**
- 16.30.020 Fish and Wildlife Species and Habitat Conservation Areas.**
- 16.30.030 Fish and Wildlife Species and Habitat Conservation Area Review Procedures.**
- 16.30.040 Fish and Wildlife Habitat Conservation Area Standards.**
- 16.30.050 Mitigation Requirements.**
- 16.30.060 Buffer Requirements.**
- 16.30.070 Appendices.**
  - A. Habitat Assessment Letters.**
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**(Ord. 428, 2015)**

**16.30.010 Purpose.**

Many land use activities can impact the habitats of fish and wildlife. Special care must be taken in the management of lands that support critical fish and wildlife species to ensure that development occurs in a manner that is sensitive to their habitat needs. The purpose of this Chapter is to identify regulated fish and wildlife species and habitats and establish habitat protection procedures and mitigation measures that are designed to achieve no "net loss" of species and habitat due to new development or regulated activities.

**16.30.020 Fish and Wildlife Species and Habitat Conservation Areas.**

- A. General. Fish and wildlife habitat conservation areas are those areas that support regulated fish and wildlife species, typically identified either by known point locations of specific species (such as a nest or den) or by habitat areas or both.
- B. Federally- and State-Listed Species and their Associated Habitats. Areas which have a primary association with federally-listed endangered, threatened, and candidate species of fish or wildlife (as specified in 50 CFR 17.11 or 50 CFR 17.12) or State-listed endangered, threatened, sensitive, candidate, and monitor species (as specified in WAC 232-12-297 and WDFW Policy M-6001) that if altered may reduce the likelihood that the species will survive and reproduce over the long term. A list of endangered, threatened, sensitive, candidate, and monitor species found in Pierce County is available at the Pierce County Planning and Land Services Department.
- C. Species of Local Importance and their Associated Habitats. In addition to federally- and state-listed species, the following fish and wildlife species and their associated habitat areas shall be regulated under this Chapter:
  - 1. Fish. Coho salmon, Chinook salmon, bull trout, pink salmon, chum salmon, sockeye salmon, cutthroat trout, native/wild rainbow trout/steelhead, greenlings



(lingcod), Pacific whiting, smelt (longfin, surfsmelt), herring, and sandlance (Pacific).

2. Birds. Osprey

3. Vulnerable Aggregations. Vulnerable aggregations of fish and wildlife species as defined in the Washington Department of Fish and Wildlife Priority Habitats and Species/Heritage Program that reside in Pierce County. A list of vulnerable aggregations of fish and wildlife species found in Pierce County is available at the Pierce County Planning and Land Services Department.

D. Habitats of Local Importance. Documented habitat areas or potential habitat areas and point locations for fish and wildlife species. These areas include specific habitat types, which are infrequent in occurrence in Pierce County and may provide specific habitats with which endangered, threatened, sensitive, candidate, or monitor fish and wildlife species have a primary association, such as breeding habitat, winter range, and movement corridors. These areas include the following:

1. Old growth/mature forests.

2. Caves.

3. Cliffs.

4. Snag-rich areas and downed logs. Priority logs are > 30 cm (12 in) in diameter at the largest end, and > 6 m (20 feet) long. Priority snag and downed log habitat includes individual snags and/or logs, or groups of snags and/or logs of exceptional value to wildlife due to their scarcity or location in a particular landscape. Areas with abundant, well-distributed snags and logs are also considered priority snag and log habitat. Examples include large, sturdy snags adjacent to open water, remnant snags in developed or urbanized settings, and areas with a relatively high density of snags.

5. Waters of the state and/or natural waters and adjacent riparian-shoreline areas (165 feet landward measured from the ordinary high water mark) including:

a. All water bodies classified by the Washington Department of Natural Resources (DNR) water typing classification system as detailed in WAC 222-16-030 and 031.

b. All waters that support regulated fish or wildlife species (i.e., areas that have connectivity to fish bearing waters and may potentially provide habitat given no natural barriers to fish passage).

c. Ponds and their submerged aquatic beds.

d. Side channels and/or off-channel habitat.

6. Connectable relic channels and oxbows. A relic channel or oxbow may be considered connectable when any of the following criteria are met:

- a. The channel or oxbow is associated with the river during high flow events;
  - b. The depth of the channel or oxbow is at or very near the groundwater elevation;
  - c. The channel or oxbow is likely to be captured by the river during high flow events;
  - d. Excavation between the channel or oxbow and river will not result in adverse impacts to local groundwater levels or adjacent wetlands.
7. Wetlands (refer to Chapter 16.20 CMC).
  8. Heron rookeries.
  9. Cavity nesting duck habitat.
  10. Western bluebird non-artificial nesting sites.

E. Potential Fish and Wildlife Habitat Conservation Areas. Potential regulated fish and wildlife habitat conservation areas, as depicted on the Carbonado Comprehensive Plan Fish and Wildlife Habitat Area Map, are those areas where the suspected presence of regulated fish or wildlife species is sufficient to require fish or wildlife habitat conservation area review. Potential regulated fish and wildlife habitat conservation areas are determined using the following criteria:

1. A habitat area identified on the Fish and Wildlife Habitat Map plus the adjacent 165 feet surrounding the habitat area. Note: the 165 foot distance around rivers, streams, lakes, and ponds shall be measured from the ordinary high water mark.
2. Bald eagle foraging areas (1/2 mile from the nest in either direction along the shoreline and 250 feet landward measured from the ordinary high water mark).

#### **16.30.030 Fish and Wildlife Habitat Conservation Area Review Procedures.**

A. General Requirements.

1. The Carbonado Critical Areas Fish and Wildlife Habitat Area Map provides an indication of where potential regulated fish and wildlife habitat areas are located within Carbonado. The presence or location of a potential regulated fish or wildlife species, habitat area, or point location that has not been mapped, but that may be present on or adjacent to a site, shall be determined using the procedures and criteria established in this Chapter.
2. The Land use administrator will complete a review of the Fish and Wildlife Habitat Area Map and other source documents for any proposed regulated activity to determine whether the site for the regulated activity is located within a potential regulated fish or wildlife habitat. Identification of a potential regulated fish or

wildlife habitat area may also occur as a result of field investigation conducted by the Land use administrator or Washington Department of Fish and Wildlife staff.

3. When the Land use administrator's maps, sources, or field investigation indicates that the site for a proposed regulated activity is located within a potential regulated fish or wildlife habitat area, the Land use administrator shall require the submittal of a fish and wildlife application and habitat assessment to determine the presence or absence of regulated fish or wildlife species or habitat. The habitat assessment shall be documented as set forth in subsection 16.30.030 B., below.

4. Projects undergoing review for regulated fish and wildlife habitat areas shall be routed to tribal agencies with jurisdiction for review. Tribes will have an opportunity to provide specific species or habitat related information on proposed development sites. If necessary, the Land use administrator will seek additional assistance from the Washington Department of Fish and Wildlife and similar appropriate State and Federal agencies.

5. Approval of a fish and wildlife application shall be granted upon a determination that the habitat assessment and mitigation plan, if applicable, are thorough and accurate and meet all requirements of this Title.

6. If application of the standards contained in this Chapter would deny all reasonable use of a site, the applicant may pursue a Reasonable Use Exception as set forth in CMC 16.15.050.

7. Unless otherwise stated in this Chapter, the critical area protective measure provisions contained in CMC 16.05.080 shall apply.

B. **Habitat Assessment.** A habitat assessment is a site investigation process to evaluate the potential presence or absence of a regulated fish or wildlife species or habitat affecting a subject property.

1. The applicant may select a wetland specialist or a fish or wildlife biologist, as allowed by this Section, or Land use administrator staff to conduct a habitat assessment to determine whether or not a regulated fish or wildlife habitat area, point location, and any associated buffer are located on the site for a proposed development as outlined below:

a. Applicants for single-family dwellings or agricultural activities may retain the Land use administrator to complete the habitat assessment as follows:

(1) Requests for the Land use administrator to conduct a habitat assessment shall be accompanied with a fish and wildlife habitat area application and associated fee(s).

(2) If the Land use administrator conducts the habitat assessment and determines that no regulated fish or wildlife habitat areas, point locations, or associated buffers are present on the site, then fish and wildlife habitat area review will be considered complete.

(3) If the Land use administrator conducts the habitat assessment and determines that regulated fish or wildlife habitat areas, point locations, or associated buffers are present on the site, then the Land use administrator will offer the applicant the option of either complying with standard requirements set forth in CMC 16.30.040 or seeking approval of an alternate approach. For alternate approaches, applicant shall be required to submit a habitat assessment study or a habitat assessment report as outlined in subsection 16.30.030 B.1.b.

b. If the regulated fish or wildlife habitat area is a point location or species-related habitat area, then a fish or wildlife biologist, as appropriate, shall conduct the habitat assessment. If the regulated fish or wildlife habitat area is solely related to the presence of a natural water, then either a fish or wildlife biologist or Wetland Specialist may conduct the habitat assessment. In either instance the following documentation shall be submitted to the Land use administrator.

(1) If the field investigation determines that a fish or wildlife habitat conservation area, point location or associated buffer is not located on the site, then a habitat assessment letter shall be submitted for Carbonado review. The habitat assessment letter shall meet the requirements contained in CMC 16.30.070 – Appendix A.

(2) If the field investigation determines a fish or wildlife habitat conservation area, point location, or associated buffer is located on the site and the proposed regulated activity complies with the standards set forth in CMC 16.30.040 and the buffer requirements as set forth in CMC 16.30.060, then a habitat assessment study shall be submitted for Carbonado review. The habitat assessment study shall meet the requirements contained in CMC 16.30.070 – Appendix B.

(3) If the field investigation determines a fish or wildlife habitat conservation area, point location, or associated buffer is located on the site but the proposed development activity does not or cannot comply with the standards set forth in CMC 16.30.040 or the buffer requirements as set forth in CMC 16.30.060, then a habitat assessment report shall be submitted for Carbonado review. The habitat assessment report shall meet the requirements contained in CMC 16.30.070 – Appendix C.

(4) Habitat assessments shall be submitted to the Land use administrator for review and approval together with a fish and wildlife habitat area application and associated fee(s).

(5) Habitat assessments shall be prepared, signed, and dated by a wetland specialist, fisheries or wildlife biologist, as applicable to the particular species or habitat type.

(6) Habitat assessment reports shall address the mitigation requirements set forth in CMC 16.30.050.

2. All habitat assessments submitted under the requirements of this Chapter shall, at a minimum, include the following:

- a. The parcel number of the subject property.
- b. The site address of the subject property, if one has been assigned by Carbonado.
- c. The date and time when the site evaluation for the habitat assessment was conducted and the date when the habitat assessment was prepared.
- d. The credentials of the fish or wildlife biologist who prepared the habitat assessment.
- e. The mailing address and phone number of the property owner and the fish or wildlife biologist that prepared the habitat assessment.
- f. A detailed description of the vegetation on and adjacent to the site.
- g. Identification and a detailed description of any critical fish or wildlife species or habitats, as set forth in CMC 16.30.020, on or adjacent to the site and the distance of such habitats or species in relation to the site. Describe efforts to determine the status of any critical species in the project area, including information on survey methods, timing, and results of surveys for species or suitable habitat identification.
- h. Include any information received from biologists with special expertise on the species or habitat type, such as WDFW, Tribal, USFS, or other local, regional, federal, and university fish, wildlife and habitat biologists and plant ecologists. Include any such conversations in the habitat assessment and cite as personal communication.
- i. A map showing the location of the site, including written directions.
- j. The Land use administrator may also require that the applicant request a separate evaluation of the site by WDFW staff to confirm the findings of the habitat assessment.

3. The Land use administrator shall review the habitat assessment and either:

- a. Accept the habitat assessment and approve the critical fish and wildlife application; or
- b. Reject the habitat assessment and notify the applicant in writing of the reasons why the habitat assessment was rejected.

C. Combined Habitat Assessment – Wetland Review Process. When the Land use administrator’s maps, sources, or field investigation indicates that the site of a proposed regulated activity is located within both a potential regulated fish and wildlife habitat area and a wetland or buffer, the applicant may be allowed to submit the results of both the habitat assessment, as set forth in subsection 16.30.040 B., and wetland review, as defined in CMC 16.20.030, as one application along with the associated fee.

**16.30.040 Fish and Wildlife Habitat Conservation Area Standards.**

A. General.

1. All regulated activities shall be located outside fish and wildlife habitat conservation areas and their associated buffers, as outlined in CMC 16.30.060.
2. Where encroachment into the standard or averaged buffer as allowed by CMC 16.30.060 cannot be avoided, the applicant may follow the standards outlined in CMC 16.30.040 B., C., or D.
3. If a regulated activity cannot meet the requirements of CMC 16.30.040 B., C., or D., then an applicant may pursue a variance or reasonable use exception as outlined in Chapter 16.15 CMC.
4. If the Land use administrator determines that mitigation is necessary to offset the identified impacts from a proposed development, the applicant shall comply with the mitigation requirements set forth in CMC 16.30.050.
5. Wetlands shall be regulated pursuant to the requirements contained in Chapter 16.20 CMC.

B. Riparian Areas, Ponds, Lakes, and Associated Buffers. The following specific regulated activities may occur within a riparian area, river, stream, pond, lake, or associated buffer subject to the following standards:

1. Clearing and Grading. When clearing and grading is permitted as part of an authorized regulated activity or as otherwise allowed in these standards, the following shall apply:
  - a. Grading is allowed only during the dry season, which is typically regarded as beginning on May 1st and ending on October 1st of each year, provided that the Land use administrator may extend or shorten the dry season on a case-by-case basis, determined on actual weather conditions. Clearing and grading may be allowed during the wet season if all drainage will flow away from any waterbody/ watercourse.
  - b. Filling or modification of a wetland or wetland buffer is permitted only if it is conducted as part of an approved wetland permit issued by the Land use administrator.
  - c. The soil duff layer shall remain undisturbed to the maximum extent possible. Where feasible, any soil disturbed shall be redistributed to other areas of the project site.

d. The moisture-holding capacity of the topsoil layer shall be maintained by minimizing soil compaction or reestablishing natural soil structure and infiltrative capacity on all areas of the site that impervious surfaces do not cover.

e. Erosion and sediment control that meets or exceeds the standards set forth in the Carbonado Stormwater Drainage Manual shall be provided.

2. Vegetation Removal, Disturbance, and Introduction. Vegetation removal shall be allowed subject to the following standards:

a. Hazard trees may be cut provided that:

(1) The applicant submits a report from a certified arborist, licensed landscape architect, or professional forester that documents the hazard and provides a replanting schedule for the replacement trees and receives written approval from Carbonado authorizing tree removal;

(2) Tree cutting shall be limited to limbing and crown thinning, unless otherwise justified by the landowner's expert. Where limbing or crown thinning is not sufficient to address the hazard, trees should be topped to remove the hazard rather than cut at or near the base of the tree. All vegetation cut (tree stems, branches, tops, etc.) shall be left within the critical area or buffer unless removal is warranted due to the potential for disease transmittal to other healthy vegetation;

(3) The landowner shall replace any trees that are felled or topped with new trees at a ratio of two replacement trees for each tree felled or topped. Tree species that are native and indigenous to the site shall be used;

(4) Hazard trees determined to pose an imminent threat or danger to public health or safety, or to public or private property, or serious environmental degradation may be removed or topped by the landowner prior to receiving written approval from Carbonado provided that within 14 days following such action, the landowner shall submit the necessary report and replanting schedule demonstrating compliance with CMC 16.30.040 B.2.a.(1) through (3) above.

b. Trimming of vegetation for purposes of providing view corridors will be allowed without a complete mitigation plan provided that trimming shall be limited to view corridors of 20 feet in width or less and that benefits to fish and wildlife habitat are not reduced. Trimming shall be limited to hand pruning of branches and vegetation. Trimming shall not include felling, topping, or removal of trees. An applicant who wishes to remove trees or create a view corridor of larger size must complete review as set forth in CMC 16.30.030.

- c. Vegetation and tree removal subject to the conditions contained in an approval for a regulated activity.
  - d. Introduced vegetation shall be limited to species that are native and historically indigenous to the site.
- 3. Fencing.
  - a. Fencing shall be placed in such a manner as to maintain wildlife movement corridors and not create any fish passage blockages.
  - b. The Land use administrator has the authority to approve the location, type, and height of any proposed or required fencing unless superceded by any Federal or State agency approvals.
- 4. Shoreline Erosion Control Measures. New or replacement shoreline erosion control measures shall be subject to the following standards:
  - a. The proposal complies with the provisions set forth in Chapter 16.60 CMC.
  - b. The applicant has submitted a habitat assessment report, as set forth in CMC 16.30.030.
  - c. The habitat assessment report demonstrates the following:
    - (1) Natural shoreline processes will be maintained. The project will not result in increased beach erosion or alterations to, or loss of, shoreline substrate within 1/4 mile of the site.
    - (2) The shoreline erosion control measure will not adversely impact critical fish or wildlife habitat areas or associated wetlands.
    - (3) Adequate mitigation measures, as set forth in CMC 16.30.050, are provided that ensure no net loss of intertidal or riparian habitat or function occurs as a result of the proposed shoreline erosion control measure.
    - (4) No alteration of intertidal migration corridors occurs as a result of the proposed shoreline erosion control measure.
- 5. Streambank Stabilization. Streambank stabilization to protect new structures from future channel migration is not permitted except when such stabilization is achieved through bioengineering or soft armoring techniques or public flood control projects. Streambank stabilization shall comply with the provisions set forth in Chapter 16.25 CMC.
- 6. Launching Ramps – Public or Private. Launching ramps may be allowed when the applicant has submitted a habitat assessment report as set forth in CMC 16.30.030 that has demonstrated the following:



- a. The project will not result in increased beach erosion or alterations to, or loss of, shoreline substrate within 1/4 mile of the site.
  - b. The ramp will not adversely impact critical fish or wildlife habitat areas or associated wetlands.
  - c. Adequate mitigation measures, as set forth in CMC 16.30.050, are provided that ensure no net loss of intertidal or riparian habitat or function occurs as a result of the ramp.
  - d. No alteration of intertidal migration corridors as a result of the ramp.
7. Roads, Trails, Bridges, and Rights-of-Way. Construction of trails, roadways, and minor road bridging may be allowed subject to the following standards:
- a. There is either no feasible alternative route with less impact on the environment or it has been approved by Carbonado Council as part of a nonmotorized public trail system.
  - b. The crossing allows for uninterrupted downstream movement of wood and gravel.
  - c. Mitigation, pursuant to CMC 16.30.050, for impacts is provided.
  - d. Road bridges are designed according to the WDFW Habitat and Lands Environmental Division's Fish Passage Design at Road Culverts, March, 1999 and the NMFS Guidelines for Salmonid Passage at Stream Crossings, 2000.
  - e. Trails and associated viewing platforms shall be made of pervious materials.
8. Utility Facilities.
- a. Installation of a utility is permitted if constructed in an existing, improved roadway, drivable surface or shoulder, in Carbonado rights-of-way subject to compliance Title 12.
  - b. New utility lines and facilities are permitted to cross regulated streams and bodies of water if they comply with the following standards:
    - (1) Avoid critical fish and wildlife habitat areas to the maximum extent possible.
    - (2) Crossings are contained within the footprint of an existing road or utility crossing where possible.
    - (3) Avoid paralleling the stream or following a down-valley course near the channel.

(4) Do not increase or decrease the natural rate of shore migration or channel migration.

(5) Bore beneath the scour depth and hyporheic zone of the water body and CMZ where feasible. Whenever boring under the channel is not feasible then any channel crossings shall occur at an angle that is between 60 and 90 degrees from the centerline of the channel.

9. Public Flood Protection Measures. New public flood protection measures and expansion of existing ones may be approved, subject to Carbonado's review and approval of a habitat assessment report or the approval of a Federal Biological Assessment.

10. Instream Structures. A new instream structure (e.g., such as but not limited to high flow bypass, sediment ponds, instream ponds, retention and detention facilities, tide gates, dams, weirs, engineered wood systems, etc.) shall be allowed only as part of an approved mitigation or restoration project or watershed basin plan approved by Carbonado and upon acquisition of any required State or Federal permits. The structure shall be designed to avoid modifying flows and water quality in ways that may adversely affect critical fish species.

11. Stormwater Conveyance Facilities. Conveyance structures whose sole purpose is to convey stormwater already treated for quality, or water bypassed around water quality treatment facilities pursuant to an approved stormwater plan, may be constructed subject to the following standards:

- a. No other feasible alternatives with less impact exist;
- b. Mitigation for impacts is provided;
- c. Stormwater conveyance facilities shall incorporate fish habitat features;
- d. Vegetation shall be maintained and, if necessary, added adjacent to all open channels and ponds in order to retard erosion, filter out sediments, and shade the water.

12. New Agricultural Activities. New agricultural activities are permitted subject to the following:

- a. Agricultural activities and structures shall comply with the provisions of Chapter 16.25 CMC, Flood Hazard Areas.
- b. The agricultural activity is in compliance with the USDA, NRCS farm management standards.
- c. A copy of an approved NRCS farm management plan that documents compliance with the USDA, NRCS farm management standards has been submitted to the Land use administrator for review and approval.

13. Structures and Landscaped Areas. New construction, redevelopment, reconstruction, or additions or expansions of single-family, two-family, multi-family, mobile/manufactured homes, commercial, industrial or agricultural building structures and associated landscaped areas and other related appurtenances (driveways, utilities, accessory structures, parking areas, etc.) that exceed the exemption standards set forth in CMC 16.15.030 F. and G. may be permitted subject to the following:

a. The proposed single-family, multi-family, commercial, industrial, or agricultural building structure, accessory structures, or related appurtenances (e.g., wells, septic systems, sheds, driveways, parking areas) is located on a lot that was vested (see Chapter 18.85 CMC) prior to February 13, 2006, subject to the following conditions:

(1) Applicants shall demonstrate there are no other feasible alternatives on the lot that would allow the proposed development to occur completely outside the fish or wildlife habitat conservation area or the required buffer.

(2) The principle structure, accessory structures or related appurtenances (such as landscaped areas, wells, onsite septic systems, etc.) cannot be located outside the fish or wildlife habitat conservation area or required buffer due to topographic constraints of the parcel, parcel size and/or location of the parcel in relation to the limits of the fish or wildlife habitat conservation area or required buffer.

(3) If applicable, buffer averaging pursuant to CMC 16.30.060 C.1. or a buffer reduction/building setback variance has been reviewed, analyzed, and rejected as a feasible alternative to encroachment into the fish or wildlife habitat conservation area or associated buffer.

(4) The habitat assessment report includes a buffer enhancement plan as part of the mitigation required by CMC 16.30.050. The buffer enhancement plan shall use native, non-invasive plant species that are indigenous to the underlying soils and plant community types contained within the project area and shall substantiate that an enhanced buffer will improve the functional attributes of the buffer to provide additional protection for fish or wildlife habitat values.

b. The proposed development is not located on a transitory feature such as a sandbar, spit, or sand point.

c. Maximum disturbance (including the principal structure, accessory structures, and related appurtenances such as landscaped areas, wells, onsite septic systems, etc.) within the habitat area and/or associated buffer shall be limited to 50 percent of the area of the buffer to a maximum of

5,000 square feet, unless otherwise specified in CMC 16.30.040 B.15.d.-f.

d. Development that exceeds the requirements outlined in CMC 16.15.040, must be located landward to the extent possible and is prohibited within 50 feet of any Type S, F1, F2, or N1 water, channel migration zone, side channel, spring, or off-channel habitat.

e. Development that exceeds the requirements outlined in CMC 16.15.040, must be located landward to the extent possible and is prohibited within 35 feet of any Type N2 or N3 water, including connectable relic channels or oxbows.

f. Expansions and redevelopment projects shall be limited to the lesser of 1,000 additional square feet of disturbance area or the same area and disturbance criteria that would have been permitted if the site were undeveloped.

g. The area not disturbed by development shall be managed for native or approved vegetation and planted with native or approved vegetation where necessary following adopted guidelines to reestablish natural forested conditions (example: WDFW's Restoring the Watershed, A Citizen's Guide to Riparian Restoration in Western Washington).

h. The proposal complies with the standards set forth in Chapter 16.25 CMC, Flood Hazard Areas.

i. To avoid stormwater impacts, impervious surface shall be limited to the minimum amount necessary to accommodate the proposed development. Where possible, impervious surfaces such as driveways, sport courts, patios, etc. shall be made of pervious materials and rooftop runoff shall be dispersed and directed into bioretention facilities.

j. The conversion of lots from single-family to any other land use (e.g., multi-family, commercial, industrial, agricultural) permitted in the underlying zone, except forest land or natural resource conservation uses, is prohibited.

14. Alteration of Watercourses. Alterations and relocations of watercourses, including stabilization projects, shall not degrade fish habitat and shall be subject to the following provisions:

a. Structures that cross all watercourse and water bodies shall meet fish habitat requirements of the Washington State Land Department of Fish and Wildlife (WDFW).

b. Any culverts that are used on fish-bearing watercourses shall be arch/bottomless culverts or equivalent that provides comparable fish protection, and must meet fish habitat requirements of the latest edition of WDFW's Design Manual for Culverts.

c. Bridges or other crossings shall allow for uninterrupted downstream movement of wood and gravel, be as close to perpendicular to the watercourse as possible, and be designed to minimize fill and to pass the base flood flows.

d. Watercourse alterations shall maintain natural meander patterns, channel complexity, and floodplain connectivity. Where feasible, such characteristics shall be restored as part of the watercourse alteration.

e. The applicant shall identify the channel migration zone for the watercourse at the project site and for a reasonable reach upstream and downstream of the site, and shall not undertake actions as part of the alteration that would in any way inhibit movement of the channel.

f. Existing culverts that do not meet fish habitat requirements shall be removed or replaced as part of an approved watercourse alteration project.

g. Watercourse alteration projects shall not result in a fish blockage of side channels. Known fish barriers into side channels shall be removed as part of the approved watercourse alteration project.

h. For any watercourse alteration of a Type S or F water (pursuant to CMC 16.30.060 B.) whose channel is subject to migration, bioengineered (soft) armoring of streambanks is required to allow for woody debris recruitment, gravels for spawning, and creation of side channels. The bioengineering technique used must be designed in accordance with the latest edition of WDFW's Integrated Streambank Protection Guidelines.

15. Artificial Channels – Type FW.

a. New activities adjacent to artificial channels – type FW are exempt from the buffering provisions of this Title.

b. Protection of these channels will be provided through compliance with all of the following:

(1) A 15-foot building setback shall be maintained from the ordinary high water mark or top of bank of the channel.

(2) Clearing and grading activities within the building setback shall comply with the requirements of CMC 16.30.040 B.1.

(3) A silt fence shall be installed along the outer edge of the developed area, which shall be no closer to the channel than the top of bank or ordinary high water mark.

c. The Land use administrator may also require the applicant to do any of the following:

(1) Post signs along the channel indicating the presence of the fish and wildlife habitat area. Sign design shall be established by the Land use administrator.

(2) Construct permanent fencing along the top of bank of the channel.

d. Any proposed channel alteration will require the submittal of a fish and wildlife application, as set forth in CMC 16.30.030, and a habitat assessment report as defined within CMC 16.30.070 – Appendix C.

16. Wildfire Defensible Space Activities. Within existing lots of record located in wildland areas, creation of a defensible space for protection against wildfire may be allowed in buffer areas located within 30 feet of dwellings, barns, and commercial-use buildings. These allowances do not apply to features such as swing sets, fences, dog houses, and other structures that can be easily relocated. The following defensible space activities may be allowed:

a. Tree limb removal. Where understory shrubs are present below the tree, removal shall follow the guidelines of Chapter 16.30 CMC – Appendix E. Where understory shrubs are not present, tree limbs may be removed to a height of 10 feet above the ground;

b. Interruption of continuous shrub vegetation by selective thinning as defined within Chapter 16.30 CMC – Appendix E;

c. Replacement of evergreen species with less flammable, native species as defined within Chapter 16.30 CMC – Appendix E.

C. Standards for Other Critical Habitat Areas. Standards for critical habitat areas not listed subsections 16.30.030 A. and B. above shall be administratively developed by the Land use administrator in consultation with the Washington Department of Fish and Wildlife (WDFW) and shall be based upon the needs of specific species or habitat area of study. The administrative standards shall be on file with the Land use administrator prior to implementation and made available to the public upon request. The Land use administrator shall utilize the published WDFW PHS management recommendations. An applicant may request that the Land use administrator consult directly with the WDFW on a project specific basis at any time prior to the issuance of the fish and wildlife habitat approval for the project. Once issued, the fish and wildlife habitat approval may be appealed following the procedures set forth in CMC 16.05.090.

#### **16.30.050 Mitigation Requirements.**

A. All regulated development activities in critical fish and/or wildlife habitat areas and associated buffers shall be mitigated in the following order:

1. Avoiding the impact altogether by not taking a certain action or parts of actions.

2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to reduce impacts.
3. The following types of mitigation (in order of priority):
  - a. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
  - b. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or
  - c. Compensating for the impact by replacing or providing substitute resources or environments. For freshwater aquatic resource areas including riparian areas, ponds, lakes, and associated buffers, the purchase of credits from an in-lieu fee mitigation program (ILF program) or wetland mitigation bank may be an acceptable means of meeting this requirement for compensation. In these instances, the WDFW and other members of the Interagency Review Team (IRT) shall be consulted as per the directions in the PCILF Program Instrument.
4. Monitoring the impact and compensation and taking appropriate corrective measures. Specific monitoring requirements are provided in CMC 16.30.070 – Appendix D.
5. Mitigation for individual actions may include a combination of the above measures.

B. Specific mitigation elements are to be discussed within a habitat assessment report, as defined in CMC 16.30.070 – Appendix C. The habitat assessment report is to provide specific recommendations to reduce, eliminate, or mitigate for the adverse effects of the proposed activity. Potential measures include timing restrictions for all or some of the activities; clearing limitations; avoidance of specific areas; special construction techniques; COHP conditions; HPA conditions; planting with native vegetation; habitat enhancement (i.e., fish passage barrier removal); best management practices; etc. If applicable, append a copy of the HPA, specifications for BMPs, or other documentation to support the implementation of the conservation measure.

C. The Land use administrator may require an enhancement plan that provides mitigation for the impacts associated with any encroachment into the habitat area or associated buffer, in conjunction with a request for buffer averaging/reduction as set forth in CMC 16.30.060 C., or where vegetation is inadequate to provide optimal function as set forth in CMC 16.30.060 D. The enhancement plan shall use native plant species that are indigenous to the project area and shall substantiate that an enhanced habitat area and/or buffer will improve the functional attributes of the affected area to provide additional protection for critical fish or wildlife habitat, wetlands, landslide hazard areas, or adjacent properties that may be affected by the proposal. At a minimum, the enhancement plan shall include detailed information on the following:

1. Type of species proposed.

2. Exact location of proposed enhancement area.
3. Timing and schedule of planting.
4. Schedule for monitoring and maintenance and any financial guarantees for these.
5. Name, address, and telephone number of the person(s) responsible for the enhancement project.
6. Any additional information required by the Land use administrator.

D. Mitigation of alterations to habitat areas shall achieve equivalent or greater biological functions and shall include mitigation for adverse impacts upstream and downstream of the development proposal site. Mitigation shall address each functional attribute affected by the alteration to achieve functional equivalency or improvement on a per function basis. Mitigation elements to be addressed may include, but are not limited to: restoration of previously degraded areas and key habitat features, restoration of riparian vegetation communities to provide shade and large woody debris, addition of large woody debris, and installation of upland habitat features.

E. In cases in which it is determined that aquatic habitat mitigation is appropriate, the following shall apply:

1. Mitigation shall be provided on-site, except where the applicant demonstrates that on-site mitigation is not scientifically feasible or practical due to physical features of the site or where it can be demonstrated that greater functional and habitat values can be achieved through offsite mitigation. Purchase of credits from an in-lieu fee mitigation program (ILF program) or wetland mitigation bank may also be allowed when they are demonstrated to adequately compensate for project-specific impacts; and
2. When mitigation cannot be provided on-site, it shall be provided in the immediate vicinity of and within the same watershed as the regulated activity.

#### **16.30.060 Buffer Requirements.**

A. Buffer Delineation. Buffers shall be required as set forth for each habitat type. The required buffers shall be delineated, both on a site plan or plat and on the property, prior to approval of any regulated activity.

B. Buffer Widths.

1. Riparian Areas, Lakes, and Ponds.
  - a. Riparian areas (rivers, streams, and creeks), lakes, and ponds shall be managed through the use of buffers. Buffers shall be based upon the water type classification of the water body as established by the Land use administrator of Natural Resources Stream Typing Classification System. Refer to Table 16.30.060 for the water types and the associated buffer requirements.



b. The required riparian buffer width is measured from the edge of the ordinary high water mark.

c. The required lake or pond buffer width is measured from the edge of the ordinary high water mark (OHWM).

d. The required buffer shall be extended to include any adjacent regulated wetland(s), landslide hazard areas and/or erosion hazard areas and required buffers.

2. Buffers for Other Critical Habitat Areas. Appropriate buffers for critical habitat areas not listed in Table 16.30.060 shall be determined on a case by case basis, based upon the needs of specific species or habitat area of study. The Land use administrator will coordinate with the Washington Department of Fish and Wildlife in these instances to determine an appropriate buffer width and when available shall rely upon buffer widths specified in WDFW Priority Habitats and Species management recommendations.

**Table 16.30.060 Buffer Requirements.**

Water Type (1)	Water Body Criteria	Buffer Width (2)
Type F1	All segments of natural waters within the bankfull widths of defined channels or within lakes, ponds, or impoundments which provide habitat for or support any portion of the lifecycle of a critical fish species (3). Waters that are diverted for use by federal, state, tribal, or private fish hatcheries shall be considered to be Type F1 waters upstream from the point of diversion for 1,500 feet and tributaries if highly significant for protection of downstream water quality.	150 feet landward from the OHWM
Type F2	Type F1 water adjacent to a landslide hazard area	150 feet landward from the OHWM
Type N1	Perennial or seasonal non-fish bearing (3) natural waters within the bankfull widths of defined channels that are not Type F1 or F2 waters but are located within ¼ mile of the confluence with a Type F1 or F2 water.	115 feet landward from the OHWM
Type N2	Perennial or seasonal non-fish bearing (3) natural waters within bankfull width of defined channels that are not Type F1 or F2 waters and are either located more than ¼ mile upstream from the confluence with a Type F1 or F2 water or are not connected to a Type F1 or F2 water.	65 feet landward from the OHWM
Type N3	Lakes or ponds that do not support any critical fish species (3)	35 feet landward from the OHWM

(1) Water types are approximately based on the following: Type F1 (Type 1-3, Type 4 if greater than 2 feet and less than 20 percent grade unless documented as non-fish bearing by Federal or State agencies or Tribes), Type N1 (Type 4 if less than 2 feet and greater than 20 percent grade unless documented as fish bearing by Federal or State agencies or Tribes), Type N2 (Type 5 waters and those waters not connected to another water type). The new nomenclature anticipates the new classification system established in WAC 222-16-030 and -031.

(2) There may be wetlands associated with water types that are regulated and which may have a required buffer greater than those listed in Table 16.30.060, e.g., a lake with a 35-foot buffer requirement may have associated wetlands with 25-300 foot buffers.

(3) Fish species are those identified in CMC 16.30.020.

C. Modification to Buffer Width Requirements. The standard buffer widths of subsection 16.30.060 B. may be modified by averaging or increasing as follows:

1. Buffer Averaging. Buffer width averaging may be proposed through submittal of a habitat assessment study or report. Buffer width averaging shall be allowed only when the applicant demonstrates all of the following:

a. The decrease in buffer width is minimized by limiting the degree or magnitude of the regulated activity.

b. Buffer averaging will not adversely impact the water body.

c. Buffer averaging is consistent with other buffer requirements set forth under this Title (e.g., wetlands, critical fish and wildlife species and habitats, landslide hazard areas, etc.).

d. Buffer averaging will not increase the risk of slope failure or downslope stormwater drainage impacts.

e. The total buffer area after averaging is no less than the buffer area prior to the averaging.

f. The minimum buffer width after averaging will not be less than 50 percent of the widths established in subsection 16.30.060 B.

g. The averaging is accomplished within the project boundaries or through an off-site conservation easement or tract (or other acceptable protective mechanism) approved by the Land use administrator.

h. The applicant demonstrates one or more of the following conditions:

(1) The proposed buffer area contains a diversity of native vegetation distributed within at least two stratum (i.e., groundcover, shrub, sapling, tree); or

(2) The project includes a buffer enhancement plan as part of the mitigation required by CMC 16.30.050. The buffer enhancement plan shall use plant species, which are native and non-invasive to the project area. The plan must substantiate that the enhanced buffer will improve the functional attributes of the buffer to provide additional protection for habitat functional values.

2. Buffer Reduction. Buffer width reduction may be proposed through submittal of a habitat assessment study or report. Buffer width reduction shall be allowed only when the applicant demonstrates all of the following:

a. Buffer reduction is unavoidable.

- b. Buffer reduction has been minimized by limiting the degree or magnitude of the regulated activity.
  - c. Buffer reduction is consistent with other buffer requirements set forth under this Title (e.g., wetlands, critical fish and wildlife species and habitats, landslide hazard areas, etc.)
  - d. Buffer reduction will not adversely impact the water body.
  - e. The buffer width will not be reduced more than 25 percent below the provisions of subsection 16.30.060 B.
  - f. The buffer meets the requirements of CMC 16.30.060 D., or
  - g. A buffer enhancement plan is provided as required by CMC 16.30.050. The buffer enhancement plan shall use plant species, which are native and non-invasive to the project area. The plan must substantiate that the enhanced buffer will improve the functional attributes of the buffer to provide additional protection for habitat functional values.
  - h. The buffer has less than 15 percent slopes.
3. Buffer Width Increases. The Land use administrator may require an increased buffer width when a larger buffer is necessary, based on site conditions, to protect habitat area functions and values. This determination shall be reasonably related to protection of the functions and values of the regulated habitat area. Such determination shall demonstrate any of the following:
- a. A larger buffer is necessary to maintain viable populations of existing species or protect the existing functions of habitat areas identified in CMC 16.30.020.
  - b. The adjacent land has minimal vegetative cover.
  - c. The adjacent land has slopes greater than 20 percent.
  - d. The habitat area is in an area of high tree blow down potential. In these cases the habitat area may be expanded an additional 50 feet on the windward side.
4. Where an application for a development permit, other than a site development permit, has not been submitted in association with a proposed forest practice activity, a deviation from the standard buffer, as set forth in CMC 16.30.060 C.1. and C.2. shall not be allowed.
5. Buffer Reduction – Lakes. The standard buffer within a vacant lot along a lake may be reduced as follows:
- a. Where the vacant lot has a common property line with two or more lots which abut the ordinary high water line and which are developed with single-family residences, the standard buffer may be reduced to the greater

of 50 feet or the average of the standard buffer and the setbacks of the residences on the adjacent properties. This reduction does not apply where the criteria of CMC 16.30.060 C.3. apply.

b. Any water dependent accessory use may be allowed within the reduced buffer upon the issuance of a Conditional Use Permit. The issuance of a Conditional Use Permit shall be predicated upon a determination that the project will be consistent with the Conditional Use criteria in this Section, and the Conditional Use criteria listed in WAC 173-14-140, if applicable, and will cause no reasonable adverse effects on the environment and other uses. The Conditional Use Criteria area:

- (1) Views from surrounding properties will not be unduly impaired.
- (2) Adequate separation will be maintained between the structure and adjacent properties and structures.
- (3) Screening and/or vegetation will be provided to the extent necessary to ensure aesthetic quality.
- (4) Design and construction materials shall be chosen so as to blend with the surrounding environment.
- (5) No additional harm to the aquatic environment will result from the project.

D. Buffer Functioning Condition.

1. General Buffer Requirements.

- a. Buffers should be adequately vegetated with native, non-invasive plant and tree species necessary to help provide long term protection of identified habitat areas. The Land use administrator may require mitigation and the submittal of a buffer enhancement plan, as outlined in CMC 16.30.050 C., for buffer areas where the vegetation is inadequate to provide this function.

E. Protection of Significant Trees within the Buffer. If buffer width averaging or reduction is utilized or buffers are otherwise reduced through a variance process and significant trees are identified on the outer edge of the reduced buffer such that their drip line extends beyond the buffer edge, the following tree protection requirements must be followed:

1. A tree protection area shall be designed to protect each tree or tree stand during site development and construction. Tree protection areas may vary widely in shape, but must extend a minimum of 5 feet beyond the existing tree canopy area along the outer edge of the dripline of the tree(s), unless otherwise approved by the Land use administrator.
2. Tree protection areas shall be added and clearly labeled on all applicable site development and construction drawings, submitted to the Land use administrator.

3. Temporary construction fencing at least 30 inches tall shall be erected around the perimeter of the tree protection areas prior to the initiation of any clearing or grading. The fencing shall be posted with signage clearly identifying the tree protection area. The fencing shall remain in place through site development and construction.
4. No clearing, grading, filling or other development activities shall occur within the tree protection area, except where approved in advance by the Land use administrator and shown on the approved plans for the proposal.
5. No vehicles, construction materials, fuel, or other materials shall be placed in tree protection areas. Movement of any vehicles within tree protection areas shall be prohibited.
6. No nails, rope, cable, signs, or fencing shall be attached to any tree proposed for retention.
7. The Land use administrator may approve the use of alternate tree protection techniques if an equal or greater level of protection will be provided.

**16.30.070 Appendices.**

- A. Habitat Assessment Letters.
- B. Habitat Assessment Studies.
- C. Habitat Assessment Reports.
- D. Monitoring Requirements.
- E. Wildfire – Defensible Space Guidelines.

**16.30.070 – Appendix A  
Habitat Assessment Letters**

- A. The habitat assessment letter shall, at a minimum, include the following:
  1. The information required in CMC 16.30.030 B.2.
  2. Documentation that the potential regulated habitat is not present. Discuss the habitat features or types that are available as compared to the habitat features that define the potential habitat. Describe why potential restoration measures would not be feasible.
  3. Documentation that potential species are not present. Note: a finding that a species is lacking based upon limited field investigation, occurring at an inappropriate time of the year for the species of study will not be acceptable. In such cases, Carbonado will require separate confirmation of absence provided by the Washington Department of Fish and Wildlife.

**16.30.070 – Appendix B Habitat  
Assessment Studies**

- A. The habitat assessment study shall, at a minimum, include the following:
1. The information required in CMC 16.30.030 B.2.
  2. Identify the presence of the habitat area or species on the site.
  3. Identify and discuss how the project complies with the standards set forth in CMC 16.30.040.
  4. Provide a detailed description of the proposed project. At a minimum, the following items should be included:
    - a. A legal description (Section, Township, Range) and vicinity map that clearly show the site and project area in relation to nearby waterbodies, sensitive habitats, etc.
    - b. A site plan of the habitat area and associated buffer in relation to the proposed project area. If the applicant proposes to reduce a standard buffer, the site plan shall identify all significant trees adjacent to the reduced buffer.
    - c. Photographs, especially color copies, are useful to orient the reviewer to the project area. A combination of aerial or orthophotos and snapshots are ideal.
  5. Describe the environmental baseline (current or pre-project) condition of the habitat and the project area. The baseline description should address all pertinent habitat parameters for the species.
  6. Describe in detail the type and scope of development activity proposed:
    - a. Describe the overall purpose of the project and a brief summary of project objectives.
    - b. List all proposed project related construction activities and types of equipment. Provide a chronology of activities, timing of construction, hours of operation, phasing.
    - c. Provide to-scale plans that show where work is proposed relative to habitat areas and buffers.
    - d. Quantify areas of vegetation removal, include clearing and grubbing, vegetation type.
    - e. Describe proposed grading and filling or other earthwork, include specific BMPs for erosion, sedimentation, stormwater, and spill control. If appropriate, append the TESC Plan, Spill Control Plan, BMP specifications, etc.
    - f. Provide stormwater treatment information including:

- (1) Amount of new impervious surface;
- (2) Percent of surface and type of treatment for new and existing impervious surface;
- (3) Specify BMPs to treat for quality and quantity; and
- (4) Identify the receiving area /waterbody for each BMP, including overflow channels.

g. If buffer averaging or reduction is proposed for use, and significant trees are identified on the outer edge of the reduced buffer such that their drip line extends beyond the buffer edge, the tree protection measures described in CMC 16.30.060 are to be implemented.

**16.30.070 – Appendix C  
Habitat Assessment Reports**

A. The applicant is advised to refer to the following guidance documents during the course of the habitat assessment report (HAR) preparation:

1. Washington Department of Fish and Wildlife Priority Habitat and Species Management Recommendations, May 1991 (or as hereafter amended), and supplemental documents including but not limited to:

- a. Priority Habitats and Species List;
- b. Management Recommendations for Washington’s Priority Habitats: Oregon White Oak Woodlands;
- c. Management Recommendations for Washington’s Priority Habitats: Volume I Invertebrates; and
- d. Management Recommendations for Washington’s Priority Habitats: Volume III Amphibians and Reptiles.

2. Making Endangered Species Act Determinations of Effect for Individual or Grouped Actions at the Watershed Scale (NMFS, 1996).

3. A Guide to Biological Assessments (NMFS, revised March 23, 1999).

4. Biological Assessment Preparation and Review (USFWS, March 1999).

5. NMFS Checklist for Documenting Environmental Baseline and Effects of Proposed Action(s) on Relevant Indicators.

B. The following information must be included in every habitat assessment report:

1. Project Description. Describe in detail the type and scope of action proposed:



- a. Describe the overall purpose of the project and a brief summary of project objectives.
  - b. List all proposed project related construction activities and types of equipment.
  - c. Provide to-scale plans that show where work is proposed relative to sensitive areas and/or habitat. If the applicant proposes to reduce a standard buffer, the site plan shall identify all significant trees adjacent to the reduced buffer.
  - d. Quantify areas of vegetation removal, include clearing and grubbing, vegetation type, replanting plans.
  - e. Provide a chronology of activities, timing of construction, phasing.
  - f. Describe proposed grading and filling or other earthwork, include specific BMPs for erosion, sedimentation, stormwater, and spill control. If appropriate, append the TESC Plan, Spill Control Plan, BMP specifications, etc.
  - g. Provide stormwater treatment information including:
    - (1) Amount of new impervious surface;
    - (2) Percent of surface and type of treatment for new and existing impervious surface;
    - (3) Specify BMPs to treat for quality and quantity;
    - (4) Identify the receiving area /waterbody for each BMP, including overflow channels.
  - h. Describe proposed in-water work (below OHWM or extreme high tide) and work over waterbodies, and potential for impacts to riparian or aquatic vegetation. Include conditions and work windows as described in the WDFW Hydraulic Project Approval. State clearly if the project does not include any in-water or over water work.
2. Description of the Project Area. The following items should be addressed as appropriate:
- a. Provide a legal description (Section, Township, Range) and vicinity map that clearly shows the project in relation to nearby waterbodies, sensitive habitats, etc.
  - b. Date of field review(s) of project, credentials of personnel involved, and results of visit(s).

- c. Describe the environmental baseline (current or pre-project) condition of the habitat and the project area. The baseline description should address all pertinent habitat parameters for the species.
  - d. If buffer averaging is proposed for use, and significant trees are identified on the outer edge of the reduced buffer such that their drip line extends beyond the buffer edge, the tree protection measures described in CMC 16.30.060 are to be implemented.
  - e. Describe the project setting in terms of physiographic region, general topography, dominant habitat and vegetation type(s), aquatic resources, land use patterns, and existing disturbance levels from human activities, roadways, etc.
  - f. Include information about past and present activities in the area that relate to the species or its habitat and/or the proposed action. This could include information on adjacent development projects, past consultations with State or Federal agencies, previously established conservation measures, or species management plans.
3. Regulated Fish and Wildlife Species and Habitat Conservation Area Occurrence. The HAR must be based on current site-specific information about the species and its life history. Cite any relevant scientific literature or research findings. At a minimum, the following items should be addressed:
- a. Cite species listings provided by NMFS, WDFW, and/or USFWS. Append a copy of the listing to the report. Species listings should be updated every six months.
    - (1) Identify any State-listed, Federal or State proposed species (and candidate or species of concern if appropriate), and designated or proposed critical habitat that are known or have the potential to occur on site or in the vicinity of the project area.
    - (2) Identify fish by ESU.
  - b. Describe the species, its habitat requirements and ecology in general, and relate that to the local populations. A lengthy life history is not required, but enough information should be provided to adequately explain the potential impacts.
  - c. Describe the potential suitable habitat for the species found on site or in the project vicinity and how local populations use it. Discuss the local status of the species as appropriate. Determine the likely level and type of use of the area by each species.
4. Analysis of Effects on Listed and Proposed Species and Designated and Proposed Habitat. The HAR should provide a thorough analysis of (and a separate Section addressing) the potential direct, indirect, interrelated and interdependent, and cumulative effects of the action on the regulated species and its habitat within the project area. The following items should be addressed:

- a. Define the project area (area of potential impacts, both indirect and direct). The area of impact is usually larger than the project area or project vicinity (i.e., the river upstream and downstream from a bridge project, waterbodies receiving stormwater).
- b. Describe how the environmental baseline (current or pre-project condition of the habitat in the project area) will be degraded, maintained or improved (restored). If appropriate, append the completed NMFS Checklist for Documenting Environmental Baseline and Effects of Proposed Action(s) on Relevant Indicators.
- c. Direct Effects: Describe and analyze the effects of the action that would directly affect the species. Include actions that would potentially remove or destroy habitat, displace or otherwise influence the species, either positively (beneficial effects) or negatively (adverse effects).
- d. Describe potential for impacts from disturbance (i.e., noise above ambient levels, sudden loud noises, increased human activity), from construction and continuing operation. Construction impacts would be considered a direct effect whereas operation noise impacts could be considered indirect effects as they occur later in time.
- e. Indirect Effects: Describe any potential indirect impacts (those that occur later in time) such as impacts to future food resources or foraging areas, and impacts from increased long-term human access.
- f. Interrelated/Interdependent Effects: Describe and analyze any potential effects from interdependent actions (actions that have no independent utility apart from the primary action) and interrelated actions (actions associated with the primary action and dependent upon that action for their justification) on the species or habitat that would not occur if not for the proposed action. Examples of these two effects include site clearing activities associated with new home construction (an interdependent effect) and increases in light, noise, and glare that occur as a result of land division (an inter-related effect).
- g. Cumulative Effects: Identify to the extent possible those cumulative effects within the project area that are reasonably certain to occur.
- h. If species specific recovery plans or management plans have been established by the U.S. Fish and Wildlife Service, Washington State Department of Fish and Wildlife, or National Marine Fisheries Service, address the project in terms of compliance and recommendations.
- i. For proposed species, analyze the potential for the project to jeopardize the continued existence of the species.
- j. The HAR must contain a distinct statement of the overall effect of the project on each species. It must also provide supporting evidence to justify the effect determination (for listed species) or jeopardy call (for proposed species). The determination must be consistent throughout and

worded correctly. See attached NMFS or USFWS Guidance for specific wording for each status.

5. Recommended Conservation Measures. The HAR should describe components of the project that may benefit or promote the recovery of listed species and are included as an integral part of the proposed project. These conservation (or mitigation) measures serve to minimize or compensate for project effects on the species under review. The following items should be addressed:

- a. Provide specific recommendations, as appropriate, to reduce or eliminate the adverse effects of the proposed activity. Potential measures include: timing restrictions for all or some of the activities; clearing limitations; avoidance of specific areas; special construction techniques; HPA conditions; replanting with native vegetation; potential of habitat enhancement (i.e., fish passage barrier removal); best management practices, etc.
- b. If applicable, append a copy of the HPA, specifications for BMPs, or other documentation to support the implementation of the conservation measure.
- c. Include a description of proposed monitoring of the species, its habitat, and mitigation effectiveness.

6. Conclusions and Effect Determinations.

- a. Summarize the proposed project and objectives, and restate the listed species that may occur near the project and the expected level of use.
- b. State what conclusions regarding potential impacts to the species discussed can be supported from the information presented in the report. The following items should be addressed:

(1) A finding of effect must be made for each identified fish and wildlife species or habitat area. For each, only one of the following finding of effect is acceptable:

- No Effect: The appropriate finding to make when the direct or indirect impacts of a project will have no affect of any kind, negative or beneficial, upon a species or habitat area;
- May Affect, Not Likely to Adversely Affect: The appropriate finding to make when the direct or indirect effects of a project are insignificant, discountable, or beneficial; or
- Likely to Adversely Affect: The appropriate finding to make when the direct or indirect effects of a project may adversely impact a species or habitat area and the effects are not insignificant.

(2) Findings of "no effect" or "may affect, not likely to adversely affect" may not be based upon the argument that species will be displaced to other suitable habitat or that (based upon a limited number of surveys) species are not known to occur. The failure to provide site-specific surveys

at the appropriate time of the year for the species of study will result in the Land use administrator assuming a worst-case scenario in regards to project-related impacts.

c. For any proposed species or proposed habitat discussed, the conclusions should indicate whether the proposed project is likely to jeopardize the continued existence of the species (as in the entire species, not individual(s)), or adversely modify the proposed critical habitat.

7. References and Appendices. Refer to all appropriate project documents, particularly if the assessment depends upon information located elsewhere (e.g., in an EIS). Applicants may consider providing the Land use administrator with copies of pertinent documents along with the HAR. At a minimum, the following items should be addressed:

a. Provide citations for other information referred to in the HAR, such as current literature and personal contacts used in the assessment. Include name, affiliation, and date.

b. Include as appropriate any photographs, survey methods, protocols, and results. Do not provide specific information regarding the exact location of State- or Federally-listed species within the HAR document. Federal and State restrictions exist regarding the release of such information.

**16.30.070 – Appendix D  
Monitoring Requirements**

A. A contingency plan shall be established for compensation in the event the mitigation project is inadequate or fails. The contingency plan is to provide specific corrective measures for such common mitigation plan failings as plant mortality, vandalism, damage due to wildlife grazing, grading errors, and hydro-regime problems. A financial guarantee on a form acceptable to Carbonado is required for the duration of the monitoring period, and the guarantee plus any accrued interest will be released by Carbonado when the required mitigation and monitoring are completed. To determine the amount of the financial guarantee, an estimate shall be submitted to Carbonado detailing the work to be accomplished and the cost thereof. The estimate shall be based on current costs. Carbonado will review the estimate and, if acceptable, will establish the financial guarantee at 125 percent of the estimate to allow for inflation and administration expenses, should Carbonado have to complete the project.

B. Requirements of the monitoring program are as follows:

1. Scientific procedures are to be used for establishing the success or failure of the project.

2. Monitoring reports prepared by a fish or wildlife biologist are to be submitted for Land use administrator review. Monitoring reports generally will include discussions of wildlife utilization of the site, habitat structure establishment, water quality, and existing or potential degradation.

3. Monitoring reports for mitigation projects specific to vegetative restoration or enhancement shall comply with the following:

a. Monitor for a period of time appropriate to the nature of the project (single-family versus commercial) and the complexity of the mitigation project. The majority of monitoring programs will last a minimum of three years and are to be submitted according to the following schedule:

- (1) At completion of construction of mitigation project (as-built report);
- (2) Thirty days after completion;
- (3) Early in the first growing season after construction;
- (4) End of the first growing season after construction;
- (5) Twice the second year; and
- (6) Annually after the second year.

b. Deviation from this schedule may be allowed based upon project specific conditions.

4. Monitoring reports for mitigation projects whose goals are other than vegetative restoration or enhancement are to be submitted to the Land use administrator for a period of time, and upon a schedule, appropriate for the species or habitat of concern. The specifics of such mitigation projects will be determined on a project by project basis.

C. Carbonado will require a Right of Entry Form, as set forth in CMC 16.05 – Appendix C, be recorded that allows Carbonado staff access to the mitigation area through completion of the monitoring program.

D. Failures in the mitigation project shall be corrected as required by Carbonado, such as, but not limited to:

1. Replace dead or undesirable vegetation with appropriate plantings.
2. Repair damages caused by erosion, settling, or other geomorphological processes.
3. If necessary, redesign mitigation project and implement the new design.

E. Correction procedures shall be approved by the fish or wildlife biologist and the Land use administrator Director or designee.

**16.30.070 – Appendix E  
Wildfire – Defensible Space Guidelines**

**Brush Thinning Guidelines**

Recommended brush thinning varies upon the slope of the ground and the height of the existing vegetation.

Slope of Ground	Recommended Spacing	Example
0 – 20%	2 X the height of the brush	Shrubs that are 3 feet high on average should be thinned to be 6 feet apart.
21 – 40%	4 X the height of the brush	
41% +	6 X the height of the brush	

**Ladder Fuel Separation Guidelines**

The recommended vertical separation distance between shrubs and adjacent trees is 3X the height of the shrub. As an example, if shrubs 6 feet in height are located below a tree, it is recommended that the tree limbs be removed to a height of 18 feet.

Fire Resistant Plants			
Tree	Shrub	Shrub	Ferns
Acer macrophyllum	Acer circinatum	Ribes spp.	Adiantum pedatum
Alnus rubra	Arctostaphylos uva-ursi	Rosa spp.	Athyrium felix-femina
Betula spp.	Amelanchier alnifolia	Sambucus racemosa	Blechnum spicant
Cornus spp.	Cladothamnus pyrolif	Sheperdia Canadensis	Cystopteris fragilis
Fraxinus latifolia	Ceanothus velutinous	Sorbus sitchensis	Dryopteris expansa
Malus spp.	Ceanothus sanguineus	Vaccinium spp.	Gymnocarpium dryopteris
Populus spp.	Cornus stolonifera	Viburnum edule	Polypodium glycyrrhiza
Prunus spp.	Corylus comuta	Rhamnus purshiana	Polystichum munitum
Quercus spp.	Crataegus douglasii	Rhododendron spp.	Thelypteris phegopteris
Salix spp.	Gaultheria shallon	Menziesia ferruginea	
	Gaultheria ovatifolia	Myrica gale	
	Holodiscus discolor	Oemleria cerasiformis	
	Linnaea borealis	Oplopanax horridus	
	Lonicera ciliosa	Pachistima myrsinites	
	Lonicera involucrata	Philadelphus spp.	
	Mahonia spp.		

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## CHAPTER 16.35 AQUIFER RECHARGE AND WELLHEAD PROTECTION AREAS

### Sections:

- 16.35.010 Purpose.**
- 16.35.020 Aquifer Recharge and Wellhead Protection Areas.**
- 16.35.030 Aquifer Recharge and Wellhead Protection Area Review Procedures.**
- 16.35.040 Aquifer Recharge and Wellhead Protection Area Standards.**

### **16.35.010 Purpose.**

The purpose of this Chapter is to protect critical aquifer recharge and wellhead protection areas from degradation or depletion resulting from new or changed land use activities. Due to the exceptional susceptibility and/or vulnerability of groundwater underlying aquifer recharge areas to contamination and the importance of such groundwater as sources of public water supply, it is the intent of this Chapter to safeguard groundwater resources and wellhead protection areas by mitigating or precluding future discharges of contaminants from new land use activities.

### **16.35.020 Aquifer Recharge and Wellhead Protection Areas.**

- A. General. Aquifer recharge and wellhead protection areas are areas that have a critical recharging effect on groundwater used for potable water supplies and/or that demonstrate a high level of susceptibility or vulnerability to groundwater contamination from land use activities.
- B. Aquifer Recharge Areas. The boundaries of the two highest DRASTIC zones that are rated 180 and above on the DRASTIC index range, as identified in Map of Groundwater Pollution Potential, Pierce County, Washington, National Water Well Association, U.S. Environmental Protection Agency.
- C. Wellhead Protection Areas. Wellhead protection areas that lie within the ten-year time-of-travel zone boundary of a group A public water system well, as delineated by the water system purveyor or its designee, pursuant to WAC 246-290-135.

### **16.35.030 Aquifer Recharge and Wellhead Protection Area Review Procedures.**

- A. General Requirements.
  - 1. When Carbonado's critical areas maps or sources, including but not limited to Pierce County maps, indicate that the proposed project area for a regulated activity is located within an aquifer recharge or wellhead protection area, the land use administrator shall require aquifer recharge and wellhead protection area review as set forth in this Chapter.
  - 2. Any regulated activity located within an aquifer recharge or wellhead protection area shall comply with the standards set forth in CMC 16.35.040.
  - 3. Any hazardous uses, as defined in CMC 16.35.040, shall require the submittal of a hydrogeologic assessment, as set forth in CMC 16.35.030 B. below.

4. The land use administrator may waive some of the critical area protective measure provisions contained in CMC 16.05.

B. Hydrogeologic Assessment.

1. The hydrogeologic assessment shall be prepared under the responsible charge of an appropriately licensed geotechnical professional, and signed, sealed, and dated by an appropriately licensed geotechnical professional.

2. The hydrogeologic assessment shall be submitted in the form of a report detailing the subsurface conditions, the design of a proposed land use action, and the facilities operation which indicates the susceptibility and potential for contamination of groundwater supplies. The hydrogeologic assessment shall, at a minimum, include the following:

- a. Information sources;
- b. Geologic setting – Include well logs or borings used to identify information;
- c. Background water quality;
- d. Groundwater elevations;
- e. Location/depth to perched water tables;
- f. Recharge potential of facility site (permeability/transmissivity);
- g. Groundwater flow direction and gradient;
- h. Currently available data on wells located within 1/4 mile of the site;
- i. Currently available data on any spring within 1/4 mile of the site;
- j. Surface water location and recharge potential;
- k. Water source supply to facility (e.g., high capacity well);
- l. Any sampling schedules necessary;
- m. Discussion of the effects of the proposed project on the groundwater resource;
- n. Discussion of potential mitigation measures, should it be determined that the proposed project will have an adverse impact on groundwater resources; and
- o. Any other information as required by the TPCHD, including information required under Washington Department of Ecology Publication 97-30.

3. The TPCHD shall provide written notice to all Group A water systems in whose wellhead protection area the proposed regulated activity lies. The TPCHD shall consider comments received from the water system(s) when reviewing the hydrogeologic assessment.

4. Uses requiring a hydrogeologic assessment may be conditioned or denied based upon the TPCHD’s evaluation of the hydrogeologic assessment. Any project denied a permit based upon the TPCHD’s evaluation of the hydrogeologic assessment shall receive a written explanation of the reason(s) for denial and an explanation of standards required, if any, to comply with these regulations.

C. Storage Tank Permits. In addition to the requirements set forth in this Title, the following agencies also have the authority to regulate the installation, repair, replacement, or removal of underground storage tanks:

1. The Pierce County Fire Prevention Bureau regulates and authorizes permits for underground storage tanks, pursuant to the Uniform Fire Code (Article 79) and this Chapter.

2. The Washington Department of Ecology regulates and authorizes permits for underground storage tanks (WAC 173-360).

3. The TPCHD regulates and authorizes permits for the removal of underground storage tanks (Chapter 8.34 CMC).

**16.35.040 Aquifer Recharge and Wellhead Protection Area Standards.**

A. General. All regulated activities that are not exempt, prohibited, or otherwise excluded in the following standards under the provisions of this Chapter shall ensure sufficient groundwater recharge. In order to achieve sufficient groundwater recharge the applicant shall either comply with the impervious surface limitations set forth in Table 16.35.040-A or demonstrate that the volume of water infiltrated at the proposed project area will be the same or greater amount for post-development as the pre-development volume.

<b>Table 16.35.040-A Aquifer Recharge Area Impervious Surface Limitations</b>	
<b>Comprehensive Plan Land Use Designation</b>	<b>Maximum Impervious Surface Coverage<sup>1</sup></b>
Residential Low Density	40%
Residential Medium Density	40%
Commercial/Mixed Use	75%
Parks and Open Space	30%
Community Facilities	60%

(1) The maximum impervious surface coverage is calculated for the total amount of impervious surface per each individual site. The percentage for maximum total impervious

surface per lot or site may be exceeded if the applicant can demonstrate that the effective impervious surface on the site is less than or equal to what is allowed for the total impervious surface.

B. Prohibited Uses. Landfills (other than inert and demolition landfills), underground injection wells (Class I, III, and IV), metals mining, wood treatment facilities, pesticide manufacturing, petroleum refining facilities (including distilled petroleum facilities), and the storage of more than 70,000 gallons of liquid petroleum or other hazardous products are prohibited within aquifer recharge and wellhead protection areas.

C. Agricultural Activities. New agricultural activities that do not involve hazardous substance handling or application are allowed within an aquifer recharge or wellhead protection area subject to the following:

1. The applicant is required to submit a farm management plan prepared by the USDA, NRCS, Pierce County Conservation District, or Washington State University, Cooperative Extension Office that certifies that water quality and quantity within the aquifer recharge area is maintained. The farm management plan shall at a minimum address the following:

- a. The limits of the proposed agricultural activities.
- b. The proposed scope of agricultural activities, including the use of any pesticides, fertilizers, or other chemicals.
- c. The existing nitrate levels on the site and any proposed increases in nitrate levels.

2. Integrated Pest Management (IPM) practices for pest control and Best Management Practices (BMPs) for the use of fertilizers, as described by the Washington State University, Pierce County Cooperative Extension Office shall be utilized.

3. Nitrate levels at down-gradient property line shall not exceed 2.5 mg/L or, if the background nitrate concentration exceeds 2.5 mg/L, that the concentration will not be increased more than 0.1 mg/L.

4. Additional protective measures may be required if deemed necessary by the Department or TPCHD to protect public health or safety.

D. Non-Hazardous Uses. Subdivision of land as defined in Title 17 CMC, residential structures housing three or more units and all commercial and industrial sites or activities that do not include or involve hazardous substance processing or handling in an aquifer recharge and/or wellhead protection area are allowed subject to the following standards:

1. Stormwater treatment and control shall be provided in conformance with the Carbonado Stormwater Management and Site Development Manual.

2. Floor drains shall not be allowed to drain to the stormwater system and must be designed and installed to meet the Uniform Plumbing Code (UPC) Section 303.

3. If any roof venting carries contaminants, then the portion of the roof draining this area must go through pretreatment pursuant to UPC Section 304(b).
4. All vehicle washing done somewhere other than at a residence must be self-contained or be discharged to a sanitary sewer system, if approved by the sewer utility, and is subject to UPC Sections 708 and 711.
5. Integrated Pest Management (IPM) practices for pest control and Best Management Practices (BMPs) for the use of fertilizers as described by the Washington State University. Pierce County Cooperative Extension Office shall be utilized.
6. For new or changes in regulated activities served by on-site sewage systems, the applicant must demonstrate to the TPCHD that nitrate levels at the down-gradient property line will not exceed 2.5 mg/L or that, if the background nitrate concentration exceeds 2.5 mg/L, the concentration will not be increased more than 0.1 mg/L.
7. Additional protective measures may be required if deemed necessary by the TPCHD to protect public health or safety.

E. Hazardous Uses – General. Hazardous substance processing or handling, hazardous waste treatment and storage facilities, animal containment areas, and solid waste facilities that require a Solid Waste Handling Permit from the TPCHD shall be allowed only in an aquifer recharge and/or wellhead protection area subject to review and approval of a hydrogeologic assessment by the TPCHD. For this Chapter, natural gas distribution systems are exempted. The TPCHD has the authority to apply whatever standards deemed necessary to mitigate any negative impacts that may be associated with the proposed development. At a minimum, the activity must employ AKART (all known, available, and reasonable treatment) to protect ground water quality.

F. Hazardous Uses – Storage Tanks. In addition to the requirement to submit a hydrogeologic assessment, the following standards apply to storage tanks in an aquifer recharge and/or wellhead protection area:

1. Underground Tanks. All new underground storage facilities used or to be used for the underground storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:
  - a. Prevent releases due to corrosion or structural failure for the operational life of the tank;
  - b. Be protected against corrosion, constructed of non-corrosive material, steel clad with a noncorrosive material, or designed to include a secondary containment system to prevent the release or threatened release of any stored substance; and
  - c. Use material in the construction or lining of the tank which is compatible with the substance to be stored.

d. The installation of underground storage tanks shall also be subject to other state and local permit requirements.

2. Aboveground Tanks.

a. No new aboveground storage facility or part thereof shall be fabricated, constructed, installed, used, or maintained in any manner which may allow the release of a hazardous substance to the ground, groundwater, or surface waters of Pierce County within an aquifer recharge area.

b. A new above tank that will contain a hazardous substance will require both a double walled tank and a secondary containment system separate from the tank that will hold 110 percent of the tank's capacity. The secondary containment system or dike system must be designed and constructed to contain material stored in the tank(s).

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## CHAPTER 16.40 VOLCANIC HAZARD AREAS

### Sections:

- 16.40.010 Purpose.**
- 16.40.020 Volcanic Hazard Areas.**
- 16.40.030 Volcanic Hazard Area Map.**
- 16.40.040 Volcanic Hazard Area Standards.**

### **16.40.010 Purpose.**

Mount Rainier is a short drive from Carbonado. This volcano is capable of spewing ash from pyroclastic eruptions, and generating large volumes of lahars and floods which may affect Carbonado. The purpose of this Chapter is to promote the public health, safety, and general welfare of the citizens of Carbonado by providing standards that minimize the loss of life that may occur as a result of volcanic events emanating from Mount Rainier.

### **16.40.020 Volcanic Hazard Areas.**

A. General. Volcanic hazard areas are areas subject to pyroclastic flows, lava flows, and inundation by lahars, debris flows, or related flooding resulting from geologic and volcanic events on Mount Rainier.

B. Volcanic Hazard Area Categories. Volcanic hazard areas are those areas that, in the recent geologic past, have been inundated by a Case I, Case II, or Case III lahars or other types of debris flow, or have been affected by pyroclastic flows, pyroclastic surges, lava flows, or ballistic projectiles. Volcanic hazard areas also include areas that have not been affected recently, but could be affected by future such events. Volcanic hazard areas are classified into the following categories:

1. Inundation Zone for Case I Lahars. Areas that could be affected by cohesive lahars that originate as enormous avalanches of weak chemically altered rock from the volcano. Case I lahars can occur with or without eruptive activity. The average reoccurrence rate for Case I lahars on Mount Rainier is about 500 to 1,000 years.
2. Inundation Zone for Case II Lahars. Areas that could be affected by relatively large non-cohesive lahars, which most commonly are caused by the melting of snow and glacier ice by hot rock fragments during an eruption, but which can also have a non-eruptive origin. The average time interval between Case II lahars from Mount Rainier is near the lower end of the 100 to 500 year range, making these flows analogous to the so-called "100-year flood" commonly considered in engineering practice.
3. Inundation Zone for Case III Lahars. Areas that could be affected by moderately large debris avalanches or small non-cohesive lahars, glacial outburst floods, or other types of debris flow, all of non-eruptive origin. The average time interval between Case III lahars at Mount Rainier is about 1 to 100 years.
4. Pyroclastic-Flow Hazard Zone. Areas that could be affected by pyroclastic flows, pyroclastic surges, lava flows, and ballistic projectiles in future eruptions. During any single eruption, some drainages may be unaffected by any of these



phenomena, while other drainages are affected by some or all phenomena. The average time interval between eruptions of Mount Rainier is about 100 to 1,000 years.

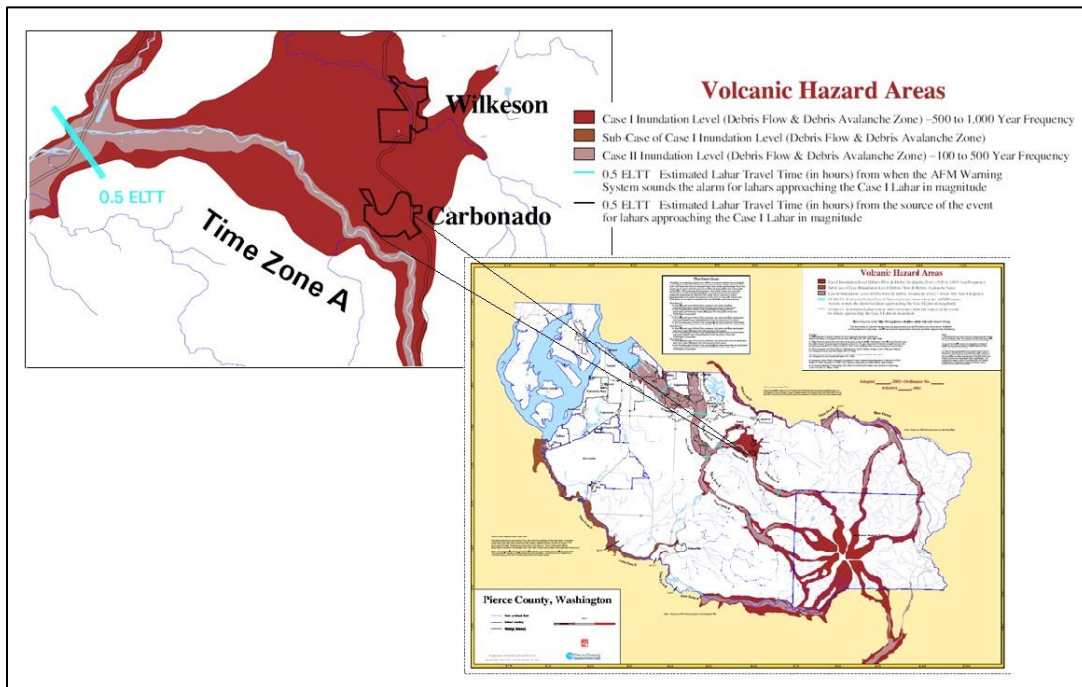
C. Travel Time Zones. The ability to evacuate people from within a volcanic hazard area correlates to the distance from the source of an event (i.e., those areas closest to the event will have less time to evacuate than those areas farther away from the source of an event) and the amount of time for evacuation from the public notification (via a warning alarm system) that a lahar event has occurred. The amount of time that is anticipated for a debris flow, lahar, flood, or avalanche (estimated at 100,000,000 cubic feet of volume) to travel from either the source of the event or the point where the AFM alarm is sounded is classified into Time Zones.

Carbonado is within Travel Time Zone A on the Carbon River system within an estimated one-half hour travel distance from the point where the AFM alarm is sounded.

**16.40.030 Volcanic Hazard Area Map.**

The Pierce County Critical Areas Atlas-Volcanic Hazard Area Map provides an indication of where volcanic hazard areas are located within the County. As indicated on the following map, Carbonado is within Travel Time Zone A for both Case I and II Inundation Level events. Evacuation time limits in the circumstance of a Case I or Case II event are on the order of 30 minutes from the time the AFM alarm sounds. Case I events are in deep red on the map below. Case II events are shown in purple on the map below.

**Figure 16.40.030 –A Volcanic Hazards Map**



**16.40.040 Volcanic Hazard Area Standards.**

The following standards apply:

- A. Special occupancy structures, as defined in Chapter 18.10 CMC shall be limited to a maximum 100 person occupancy.
- B. Covered assemblies, as defined in Chapter 18.10 CMC shall be limited a maximum 400 person occupancy.

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## CHAPTER 16.45 LANDSLIDE HAZARD AREAS

### Sections:

- 16.45.010 Purpose.**
- 16.45.020 Landslide Hazard Areas.**
- 16.45.030 Landslide Hazard Area Review Procedures.**
- 16.45.040 Landslide Hazard Area Standards.**
- 16.45.050 Buffer Requirements.**
- 16.45.060 Appendices.**
  - A. Geological Assessment-Landslide Hazard Geotechnical Letter.**
  - B. Geological Assessment-Landslide Hazard Geotechnical Evaluation.**
  - C. Geological Assessment-Landslide Hazard Geotechnical Report.**

### **16.45.010 Purpose.**

The following statements describe the purpose of this Chapter:

- A. Protect human life and health.
- B. Regulate uses of land in order to avoid damage to structures and property being developed and damage to neighboring land and structures.
- C. Identify and map active landslide hazard areas.
- D. Minimize the ill effects on wetlands and critical fish and wildlife habitat that can result from landslides.
- E. Establish a permit requirement and review procedures for development proposals in areas with potential landslides.

### **16.45.020 Landslide Hazard Areas.**

- A. Landslide Hazard Areas Indicators. Landslide hazard areas are areas potentially subject to mass movement due to a combination of geologic, seismic, topographic, hydrologic, or manmade factors. Landslide hazard areas can be identified by the presence of any of the following indicators:
  - 1. Areas of historic failures, including areas of unstable, old and recent landslides or landslide debris within a head scarp.
  - 2. Areas with active bluff retreat that exhibit continuing sloughing or calving of bluff sediments, resulting in a vertical or steep bluff face with little or no vegetation.
  - 3. Areas with both of the following characteristics:
    - a. Slopes steeper than 20 percent with a vertical relief of 20 feet or more; and

- b. Hillsides that intersect geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock.
4. Slopes that are parallel or sub-parallel to planes of weakness, such as bedding planes, joint systems, and fault planes in subsurface materials.
5. Areas exhibiting geomorphological features indicative of past slope failure, such as hummocky ground, back-rotated benches on slopes, etc.
6. Areas with tension cracks or ground fractures along and/or near the edge of the top of a bluff or ravine.
7. Areas with structures that exhibit structural damage such as settling and cracking of building foundations or separation of steps or porch from a main structure that is located near the edge of a bluff or ravine.
8. The occurrence of toppling, leaning, bowed, or jackstrawed trees that are caused by disruption of ground surface by active movement.
9. Areas with slopes containing soft or liquifiable soils.
10. Areas where gullying and surface erosion have caused dissection of the bluff edge or slope face as a result of drainage or discharge from pipes, culverts, ditches, and natural drainage courses.
11. Areas where seeps or springs or indicators (e.g., vegetation type) of a shallow groundwater table are observed on or adjacent to the face of the slope.
12. Any area with a slope of 40 percent or steeper and with a vertical relief of 15 or more feet, except those manmade slopes created under the design and inspection of a geotechnical professional or slopes composed of competent bedrock. For the purposes of determining whether a slope is considered to be a landslide hazard area, the horizontal and vertical distance between the top and toe of slope are utilized.
13. Areas that are at risk of mass movement due to seismic events.
14. Areas that include alluvial or colluvial fans located at the base of steep slopes and drainages.

B. Potential Landslide Hazard Areas. Potential landslide hazard areas, as depicted on the Carbonado Comprehensive Plan Hazard Areas Map, are those areas where the suspected risk of slope instability and landslide is sufficient to require a geological assessment to assess the potential for active landslide activity. Potential landslide hazard areas are determined using the following criteria:

1. Areas identified on the Carbonado or Pierce County topographic maps as having slopes greater than 20 percent with a vertical relief of greater than 20 feet and any adjacent areas within a distance of 65 feet.

2. Areas that possess one or more of the landslide hazard area indicators (stratigraphy, groundwater conditions, etc.) as set forth in CMC 16.45.020 A. and any adjacent area within a distance of 65 feet.

3. Areas identified on the Carbonado or Pierce County topographic maps as having slopes greater than 50 percent with a vertical relief of greater than 100 feet and any adjacent areas within a distance of 300 feet.

C. **Landslide Hazard Area Categories.** Landslide hazard areas shall be classified into categories which reflect each landslide hazard areas past landslide activity and the potential for future landslide activity based on an analysis of slope instability. Landslide hazard areas shall be designated as follows:

1. **Active Landslide Areas.** A composite of the active landslides and/or unstable areas, including that portion of the top of slope and slope face subject to failure and sliding as well as toe of slope areas subject to impact from down slope run-out, identified and mapped during a geological assessment of a site. An active landslide hazard area exhibits one or more of the following:

a. Areas of historical landslide movement on a site which have occurred in the past century.

b. Unstable areas that exhibit geological and geomorphologic evidence of past slope instability or landsliding or possess geological indicators (stratigraphy, ground water conditions, etc.), as set forth in 16.45.020 A., that have been determined through a geological assessment process to be presently failing or may be subject to future landslide activity. The impact of the proposed development activities must be considered in defining the extent of the active areas.

c. Interim areas are located between areas identified through the geological assessment process as an active landslide hazard area. Interim areas will be considered part of the active landslide hazard area if the required top of slope or toe of slope landslide hazard area buffer encompasses the area.

2. **Stable Areas.** Areas that have been identified as potential landslide hazard areas, but, through the geological assessment process, meet one of the following conditions:

a. No indicators as set forth in CMC 16.45.020 A. actually exist that indicate the potential for future landslide activity to occur.

b. A slope stability analysis has indicated that there is no apparent landslide potential.

c. Adequate engineering or structural measures have been provided in a geological assessment – geotechnical report that mitigates the potential for a future landslide to occur as a result of current or past development activity. The engineering or structural measures must provide a minimum factor of safety of 1.5 static conditions and 1.1 for dynamic conditions.

Analysis of dynamic (seismic) conditions shall be based on a minimum horizontal acceleration as established by the current version of the Carbonado Building Code. The engineering or structural measures must be completed, inspected and accepted for the area to be deemed stable. Construction sequencing recommendations must be provided by the geotechnical professional when a proposed development will be constructed concurrently with the engineering or structural measures.

d. A geological assessment has been performed and the results of that assessment indicate that an area is not an active landslide hazard area.

e. Areas that have been determined to be stable or are converted into a stable area by the implementation of engineering or structural measures are not considered a landslide hazard critical area.

### **16.45.030 Landslide Hazard Area Review Procedures.**

#### **A. General Requirements.**

1. The Carbonado Comprehensive Plan Critical Areas maps provide an indication of where active and potential landslide hazard areas are located within the town. The actual presence or location of an active landslide hazard area and/or additional potential landslide hazard areas that have not been mapped, but may be present on or adjacent to a site, shall be evaluated using the geological assessment procedures established in this Chapter.

2. The land use administrator will complete a review of the Critical Areas Landslide Hazard Area Map and other source documents for any proposed regulated activity to evaluate whether the site is or may be located within an active or potential landslide hazard area. Identification of an active or potential landslide hazard area may also occur as a result of field investigations.

3. When the town's maps or sources indicate that the site for a proposed regulated activity is or may be located within an active or potential landslide hazard area, the Department shall require the submittal of a geological assessment as outlined in 16.45.030 B. below.

4. Unless otherwise stated in this Chapter, the critical area protective measure provisions contained in CMC 16.05 shall apply.

**B. Geological Assessment.** A geological assessment is a site investigation process to evaluate the on-site geology affecting a subject property.

1. Geological assessments shall be submitted to the land use administrator for review and approval together with a landslide hazard area application and associated fee.

2. A geological assessment shall include a field investigation and may include the use of historical air photo analysis, review of public records and documentation, and interviews with adjacent property owners, etc.

3. The geological assessment shall include the following information and analysis:
  - a. An evaluation of which areas on the site or within the vicinity of the site meet the criteria for an active landslide hazard area and stable area as set forth in CMC 16.45.020 C.1. and 2.
  - b. Consider the run-out hazard of landslide debris to the proposed development that starts upslope (whether part of the subject property or on a neighboring property) and/or the impacts of landslide run-out on down slope properties.
  - c. The geological assessment shall include a detailed review of the field investigations, published data and references, data and conclusions from past geological assessments, or geotechnical investigations of the site, site-specific measurements, tests, investigations, or studies, as well as the methods of data analysis and calculations that support the results, conclusions, and recommendations.
4. Geological assessments shall be prepared under the responsible charge of an appropriately licensed geotechnical professional(s), and signed, sealed and dated by the geotechnical professional(s) (as defined in CMC 16.10 and established in this Chapter) and the format shall be pre-approved by the Department.
5. A field investigation and geological assessment shall be completed under the responsible charge of an appropriately licensed geotechnical professional(s) to evaluate whether or not an active landslide hazard area exists within 300 feet of the site.
  - a. The geological assessment shall be submitted in the form of a geotechnical letter when the geotechnical professional finds that no active landslide hazard area exists within 300 feet of the site. The geotechnical letter shall meet the requirements contained in 16.45.060 – Appendix A.
  - b. The geological assessment shall be submitted in the form of geotechnical evaluation when the geotechnical professional finds that an active landslide hazard area exists, but is located more than 300 feet away from the proposed project area. The geotechnical evaluation shall meet the requirements contained in 16.45.060 – Appendix B.
  - c. The geological assessment shall be submitted in the form of a geotechnical report when the geotechnical professional finds that an active landslide hazard area exists within 300 feet of the proposed project area or when a geotechnical professional indicates that mitigation measures are necessary in order to construct or develop within a potential landslide hazard area. The geotechnical report shall meet the requirements contained in 16.45.060 – Appendix C.
6. Geological assessments that do not contain the minimum required information or comply with the landslide hazard area standards set forth in 16.45.040 will be returned to the geotechnical professional for revision.



7. The land use administrator shall review the geological assessment and either:
  - a. Accept the geological assessment; or
  - b. Reject the geological assessment and require revisions or additional information.
8. When the geological assessment has been accepted, the land use administrator shall issue a decision on the landslide hazard area application.
9. A geological assessment for a specific site may be valid for a period of up to five years when the proposed land use activity and site conditions affecting the site are unchanged. However, if any surface and subsurface conditions associated with the site change during that five-year period, the applicant may be required to submit an amendment to the geological assessment.

**16.45.040 Landslide and Erosion Hazard Area Standards.**

A. Active Landslide Hazard Areas. Any development, encroachment, filling, clearing or grading, building structures, impervious surfaces, and vegetation removal shall be prohibited within active landslide hazard areas and associated buffers except as specified in the following standards:

1. Stormwater Conveyance. Stormwater conveyance shall be allowed when it is conveyed through a high-density polyethylene stormwater pipe with fuse-welded joints and when no other stormwater conveyance alternative is available. The pipe shall be located on the surface of the ground and be properly anchored so that it will continue to function in the event of an underlying slide.
2. Utility Lines. Utility lines will be permitted when no other conveyance alternative is available. The line shall be located above ground and properly anchored and/or designed so that it will continue to function in the event of an underlying slide. Utility lines may be permitted when it can be shown that no other route alternative is available. It must be demonstrated by the applicant that a utility line within a landslide hazard area has been designed in a manner that: does not impact the stability of the slope, minimizes or eliminates the potential for rupture or failure, and assures that in the event of failure there will not be a life/safety risk. Appropriate design features such as above ground installation, restrained joint ductile pipe, welded steel pipe, pile supports, the use of high density polyethylene pipe with fuse welded joints, increased wall thickness, special coating, or other measures shall be employed. Automatic shutoff valves shall be provided on fluid or gas transmission lines.
3. Trails. Trails shall be allowed when all of the following conditions have been met:
  - a. The removal or disturbance of vegetation, clearing or grading shall be prohibited during the wet season (November 1 to May 1).

b. The proposed trail shall not decrease the existing factor of safety within the active landslide hazard area, or any required buffer.

c. The proposed trail shall not create the need for larger landslide hazard area buffers and setbacks on neighboring properties unless approved through a notarized written and recorded agreement with the affected property owners.

d. The proposed trail cannot be located outside the active landslide hazard area or its associated buffer due to topographic constraints of the parcel or size and/or location of the parcel in relation to the limits of the active landslide hazard area and /or its associated buffer.

e. The proposed trail is for non-vehicular use only, and is a maximum of 4 feet in width.

f. Trails shall not be sited within active landslide hazards or their associated buffers when there is such a high risk of landslide activity that the use of the trail would be hazardous.

g. Trails shall be designed and constructed using an engineered drainage system or other methods to prevent the trail surface from becoming a drainage course.

4. Lots may be created that contain an active landslide hazard area as long as the lot is designed in such a way that future development of the lot will not impact the active landslide hazard area or its associated buffer. The created lot(s) shall be designed in such a manner that a sufficient buildable area is provided after all setbacks, pertinent critical area standards, critical area protection measures, and other town regulations are applied.

B. Landslide Hazard Management Areas. All regulated activities may be allowed in areas located within 300 feet of an active landslide hazard area subject to the following standards:

1. The land use administrator reviews and approves a Geological Assessment – geotechnical report and the Department’s evaluation indicates that the potential landslide hazard area is stable.

2. The proposed development is located outside of an active landslide hazard area and any required buffer, as set forth in 16.45.050.

3. The proposed recommendations and mitigation measures contained within the geotechnical report are adequate to reduce or mitigate risks to health and safety.

4. The proposed development shall not cause a decrease in the existing factor of safety within the neighboring active landslide hazard areas or associated buffers. The proposed development shall not decrease the factor of safety within the Landslide Hazard Management area below the limits of 1.5 for static conditions and 1.2 for dynamic conditions. Analysis of dynamic (seismic) conditions shall be

based on a minimum horizontal acceleration as established by the current version of the Washington State Building Code.

5. The removal and disturbance of vegetation, clearing or grading shall be limited to the area of the approved development and shall not be allowed during the wet season (November 1 through May 1) unless adequate provisions for wet season erosion have been addressed in the Geotechnical Report and approved by the Department.

6. Surface drainage from developed areas, including downspouts and runoff from paved or unpaved surfaces up slope, shall not be directed through an active landslide hazard area or its associated buffer unless it is conveyed in conformance with the provisions in 16.45.040 A.1. above.

7. Stormwater retention facilities, including infiltration systems utilizing perforated pipe, are prohibited unless the slope stability impacts of such systems have been analyzed and mitigated by a geotechnical professional and appropriate analysis indicates that the impacts are negligible.

8. The proposed development shall not create a need for larger landslide hazard area buffers and setbacks on neighboring properties unless approved through a notarized written agreement with the affected property owner(s).

9. The proposed development shall be sited far enough from regressing slope faces to ensure 120 years of useful life for the proposed structure(s) or infrastructure.

10. Lots may be created that are located within or contain a landslide hazard management area as long as the lot is designed in such a way that future development of the lot will not impact the active landslide hazard area or its associated buffer. The created lot shall contain a sufficient buildable area after all setbacks, pertinent critical area standards, critical area protection measures, and other County regulations are applied.

11. Sites that are directly adjacent to any riparian area, wetlands, tidal marshes, and estuaries may be subject to additional buffer requirements and standards as set forth in Chapter 16.30 CMC, Fish and Wildlife Habitat Areas, or wetlands as set forth in Chapter 16.20 CMC, Wetlands.

#### **16.45.050 Buffer Requirements.**

##### **A. Determining Buffer Widths.**

1. The buffer width shall be measured on a horizontal plane from a perpendicular line established at the edge of the active landslide hazard area limits (both from the top and toe of the slope).

2. A buffer of undisturbed vegetation shall be required for an active landslide hazard area. The required buffer width is the greater amount of the following distances:

- a. Fifty feet from all edges of the active landslide hazard area limits;
- b. A distance of one-third the height of the slope if the regulated activity is at the top of the active landslide hazard area and a distance of one-half the height of the slope if the regulated activity is at the bottom of an active landslide hazard area, or the distance recommended by the geotechnical professional.

B. **Modification of Buffer Widths.** The land use administrator may require a larger buffer width than the buffer distance, as determined in A. above, if any of the following are identified:

1. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts.
2. The area has a severe risk of slope failure or downslope stormwater drainage impacts.

#### **16.45.060 Appendices**

- A. Geological Assessment-Landslide Hazard Geotechnical Letter.
- B. Geological Assessment-Landslide Hazard Geotechnical Evaluation.
- C. Geological Assessment-Landslide Hazard Geotechnical Report.

#### **16.45.060 – Appendix A**

##### **Geological Assessment – Landslide Hazard Geotechnical Letter**

- A. A geotechnical letter shall include the following:
  1. The letter shall be labeled identifying the submittal as a "Landslide Hazard Geotechnical Letter."
  2. The dates when the geological assessment was performed. The date when the letter was prepared.
  3. The parcel number(s) of the site.
  4. Site address, if one has been assigned by the County.
  5. A brief description of the project (including the proposed land use) and a description of the area to be developed.
  6. A paragraph that states the following specific language:

"The services described in this letter were prepared under the responsible charge of (Individual's Name). (Individual's Name) meets the qualifications contained in Title 16, Section 16.45.030 to prepare a landslide hazard geological assessment. (Individual's Name) understands the requirements of the current Landslide Hazard Area Chapter 16.45 and the definitions of the applicable terms contained within Chapter 16.10. (Individual's Name) or someone under his/her responsible charge

has performed a landslide hazard geological assessment, conducted a field investigation, and researched historic records on or in the vicinity of the above referenced site. In my opinion, the scope of services completed for this project is adequate to meet the requirements of the Department and it does not appear that an active landslide hazard area exists within 300 feet of the site."

7. The name, mailing address, and telephone number of geotechnical professional who performed the geological assessment and prepared the letter.

8. The name, mailing address, and telephone number of the property owner.

B. The geotechnical letter shall be prepared under the responsible charge of an appropriately licensed geotechnical professional(s) and be signed, sealed and dated by the geotechnical professional(s).

C. Geotechnical letters shall be in conformance with a format that is pre-approved by the Department.

**16.45.060 – Appendix B Geological Assessment – Landslide Hazard Geotechnical Evaluation**

A. A Geotechnical evaluation shall include the following:

1. The first page of the document shall be labeled identifying the submittal as a "Landslide Hazard Geotechnical Evaluation."

2. The dates when the geological assessment was performed. The date when the verification document was prepared.

3. The parcel number(s) of the site.

4. Site address, if one has been assigned by the town.

5. A detailed description of the project (including the proposed land use) and a description of the area to be developed.

6. A description of the surface and subsurface geology, hydrology, soils, and vegetation at the site and a list of the landslide hazard area indicators, as set forth in CMC 16.45.020 A., that were found on or in the vicinity of the site.

7. A summary of the results, conclusions, and recommendations resulting from the geological assessment of the landslide hazards on or in the vicinity of the site. This summary shall address all of the information required in CMC 16.45.030 B.

8. An accurate site plan drawn at a scale of 1" = 20', 1" = 30', 1" = 50' (or other scale deemed appropriate by the land use administrator) is required. The land use administrator may require that the site plan information listed below be based on a field survey by a licensed surveyor. The site plan shall include:

a. The limits/location of the active landslide hazard area(s) set forth in CMC 16.45.020 C.1.

- b. The limits/location of the required landslide hazard buffer based upon the requirements set forth in CMC 16.45.050 A.
- c. The location of any existing and proposed structures, utilities, on-site septic systems, wells, and stormwater management facilities.
- d. The full geographical limits of the proposed project area (area to be developed).
- e. Dimension the closest distance between the identified active landslide hazard area boundary and the project area.
- f. Existing topography on the site presented in 2-foot contours.
- g. Property lines for the site.
- h. North arrow and plan scale.

9. A paragraph that states the following specific language:

"The services described in this evaluation were prepared under the responsible charge of (Individual's Name). (Individual's Name) meets the qualifications contained in Title 16, Section 16.45.030 to prepare a landslide hazard geological assessment. (Individual's Name) understands the requirements of the current Landslide Hazard Area Chapter 16.45 and the definitions of the applicable terms contained within Chapter 16.10. (Individual's Name) or someone under his/her responsible charge has performed a landslide hazard geological assessment, conducted a field investigation, and researched historic records on or in the vicinity of the above referenced site. In my opinion, the scope of services completed for this project is adequate to meet the requirements of the Town of Carbonado Municipal Code and it does not appear that an active landslide hazard area exists within 300 feet of the proposed project area."

10. The name, mailing address, and telephone number of geotechnical professional who performed the geological assessment and prepared the geotechnical evaluation document.

11. The name, mailing address, and telephone number of the property owner.

B. The geotechnical evaluation shall be prepared under the responsible charge of an appropriately licensed geotechnical professional(s) and be signed, sealed and dated by the geotechnical professional(s) and the format shall be pre-approved by the land use administrator.

C. Geotechnical evaluation documents shall be in conformance with a format that is pre-approved by the land use administrator.

**16.45.060 – Appendix C  
Geological Assessment – Landslide Hazard Geotechnical Report**

- A. At a minimum, a geotechnical report shall include the following:
1. The first page of the document shall clearly identify the submittal as a "Landslide Hazard Geotechnical Report."
  2. The dates when the geological assessment was performed. The date when the geotechnical report was prepared.
  3. The parcel number(s) of the site.
  4. Site address if one has been assigned by the town.
  5. A detailed description of the project (including the proposed land use) and a description of the area to be developed.
  6. A description of the surface and subsurface geology, hydrology, soils, and vegetation of the site and a list of the landslide hazard area indicators, as set forth in CMC 16.45.020 A., that were found on or in the vicinity of the site.
  7. A summary of the results, conclusions, and recommendations resulting from the geological assessment of the landslide hazards on or in the vicinity of the site. This summary shall address all of the information required in CMC 16.45.030 B.
  8. An accurate site plan drawn at a scale of 1" = 20', 1" = 30', 1" = 50' (or other scale deemed appropriate by the land use administrator) is required. The land use administrator may require that the site plan information listed below be based on a field survey by a licensed surveyor. The site plan shall include:
    - a. The limits/location of the active landslide hazard area(s) set forth in CMC 16.45.020 C.1. Delineation of the active landslide hazard area limits shall differentiate between areas of historic landslide activity and adjacent unstable areas.
    - b. The limits/location of the required landslide hazard buffer based upon the requirements set forth in CMC 16.45.050 A.
    - c. The limits/location of any potential landslide hazard areas that have been designated as stable areas in accordance with CMC 16.45.020 C.2.c.
    - d. The location of any existing and proposed structures, utilities, on-site septic systems, wells, and stormwater management facilities.
    - e. The full geographical limits of the proposed project area (area to be developed).
    - f. Location and unique identifier of geotechnical borings, CPT soundings, or other surveys or explorations used to characterize subsurface conditions.

- g. Extent of cross-section(s) used to evaluate the three-dimensional subsurface geologic and groundwater conditions at the site.
- h. Extent of cross-section(s) used in the evaluation of slope instability.
- i. Existing topography on the site presented in 2-foot contours.
- j. Property lines for the site.
- k. North arrow and plan scale.

9. Subsurface characterization data must be provided. The data shall be based on both existing and new information that may include soil borings (SPT or other appropriate driven sample collection methods), test pits, geophysical surveys, or other appropriate subsurface exploration methods, development of site-specific soil and/or rock stratigraphy, and measurement of groundwater levels including variability resulting from seasonal changes, alterations to the site, etc.

a. Conventional geotechnical boring data shall be reported as a graphic log utilizing the following standards:

(1) The vertical scale of the graphic log shall be such that 5 feet of drilled depth is scaled to range of 1" to 2" (1:60- or 1:30-scale), and shall include vertical columns that record depth in 1 foot increments, SPT value or equivalent value, and incremental blow counts, a graphic pattern representation of the soil type encountered during drilling, and sample descriptions and other comments regarding drilling.

(2) The graphic log shall have a header on the first page that includes a unique identifier for the boring, the times and dates of the start and completion of drilling, the manufacturer and model of the drilling rig, the company name of the drilling contractor, the name(s) of the site geologist(s) or engineer(s) overseeing the drilling activities, the details of the method used to advance the borehole (e.g., 4" i.d. hollow-stem auger), and the type of drilling fluid used to stabilize the borehole. In addition, the boring data/graphic log shall include an indication that the SPT was completed in accordance with applicable ASTM standards or other appropriate driven sample collection methods, which are specified, completed in general accordance with applicable ASTM standards. This information shall include a description of the sampler, hammer weight, drop height, the type of hammer used to drive the sampler performing the STP, number of turns of rope if a cathead is used to raise the hammer, condition of rope (i.e., new, used, frayed, oily, etc.), and the depth of static groundwater measured immediately prior to abandonment of the boring and the time and date of this measurement.



(3) All subsequent pages of the graphic log shall have the unique identifier for the boring, the times and dates of the start and completion of drilling, and the number of the page and the total number of pages comprising the log.

(4) Each SPT value or equivalent value will be reported in the appropriate column showing the blow counts recorded at each 6" interval, and the sum of the blow counts between penetration distances of 6" to 18," unless refusal conditions (50 or more blows with less than 6" of sampler penetration) are met anywhere in this interval. At refusal, the blow count shall be recorded as the number of blows with the corresponding sampler penetration, in inches.

(5) SPT tests or other sample collection methods shall be performed every 5 feet during drilling, at a minimum.

(6) The soil sample descriptions will include the total length of the recovered sample, the soil color, odor, the density or consistency (loose to very dense, very soft to very stiff), degree of water saturation (dry, moist, wet, saturated), and dilatancy. For granular (sand and gravel) soils, the description shall include a physical description of the soil sample, including size distribution (poorly or well graded), angularity, composition, amount and plasticity of the fines fraction. For fine soils (silt and clay), the description shall include a qualitative estimate of the proportion of the silt and clay size particles (e.g., silty clay, clay with some silt, etc.), plasticity, and amount and type of organic material. The sample description shall include a description of any bedding, laminations, slickensides, or other textural or deposition features, including contact between dissimilar soil types. The sample description shall also include a field classification of the soil sample using the Unified Soil Classification System where the classification is expressed in lower case letters (e.g., sp, ml, etc.). The sample classification shall be expressed in upper case letters (e.g., SP, ML, etc.) where subsequent laboratory testing has been performed. This column of the graphic log will also include any other information relevant to the subsurface investigation, such as loss of drilling fluid, heaving, churning of the drill in gravelly soils, etc.

b. CPT sounding data shall be reported as a graphic log utilizing the following standards:

(1) The vertical scale of the graphic log shall be such that 5 feet of penetrated depth is scaled to range of 1" to 2" (1:60- or 1:30-scale), and shall include vertical columns that record depth in 1 foot increments.

(2) The graphic log shall have a header on the first page that includes a unique identifier for the boring, the times and dates of

the start and completion of the CPT sounding, the manufacturer and model of the CPT system, the company name of the CPT service contractor, the name(s) of the site geologist(s) or engineer(s) overseeing the CPT sounding, and any comments regarding the conduct of the testing, reaction of the CPT system during sounding, etc.

(3) All subsequent pages of the graphic log shall have the unique identifier for the boring, the times and dates of the start and completion of drilling, and the number of the page and the total number of pages comprising the log.

(4) The graphic log shall display, at a minimum, a continuous depth plot of the uncorrected tip resistance, the friction (sleeve) resistance, the friction ratio, and the measured pore pressure with an overlay of the calculated hydrostatic pore pressure. These curves shall be plotted so as to show the full variation of the measured quantities within the depth range of the sounding, and each curve shall have a visible scale with the minimum and maximum ranges labeled.

(5) All of the CPT data recorded for each sounding shall also be provided in either electronic or hardcopy format. Electronic data will be presented in an ASCII text file format.

c. Geotechnical borings or CPT soundings will be advanced to a depth sufficient to characterize geologic conditions the existing or potential landslide mass.

d. Other methods used for subsurface characterization shall be assigned a unique identifier, and the basic data presented in appropriate graphical and/or tabular format.

e. The three-dimensional subsurface conditions at the site shall be presented using one or more cross-sections showing location and depth penetration of geotechnical borings, CPT soundings, or other subsurface characterization methods, interpretation of the geometry of major soil units, and projected location of the static groundwater surface determined from the subsurface exploration. The cross-sections shall be presented at a scale of 1" = 20', 1" = 30', 1" = 50' (or other scale deemed appropriate by the Department). Each cross-section shall have a legend with a description of the various major soil units.

10. Soil strength and index properties (i.e., unit weight, cohesion, etc.) shall be provided for each soil unit interpreted from the subsurface characterization of the site, and shall be presented in tabular format. Justification for the presented values of these soil parameters shall be based on one or more of the following approaches:

a. Back analysis based on pre-landslide stability conditions.

- b. Laboratory measurement of strength or other index properties made on soil samples.
  - c. Correlation of soil strength index properties to other geotechnical indices (e.g., SPT blow counts, etc.), where the correlation relations are documented (e.g., published literatures, in-house empirical data set, etc.).
  - d. Soil strength and indices based on generic values must provide a clear justification for their use.
11. A detailed description of any prior grading activity, soil instability, or slope failure.
12. Assessments and conclusions regarding slope stability for both the existing and developed conditions shall be presented and documented. These assessments and conclusions shall include:
- a. Evaluation of the potential types of landslide failure mechanisms (e.g., debris flow, rotational slump, translational slip, etc.) that may affect the site.
  - b. Quantitative stability evaluation of slope conditions of the various failure mechanisms using state-of-the-practice modeling techniques. Limiting equilibrium methods of analysis shall state the stability conditions as a factor of safety. The most unstable failure geometry(ies) shall be presented in the form of a cross-section(s), with the least stable failure geometry for each failure mechanism clearly indicated. The stability evaluation shall also consider dynamic (earthquake) loading, and shall use a minimum horizontal acceleration as established by the current version of the Washington State Building Code.
  - c. An analysis of slope regression rate shall be presented in those cases where stability is impacted or influenced by erosional processes (e.g., wave cutting, stream meandering, etc.) acting on the toe of the slope.
13. Mitigation recommendations using engineered measures to protect the proposed structure(s) and any adjacent structures, infrastructure, adjacent wetlands, or critical fish and wildlife habitat from damage or destruction as a result of proposed construction activities shall be designed by a professional engineer. The Geotechnical Report shall contain:
- a. Design plans and associated design calculations for engineered structures or drainage systems (e.g., structural foundation requirements, retaining wall design, etc.).
  - b. Recommendations and requirements pertaining to the handling of surface and subsurface runoff in the developed condition.
  - c. Identification of necessary geotechnical inspections to assure conformance with the report mitigation and recommendations.

- d. Proposed angles of cut and fill slopes, site grading requirements, final site topography (shown as 2' contours), and the location of any proposed structures, on-site septic systems, wells, and stormwater management features or facilities associated with the development detailed within the body of the report and shown on a site map at the same scale as that required in Section A-7 of this Appendix.
- e. Soil compaction criteria and compaction inspection requirements.
- f. An analysis that indicates how the proposal meets the standards outlined in CMC 16.45.040.
- g. Structural foundation requirements and estimated foundation settlement shall be provided if structures are proposed.
- h. Lateral earth pressures.
- i. Suitability of onsite soil for use as fill.
- j. Mitigation measures for building construction on each lot for short plats, large lots, or formal plats such that additional geotechnical professional involvement is minimized during building construction.
- k. Construction sequencing recommendations shall be provided when an applicant intends to convert an active landslide hazard area to a stable area, concurrently with the construction of the proposed development (reference CMC 16.45.020 C.2).

14. The Geotechnical Report shall contain a paragraph that states the following specific language:

"The services described in this report were prepared under the responsible charge of (Individual's Name). (Individual's Name) meets the qualifications contained in Title 16, Section 16.45.030 to prepare a landslide hazard geological assessment. (Individual's Name) understands the requirements of the current Landslide Hazard Area Chapter 16.45 and the definitions of the applicable terms contained within Chapter 16.10. Individuals under the responsible charge of (Individual's Name) have performed a landslide hazard geological assessment, conducted a field investigation, and researched historic records on or in the vicinity of the above referenced site. In my opinion, the scope of services completed for this project is adequate to meet the requirements of the Town of Carbonado Municipal Code.

B. The Geotechnical Report shall be prepared under the responsible charge of an appropriately licensed geotechnical professional(s) and be signed, sealed and dated by the geotechnical professional(s) and the format shall be pre-approved by the land use administrator.

C. The land use administrator may request a geotechnical professional to provide additional information in the geotechnical report based upon existing conditions, changed conditions, or unique circumstances occurring on a case by case basis.

D. Geotechnical reports shall be in conformance with a format that is pre-approved by the land use administrator.

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## CHAPTER 16.50 SEISMIC (EARTHQUAKE) HAZARD AREAS

### Sections:

- 16.50.010 Purpose.**
- 16.50.020 Seismic Hazard Areas.**
- 16.50.030 Seismic Hazard Area Review Procedures.**
- 16.50.040 Seismic Hazard Area Standards.**
- 16.50.050 Buffer Requirements.**

### **16.50.010 Purpose.**

The purpose of this Chapter is to protect public health, safety, and general welfare of the citizens of Carbonado from the damaging effects of earthquakes. This Chapter provides standards to ensure life safety and minimize public and private losses that may occur within a seismic hazard area.

### **16.50.020 Seismic Hazard Areas.**

- A. General. Seismic hazard areas are areas subject to severe risk of damage as a result of earthquake-induced landsliding, seismic ground shaking, dynamic settlement, fault rupture, soil liquefaction, or flooding caused by tsunamis and seiches.
- B. Potential Seismic Hazard Areas. Potential seismic hazard areas, as depicted on the Carbonado Comprehensive Plan Critical Areas Maps and the Pierce County Critical Areas Atlas-Seismic Hazard Areas map, are those areas where the suspected risk of earthquake induced landsliding, dynamic settlement, fault rupture, ground deformation caused by soil liquefaction, or flooding is sufficient to require a further seismic hazard area review as set forth in CMC 16.50.030. Within Carbonado, seismic hazard areas include earthquake induced Landslide Hazard Areas as identified as potential landslide hazard areas in CMC 16.45.020.
- C. Earthquake Induced Landslide Hazard Areas. Earthquake induced landslide hazard areas include slopes that can become unstable as a result of strong ground shaking, even though these areas may be stable under non-seismic conditions.

### **16.50.030 Seismic Hazard Area Review Procedures.**

#### General Requirements.

- A. When the Comprehensive Plan Critical Areas maps indicate the site for a proposed regulated activity is or may be located within a potential earthquake-induced landslide hazard area, the Department shall conduct a review pursuant to the requirements set forth in CMC 16.45.030.
- B. Unless otherwise stated in this Chapter, the critical area protective measure provisions contained in CMC 16.45.080 shall apply.

**16.50.040 Seismic Hazard Area Standards.**

Earthquake Induced Landslide Hazard Areas. All standards set forth in Chapter 16.45 CMC shall apply to earthquake induced landslide hazard areas.

**16.50.050 Buffer Requirements.**

A. Determining Buffer Widths. The buffer width shall be measured on a horizontal plane from a perpendicular line established at the edge of the fault rupture hazard area limits.

B. Modification of Buffer Widths. The land use administrator may require a larger buffer width than the buffer distance, as determined in A. above, if the Department determines the standard or proposed buffer is not adequate to protect the health, safety, or welfare of any proposed development.



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## CHAPTER 16.55 MINE HAZARD AREAS

### Sections:

#### **16.55.010 Purpose.**

#### **16.55.020 Mine Hazard Areas.**

#### **16.55.030 Mine Hazard Area Review Procedures.**

#### **16.55.040 Appendices.**

- A. Geological Assessment-Mine Hazard Geotechnical Letter.**
- B. Geological Assessment-Mine Hazard Geotechnical Evaluation.**
- C. Geological Assessment-Mine Hazard Geotechnical Report.**

#### **16.55.010 Purpose.**

There are several known and identified abandoned underground coal mines located throughout Carbonado. Land areas that lie over abandoned underground mines have the potential to spontaneously collapse, typically referred to as a subsidence event. The purpose of this Chapter is to promote and protect the public health, safety, and general welfare of the citizens of Carbonado by providing standards to minimize the public and private losses due to subsidence events that may occur to regulated activities located within a mine hazard area.

#### **16.55.020 Mine Hazard Areas.**

- A. General. Mine hazard areas are areas directly underlain by, adjacent to or abutting, or affected by old mine workings such as adits, tunnels, drifts, or airshafts that have the potential for subsidence.
- B. Mine Hazard Area Indicators. Indicators of old mine workings underlying a site include:
  - 1. Remnants of old mine workings or excavations.
  - 2. Unusual depressions in the ground surface possibly related to plugged or bridged air shafts or adits, or collapse of underground working.
  - 3. Spoil or waste piles from exploration tunneling or glory holes.
  - 4. Any other abnormal topographic features that might indicate subsurface boring or tunneling.
- C. Potential Mine Hazard Areas.
  - 1. Sections of land, identified on the Washington Department of Natural Resources, Division of Geology and Earth Resources, Washington State Coal Mine Map Collection (Open File Report 94-7, June 1994), that contain coal mine workings.
  - 2. Sections of land, identified on the Map of Mashell Coal and Coke Company Figure 1, Ashford Vicinity Map, that contain coal mine workings.

3. Mine Hazards identified on the Carbonado Comprehensive Plan Mining Hazards Map.

**16.55.030 Mine Hazard Area Review Procedures.**

A. General Requirements.

1. The Carbonado Comprehensive Plan Mining Hazards Map provides an indication of where potential mine hazard areas are located within the town.
2. The land use administrator will complete a review of the Mining Hazards Critical Areas Map to determine whether the site for a proposed regulated activity is located within a potential mine hazard area.
3. When the Comprehensive Plan maps indicate that the site for a proposed regulated activity is located within a potential mine hazard area, the land use administrator shall require a geological assessment, as outlined in subsection B. below.
4. Title and land division notification shall be required as set forth in CMC 16.05.110 C.

B. Geological Assessments. A geological assessment is a site investigation process to evaluate the on-site geology affecting a subject property and define the extent and severity of potential mine hazard areas.

1. A geological assessment shall be submitted to the land use administrator for review and approval together with a mine hazard application and associated fee.
2. A geological assessment shall include a field investigation and may also include review of public records and documentation, analysis of historical air photos, published data and references, subsurface investigations, etc.
3. The geological assessment shall include, at a minimum, the following information and analysis:
  - a. A discussion of the surface and subsurface geologic conditions of the site.
  - b. A discussion of the potential for subsidence on the site.
  - c. An evaluation of which portions of the site or within the vicinity of the site meet the criteria for a mine hazard area as set forth in CMC 16.55.020.
4. A geotechnical professional shall complete a field investigation and geological assessment to evaluate whether or not the site is subject to mine hazards shall be completed under the responsible charge of an appropriately licensed geotechnical professional.

- a. The geological assessment shall be submitted in the form of a geotechnical letter when the geotechnical professional finds that no mine workings exist within 300 feet of the site. The geotechnical letter shall meet the requirements contained in 16.55.040 – Appendix A.
  - b. The geological assessment shall be submitted in the form of a geotechnical evaluation when the geotechnical professional finds that mine workings exist, but are located more than 300 feet away from the proposed project area. The geotechnical evaluation shall meet the requirements contained in 16.55.040 – Appendix B.
  - c. The geological assessment shall be submitted in the form of a geotechnical report when the geotechnical professional finds that mine workings exist within 300 feet of the proposed project area or when the services completed by the a geotechnical professional indicates that mitigation measures are necessary in order to construct or develop within a mine hazard area. The geotechnical report shall meet the requirements contained in 16.55.040 – Appendix C.
5. Geological assessments shall be prepared, under the responsible charge of an appropriately licensed geotechnical professional and signed, sealed, and dated by the geotechnical.
  6. Geological assessments that do not contain the minimum required information will be returned to the geotechnical professional for revision.
  7. The land use administrator shall review the geological assessment and either:
    - a. Accept the geological assessment and approve the application; or
    - b. Reject the geological assessment and require revisions or additional information.
  8. A geological assessment for a specific site may be valid for a period of up to five years when the proposed land use activity and surrounding site conditions are unchanged. However, if any environmental surface or subsurface conditions associated with the site change during that five-year period, the applicant may be required to submit an amendment to the geological assessment.

**16.55.040 Appendices.**

- A. Geological Assessment – Mine Hazard Geotechnical Letter.
- B. Geological Assessment – Mine Hazard Geotechnical Evaluation.
- C. Geological Assessment – Mine Hazard Geotechnical Report.

**16.55.040 – Appendix A**

**Geological Assessment – Mine Hazard Geotechnical Letter**

A. A geotechnical letter shall include the following:

1. The letter shall be labeled identifying the submittal as a "Mine Hazard Geotechnical Letter."
2. The date when the geological assessment was performed and the date when the letter was prepared.
3. The parcel number(s) of the site.
4. Site address, if one has been assigned by the County.
5. A brief description of the project (including the proposed land use) and a description of the area to be developed. Also, all items required for a geological assessment found under CMC 16.55.030 B.
6. A paragraph that states the following specific language:

"The services described in this letter were prepared under the responsible charge of (Individual's Name). (Individual's Name) meet the qualifications contained in Title 16, Section 16.55.030 to prepare a mine hazard geological assessment. (Individual's Name) understand the requirements of the current Mine Hazard Area Chapter 16.55 and the definitions of the applicable terms contained within Chapter 16.10. (Individual's Name) or someone under his/her responsible charge has prepared a mine hazard geological assessment, conducted a field investigation, and researched historic records on or in the vicinity of the above referenced site. In my opinion, the scope of services completed for this project is adequate to meet the requirements of the Carbonado Municipal Code and it does not appear that a mine hazard area exists within 300 feet of the boundaries of the proposed site based on the scope of services completed for this project."

7. The name, mailing address, and telephone number of geotechnical professional who performed the geological assessment and prepared the letter.
8. The name, mailing address, and telephone number of the property owner.

B. The geotechnical letter shall be prepared under the responsible charge of an appropriately licensed geotechnical professional and be signed, sealed and dated by the geotechnical professional(s) (as defined in CMC 16.10.030).

C. Geotechnical letter shall be in conformance with a format that is pre-approved by the land use administrator.

**16.55.040 – Appendix B**

## **Geological Assessment – Mine Hazard Geotechnical Evaluation**

- A. A geotechnical evaluation shall include the following:
1. The first page of the document shall be labeled identifying the submittal as a "Mine Hazard Geotechnical Evaluation."
  2. The date when the geological assessment was performed and the date when the verification was prepared.
  3. The parcel number(s) of the site.
  4. Site address, if one has been assigned by the town.
  5. A brief description of the project (including the proposed land use) and a description of the area to be developed.
  6. A description of the surface and subsurface geology, hydrology, soils, and vegetation on the site and a list of the mine hazard indicators, as set forth in CMC 16.55.020 B., that were found on or in the vicinity of the site.
  7. A summary of the results, conclusions, and recommendations resulting from the geological assessment of the mine hazards on or in the vicinity of the site. This summary shall address all of the information required in CMC 16.55.030 B.
  8. A discussion of the data and methods of analysis used to support the conclusions and recommendations presented in the geotechnical evaluation.
  9. An accurate site plan drawn at a scale of 1" = 20', 1" = 30', 1" = 50' (or other scale deemed appropriate by the land use administrator) is required. The land use administrator may require that the site plan information listed below be based on a field survey by a licensed surveyor. The site plan shall include:
    - a. The limits/location of the mine hazard area(s), as set forth in CMC 16.55.020 A. This shall include the estimated depth of any mine workings.
    - b. The location of any existing and proposed structures, utilities, on-site septic systems, wells, and stormwater management facilities.
    - c. The full geographical limits of the proposed project area (area to be developed).
    - d. Dimension the closest distance between the identified mine hazard area boundary and the project area.
    - e. Existing topography on the site presented in 2-foot contours.
    - f. Property lines for the site.
    - g. North arrow and plan scale.

10. A paragraph that states the following specific language:

"The services described in this evaluation were prepared under the responsible charge of (Individual's Name). (Individual's Name) meet the qualifications contained in Title 16, Section 16.55.030 to prepare a mine hazard geological assessment. (Individual's Name) understand the requirements of the current Mine Hazard Area Chapter 16.55 and the definitions of the applicable terms contained within Chapter 16.10. (Individual's Name) or someone under his/her responsible charge has prepared a mine hazard geological assessment, conducted a field investigation, and researched historic records on or in the vicinity of the above referenced site. In my opinion, the scope of services completed for this project is adequate to meet the requirements of the Carbonado Municipal Code and it does not appear that a mine hazard area exists within 300 feet of the boundaries of the proposed project area based on the scope of services completed for this project."

11. The name, mailing address, and telephone number of geotechnical professional who performed the geological assessment and prepared the verification.

12. The name, mailing address, and telephone number of the property owner.

B. The geotechnical letter shall be prepared under the responsible charge of an appropriately licensed geotechnical professional and be signed, sealed and dated by the geotechnical professional(s).

C. Geotechnical evaluation shall be in conformance with a format that is pre-approved by the land use administrator.

**16.55.040 – Appendix C  
Geological Assessment – Mine Hazard Geotechnical Report**

A. A geotechnical report shall include the following:

1. The first page of the document shall be labeled identifying the submittal as a "Mine Hazard Geotechnical Report."

2. The date when the geological assessment was performed and the date when the report was prepared.

3. The parcel number(s) of the site.

4. Site address, if one has been assigned by the town.

5. A brief description of the project (including the proposed land use) and a description of the area to be developed.

6. A description of the surface and subsurface geology, hydrology, soils, and vegetation on the site and a list of the mine hazard indicators, as set forth in CMC 16.55.020 B., that were found on or in the vicinity of the site.

7. A description of the analytical tools and processes that were used to develop the report.
8. Surface exploration data such as borings, drill holes, test pits, wells, geologic reports, and other relevant reports or site investigations that may be useful in making conclusions or recommendations about the site under investigation.
9. A description of historical data and information used in the evaluation, together with sources. Such data and information shall include:
  - a. Topographic maps at a scale and contour interval of sufficient detail to assess the site. The site boundaries and proposed site development shall be overlain with the mine plan view map.
  - b. Copies of illustrative mine maps showing remnant mine conditions, if available.
  - c. Aerial photography, as appropriate.
  - d. Geological data including geologic cross-sections and other illustrative data as appropriate.
  - e. Available historic mine records indicating:
    - (1) The dates of operation.
    - (2) The date of cessation of active mining.
    - (3) The number of years since abandonment.
    - (4) Mining methods used and shoring and timbering information.
    - (5) The strength of the overlying rock strata.
    - (6) The extracted seam thickness.
    - (7) The dip or inclination of the strata, workings, and surface.
    - (8) The projected surface location of the seam outcrop or subcrop.
    - (9) The estimated depth of the seam outcrop or subcrop, if covered by glacial outwash, glacial till, or other materials at depth.
    - (10) Total material tonnage produced, estimated mine by-product material produced, and the estimated extraction ratio.
10. A summary of the results, conclusions, and recommendations resulting from the geological assessment of the mine hazards on or in the vicinity of the site. This summary shall address all of the information required in CMC 16.55.030 B.



11. An accurate site plan drawn at a scale of 1" = 20', 1" = 30', 1" = 50' (or other scale deemed appropriate by the land use administrator) is required. The land use administrator may require that the site plan information listed below be based on a field survey by a licensed surveyor. The site plan shall include:

a. The limits/location of the mine hazard area(s), as set forth in CMC 16.55.020 A. The mine plan view map shall be reproduced at the same scale as the topographic map, showing the location of the mine, the extent of the mining, the proposed site development, if applicable, and any remnant abandoned mine surface features. At a minimum this shall include:

(1) The layout of the underground mine.

(2) The location of any mine entries, portals, adits, mine shafts, air shafts, timber shafts, and other significant mine features.

(3) The location of any known sinkholes, significant surface depressions, trough subsidence features, coal mine spoil piles, and other mine-related surface features.

(4) The location of any prior site improvements that have been carried out to mitigate abandoned mine features.

(5) Zones showing varying overburden-cover-to-seam-thickness ratios, when appropriate.

(6) Cross-sections of the estimated depth of any mine workings.

b. The location of any existing and proposed structures, utilities, on-site septic systems, wells, and stormwater management facilities.

c. The full geographical limits of the proposed project area (area to be developed).

d. The location and unique identifier of geotechnical borings, CPT soundings, or other survey or explorations used to characterize subsurface conditions.

e. Extent of cross-section(s) used to evaluate the three-dimensional subsurface geologic and groundwater conditions at the site.

f. Extent of cross-section(s) used in the evaluation of subsurface instability.

g. Dimension the closest distance between the identified mine hazard area boundary and the project area.

h. Existing topography on the site presented in 2-foot contours.

- i. Property lines for the site.
- j. North arrow and plan scale.

12. A statement as to the relative degree of accuracy and completeness of the maps and information reviewed, especially regarding historic mine map accuracy, and reasons why such sources are considered reliable for the purposes of this report.

13. A detailed description of any prior grading activity, soil instability, or ground failure.

14. Analysis and recommendations, if any, of the potential for future trough subsidence and special mitigation.

15. Assessments and conclusions regarding ground stability for both the existing and developed conditions shall be presented and documented. These assessments and conclusions shall include:

- a. Evaluation of the potential types of ground failure mechanisms that may affect the site.

- b. Quantitative stability evaluation of conditions of the various failure mechanisms using state-of-the-practice modeling techniques. Limiting equilibrium methods of analysis shall state the stability conditions as a factor of safety. The most unstable failure geometry(ies) shall be presented in the form of a cross-section(s), with the least stable failure geometry for each failure mechanism clearly indicated. The stability evaluation shall also consider dynamic (earthquake) loading, and shall use a minimum horizontal acceleration as established by the current version of the Washington State Building Code.

16. Mitigation recommendations using engineered measures to protect the structure(s) and any adjacent structures, infrastructure, or adjacent wetlands or critical fish and wildlife habitat from damage or destruction as a result of proposed construction activities shall be designed by a professional engineer. The geotechnical report shall contain:

- a. Design plans and associated design calculations for engineered structures or drainage systems (e.g., structural foundation requirements, retaining wall design, etc.).

- b. Recommendations and requirements pertaining to the handling of surface and subsurface runoff in the developed condition.

- c. Identification of necessary geotechnical inspections to assure conformance with the report mitigation and recommendations.

- d. Proposed angles of cut and fill slopes, site grading requirements, final site topography (shown as 2' contours), and the location of any

proposed structures, on-site septic systems, wells, and stormwater management features or facilities associated with the development detailed within the body of the report and shown on a site map at the same scale as that required in Section A-8 of this Appendix.

e. Soil compaction criteria and compaction inspection requirements.

17. A list of references utilized in preparation of the report.

B. The geotechnical report shall be prepared by an engineer with documentable experience in coal mine hazard investigation and mitigation and shall be co-written by a geotechnical professional where geological interpretations are necessary or prudent in the mitigation of the mine hazard. The geotechnical report shall be prepared under the responsible charge of an appropriately licensed geotechnical professional(s) and be signed, sealed and dated by the geotechnical professional(s).

C. The geotechnical professional(s) who prepared the geotechnical report shall stamp the report with his or her license stamp/seal and provide a statement of qualifications.

D. The land use administrator may request a geotechnical professional to provide additional information in the geotechnical report based upon existing conditions, changed conditions, or unique circumstances occurring on a case by case basis.

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## CHAPTER 16.60 EROSION HAZARD AREAS

### Sections:

**16.60.010 Purpose.**

**16.60.020 Erosion Hazard Areas.**

**16.60.030 Erosion Hazard Area Review Procedures.**

**16.60.040 Erosion Hazard Area Standards.**

**16.60.050 Buffer Requirements.**

**16.60.060 Appendices.**

- A. **Geological Assessment – Shoreline Erosion Hazard Geotechnical Letter**
- B. **Geological Assessment – Shoreline Erosion Hazard Geotechnical Evaluation**
- C. **Geological Assessment – Shoreline Erosion Hazard Geotechnical Report**

**16.60.010 Purpose.**

The following statements describe the purpose of this Chapter:

- A. Protect human life and health;
- B. Regulate uses of land in order to avoid damage to structures and property being developed and damage to neighboring land and structures;
- C. Identify and map erosion hazard areas;
- D. Minimize impacts on wetlands and critical fish and wildlife species and their associated habitat that can result from erosion;
- E. Establish a permit requirement and review procedures for development proposals in areas with potential erosion hazards;
- F. Strike a balance between the need to maintain natural shoreline erosion/regression processes and the need to protect existing and proposed development.

**16.60.020 Erosion Hazard Areas.**

A. **Shoreline Erosion Hazard Indicators.** Shoreline erosion hazard areas are areas potentially subject to land regression or retreat due to a combination of geologic, seismic, tidally influenced, and/or hydrologic or manmade factors. Shoreline erosion hazard areas can be identified by the presence of areas with active bluff retreat that exhibit continuing sloughing or calving of bluff sediments, resulting in a vertical or steep bluff face with little or no vegetation.

B. **Erosion Hazard Area Categories.**

- 1. **Potential Erosion Hazard Areas.** Potential erosion hazard areas, as depicted on the Carbonado Comprehensive Plan Landslide Hazard Area Map in proximity to shorelines and the Pierce County Critical Areas Atlas-Erosion Hazard Areas Map, are those areas where the suspected risk of erosion through either loss of soil, slope instability, or land regression is sufficient to require additional review to

assess the potential for active erosion activity or apply additional standards. These potential erosion hazard areas are determined using the following criteria:

- a. Shoreline Erosion Hazard Areas. Areas within 200 feet of a freshwater (lake or pond) shoreline, as measured landward perpendicularly from the edge of the ordinary high water mark.
  - b. Riverine Erosion Hazard Areas. The rivers subject to regulation as a channel migration zone listed in Chapter 16.25 CMC, Flood Hazard Areas, CMC 16.25.020 B.4.
  - c. Soil Erosion Hazard Areas. Areas identified as having slopes of 20 percent or greater and that are classified as having severe, or very severe erosion potential by the Soil Conservation Service, United States Department of Agriculture (USDA).
2. Active Shoreline Erosion Hazard Areas. Land areas located directly adjacent to freshwater waters that, through the geological assessment process, are identified as regressing, retreating, or potentially unstable as a result of undercutting by wave action or bluff erosion. The limits of the active shoreline erosion hazard area shall extend landward to include that land area that is calculated, based on the rate of regression, to be subject to erosion processes within the next ten year time period.
3. Stable Shoreline Erosion Hazard Areas. Areas that have been identified as potential erosion hazard areas, but, through the geological assessment process, meet one of the following conditions:
- a. No indicators as set forth in 16.60.020 A. actually exist that indicate the potential for future erosion activity to occur; or
  - b. Adequate engineering or structural measures have been provided through the submittal of a geological assessment – shoreline erosion geotechnical report that stabilizes the erosion hazard. Such engineering or structural measures must be completed, inspected and accepted for the area to be deemed stable.
4. Riverine Erosion Hazard Areas. Riverine erosion hazard areas are located within the lateral extent of likely watercourse channel movement due to bank destabilization and erosion, rapid incision, and shifts in location of watercourse channels. Riverine erosion hazard areas are also referred to as channel migration zones (CMZs). Rivers and streams subject to erosion are regulated as a CMZ as listed in CMC 16.25.020 B.4.
5. Soil Erosion Hazard Areas. Soil erosion hazard areas are identified by the presence or absence of natural vegetative cover, soil texture condition, slope, and rainfall patterns, or man-induced changes to such characteristics that create site conditions which are vulnerable to erosion of the upper soil horizon. Soil erosion hazard areas are those areas with slopes of 20 percent or greater and that are classified as having severe, or very severe erosion potential by the Soil Conservation Service, United States Department of Agriculture (USDA).

**16.60.030 Erosion Hazard Area Review Procedures.**

A. General Requirements.

1. The Carbonado Comprehensive Plan Landslide Hazards and Flood Hazards Maps and the Pierce County Critical Areas Atlas-Erosion Hazard Area Map provide an indication of where potential erosion hazard areas are located within the town. The actual presence or location of an erosion hazard area and/or additional potential erosion hazard area that have not been mapped, but may be present on or adjacent to a site, shall be determined using the procedures and criteria established in this Chapter.

2. The Land use administrator will complete a review of the Critical Areas Maps, and any other source documents for any proposed regulated activity to determine whether the site for the regulated activity is located within a potential erosion hazard area.

3. When the town's maps, sources, or field investigations indicate that the proposed project area for a regulated activity is located within a riverine erosion hazard area (channel migration zone). The standards set forth in Chapter 16.25 CMC shall apply to riverine erosion hazard areas (channel migration zones).

4. When the town's maps, sources, or field investigations indicate that the proposed project area for a regulated activity is located within a potential soil erosion hazard area, the Land use administrator shall require submittal of an erosion control plan pursuant to the requirements set forth in Titles 13.36 CMC and 15.05 CMC.

6. Applicants requesting to develop a bulkhead along a freshwater or marine shoreline shall be required to submit a geotechnical report. The geotechnical report shall comply with the requirements established in 16.60.060 – Appendix C.

7. Unless otherwise stated in this Chapter the critical area protective measure provisions contained in CMC 16.05.080 shall apply.

B. Geological Assessment. A geological assessment is a site investigation process to evaluate the on-site geology affecting a subject property and proposed development.

1. Geological assessments shall be submitted to the Land use administrator for review and approval together with a shoreline erosion hazard area application.

2. The geological assessment shall include a field investigation and may also include review of public records and documentation, analysis of historical air photos, published data and references, etc.

3. The geological assessment shall include the following information and analysis:

a. An analysis of the shoreline erosion processes on and in the vicinity of the site including an evaluation of erosion and bluff retreat that has

occurred over the past decade and an estimated probable rate of erosion based upon the historic rate of erosion that has occurred on the site.

b. An evaluation of which areas on the site meet the criteria for an active shoreline erosion hazard area as set forth in CMC 16.60.020 B.2.

c. An evaluation of the area on the site or in the vicinity of the site that will experience regression in the next 120 years given natural processes.

4. Geological assessments shall be prepared, signed, and dated by a geotechnical professional (as defined in CMC 16.05.060 and established in this Chapter) and the format shall be pre-approved by the Land use administrator.

5. A geotechnical professional shall complete a field investigation and geological assessment to evaluate whether or not an active shoreline erosion hazard area exists within 200 feet of the site.

a. The geological assessment shall be submitted in the form of a geotechnical letter when the geotechnical professional finds that no active shoreline erosion hazard area exists within 200 feet of the site. The geotechnical letter shall meet the requirements contained in 16.60.060 – Appendix A.

b. The geological assessment shall be submitted in the form of geotechnical evaluation when the geotechnical professional finds that an active shoreline erosion hazard area exists but is located more than 200 feet away from the proposed project area, and in their opinion, will not impact the subject site. The geotechnical evaluation shall meet the requirements contained in 16.60.060 – Appendix B.

c. The geological assessment shall be submitted in the form of a geotechnical report when the geotechnical professional finds that an active shoreline erosion hazard area exists within 200 feet of the proposed project area or when a geotechnical professional determines that mitigation measures, such as a bulkhead, are necessary in order to construct or develop within a potential shoreline erosion hazard area. The geotechnical report shall meet the requirements contained in 16.60.060 – Appendix C.

6. The Land use administrator shall review the geological assessment and either:

a. Accept the geological assessment and approve the application; or

b. Reject the geological assessment and require revisions or additional information.

7. A geological assessment for a specific site may be valid for a period of up to five years when the proposed land use activity and site conditions are unchanged. However, if surface and/or subsurface conditions associated with the site change during that five-year period, the applicant may be required to submit an amendment to the geological assessment.



C. Riverine Erosion Hazard Area (Channel Migration Zones) Review. Riverine erosion hazard areas shall be reviewed pursuant to the requirements set forth in Chapter 16.25 CMC, Flood Hazard Areas.

D. Soil Erosion Hazard Area Review. Soil erosion hazard areas shall be reviewed pursuant to the requirements set forth in Titles 13.36 CMC and 15.05 CMC.

**16.60.040 Erosion Hazard Area Standards.**

A. Active Shoreline Erosion Hazard Areas. Any development, encroachment, filling, clearing, or grading, timber harvest, building structures, impervious surfaces, and vegetation removal shall be prohibited within active shoreline erosion hazard areas and associated buffers except as specified in the following standards:

1. Shoreline Erosion Protection Measures. Shoreline erosion protection measures located within or adjacent to freshwater or marine shorelines shall be allowed subject to the following:

a. The proposed shoreline protection measure shall comply with the standards set forth in CMC 16.30.040.

b. A geological assessment-shoreline erosion geotechnical report has been conducted in accordance with the provisions set forth in CMC 16.60.030 B. that indicates that the shoreline is currently experiencing active erosion (i.e., land retreat or regression).

c. The use of the shoreline erosion protection measure will not cause a significant adverse impact on adjacent properties (i.e., increase erosion on adjacent properties).

d. The use of the shoreline erosion protection measure will not cause a significant adverse impact on critical fish and wildlife species and their associated habitat (i.e., eliminate or reduce sediment supply from feeder bluffs).

e. The use of soft armoring techniques (soil bioengineering erosion control measures as identified in the State Department of Ecology and the Department of Fish and Wildlife guidance) is the preferred method for shoreline protection.

f. Hard armoring shoreline erosion control measures shall be approved only when a geological assessment-shoreline erosion geotechnical report, as set forth in CMC 16.60.030 B., has been completed and indicates the following:

(1) The use of beach nourishment alone or in combination with soft armoring techniques is not adequate to protect the property from shoreline erosion processes; and

(2) The property contains an existing structure(s) that will be threatened within the next 10 years or the buildability of an undeveloped site will be threatened within the next 10 years if a hard armoring method of shoreline erosion protection is not provided.

g. Hard armoring shoreline protection measures shall not be allowed for protection of proposed structures when it is determined that the proposed structures can be located landward of the 120-year regression area.

2. Stormwater Conveyance. Surface drainage into an active shoreline erosion hazard area should be avoided. If there are no other alternatives for discharge, then drainage must be collected upland of the top of the active shoreline erosion hazard area and directed downhill in a high density polyethylene stormwater pipe with fuse welded joints that includes an energy dissipating device at the base of the active shoreline erosion area. The pipe shall be located on the surface of the ground and be properly anchored so that it will continue to function under shoreline erosion conditions. The number of these pipes should be minimized along the slope frontage.

3. Utility Lines. Utility lines will be permitted when no other conveyance alternative is available. The line shall be located above ground and properly anchored and/or designed so that it will continue to function under shoreline erosion conditions.

4. Roads, Bridges, and Trails. Roads, bridges, and trails shall be allowed when all of the following conditions have been met:

a. Mitigation measures are provided that ensure the roadway prism and/or bridge structure will not be susceptible to damage from active erosion.

b. The road is not a sole access for a development.

B. Shoreline Erosion Hazard Management Area. All regulated activities such as but not limited to building structures, impervious surfaces, vegetation removal, timber harvest, and clearing or grading activities may be allowed in areas located within 200 feet of an active shoreline erosion hazard area subject to the following standards:

1. The Land use administrator reviews and approves a geological assessment-shoreline erosion hazard geotechnical report and concurs that the proposed project area is located outside an active shoreline hazard area and the required buffer, as set forth in 16.60.050.

2. The proposed recommendations and mitigation measures contained within the geotechnical report are adequate to reduce or mitigate risks to the natural environment, health, and safety.

3. Surface drainage from the proposed project area, including downspouts, landscape irrigation systems, and runoff from paved or unpaved surfaces upland

of the shoreline, shall not be directed through an active shoreline erosion hazard area or its associated buffer unless it is conveyed in conformance with the provisions in 16.60.040 A.2. above.

4. Stormwater retention and detention systems, such as dry wells and infiltration systems utilizing buried pipe or french drains, shall not be permitted unless such systems are designed by a professional engineer and the geotechnical report indicates that such a system will not affect the stability of the shoreline.

5. Proposed developments, with the exception of shoreline erosion protection measures, shall be sited far enough from regressing shorelines to provide 120 years of useful life for any proposed structures or infrastructure.

C. Riverine Erosion Hazard Area (Channel Migration Zones) Review. Riverine erosion hazard areas shall be reviewed pursuant to the requirements set forth in Chapter 16.25 CMC, Flood Hazard Areas.

D. Soil Erosion Hazard Area Review. Soil erosion hazard areas shall be reviewed pursuant to the requirements set forth in Titles 13.36 CMC and 15.05 CMC.

#### **16.60.050 Buffer Requirements.**

A. Determining Buffer Widths.

1. The buffer width shall be measured on a horizontal plane from a perpendicular line established at the edge of the active shoreline erosion hazard area limits.

2. An undisturbed buffer of existing vegetation shall be required for an active shoreline erosion hazard area. The required standard buffer width is the greatest amount of the following distances:

- a. Fifty feet from all edges of the active shoreline erosion hazard area limits;
- b. A distance of one-third the height of the slope if the regulated activity is at the top of the slope and a distance of one-half the height if the regulated activity is at the bottom of the slope; or
- c. The minimum distance recommended by the geotechnical professional measured from the edge of the active shoreline erosion hazard area.

B. Modification of Buffer Widths. The Land use administrator may require a larger buffer width than the standard buffer distance, as determined in A. above, if any of the following are identified through the geological assessment process:

1. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts.
2. The area has a severe risk of slope failure or downslope stormwater drainage impacts.

#### **16.60.060 Appendices.**

- A. Geological Assessment – Shoreline Erosion Hazard Geotechnical Letter.
- B. Geological Assessment – Shoreline Erosion Hazard Geotechnical Evaluation.
- C. Geological Assessment – Shoreline Erosion Hazard Geotechnical Report.

**16.60.060 – Appendix A**

**Geological Assessment – Shoreline Erosion Hazard Geotechnical Letter**

- A. A geotechnical letter shall, at a minimum, include the following:
  - 1. The letter shall be labeled identifying the submittal as a "Shoreline Erosion Hazard Geotechnical Letter."
  - 2. The dates when the geological assessment was conducted. The date when the letter was prepared.
  - 3. The parcel number(s) of the site.
  - 4. Site address, if one has been assigned by the town.
  - 5. A brief description of the project (including the proposed land use) and a description of the area to be developed.
  - 6. A paragraph that states the following specific language:

"The services described in this report were prepared under the responsible charge of (Individual's Name). (Individual's Name) meets the qualifications contained in Section 16.60.030 to prepare a geological assessment. (Individual's Name) understands the requirements of the current Erosion Hazard Area Chapter 16.60 and the definitions of the applicable terms contained within Chapter 16.10. Individuals under the responsible charge of (Individual's Name) have performed a shoreline erosion hazard geological assessment, conducted a field investigation, and researched available historic records on the above referenced site. In my opinion, the scope of services completed for this project is adequate to meet the requirements of this Title and it does not appear that an active shoreline erosion hazard area exists within 200 feet of the site."
  - 7. The name, mailing address, and telephone number of the geotechnical professional who prepared the letter.
  - 8. The name, mailing address, and telephone number of the property owner.
- B. The geotechnical letter shall be prepared under the responsible charge of a geotechnical professional(s) and be signed, sealed and dated by the geotechnical professional(s).

**16.60.060 – Appendix B**

**Geological Assessment – Shoreline Erosion Hazard Geotechnical Evaluation**

- A. A geotechnical evaluation shall, at a minimum, include the following:
1. The cover letter for the document shall clearly identify the submittal as a "Shoreline Erosion Hazard Geotechnical Evaluation."
  2. The dates when the geological assessment was conducted. The date when the evaluation was prepared.
  3. The parcel number(s) of the site.
  4. Site address, if one has been assigned by the town.
  5. A detailed description of the project (including the proposed land use) and a description of the area to be developed.
  6. A summary of the results, conclusions, and recommendations resulting from the geological assessment, as set forth in CMC 16.60.030 B.
  7. An accurate site plan drawn at a scale of 1" = 20', 1" = 30', 1" = 50' (or other scale deemed appropriate by the Land use administrator) is required. The Land use administrator may require that the site plan information listed below be based on a field survey by a licensed surveyor. The site plan shall include:
    - a. The limits/location of the active shoreline erosion hazard area(s) set forth in CMC 16.60.020 B.2.
    - b. The limits of the required shoreline erosion hazard buffer based upon the requirements set forth in CMC 16.60.050 A.
    - c. The limits/location of the Shoreline Erosion Hazard Management Area.
    - d. The limits/location of the 120 year regression area.
    - e. The location of any existing structures, utilities, on-site septic systems, wells, and stormwater management facilities.
    - f. The location of any proposed structures, utilities, on-site septic systems, wells, and stormwater management facilities.
    - g. The full geographical limits of the proposed project area (area to be developed).
    - h. Dimension of the closest distance between the identified active shoreline hazard area boundary and the proposed project area.
    - i. Dimension of the closest distance between the 120-year regression line and the proposed project area.

- j. Existing contours on the site at 2-foot intervals.
  - k. Property lines for the site.
  - l. North arrow and scale.
8. A paragraph that states the following specific language:

"The services described in this report were prepared under the responsible charge of (Individual's Name). (Individual's Name) meets the qualifications contained in Section 16.60.030 to prepare a geological assessment. (Individual's Name) understands the requirements of the current Erosion Hazard Area Chapter 16.60 and the definitions of the applicable terms contained within Chapter 18.25. Individuals under the responsible charge of (Individual's Name) have performed a shoreline erosion hazard geological assessment, conducted a field investigation, and researched available historic records on the above referenced site. In my opinion, the scope of services completed for this project is adequate to meet the requirements of this Title and it does not appear that an active shoreline erosion hazard area exists within 200 feet of the proposed project area."

9. The name, mailing address, and telephone number of the geotechnical professional who prepared the evaluation.
10. The name, mailing address, and telephone number of the property owner.

B. The geotechnical evaluation shall be prepared under the responsible charge of a geotechnical professional(s) and be signed, sealed and dated by the geotechnical professional(s).

**16.60.060 – Appendix C  
Geological Assessment – Shoreline Erosion Hazard Geotechnical Report**

- A. A geotechnical report shall, at a minimum, include the following:
- 1. The cover letter for the document shall clearly identify the submittal as a "Shoreline Erosion Hazard Geotechnical Report."
  - 2. The dates when the geological assessment was conducted. The date when the report was prepared.
  - 3. The parcel number(s) of the site.
  - 4. Site address, if one has been assigned by the town.
  - 5. A detailed description of the project (including the proposed land use) and a description of the area to be developed.
  - 6. A summary of the results, conclusions, and recommendations resulting from the geological assessment, as set forth in CMC 16.60.030 B. The summary shall specifically address:

- a. In the case of proposed development, whether it is possible given the physical constraints of the property (size, shape, building setbacks, utility requirements, etc.) to locate the proposed development outside of the 120-year area of regression based on natural shoreline processes.
  - b. In the case of proposed development, if it is not possible to locate the development outside of the 120-year area of regression (based on natural processes), evaluation whether beach nourishment and/or soft armoring techniques can be used to slow the rate of regression such that the proposed development is no longer within the 120-year regression area.
  - c. Whether any existing structures will be threatened within the next ten years or whether the buildability of an undeveloped site will be threatened within the next ten years, if hard armoring is not provided.
  - d. Evaluate whether any proposed shoreline erosion protection measures will cause an increase in the rate of regression on neighboring properties.
7. An accurate site plan drawn at a scale of 1" = 20', 1" = 30', 1" = 50' (or other scale deemed appropriate by the Land use administrator) is required. The Land use administrator may require that the site plan information listed below be based on a field survey by a licensed surveyor. The site plan shall include:
- a. The limits/location of the active shoreline erosion hazard area(s) set forth in CMC 16.60.020 B.2.
  - b. The limits of the required shoreline erosion hazard buffer based upon the requirements set forth in CMC 16.60.050 A.
  - c. The limits/location of the Shoreline Erosion Hazard Management Area.
  - d. The limits/location of the 120-year regression area based on natural shoreline processes and, if applicable, based upon proposed shoreline protection measures.
  - e. The location of any existing structures, utilities, on-site septic systems, wells, and stormwater management facilities.
  - f. The location of any proposed structures, utilities, on-site septic systems, wells, and stormwater management facilities.
  - g. The full geographical limits of the proposed project area (area to be developed).
  - h. Dimension of the closest distance between the identified active shoreline hazard area boundary and the proposed project area.

- i. Dimension of the closest distance between the 120-year regression line and the proposed project area.
    - j. Existing contours on the site at 2-foot intervals.
    - k. Property lines for the site.
    - l North arrow and scale.
  8. A discussion of any proposed shoreline protection measures including design and construction drawings is required.
  9. A list of references utilized in preparation of the report.
  10. The name, mailing address, and telephone number of the geotechnical professional(s) who prepared the report.
  11. The name, mailing address, and telephone number of the property owner.
- B. The geotechnical report shall be prepared under the responsible charge of a geotechnical professional(s) and be signed, sealed and dated by the geotechnical professional(s).
- C. The Land use administrator may request a geotechnical professional to provide additional information in the geotechnical report based upon existing conditions, changed conditions, or unique circumstances occurring on a case by case basis.
- D. Geotechnical reports shall be in conformance with a format that is pre-approved by the Land use administrator.



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**TITLE 17 SUBDIVISIONS**

**Chapters:**

[17.05 General Provisions](#)

[17.10 Definitions](#)

[17.15 Full Subdivision Approval Procedure](#)

[17.20 Short Subdivisions](#)

[17.25 Gated Communities](#)

[17.30 Lot Line Adjustments](#)

[17.35 Binding Site Plans](#)

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## CHAPTER 17.05 GENERAL PROVISIONS

### Sections:

- 17.05.010 Purpose.**
- 17.05.015 Exemptions.**
- 17.05.020 Application requirements.**
- 17.05.030 Permit decision and appeal process.**
- 17.05.040 General review and approval criteria.**
- 17.05.050 Performance guarantees.**
- 17.05.060 Permit revision and modification.**
- 17.05.070 Violation – Penalty.**
- 17.05.080 Sale limitations.**
- 17.05.090 Recording.**

### **17.05.010 Purpose.**

Land subdivision is the first step in the process of community development. Once land has been divided into streets, lots and blocks and has been publicly recorded, the correction of defects is costly and difficult. It is therefore in the interest of the public, the developer and the future owners that subdivisions be designed and developed in accordance with sound rules and proper minimum standards.

### **17.05.015 Exemptions.**

Pursuant to RCW 58.17.040, the provisions of this chapter shall not apply to:

- A. Cemeteries and other burial plots while used for that purpose;
- B. Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land; provided, that for purposes of computing the size of any lot under this subsection which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;
- C. Divisions made by testamentary provisions or the laws of descent;
- D. Divisions of land into lots or tracts classified for industrial or commercial use when the town has approved a binding site plan governed by Chapter 17.35 CMC;
- E. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers is permitted to be placed upon the land when the town has approved a binding site plan for the use of the land in accordance with local regulations;
- F. A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots, or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site; and
- G. Divisions of land into lots or tracts if:

1. Such division is the result of subjecting a portion of a parcel or tract of land to either Chapter 64.32 or 64.34 RCW subsequent to the recording of a binding site plan for all such land;
2. The improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums, or owned by an association or other legal entity in which the owners of the units therein, or the owners' associations have a membership or other legal or beneficial interest;
3. A town has approved the binding site plan for all such land;
4. Such approved binding site plan is recorded in the county or counties in which such land is located;
5. The binding site plan contains thereon the following statement:

All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the town having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein.

The binding site plan may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either Chapter 64.32 or 64.34 RCW;

6. Chapter 17.35 CMC shall govern the review and approval process for binding site plans subject to this exemption;
7. A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures; and

A division of land into lots or tracts of less than three acres that is recorded in accordance with Chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities. For purposes of this subsection, "electric utility facilities" means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations. This subsection does not exempt a division of land from the zoning

and permitting laws and regulations of cities, towns, counties, and municipal corporations. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility's existing and new customers. New customers are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed.

**17.05.020 Application requirements.**

The applicant must provide application materials as required in Chapter 14.20 CMC (Application Requirements) and any additional information required in the applicable code section for plats (Chapter 14.25 CMC), subdivisions (Chapter 17.15 CMC), binding site plans (Chapter 17.35 CMC), boundary line adjustments (Chapter 17.30 CMC) or short subdivisions (Chapter 17.20 CMC).

**17.05.030 Permit decision and appeal process.**

The review process for CMC Title 17 decisions and appeals is governed by Chapter 14.15 CMC.

**17.05.040 General review and approval criteria.**

A. The town shall consider the following review requirements as part of the approval of a preliminary plat, short subdivision (preliminary or final if the applicant only applies for final), boundary line adjustment or binding site plan application:

1. The review and approval criteria outlined in CMC 14.55 (Performance guarantees);
2. The provisions of the particular type of proposed preliminary plat (Chapter 17.15 CMC), short plat (Chapter 17.20 CMC), boundary line adjustment (Chapter 17.30 CMC) or binding site plan (Chapter 17.35 CMC);
3. The town's comprehensive plan; and
4. The policies set forth in the state's Growth Management Act.

B. For preliminary plats and short subdivisions (preliminary or final if the applicant only applies for final), the decision-maker, before approval is given, shall inquire into the public use and interest proposed to be served by the establishment of a subdivision and dedication. The decision-maker shall determine if appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, sites for schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and determine whether the public interest will be served by the subdivision and dedication. Dedication of land, provision of public improvements to serve the subdivision, and/or impact fees may be required as a condition of subdivision approval. If the decision-maker finds that the proposed plat makes appropriate provisions for the public health, safety and general welfare, for open spaces, drainage ways, streets, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and schoolgrounds, and that the public use and interest will be served by the platting of such subdivision, then it shall be approved. If

the decision-maker finds that the proposed plat does not make such provisions or that the public use and interest will not be served, then the decision-maker may disapprove the proposed plat. Dedication of land may be required as a condition of subdivision approval and shall be clearly shown on the final plat. The town may not require the procurement of a release from damages from other property owners as a condition of subdivision approval.

C. A proposed subdivision site may be disapproved because of flood, inundation or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.

D. No plat shall be approved covering any land situated in a flood control zone, as provided in Chapter 86.16 RCW, without prior written approval of the Department of Ecology of the State of Washington.

#### **17.05.050 Performance guarantees.**

This section applies to the required performance guarantees for all plat or subdivision decisions. The public works director may prescribe the form of the performance guarantee and establish the amount, format and terms of any required maintenance security.

A. Installation Security. The public works director or the director of planning and community development may require the applicant to enter into a security for the performance of installation of street, utilities or other improvements within the plat and associated work. Installation security is required if the applicant wishes to receive a final plat approval ahead of completion and acceptance of any required work and the public works director determines that the deferral of the improvements will not jeopardize public health, safety or welfare.

B. Maintenance Security and Agreement. A separate maintenance security guaranteeing the work will be maintained for a specified period and shall be executed prior to or concurrent with the approval of a final plat or final short plat. These securities are applicable to all work and capital improvements including, but not limited to, utilities, public and private streets and storm water facilities. An agreement specifying the type of maintenance and the period of the maintenance is also required.

C. Covenants. To implement any condition of approval requiring ongoing maintenance, the public works director can specify a homeowners' association or other specific group of landowners implement a covenant or covenants to assure the maintenance of the utility, roads, or other improvement not dedicated to the town to assure maintenance of said facilities. The written covenant(s) shall be submitted in draft form, reviewed by staff, revised if necessary and recorded. The covenant(s) must ensure the development remains in accordance with the proposed design and conditions of project approval. Covenants must bind all future purchasers, tenants and occupants of the proposal and those portions required by the town may not be amended without the consent of the town. The covenants must also provide that the town may conduct any required maintenance or repair at the expense of the homeowners if the homeowners fail to do the required maintenance or repair after reasonable notice from the town. The applicant must record the covenant prior to or concurrent with final permit approval. The maintenance agreement may include as applicable, and without limitation, all of the following provisions:

1. Open Space Preservation.

a. An adequate guarantee providing for the ownership, permanent preservation, retention and maintenance of all open space and landscaped areas including payment of taxes.

b. An adequate method of assuring the ongoing maintenance of all open spaces and landscaped areas, including structures and appurtenances.

2. Storm Water Facilities. The covenant must provide for the care and maintenance of private storm water facilities.

3. Streets and Driveways. The covenant must provide for the care and maintenance of private streets, access roads and driveways.

**17.05.060 Permit revision and modification.**

Revisions to an approved subdivision, short subdivision, boundary line adjustment or binding site plan shall follow the procedure as set forth in Chapter 14.60 CMC (Permit Revision and Modification) and RCW 58.17.212, 58.17.215, 58.17.217 and 58.17.218.

**17.05.070 Violation – Penalty.**

A. The enforcement of this title and the penalties for the unapproved recordation or transfer of land are provided by state law and Chapters 17.65 through 17.75 CMC; provided, that any state criminal provisions shall supersede any conflicting penalties and procedures in the CMC.

B. Any person, firm, corporation, or association or any agent of any person, firm, corporation or association who violates any provision of this chapter adopted pursuant to state law, relating to the sale, offer for sale, lease or transfer of any lot, tract or parcel of land, or who transfers or sells, or agrees to sell or option any land by reference to, or exhibition of, or by any other use of, a plat or map of a subdivision before it has been approved and filed, shall be guilty of a gross misdemeanor, and each sale, offer for sale, lease or transfer of each separate lot, tract, or parcel of land in violation of any provision of this chapter shall be deemed a separate and distinct offense. The description of the lot by metes and bounds in the instrument of transfer, agreeing or optioning, shall not exempt the transaction from the penalty, nor from the remedies herein provided.

**17.05.080 Sale limitations.**

The sale of proposed lots prior to preliminary plat approval is prohibited as specified in RCW 58.17.200 and 58.17.205, as now or hereafter amended.

**17.05.090 Recording.**

The document must be certified for filing by the land use administrator. The land use administrator will cause a record of the document to be made with the county auditor of Pierce County. The applicant shall pay all costs associated with this recording.



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**CHAPTER 17.10 DEFINITIONS**

**Sections:**

- 17.10.005 Access corridor.**
- 17.10.010 Comprehensive plan.**
- 17.10.015 Dedication.**
- 17.10.020 Developer.**
- 17.10.025 Final approval.**
- 17.10.030 Final plat.**
- 17.10.035 Gated community.**
- 17.10.040 Improvement.**
- 17.10.045 Lots.**
- 17.10.050 Original tract.**
- 17.10.055 Preliminary approval.**
- 17.10.060 Preliminary plat.**
- 17.10.065 Reserved road area.**
- 17.10.070 Short subdivision.**
- 17.10.075 Subdivider.**
- 17.10.080 Subdivision or plat.**

**17.10.005 Access corridor.**

“Access corridor” means a portion of one or more lots that provides access for one to three other lots via a private easement across the intervening properties. For purposes of determining setbacks, the access corridor shall be treated as right-of-way. All lots served by and adjacent to an access corridor shall be considered corner lots, with the public street to which the access corridor connects treated as one adjacent street and the access corridor as the second adjacent street.

**17.10.010 Comprehensive plan.**

“Comprehensive plan” means the officially adopted plan which has been prepared by the town council for the physical development of the municipality.

**17.10.015 Dedication.**

“Dedication” means the deliberate appropriation of land by its owner for any general and public use.

**17.10.020 Developer.**

“Developer” means the person, party, firm or corporation who applies for a plat.

**17.10.025 Final approval.**

“Final approval” means the final official action taken on the proposed plat, subdivision or dedication, or portion thereof, which has previously received preliminary approval.

**17.10.030 Final plat.**

“Final plat” means the subdivision or dedication, or any portion thereof, which has been prepared for filing of record by the Pierce County auditor, and contains those elements and requirements set forth in this title.

**17.10.035 Gated community.**

“Gated community” means a parcel or development containing three or more dwelling units that has a secured limited access gate at its entrance or entrances.

**17.10.040 Improvement.**

“Improvement” means any thing or structure constructed for the benefit of all or some residents of the subdivision or the general public, such as, but not limited to, roads, alleys, storm drainage systems, ditches, sanitary sewer pipes or main lines, and storm drainage containment facilities.

**17.10.045 Lots.**

“Lots” means a fractional part of subdivided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term includes tracts or parcels.

**17.10.050 Original tract.**

“Original tract” means a unit of land which the applicant holds under single or unified ownership, or in which the applicant holds controlling ownership on the effective date of this chapter and the configuration of which may be determined by the fact that all land abutting said tract is separately owned by others, not including the applicant or applicants; provided, that where a husband and wife own contiguous lots in separate or community ownership, said contiguous lots shall constitute the original tract.

**17.10.055 Preliminary approval.**

“Preliminary approval” means the official action taken on the proposed plat, subdivision or dedication.

**17.10.060 Preliminary plat.**

“Preliminary plat” contains the elements and requirements set forth in this title.

**17.10.065 Reserved road area.**

“Reserved road area” means a defined area of land within the short subdivision or plat which is required to be dedicated to the city to be reserved for a future road.

**17.10.070 Short subdivision.**

“Short subdivision” means a division of land into four or less lots, tracts, parcels, sites or subdivisions for the purpose of sale or lease. .

**17.10.075 Subdivider.**

“Subdivider” means any person, firm or corporation proposing to make a subdivision.

**17.10.080 Subdivision or plat.**

“Subdivision” or “plat” means an area of land which has been divided into five or more lots, plots, tracts, or other divisions of land.

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## CHAPTER 17.15 FULL SUBDIVISION APPROVAL PROCEDURE

### Sections:

- 17.15.010** Scope.
- 17.15.020** Permit decision and appeal processes.
- 17.15.040** Access standards for subdivisions.
- 17.15.050** General review criteria for preliminary plats.
- 17.15.060** Requirements.
- 17.15.070** Engineering approval for a subdivision.
- 17.15.080** Approval criteria for a final plat.
- 17.15.100** Preliminary plat – Final plat submission time limits.
- 17.15.110** Report of decisions.

### 17.15.010 Scope.

Every subdivision shall comply with the provisions of this chapter and the sections hereof. The subdivision shall consist of greater than four lots or tracts of land which are divided from the original tract.

### **17.15.020 Permit decision and appeal processes.**

The subdivider should consult early and informally with the land use administrator and his/her technical staff for advice and assistance before preparation of a preliminary plat and its formal application for approval. A preapplication conference is recommended.

The procedure for review and approval of a subdivision plat consists of two steps and an optional third step. The initial step is the preparation and submission of an application for a preliminary plat of the proposed subdivision. This application shall be decided by the hearing examiner using Process Type IV (Chapter 14.15 CMC).

The optional step is preparation and submittal of civil engineering drawings for the construction of the plat. This step may be combined with the preliminary plat thus making it optional. The application for civil engineering is decided upon by the public works director or designee. The improvements must be constructed or securities must be established prior to issuance of final plat.

The final step is the preparation and submission of an application for a final plat. The final plat is decided upon by the hearing examiner as a Process Type II decision (Chapter 14.15 CMC). This final plat becomes the instrument to be recorded in the office of the county auditor when duly signed by the officials as set forth in this title.

No plat of a subdivision of land within the town shall be filed or recorded by the auditor of Pierce County without the approval of the final plat by the hearing examiner as specified in this title.

### **17.15.040 Access standards for subdivisions.**

A. Future Street Reservations. The public works director or designee may require the applicant to reserve or dedicate right-of-way up to 60 feet in width for any future transportation system improvements as identified in the most recently adopted version of the town of Carbonado transportation improvement plan. When land is subdivided into

larger parcels than ordinary building lots, the plat shall arrange such parcels to allow for the opening of future streets and further subdivision.

B. Access Required. Each lot in a plat shall have direct access to a public street or shall be served by an access corridor such as a private street, tract, access easement or panhandle having direct access to a public street.

C. Access Requirements.

1. The land use administrator shall review the proposed permit for adequate ingress and egress to all proposed lots. The administrator may require the extension of streets or access rights from the property line to property line of the plat to ensure the feasibility of future extension of streets.

2. The land use administrator may limit the location of direct access to town arterial or other town streets if there is other reasonable access available.

3. The public works director or designee will deny any right-of-way dedication not meeting town standards.

4. The face of the recorded plat shall include a notification of any obligation by an adjoining landowner to construct or maintain a future road.

D. Access Standards. Private streets, access corridors, tracts and panhandles may be approved by the land use administrator, in consultation with the public works director or designee and fire marshal.

1. The minimum width for a panhandle, an access tract or an access corridor serving one or two lots is 20 feet with a minimum pavement width of 14 feet unless the access is needed for a fire lane. If the access is needed for a fire lane, a minimum width of 30 feet with a minimum pavement width of 20 feet is required. The minimum width of an access tract or corridor that serves three or four lots is 30 feet with a minimum pavement width of 20 feet. Parking is prohibited within a panhandle, access tract, access corridor or fire lane.

2. Access corridors up to 150 feet in length do not require a turn-around. Access corridors that are 20 feet wide and greater and less than 500 feet in length shall provide a dedicated turn-around as described in IFC Appendix D Table D103.4. Access corridors that are more than 500 feet in length up to 750 feet in length shall be 30 feet in width, and shall provide a dedicated turn-around as described in IFC Appendix D Table D103.4. Access corridors more than 750 feet in length shall be subject to approval of the fire marshal. The length of the access corridor shall be measured along the center line of the access from the edge of the public right-of-way to the nearest lot line of the most distant lot.

3. The land use administrator may require greater width to address the need for such items as parking, drainage, or emergency access. The administrator may also permit a lesser width for 30-foot-wide access corridors to address constraints such as critical areas or existing parcel boundaries.

4. When determining if the proposed lot meets the applicable bulk and dimensional regulations set forth in Chapters 18.25 and 18.30 CMC, the land use administrator shall not include the corridor as part of a lot.

5. Access corridors serving more than two lots shall have official town street designations and addresses. Signage for private streets must indicate the street is private, for example “Carbonado Court (Private).” The public works director or designee may prescribe the form and placement of street signs.

6. At least one required minimum lot width must separate two adjacent access corridors or the access portions of two panhandle lots, or any combination of an access corridor and access portion of a panhandle lot.

7. Panhandle lots are allowed in subdivisions. The access portion of a panhandle lot shall be excluded from the density calculation and shall not be included as part of a lot in determining the minimum lot size.

**17.15.050 General review criteria for preliminary plats.**

The town will grant approval to permit applications only if the application meets all of the following conditions:

A. Avoidance of Irregular Lot Shapes. The land use administrator may prohibit proposed lots having five or more corners. The administrator shall base the approval on whether the lot shape is necessary or desirable due to factors including, but not limited to, critical areas, topography, natural features, street layouts, access, or existing parcel boundaries. The administrator may deny the creation of lots with five or more corners if the primary purpose of the lot shape is to meet minimum lot size or dimension requirements.

B. Natural Features. The proposal for any subdivisions must demonstrate due regard for all natural features, such as large trees, watercourses, historical spots and similar community assets, which, if preserved, will add attractiveness and value to the property.

**17.15.060 Requirements.**

In addition to satisfying the criteria identified in CMC 17.05, the preliminary plat shall comply with the following:

A. The town may impose conditions to ensure the use does not adversely affect public facilities or services.

1. The applicant must demonstrate how on-site drainage will conform to Chapter

13.36 CMC, Storm Drainage of Surface Water – Utility, Management and Maintenance, and the applicable public works development standards and regulations.

2. The public works director or designee shall consider factors including, but not limited to, sight distance at points of access/egress, safe walking routes to schools



and any improvements identified in the most recently adopted town of Carbonado transportation improvement plan.

B. Provision of fire hydrants must conform to the requirements of any applicable public works development standards and regulations.

C. The applicant has provided all required SEPA environmental documentation pursuant to CMC Title 18. The SEPA responsible official (CMC 14.10) may adopt any existing environmental documents or incorporate those documents by reference.

D. The preliminary plat must comply with noise levels set forth in Chapter 173-60 WAC and Ordinance 369 (Noise Regulations) for both construction noise and for the proposed lots.

E. The preliminary plat must, at a minimum, meet the following requirements, as applicable:

1. The site conforms to Chapters 18.25, 18.30 and 18.35 CMC for all lots;
2. The applicant has designed all external illumination to face inward, to minimize impact to adjacent properties;
3. Parking area design shall conform to Chapter 18.75 CMC (Off-Street Parking and Loading). Additionally, the design shall minimize impact of headlight glare from internal traffic on adjoining streets or residential uses;
4. For applications containing possible nonresidential uses, if the site abuts an existing residential use, the applicant must construct, and the town approve, a solid visual and noise barrier composed of fencing and landscaping as needed to shield nonresidential from abutting residential uses prior to occupancy;
5. The applicant must mitigate the generation of noxious or offensive emissions or odors, or other nuisances, which may be injurious or detrimental to the community; and
6. The applicant has paid all applicable fees.

**17.15.070 Engineering approval for a subdivision.**

The procedure for review and approval of a subdivision includes an optional step for submission of civil engineering drawings for approval by the town. This step may be combined with the preliminary plat thus making it optional. The application for civil engineering is decided upon by the public works director or designee through Process Type I (Chapter 14.15 CMC).

A. Adequate public facilities and services must support the use.

1. On-site drainage shall conform to Chapter 13.36 CMC (Storm Drainage of Surface Water – Utility, Management and Maintenance) and the applicable public works development standards and regulations – and all best management practices for grading erosion control.

2. The proposal meets all adopted town standards for: water connection and distribution including fire standards conditioned on the preliminary plat; streets including frontage, drainage gutters, drainage improvements, curbs, planting strips, and sidewalk; sewers to applicable standards; dry utilities; and planting and landscaping including irrigation.

3. The proposal meets all requirements imposed through conditions on the preliminary plat necessary for the support of the proposed plat. These may include off-site improvements to the utilities, transportation systems (including vehicular, pedestrian and public transportation systems), education, and police and fire facilities. The public works director shall review all utilities design and installation against the applicable development regulations and the public works development standards and regulations.

B. The town is able to monitor and enforce all conditions of approval and all inspections necessary to lessen any impacts of the proposed construction. The applicant may propose privately funded special inspectors from the town's approved list for this purpose.

**17.15.080 Approval criteria for a final plat.**

The final step is the preparation and submission of an application for a final plat. The final plat is also decided upon by the hearing examiner as a Process Type II decision (Chapter 14.15 CMC). This final plat becomes the instrument to be recorded in the office of the county auditor when duly signed by the officials as set forth in this title. No plat of a subdivision of land within the town shall be filed or recorded by the auditor of Pierce County without the approval of the final plat by the hearing examiner as specified in this title. The town will not issue a land use recommendation to the hearing examiner before the proposal's final plan set accurately reflects all required improvements. The plan set must also include all applicable inscriptions required by the town in setting forth appropriate limitations and conditions for the use of the land.

A. All the conditions of approval are met as determined by the hearing examiner.

B. Monuments. Monuments shall conform to American Public Works Association (APWA) Standards. The applicant must set monuments at all street corners, at all points where the street lines intersect the exterior boundaries of the subdivision, and at angle points and points of curve in each street. The applicant shall install all monuments with the finished grade. All surveys shall have an accuracy such that no error of closure exceeds one foot in 5,000 feet. The town encourages the use of state plan coordinates.

C. Covenants. The covenants must meet all code requirements and conditions of approval as determined by hearing examiner.

D. The applicant has recorded documents for the provision of any required deed, dedication, and/or easements or such recording is made a condition of approval.

E. When the hearing examiner finds that the subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval, and that said subdivision meets the requirements of this chapter, other applicable state laws, and any local ordinances adopted under this chapter which were in effect at the time of preliminary plat approval, it shall suitably inscribe and execute its written approval on the face of the plat.

F. The applicant shall record a native growth protection area per CMC Title 16 for all critical areas the town has required the applicant to reserve on the plat.

G. The land use administrator must certify the plan for filing before it is filed with the county auditor. The applicant must return a copy of the recorded instrument to the town clerk prior to the issuance of any building permits for construction within the site. The applicant shall pay all costs associated with this filing.

**17.15.100 Preliminary plat – Final plat submission time limits.**

The approval of the preliminary plat shall lapse if a final plat based thereon is not submitted within five years from the date of such approval, unless an extension of time is applied for and granted by the land use administrator. The land use administrator may grant successive extensions up to one year each for good cause if the requested extension continues to satisfy the standards of approval.

**17.15.110 Report of decisions.**

The land use administrator or his/her designee shall provide regular reports to the town council on decisions issued pursuant to this chapter.

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## CHAPTER 17.20 SHORT SUBDIVISIONS

### Sections:

- 17.20.010** Scope.
- 17.20.020** Number of parcels permitted.
- 17.20.040** Further division unauthorized within five years.
- 17.20.050** Permit decision and approval processes.
- 17.20.070** Filing – Required contents.
- 17.20.110** Access requirements.
- 17.20.130** Future street reservations.
- 17.20.140** Access required.
- 17.20.150** Access standards for short plats.
- 17.20.160** Lot shape – Avoidance of irregular lot shapes.
- 17.20.165** Easement requirements.
- 17.20.170** Utility review.
- 17.20.175** Buildable site required.
- 17.20.180** Deferral of short subdivision improvements.
- 17.20.200** Approval criteria for a short plat.
- 17.20.210** Report of decisions.

### **17.20.010 Scope.**

Every short plat or short subdivision shall comply with the provisions of this chapter and the provisions of Chapter 17.05 CMC (General Provisions).

### **17.20.020 Number of parcels permitted.**

Every short plat or short subdivision shall consist only of one to four parcels, lots or tracts of land which are divided from the original tract now proposed to be sold or leased.

### **17.20.040 Further division unauthorized within five years.**

The land within a short subdivision may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries.

### **17.20.050 Permit decision and approval processes.**

The subdivider should consult early and informally with the land use administrator and his/her technical staff for advice and assistance before preparation of a short plat application. A preapplication conference is highly encouraged but not mandated.

The application for a short plat shall be decided by the land use administrator using a Process Type III decision (Chapter 14.15 CMC).

No short plat or a short subdivision of land within the town shall be filed or recorded by the auditor of Pierce County without the approval of the final short plat by the land use administrator as specified in this title.

**17.20.070 Filing – Required contents.**

The applicant shall provide application materials as required in Chapter 14.20 CMC (Application Requirements).

**17.20.110 Access requirements.**

- A. The proposed short plat shall be reviewed by the land use administrator for adequate ingress and egress to all proposed lots. Extension of streets or access rights from the property line to property line of the short subdivision land may be required in order that such street access may be extended in the future.
- B. If there is other reasonable access available, the land use administrator may limit the location of direct access to town arterial or other town streets.
- C. A right-of-way which is proposed to be dedicated to the town shall not be so dedicated unless it meets town standards, or town standards with an approved deviation.
- D. When an adjoining landowner will be obligated to construct or maintain a future road, a note to this effect shall be stated on the face of the short plat.

**17.20.130 Future street reservations.**

Where a town street or arterial may be or is being planned for the short subdivision land area, the land use administrator or his/her designee may require that a right-of-way up to 60 feet in width be reserved for a future street.

**17.20.140 Access required.**

Each lot shall have direct access to a public street or shall be served by an access corridor such as a private street, tract, access easement or panhandle having direct access to a public street.

**17.20.150 Access standards for short plats.**

Private streets, access corridors, tracts and panhandles may be approved by the land use administrator, upon concurrence by the town engineer or designee and fire marshal.

- A. The minimum width for a panhandle, an access tract or an access corridor serving one or two lots shall be 20 feet with a minimum pavement width of 14 feet unless the access is needed for a fire lane. If the access is needed for a fire lane, a minimum width of 30 feet with a minimum pavement width of 20 feet is required. The minimum width of an access tract or corridor that serves three or four lots shall be 30 feet with a minimum pavement width of 20 feet. No parking shall be permitted within a panhandle, access tract, access corridor or fire lane.
- B. Access corridors up to 150 feet in length do not require a turn-around. Access corridors 20 feet wide and more than 150 but less than 500 feet in length shall provide a dedicated turn-around as described in IFC Appendix D Table D103.4. Access corridors more than 500 feet in length up to 750 feet in length shall be 30 feet in width, and shall provide a dedicated turn-around as described in IFC Appendix D Table D103.4. Access corridors

more than 750 feet in length shall be subject to approval of the fire marshal. The length of the access corridor shall be measured along the center line of the access from the edge of the public right-of-way to the nearest lot line of the most distant lot.

C. Greater width may be required at the discretion of the land use administrator, with the concurrence of the town engineer or designee and/or fire marshal, to address the need for such items as parking, drainage, or emergency access. Lesser width may be allowed on 30-foot-wide access corridors at the discretion of the land use administrator, with the concurrence of the town engineer or designee and/or fire marshal, to address constraints such as critical areas or existing parcel boundaries.

D. The access corridor shall not be included as part of a lot in determining the applicable bulk and dimensional regulations set forth in Chapters 18.25 and 18.30 CMC.

E. All short plats containing access corridors in private ownership shall record with the short plat such joint access easements, utility easements, emergency access easements, and covenants establishing a means for assessing maintenance costs and an organization for ensuring ongoing maintenance subject to approval of the land use administrator. Such covenants or documents shall obligate any seller to give written notice to any prospective purchaser of the annual cost and method of maintenance of the private access corridor.

F. Access corridors serving more than two lots shall have official town street designations and addresses; provided, that the private nature shall also be indicated by a street sign.

G. Access corridors shall be separated from other access corridors, or the access portion of a panhandle lot, or any combination thereof, by at least one required minimum lot width.

H. Panhandle lots are allowed in a short plat. The access portion of a panhandle lot shall be excluded from the density calculation and shall not be included as part of a lot in determining the minimum lot size.

**17.20.160 Lot shape – Avoidance of irregular lot shapes.**

All lots created by the short subdivision that have five or more corners shall require approval of the shape of the lot by the land use administrator prior to approval of the short plat. The land use administrator shall base the approval on whether the lot shape is necessary or desirable due to factors including, but not limited to, critical areas, topography, natural features, street layouts, access, or existing parcel boundaries. The land use administrator may deny the creation of lots with five or more corners if the primary purpose of the lot shape is to meet minimum lot size or dimension requirements.

**17.20.165 Easement requirements.**

A. Existing, legal easements less than the minimum required width may be allowed to remain; however, additional lots shall not be served by such existing easement unless widened to the minimum required width.

B. Easements shall be granted to assure that land within each short subdivision is adequately drained, and that all lots can be provided with water, fire protection, and utilities.

**17.20.170 Utility review.**

A. Drainage. The proposed short plat shall be reviewed for adequate drainage facilities. Requirements for any future necessary facilities which may depend upon the use of the land shall be stated on the face of the short plat.

B. Sewers. The proposed short plat shall be reviewed for sewer. No construction shall occur on any lot unless it is connected to a public sewer system. If known local conditions exist which may affect future building sites, these conditions shall be stated on the face of the short plat.

C. Water Supply and Fire Protection. The proposed plat shall be reviewed for potential adequacy of water supply and fire protection.

D. Subsections A, B and C of this section shall not be considered as criteria for which a short plat may be denied, but may be considered as criteria for which a building permit may be denied.

**17.20.175 Buildable site required.**

Feasibility for Building Sites. Areas which are known or suspected to be poor building sites because of geological hazard, flooding, poor drainage or swamp conditions, mud slides or avalanche shall be noted on the face of the short plat.

**17.20.180 Deferral of short subdivision improvements.**

The land use administrator may authorize the deferral of the completion of any required short subdivision improvements up to the issuance of building permits to the extent that the deferral does not adversely affect the functionality of the improvements. The public works director or designee may require a performance guarantee as authorized by CMC 14.55 as a condition of deferring any short subdivision improvements. If the completion of any improvements is deferred beyond the filing of the final short plat, a note shall be placed on the final short plat identifying the deferred improvements and the obligations of the property owner to complete them.

**17.20.200 Approval criteria for a short plat.**

No short plat or subdivision of land within the town shall be filed or recorded by the auditor of Pierce County without the approval of the short plat by the land use administrator as specified in this title. The short plat shall comply with the following provisions:

A. Monuments. Monuments shall conform to American Public Works Association (APWA) Standards and the Town of Carbonado Public Works Development Guidelines and Standards.

B. The granting of the proposed permit will not be injurious to the uses, planned uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed short plat is to be located.

C. The proposal is consistent and compatible with the intent of the goal, objectives, and policies of the town comprehensive plan.



D. The proposal meets the criteria of CMC 17.05.

E. Covenants. Any covenants required must be to the satisfaction of the land use administrator.

F. The applicant has recorded documents for the provision of any required deed, dedication, and/or easements with the recording number on the face of the plat.

G. The applicant shall record a native growth protection area per CMC Title 16 for all critical areas the town has required the applicant to reserve on the plat.

H. The land use administrator must certify the plan for filing before it is filed with the county auditor. The applicant must return a copy of the recorded instrument to the planning and community development department prior to the issuance of any building permits for construction within the site. The applicant shall pay all costs associated with this filing.

I. Provisions of fire hydrants must conform to the requirements of all applicable public works development standards and regulations.

J. The proposed plat or subdivision must, at a minimum, meet the following requirements, as applicable:

1. The site conforms to Chapters 18.25, 18.30 and 18.35 CMC for all lots.
2. The applicant has paid all applicable fees.
3. All applicable provisions of the Carbonado Municipal Code.

K. The land use administrator is authorized to impose conditions necessary to ensure compliance with the requirements of this section.

**17.20.210 Report of decisions.**

The land use administrator or his/her designee shall provide regular reports to the planning commission and the town council on decisions issued pursuant to this chapter.

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**CHAPTER 17.25 GATED COMMUNITIES**

**Sections:**

**17.25.010 Applicability – Development requirements.**

**17.25.010 Applicability – Development requirements.**

Gated communities are allowed under the following conditions:

- A. These provisions shall apply to parcels or developments of three or more dwelling units.
- B. All persons wishing to install a gate shall obtain a building permit for the gate.
- C. All streets with or within gates shall be privately owned and maintained. The street shall be designed to public street design and construction standards.
- D. All gates shall have Opticom activation system or equivalent and compatible system that is approved by the police and fire chiefs.
- E. All gates must be electronically activated and shall have default capabilities to the unlocked position.
- F. The minimum clear width of a gate shall be compatible with the street lane required width.
- G. Gates that might be obstructed by the accumulation of snow shall not be installed.
- H. A vehicular turn-around must be provided in front (between the gate and the public street) of the gate.
- I. Gates shall be a minimum of 60 feet back from the public street for developments of 20 units or more and 30 feet back from the public street for developments of 19 units or fewer. This allows stacking and turn around for vehicles.
- J. For developments with more than one gate, all gates must be operable at all times.

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## CHAPTER 17.30 LOT LINE ADJUSTMENTS

### Sections:

- 17.30.010 Scope.**
- 17.30.020 Permit decision and appeal process.**
- 17.30.030 Review and approval criteria.**

### **17.30.010 Scope.**

This chapter is established to accommodate minor alterations in the locations of lot boundaries of existing lots and to establish the criteria for the land use administrator to evaluate such changes.

### **17.30.020 Permit decision and appeal process.**

The director of planning and community development shall render decisions on boundary line adjustments through Process Type I (Chapter 14.15 CMC).

### **17.30.030 Review and approval criteria.**

A. The land use administrator shall review and approve, approve with conditions, or disapprove lot line adjustments as necessary to ensure compliance with the standards below. The land use administrator shall make written findings that the declaration of lot line adjustment shall not:

1. Increase the number of lots;
2. Diminish the size of any lot so as to result in a lot of less area than prescribed by zoning or other regulations;
3. Create a subdivision alteration, as contemplated in RCW 58.17.215 as now or hereafter amended, by actions that include the following:
  - a. Creating or diminishing any easement recorded on the plat or short plat;
  - b. Diminishing or impairing drainage, water supply, sanitary sewage disposal, and access, including fire protection access, to any lot;
  - c. Amending or violating the conditions of approval for a previously platted property;
4. Increase the nonconforming aspects of an existing nonconforming lot;
5. Replat, or vacate a plat or short plat;
6. Reduce a setback or lot width below the minimum required by the zoning code.

B. In the event a proposed boundary line adjustment creates a lot that has five or more corners, the land use administrator shall base the approval or denial on whether the lot shape is necessary or desirable due to factors including, but not limited to, critical areas, topography, natural features, street layouts, access, or existing parcel boundaries. The land

use administrator may deny the creation of lots with five or more corners if the primary purpose of the lot shape is to meet minimum lot size or dimension requirements.

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## CHAPTER 17.35 BINDING SITE PLANS

### Sections:

- 17.35.010 Scope.**
- 17.35.020 Permit decision and appeal process.**
- 17.35.030 Criteria for approval.**
- 17.35.040 Certification of segregation.**

### **17.35.010 Scope.**

Any land designated exclusively for commercial or industrial development in accordance with this code which is being divided for the purpose of sale, lease, or other transfer of ownership when more than one principal building is to be constructed on one lot of record shall conform to the procedures and requirements of this chapter if the applicant wishes to exercise the subdivision exemption authorized by CMC 17.05.015(D)).

### **17.35.020 Permit decision and appeal process.**

The hearing examiner shall approve, deny or approve with conditions applications for binding site plans pursuant to Process Type IV (Chapter 17.71 CMC).

### **17.35.030 Criteria for approval.**

Every binding site plan shall comply with the provisions of this chapter and the sections hereof.

#### A. Access Standards for Binding Site Plans.

1. The land use administrator shall review the proposed permit for adequate ingress and egress to all proposed lots for both vehicles and pedestrians. The administrator may require the extension of streets or access rights from the property line to property line of the binding site plan to ensure the feasibility of future extension of the circulation system.
2. The land use administrator may limit the location of direct access to town arterials or other town streets if there is other reasonable access available.
3. The public works director or designee will deny any access not meeting town standards.
4. The face of the binding site plan shall include a notification of any obligation by an adjoining landowner to construct or maintain an access.

B. Access Standards. Private streets, access corridors, and tracts may be approved by the land use administrator, in consultation with the public works director or designee and fire marshal.

1. The minimum width for an access tract or an access corridor serving one or two lots is 20 feet with a minimum pavement width of 14 feet unless the access is needed for a fire lane. If the access is needed for a fire lane, a minimum width of 30 feet with a minimum pavement width of 20 feet is required. The minimum width of an access tract or corridor that serves three or four lots is 30 feet with a minimum



pavement width of 20 feet. Parking is prohibited within a panhandle, access tract, access corridor or fire lane.

2. The land use administrator may require greater width to address the need for such items as parking, drainage, or emergency access. The administrator may also permit a lesser width for 30-foot-wide access corridors to address constraints such as critical areas or existing parcel boundaries.

C. The granting of the proposed permit will not be injurious to the uses, planned uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed plat is to be located.

D. The proposal is consistent and compatible with the intent of the goals, objectives and policies of the town's comprehensive plan.

E. The proposal must protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community. To accomplish this, the applicant must mitigate any hazardous conditions introduced to the site.

F. Adequate public facilities and services must support the binding site plan. The town may impose conditions to ensure the use does not adversely affect those facilities or services.

1. The applicant must demonstrate how on-site drainage will conform to Chapter 13.36 CMC (Storm Drainage of Surface Water – Utility, Management and Maintenance) and the applicable public works development standards and regulations.

2. The public works director or designee shall consider factors including, but not limited to, sight distance at points of access/egress, and any improvements identified in the most recently adopted town of Carbonado transportation improvement plan.

3. The applicant must demonstrate the availability of public services necessary for the support of the proposal to the land use administrator. These may include, but shall not be limited to, availability of utilities, transportation systems (including vehicular, pedestrian and public transportation systems), and police and fire facilities. The public works director shall review all utilities design and installation against the applicable development regulations and the public works development standards and regulations.

G. Provision of fire hydrants must conform to the requirements of IFC Appendix C and any applicable public works development standards and regulations.

H. The applicant has provided all required SEPA environmental documentation pursuant to CMC Title 14.10. The SEPA responsible official (CMC 14.10.060) may adopt any existing environmental documents or incorporate those documents by reference.

I. The proposed binding site plan must, at a minimum, meet the following requirements, as applicable:

1. Parking areas design shall conform to Chapter 18.75 CMC, Off-Street Parking and Loading. Additionally, the design shall minimize impact of headlight glare from internal traffic on adjoining streets or residential uses.

2. For applications containing possible residential uses, or if the site abuts an existing residential use, the applicant must construct, and the town approve, a solid visual and noise barrier composed of fencing and landscaping prior to occupancy.

J. Adequate public facilities and services must support the use.

1. On-site drainage shall conform to Chapter 13.36 CMC, Storm Drainage of Surface Water – Utility, Management and Maintenance, and the applicable public works development standards and regulations – and all best management practices for grading erosion control.

2. The proposal meets all adopted town standards for: water connection and distribution including fire standards; sewers to applicable standards; dry utilities; and planting and landscaping including irrigation.

K. The town is able to monitor and enforce all conditions of approval and all inspections necessary to lessen any impacts of the proposed construction. The applicant may propose privately funded special inspectors from the town’s approved list for this purpose.

L. Performance Guarantees. This section applies to the required performance guarantees for all binding site plans. The public works director or designee may prescribe the form of the performance guarantee and establish the amount, format and terms of any required maintenance security per Chapter 17.05 CMC (General Provisions).

**17.35.040 Certification of segregation.**

If a building permit is requested for construction within any approved binding site plan, the land use administrator shall, prior to or concurrently with the issuance of the building permit, issue a document entitled “certificate of segregation” stating that the segregation or construction substantially complies with the approved plan. The portion of the plan for which the building permit is requested shall be legally described in the certificate.

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**TITLE 18 ZONING**

**Chapters:**

- [18.05 General Provisions](#)
- [18.10 Definitions](#)
- [18.15 Districts Generally](#)
- [18.20 Table of Uses](#)
- [18.25 Table of Land Development Dimensional Regulations](#)
- [18.30 Table of Building Bulk Regulations](#)
- [18.35 Table of Landscape Regulations](#)
- [18.40 General Use Regulations](#)
- [18.50 Residential Low Density District](#)
- [18.55 Residential Moderate Density District](#)
- [18.60 Commercial Mixed Use District](#)
- [18.65 Community Facilities District](#)
- [18.70 Parks and Open Space District](#)
- [18.75 Off-Street Parking and Loading](#)
- [18.80 Sign Code](#)
- [18.85 Nonconforming Uses and Structures](#)
- [18.90 Temporary Uses](#)
- [18.95 Wireless Communication Facilities](#)
- [18.100 Mobile Home Parks](#)
- [18.105 Special Uses](#)

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**CHAPTER 18.05 GENERAL PROVISIONS**

**Sections:**

**18.05.010 Short title.**

**18.05.020 Purpose.**

**18.01.010 Short title.**

This title shall be known as the town zoning code.

**18.01.020 Purpose.**

The purpose of this zoning code is to promote and to protect the public health, safety, and general welfare of the people of Carbonado.

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## CHAPTER 18.10 DEFINITIONS

### Sections:

#### **18.10.010 Rules of construction.**

#### **18.10.020 Definitions generally.**

#### **18.10.030 Definitions alphabetically.**

#### **18.10.010 Rules of construction.**

In the construction of this zoning code the following rules shall be observed and applied, except when the context clearly indicates otherwise:

- A. The present tense includes the future, and words used in the singular include the plural, and the plural the singular.
- B. The word “shall” is mandatory and not discretionary.
- C. The word “may” is permissive.
- D. The word “lot” includes the words “piece” and “parcel”; the word “building” includes all other structures of every kind regardless of similarity to buildings; and the phrase “used for” includes the phrases “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.

#### **18.10.020 Definitions generally.**

In the construction of this zoning code the definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise.

#### **18.10.30 Definitions alphabetically.**

1. “Access Road” means a driveway that may provide access to more than one parking lot or area, may provide access to more than one property or lot, and/or may provide internal access from one street to another.
2. “Accessory apartment or accessory dwelling unit (ADU)” is a habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation. The installation of an ADU in new and existing single-family dwellings (hereinafter principal dwelling) shall be allowed in single-family zones



subject to specific development, design, and owner-occupancy standards. Accessory dwelling units are subject the following provisions:

- A. The owner of the property, which shall include title holders and contract purchasers, must occupy either the principal dwelling or the ADU, as affirmed by a signed and notarized affidavit.
- B. Such dwelling unit shall contain no more than two bedrooms, and its floor area shall not exceed 60 percent of the floor area of the principal dwelling;
- C. Each ADU must have one dedicated off-street parking space per bedroom of the ADU in addition to the parking needs of the principal dwelling;
- D. Home occupations shall be allowed, subject to existing regulations, in either the ADU of the main building, but not both;
- E. Only one ADU is allowed per lot;
- F. The ADU must meet the bulk and dimensional standards and setbacks of Chapters 18.25 and 18.30 CMC;
- G. Building permits per CMC 15.05 are required for all ADU created after December 1, 2015;
- H. Certification by the Town of Carbonado and the Pierce County Health Department that the water supply and sewage disposal facilities are adequate for the projected number of residents must be provided to the building official;
- I. An accessory apartment must be connected to the utilities (except telephone and television) of the dwelling unit and may not have separate services;
- J. The applicant shall provide a covenant in a form acceptable to the City Attorney and suitable for recording with the County Auditor which:
  - i. provides notice to future owners or long term lessors of the subject lot that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling unit or the principal dwelling by the property owner; and
  - ii. states the ADU may not be sold separately from the principle residence without first being formally subdivided as provided for in CMC 17.20 Short Subdivisions. In consideration of the approval of a short subdivision, both principal and ADU

lots must meet the full bulk and dimensional standards of Chapters 18.25 and 18.30 CMC (Ord. 436, 2015).

3. “Accessory building, structure or use” means one which:
  - A. Is subordinated to and serves a principal building or principal use; and
  - B. Is subordinate in area, extent or purpose to the principal building and principal use served; and
  - C. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
  - D. Is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.
  
4. “Addition” means:
  - A. A structure added to the original structure at some time after the completion of the original;
  - B. An extension or increase in floor area or height of a structure.
  
5. “Adult day care facility” means an establishment providing for regularly scheduled care and supervision of adults whose age or medical condition warrants such care, and where such care is provided for periods of less than 24 hours.
  
6. "Adult Entertainment Business(es)." For the purposes of this title “adult entertainment business(es)” refers to those businesses defined at CMC [5.20.010\(A\)](#) and (B).
  
7. “Adult family home” means a private home to care for up to six residents that is licensed by the Department of Social and Health Services. Licensed providers provide care to functionally disabled adults and the frail elderly. Services provided in an adult family home include room, board,

laundry, any required supervision, personal care, and social services. Minimal nursing supervision may be provided in homes operated by a licensed nurse.

8. “Adult retirement community” means a residential development for persons who are at least 55 years of age. Such development may include the following as accessory uses:

- A. Social and recreation activities;
- B. Communal meal service;
- C. Limited health care facilities;
- D. Transportation facilities; and
- E. Personal services.

9. “Adverse impact” means a condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or on off-tract property or facilities.

10. “Alley” means a public right-of-way which affords a secondary means of access to abutting property, and not intended for general traffic circulation. Alley width shall be considered the distance between its right of way lines.

11. "Alterations" means a change or rearrangement of the structural parts or exit facilities, or an enlargement by extending the sides or increasing the height or depth, or the moving from one location to another.

12. "Amendment, Text" means a change in the wording, context or substance of this code.

13. “Amendment, Map” means a change in the zone boundaries upon the zoning map.

14. "Amusement facilities" means those commercial establishments, such as theaters, dance halls, bowling alleys, skating rinks, miniature golf courses, arcades, waterslides or other similar uses which provide recreation either indoors or in a confined, intensively utilized outdoor area.

15. “Animal hospital” means a place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

16. "Antique" means any article, other than an automobile, that because of its age, rarity or historical significance has a monetary value greater than the original value.

17. "Antique shop" means a place that sells predominantly those articles which are antiques, and antique-related objects.

18. “Apartment” means one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing three or more dwelling units.

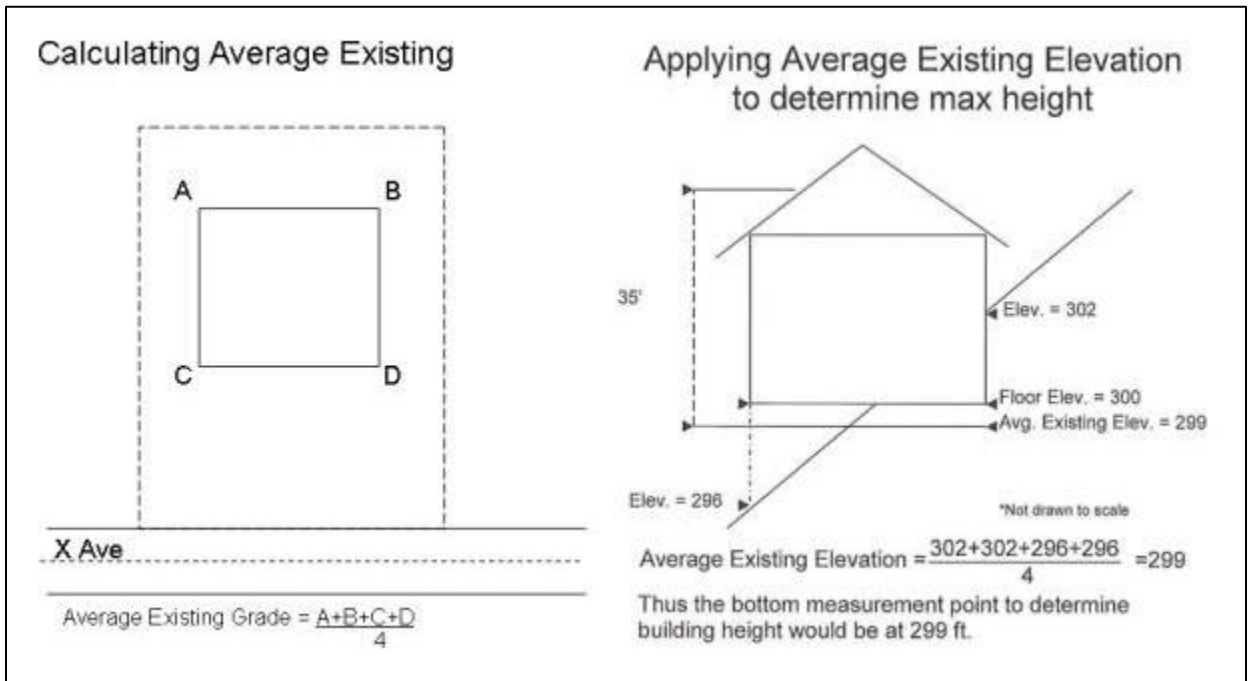
19. “Approved plan” means a plan that has been granted final approval by the appropriate approving authority.

20. “Assisted living facility” means an institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the governing authority or its members by marriage, blood, or adoption.
21. “Auction house” means a place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other.
22. “Authorized use” means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
23. “Automobile service station” means a facility primarily providing automotive repair and the dispensing of gas and oil directly into vehicles. Car washes are sometimes accessory uses.
24. “Automobile wash” means an establishment concerned primarily with providing facilities for cleaning vehicles, either by staff or by the customer using self-service facilities.
25. “Automobile, repair” means a facility primarily engaged in automotive repair and detailing, including the sale and installation of lubricants, tires, batteries, mufflers and similar accessories.
26. “Automobile, sales” means an establishment that provides for the retail selling or leasing of new or used automobiles.
27. "Average grade level" means the average of the natural or existing topography of the portion of the lot, parcel or tract of real property which will be directly under the proposed building or structure. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure.
28. “Ballfield” means an open space for sports events for assemblages of less than 500 spectators.
29. “Bed and breakfast” means overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation, located in a building in which the owners reside on the premises. Bed and breakfast facilities shall contain not more than six guest rooms.
30. “Buffer strip” means open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.
31. “Building” means any structure having a roof supported by columns or walls, and intended for the shelter, housing or enclosure of any person, animal, process, equipment, goods, or materials of any kind.
32. “Building height” means the vertical distance from the smallest rectangle that fits around the footprint of the building, measured from the average existing elevation of that rectangle to (A) the midpoint elevation of the highest ridgeline of a sloped roof and the highest eave of the roof pitch that is attached to the highest ridge, (B) the highest point of a flat roof, or (C) the highest point on a

deck of a mansard roof. Average existing elevation is the average of the ground elevation measured at the four corners of the rectangle, prior to any development activity taking place.

On sloping lots, residential single-family, duplex, multifamily developments or commercial or industrial developments where the ground floor elevation (A) is stepped or segmented, and (B) the building roof also reflects the change, each building segment may be computed for height independently.

Church steeple, chimneys, elevator penthouses, vents and similar enclosures or screening for rooftop mounted equipment, or parapets or pitched parapets designed for screening of equipment shall not be considered for the purpose of determining building or structure height.



33. “Principal building” means the building or structure on a lot or building site designed or used to accommodate the primary use to which the premises are devoted. Where a permissible use

involves more than one building or structure designed or used for the primary purpose, each such building or other structure shall be construed as comprising a principal building.

34. "Building site" means the ground area devoted to a main building and its accessory buildings, or to a group of main buildings and their accessory buildings, together with all yards and open spaces required by this code.

35. "Building width" means the shorter of the horizontal measures of the smallest rectangle that can be scribed around a building, excluding eaves, overhangs, chimneys, bays, and areas not fully enclosed.

36. "Bulk" means the term used to indicate the size and setbacks of buildings or structures and their location with respect to one another.

37. "Business and commerce" means the purchase, sale or other transaction involving the handling or a disposition of any article, service, substance or commodity for livelihood or profit, or the management of office buildings, offices, recreational or amusement enterprises; or the maintenance and use of buildings, offices, structures and of premises by professions and trades rendering services.

38. "Buy-back recycling center" means any small scale business without industrial activity which collects, receives, or buys recyclable materials from household, commercial, or industrial sources for the purpose of sorting, grading, or packaging recyclables for subsequent shipment and marketing.

39. "Campground" means a privately or municipally owned site designed, designated, maintained, intended, or used for the purpose of supplying a location for limited term, overnight outdoor recreation in tents, campers, trailers or other forms of recreational vehicle designed for temporary sleeping, open to the public for free or paying camping purposes.

40. "Cargo container" means a standardized, reusable vessel which was:

- A. Originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or
- B. Designed for or capable of being mounted or moved on a rail car; and/or
- C. Designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

41. "Carport" means a roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides.

42. "Cemetery" means property used for interring the dead.

43. "Change of use" means any use which substantially differs from the previous use of a building or premises. A substantially different use is one which is not included in the group number

classification of the previous use, as set forth in the most recent edition of the Standard Industrial Classification Manual.

44. “Family child care center” means an establishment providing for regularly scheduled care, supervision and protection of not more than for periods less than 24 hours in a dwelling where such care and supervision is provided by a resident of the dwelling, and where no nonresident is regularly employed. Such establishment shall be subject to licensing and regulation requirements pursuant to Chapter [388-180](#) WAC.

45. “Commercial child care center” means an establishment providing for regularly scheduled care, supervision and protection of children for periods less than 24 hours. Such establishment shall be subject to licensing and regulation requirements pursuant to Chapter [388-185](#) WAC.

46. “Church” means an establishment the principal purpose of which is religious worship and for which the principal building or other structure contains the sanctuary or principal place of worship, and including the accessory uses in the main building or in separate buildings or structures including religious educational classrooms, assembly rooms, kitchens, libraries or reading rooms, recreation halls, and one-family dwelling units, but excluding facilities for residence of or training for religious orders.

47. “Club, private or lodge” means a nonprofit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building, or portion thereof, the use of such premises being restricted to members or their guests.

48. “Commercial recreation” means a recreation facility operating as a business and open to the public for a fee.

49. “Composting” means controlled aerobic degradation of organic solid waste, other than sewage sludge, for uses as a soil conditioner. The presence of anaerobic zones within the composting material will not cause the process to be classified as other than composting. Natural decay of organic solid waste under uncontrolled conditions is not composting.

50. “Composting facility” means an establishment that uses compost organic material to produce a useful, marketable product. Generally it is a solid waste facility specializing in the composting of one or more organics of a known and consistent composition, other than mixed municipal waste, to produce a marketable product for reuse or as a soil conditioner. Feedstocks may include, but are not limited to, yard waste, biosolids, or food waste.

51. “Comprehensive plan” means the comprehensive plan adopted by the town council for the town of Carbonado.

52. “Conditional use” means a use permitted in one or more zones as defined by this code but which, because of characteristics peculiar to each such use, or because of size, technological processes or equipment, or because of the location with reference to surroundings, streets, and existing improvements or demands upon public facilities requires a special degree of control to make such use consistent with and compatible to other existing or permissible uses in the same zone or zones.

53. “Conditional use permit” means the documented evidence of authority granted by the hearing examiner to locate a conditional use at a particular location. Unless otherwise restricted by

the terms and conditions at issuance of the conditional use permit, said permit shall run with the land as an overlay zoning district.

54. “Conforming building or structure” means any building or structure that complies with all regulations of this code governing bulk for the zoning district in which it is located.

55. “Conforming lot” means a lot that contains the required width, depth and square footage as specified in the zoning district in which the lot is situated.

56. “Conforming use” means a use that is listed as an authorized or conditional use in the zoning district in which the use is situated.

57. “Contractor yard” means an area for construction or contracting business offices and the interior or outdoor storage, repair, or maintenance of heavy equipment, vehicles, and construction supplies and materials.

58. “Council” means the Carbonado town council.

59. “Convenience store” means a retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods for off-site consumption. The retail sale or dispensing of gasoline and related products may also be included.

60. “Gross density” means the number of dwelling units allowed per acre of land, before land required for roadway dedication, or for access corridors or the access portion of a panhandle lot or critical area protection or related purposes as required by Chapter [16.05](#) CMC (Critical Areas and Natural Resource Lands), is subtracted from the parcel area.

61. “Net density” means the number of dwelling units allowed per acre of land, after land required for roadway dedication, or for access corridors or the access portion of a panhandle lot, or



critical area protection, as required by Chapter [16.05](#) CMC (Critical Areas and Natural Resource Lands), is subtracted from the parcel area.

62. “Dwelling” means a building, or portions thereof, designed or used exclusively for residential occupancy including one-family dwellings, two-family dwellings and multifamily dwellings, but not including hotels, motels, or lodging houses.

A. “Dwelling, Multifamily” or Multi-family dwelling means a building designed exclusively for occupancy by three or more families living separately from each other and containing three or more dwelling units.

B. “Dwelling, Single Family” or Single Family dwelling means a detached building designed exclusively for occupancy by one family and containing one dwelling unit.

A single-family dwelling unit shall measure not less than 18 feet in width; it shall have a roof with a pitch of not less than three feet in 12; and it shall be set on a permanent perimeter foundation.

Roofs with a pitch of less than three feet in 12 may be permitted on buildings of more than one story.

C. “Dwelling, Two-family” or Two Family dwelling means a building designed exclusively for occupancy by two families living separately from each other and containing two dwelling units.

63. “Dwelling unit” means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation but not for more than one family.

64. “Electric transmission substation” means a facility that is moderate in size that serves the electrical needs of a sub-area by converting current into a usable form for household, commercial, and industrial uses.

65. “Espresso stand” means an establishment that offers for sale espresso or other coffee beverages with or without drive-through facilities.

66. “Establishment, Business or Commercial” means a place of business carrying on an operation, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot and where access is separate and distinct from access to any other establishment.

67. “Facility” or “facilities” means all contiguous land, including “buffer zones” and structures, other appurtenances and improvements.

68. “Family” means one or more persons related by blood, marriage, adoption or a group of not more than five persons (excluding servants) not related by blood or marriage living together as a single housekeeping unit in a dwelling unit. More than five unrelated persons may be construed as

a family if necessary to comply with state or federal statutory or constitutional requirements, such as the federal Fair Housing Act.

69. “Fence” means that which is built, constructed or grown, or composed of parts joined together of material in some definite manner in which the prime purpose is to separate, divide, partition, enclose or screen a parcel or parcels of land.

70. “Flea market” means an occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

71. “Floor area,” for determining floor area ratio, means the sum of the gross horizontal areas of the several floors of a building, measured from the exterior walls, or the centerline of walls separating two buildings. Included shall be basement floor area when more than one-half of the basement height is above the finished lot grade level, stairwells, elevator shafts, interior balconies and mezzanines, enclosed porches and floor area devoted to accessory uses. Not to be included is space devoted to off-street parking or loading.

For determining off-street parking and loading requirements, it means the sum of the gross horizontal areas of the several floors of a building, or portion thereof, devoted to such use, including basement floor area used for retailing activities, to the production or processing of goods, or to

business or professional offices. Not to be included is floor area devoted to off-street parking or loading facilities such as aisles, ramps, stalls, and maneuvering space.

72. “Floor area ratio (FAR)” means the floor area of the building or the buildings on a zoning lot divided by the area of the zoning lot. In the case of a planned development, it is the total floor area of the buildings divided by the total site area.

73. “Freight terminal, truck” means a facility that allows for the distribution and transfer of general wholesale goods between local to regional markets by means of trucks of varying sizes.

74. “Fuel storage tank, above ground” means a facility that stores fuels in an approved container above ground.

75. “Fuel storage tank, underground” means a facility that stores fuels in an approved container below ground.

76. “Garage, Private” means an accessory building or an accessory portion of the main building enclosed on all sides and designed or used only for the shelter or storage of vehicles owned or operated only by the occupants of the main building or buildings.

77. “Garage, Public” means a building or structure other than a private garage, used for the care, repair or storage of automobiles, or where vehicles are kept for remuneration, hire or sale.

78. “Garage, Repair” means any building or premises upon or within which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted.

79. “Golf and athletic facility” means an establishment that provides the facilities necessary for the playing of golf, including links, putting greens, and driving ranges. It may include a clubhouse and supporting facilities.

80. “Grade, Lot” means the average finished ground level at the center of all exposed walls of a building. In case walls are parallel to and within five feet of a sidewalk, the aboveground level shall be measured at the sidewalk.

81. “Greenhouse, Private and Noncommercial” means a building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and

humidity can be regulated for the cultivation of delicate or out-of-season plants for personal enjoyment.

82. “Grocery store” means establishments engaged in the retail sale of a variety of canned and dry foods, fresh fruits and vegetables, or meats, poultry, and fish, and may include a variety of disposable nonfood products.

83. “Group home” means living accommodations for related or unrelated individuals with special needs who share a single-family detached dwelling unit. Individuals may be provided with a combination of personal care, social or counseling services, and transportation.

84. “Guest, Permanent” means a person who occupies, or has the right to occupy, a hotel, motel or apartment hotel accommodation for a period of 30 days or more.

85. “Hardware store” means an establishment primarily engaged in the retail sale of basic hardware lines, such as tools, builders’ hardware, paint, and glass. Retail sales of nursery, lawn and

garden supplies, and lumber may be an accessory use to hardware stores. Utilization of outdoor areas for display and storage purpose may occur as an accessory use.

86. “Health club” means an establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, saunas, showers, massage rooms and lockers. Health clubs may sell sporting goods and clothing as an accessory use.

87. “Heliport” means an area, either at ground level or elevated on a structure, licensed by the Federal Aviation Agency and approved for the loading, landing, and takeoff of helicopters and including auxiliary facilities, such as parking, fueling, maintenance, and waiting areas.

88. “Home occupation” means any activity conducted primarily for financial gain or profit in the principal residence, which is clearly incidental and secondary to the residential use of the property.

89. “Horticultural nursery” means land or greenhouses used to raise flowers, shrubs, and plants for sale.

90. “Hospital” means an institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and licensed by state law, but not including those specializing in treatment of nervous or mental disorders or drug or alcohol abuse.

91. “Hotel” means a facility offering transient lodging accommodations to the general public, and which may provide such additional services as restaurants, meeting rooms, entertainment and recreational facilities.

92. “Impervious surface” means any material that prevents the absorption of storm water into the ground.

93. “Industry, Light” or "Light Industry" means industrial uses which meet the performance standards, bulk controls, use restrictions and other requirements set forth in this chapter.

94. “Inn” means a facility containing six or fewer guest rooms, offering accommodations for transient lodging and feeding.

95. "Land Use Administrator" means the person, firm or agency designated by the Mayor of Carbonado to perform planning review and administrative decision making for the town shall serve as “land use administrator”.

96. “Landfill” means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.

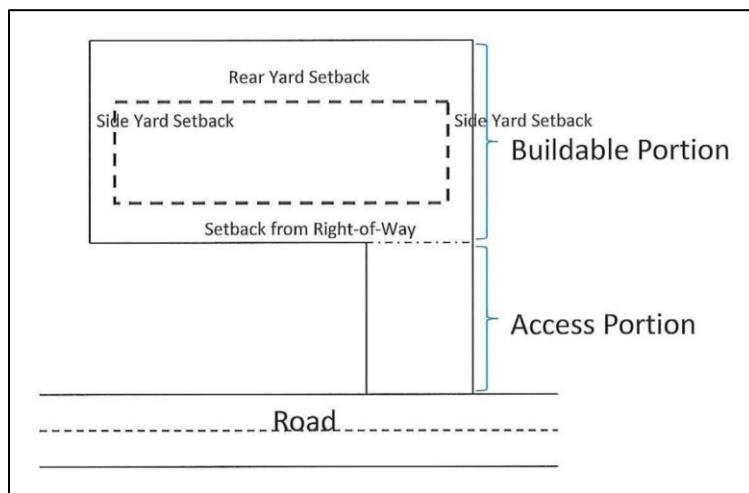
97. “Livestock” means horses, bovine animals, sheep, goats, swine, donkeys, or mules.

98. “Lot” means a designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed or built upon.

A. “Lot, Corner” or "Corner lot" means a lot situated at the intersection of two streets. For purposes of calculating setback requirements, a corner lot has two front yards, two side yards, and no rear yard.

- B. "Lot coverage" means that portion of the lot which is covered by buildings and other impervious surfaces.
- C. "Lot depth" means the average perpendicular distance between the front lot line and the rear lot line measured within the lot boundaries.
- D. "Lot, Interior" or "Interior lot" means a lot other than a corner lot.
- E. "Lot line" means a line of record bounding a lot that divides one lot from another lot, or from a public street or any other public space.
- F. "Lot Line, Front" or "Front lot line" means that lot line which is along an existing or designated public street, or, where no public street exists, along a public way.
- G. "Lot Line, Rear" or "Rear lot line" means the lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly-shaped lots, a line not less than 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
- H. "Lot Line, Side" or "Side lot line" means any lot line which is not a front or a rear lot line.
- I. "Lot, Substandard" or "Substandard lot" means a parcel of land that has less than the minimum area or minimum dimensions required in the zone in which the lot is located.
- J. "Nonconforming lot" means a lot that has less than the minimum area or minimum dimensions required in the zone in which the lot is located, but which was in conformance with applicable zoning regulations at the time which the lot was created.
- K. "Panhandle lot" means a lot which has direct access to a road, via a portion of the same lot that is smaller than the required minimum lot width. A panhandle lot has two portions, an access portion and a buildable portion as shown below. The buildable portion begins where the lot expands to meet the minimum lot width. The access portion (access corridor) is that portion of the lot that is smaller than the required minimum lot width and

extends from the road to the buildable portion. For purposes of determining setbacks, the access portion shall be treated as right-of-way.



L. “Lot of record” means an area of land designated as a lot on a plat or a subdivision recorded or registered, pursuant to statute, with the auditor of Pierce County.

M. “Through lot” means a lot having two opposite lot lines abutting public streets which are usually more or less parallel to each other, not a corner lot. Both lot lines abutting streets shall be deemed front lot lines.

N. “Lot width” means the horizontal distance between the lot side lines measured at right angles to the line comprising the depth of the lot at a point midway between the lot front line and the lot rear line.

O. “Width, Corner lot” means the shorter of the horizontal distances measured between each lot front line and its opposing lot side line.

P. “Zoning lot” means a single tract of land located within a single block, which at the time of filing for a building permit is designated by its owner or developer as a tract to be used, developed or built upon a unit, under single ownership or control. A zoning lot may or may not coincide with a lot of record.

99. “Lumber yard” means an establishment primarily engaged in selling lumber and a general line of building materials, nursery, lawn, and garden supplies to the public. General line of building materials may include rough and dressed lumber, flooring, molding, doors, frames, roofing, siding, shingles, wallboards, paint, brick, tile, and cement.

100. “Manufactured housing” means factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act ([42 U.S.C. Section 5401](#)), commonly known as the HUD (U.S. Department of Housing and Urban Development) code.

Manufactured housing which meets the definition of a single-family dwelling as set forth in herein is allowed in all zones where single-family homes are permitted as an authorized use.

101. Marijuana related uses.

“Collective garden” means the growing, production, processing, transportation, and delivery of cannabis, by qualifying patients for medical use, as set forth in Chapter [69.51A](#) RCW, and subject to the following conditions:

- A. A collective garden may contain no more than 18 plants per patient up to a total of 45 plants;
- B. A collective garden may contain no more than 24 ounces of usable cannabis per patient up to a total of 72 ounces of usable cannabis;
- C. A copy of each qualifying patient’s valid documentation, including a copy of the patient’s proof of identity, must be available at all times on the premises of the collective garden;
- D. No usable cannabis from the collective garden is delivered to anyone other than one of the qualifying patients participating in the collective garden;
- E. A collective garden may contain separate areas for growing, processing, and delivering to its qualified patients; provided, that these separate areas must be physically part of the same premises, and located on the same parcel or lot. A location utilized solely for the purpose of distributing cannabis shall not be considered a collective garden; and
- F. No more than one collective garden may be established on a single tax parcel.

102. State-licensed marijuana facilities.

- A. Unless the context clearly indicates otherwise, all terms used in this section shall have the meanings established pursuant to RCW [69.50.101](#).
- B. “Marijuana” means all parts of the plant cannabis, whether growing or not, with a THC concentration greater than zero point three percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plants, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant which are incapable of germination.
- C. “Marijuana processor” means a person licensed by the State Liquor Control Board to process marijuana into usable marijuana and marijuana infused products, package and



label usable marijuana and marijuana infused products for sale in retail outlets, and sell usable marijuana and marijuana infused products at wholesale to marijuana retailers.

D. “Marijuana producer” means a person licensed by the State Liquor Control Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

E. “Marijuana infused products” means products that contain marijuana or marijuana extracts and are intended for human use. The term “marijuana infused products” does not include usable marijuana.

F. “Marijuana retailer” means a person licensed by the State Liquor Control Board to sell usable marijuana and marijuana infused products in a retail outlet.

G. “Usable marijuana” means dried marijuana flowers. The term “usable marijuana” does not include marijuana infused products.

103. “Medical-dental clinic” means a building or group of buildings designed for the use of and occupied and used by physicians and dentists and others engaged professionally in such healing arts for humans as are recognized by the laws of the state, and including the installation and use of therapeutic equipment, x-ray equipment or laboratories, chemical, biochemical, and biological laboratories used as direct accessories to the medical-dental profession; dental laboratories, including facilities for the making of dentures on prescription; pharmacies, limited to the retail dispensing of pharmaceutical and sick-room supplies (but not room or orthopedic equipment); provided there shall be no exterior display windows or signs pertaining to such accessory uses, other than a directory sign.

104. “Mobile home lot” means a plainly marked plot of ground within a mobile home park designed to accommodate one manufactured house.

105. “Mobile home park” means any platted parcel of land 18 acres or greater, containing spaces with required improvements and utilities that are leased for the long-term placement of manufactured houses.

106. “Mobile home park thoroughfare” means a driving area for general use within the mobile home park, no less than 30 feet in width.

107. “Mortuary” means an establishment that provides services for the preparation of deceased individuals for burial or cremation and may include rooms for remembrance services.

108. “Motel” means an establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

109. “Motor vehicle impound yard in enclosed building” means a facility that provides for the temporary impoundment and storage of motor vehicles within a building.

110. “Nonautomotive, motor vehicle and related equipment sales, rental, repair and service” means establishments or places of business engaged in the sales, leasing, or service of trucks,

motorcycles, recreational vehicles, and boats; or heavy equipment and supplies related to motor vehicles; and self-moving or commercial moving services.

111. “Nonconforming building or structure” means any building or structure:

- A. The size, location or dimensions of which was lawful prior to the adoption, revision or amendment to this zoning code, but that fails by reason of such adoption, revision or amendment to conform to the present requirements of this code; or
- B. Is designed or intended for a nonconforming use.

112. “Nonconforming use” means a use or activity that was lawful prior to the adoption, revision or amendment to this zoning code, but that fails by reason of such adoption, revision or amendment to conform to the present requirements of this code.

113. “Open space” means any parcel, lot or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment; or, for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

114. “Open Space, Common” or “Common open space” means land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development. Such common open space may include such complementary structures and improvements as are necessary and appropriate.

115. “Outdoor advertising display” means any card, paper, cloth, metal, glass, wooden, or other display or device of any kind or character which is placed, painted, or printed for outdoor advertising purposes on the ground or on any tree, wall, rock, structure, fence or other object. This form of advertising is intended to be temporary in nature and differs from the definition of a sign in that respect.

116. “Outdoor storage” means the keeping, in an unenclosed area, of any goods, material, merchandise, vehicles, or junk in the same place for more than 24 hours. Registered motor vehicles and furnishings maintained in good repair are specifically excluded from this definition.

117. “Private parking area” means an open area other than a street, alley, or other public property limited to the parking of automobiles for the exclusive use of the owners, tenants, lessees, or

occupants of the lot on which the parking area is located, or their customers, employees, or whomever else they permit to use the parking area.

118. “Public parking area” means an open area other than a street, alley, or private parking area as defined in this chapter, either privately or publicly owned, which area is available to the public and used for the parking of more than five automobiles.

119. “Pasture” means an area confined within a fence or other physical barrier and used for grazing or roaming of livestock.

120. “Permitted uses” means uses authorized or allowed outright not requiring hearing examiner or town council approval.

121. “Person” means an individual, firm, partnership, association or corporation; or a state, or any political subdivision of a state, or any agency or instrumentality thereof.

122. “Personal services” means establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.

123. “Pet shop” means an establishment dealing in buying and selling small animals and birds; provided no boarding or veterinary services are rendered except bathing and clipping of dogs and cats.

124. “Plumbing supply yard” means an establishment providing plumbing supplies for retail and wholesale customers.

125. “Post Office, Branch or contract station” means postal facilities serving neighborhood markets.

126. “Distribution center or terminal post office” means postal facilities serving regional markets.

127. “Printing establishment” means a facility that provides a range of reprographic services to retail and wholesale customers.

128. “Professional offices” means offices used as a place of business conducted by persons engaged in recognized professions, and others whose business activities consist chiefly of services to the person as distinguished from the handling of commodities; does not include offices in which the main activity is the sale, rent, lease, exchange or development of land, buildings or improvements.

129. “Public park” means a public owned and maintained facility that provides for the recreational needs of local or regional residents.

130. “Public utility” means a private corporation performing a public service and subject to special governmental regulations, or a governmental agency performing a similar public service, the services by either of which are paid for directly by individual recipients of such service which includes, but is not limited to, water supply, electric power, gas, sewer service, and transportation

of persons and freight recorded, filed for record with the auditor of either Pierce County, state of Washington.

131. “Public utility facility” means facilities serving a sub-area, entire town or region including power substations, water transmission lines, wireless base station, sewer collectors and pump stations, switching stations, gas transmission lines, water storage tanks and similar structures.

132. “Public utility service yard” means facilities that provide for the maintenance, service, and storage of materials and vehicles used for use by a public utility.

133. “Recreational use, commercial, including a tennis club and similar activities” means a recreational use maintained and operated by a nonprofit club, or an organization whose membership is for a specified group.

134. “Recreational center privately operated” means a facility that provides recreational opportunities that is privately owned and operated.

135. "Recreational vehicle" means a vehicle-type portable structure without permanent foundation designed and manufactured for recreational use, which can be towed, hauled or driven. This definition includes, but is not limited to, travel trailers, truck campers, fifth wheel trailers, camping trailers, watercraft and self-propelled motor homes.

136. “Recyclable materials” means solid wastes that are separated for recycling or reuse, such as papers, metals and glass, that are identified as recyclable material pursuant to the applicable county comprehensive solid waste plan.

137. “Recycling collection point” means an accessory use that serves as a neighborhood drop-off point for temporary storage of recyclables. No processing of recyclables takes place at a recycling collection point.

138. “Recycling processing center” means a facility for transforming or remanufacturing recyclable materials into usable or marketable materials for use other than landfill disposal or incineration.

139. “Residence” means a building or structure, or portion thereof, which is designed for and used to provide a place of abode for human beings. The term “residence” includes the term “residential” as referring to the type, or intended use, of a building.

140. “Rest home” or “nursing home” means a private home or institution operated similarly to a boardinghouse for the care of children, the aged or the infirm, or a place of rest and care for those

suffering bodily disorders; such home does not contain equipment for the surgical care or for the treatment of diseases or injury.

141. “Restaurant” means an establishment where food and drink are prepared, served and consumed primarily within the principal building.

142. “Restaurant, Drive-through” means a restaurant where all or a portion of the food and drink is prepared for consumption off the premises, and where the ordering and pickup of food may take place from an automobile.

143. “Retail sales” means establishments engaged in selling goods or merchandise to the general public for personal or household consumption, and rendering services incidental to the sale of such goods.

144. “Retaining wall” means any wall used to resist the lateral displacement of any material.

145. “Rodeo” means a public competition or exhibition in which skills such as riding broncos or roping calves are displayed.

146. “Roof” means a structure covering any portion of a building or structure, including the projections beyond the walls or supports.

147. “Sanitarium” means an establishment that provides for medium to long range health care.

148. "School."

A. “Elementary school” means any school licensed by the state and that meets the state requirements for elementary education.

B. “Private school” means any building or group of buildings the use of which meets state requirements for elementary, secondary, or higher education and which use does not secure the major part of its funding from any governmental agency.

C. “Secondary school” means any school licensed by the state and that is authorized to award diplomas for secondary education.

149. “Self-service storage facility” means a structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

150. See “vehicle repair”.

151. “Setback line” means that line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be erected or placed.

Setback lines abutting street frontages shall be measured after any dedication which may be required to permit the minimum adopted right of way width on the adjacent street.

152. “Sewage treatment plant” means facilities used to treat any liquid or waterborne waste of domestic origin or a combination of domestic, commercial, or industrial origin, and which by its

design requires the presence of an operator for its operation, including alternative treatment works and package treatment plants.

153. “Sign” means a name, identification, description, display, or illustration which is affixed to or reproduced directly or indirectly upon a building, structure, or piece of land and which is used to advertise, identify, display, attract or direct attention to an event, object, product, place, activity, person, institution, organization, or business by any means including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

A. “Advertising sign” means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is located.

B. “Attached sign” means a sign which is attached or affixed to a building.

C. “Business sign” means a sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered, upon the premises where the sign is located.

D. “Freestanding sign” means a nonmovable sign which is not fixed to a building.

154. “Similar use” means a use deemed by the land use administrator as similar in character to uses specifically cited in Chapter [18.20](#) CMC. In making a determination that a use is similar to one specifically cited in Chapter [18.20](#) CMC, the land use administrator must find that the trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele characteristics of the use differ no more than 10 percent from the characteristics of the use specifically cited in Chapter [18.20](#) CMC.

155. “Site plan” means a development plan, pursuant to Chapter [14.25](#) CMC, for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings, whether principal or accessory; signs and lighting; berms, buffers and screening devices; surrounding development or land uses; and any other information which reasonably may be required in order that an informed decision can be made by the planning commission regarding the suitability or appropriateness of the proposed development.

156. “Solid waste” means all putrescible and nonputrescible solid and semi-solid waste including, but not limited to, garbage, rubbish, ashes, industrial waste, commercial waste, swill, sewage sludge, demolition and construction waste, abandoned vehicles or parts thereof, discarded commodities and recyclable materials.

157. “Special use” refers to a land use which by way of its citation, or similarity to a citation, in Chapter [18.105](#) CMC, requires hearing examiner approval. Unless otherwise restricted by the terms

and conditions at issuance of the special use permit, said permit shall run with the land as an overlay zoning district.

158. "Sports arena" means an enclosed building with tiered seating for the observation of sports events and other spectacles by assemblages of over 500 spectators.

159. "Stable, private arena" means a detached accessory building kept for the shelter and feeding of domestic animals, especially horse and cattle, owned by the occupants of the premises, and in which no animals are kept for hire, remuneration or sale.

160. "Stadium" means an open structure for sports events with tiered seating for assemblages of over 500 spectators.

161. "Street" means a public right-of-way which affords a primary means of access to abutting property.

162. "Structural alteration" means any change in the supporting members of a building or structure such as foundation, bearing walls, columns, beams, floor or floor joists, girders or rafters, or changes in the external dimensions of the building or structure, or increase in floor space.

163. "Structure" means anything constructed in the ground, or anything erected which requires location on the ground, or is attached to something having location on or in the ground, but not including fences less than six feet in height, driveways, or other paved areas.

164. "Studio" means the workshop of an artist, sculptor, photographer, or craftsman or a place for the production of radio or television programming.

165. "Substantial change in use" means a use deemed by the land use administrator as substantially different in character to the use previously existing on the site. In making a determination that a use is a substantial change in use, the land use administrator must find that the trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele characteristics of the use differ more than 10 percent from the characteristics of the use previously existing on the site.

166. "Surface mining" means a facility that provides for the removal and basic processing of gravel for commercial use.

167. "Swimming Pool, Commercial" means a water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool, having a depth of more than 30 inches, designed, used, and maintained for the swimming and bathing use of commercial patrons.

168. "Tavern" means an establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.

169. "Theater, Enclosed" means a building or part of a building devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.

170. "Trailer, Vehicle" or "Vehicle trailer" means a vehicle without motor power designed to be drawn by motor vehicles and to be used for human habitation, or for carrying persons and

property, including a trailer coach and any self-propelled vehicle having a body designed or converted to the same uses as a vehicle trailer without motor power.

171. “Transfer station solid waste facility” means a facility that provides for the collection of solid waste and the transfer of such waste to its final disposal location.

172. “Transit facility, bus barn, park-and-ride lot, transit station” means facilities that provide for the uses that support a regional transportation system.

173. “Use” means the purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained, and includes any manner of performance of such activity with respect to the performance standards of this zoning code.

174. “Use, Principal” or “Principal use” means the main use of land or buildings as distinguished from a subordinate or accessory use.

175. “Variance” means an adjustment in the application of the specific bulk, dimensional, or density regulations of this code to a particular parcel of property which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone, and which adjustment remedies the disparity in privileges.

176. “Vehicle, Motor” or “Motor Vehicle” means a self-propelled device used for transportation of people or goods over land surfaces and licensed as a motor vehicle or an unlicensed off-road recreational vehicle. A motor vehicle may include light trucks or vans, motorcycles, trailers, or recreation vehicles.

177. “Vehicle, Off-road” means a vehicle designed for use on a variety of nonimproved surfaces and including dune buggies and all-terrain vehicles, snowmobiles, trail bikes, mopeds, and motor bikes.

178. “Vehicle sales” means the use of any structure or premises for the display or sale of new or used motor or off-road vehicles, automobiles generally but may include light trucks or vans, motorcycles, trailers, or recreation vehicles, and including any vehicle preparation or repair work conducted as an accessory use.

179. “Vehicle repair” means the use of any structure or premises for the retail dispensing or sales of vehicular fuels; servicing and repair of motor or off-road vehicles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

180. “Vehicle wash” means any building or premises or portions thereof used for washing automobiles, motor or off-road vehicles.

181. “Vocational school” means secondary or higher education primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements as a vocational facility.

182. “Warehouse” means a building used for the indoor storage of goods.

183. “Yard” means an open space on a zoning lot which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in the permitted intrusions in required yards



in this code. A yard extends along and at right angles to a lot line to a depth or width specified in the yard regulations for the zoning district in which the zoning lot is located.

A. “Front yard” means a yard that extends along the full length of the front lot line, between the two side lot lines and to the closest residential or commercial structure on the same lot.

B. “Rear yard” means a yard that extends along the full length of the rear lot line, between the two side lot lines and to the closest residential or commercial structure on the same lot.

C. “Side yard” means a yard that extends along a side lot line from the front yard to the rear yard, between the side lot line and to the closest residential or commercial structure on the same lot.

184. “Yard waste” means grass clippings, leaves, weeds, and prunings six inches or less in diameter.

185. “Yard waste composting” means the controlled aerobic degradation of yard waste only, for uses as a soil conditioner. The presence of anaerobic zones within the composting yard waste will not cause the process to be classified as other than composting. Natural decay of yard waste under uncontrolled conditions is not yard waste composting.

186. “Zone” means an area accurately defined as to boundaries and location, and classified by the zoning ordinance as available for certain types of uses, and within which other types of uses are excluded.

187. “Zoning administrator” means the person, firm or agency designated by the Mayor of Carbonado to perform planning review and administrative decision making.

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**CHAPTER 18.15 DISTRICTS GENERALLY****Sections:**

- 18.15.010 Zoning districts – general.**
- 18.15.020 Classifications designated.**
- 18.15.030 Zoning map adopted.**
- 18.15.040 Changes in boundaries.**
- 18.15.050 Limitation of land use.**
- 18.15.060 Uncertainty of boundaries.**
- 18.15.070 Conformance.**

**18.15.010 Zoning districts – general.**

The subdivisions of zones as they may be established through the town shall be called zoning districts. The zoning districts shall be identified and delineated with specific boundaries on a map of the town and this shall be known as the official zoning map.

**18.15.020 Classifications designated.**

For the purpose of this code, the city is divided into eight zoning classifications, as follows:

<b>Zone</b>	<b>Abbreviated Chapter Classifications</b>	<b>Designation</b>
18.45	Residential Low Density District	RLD
18.50	Residential Medium Density District	RMD
18.55	Commercial/Mixed Use District	CMU
18.60	Community Facilities District	CF
18.65	Parks and Open Space District	POS

**18.15.030 Zoning map adopted.**

The zoning map designated Carbonado Zoning Map 2015, is hereby adopted and made a part of this code as though attached to this chapter, showing the location and the boundaries of the various zoning districts in Carbonado shall be the official zoning map of Carbonado and is an integral part of this zoning code. The boundaries and location of the various zoning districts in Carbonado shall be as shown on the zoning map. The Carbonado Zoning Map 2015 is on file with the Town Clerk.

**18.15.040 Changes in boundaries.**

A. Changes in the boundaries of the zones shall be made by adopting an amended zoning map, or part of the map, which amended map or part so adopted shall become a part of this code.

B. No changes in the boundaries of any zone shall be approved unless such change is found to be in compliance with the comprehensive plan.

**18.15.050 Limitation of land use.**

Except as provided in this code, no building or structure shall be erected, reconstructed, or structurally altered, nor shall any building, structure, or land be used for any purpose except as

specifically provided and allowed in this title in the same zone in which the building, land, or use is located.

**18.15.060 Uncertainty of boundaries.**

When uncertainty exists as to the boundaries of zones as indicated on the official zoning map, the following rules shall apply:

- A. Boundaries shown as approximately following the centerlines of streets, alleys or highways shall be construed as following such centerlines.
- B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- C. Distances not specifically indicated on the official zoning map shall be determined by applying the scale of the map.
- D. Where a zone boundary divides a lot or property in single ownership, the provisions applicable to either zone may be extended to the entire lot.

**18.15.070 Conformance.**

Except as provided elsewhere in this title:

- (1) No building or structure shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designed or intended to be used for any purpose or in any manner other than a use listed in this title as permitted in the zoning district in which such land, buildings, structure or premises is located.
- (2) No building or structure shall be erected, nor shall any existing building or structure be moved, reconstructed or structurally altered, to exceed in height the limit established by this title for the zoning district in which such building or structure is located.
- (3) No building or structure shall be erected, nor shall any building or structure be moved, altered, enlarged or rebuilt, nor shall any open spaces surrounding any building or structure be encroached upon or reduced in any manner, except in conformance with the building site requirements and the area and yard regulations established by this title for the zoning district in which such building or structure is located.
- (4) No yard or other open spaces provided about any building or structure for the purposes of complying with the regulations of this title shall be considered as providing a yard or open space for any other building or structure.
- (5) Buildings less than 120 square feet must obtain a placement permit. They must comply with all yard restrictions.

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## CHAPTER 18.20 TABLE OF USES

## Sections:

## 18.20.010 Table of uses.

## 18.20.010 Table of uses.

Description of Use	RLD	RMD	CMX	CF	OS
<b>Residential Use Category</b>					
Accessory apartment	acc <sup>1</sup>	acc	acc		
Accessory structure larger than principal building					
Adult day care facility		cup	cup		
Adult family home		cup	au		
Adult retirement community		au	au		
Apartment		cup	au		
Assisted living facility		cup	cup		
Carport	acc	acc	acc		
Dwelling, multifamily			au		
Dwelling, single-family	au	au	au		
Dwelling, two-family	au <sup>2</sup>	au	au		
Garage, private	acc	acc	acc		
Group homes	cup	cup	au		
Mobile home park		cup			
Parking area, private	acc	acc	acc		
Swimming pool, private	acc	acc	acc		
<b>Commercial Use Category</b>					
Adult entertainment business					
Ambulance service			au		
Amusement parks					

Description of Use	RLD	RMD	CMX	CF	OS
Animal hospital			au		
Auction house/barn (no vehicle or livestock)					
Automobile service station			cup		
Automobile wash			cup		
Automobile, repair			cup		
Automobile, sales			cup		
Banks, savings and loan association			au		
Beauty/barber shop			au		
Bed and breakfast	cup	au	au		
Billiard hall and pool hall			au		
Child day care, commercial	cup	cup	au	cup	
Child day care, family	au	au	au		
Commercial recreation < 2 ac.		cup	cup	au	au
Commercial recreation > 2 ac.		cup		cup	cup
Confectionery stores (see Retail sales)			au		
Convenience store			au		
Crematories and mausoleums				su <sup>1</sup>	su <sup>1</sup>
Department stores (see Retail sales)			cup		
Drug stores (see Personal services)			au		
Dry cleaners (see Personal services)			au		
Electric vehicle infrastructure <sup>5</sup>	acc	acc	au	acc	acc
Espresso stands			au		
Flea market					
Food markets and grocery stores			au		
Golf and athletic facilities				su <sup>1</sup>	su <sup>1</sup>
Greenhouses, private and noncommercial	au	au	cup		

Description of Use	RLD	RMD	CMX	CF	OS
Hardware stores < 10,000 sf			au		
Hardware stores > 10,000 sf					
Health club			au		
Home occupation	au <sup>4</sup>	au <sup>4</sup>	au <sup>4</sup>		
Horticultural nursery, wholesale and retail					
Hotel			cup		
Inn		cup	au		
Liquor stores			au		
Locksmiths			au		
Lumber yards					
Marijuana producers or processors, state licensed	Prohibited in all zoning districts.				
Marijuana retailer, state licensed	Prohibited in all zoning districts.				
Medical marijuana or cannabis collective gardens	Prohibited in all zoning districts.				
Mortuaries					
Motel			cup		
Outdoor advertising display			cup		
Pet shop			au		
Photographer's studio			au		
Radio and TV repair shops			au		
Recreational areas, commercial, including tennis clubs and similar activities			su <sup>1</sup>	su <sup>1</sup>	su <sup>1</sup>
Recreational areas privately operated				su <sup>1</sup>	su <sup>1</sup>
Recycling collection points			acc	acc	
Restaurant			au		
Restaurants, drive-through			cup		
Retail < 1,000 sf			au		



Description of Use	RLD	RMD	CMX	CF	OS
Retail > 1,000 sf			au		
Rodeos				su <sup>1</sup>	su <sup>1</sup>
Secondhand store			cup		
Self-service storage facility			acc		
Shoe stores or repair shop			au		
Sports arenas				su <sup>1</sup>	su <sup>1</sup>
Stadiums				su <sup>2</sup>	su <sup>2</sup>
Stationery store			au		
Studios (i.e., recording, artist, dancing, etc.)			au		
Swimming pool, commercial			cup	au	
Taverns			au		
Theaters, enclosed			cup		
Video store (rental, not adult) < 5,000 sf			au		
Video store (rental, not adult) > 5,000 sf					
Ballfield			su <sup>1</sup>	su <sup>1</sup>	su <sup>1</sup>
Bicycle paths, walking trails	au	au	au	au	au
Church	cup	cup	au		
Club or lodge, private			cup		
Fairgrounds				su <sup>1</sup>	su <sup>1</sup>
Garage, public					
Heliports				su <sup>2</sup>	su <sup>2</sup>
Hospitals and sanitariums			cup	cup	
Libraries			au	au	
Open-air theaters			su <sup>1</sup>	su <sup>1</sup>	su <sup>1</sup>
Parking area, public			acc	acc	acc
Post office, branch or contract station			au	au	

Description of Use	RLD	RMD	CMX	CF	OS
Post office, distribution center or terminal				au	
Public parks	cup	cup	cup	au	au
Schools, elementary or secondary	cup	cup	cup	au	
Swimming pool, public	cup	cup	cup	au	
Transit facilities, bus barns, park-and-ride lots, transit stations				su <sup>1</sup>	su <sup>1</sup>
Vocational schools/colleges			cup	cup	
<b>Utilities Use Category</b>					
Electric transmission substation	cup	cup	cup	cup	cup
Fuel storage tanks (underground, < 500 gal.)	acc	acc	au		
Fuel storage tanks (underground, > 500 gal.)			cup	cup	
Fuel storage tanks, above ground			au	au	
Public utility facilities (services)	cup	cup	cup	au	cup
Public utility service yard				au	
Radio, cellular phone, microwave, and/or television transmission facilities or towers	cup	cup	cup	cup	cup
Sewage treatment plants				cup	
Transfer station solid waste facility				cup	
<b>Industrial Use Category</b>					
Blueprinting and photostating			au		
Buy-back recycling center			su <sup>1</sup>	su <sup>1</sup>	
Cabinet shops (see Industry, light)			su <sup>1</sup>		
Cargo storage containers				acc	
Carpenter shops (see Industry, light)			su <sup>1</sup>		
Composting facilities				su <sup>2</sup>	su <sup>2</sup>
Contractor yards					

Description of Use	RLD	RMD	CMX	CF	OS
Distributing plants (see Industry, light)					
Electric/neon sign assembly, servicing repair					
Freight terminal, truck					
Furniture repair (see Industry, light)			su <sup>1</sup>		
Industry, light					
Machine shops, punch press up to five tons (see Industry, light)					
Motor vehicle impound yard in enclosed building (see Industry, light)					
Nonautomotive, motor vehicle and related equipment sales, rental, repair and service					
Outdoor storage				cup	
Paint shop (see Industry, light)					
Parcel service delivery (see Industry, light)					
Pesticide application service (see Industry, light)					
Plumbing shop (see Industry, light)			su <sup>1</sup>		
Plumbing supply yards (see Industry, light)					
Printing establishments			su <sup>1</sup>		
Recycling processing centers				su <sup>2</sup>	su <sup>2</sup>
Storage for transit and transportation equipment					
Tool sales and rental			cup		
Trailer-mix concrete plant					
Upholstering					
Warehousing					
Welding shops and sheets metal shops					
<b>Office/Business Use Category</b>					
Medical-dental clinic			au		

Description of Use	RLD	RMD	CMX	CF	OS
Professional offices			au		
<b>Resource Use Category</b>					
Agricultural buildings				acc	Acc
Agricultural crops; orchards	au	au		acc	Au
Livestock	au <sup>3</sup>				
Pasture	au				
Stable, private arena	au <sup>3</sup>				
Surface mining				su <sup>2</sup>	su <sup>2</sup>
<b>acc: Accessory Use; au: Authorized or Permitted Use; cup: Conditionally Permitted Use; su1: Type I Special Use; and su2: Type II Special Use</b>					

<sup>1</sup> Minimum lot size 9,600 square feet.

<sup>2</sup> Minimum lot size 12,000 square feet.

<sup>3</sup> Subject to provisions of Ord. 379.

<sup>4</sup> Subject to the limitations of CMC [18.40](#).

<sup>5</sup> Battery exchange stations and rapid charging stations are only allowed in the CMU zone.

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**CHAPTER 18.25 TABLE OF LAND DEVELOPMENT DIMENSIONAL REGULATIONS**

**Sections:**

**18.25.010 Land development dimensional regulations table.**

**18.25.010 Land development dimensional regulations table.**

<b>STANDARDS</b>	<b>RLD</b>	<b>RMD<sup>4</sup></b>	<b>CMU<sup>4</sup></b>	<b>PROS</b>	<b>CF</b>
Minimum Lot Area	6,000 sf	8,400 sf	5,000 sf	0 sf.	0 sf
For an Accessory Dwelling Unit	9,600 sf	8,400 sf	n/a	n/a	n/a
For a Duplex Unit	12,000 sf	10,000 sf.	10,000 sf.	n/a	n/a
Standard Net Density for Multiple Units	n/a	8 du/ac	8 du/ac	n/a	n/a
Maximum Net Density <sup>1</sup>	5.00 du/ac <sup>1</sup>	18.00 du/ac <sup>2</sup>	18.00 du/ac <sup>3</sup>	n/a	n/a
Minimum Lot Width	50 ft.	60 ft.	50 ft.	n/a	n/a

<sup>1</sup> The net density may not be exceeded.

<sup>2</sup> These densities can only be achieved through the development of an adult retirement community, otherwise the standard net density applies.

<sup>3</sup> These densities can only be achieved through the development of mixed business and residential developments (in the CMU zone) or the development of adult retirement community housing (in the RMD or CMU zones), otherwise the net standard density applies.

<sup>4</sup> In the RLD and RMD zones the maximum density and the minimum lot size shall be met.

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**CHAPTER 18.30 TABLE OF BUILDING BULK REGULATIONS**

**Sections:**

**18.30.010 Building bulk table.**

**18.30.010 Building bulk table.**

STANDARDS	RLD	RMD	CMU	PROS	CF
Maximum Height	35 ft.	35 ft.	35 ft. <sup>6</sup>	35 ft. <sup>6</sup>	35 ft. <sup>6</sup>
Maximum Building Coverage <sup>1</sup>	40%	40%	40%	25%	60%
Minimum Setback from Right-of-Way including Alleys <sup>2,3</sup>	15 ft.	15 ft.	20 ft.	25 ft.	10 ft.
Minimum Side Yard Setback: Principal structure <sup>4</sup>	5 ft.	5 ft.	8 ft.	15 ft.	5 ft.
Minimum Side Yard Setback: Accessory Structure <sup>4,7</sup>	3 ft.	3 ft.	3 ft.	10 ft.	3 ft.
Minimum Side Yard Setback: Accessory Structure, residential and/or mixed uses <sup>4</sup>	5 ft.	5 ft.	8 ft.	15 ft.	5 ft.
Minimum Rear Yard Setback: Principal structure <sup>5</sup>	15 ft.	15 ft.	25 ft.	25 ft.	10 ft.
Minimum Rear Yard Setback: Rear exit garages <sup>5</sup>	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Minimum Rear Yard Setback: Accessory Structure <sup>5,7</sup>	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.
Minimum Rear Yard Setback: Accessory Structure, residential and/or mixed uses <sup>5</sup>	5 ft.	5 ft.	6 ft.	6 ft.	6 ft.

<sup>1</sup> Maximum building coverage refers to the area in which structures occupy the site. “Structures” do not include paved parking or driveway areas.

<sup>2</sup> Any garage or other parking structure shall be set back 20 feet to allow on-site parking on any driveway without blocking a sidewalk; for proposals without garages, there shall be sufficient area on the site to allow for required on-site parking without blocking a sidewalk.

<sup>3</sup> Improvements such as but not limited to rockeries and retaining walls which are required by the town as part of street frontage improvements and which are located on a public easement may be constructed in the setback if no feasible alternative exists.

<sup>4</sup> In the RMD and CMU zones, the minimum distance between primary structures located on the same parcel shall be 10 feet.

<sup>5</sup> Emergency vehicle access requirements must be maintained. The minimum rear yard setback in the CMU and CF zone shall be 20 feet where such zones abut residential districts.

<sup>6</sup> Limited to two stories.

<sup>7</sup> Limited to Occupancy Group U (Section 312, IBC). (Ord. 459 § 1, 2017)



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**CHAPTER 18.35 TABLE OF LANDSCAPE REGULATIONS**

**Sections:**

**18.35.010 Landscape regulations table.**

**18.35.010 Landscape regulations table.**

<b>LANDSCAPE STANDARDS<sup>4, 5, 6</sup></b>	<b>RLD</b>	<b>RMD</b>	<b>CMU</b>	<b>POS</b>	<b>CF</b>
Street Planting Strip	n/a	n/a	8 ft	10 ft	8 ft
Side Yard Planting Strip	n/a	n/a <sup>7</sup>	3 ft <sup>7</sup>	5 ft	5 ft
Rear Yard Planting Strip	n/a	n/a	3 ft	5 ft	5 ft
Internal Parking Lot Landscaping <sup>8</sup>	n/a	n/a	7%	7%	7%

<sup>1</sup> All development must meet the town’s most recently adopted stormwater management codes (Chapter [13.26](#) CMC).

<sup>2</sup> Fences in required street frontage landscaping shall be in the interior half of the landscape width.

<sup>3</sup> Wall and rockeries are allowed; provided, that width of required planting is increased by the width that is used by walls or rockeries.

<sup>4</sup> All development must satisfy the provisions contained in CMC [18.80](#), Landscape requirements.

<sup>5</sup> All areas, except single-family residences, not proposed for buildings, parking, or driveways shall be landscaped.

<sup>6</sup> Perimeter landscape requirements exclusive of proposed access driveways.

<sup>7</sup> In the RMD and CMU zones, the minimum distance between primary structures located on the same parcel shall be 18 feet. The area between buildings shall be landscaped with vegetative groundcover/turf.

<sup>8</sup> Parking lot landscaping shall be provided for new parking lots of 18 spaces or more double loaded or more than nine spaces single loaded. Landscaping must be provided for additions to parking where the result is 20 or more spaces.

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## CHAPTER 18.40 GENERAL USE REGULATIONS

### Sections:

- 18.40.010 Compliance required.**
- 18.40.020 Authorized uses, generally.**
- 18.40.030 Similar use determination.**
- 18.40.040 Conditional uses, generally.**
- 18.40.050 Prohibited uses.**
- 18.40.060 Yard and open space regulations.**
- 18.40.070 Area and width exceptions for substandard lot.**
- 18.40.080 Yard requirements for property abutting half streets or streets designated by an official control.**
- 18.40.090 Vision clearance.**
- 18.40.100 Permitted intrusions into required yards.**
- 18.40.110 Fences, walls, and hedges.**
- 18.40.120 Home occupations.**
- 18.40.130 Temporary living quarters.**
- 18.40.140 Landscape requirements.**

### **18.40.010 Compliance required.**

The regulations pertaining to the several classifications shall be subject to the general provisions, conditions, and exceptions contained in this chapter.

### **18.40.020 Authorized uses, generally.**

Authorized uses for all zoning districts are set forth in Chapter 18.20 CMC. Authorized uses in all zones are subject to off-street parking requirements, as well as to the general provisions and exceptions contained in this section.

### **18.40.030 Similar use determination.**

The land use administrator may authorize uses for all zoning districts that have similar characteristics to uses specifically cited in Chapter 18.20 CMC. In making an affirmative determination that a use is similar to one specifically cited in Chapter 18.20 CMC, the land use administrator must find that the trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele characteristics of the use differ less than 10 percent from the characteristics of the use specifically cited in Chapter 18.20 CMC.

### **18.40.040 Conditional uses, generally.**

Uses allowed by conditional use permit for all zoning districts are set forth in Chapter 18.20 CMC. Applications for conditional use shall be acted upon in accordance with the provisions set forth in Chapter 14.30 CMC.

### **18.40.050 Prohibited uses.**

Any use not specifically authorized by this chapter or allowed by conditional use is prohibited, except for the following:

- A. Uses set forth as special uses in Chapter 18.110 CMC; or
- B. Uses determined by the zoning administrator to be similar to uses authorized by this title.

**18.40.060 Yard and open space regulations.**

Except as provided in this chapter, every required yard and open space shall be open and unobstructed from the ground to the sky. No yard or open space provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building, and no yard or open space on any lot or parcel shall be considered as providing a yard or open space on an adjoining lot or parcel whereon a building is to be erected. Nothing in this section shall be construed to restrict or prohibit the placement of landscaping; provided, that such landscaping does not obstruct any vision clearance as set forth in CMC 18.40.090.

**18.40.070 Area and width exceptions for substandard lot.**

A single-family dwelling may be established on a lot which cannot satisfy the lot area or lot width requirements of the zoning district, where the lot at the date the applicable requirement was enacted was owned by a person or persons other than the owners of the adjoining lot; provided, however, that the yard requirements shall remain the same; and provided, that the lot is located in a zone which allows residential uses.

**18.40.080 Yard requirements for property abutting half streets or streets designated by an official control.**

A. A building or structure shall not be erected or maintained on a lot which abuts a street having only a portion of its required width dedicated, and where no part of the dedication would normally revert to the lot if the street were vacated, unless the yards provided and maintained in connection with the building or structure have a width or depth of that portion of the lot needed to complete the road width, plus the width or depth of the yards required on the lot by this title, if any. This section applies to all zoning districts.

B. Where an official control, adopted pursuant to law includes plans for the widening of existing streets, the connecting of existing streets or the establishment of new streets, the placement of buildings and the maintenance of yards, where required by this title, shall relate to the future street boundaries, as determined by the official control.

C. The town may require the dedication and construction of those portions of such streets identified in subsections A and B of this section, which extend across the frontage of the lot as a condition of approval of a building permit or development plan, upon a finding that such dedication or construction substantially relates to the impact of the proposed development.

**18.40.090 Vision clearance.**

A. All corner lots shall maintain for safety vision purposes a triangular area, two sides of which shall extend 20 feet along the lot lines from the corner of the lot formed by the intersection of the two streets. Within the triangle no tree shall be allowed, and no fence, shrub, or other physical obstruction higher than 42 inches above the established grade shall

be permitted.

B. On lots upon which a vehicular driveway is maintained, an area of vision clearance shall be maintained on each side of the driveway. The area shall be defined by a triangle, extending 20 feet along the lot line from the intersection of the driveway and the street, and an angle of 30 degrees from the far end of the line back toward the driveway.

C. If the driveways of adjacent properties vision clearance is affected then the fence, shrub or tree must meet the requirements of subsections A and B of this section.

**18.40.100 Permitted intrusions into required yards.**

A. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, sun shades and gutters may project into a required yard a distance not to exceed one foot.

B. Uncovered porches and platforms which are not higher than the floor level of the first floor may extend 18 inches into any side or rear yard, and six feet into a front yard.

C. Planting boxes or masonry, and planters not exceeding 42 inches in height may extend into any required front yard.

D. Eaves may extend into any required yard a distance not to exceed 30 inches.

**18.40.110 Fences, walls, and hedges.**

A. In any residential zoning district (RLD, RMD and CMU), walls, fences, or hedges are permitted under the following conditions:

1. A wall, fence, or hedge, not to exceed 42 inches in height, or open wire fencing not to exceed six feet in height, may be located or maintained on any part of a lot.

2. On interior lots, a fence, wall, or hedge, not to exceed six feet in height, may be located anywhere on the lot to the rear of the rear line of the required front yard.

3. On corner lots and reverse corner lots, a fence, wall or hedge, not exceeding six feet in height, may be located anywhere on the lot to the rear of the rear line of the required front yard; provided the safety vision clearance requirements of this chapter shall be maintained.

4. The provisions of this section shall not apply to fences required by state law to surround and enclose public utility installations, or to chain link fences enclosing school grounds or public playgrounds.

B. In all zones, fences and walls must meet the provisions of Chapter 18.05 CMC, the most recently adopted version of the International Building Code and the public works development standards.

**18.40.120 Home occupations.**

A. Purpose. The purpose of this section is to provide standards in order to allow residents

of single- or multifamily dwelling units to conduct business within their primary place of residence while still maintaining the residential appearance of the structure and the residential nature of the neighborhood, and inflicting no negative impacts on the neighboring properties or neighborhood.

B. Applicability.

1. Homeowners whose primary residence is at the subject residence, or renters whose primary residence is at the subject residence, who have written and notarized permission from the owners, may apply for a home occupation permit. Owners retain the enforcement requirements of the renters who apply.
2. All business activities that meet the definition of a home occupation shall require a home occupation permit from the community development department; provided, that they (a) are not otherwise exempt from business licensing requirements pursuant to CMC Title 5, and (b) do not regularly receive visits from clients or customers at their home.
3. The provisions of this section shall not apply to commercial and family child day cares, adult day care facilities, and adult family homes. Said uses shall be reviewed in accordance with this title.

C. Submittal Requirements. In addition to those submittal requirements associated with CMC Title 5, the applicant shall submit an application for home occupation to the community development department. The director may require additional submittal materials in order to determine that a proposed home occupation will be in compliance with the requirements of this section.

D. Permit Required. All home occupations require a home occupation permit from the community development department.

E. Prohibited Uses as Home Occupations. Due to the intended residential nature of home occupations there are inherently uses that cannot be located in a neighborhood without impacting the area. Those uses include, but are not limited to:

1. Commercial kennel or stable.
2. Restaurant.
3. Medical clinic.
4. Minor or major vehicle repair.
5. Vehicle detailing.
6. Storage yard.
7. Those uses defined in the industrial use category in Chapter 18.20 CMC.

F. Exempt Uses as a Home Occupation. There are certain business activities that are small enough in scale, intensity, and duration to be exempt from the requirements of this section.

Those uses include, but are not limited to:

1. Garage sales, yard sales, bake sales, temporary home bazaars for hand crafted items or parties for the display of clothing, gifts, and household products, and other such uses shall not be subject to the requirements of a home occupation permit, provided:
  - a. Such use shall not exceed four occurrences not to exceed 12 days per calendar year.
  - b. Such use is not in violation of other sections of the municipal code.
  - c. Such sales are limited to the sale of household goods and were not purchased for the purpose of resale.
2. Sale of seasonal produce and other food products which are grown or produced on site.
3. Hobbies, which are not undertaken for profit or compensation.
4. Those business activities exempted by CMC 5.05.030.

G. Performance Standards. In accordance with this section all home occupations shall meet the following performance criteria:

1. General Criteria.
  - a. A home occupation permit shall be obtained prior to commencing business.
  - b. A town business license shall be obtained prior to commencing business.
  - c. The home occupation shall not be evident from the exterior of the residence, with exception of those activities allowed by this section, and shall be clearly secondary and incidental to the residential use of the property.
  - d. The home occupation shall not unreasonably undermine the residential nature of the residence and surrounding neighborhood.
  - e. The home occupation shall not create any odor, vibration or noise that extends beyond the property line.
  - f. The home occupation shall not cause the fire rating or occupancy type of the structure to change pursuant to the currently adopted building and/or fire code.
  - g. No storage of business material outdoors including but not limited to merchandise, equipment, tools, supplies, waste, displays, or raw materials, with the exception of those related to the growing or storing of plants used by the home occupation.



h. No highly explosive or combustible material shall be used or stored on the premises in violation of the currently adopted building and/or fire code.

i. The home occupation shall not interfere with radio, television, or wireless phone or data transmission or reception in the immediate vicinity.

j. The home occupation shall comply with all other applicable requirements of the Carbonado Municipal Code, applicable state and federal requirements, along with requirements of any legally recognized body holding regulations over the property or neighborhood. Requirements or permission granted or implied by this section shall not be construed as an exemption from such regulations.

k. Home occupations are subject to inspection by town staff insofar as permitted by law. Permit holders shall execute a notarized affidavit agreeing to allow appropriate town staff the ability to conduct an inspection of the residence, after reasonable notice is given, to determine compliance with the home occupation permit; provided, that said authorization may be revoked at any time by a permit holder by relinquishing his/her home occupation permit and discontinuing all home occupation activities at the residence.

1. Signs advertising the home occupation are not permitted.

2. Numerical and Size Criteria.

a. Not more than one unrelated person, not permanently residing at the subject property, may be employed on site by the home occupation.

b. The home occupation shall not occupy more than 40 percent of the principal structure on the property.

c. There shall be no expansion of existing parking or creation of new parking, including on- and off-street parking, to accommodate the home occupation.

d. There shall be not more than three daily additional deliveries/pick-ups, beyond regular postal service, associated with the home occupation.

H. Enforcement. Any person conducting a home occupation without a valid permit shall be subject to the enforcement and penalty provisions of Chapter 18.40 CMC, Notice and Orders to Correct and/or Abate. Any person violating any provision of the required compliance statement or the specific conditions of the home occupation permit shall also be subject to the enforcement and penalty provisions of Chapter 18.40 CMC, Notice and Orders to Correct and/or Abate.

I. Appeal. All decision and determinations made by the director under this section are designated as a Process Type II decision and are appealable to the hearing examiner under a Process Type II permit type.

J. Expiration and Transferability. Home occupation permits are issued to an individual applicant and shall not be transferred or otherwise assigned to another person. The permit will automatically expire when the applicant named on the permit application moves from the site or moves the business from the site. The home occupation shall also automatically expire if the permittee fails to maintain a valid business license or the business license is suspended or revoked. The home occupation shall not be transferred to any site other than that described on the application form.

**18.40.130 Temporary living quarters.**

A. This section prohibits the use of structures or vehicles not permitted for permanent occupancy as primary or guest living quarters in excess of 30 days in a three-month period in a calendar year without a temporary use permit. This section applies to garages, carports, accessory structures, sheds, fabric shelters or tents, watercraft and recreational vehicles. The land use administrator may grant an extension for guest usage for a maximum of 30 additional days. In the case of an emergency such as damage to the main house, the director may grant a temporary use permit for emergency use while the main house is being rehabilitated or reconstructed. Temporary or permanent connections to the public storm water or sewer systems are prohibited for all temporary living quarters. Violations of this code are enforceable under Chapter 14.65 CMC, Administration and Enforcement.

1. The temporary use permit must list an expiration date and provisions for further extension;
2. The temporary use permit must be affixed to the recreational vehicle in such a manner that it is prominently displayed and visible, to the extent possible, from a public right-of-way;
3. Recreational vehicles meeting the requirements of this subsection must be parked on private property and need not comply with accessory structure setback requirements for the effective period of the permit;
4. No more than one temporary use permit may be granted within any three-month period; and
5. Recreational vehicles shall not have connections to residential sewer systems or permanent connections to other residential utilities.

B. No more than one recreational vehicle at a time may be used as a temporary dwelling on a lot.

C. Parking or storage of recreational vehicles, watercraft or utility trailers for compensation is not permitted within a residential zone (RLD, RMD or CMU). This subsection does not apply to storage facilities provided exclusively for tenants of multifamily dwelling complexes.

D. No recreational vehicle may be used as an accessory structure to a residence or operating business, nor to accommodate a residential accessory use.

**18.40.140 Landscape requirements.**

A. Purpose. The purpose of this section is to enhance the environment of Carbonado through healthy landscape plantings, to enhance the compatibility of buildings and parking lots, and to work with the drainage characteristics of sites and landscaping.

B. Maintenance. When landscaping is, or has been, required in accordance with the provisions of this chapter or any previously or currently applicable development standard or permit condition of the town, the landscaping shall be permanently maintained in such a manner as to accomplish the purpose for which it was initially required. Maintenance of required landscaped areas is the responsibility of the landowner or applicable homeowners' association.

C. Applicability. These standards shall apply to:

1. New nonresidential development, including expansion that disturbs more than 2,500 square feet of ground area or 60 percent of assessed value.
2. Any nonresidential development exterior renovation, excluding mechanical improvements where the proposed improvements, including multi-year, are likely to exceed 40 percent of the assessed value of the structure.
3. Multifamily development, including expansion and/or remodels.
4. New parking areas or repaving of 5,000 square feet or greater.
5. New subdivisions of five or more lots.

D. Parking Lot Landscaping Provisions.

1. Applicability. Parking lot landscaping shall be provided for new parking lots of 18 spaces or more double loaded or more than nine spaces single loaded. Landscaping must be provided for additions to parking where the result is 20 or more spaces. Internal planting islands, excluding the street frontage landscape bed, shall equal a minimum of seven percent of the total area of the parking area and circulation corridors.

a. Corner Landscaping. Landscaping is required in the corners of parking areas. Unusable space in asphalt or concrete is not permitted.

b. Internal Planting Islands.

i. Aisle ends shall be landscaped.

ii. Landscape islands shall be placed to occur every nine spaces or less.

2. Dimensions. Planting islands shall have a minimum area of 160 square feet exclusive of bumper overhang (two feet on unstopped conditions), and a minimum dimension of eight feet.

3. Specifications. Each planting island shall have a minimum of one tree, shrubs

planted three feet on center, and the rest shall be vegetative groundcover or unit pavers that permit water infiltration. The groundcover shall be drought tolerant.

4. Clustering of parking lot landscape beds where possible is encouraged for the health and vitality of the planting material, as compared with smaller planting beds.

E. Standards – Planting Plans. A planting plan and irrigation plan are required to be prepared for any landscape subject to the provision of this section pursuant to subsection D of this section.

1. Persons Qualified to Prepare Plans. The landscape plan shall be prepared by a Washington State registered landscape architect, a nursery professional certified pursuant to the Washington Certified Nursery Professional program, or a Washington State certified landscape technician, except that planting plans for street tree requirements and canopy tree requirements for properties abutting vacant land may be prepared by the applicant. The irrigation plan shall be prepared by a Washington State registered landscape architect or irrigation designer certified by the Irrigation Association.

2. Planting Plan. A planting plan is required to ensure that the proposed plantings are in conformance with the standards and requirements of this chapter. A final planting plan submitted prior to a development shall closely reflect or exceed the design and plant species identified on a conceptual planting plan reviewed as part of a use permit. A planting plan drawn to the same scale as the other development plans shall include, at a minimum, the following components:

a. The location of existing vegetation to be retained and to be removed, proposed vegetation, property lines, impervious surfaces, existing or proposed buildings, natural or manmade water features or bodies, existing or proposed fences and retaining walls, critical lands and associated buffers, and designated recreational open space areas.

b. A plant schedule containing the botanical and common names of the new plant material, existing plant material proposed to be retained, typical spacing for that species, the planting size of the material, the quantity of each plant, and any special planting instructions.

F. General Landscaping Requirements.

1. All areas of exposed soil, regardless of duration, shall be subject to erosion and sedimentation best management practices as described in Chapter 13.26 CMC, Storm Drainage of Surface Water – Utility, Management and Maintenance.

2. All required landscaped areas shall be planted at the next planting season.

3. All landscaped areas shall include at a minimum three low impact elements, from subsection J of this section, with no more than two guidelines from each subsection, in the design to minimize and treat runoff.

4. Open Storm Retention/Detention Facilities.

a. Open area provided or required under the storm drainage of surface water code (Chapter 13.26 CMC) shall have an eight-foot planting bed external to the fence. If a fence is not necessary, then no planting is required.

b. Within the fence plantings should have habitat value. This is not a strict criteria, but where possible plants with high value to wildlife habitat, such as fall berries, or spring nesting material should be integrated into the design.

5. The plant material character of the landscape areas shall have the following characteristics:

a. Trees. A minimum of 70 percent required parking area trees shall be deciduous, except, if existing trees are retained, the percentage of deciduous trees can be decreased accordingly. Perimeter landscape areas shall be no more than 50 percent evergreen.

b. Shrubs. Shrub and hedge material used shall cover at least 60 percent of the required area.

c. Vegetative Groundcover/Turf. Vegetative groundcovers that are sensitive to occasional foot traffic should not be used in landscape areas where foot traffic might be likely.

6. Minimum Landscape Material Specifications. The following general planting regulations shall apply to all landscaped areas that require landscape plans:

a. Trees.

i. Deciduous. Deciduous trees shall be a minimum two-inch caliper at DBH.

ii. Evergreen. Evergreen trees shall be at least eight feet high at the time of planting.

b. Shrubs.

i. The minimum shrub size of flowering planting material shall be no less than a two-gallon container, with the plant covering the dimensions of the container.

ii. Within the vehicular sight distance triangle, shrubs shall be regularly trimmed or shall not have a mature or maintained height greater than 36 inches.

c. Vegetative Groundcover.

i. Living groundcover planting material shall be provided and maintained beneath trees in all planting beds.

ii. Within the vehicular sight-distance triangle, groundcover shall

not have a mature or maintained height to exceed 42 inches.

d. All plant materials shall conform to American National Standards Institute for Nursery Stock, latest edition.

e. The use of Scotch broom, English ivy and other invasive type plants, including but not limited to the plants identified on the Pierce or King County noxious weed list as amended hereinafter, is prohibited.

f. The choice of parking lot trees shall not include the following species:

i. *Acer negundo*, *Acer saccharinum*, *Acer macrophyllum* (boxelder, silver maple, and big leaf maple). Break badly in storms;

ii. *Ailanthus altissima* (tree of heaven). Roots are invasive, brittle wood, suckers freely (produces new trees off of the root system, which may create a maintenance problem in the yard);

iii. *Alnus rubra* (red alder). Brittle wood. Favorite of tent caterpillars;

iv. *Malus*. Fruiting apples. Fruit on walks;

v. *Prunus*. Fruiting cherries. Fruit on walks;

vi. *Pyrus*. Fruiting pears. Fruit on walks;

vii. *Populus* spp. (Poplars). Tops are brittle and break up easily in storms;

viii. *Robinia pseudoacacia* (black locust). Thorny, brittle;

ix. *Salix* spp. (willows, including weeping). Roots can interfere with sewers.

#### G. Significant Tree and Tree Grove Protection.

1. Significant trees are healthy deciduous trees with a diameter at breast height (DBH) of greater than or equal to six inches, and evergreen trees in excess of 10 feet in height. Breast height is defined as four and one-half feet above grade. A grove of trees consists of a grouping of five or more significant trees with contiguous canopy cover. The health of the tree shall be determined by a Washington State licensed arborist.

2. Trees on existing single-family and two-family lots are exempt from the significant tree and tree topping provisions of this section.

3. For development subject to the provisions of this section, site design and construction shall retain as many significant trees and groves as can be reasonably retained. Significant trees and/or groves of trees located in proposed landscaping areas which do not interfere with the proposed development shall be retained. The

removal of hazardous or dead trees is exempt from these requirements, upon recommendation from a licensed arborist.

4. For significant trees, which cannot be reasonably retained and are proposed for removal, replacement ratios shall be as follows:

<b>Significant Tree Type</b>	<b>Replacement Ratio</b>
Deciduous 6" – 9" DBH	(3) 2" caliper trees, minimum 6' tall
Deciduous 9" – 12" DBH	(5) 2" caliper trees, minimum 6' tall
Deciduous > 12" DBH	(7) 2" caliper trees, minimum 6' tall
Evergreen 10' – 18' tall	(1) 10' tall tree or 2 trees 6' – 9' tall
Evergreen > 18' tall	(2) 10' tall trees or 4 trees 6' – 9' tall

5. Significant trees which are not exempt from this chapter shall not be topped without prior approval of the director. Tree topping performed by a public utility to preserve essential services is allowed. The director may require a professional landscape architect's or arborist's written opinion regarding the necessity of tree topping prior to granting approval.

H. General Grading and Plant Spacing Provisions.

1. Grading Provisions.

a. Slopes used for grass plantings or turf shall be less than 3:1 or 33 percent. Otherwise plantings should not require mechanized mowing equipment.

2. Plant Spacing Provisions.

a. Trees shall be planted on a spacing approximating 30 feet on-center.

b. Shrubs shall be planted on a spacing approximating three feet on-center.

c. Groundcover. Vegetative groundcover shall be installed so that complete coverage will be achieved in three or four years.

i. The spacing of the planting material shall be appropriate to the chosen species based on an approved landscape plan.

ii. Groundcover will be spaced in a manner to achieve general coverage within two years.

iii. Where a four-inch container is used, groundcover shall be spaced at a minimum of 12 inches on-center. Where a one-gallon container is used, groundcover shall be spaced at a minimum of 24 inches on-center. Groundcover is not required beneath the drip line of shrubs.

d. Turf grass is prohibited as a groundcover in interior parking lot applications and within any perimeter landscape requirement less than 10

feet in width.

I. Soil Preparation and Mulching.

1. Soil Preparation.

a. Planting beds should be deep tilled to a depth of at least 12 inches. Soils shall be enhanced through the addition of the following materials: bark and forestry by-products, organic matter such as composted yard waste, organics and other amendments as needed through a soils test.

b. On project sites where topsoil is limited or nonexistent, a minimum depth of six inches of sandy loam topsoil should be tilled into the soil to a depth of 12 inches through all planting areas.

c. For all newly planted areas, three cubic yards of composted organic matter per 1,000 square feet of landscape area should be added to a depth of four inches to the top of the soil.

d. Seeded areas shall be fine graded and rolled.

2. Mulching of Newly Planted or Replanted Areas.

a. Mulches must be applied to the following depths: a minimum three inches over bare soil, and two inches where plant materials will cover.

b. Mulches must include organic materials, such as wood chips and shredded bark.

c. Nonporous materials, such as plastic sheeting, shall not be used in any area of the landscape because of down-slope erosion and potential soil contamination from herbicide washing.

d. Mulch should be applied regularly to and maintained in all planting areas to assist soils in retaining moisture, reducing weed growth, and minimizing erosion.

J. Water Retention, Conservation and Low Impact Design. Refer to subsection (F)(3) of this section for guidance.

1. Low Impact Planting Design and Technology. The following low impact design standards are provided to assist the applicant in the reduction of maintenance costs associated with development, to enhance the health and vitality of plant material, and to reduce watering costs, thus conserving water resources:

Guideline a. Utilize two-track surfaces with grass or vegetation in between to provide water infiltration for roads, driveways, parking lots and other types of drivable or walkable surfaces.

Guideline b. Design parking lot landscaping to function as part of the development's stormwater management system utilizing vegetated islands



with bioretention functions.

Guideline c. Incorporate existing natural drainage ways and vegetated channels, rather than the standard concrete curb and gutter configuration to decrease flow velotown and allow for stormwater infiltration.

Guideline d. Divert water from downspouts away from driveway surfaces and into bioretention areas or rain gardens to capture, store, and infiltrate stormwater on site.

Guideline e. Encourage construction of vegetative low impact design stormwater controls (bioretention, swales, filter strips, buffers) on land held in common.

Guideline f. Walkable surfaces and hardscapes should be designed with unit pavers in sand or pervious paving.

2. Water Retention and Low Impact Design. This method allows use of landscape area to also handle the runoff treatment for the project, if possible.

Guideline g. Create vegetated depressions, commonly known as bioretention areas or rain gardens, that collect runoff and allow for short-term ponding and slow infiltration. Raingardens consist of relatively small depressed or bowl shaped planting beds that treat runoff from storms of one inch or less. Raingardens should be used for on-site retention and treatment of runoff instead of or in addition to constructed pipe or vault storage.

Guideline h. Locate dry wells consisting of gravel or stone-filled pits to catch water from roof downspouts or paved areas.

Guideline i – Detention and Infiltration. In parking areas, landscaped islands can be used for first runoff retention, treatment and conveyance to a detention area.

Guideline j. Landscape material should be chosen for bioretention areas for their water tolerance separately from other landscaped areas which will not be inundated on a regular basis.

3. Water Conservation. To take advantage of natural rainfall in order to reduce the amount of water that is required to maintain healthy plant material during the dry season to increase deep water penetration and soil oxygenation.

Guideline k – Compatible Materials. Trees and plant species should be selected based on having similar climatic, water, soil, and maintenance requirements. Plants should be selected and grouped as determined by natural site conditions and be coordinated with the irrigation plan.

Guideline l – Native Plant Material. Preference shall be given to plants in landscape designs that are native to the Pacific Northwest or are introduced plants that are common to the Pacific Northwest in order to better reflect

and complement the natural surroundings and natural pattern of rainfall and drought conditions.

Guideline m – Ornamental Species. Ornamental species shall be drought-tolerant plants and should be incorporated into designs in order to reduce irrigation requirements unless situated in a water retention or low impact landscape area.

K. Irrigation.

1. Irrigation to take advantage of natural watering in order to reduce the amount of water that is required to maintain healthy plant material during the dry season.

a. Trees and plant species should be selected based on having similar climatic, water, soil, and maintenance requirements.

b. Plants should be selected and grouped as determined by natural site conditions and be coordinated with the irrigation plan.

c. Artificial irrigation shall be provided to commercial, multifamily and industrial (M-1, MX, B, RM, and PD) required plantings.

L. Right-of-Way Landscaping.

1. Planting strips are dictated in the Public Works Guidelines and Development Standards. Whether such strips are required or not, trees and landscaping within the right-of-way to the edge of the right-of-way shall be required.

2. Maintenance responsibilities are the abutting property owner's unless the town of Carbonado has taken maintenance responsibility in ordinance or resolution form.

3. Spacing. Trees shall be planted approximately every 30 feet, with adjustments made for driveways and utilities.

4. Species and Height. Carbonado still has areas of overhead wiring. To recognize this fact, two lists of trees have been developed to pick from depending on the existence of the overhead wiring.

5. Species and Location. Street trees shall be planted according to the following chart. Areas not listed do not require trees to be planted.

6. Root Control. A root barrier shall be installed to prevent roots from damaging pavement. The root control barrier should be constructed of galvanized metal or plastic sheets and should be placed a minimum of two feet below the finished grade. The applicant may choose to use a method of root control besides galvanized metal or plastic sheets, provided they can prove the proposed product is similar in quality, strength, and ability to block roots as galvanized metal or plastic sheets.

7. Residential subdivisions, multifamily development, commercial, industrial or institutional developments shall require street frontage landscaping including

requirements for street trees.

N. Deviation from Standard.

1. A deviation from standard may be employed to vary the dimensions of the landscape buffers, materials, or standards. The director of planning and community development shall make the decision on a deviation from standard as a Process Type II decision (Chapter 14.15 CMC) or as a combined decision. No separate application is required.

2. Purposes – Visibility, Obstructions, Planting Reductions.

a. Driveways and Street Corners. It is the purpose of this section to allow unobstructed views into and out of driveways and also maintain visibility on an unobstructed triangle per CMC 18.20.060.

b. Signs. Building-mounted signs should be visible through landscaping.

c. Planting Reductions. Reductions in the number of required trees may be allowed provided there is a corresponding increase, by area, in the amount of shrubs, for the above purposes.

d. Other Purposes. Reductions in the width of landscape buffers may be reduced, and other sections of this landscape section may be varied by this procedure.

3. Criteria for Approval.

a. Must be demonstrably superior in terms of plant density, size, or dimensions.

b. Complies with the purpose of this chapter.

c. Be superior in design, for example:

i. May substitute fastigiated (columnar) material for other material types, but must intensify the planting to close the screening.

ii. May substitute a vegetative hedge for screening in a narrow dimension, but not just a fence.

iii. Large nursery stock and specimen plantings may be substituted for increased density of planting when reducing dimension.

iv. Any other proposal that is demonstrated to be superior through a written comparison of the basic purpose of this code with the purpose of the proposed design.

d. If the criteria above cannot be met, the director of planning and community development may also grant a deviation to the extent necessary to ensure the reasonable use of property as required by

constitutional due process and takings law. Any such deviation shall be the minimum necessary to provide for reasonable use of the property and the director is authorized to condition the project as reasonably necessary to mitigate the impacts of the deviation.

O. Installation and Maintenance Security. The planting and landscaping required by this section shall be installed prior to receiving any occupancy certificate, unless the applicant submits a performance assurance as noted in Chapter 14.55 CMC, Performance Guarantees.

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## CHAPTER 18.50 RESIDENTIAL LOW DENSITY DISTRICT (RLD)

### Sections:

- 18.50.010 Purpose.**
- 18.50.020 Authorized uses.**
- 18.50.030 Uses requiring conditional use permit.**
- 18.50.040 Accessory uses.**
- 18.50.050 RLD development and bulk regulations.**

### **18.50.010 Purpose.**

The purpose of the RLD zoning district is to provide a safe, attractive and stable environment for residential development, where the predominant development pattern will be single-family dwellings. Uses other than single-family dwellings shall be allowed only to the extent that they support low-density residential development.

### **18.50.020 Authorized uses.**

Authorized uses in the RLD district are set forth in Chapter 18.20 CMC, subject to the off-street parking requirements, and other general provisions and exceptions set forth in this code beginning with Chapter 18.40 CMC.

### **18.50.030 Uses requiring conditional use permit.**

Uses permitted subject to the granting of a conditional use permit in the RLD district are set forth in Chapter 18.20 CMC.

### **18.50.040 Accessory uses.**

Accessory uses in the RLD district are set forth in Chapter 18.20 CMC. Notwithstanding CMC 18.10.030, the total area of all accessory structures may exceed the area of the principal structure if the applicant satisfies the criteria for a conditional use permit. In addition to complying with the conditional use criteria specified in Chapter 14.30 CMC, the hearing examiner shall also consider the following criteria in determining whether a conditional use permit should issue:

- A. All accessory structures or uses in the residential zone shall support and enhance the residential nature of the property.
- B. The maximum size of any single accessory structure shall not exceed 2,500 square feet.
- C. All accessory structures shall not exceed 20 feet in height.
- D. All accessory structures shall be screened from surrounding properties by walls and landscaping, intended to break up the visual bulk of the structure, and reduce the visual impact of the structure.
- E. No accessory structures subject to this code shall be devoted partially or totally to the pursuit of home occupations.

F. All principal structures and accessory structures shall not exceed 40 percent of the lot area.

G. Accessory structures must be located to the rear of the principal structure.

**18.50.050 RLD development and bulk regulations.**

A. General dimensional, density and bulk regulations for single-family dwellings are set forth in Chapter 18.25 and 18.30 CMC.

B. The construction or creation of an accessory apartment is authorized on lots that are at least 9,600 square feet in area. Accessory apartments are not included in the calculation of maximum net density.

C. The construction of duplex homes is authorized on all lots that are at least 12,000 square feet in area, provided the net density calculation can be met.

D. Setback requirements for accessory uses shall be the same as for other uses except that the minimum rear yard setback for accessory uses shall be seven and one-half feet.

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## CHAPTER 18.55 RESIDENTIAL MODERATE DENSITY DISTRICT (RMD)

### Sections:

- 18.55.010 Purpose.**
- 18.55.020 Authorized uses.**
- 18.55.030 Uses requiring conditional use permit.**
- 18.55.040 Accessory uses.**
- 18.55.050 RMD development and bulk regulations.**

### **18.55.010 Purpose.**

The purpose of the RMD zoning district is to provide a safe, attractive and stable environment for residential development, where the predominant development pattern will be single-family dwellings. Uses other than single-family dwellings shall be allowed only to the extent that they support moderate density residential development.

### **18.55.020 Authorized uses.**

Authorized uses in the RMD district are set forth in Chapter 18.20 CMC, subject to the off-street parking requirements, and other general provisions and exceptions set forth in this code beginning with Chapter 18.40 CMC.

### **18.55.030 Uses requiring conditional use permit.**

Uses permitted subject to the granting of a conditional use permit in the RMD district are set forth in Chapter 18.20 CMC.

### **18.55.040 Accessory uses.**

Accessory uses in the RMD district are set forth in Chapter 18.20 CMC. Notwithstanding CMC 18.10.030, the total area of all accessory structures may exceed the area of the principal structure if the applicant satisfies the criteria for a conditional use permit. In addition to complying with the conditional use criteria specified in Chapter 14.30 CMC, the hearing examiner shall also consider the following criteria in determining whether a conditional use permit should issue:

- A. All accessory structures or uses in the residential zone shall support and enhance the residential nature of the property.
- B. The maximum size of any single accessory structure shall not exceed 4,000 square feet.
- C. All accessory structures shall not exceed 20 feet in height.
- D. All accessory structures shall be screened from surrounding properties by walls and landscaping, intended to break up the visual bulk of the structure, and reduce the visual impact of the structure.
- E. The construction of duplex homes is authorized on lots that are at least 10,000 square feet in area, provided the maximum net density calculation can be met.

F. A density increase of 50 percent is allowed for the construction of an adult retirement community, provided the resulting maximum net density will not exceed 18 du/ac for the developments of an adult retirement community, otherwise the standard net density applies.

**18.55.050 RMD development and bulk regulations.**

A. General dimensional, density and bulk regulations for single-family dwellings are set forth in Chapter 18.25 and 18.30 CMC.

B. The construction or creation of an accessory apartment is authorized on lots that are at least 9,600 square feet in area. Accessory apartments are not included in the calculation of maximum net density.

C. The construction of duplex homes is authorized on all lots that are at least 10,000 square feet in area, provided the net density calculation can be met.

D. Setback requirements for accessory uses shall be the same as for other uses except that the minimum rear yard setback for accessory uses shall be seven and one-half feet.

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## **CHAPTER 18.60 COMMERCIAL/MIXED USE (CMU) DISTRICT**

### **Sections:**

- 18.60.010 Purpose.**
- 18.60.020 Authorized uses.**
- 18.60.030 Uses requiring conditional use permit.**
- 18.60.040 Accessory uses.**
- 18.60.050 Bulk regulations.**

### **18.60.010 Purpose.**

The purpose of the commercial/mixed use district is to encourage the development of a compact town center within the town of Carbonado, in furtherance of the goals of the comprehensive plan. It is envisioned that this town center will contain a mixture of land uses which will promote pedestrian access and small-scale shops and services within walking distance of residential areas.

### **18.60.020 Authorized uses.**

- A. Uses authorized within the commercial/mixed use district are set forth in Chapter 18.20 CMC.
- B. All uses authorized in the commercial/mixed use district require site plan approval, as set forth in Chapter 14.25 CMC, with the exception of single- and two-family dwellings.

### **18.60.030 Uses requiring conditional use permit.**

Uses within the commercial/mixed use district which require a conditional use permit are set forth in Chapter 14.30 CMC.

### **18.60.040 Accessory uses.**

Uses allowed as accessory uses within the commercial/mixed use district are set forth in Chapter 18.20 CMC.

### **18.60.050 Bulk regulations.**

- A. All provisions for building height, lot coverage, and minimum setbacks are set forth in Chapter 18.25 and 18.30 CMC.
- B. A residential density increase of 50 percent is allowed on any lot for either of the following:
  - 1. Construction of an adult retirement community; or
  - 2. Residential development on upper floors of any building where the first floor is used primarily for retail or personal service establishments.

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## **CHAPTER 18.65 COMMUNITY FACILITIES (CF) DISTRICT**

### **Sections:**

- 18.65.010 Purpose.**
- 18.65.020 Authorized uses.**
- 18.65.030 Uses requiring conditional use permit.**
- 18.65.040 Accessory uses.**
- 18.65.050 Bulk regulations.**

### **18.65.010 Purpose.**

The purpose of the community facilities district is to preserve sufficient land in the community to provide necessary services which are usually provided by government or utilities.

### **18.65.020 Authorized uses.**

Uses authorized within the community facilities district are set forth in Chapter 18.20 CMC.

### **18.65.030 Uses requiring conditional use permit.**

Uses within the community facilities district which require a conditional use permit are set forth in Chapter 14.30 CMC.

### **18.65.040 Accessory uses.**

Uses allowed as accessory uses within the community facilities district are set forth in Chapter 18.20 CMC.

### **18.65.050 Bulk regulations.**

All provisions for building height, lot coverage, and minimum setbacks are set forth in Chapter 18.25 and 18.30 CMC.

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**CHAPTER 18.70 PARKS AND OPEN SPACE (POS) DISTRICT**

**Sections:**

**18.70.010 Purpose.**

**18.70.020 Authorized uses.**

**18.70.010 Purpose.**

The purpose of the parks and open space district is to preserve sufficient land in the community to provide necessary services which are usually provided by government or utilities.

**18.70.020 Authorized uses.**

Uses authorized within the parks and open space district are set forth in Chapter 18.20 CMC.



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**CHAPTER 18.75 OFF-STREET PARKING AND LOADING**

**Sections:**

- 18.75.010 Parking spaces – Required.**
- 18.75.020 Parking spaces – Size and access.**
- 18.75.030 Parking spaces – Location.**
- 18.75.040 Off-street parking requirements.**
- 18.75.050 Parking spaces – Unspecified uses.**
- 18.75.060 Parking spaces – Mixed occupancies.**
- 18.75.070 Parking spaces – Cooperative provisions.**
- 18.75.080 Parking area – Development standards.**
- 18.75.090 Parking area – Motor barricades.**
- 18.75.100 Parking area – Landscaping standards.**
- 18.75.110 Parking area – Entrances and exits.**
- 18.75.120 Parking area – Surface.**
- 18.75.130 Parking area – Lighting.**
- 18.75.140 Parking area – Signs.**
- 18.75.150 Loading areas.**

**18.75.010 Parking spaces – Required.**

Off-street parking spaces shall be provided as an accessory use, in accordance with the requirements of this chapter, at any time any building or structure is erected, enlarged, or expanded.

**18.75.020 Parking spaces – Size and access.**

Aisle and driveway dimensions shall conform to the dimensions set forth in Table 18.75.020. The public works director may approve variations to these dimensions if special circumstances exist which prohibit strict compliance; provided, that such variations do not result in a traffic safety hazard, hinder vehicle access and egress and are designed in conformance with good engineering practices.

**Table 18.75.020**

<b>Aisle and Driveway Dimensions</b>			
<b>Stall Angle</b>	<b>45°</b>	<b>60°</b>	<b>90°</b>
<b>Stall Width</b>			
Regular space	12'9"	10'5"	9'0"
Compact space	11'3"	9'4"	8'0"
<b>Stall Depth</b>			
Regular space	20'7"	20'10"	20'0"
Compact space	17'6"	18'7"	17'0"
<b>Driveway Aisle</b>			
One-way	14'0"	18'0"	20'0"
Two-way	17'0"	18'0"	20'0"

Thirty percent of the required parking spaces, whenever 10 or more spaces are required, may be compact stalls.

**18.75.030 Parking spaces – Location.**

- A. Off-street parking facilities shall be located as specified in this section.
- B. Where a distance is specified, the distance shall be the walking distance measured from the nearest point of the parking facilities to the nearest point of the building that the facility is required to serve.
  - 1. For a single-family dwelling or multifamily dwelling the parking facilities shall be located on the same lot or building site as the building they are required to serve. This requirement may be waived or modified for mixed-use developments which include multi-family dwellings.
  - 2. For any other building or structure, off-street parking facilities shall be located not more than 300 feet from the building or structure.

**18.75.040 Off-street parking requirements.**

The minimum number of off-street parking spaces required shall be as follows:

Accessory apartment	1 space per accessory dwelling unit
Adult day care facility	1 space for each employee, plus 1 space for every 5 clients or fraction thereof; if the clients may not own vehicles, 1 space per 600 s.f. of gross floor area
Adult entertainment business	1 space per 100 s.f. of gross floor area
Adult retirement community	1 space per unit
Agricultural buildings	1 space per 2,000 s.f. of floor space
Agricultural crops; orchards	—
Ambulance service	1 space for each employee, plus 1 space per vehicle used in coordination with the service
Amusement parks	1 space per 200 s.f. of area within enclosed buildings plus 1 space for every 3 persons that the outdoor facilities are designed to accommodate
Animal hospital	1 space per employee plus 1 space per 600 s.f. of gross floor area
Apartment	2 spaces per dwelling unit plus 1 space per 4 dwelling units for guests

Assisted living facility	.75 spaces per unit
Auction house/barn (no vehicle or livestock)	1 space per 4 seats
Automobile service station	2 spaces per service bay
Automobile wash	5 spaces per washing stall in addition to the stall itself
Automobile, repair	1 space per 200 s.f., plus 2 spaces per service bay, plus 1 space for each employee
Automobile, sales	1 space per 5,000 s.f. of lot area used for vehicle display, plus 1 space per 300 s.f. of showroom area
Ballfield	50 spaces per field
Banks, savings and loan association	1 space per 400 s.f. of floor area up to 20,000 s.f., plus 1 per 500 s.f. of floor area in excess of 20,000 s.f.
Bed and breakfast	1 space per guest room
Bicycle paths, walking trails	—
Billiard hall and pool hall	2 spaces per table
Blueprinting and photostating	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater
Buy-back recycling center	1 space for each employee, plus 1 space per 1,000 s.f. of building area
Cabinet shops	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater
Carpenter shops	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater
Carport	—
Child day care, commercial	1 space per employee during the maximum shift per state license, and 1 space for every 10 students enrolled; and one pick-up/drop-off space for every 20 students enrolled, but in no case less than 2 loading

	spaces, based on the maximum students allowed per state license
Child day care, family	1 space for each employee
Church	1 space per 6 fixed seats in the chapel or nave
Club or lodge, private	1 space for every 4 persons based on the fire occupancy load
Commercial recreation < 2 ac.	3 spaces per acre, plus 1 space per 200 s.f. of building area
Commercial recreation > 2 ac.	3 spaces per acre up to 2 acres, plus 2 spaces per acre for each additional acre or fraction thereof, plus 1 space per 200 s.f. of building area
Composting facilities	1 space for each employee
Confectionery stores	1 space per 300 s.f. of gross floor area for the first 1,000 s.f. of gross floor area, plus 4 spaces per additional 1,000 s.f. of gross floor area
Contractor yards	1 space for each employee
Convenience store	1 space per 400 s.f. of gross floor area
Crematories and mausoleums	1 space per 4 fixed seats of chapel capacity, plus 1 space for every 3 employees
Department stores	1 space per 300 s.f. of gross floor area for the first 1,000 s.f. of gross floor area, plus 4 spaces per additional 1,000 s.f. of gross floor area
Distributing plants	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater
Drug stores	1 space per 400 s.f. of gross floor area
Dry cleaners	1 space per 200 s.f. of gross floor area used by the public
Dwelling, multifamily	2 spaces per dwelling unit plus 1 space per 4 dwelling units for guests
Dwelling, single-family	2 spaces per dwelling unit
Dwelling, two-family	2 spaces per dwelling unit plus 1 space per 4 dwelling units for guests

Electric transmission substation	To be determined by the land use administrator
Electric/neon sign assembly, servicing, repair	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater
Espresso stands	1 space per employee, plus spaces for 3 waiting cars
Fairgrounds	8 spaces per acre up to 2 acres, plus 4 spaces per acre for each additional acre or fraction thereof
Flea market	8 spaces per acre up to 2 acres, plus 4 spaces per acre for each additional acre or fraction thereof
Food markets and grocery stores	For establishments with less than 5,000 s.f. of gross floor area, 10 spaces; for establishments with over 5,000 s.f. of gross floor area, 1 space per 300 s.f. of gross floor area
Freight terminal, truck	1 space per 250 s.f. of floor area devoted to office use, plus 1 space per company vehicle
Fuel storage tanks (underground, <500 gal.)	—
Fuel storage tanks (underground, >500 gal.)	—
Fuel storage tanks, aboveground	—
Furniture repair	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater
Garage, private	—
Garage, public	—
Golf and athletic facilities	1 space for every 2 employees, plus 3 per golf hole
Greenhouses, private and noncommercial	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater

Group homes	1 space for each employee, plus 1 space for every 5 clients or fraction thereof
Hardware stores < 10,000 s.f.	1 space per 400 s.f. of gross floor area
Hardware stores > 10,000 s.f.	1 space per 400 s.f. of gross floor area
Health club	1 space per 200 s.f. of gross floor area
Heliports	1 space for each employee, plus 1 space per vehicle used in connection with the facility
Home occupation	1 space in addition to the requirement for the dwelling
Horticultural nursery, wholesale and retail	1 space per 1,000 s.f. of floor area, plus 1 space per 2,000 s.f. of site area
Hospitals and sanitariums	1 space per 3 beds
Hotel	1 space per room, unit, or guest accommodation
Industry, light	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater
Inn	1 space per room, unit, or guest accommodation
Libraries	1 space per 400 s.f., plus 1 space per two employees
Liquor stores	1 space per 300 s.f. of gross floor area for the first 1,000 s.f. of gross floor area, plus 4 spaces per additional 1,000 s.f. of gross floor area
Livestock	—
Locksmiths	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater
Lumber yards	1 space per 500 s.f. of gross floor area
Machine shops, punch press up to 5 tons	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater
Medical-dental clinic	1 space per 300 s.f. of gross floor area

Mobile home park	2 spaces per dwelling unit
Mortuaries	1 space per 1,000 s.f. of gross floor area
Motel	1 space per room, unit, or guest accommodation, plus 1 space for every 2 employees
Motor vehicle impound yard in enclosed building	1 space for every 2 employees
Nonautomotive, motor vehicle and related equipment sales, rental, repair and service	1 space per 600 s.f. of gross floor area
Open-air theaters	1 space per 6 seats
Outdoor advertising display	—
Outdoor storage	1 space for each employee on the largest shift
Paint shop	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater
Parcel service delivery	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater
Parking area, private	—
Parking area, public	—
Pasture	—
Pesticide application service	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater
Pet shop	1 space per 300 s.f. of gross floor area for the first 1,000 s.f. of gross floor area, plus 4 spaces per additional 1,000 s.f. of gross floor area
Plumbing shop	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater
Plumbing supply yards	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f.



	of gross floor area, whichever requirement is greater
Post office, branch or contract station	1 space for each employee on shift of maximum employees plus 1 space per 800 s.f.
Post office, distribution center or terminal	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater
Printing establishments	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater
Professional offices	1 space per 400 s.f. of floor space
Public parks	Parking lot area equivalent to 1 percent of the total land area
Public utility facilities	To be determined by the land use administrator
Public utility service yard	1 space for each employee on the maximum work shift
Radio and TV repair shops	1 space per 300 s.f. of gross floor area for the first 1,000 s.f. of gross floor area, plus 4 spaces per additional 1,000 s.f. of gross floor area
Radio, cellular phone, microwave, and/or television transmission facilities or towers	1 space
Recreational areas, commercial, including tennis clubs and similar activities	1 space per 200 s.f. of gross floor area
Recreational centers privately operated	1 space per 200 s.f. of gross floor area
Recycling collection points	—
Recycling processing centers	1 space for each employee, plus 1 space per 1,000 s.f. of building area
Restaurant	1 space per 100 s.f. of gross floor area
Restaurants, drive-through	1 space per 200 s.f. of gross floor area
Retail <1,000 square feet	1 space per 300 s.f. of gross floor area
Retail >1,000 square feet	1 space per 300 s.f. of gross floor area for the first 1,000 s.f. of gross floor

	area, plus 4 spaces per additional 1,000 s.f. of gross floor area
Rodeos	1 space per 5 fixed seats
Schools, elementary	1 space for each teacher and staff member, plus 1 space for each 2 classrooms
Schools, secondary	1 space for every teacher and staff member, plus 1 space for every 5 students
Secondhand store	1 space per 300 s.f. of gross floor area for the first 1,000 s.f. of gross floor area, plus 4 spaces per additional 1,000 s.f. of gross floor area
Self-service storage facility	3 spaces plus 1 space per 100 units
Sewage treatment plants	1 space for each employee on the maximum work shift
Shoe stores or repair shop	1 space per 300 s.f. of gross floor area for the first 1,000 s.f. of gross floor area, plus 4 spaces per additional 1,000 s.f. of gross floor area
Sports arenas	1 space per 5 fixed seats
Stable, private arena	1 space per 4 pens or stables
Stadiums	1 space per 5 fixed seats
Stationery store	1 space per 300 s.f. of gross floor area for the first 1,000 s.f. of gross floor area, plus 4 spaces per additional 1,000 s.f. of gross floor area
Storage for transit and transportation equipment	1 space for each employee on the largest shift
Studios (i.e., recording, artist, dancing, etc.)	1 space per 800 s.f. of gross floor area
Surface mining	1 space for each employee of the largest shift
Swimming pool, commercial	1 space per 200 s.f. of pool surface area plus 1 space per 200 s.f. of building area for accessory structures in excess of 1,000 s.f.
Swimming pool, private	—
Swimming pool, public	1 space per 200 s.f. of pool surface area plus 1 space per 200 s.f. of

	building area in accessory structures in excess of 1,000 s.f.
Taverns	1 space per 100 s.f. of gross floor area
Theaters, enclosed	1 space per 5 fixed seats
Tool sales and rental	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater
Trailer-mix concrete plant	1 space for each employee, plus 1 space per 1,000 s.f. of building area
Transfer station solid waste facility	To be determined by the land use administrator
Transit facilities, bus barns park-and-ride lots, transit stations	1 space per 600 s.f. of gross floor area
Upholstering	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater
Video store (rental, not adult) < 5,000 s.f.	1 space per 300 s.f. of gross floor area for the first 1,000 s.f. of gross floor area, plus 4 spaces per additional 1,000 s.f. of gross floor area
Video store (rental, not adult) > 5,000 s.f.	1 space per 300 s.f. of gross floor area for the first 1,000 s.f. of gross floor area, plus 4 spaces per additional 1,000 s.f. of gross floor area
Vocational schools/colleges	1 space for each 200 s.f. of gross floor area in classrooms
Warehousing	1 space per 2,000 s.f. of floor space
Welding shops and sheets metal shops	1 space for every 3 employees on the largest shift or 1 space per 1,000 s.f. of gross floor area, whichever requirement is greater

**18.75.050 Parking spaces – Unspecified uses.**

In the case of a use not specifically mentioned in this chapter, the requirement for off-street parking facilities shall be determined by the land use administrator. Such determination shall be based upon the requirements for the use which in the opinion of the land use administrator shall be the most comparable use.

**18.75.060 Parking spaces – Mixed occupancies.**

In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except as specified in this chapter for cooperative use.

**18.75.070 Parking spaces – Cooperative provisions.**

Nothing in this chapter shall be construed to prevent cooperative provision of off-street parking facilities for two or more buildings or uses; provided, that the total of such off-street parking spaces supplied cooperatively shall not be less than the sum of the requirements for the various uses computed separately. None of the above provisions shall prevent the overlapping cooperative use of parking facilities when the time during which such facilities are used is not conflicting.

**18.75.080 Parking area – Development standards.**

In any district a parking area for five or more vehicles shall be developed in accordance with the requirements set forth in CMC 18.75.090 through 18.75.150.

**18.75.090 Parking area – Motor barricades.**

A rail, fence, wall, hedge, landscaped berm or other continuous barricade of height sufficient to retain all cars completely within the property shall be provided, except at exit or access driveways.

**18.75.100 Parking area – Landscaping standards.**

Internal parking lot landscaping shall be provided as required under Chapter 18.35 and 18.40 CMC.

**18.75.110 Parking area – Entrances and exits.**

The location and design of all entrances and exits shall be subject to the approval of the building inspector; provided that no entrance or exit shall be closer than 15 feet to any adjoining lot located in any R district.

**18.75.120 Parking area – Surface.**

Off-street parking areas shall be surfaced and maintained with a durable and dustless surface consisting of asphalt or concrete, and shall be so graded and drained as to dispose of all surface water. Surfacing and drainage shall be subject to approval by the city.

**18.75.130 Parking area – Lighting.**

Any lighting used to illuminate any required off-street parking areas shall be so arranged as to reflect the light away from adjoining premises in any R district.

**18.75.140 Parking area – Signs.**

No sign of any kind, other than one designating entrances, exits, or conditions of use, shall be maintained on a parking area on that side which abuts upon or faces any premises situated in any R

district. Such signs shall not exceed eight square feet in area, nor shall there be more than one such sign for each entrance or exit.

**18.75.150 Loading areas.**

Every building constructed, altered, or enlarged, which is designed for, or used for, merchandising, manufacturing, warehousing or processing purposes, shall provide off-street loading space as follows:

A minimum of one space 30 feet by 12 feet for each 12,000 square feet of floor space, or fraction thereof, within the building which floor space is designed or used for the above purposes.

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## CHAPTER 18.80 SIGN CODE

### Sections:

- 18.80.010 Purpose.**
- 18.80.020 Definitions.**
- 18.80.030 Administration and enforcement.**
- 18.80.040 Permits required.**
- 18.80.050 Permit application requirements.**
- 18.80.060 Prohibited signs.**
- 18.80.070 Exempt signs.**
- 18.80.080 General provisions.**
- 18.80.085 Signs in the right-of-way.**
- 18.80.090 Pole signs.**
- 18.80.100 Monument signs.**
- 18.80.105 Mixed use town center monument sign.**
- 18.80.110 Signs attached to buildings.**
- 18.80.120 A-board/sandwich board signs.**
- 18.80.130 Directional signs.**
- 18.80.135 Political signs.**
- 18.80.140 Temporary signs.**
- 18.80.150 Nonconforming signs.**
- 18.80.160 Maintenance of signs.**
- 18.80.170 Removal of signs.**
- 18.80.180 Deviation from standards.**
- 18.80.190 Penalty for violations.**
- 18.80.200 Severability.**

### **18.80.010 Purpose.**

The purpose of this chapter is to regulate the installation, alteration, relocation, number, size, height, and placement of signs within the town. In conformance with the comprehensive plan, the regulation of signs is found to protect the health, safety, and welfare of the citizens. It is intended to promote the aesthetic appearance of the town to maintain and enhance its property values. It is intended to encourage quality design that creates an attractive and harmonious community and business environment which provides businesses with the adequate means to advertise their products and/or services. It is further intended to preserve the right of free speech exercised by its citizens.

### **18.80.020 Definitions.**

“A-board/sandwich board signs” means small type signs, either single- or double-faced, portable, upon which is generally placed advertising copy denoting products or services being offered upon the premises on which such signs are placed.

“Abandoned sign” means a sign that no longer correctly identifies, exhorts or advertises any person, business, lessor, owner, product or activity conducted or available on the premises where such sign is located and which has not been changed or removed within 180 days of a tenancy change.

“Advertising copy” means any sign graphics, background colors, logos or trademarks that identify or promote the sign user or any product or service; or that provides information about the sign user, the building or the products or services available.

“Awning” means any structure made of cloth, metal, or other material with a frame attached to a building, whether or not the same is so erected as to permit its being raised to a position flat against the building when not in use.

“Awning sign” means a sign affixed to the surface of an awning and which does not extend vertically or horizontally beyond the limits of such awning.

“Balloon” means a latex balloon 36 inches or less in diameter tethered on a cord not greater than four feet in length.

“Balloon, rooftop” means a balloon with a vertical dimension greater than 36 inches but not greater than 25 feet.

“Banner sign” means a sign made of cloth, fabric, paper, nonrigid plastic or similar types of material. Banners may contain text, numbers, graphic images or symbols. Pennants and flags are not considered banners.

“Billboard” means a preprinted or handpainted changeable advertising copy sign that directs attention to businesses, commodities, services, or facilities that are not primarily sold, manufactured, or distributed from the property on which the sign is located. The term “billboard” includes both the structural framework that supports a billboard and any billboard faces attached thereto. Although sometimes smaller, billboard sizes often range from 12 to 14 feet in height and 24 to 48 feet in width. A billboard is not a “changeable copy sign” as defined below.

“Building facade” means the exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

“Business sign” means a sign located on the premises of the business with which it is associated.

“Canopy” means any structure, other than an awning, made of cloth, metal, or other materials with framework attached to a building or carried by a frame supported by the ground.

“Canopy sign” means any sign erected upon, against or directly above a canopy.

“Center identification sign” means any sign that identifies a shopping center, industrial center, or office center by name, address, or symbol. Center identification signs may also identify individual tenants or businesses within the center.

“Change in nature” means an expansion of the building or structure housing the business in excess of 50 percent of the existing assessed value, or a change in the name of the business that would require a change in signage.

“Changeable copy sign (manual)” means any sign that is designed so that characters, letters, or illustrations can be changed or rearranged by hand without altering the face or the surface of the sign; i.e., readerboards with changeable pictorial panels. A billboard is not a changeable copy sign.



“Changing message center” means an electronically controlled sign, message center, or readerboard where copy changes of a public service or commercial nature are shown on the same lamp bank; i.e., time, temperature, date, news, or commercial information of interest to the traveling public.

“Commercial flag” means a flag no larger than 24 square feet identifying the words, numbers, or business/corporate images and symbols. No more than 12 commercial flags may be erected on a site.

“Construction sign” means a temporary nonilluminated sign giving the name or names of principal contractors, architects, lending institutions, or other persons or firms responsible for construction on the site where the sign is located, together with other information included thereon.

“Damaged/disrepaired sign” means a sign that is damaged, in disrepair, or vandalized and not repaired within 60 days of the damaging event.

“Dangerous sign” means a sign that by nature of its condition is hazardous to the public’s health, safety, and welfare.

“Directional sign” means a permanently erected single- or double-faced sign designed to guide or direct pedestrian or vehicular traffic to an area, place, or convenience. Directional signs shall only contain information on exits, entrances, parking, telephones, restrooms, or similar types of information and the name and/or logo of the business where the directional sign is located.

“Directory sign” means a sign on which the names and locations of occupants or the use of a building is given.

“Display surface” means the area made available by the sign structure for the purpose of displaying the advertising message.

“Double-faced sign” means a sign that has advertising copy on opposite sides of a single display surface or sign structure. Wedge, round or multifaceted signs shall not be considered double-faced signs when determining square footage. Instead, the area of each face of such signs is used when figuring square footage.

“Electrical sign” means a sign or sign structure that uses electrical wiring, connections and/or fixtures as a part of the sign, but not including signs illuminated by exterior light source.

“Electronic sign” means a sign designed to allow changes in the sign graphics electronically.

“Festoon” means a strip or string of balloons that includes clusters or strings of balloons connected to a fixed object or vehicle on at least one end of the festoon.

“Flag” means a piece of cloth or other nonrigid material identifying one of the following:

1. Flag of a nation;
2. Commemorative flag such as a POW flag; or
3. Flag of a political subdivision.

“Flag, commercial.” See “Commercial flag.”

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

“Freestanding letters” means individual letters, characters or marks comprising any portion of a sign or sign structure, whether erected flat against a wall or upon a framework for support.

“Freestanding sign” means a sign supported by poles, uprights, braces, or standards and is not connected to or supported by any other structure. Pole signs and monument signs are examples of freestanding signs.

“Garage sale sign” means a temporary sign that advertises a residentially based garage sale.

“Grade” means the elevation or level of the street (or parking lot) closest to the sign to which reference is made, as measured at the street centerline, or the relative ground level in the immediate vicinity of the sign.

“Grand opening” means welcoming clients, customers, etc., into a newly opened or relocated place of business for the purpose of promoting or familiarizing people with the business. To be eligible for grand opening signs, the business must be lawfully licensed by the town of Carbonado and have been open for three months or less (see also CMC 18.80.040(B)).

“Graphic” means any of the following: symbols or pictures formed by writing, drawing, or engraving, relating to the written or printed word, the symbols or devices used in writing or printing to represent a symbol, word, meaning, or message.

“Identification sign” means a sign that is limited to the name, address and number of a building, institution, or person and to the activity carried on in the building or institution, or the type of occupancy of the person.

“Illuminated sign” means a sign designed to give forth any artificial or reflected light, either directly from a source of light incorporated into or connected with such sign, or indirectly from a source intentionally directed upon it, so shielded that no direct illumination from it is visible elsewhere than on the sign and in the immediate proximity thereof.

“Incidental sign” means a small sign, four square feet or less in area, intended primarily for the convenience and direction of the public on the premises. Incidental signs do not advertise but are for informational purposes only. Incidental signs may contain information that denotes the hours of operation, telephone number, credit cards accepted, entrances and exits, and information required by law. Incidental information may appear on a sign having other copy as well, such as an advertising sign.

“Institutional sign” means a sign to identify educational, civic, and religious institutions.

“Internal illumination” means a source of lighting concealed entirely within a sign that makes sign graphics visible by transmitting light through a translucent or semi-translucent material.

“Landscaping” means trees, shrubs, and groundcover used around or under the base of monument signs. Required landscaping may be planted in concrete planters, landscape beds, or planter boxes.

“Lawn sign” means a temporary sign within the lawn or landscape area of a site. Lawn signs often identify businesses that have performed improvements to a building or site. Political signs are not considered lawn signs.

“Liquidation sign” means a temporary sign for the purposes of identifying liquidation sales.

“Logo” means an identifying emblem or insignia containing sign graphics, symbols or colors typically used for identification and/or advertisement.

“Marquee” means a permanent structure attached to, supported by and projecting from a building and providing protection from the weather elements, but does not include a projecting roof. For purposes of this chapter, a freestanding permanent roof-like structure providing protection from the elements, such as a service station gas pump island, will also be considered a marquee. This also includes canopies.

“Marquee sign” means a sign attached to and made part of a marquee. A marquee (or canopy) is defined as a permanent roof-like structure attached to and supported by the building and projecting beyond a building, but does not include a projecting roof.

“Monument sign” means a ground-mounted, fixed sign with a height ranging from five to 12 feet above the average ground elevation. The base (not included in the sign surface area calculation) is attached to the ground as a wide base of solid construction. In no instance shall the bottom of the sign be more than six inches above the base.

“Multiple occupancy building” means a single structure with a common building access that houses more than one retail business, office or commercial venture.

“Municipal facility sign” means a sign that is located on the premises of a facility owned or operated by the town of Carbonado.

“Mural” means a decorative design or scene intended to provide visual enjoyment that is painted or placed on an exterior building wall. A mural contains no commercial message, logo, corporate symbol, or registered trademark.

“Neighborhood identification sign” means a sign to identify a particular residential area or development.

“Neon lighting” means illuminated tubing forming sign graphics or that is otherwise used as an exposed lighting source. For the purpose of this chapter, the term “neon” will be considered a generic term for this type of lighting regardless of the type of fluorescing gas or material contained within the tubing.

“Neon sign” means neon lighting used to draw attention to a business or building in any manner, including (but not limited to) neon sign graphics, logos or outlining of a building’s architectural features.

“Nonconforming sign” means any sign, legally constructed, that does not conform to the requirements of this chapter.

“Nonstructural trim” means the molding, battens, caps, nailing strips, laticing, cutouts, or letters and walkways that are attached to the sign structure.

“Off-premises sign” means a sign that identifies, advertises, or gives directional information to a commercial establishment not located on the premises where the sign is installed or maintained. A billboard is an example of an off-premises sign.

“Off-site directional arrow real estate signs” means off-site, portable, temporary, directional signs intended to assist people in finding the location of difficult to locate property that is offered for sale. They may not exceed six inches in height or 24 inches in length per side, must be freestanding on their own stake and the bottom edge of the sign must be placed at ground level.

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

“On-site real estate sign” means a temporary or portable sign placed on the subject property that advertises that the property is for sale, rent, or lease. The number of such signs shall be limited to one per broker per street frontage or public entrance, whichever is greater. For a dwelling unit, the area of the sign shall be no greater than 12 square feet, where no sign face may exceed six square feet. For other uses and developments, the size of an on-site real estate sign shall not exceed 64 square feet, where no sign face may exceed 32 square feet. All on-site real estate signs must be removed when the sale closes or in the case of a rental or lease, when the tenant takes possession.

“Open house sign” means a portable or temporary sign advertising property that is for sale, rent, or lease. The number of such signs shall be limited to three per property per agent, except that if the agent has more than one property in a development listed for sale, rent, or lease, the agent’s total number of such signs for the development shall be limited to four. The area of such signs shall be no greater than 12 square feet. They may be placed in the right-of-way outside of median strips, public sidewalks, and vehicular and bicycle lanes. They may not block driveways or be affixed to utility poles, trees, or traffic signs. Open house signs must be removed each day at the conclusion of the open house and are permitted only between sunrise and sunset when the seller or the agent are in attendance at the property.

“Painted signs” means a sign or sign structure, nonelectrical in nature, except such signs may have illumination from an exterior light source.

“Parapet” means that portion of a building wall that extends above the roof of the building.

“Patio sale sign” means a temporary sign that advertises a residentially based patio sale.

“Pennant” means a sign made of cloth, fabric, nonrigid plastic, or similar types of material that is not more than 24 square feet in size. Pennants may not contain text, numbers, or business/corporate images and symbols. No more than 12 pennants may be erected on a site. Banners and flags are not considered pennants. Pennants need not be triangular in shape.

“Perimeter” means the outer boundary required to enclose a sign area.

“Permanent sign” means a sign that is erected without restriction on the time period allowed for display.

“Planned center” means a group of structures housing at least one retail business, office, commercial venture or independent or separate part of a business that was processed through the site approval

process as one project or that shares the access and/or parking facilities. Individual parcels need not be under the same ownership in order to qualify as a planned center.

“Pole sign” means any sign, electric or otherwise, hung, supported or cantilevered from one or more supports constructed of structural steel, pipe, other materials or combinations of same.

“Political sign” means any temporary sign that advertises a candidate for public elective office or any political party or a sign that promotes a position on a public or ballot issue.

“Porch sale sign” means a temporary sign that advertises a residentially based porch sale.

“Portable sign” means any sign that is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support constructed without wheels is converted to an A or T frame sign, or attached temporarily or permanently to the ground, since this characteristic is based on the design of such a sign. It is characteristic of such a portable sign that the space provided for advertising matter consist of a changeable copy sign.

“Projecting sign” means a sign, other than a wall sign, that is attached to and projects more than one foot from a structure or other building face.

“Projection” means the distance by which a sign extends beyond its means of support.

“Public information sign” means a sign erected and maintained by any governmental entity for traffic direction or for designation of or directions to any school, hospital, historical site, or public service, property, or facility.

“Readerboard” means a sign consisting of tracks to hold letters that allows for frequent changes of copy; usually such copy is not electronic. A readerboard may be a component of a monument, pole, or wall sign.

“Readerboard, mobile” means a readerboard sign that is not permanently installed on-site.

“Real estate sign” means a sign erected by the owner or owner’s agent displayed for a limited time and offering the sale, rent or lease of ground upon which it is located or of a building located on the same parcel of ground.

“Repair” means to paint, clean, or replace damaged parts of a sign, or to improve its structural strength, but not in a manner that would change the size, shape, location, or character.

“Revolving sign” means any sign or sign structure that revolves or partially revolves by means of some mechanical method about an axis.

“Roof” means the exterior surface and its supporting structures on the top of a building. Overhangs extending beyond the facade of the lower wall are considered part of the roof.

“Roof sign” means any sign erected upon, against, or directly above a roof or parapet of a building or structure. Eighty percent of the sign area shall be backed by the roof system.

“Seasonal decorations” means temporary decorations for holidays that do not fall under the definition of a sign and that are installed no sooner than 30 days before a holiday and removed no

later than five days after the holiday. Decorations that fall under the definition of a sign must conform to all provisions of the sign code.

“Sign” means any object, device, display, structure or part thereof that is used to advertise, identify, direct, or attract attention to a product, business, activity, place, person, institution, or event using words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Directional and incidental signs are considered signs for the purpose of this chapter.

“Sign area” means the entire area of a sign on which advertising copy, logos, trademarks, and business or corporate colors are to be placed. Sign structures and associated architectural embellishments, framework and decorative features that contain no written or advertising copy, that are not illuminated and that contain no logos or trademarks shall not be included. Sign area shall be calculated by measuring the area of the smallest rectangle, circle, triangle or parallelogram that can be drawn around all parts of the sign from the viewpoint exposing the largest sign surface area, including the sign face background, and including all spaces and voids between or within letters or symbols that comprise a single word, statement, description, title, business name, graphic symbol or message for all sign faces. Sign supporting structures that are part of the sign display shall be included in the area of calculation. The entire perimeter area of the letters, graphics, symbols, and framework shall be used to determine sign area.

“Sign graphics” includes all lines, strokes, text, symbols and logos applied to a sign surface and does not include the background surface to which they are applied.

“Sign height” means the vertical distance measured from the adjacent grade at the base of the sign to the highest point of the sign structure; provided, however, that the grade of the ground may not be built up in order to allow the sign to be higher.

“Sign structure” means any structure that supports or is capable of supporting any sign as defined in this chapter. A sign structure may be a single pole and may or may not be an integral part of a building. Any structure that performs an entirely separate use, such as a telephone booth, bus shelter, Goodwill container, fence, etc., shall not be considered a sign structure.

“Silhouette lighting,” sometimes called “halo lighting,” means lighting being emitted from the back side of pan-channel sign graphic that has the open side of the channel facing the wall or sign face it is mounted to, thereby silhouetting the sign graphics.

“Subdivision identification sign,” means a sign no larger than 36 square feet to identify a particular subdivision that is larger than four acres or more in size.

“Swinging sign” means a sign installed on an arm or spar that is fastened to an adjacent wall or upright pole, which sign is allowed to move or swing to a perceptible degree.

“Temporary sign” means any banner, pennant, or other advertising display, with or without frames, constructed of cloth, light fabric, paper, plastic, cardboard, or other similar material. Temporary signs are not intended for ongoing advertising of products or services or for the naming of a business in lieu of a permitted permanent sign.

“Temporary sign, sports field” means any maintained, nonfreestanding sign attached to fencing at a sports field that can only be displayed during the sport’s season of play and must be removed at the end of the sport’s season of play.

“Traffic advisement sign” means a sign erected within the public right-of-way alerting motorists of impending road conditions. Signs depicting rail road crossings, curves ahead, crosswalks, and deer crossings are examples of traffic advisement signs. Allowable traffic advisement signs are identified in the AASHTO manual.

“Traffic control signs” means a sign erected within the public right-of-way identifying restrictions on travel. Examples of traffic control signs include stop signs, one-way signs, and speed limit signs.

“Unlawful sign” means any sign that was erected in violation of any applicable ordinance or code governing such erection or construction at the time of its erection, which sign has never been in conformance with all applicable ordinances or codes.

“Vision clearance area” means an area for the preservation of unobstructed sight distance. Vision clearance areas shall conform to the following requirements:

1. All corner lots shall maintain for safety vision purposes a triangular area, two sides of which shall extend 20 feet along the lot lines from the corner of the lot formed by the intersection of the two streets. Within the triangle no tree shall be allowed, and no fence, shrub, or other physical obstruction higher than 42 inches above the established grade shall be permitted.

2. On lots upon which a vehicular driveway is maintained, an area of vision clearance shall be maintained on each side of the driveway. The area shall be defined by a triangle, extending 20 feet along the lot line abutting the street and 20 feet along the driveway.

3. If the driveways of adjacent properties vision clearance is affected then the fence, shrub, tree or sign must meet the requirements of subsections 1 and 2 of this definition.

“Wall plane” includes that portion of a facade that is contained on one general plane. A single wall plane may contain windows and doors but it is generally a solid surface. The fascia of projecting porches or colonnades may be considered part of the wall plane the porch or colonnade projects for calculating signage area.

“Wall sign” means a sign attached or erected parallel to and extending not more than one foot from the facade or face of any building to which it is attached. Wall signs shall be supported throughout their entire length, with the exposed face of the sign parallel to the plane of said wall or facade. Signs incorporated into mansard roofs, marquees, or canopies shall be treated as a “sign attached to a building.”

“Window sign” means a sign painted on, affixed to, or installed inside a window for purposes of viewing from outside the premises.

“Yard sale sign” means a temporary sign that advertises a residentially based yard sale.

#### **18.80.030 Administration and enforcement.**

- A. All new temporary or permanent signs require sign permits unless specifically exempted by CMC 18.80.070. Sign permits require full conformance with all town codes. The land use administrator shall issue all permits for the construction, alteration, and erection of signs in accordance with the provisions of this section and related chapters and titles of the municipal code.



B. It shall be the duty of the land use administrator, or code enforcement officer, of the town of Carbonado to interpret and enforce this section. In addition to meeting the provisions of this section of the zoning code, the permits, materials, structural design, construction, inspection, and maintenance requirements for signs must conform to Chapter 15.05 CMC, administered by the public works department. In addition, all signs, where appropriate, shall conform to the current National Electrical Code and the National Electrical Safety Code.

**18.80.040 Permits required.**

A. It shall be unlawful for any person to erect, re-erect, construct, enlarge, display, change copy, alter or move a sign, or cause the same to be done, without first obtaining a permit for each sign from the land use administrator as required by this chapter.

B. A permit shall be required for signs installed simultaneously on a single supporting structure. Thereafter, each additional sign(s) erected on the structure must have a separate permit.

C. This section shall not be construed to require an additional permit to repaint, clean, or otherwise perform normal maintenance or repair of a permitted sign or sign structure, nor shall it be construed to require an additional permit for the change of copy for a changeable copy sign.

**18.80.050 Permit application requirements.**

To obtain a sign permit, the applicant shall make application in writing on forms furnished by the public works department. Every application for a permanent sign shall include the following:

A. Telephone number and address of the owner or agent are required on temporary signs. This information need not be on the front of the sign;

B. Identification and description of the sign including the type, size, dimensions, height, and number of faces;

C. Description of the land where the proposed sign is to be located by street address;

D. An affidavit that the written consent of the owner or person in legal possession of the property or agent of the owner or person in legal possession of the property to which or upon which the sign is to be erected has been obtained;

E. Sign drawings showing display faces with the proposed message and design accurately represented as to size, area, and dimensions;

F. Site plan drawn to scale containing a north arrow, location of property lines, lot dimensions, location of existing signs, and the location of the proposed sign on the site;

G. Plans, elevations, diagrams, light intensities, structural calculations and other material as may be reasonably required by the land use administrator;

H. If the sign application is for a freestanding sign that proposes a footing, a building permit is required;



I. Documentation demonstrating that the sign installer has a valid Washington State contractor's license when a sign requires a building permit unless the sign is being installed by the owner of the sign;

J. Application for an electrical permit from the town of Carbonado or other electric provider for any electrical sign;

K. A permit fee as adopted in the latest fee ordinance of the town council;

L. Proof that a town of Carbonado business license has been obtained by the sign installation contractor and the company that is utilizing the permitted sign if the company utilizing the permitted sign is required to obtain a business license.

**18.80.060 Prohibited signs.**

The following signs shall not be permitted in any zoning district:

A. Signs that pose a hazard to public health or safety, as determined by the building official;

B. Signs that make use of words such as "Stop," "Look," "One-Way," "Danger," "Yield," "Slow, Children At Play," "Detour," "Road Construction" or any similar word, phrase, symbol, or light so as to interfere or be confused with pedestrian or vehicular public safety signs as identified in the AASHTO manual;

C. Signs displaying obscene, indecent, or immoral matter as per Chapter 5.05 CMC;

D. Signs that obstruct ingress or egress from fire escapes, doors, windows, or other exits or entrances;

E. Signs attached to or placed on any stationary vehicle or trailer, whether operating or not, so as to be visible from a public right-of-way for the purpose of providing advertisement of services or products or for the purpose of directing people to a business. This provision shall not apply to the identification of a firm or its principal products on operable vehicles operating in the normal course of business. Public transit buses and licensed taxis are exempt from this restriction;

F. Off-premises signs except for off-premises real estate signs as permitted under CMC 18.80.140;

G. Rotating and revolving signs;

H. Signs containing strobe lights that are visible beyond the property line;

I. Abandoned signs;

J. Permanent signs on undeveloped sites, except for subdivision signs;

K. Outdoor, portable electric signs;

L. Mobile readerboard signs except as permitted under CMC 18.80.140 as temporary signs;

- M. Signs on utility poles;
- N. Signs on sign posts of advisory signs such as “curve ahead,” “crosswalk,” or “road narrows”;
- O. Blinking or flashing lights, balloons, searchlights, clusters of flags, strings of twirlers or propellers, flares, and other displays of a carnival nature, grand opening displays, or on a limited basis as seasonal decorations except as provided for in CMC 18.80.140;
- P. Banners except as approved as temporary signs under CMC 18.80.140;
- Q. Balloons except as approved as temporary signs under CMC 18.80.140;
- R. Signs on or eligible for listing on federal or state historic registers are excluded from this provision;
- S. No public address system or sound devices shall be used in conjunction with any sign or advertising device;
- T. No sign shall be used as a fence nor shall any fence be used as a sign nor shall any sign be attached to a fence;
- U. Billboard signs; and
- V. Any other type or kind of sign that does not comply with the terms, conditions, provisions, and intent contained in this chapter and other applicable ordinances.

**18.80.070 Exempt signs.**

The following signs do not require a permit for installation. All other provisions of this chapter apply.

- A. Temporary political signs under six square feet per face;
- B. Legal notices, identification, traffic, or other signs erected or required by governmental authority under any law, statute or ordinance;
- C. Seasonal holiday decorations not including any form of advertising or the name of a business;
- D. Handicap parking signs;
- E. Signs on product dispensers permitted outside of a business. These signs may include signs on vending machines and gas pumps;
- F. Menu boards for drive-through businesses; provided, that the copy on the sign is not intended to be readable from a public right-of-way;
- G. Professional nameplates not exceeding two square feet in area;

H. Plaques, tablets or inscriptions indicating the name of a building, date of erection, or other commemorative information, that are an integral part of the building structure or are attached flat to the face of the building, that are nonilluminated, and that do not exceed four square feet in surface area;

I. Signs of the state, town or public service companies indicating danger, aids to service or safety, traffic control or traffic direction signs or signs identifying programs such as the adopt-a-road litter control program, etc.;

J. Historic site markers, plaques, or gravestones;

K. Address numbers or signs depicting a family name, such as Keck's residence;

L. Signs on structures or improvements intended for a separate use, such as phone booths, charitable donation containers, and recycling boxes;

M. Building addresses with numbers and letters not more than 10 inches in height;

N. Signs not oriented or intended to be legible from a right-of-way, other property, or from the air. Examples may include signs identifying rules for a swimming pool, signs identifying restroom facilities, and tow-away signs;

O. Parking lot painting of handicap symbols, striping, numbers, and notations of compact spaces;

P. Painted wall decorations or murals;

Q. Painted wall highlights;

R. Signs affected by stipulated judgments to which the town is a party, entered by courts of competent jurisdiction; and

S. Flags and commercial flags not to exceed 12 in number.

**18.80.080 General provisions.**

A. The area of all signs shall not exceed 200 square feet except for uses with building fronts more than 100 feet long. For uses in which the building linear front footage exceeds 100 feet, the maximum area of all signs shall not exceed an area equal to two times the linear front footage of the building or 450 square feet, whichever is less. Multiple occupancy buildings may display an additional 50 square feet of wall signage for no more than two building tenants, other than the primary tenant, subject to the provisions of CMC 18.80.110. In no instance shall the primary tenant be permitted to use any of the additional signage to increase the maximum allowed signage for the primary tenant.

B. Number and Spacing of Monument Signs. One monument sign is permitted per primary street frontage; one additional monument sign is permitted for each additional 300 feet of primary street frontage. Multiple monument signs shall be a minimum of 250 feet apart along one or more street frontages.

C. Indirect Lighting. Monument signs, where permitted in residential zones (CMU 18.80.100(A)), shall only be illuminated from an indirect source. Civic uses that are a permitted or a conditional use in the residential zones may have an “electronic sign,” subject to the approval of a conditional use permit for the sign. For civic uses that are conditional uses in the residential zones, the approval for the use and the sign may be combined into a single conditional use permit.

**18.80.085 Signs in the right-of-way.**

A. With the exception of traffic control and advisement signs, A-board/sandwich board signs, open house signs, real estate directional arrow signs, temporary political signs, temporary construction signs associated with work within the public right-of-way, and properly authorized banners (see CMC 18.80.140(A)(4)), no signs shall be erected or placed within the public right-of-way. Traffic control and advisement signs, A-board/sandwich board signs, open house signs, and real estate directional arrow signs may be placed in the right-of-way outside of median strips, public sidewalks, and vehicular and bicycle lanes. They may not block driveways or be affixed to utility poles, trees, or traffic signs, and shall not block vision clearance areas.

B. Vision Clearance Area. Pole signs are permitted in the vision clearance area where the bottom of the sign is at least 10 feet above the elevation of the street grade.

C. Vehicle Area Clearances. When a sign extends over a private area where vehicles travel or are parked, the bottom of the sign structure must be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking areas, and loading and maneuvering areas. Exceptions are prohibited.

D. Pedestrian Area Clearances. When a sign extends over a walkway or other space accessible to pedestrians, the bottom of the sign structure must be at least eight feet above the ground. Exceptions are prohibited.

**18.80.090 Pole signs.**

Pole signs are an alternative to monument signs for planned centers on parcels of five acres or greater with a minimum of 300 feet of street frontage.

A. Maximum Number and Spacing.

1. RLD and RMD: Zero.

2. CMU, CF and POS: One center identification sign per parcel of five acres or greater with a minimum of 300 feet of street frontage or one per planned center of five acres or greater with a minimum of 300 feet of street frontage. One additional center identification pole sign is permitted for each additional 300 lineal feet of street frontage. Multiple center identification pole signs shall be a minimum of 250 feet apart along one or more street frontages.

B. Size Allocation.

1. RLD and RMD: Does not apply.

2. CMU, CF and POS: One square foot of sign area for each lineal foot of primary street frontage up to a maximum sign area of 200 square feet. No sign face shall exceed 100 square feet.

C. Maximum Height.

1. RLD and RMD: Does not apply.

2. CMU, CF and POS: 20 feet.

D. Landscape and Siting Requirements. Pole signs shall be located in a planting bed of equal area to the area of the sign. The planting bed may be included within the planting strips required under Chapter 18.35 CMC. The minimum dimension of the planting bed shall be five feet measured from inside face of curb to inside face of curb. The planting beds shall be improved with the following:

1. One gallon groundcover planted 12 inches on center; and

2. One shrub per 10 square feet of sign area. Shrubs located within the vision clearance area shall be not taller than 36 inches.

**18.80.100 Monument signs.**

Monument signs are the preferred sign type along street frontages.

A. Maximum Number.

1. RLD and RMD: Zero for residential uses; one per street frontage for permitted or conditionally permitted nonresidential uses. One subdivision identification sign is permitted per subdivision greater than four gross acres in size.

2. CMU, CF, and POS: One per street frontage. The parcel must have a minimum of 30 feet of street frontage.

B. Size Allocation.

1. RLD and RMD: Does not apply to residential uses. Maximum 64 square feet for permitted or conditionally permitted nonresidential uses; except for a subdivision identification sign which may be a maximum of 36 square feet.

2. CMU, CF, and POS: Minimum of 32 square feet plus one square foot per lineal foot of primary street frontage up to a maximum sign area of 96 square feet. No sign face shall exceed 48 square feet.

C. Maximum Height.

1. RLD and RMD: Eight feet.

2. CMU, CF, and POS: 12 feet.

D. Landscape and Siting Requirements. Monument signs shall be located in a planting bed of equal area to the area of the sign. The planting bed may be included within the planting strips required under Chapter 18.35 CMC. The minimum dimension of the planting bed shall be five feet measured from inside face of curb to inside face of curb. The planting beds shall be improved with the following:

1. One gallon groundcover planted 12 inches on center; and
2. One shrub per 10 square feet of sign area. Shrubs located within the vision clearance area shall be not taller than 36 inches.

E. When Not Allowed. A monument sign is not permitted if existing signs attached to buildings exceed the limit of 15 percent of the wall area.

**18.80.105 Commercial/Mixed Use district town center monument sign.**

A. In addition to any other signs allowed by this chapter and notwithstanding any restriction placed by this chapter on off-premises signs, there is allowed one community monument sign in the commercial/mixed use district. This community monument sign may be placed anywhere within this zone.

B. The community monument sign allowed by this section shall be a maximum of eight feet high, one foot thick and 64 square feet of area.

C. Only one community monument sign shall be allowed for the businesses located in the CMU district.

D. The first CMU district business to submit a complete application for a sign permit for a community monument sign shall be authorized to construct and maintain the sign upon acquiring approval of the permit. Any sign permit issued for a community monument sign shall expire if the sign is not constructed within six months of permit issuance, subject to a six-month extension for good cause as determined by the land use administrator. If a sign permit expires or is denied, the right to build the sign shall go to the next person to file a complete permit application.

E. In addition to the requirements specified in CMC 18.80.050, an application for a community monument sign shall contain the following information:

1. An affidavit or declaration of mailing evidencing that all businesses within the CMU district have been notified of the opportunity to have their business advertised on the community monument sign. Said notice shall have given businesses at least 15 days to elect to participate by written mailed or delivered response to a specified address. Said notice shall be mailed to the addresses of each business as identified in records at the Pierce County assessor's office.
2. A list of all those businesses that have elected to participate.
3. An acknowledgement approved in form by the town that the applicant agrees to assume full responsibility for maintenance of the sign and compliance with applicable town regulations. The acknowledgement shall provide that the applicant may transfer its responsibilities to any other CMU district business owner willing

to sign the acknowledgement if a copy of the new acknowledgement is provided to the town.

4. An easement approved as to form by the town that authorizes the town to remove the sign at the expense of the person or entity subject to the acknowledgement identified in subsection (E)(3) of this section if the acknowledgor relinquishes its responsibilities to maintain the sign or comply with town regulations. The acknowledgor shall be deemed to have relinquished its responsibilities if it fails to undertake an act required by this section within 30 days of receiving written notice from the town.

F. In addition to any other requirement that may apply to a sign permit, the following conditions apply for the issuance of a sign permit for a community monument sign:

1. All businesses identified in subsection (E)(2) of this section shall have equal advertising space on the community monument sign. The acknowledgor can condition the participation of each business on entering into a private agreement with the acknowledgor to reimburse the acknowledgor for its proportionate share of costs in constructing the sign and fulfilling its responsibilities imposed by this code section. All advertising on the community monument sign shall be limited to advertising CMU district businesses. Beyond those limitations identified in this subsection, the acknowledgor may not place any further limitations on participation in the community monument sign.

2. The community monument sign as proposed will comply with the requirements of this section and all other applicable town requirements.

G. The person or entity subject to the acknowledgement in subsection (E)(3) of this section shall have the following responsibilities upon permit issuance:

1. Ensure that the sign complies with all town regulations during the life of the sign, including maintenance responsibilities imposed by CMC 18.80.160 as now or hereafter amended.

2. Remove businesses advertised on the community monument sign that are no longer located within the CMU district and replace them with businesses that wish to participate and have located in the CMU district after notice to CMU business was issued under subsection (E)(1) of this section. Businesses shall be given priority in order of seniority in the CMU district. If no new business wishes to replace a business that is removed from the sign, the acknowledgor may inquire if businesses that previously declined to participate in the sign wish to be added, in order of seniority in the CMU district. Any newly participating business shall be subject to the applicable limitations of subsection (F)(1) of this section.

#### **18.80.110 Signs attached to buildings.**

Awning, fascia, graphic, marquee, roof, and wall signs are permitted signs for attachment to buildings. Signs attached to buildings are permitted on wall elevations that are viewable from public rights-of-way or on wall elevations containing public entrances to the building.

A. Maximum Number. No limit within the size allocation. A limit of one roof sign per wall elevation viewable to the public (see roof sign definition). Multiple occupancy buildings may display one additional wall sign for each tenant, other than the primary tenant, up to a maximum of two additional secondary tenant signs, subject to the maximum area per sign described in subsection C of this section.

B. Size Allocation.

1. RLD and RMD: Four square feet for residential uses; 10 percent of the wall area for permitted or conditionally permitted nonresidential uses.
2. CMU, CF and POS: 48 square feet or 15 percent of the wall area, whichever is greater.

C. Maximum Area per Sign.

1. RLD and RMD: Four square feet; 32 square feet per sign for signs for permitted or conditionally permitted nonresidential uses (roof signs are prohibited).
2. RM: Eight square feet (roof signs are prohibited).
3. CMU: 200 square feet (each roof sign may be a maximum of 48 square feet, where no sign face may exceed 24 square feet). For multiple occupancy buildings, the individual building tenant signs allowed by subsection A of this section shall not exceed 25 square feet per sign face.
4. CF and POS: 100 square feet (each roof sign may be a maximum of 48 square feet, where no sign face may exceed 24 square feet).

D. Wall signs shall not exceed 12 inches in thickness.

**18.80.120 A-board/sandwich board signs.**

A. Maximum Number.

1. RLD and RMD: Zero.
2. CMU, CF, and POS: One.

B. Size Allocation.

1. RLD and RMD: Does not apply.
2. CMU, CF, and POS: 12 square feet.

C. Maximum Height.

1. RLD and RMD: Does not apply.
2. CMU, CF, and POS: Four feet.



D. Duration. A-board/sandwich board signs are permitted to remain in place only during the hours of a business' operation. A-board/sandwich board signs shall be removed at the close of business each day.

**18.80.130 Directional signs.**

A. Type. Directional signs refer to a permanently erected single- or double-faced sign designed to guide or direct pedestrian or vehicular traffic to an area, place, or convenience.

B. Content. Directional signs shall only contain information on exits, entrances, parking, telephones, restrooms, or similar types of information and the name and/or logo of the business where the directional sign is located.

C. Number. One per directional access from a primary street frontage plus one additional directional sign per business.

D. Size and Height. The maximum size of directional signs shall be six square feet. The maximum height for directional signs shall be 42 inches.

**18.80.135 Political signs.**

A. Political signs that require a building or electrical permit are prohibited.

B. Political signs on private property shall be subject to all applicable permit requirements.

C. Political signs are allowed in all zones.

D. Political signs on private property shall be limited to one sign per street frontage, and shall be no greater than 16 feet in area.

**18.80.140 Temporary signs.**

A. Temporary signs shall conform to CMC 18.80.080.

1. Unless otherwise identified below, the duration of display of a temporary sign shall not exceed 90 days during any 12-month period, unless otherwise noted in subsection B of this section;

2. No flashing temporary signs of any type shall be permitted; however, internally illuminated signs, e.g., portable readerboards, shall be permitted; provided, that they conform to the current National Electrical Code and the National Electrical Safety Code;

3. All temporary signs shall be securely fastened and positioned in place so as not to constitute a hazard to pedestrians or motorists;

4. No temporary sign shall project over or into a public right-of-way or property except properly authorized banners over streets installed by the town of Carbonado.

B. The duration of display for the following temporary signs shall be as follows:

1. Grand opening displays including: posters, pennants, banners or streamers, balloons, searchlights, clusters of flags, strings of twirlers or propellers, flares, and other displays of a carnival nature (12-day maximum time period);
2. Lawn signs (30-day maximum time period);
3. Liquidation signs (one week maximum time period);
4. Garage, porch, and patio sale signs (72-hour maximum time period);
5. Yard sale signs (72-hour maximum time period);
6. Real estate signs (30-day maximum time period beyond the date when the property is sold or no longer offered for sale);
7. Off-premises real estate signs (daily, signs may only be posted during the hours of 8:00 a.m. and 6:00 p.m.);
8. Open house signs (72-hour maximum time period);
9. Subdivision signs (30-day maximum time period beyond the date when the final certificate of occupancy has been issued);
10. Construction signs denoting the architect, engineer or contractor, when placed upon the premises while construction work is in progress. Said signs not to exceed 16 square feet in area (30-day maximum time period beyond the date when the certificate of occupancy is issued for the last structure);
11. Nonprofit institutional signs for the purpose of soliciting funds for a capital project on the site. Such signs may not be permitted at the same time as a construction sign (maximum three years from date of permit application);
12. Rooftop balloon signs with a vertical dimension not greater than 25 feet (maximum of one week per calendar year per business);
13. Banners (maximum of six 21-day periods per calendar year);
14. Temporary signs, sports field (maximum of 75 days per calendar year); and
15. Political signs shall be removed within seven days after the election, except that a candidate who wins a primary election may continue to display political signs until seven days after the general election.

**18.80.150 Nonconforming signs.**

A. A sign is legally nonconforming if it is out of conformance with this code, and:

1. The sign was lawfully erected in compliance with the applicable sign ordinance of the town or county which was effective at the time of sign installation, and a valid permit for such sign exists; or

2. The sign was erected prior to July 1, 2015.

B. A legal nonconforming sign shall be brought into compliance with this chapter or shall be removed if:

1. The sign is abandoned;

2. The sign is damaged in excess of 50 percent of its replacement value, unless such destruction is the result of vandalism or intentional destruction or removal by someone not authorized by the sign owner;

3. The owner seeks to change the sign structure supporting, holding, or surrounding the sign, other than minor maintenance or repair;

4. The tenant space(s) to which the sign applies is undergoing an expansion or renovation which increases the size of the tenant space floor area or site coverage by 20 percent or more, or the value of the expansion or renovation exceeds 50 percent of the assessed value of the structure;

5. The building to which the sign applies is demolished.

**18.80.160 Maintenance of signs.**

All signs and landscape, including signs heretofore installed, shall be constantly maintained in a state of security, safety, and repair. If any sign is found not to be so maintained or is insecurely fastened or otherwise dangerous (see dangerous signs), it shall be the duty of the owner and/or occupant of the premises on which the sign is fastened to repair or remove the sign within five working days after receiving notice from the building official. For damaged or disrepaired signs, it shall be the duty of the owner and/or occupant to repair or remove the sign within 30 days. The premises surrounding a sign shall be free and clear of rubbish and the landscaping area free of weeds.

**18.80.170 Removal of signs.**

A. All signs and sign structures nonconforming in the structural requirements as specified in the International Building Code which as a consequence are a hazard to life and property, or which by its condition or location present an immediate and serious danger to the public, shall be discontinued or made to conform within the time the building official may specify. In the event the owner of such sign cannot be found or refuses to comply with the order to remove, the building official shall then have the dangerous sign removed and the owner cited. The cost of removing the sign plus administrative costs will be charged to the property owner.

B. Any person who owns or leases a nonconforming sign shall remove such sign when the sign has been abandoned:

1. If the person who owns or leases such sign fails to remove it as provided in this section, the building official shall give the owner of the building, structure, or premises upon which such sign is located 60 days' written notice to remove it;

2. If the sign has not been removed at the expiration of the 60 days' notice, the building official may remove such sign at cost to the owner of the building, structure, or premises; and
3. Costs incurred by the town of Carbonado due to removal may be made a lien against the land or premises on which such sign is located, after notice and hearing, and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the town.

**18.80.180 Deviation from standards.**

A. Authority. The land use administrator may grant a deviation from the requirements of this chapter using Process II (Chapter 14.40 CMC). In granting any deviation, the director may prescribe conditions that are necessary to satisfy the criteria below.

B. The land use administrator may grant a deviation from standards from the provisions of CMC 18.80.150(B)(4) requiring the removal of a nonconforming sign because of a change in copy only if the circumstances prompting the deviation from standards request do not result from the actions of the applicant. A change in telephone area code or street name are two examples of potential changes in copy that would not be prompted by the actions of the applicant.

C. The land use administrator may grant a deviation from standards of this chapter only if the applicant demonstrates compliance with the following criteria:

1. The deviation from standards as approved shall not constitute a grant which is inconsistent with the intent of the sign code;
2. That the deviation from standards is necessary because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;
3. That the granting of the deviation from standards will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and in the zone in which the subject property is located;
4. That the special conditions and circumstances prompting the deviation from standards request do not result from the actions of the applicant;
5. That the deviation from standards as granted represents the least amount of deviation from the prescribed regulations necessary to accomplish the purpose for which the deviation from standards is sought and which is consistent with the stated intent of this chapter;
6. That the granting of the deviation from standards shall result in greater convenience to the public in identifying the business location for which a sign code deviation from standards is sought; and
7. That the granting of the deviation from standards will not constitute a public nuisance or adversely affect the public safety and the proposed deviation from

standards shall not interfere with the location and identification of adjacent buildings or activities.

**18.80.190 Penalty for violations.**

A. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, move, improve, convert, demolish, equip, or use any sign or sign structure in the town, or cause or permit the same to be done, contrary or in violation of any provisions of this chapter.

B. Any person, firm, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor and punishable as set forth in Chapter 9.05 CMC.

**18.80.200 Severability.**

If any clause, sentence, paragraph, section or part of this chapter or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgement shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any part thereof to any other person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

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## CHAPTER 18.85 NONCONFORMING BUILDINGS AND USES

### Sections:

- 18.85.010 Scope.**
- 18.85.015 Letter authorizing use and permit decision and appeal processes.**
- 18.85.020 Continuing existing uses.**
- 18.85.025 Single-family residential dwellings.**
- 18.85.030 Alterations and enlargements.**
- 18.85.040 Reconstruction.**
- 18.85.050 Abandonment.**
- 18.85.060 Change of use.**

### **18.85.010 Scope.**

The regulations pertaining to the several classifications shall be subject to the general provisions, conditions and exceptions contained in this chapter. The provisions of this chapter shall apply to buildings, lands, and uses which become nonconforming as a result of the application of this code to them, or from classification or reclassification of the property under this code, or any subsequent amendments thereto.

### **18.85.015 Letter authorizing use and permit decision and appeal processes.**

A property owner may request of the director of planning and community development a written determination as to whether a nonconforming use or structure is legal or illegal. The request shall be processed as a Process II request for a code interpretation, as governed by CMC 14.15. The property owner shall have the burden of proof in establishing that a use or structure is legally nonconforming and shall present all evidence in support of legal nonconforming use in document form as part of the request.

### **18.85.020 Continuing existing uses.**

Any lawful use of land and/or building or structure existing or under construction, or for which a building or use permit has been granted, and is still in force at the time this code becomes effective, may be continued, although such use does not conform to the provisions of the zone in which it is located, subject to the provisions of this chapter.

### **18.85.025 Single-family residential dwellings.**

The bulk and dimensional requirements of the residential low density (RLD) zoning district shall apply to any alterations to legally nonconforming single-family detached residences that are nonconforming due to residential use. Accessory uses and structures and alterations thereto are also allowed to the extent consistent with the RLD zone; provided, that if any alterations involve a change in use or increase in density the alterations shall be subject to the underlying zoning. Alterations to lot lines are permitted so long as the alterations do not increase nonconformity with the requirements of the RLD district.

### **18.85.030 Alterations and enlargements.**

- A. Any nonconforming use may be extended throughout an existing building or structure.

B. Unless otherwise specifically provided in this code, nonconforming buildings may not be enlarged or structurally altered, unless the enlargement or structural alteration makes the building more conforming or is required by law. However, where a building or buildings and customary accessory buildings are nonconforming only by reason of substandard yards or open spaces, the provisions of this code prohibiting structural alterations or enlargements of an existing building shall not apply; provided such alterations or enlargements do not increase the degree of nonconformity of yards or open spaces. Any enlargements or new buildings and structures shall observe the yard and open spaces required on the lot by this code.

C. Structural alterations or enlargements may be permitted if necessary to adapt a nonconforming building or buildings to new technologies, or equipment pertaining to the uses housed in the building or buildings, or to improve the appearance, functionality, or safety of the building or buildings, in a manner which will bring them into greater conformity with the surrounding area. The alterations or enlargements shall be authorized only by a variance processed in the manner prescribed by this code.

D. Normal upkeep, repair, and maintenance of nonconforming buildings is permitted; provided such activities shall not increase the nonconformity of the building or buildings.

E. Except as otherwise provided in this chapter, no nonconforming use shall be enlarged or increased, nor shall any such nonconforming use be extended to occupy a greater area of land than that occupied by such use at the time this code becomes effective, nor shall any such nonconforming use be moved, in whole or in part, to any other portion of the lot or parcel of land occupied by the nonconforming use at the time of the adoption of this code.

#### **18.85.040 Reconstruction.**

Any nonconforming building or structure which has been damaged by fire, earthquake, flood, wind, or other disaster to not more than 75 percent of its value at the time of its destruction may be rebuilt for the same nonconforming use only, but the restoring of any such nonconforming building shall not serve to extend or increase the nonconformance of the original building or use.

#### **18.85.050 Abandonment.**

If any nonconforming use of land and/or building or structure is abandoned and/or ceases for any reason whatsoever, including destruction of the building, for a period of one year or more, any future use of such land and/or building or structure shall be in conformity to the regulations of the zoning district in which it is located, as specified by this code.

#### **18.85.060 Change of use.**

Any nonconforming use of land and/or buildings or structures shall not be changed to any other use, unless the proposed use is one that is permitted in the zoning district in which the nonconforming use is located. If a new use is desired, which is no less conforming than the existing use, a variance may be obtained before the requested use can commence.



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## CHAPTER 18.90 TEMPORARY USES

### Sections:

- 18.90.010 Temporary construction buildings.**
- 18.90.020 Temporary construction signs.**
- 18.90.030 Temporary real estate office.**
- 18.90.040 Temporary real estate signs.**
- 18.90.050 Temporary use permits decision and appeal processes.**
- 18.90.060 Homeless encampments.**

### **18.90.010 Temporary construction buildings.**

Temporary structure for the housing of tools and equipment, or containing supervisory offices in connection with major construction projects, may be established and maintained during the progress of such construction on such projects, and shall be abated within 30 days after completion of the project or 30 days after cessation of work.

### **18.90.020 Temporary construction signs.**

Signs identifying persons engaged in construction on a site shall be permitted as long as construction is in progress, but not to exceed a six-month period.

### **18.90.030 Temporary real estate office.**

One temporary real estate sales office may be located on any new subdivision in any zone; provided the activities of the office shall pertain only to the selling of lots within the subdivision upon which the office is located; and provided further, that if the subdivision is in any RDL or RMD zone the temporary real estate office shall be removed at the end of a 12-month period measured from the date of the recording of the final plat upon which the office is located.

### **18.90.040 Temporary real estate signs.**

Two temporary real estate signs or billboards, not to exceed 50 square feet in area per face, or one sign or billboard not to exceed an area of 100 square feet of face may be located on any new subdivision in any zone; provided such signs or billboards, if in an RDL or RMD zone, shall be removed at the end of a 12-month period measured from the date of the recording of the final plat upon which the real estate signs or billboards are located.

### **18.90.050 Temporary use permits decision and appeal processes.**

Any person seeking to erect or occupy a temporary use or sign shall first obtain a temporary use permit. Application shall be on forms supplied by the applicable department. The town will review the application as a Process Type I decision (Chapter 14.15 CMC, Permit Decision and Appeal Processes).

### **18.90.060 Homeless encampments.**

A. Definitions. For the purposes of this chapter, the words and phrases used in this section shall have the following meanings unless the context otherwise indicates:

1. “Homeless encampment” means an emergency temporary homeless encampment, hosted by a religious or civic organization, which provides temporary housing to homeless persons outdoors at the host agency’s property using tents and other forms of portable shelter that are not permanently attached to the ground.

2. “Host agency” means the religious or civic organization that owns the property or has an ownership interest in the property that is the subject of an application for a town temporary encampment permit for providing basic services and support to emergency temporary homeless encampment residents, such as hot meals and coordination of other needed donations and services.

3. “Sponsoring agency” means an organization that assists the host agency and joins in an application with a host agency for a town temporary encampment permit and assumes responsibility for providing basic services and support to homeless encampment residents, such as hot meals and coordination of other needed donations and services. A sponsoring agency may be the same organization as the host agency.

4. “Temporary shelter” means an encampment set up by an institution or nonprofit agency for the protection of homeless people on a temporary basis.

B. Who May Apply. Homeless encampments shall be permitted as an accommodation of religious, humanitarian or charitable exercise by a host agency and sponsoring agency. Each host agency and sponsoring agency shall jointly apply for a permit under this section and shall jointly certify compliance with all applicable requirements for approval and conditions of this chapter and the application.

C. Purpose. To provide within the Carbonado Municipal Code an equitable process with reasonable conditions and an associated permit to meet the need for temporary shelter for local homeless persons consistent with state and federal mandates and laws including the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), temporary encampment permit and regulations for the same are hereby established. A temporary encampment permit shall be required for homeless encampment in the town.

D. Applicable Procedures. A temporary encampment permit is a Process Type II administrative decision. In addition to the requirements for administrative decisions found elsewhere in the Carbonado Municipal Code, the following procedures apply (in the event of conflict, the provisions in subsections A through E of this section shall control):

1. Notice and Informational Meeting Required. The host agency and/or sponsoring agency shall conduct at least one informational meeting within, or as close to, the location where the proposed homeless encampment will be located, within 20 days after submittal of the application for a temporary use permit to the town. The time and location of the meeting shall be transmitted to all property owners within 1,000 feet of the proposed homeless encampment by mail 10 days in advance of the meeting by the host agency and/or sponsoring agency. In lieu of notice by mail, an alternative means of notice may be provided that is reasonably calculated to notify the neighboring property owners within 1,000 feet of the proposed encampment.

2. Signs Required. The applicant shall also provide notice of the meeting within the same timeframe identified above by posting two signs or placards on the site or in a location immediately adjacent to the site that provides readability of the signs to motorists using adjacent streets.

3. Newspaper Notice. The applicant shall also provide advance notice of the meeting in at least one paper of general circulation within the town.

4. Submittal Required. The host agency and sponsoring agency shall notify the town of the proposed homeless encampment a minimum of 30 days in advance of the proposed date of establishment for the encampment. The advance notification shall be in the form of an application for a temporary encampment permit and shall contain the following information:

- a. The date the homeless encampment will commence;
- b. The length of encampment;
- c. The maximum number of residents proposed;
- d. The host location;
- e. The names of the host and sponsoring agencies;
- f. The manner in which the homeless encampment will comply with the requirements of this chapter;
- g. Site plan showing, but not limited to, the following:
  - i. Method and location of required screening.
  - ii. Location of food and security tent.
  - iii. Method and location of potable water.
  - iv. Method and location of waste receptacles.
  - v. Location of required sanitary stations including toilets and hand washing facility.
  - vi. Location of on-site parking and number of vehicles associated with the encampment.
  - vii. General location or arrangement of tents.
  - viii. Access routes for emergency vehicles.
- h. Required security plan; and
  - i. Code of conduct.

E. Criteria/Requirements for Approval. The land use administrator or their designee may issue a temporary permit for a homeless encampment subject to the following criteria and requirements:

1. Site Criteria.

a. If the sponsoring agency is not the host agency of the site, the sponsoring agency shall submit a written agreement from the host agency allowing the homeless encampment and clarifying the obligations of the sponsoring agency.

b. The property must accommodate the tents and necessary on-site facilities, including, but not limited to, the following:

i. Sanitary portable toilets in the number required to meet capacity guidelines by the manufacturer;

ii. Self-contained hand washing stations by the toilets and by the food areas;

iii. Refuse receptacles; and

iv. Food tent and security tent.

c. The host and sponsoring agencies shall provide a water source to the homeless encampment.

d. No homeless encampment shall be located within a sensitive/critical area or its buffer as defined under Title 16 CMC.

e. No permanent structures will be constructed for the homeless encampment.

f. No more than 40 residents shall be allowed at any one encampment. The town may further reduce the number of residents as site conditions dictate. The administrator shall have the authority to increase the number of residents by 15 percent as site conditions dictate.

g. Adequate on-site parking, at least five parking spaces, shall be provided for the homeless encampment. The number of estimated vehicles used by encampment residents shall be provided in the permit application. If the homeless encampment is located on a site that has another preexisting use, it shall be shown that the encampment parking will not create a shortage of required on-site parking for the other use(s) on the property.

h. The homeless encampment shall be located within a quarter mile of a bus stop with six days per week service, whenever possible. If not located within a quarter mile of a bus stop, the host or sponsoring agency must demonstrate the ability for residents to obtain access to the nearest public transportation stop (such as carpools or shuttle buses).

i. The homeless encampment and sanitary portable toilets shall be screened from adjacent right-of-way and residential properties. Screening shall be sight-obscuring and a minimum height of six feet and may include, but is not limited to, a combination of fencing, landscaping, or the placement of the homeless encampment behind buildings.

j. The homeless encampment shall be located a minimum of 20 feet from the property line of abutting properties containing commercial or industrial uses. The homeless encampment shall be located a minimum of 30 feet from the property line of abutting properties containing residential uses, unless the administrator finds that a reduced buffer width will provide adequate separation between the encampment and adjoining uses, due to changes in elevation, intervening building or other physical characteristics of the site of the encampment.

k. All tents or temporary facilities that are used by the populace of the homeless encampment shall be centrally located, as well as screened and buffered.

## 2. Security.

a. An operations and security plan for the homeless encampment shall be submitted to the town at the time of application.

b. The host agency shall provide to all residents of the encampment a code of conduct for living at the homeless encampment. A copy of the code of conduct shall be submitted to the town at the time of application.

The code of conduct shall provide for the health, safety and welfare of the homeless encampment residents and mitigation of impacts to neighbors and the community.

c. The host, sponsoring agency and homeless encampment residents shall ensure compliance with applicable state statutes and regulations and local ordinances concerning, but not limited to, drinking water connections, solid waste disposal, human waste, electrical systems, and fire resistant materials.

d. The host or sponsoring agency shall keep a log of all people who stay overnight in the encampment, including names and birth dates, and dates of stay. Logs shall be kept a minimum of six months.

e. The host or sponsoring agency shall take all reasonable and legal steps to obtain verifiable ID, such as a driver's license, government-issued identification card, military identification, or passport from prospective and existing encampment residents.

f. The host or sponsoring agency will use identification and take all reasonable and legal steps to obtain sex offender and warrant checks from the Washington State Patrol, the county sheriff's office, or other law enforcement agency of competent jurisdiction.

i. If said warrant and sex offender checks reveal either (A) an existing or outstanding warrant from any jurisdiction in the United States for the arrest of the individual who is the subject of the check; or (B) the subject of the check is a sex offender, required to register with the county sheriff or their county of residence pursuant to RCW 9A.44.130, then the host or sponsoring agency shall respond according to and comply with requirements of the law.

ii. The host or sponsoring agency shall immediately contact the Carbonado police department if someone is rejected or ejected from the homeless encampment where the reason for rejection or ejection is an active warrant or a match on a sex offender check, or if, in the opinion of the host, sponsoring agency or “on-duty” encampment manager, the rejected/ejected person is a potential threat to the community.

g. The host or sponsoring agency shall self-manage residents of the homeless encampment.

h. The host or sponsoring agency will appoint a designated representative to serve “on-duty” as an encampment manager at all times to serve as a point of contact for the police department and will orient the police as to how the security tent operates. The names of the on-duty designated representative will be posted daily in the security tent. The town shall provide contact numbers of nonemergency personnel which shall be posted at the security tent.

i. Minors may be allowed in a temporary homeless encampment, provided they are accompanied by a legally recognized guardian of majority age.

### 3. Timing.

a. The duration of the temporary homeless encampment shall not exceed 90 days, to start on the first day of occupation of the encampment.

b. No additional homeless encampments may be allowed by the host agency at the same location, regardless of parcel boundaries, in any 12-month period beginning on the date the homeless encampment locates on a parcel of property.

c. No more than one homeless encampment may be located in the town at any time.

### 4. Health and Safety.

a. Given the density and abundance of flammable materials at homeless encampments, homeless encampments shall conform to the following fire requirements:

- i. There shall be no open fires for cooking without preapproval by the fire department and no open fires for heating;
- ii. No heating appliances within the individual tents are allowed without preapproval by the fire department;
- iii. No cooking appliances other than microwave appliances are allowed in individual tents;
- iv. An adequate number, with appropriate rating, of fire extinguishers shall be provided as approved by the fire department;
- v. Adequate access for fire and emergency medical apparatus shall be provided, and remain clear for the duration of the homeless encampment. This shall be determined by the fire department;
- vi. Adequate separation between tents and other structures shall be maintained as determined by the fire department;
- vii. Electrical service shall be in accordance with recognized and accepted practice. Electrical cords must be approved for exterior use; and
- viii. Applicable requirements of the state building code.

Approval and determination by the fire department for the above requirements shall be consistent with the goals, purpose and intent of the state building code.

b. The host agency and sponsoring agency shall permit reasonable inspections by town staff, the county health department and any local, state or federal agency having jurisdiction to determine compliance with the conditions of the temporary homeless encampment permit. The host agency and sponsoring agency shall implement all directives resulting from such inspections within 48 hours, unless otherwise noted.

#### 5. Administrator's Decision.

a. Purpose. The land use administrator shall review the proposal to ensure compliance with the provisions of this chapter and all other applicable law, to ensure that the health, safety and welfare of the citizens of the town are preserved, and to provide an expedient and reasonable land use review process for decisions and interpretations of this chapter.

b. Administrator Authority. The administrator may modify the submittal requirements as deemed appropriate to achieve the purpose stated above.

In addition, because each homeless encampment has unique characteristics, including but not limited to size, duration, uses, number of occupants and composition, the administrator shall have the authority to



impose conditions to the issuance of the permit for homeless encampments to mitigate effects on the community upon finding that said effects are materially detrimental to the public welfare or injurious to the property or improvements in the vicinity. Conditions, if imposed, must relate to findings by the administrator, and must be calculated to minimize nuisance generating features in matters of noise, waste, air quality, unsightliness, traffic, physical hazards and other similar matters that the homeless encampment may have on the area in which it is located.

The land use administrator may also approve an application for homeless encampment permits with proposed standards and conditions that differ slightly from those in this section only where the applicant submits a description of the standard or condition to be modified and demonstrates how the modification would result in a safe homeless encampment for its residents, and mitigate impacts to neighbors and the community under the specific circumstances of the application.

In all other cases where the application for homeless encampment does not meet the requirements and standards of this section or adequate mitigation may not be feasible or possible, the administrator shall deny issuance of a homeless encampment permit.

c. Notice of Decision. The administrator shall notify the sponsoring and host agencies of his or her decision to approve, modify or deny the application within a timely manner, but not prior to 14 days after the neighborhood informational meeting. This decision is a final decision of the town. Notwithstanding the fact that Process Type II for other applications may provide for an appeal of the administrator's decision to the hearing examiner, any appeal of the administrator's decisions to approve or deny a temporary homeless encampment permit shall be to county superior court.

6. Termination. If the host agency or sponsoring agency fails to take adequately reasonable action against a resident who violates the terms and conditions of this permit to prevent the same in the future, it may result in immediate termination of the permit. If the town learns of illegal activities or acts of violence by residents of the encampment, and the host agency or sponsoring agency has not reasonably addressed the situation, the temporary use permit may be immediately terminated in order to insure public safety, health and welfare. Notice of said termination shall be hand delivered to the applicant.

7. Revocation. Upon determination that there has been a violation of any approval criteria or condition of application, the administrator of planning and community development or their designee may give written notice to the permit holder describing the alleged violation. Within 14 days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the 14-day period, the administrator of planning and community development or their designee shall sustain or revoke the permit. When a temporary homeless encampment permit is revoked, the administrator of

planning and community development or their designee shall notify the permit holder by certified mail of the revocation and the findings upon which revocation is based. Appeals of decisions to revoke a temporary homeless encampment permit shall be to county superior court.

8. Violation. Violations of this section are punishable under Chapter 14.70 CMC and as otherwise provided by law, and are subject to criminal prosecution, injunctive and other forms of relief which the town may seek.

9. No Intent to Create Protected/Benefited Class. This section is intended to promote the health, safety and welfare of the general public. Nothing contained in this section is intended to be nor shall be construed to create or otherwise establish any particular class or group of persons who will or should be especially protected or benefited by the provisions in this section. This section is not intended to be, nor shall be, construed to create any basis for liability on the part of the town, its officials, officers, employees or agents for any injury or damage that an individual, class or group may claim arises from any action or inaction on the part of the town, its officials, officers, employees or agents. Nothing contained in this section is intended to, nor shall be construed to, impose upon the town any duty that can become the basis of a legal action for injury or damage.

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## CHAPTER 18.95 WIRELESS COMMUNICATION FACILITIES

### Sections:

- 18.95.010 Purpose.**
- 18.95.020 Definitions.**
- 18.95.025 Permits decision and appeal processes.**
- 18.95.030 Exemptions.**
- 18.95.040 WCF locations.**
- 18.95.050 General provisions.**
- 18.95.060 Performance standards.**
- 18.95.070 Facility removal.**
- 18.95.080 Electromagnetic field (EMF) standards compliance.**
- 18.95.090 Application requirements.**
- 18.95.100 Minor modifications.**
- 18.95.110 Permit limitations.**
- 18.95.120 Fees.**

### **18.95.010 Purpose.**

This chapter addresses the issues of location and appearance associated with wireless communication facilities (WCF). It provides adequate siting opportunities through a range of locations and options that minimize safety hazards and visual impacts sometimes associated with wireless communications technology. The siting of facilities on existing buildings or structures, collocation of several providers' facilities on a single support structure, and visual mitigation measures are encouraged to maintain neighborhood appearance and reduce visual clutter in the town. This ordinance is subject to periodic review and revision in accordance with the comprehensive plan.

### **18.95.020 Definitions.**

For the purpose of this chapter, the words and phrases used in this chapter shall have the following meanings unless the context otherwise indicates:

A. "Abandonment" or "abandoned" means: (1) to cease operation for a period of 90 or more consecutive days; or (2) to reduce the effective radiated power of an antenna by 75 percent for 90 or more consecutive days.

B. "Antenna(s)" means any system of electromagnetically tuned wires, poles, rods, reflecting discs or similar devices used to transmit or receive electromagnetic waves between terrestrial and/or orbital based points, includes, but is not limited to:

1. Whip Antenna(s). An omni-directional antenna that transmits and receives radio frequency signals in a 360-degree radial pattern. Typically four inches or less in diameter.

2. Panel Antenna(s). A directional antenna that transmits and receives radio frequency signals in a specific directional pattern of up to 120 degrees. Typically thin and rectangular in shape.

3. Tubular Antenna(s). A hollow tube, typically 12 inches in diameter, containing either omni-directional or directional antenna(s), depending on the specific site requirement; often used as a means to mitigate the appearance of antenna(s) on top of light standards and power poles.

4. Parabolic (or Dish) Antenna(s). A bowl-shaped device for the reception and/or transmission of communications signals in a narrow and specific direction.

5. Ancillary Antenna(s). An antenna that is less than 12 inches in its largest dimension and that is not directly used to provide wireless communications services. An example would be a global positioning satellite (GPS) antenna.

C. “Co-location” means the placement and arrangement of multiple providers, antenna(s) and equipment on a single support structure or equipment pad area.

D. “Electromagnetic field (EMF)” means the field produced by the operation of equipment used in transmitting and receiving radio frequency signals.

E. “Equipment shelter” means the structure associated with a WCF that is used to house electronic switching equipment, cooling system, and backup power systems.

F. “Major facility” means a wireless communications facility that exceeds the scale or scope of a minor facility or microcell.

G. “Microcell” means a wireless communication facility consisting of an antenna that is either: (1) four feet in height and with an area of not more than 580 square inches; or (2) if a tubular antenna, no more than 12 inches in diameter and no more than six feet high.

H. “Micro cellular radio device” refers to small repeater radio equipment that is installed unobtrusively below light standards and power poles as illustrated in Figure B at the end of this chapter.

I. “Minor facility” means a wireless communication facility consisting of up to three antennas, each of which is either (1) four feet in height and with an area of not more than 580 square inches; or (2) if a tubular antenna, no more than 12 inches in diameter and no more than six feet high, and the associated equipment cabinet that is six feet or less in height and no more than 48 square feet in floor area; or (3) a whip antenna that is four inches or less in diameter and no more than 15 feet in length.

J. “Nonresidential structure” means a structure used for nonresidential purposes. No portion of the structure shall be used for residential use.

K. “Personal wireless services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined in Title 47, United States Code, Section 332(c)(7)(C).

L. “Right-of-way” means the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, parkway, lane, public way, drive, or circle, including, but not limited to, public utility easements, or dedicated utility strips.

M. "Site control" means (1) optionee; (2) contract purchaser; (3) owner in fee simple; or (4) lessee.

N. "Support structure" means any built structure, including any guy wires and anchors, to which antenna and other necessary associated hardware is mounted. Support structures may include the following:

1. "Lattice tower" means a support structure that consists of a network of crossed metal braces, forming a tower that is usually triangular or square in cross-section.

2. "Guy tower" means a support structure such as a pole or narrow metal framework that is held erect by the use of guy wires and anchors.

3. "Monopole" means a support structure that consists of a single steel pole sunk into the ground and/or attached to a concrete pad.

4. "Existing nonresidential structure" means existing structures, identified in this chapter, to which a wireless communication facility (WCF) may be attached with certain conditions.

O. "Stealth antenna(s)" means antenna(s) installed inside a non-antenna structure, or camouflaged to appear as non-antenna structures.

P. "Wireless communications" means any personal wireless services as defined in the Federal Telecommunications Act of 1996 that includes FCC licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), paging, and similar services that currently exist or that may in the future be developed.

Q. "Wireless communication facility (WCF)" means an unstaffed facility for the transmission and/or reception of radio frequency (RF) signals through electromagnetic energy usually consisting of an equipment shelter or cabinet, a support structure and the transmission and reception devices or antenna.

#### **18.95.025 Permits decision and appeal processes.**

A. The land use administrator will determine approval of minor wireless communication facilities through a Process Type III (Chapter 14.15 CMC, Permit Decision and Appeal Processes).

B. The hearing examiner will determine approval of major wireless communication facilities through a Process Type IV (Chapter 14.15 CMC, Permit Decision and Appeal Processes).

#### **18.95.030 Exemptions.**

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

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

- B. Antenna(s) and related equipment no more than three feet in height that are being stored, shipped, or displayed for sale.
- C. Facilities used for purposes of public safety, such as, but not limited to, police, hospitals, and the regional 911 system.
- D. Wireless radio utilized for temporary emergency communications in the event of a disaster.
- E. Licensed amateur (ham) radio stations.
- F. Satellite dish antenna(s) less than six feet in diameter, including direct to home satellite services, when used as a secondary use of the property.
- G. Wireless communication facilities which existed on or prior to the effective date of the ordinance codified in this chapter; except that this exemption does not apply to modifications of existing facilities.
- H. Routine maintenance or repair of a wireless communication facility and related equipment, (excluding structural work or changes in height or dimensions of antennae, towers, or buildings); provided, that compliance with the standards of this chapter are maintained.
- I. Subject to compliance with all other applicable standards of this chapter, a building permit application need not be filed for emergency repair or maintenance of a wireless communication facility until 30 days after the completion of such emergency activity.

**18.95.040 WCF locations.**

A. Zoning Districts. WCFs may be located in the following zoning districts:

- 1. Commercial Mixed Use (CMU);
- 2. Community Facilities (CF); and
- 3. Parks and Open Space.

B. Existing Buildings and Structures. In addition to the zoning districts identified in subsection A of this section, WCFs may also be placed on the following existing buildings and structures:

- 1. Any tower currently used by a permitted WCF; provided, that the tower is in full compliance with all terms and conditions of its approval.
- 2. The town and Lakehaven Utility District water tanks; provided, that only whip antenna(s), or panel antenna(s) mounted on the side which do not extend above the top of the tank, may be located on water tanks.
- 3. Existing light standards and power poles located in rights-of-way when the WCF consists of a single whip that does not exceed 15 feet in height, a tubular antenna that does not exceed six feet in height, or a micro cellular radio device when the

equipment cabinet is underground; provided, that the height of the light standard or power pole is not increased but for the height of the antenna.

**18.95.050 General provisions.**

A. Principal or Accessory Use. WCFs may be considered either principal or accessory uses. A different use of an existing structure on the same lot shall not preclude the installation of a WCF on that lot.

B. Not Essential Public Facilities. WCFs are not considered essential public facilities as defined in the Growth Management Act and shall not be regulated or permitted as essential public facilities.

C. FCC Licensing. The applicant must demonstrate that it is licensed by the FCC if required. The applicant, if not the telecommunications service provider, shall submit proof of lease agreements with an FCC licensed telecommunications provider, if they are required to be licensed by the FCC.

D. Lot Size. For purposes of determining whether the installation of a WCF complies with district development standards, such as, but not limited to, setback and perimeter landscape requirements, the dimensions of the entire lot shall control, even though a WCF may be located on a leased area within that parcel.

E. Town Performance Standards. All WCF installations shall comply with all relevant provisions of the Carbonado Municipal Code.

F. Federal and State Standards. The WCF shall comply with all FAA regulations and environmental impact assessment standards and all other applicable federal and state laws and regulations.

G. Business Registration. All applicants shall obtain a town business registration, if required, prior to issuance of any permits.

**18.95.060 Performance standards.**

The following requirements and performance standards shall apply to any wireless communication structure or facility:

A. Facility Preference. Proposed antenna(s), associated structures and placement shall be evaluated, based on available aesthetic and transmission technologies, for approval and use in the following order of preference:

1. Stealth antenna(s);
2. Antenna(s) attached to a nonresidential structure, only when subsection (A)(1) of this section cannot be reasonably accomplished;
3. Co-location on existing facilities, only when subsections (A)(1) or (A)(2) of this section cannot be reasonably accomplished;



4. Co-location on new freestanding facilities which extend more than 15 feet above the height limitation of the site's zoning district, only when subsections (A)(1) through (A)(3) of this section cannot be reasonably accomplished.

5. Freestanding facilities which extend no more than 15 feet above the height limitation of the site's zoning district, only when subsections (A)(1), (A)(2), and (A)(3) of this section cannot be reasonably accomplished. The application shall include the following information:

a. The applicant shall provide proof of inability to locate on existing tower facilities in the immediate vicinity due to the following:

i. Refusal of the tower owner to provide space at a fair rate of compensation;

ii. The existing tower location or configuration is incompatible with the applicant's system; or

iii. Property owner refusal.

If the applicant chooses to construct new freestanding facilities, monopoles shall be the only freestanding structures allowed in the town. The applicant shall bear the burden of proof to demonstrate that a facility of higher order of preference cannot be reasonably accommodated on the same or other properties. The town reserves the right to retain a qualified consultant, at the applicant's expense, to review the supporting documentation for content and accuracy.

B. Co-Location. Shared use of support structures and other associated facilities by multiple parties is encouraged. Co-location WCFs shall be permitted to exceed the height limitations for freestanding transmission facilities. In no case, however, shall more than two service providers be permitted to co-locate on a single WCF. Prior to town approval of any new freestanding transmission tower:

1. An application for a new freestanding, co-location WCF requires two service providers to be party to the application;

2. A new freestanding, co-location WCF shall be permitted to exceed the height limits for new freestanding WCF facilities by 15 feet to allow adequate separation between service providers;

3. The town shall forward all new freestanding, co-location WCF applications to a qualified consultant to review the proposal for accuracy;

4. As a condition of town approval of any new freestanding co-location transmission towers, the applicant shall ensure the availability of adequate space to accommodate associated equipment shelters/cabinets of both service providers party to the application.

C. Critical Areas. No antenna shall be located in a critical area or associated buffer required by the town's critical areas ordinance except through a variance granted by the hearing examiner.

D. Height. Height is measured from the top of the antenna(s). No freestanding WCF for a single service provider shall be approved that is taller than 15 feet above the height limitation of the underlying zoning district. New freestanding co-location WCFs shall be permitted to exceed the height limitation of single service WCFs by a maximum of 15 feet. Freestanding stealth antenna(s) shall have no height limitation (see Figure A at the end of this chapter).

E. Setbacks. A freestanding WCF, including support structure and associated equipment, shall maintain a 30-foot setback from property line(s); except when on a lot adjacent to a residentially zoned property, then the minimum setback from the property line(s) of the adjacent residentially zoned property shall be 60 feet (see Figure C at the end of this chapter).

F. State and Federal Preemption. Federal law prohibits consideration of environmental effects of radio frequency emissions to the extent that the proposed facilities comply with the Federal Communications Commission regulations concerning emissions. All other town regulations shall apply, unless specifically preempted by state or federal authority.

G. Impacts. Wireless communication facilities shall be located and installed in such a manner so as to minimize impacts on the skyline and surrounding area in the following manner:

1. Antenna(s) may not extend more than 15 feet above their supporting structure, monopole, building, or other structure.

2. Site location and development shall preserve the pre-existing character of the surrounding buildings, land use, and the zone district to the extent possible, while maintaining the function of the communications equipment. Wireless communication facilities shall be integrated through location, siting, and design to blend in with the existing characteristics of the site through application of the following measures:

- a. Existing on-site vegetation should be preserved insofar as possible or improved, and disturbance of the existing topography shall be minimized unless such disturbance would result in less visual impact of the site to the surrounding area;

- b. To the extent practicable, and in order to minimize impacts on the skyline and surrounding area, WCFs should be located adjacent to existing vegetation and buildings.

3. Related equipment facilities used to house wireless communications equipment shall be located within buildings, or planned underground when possible. When they cannot be located in buildings or placed underground, equipment shelters or cabinets shall be screened. Alternate methods for screening may include the use of building or parapet walls, sight-obscuring fencing and/or berms, landscaping, screen walls, equipment enclosures, or any combination of the above.

4. No wireless equipment shall be used for the purpose of mounting signs or message displays of any kind.

5. WCFs shall not be lighted, except for emergency work lights, unless required by the FAA or other applicable authority.

6. WCFs shall conform to the town's noise regulations.

**18.95.070 Facility removal.**

In instances where a WCF is to be removed, the removal shall be in accordance with the following procedures:

A. The operator of a WCF shall notify the town upon the discontinued use of a particular facility. The WCF shall be removed by the facility owner within 180 days of the date the site's use is discontinued, it ceases to be operational, the permit is revoked, or if the facility falls into disrepair or is abandoned. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts; and

B. If the provider fails to remove the facility upon 180 days of its discontinued use, the responsibility for removal falls upon the landholder on which the facility has been located. If the landholder fails to remove the facility within 90 additional days, the town may cause the facility to be removed at the owner's expense.

**18.95.080 Electromagnetic field (EMF) standards compliance.**

All WCFs shall be operated in compliance with the following standards:

A. The applicant shall comply with federal standards for EMF emissions. Individuals may request that a service provider perform an EMF emissions test. The cost for conducting such tests, however, shall be borne by the individual requesting the test. Copies of performance reports prepared and transmitted to the FCC for licensing compliance shall be forwarded to the town for inclusion in the project file.

B. The applicant shall ensure that the WCF will not cause localized interference with the reception of, but not limited to, area television or radio broadcasts. If, on review of a registered complaint, the town finds that the WCF interferes with such reception, the town may revoke or modify the permit. The applicant shall be given a reasonable time based on the nature of the problem to correct the interference. If the permit is revoked, then the facility shall be removed per CMC 18.95.070.

**18.95.090 Application requirements.**

Applications for a WCF shall be in a form prescribed by the town and at a minimum shall contain the following information:

A. A signed statement indicating that the applicant has complied with the performance standards identified in CMC 18.95.060(A) and (B). Relevant correspondence with existing service providers and other reports shall accompany the required statement.

B. Photosimulations of the proposed facility from affected residential properties and public rights-of-way at varying distances.

C. A site plan clearly indicating the location, type and height of the proposed WCF, legal description of the parcel, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower, and any other proposed structures. A site elevation and landscaping plan indicating the specific placement of the facility on the site, the location of existing structures, trees, and other significant site features, and a complete description of all measures proposed to camouflage the facility including the type and location of plant materials used to screen the facility, and the proposed color schemes for the facility and the method of fencing.

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

E. Evidence of site control.

F. A current map showing the location and service area of the proposed WCF, a map showing the locations and service areas of other wireless communication facilities operated by the applicant and those proposed by the applicant that are close enough to impact service within the town.

G. The approximate distance, in feet, between the proposed tower and the nearest residentially zoned dwelling unit, platted residentially zoned properties, and unplatted residentially zoned properties.

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

I. If the facility is proposed for location in the town right-of-way, evidence of bonding and insurance in amounts prescribed by the town.

J. The application shall include documentation demonstrating compliance with the town's storm water management requirements.

**18.95.100 Minor modifications.**

Modifications to an approved WCF that do not alter the bulk, dimensions, or use shall be reviewed by the land use administrator administratively through the submittal of minor site plan approval application.

**18.95.110 Permit limitations.**

Approved permits issued by the town for WCFs shall be restricted by the following permit limitations:

A. An approved permit shall be valid for one year from the date of the town's approval, with opportunity for a six-month extension. If not used within one year, or within the extension period, the permit shall become null and void unless the delay is the result of actions by the town or the courts.

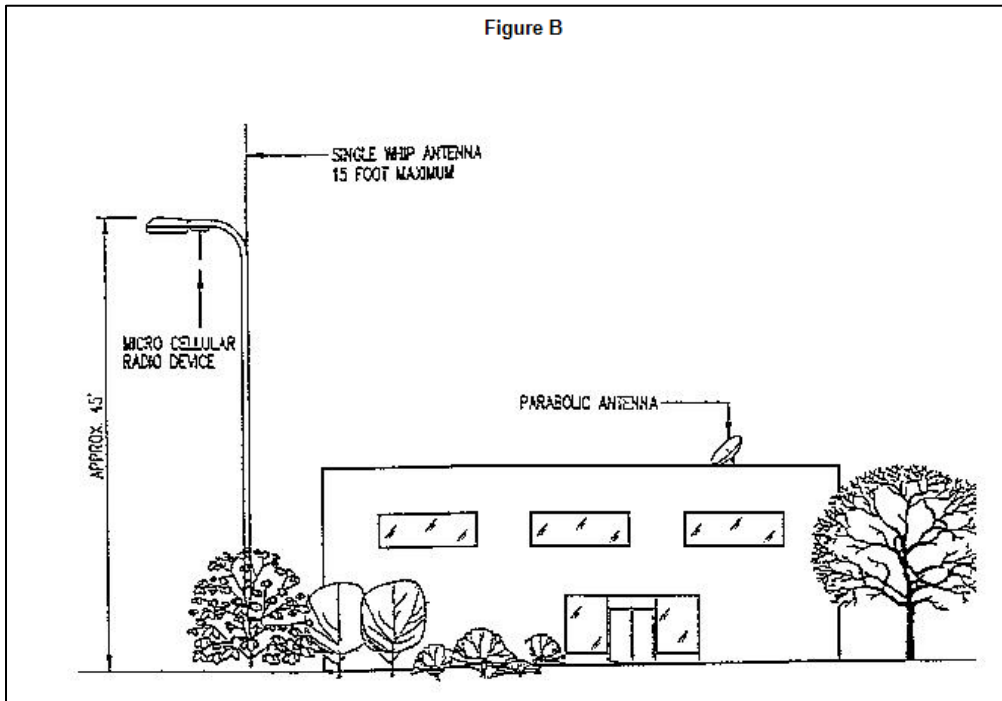
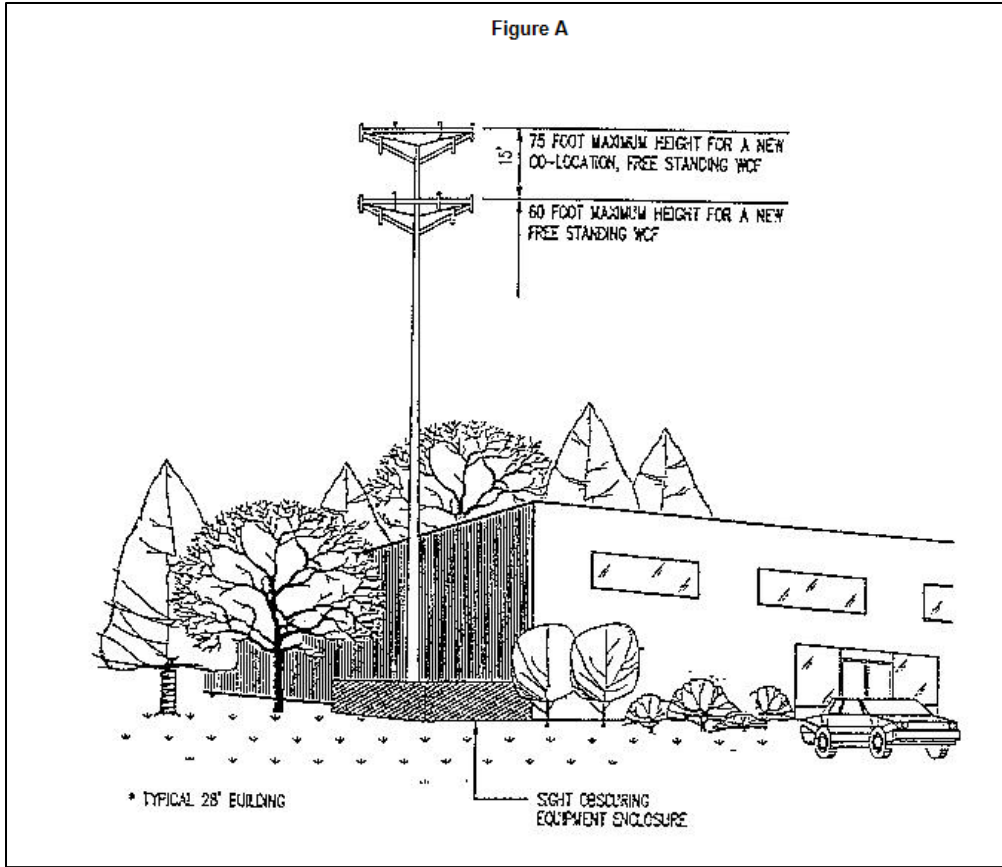
B. No facility, site or permit may be sold, transferred, assigned or sublet without written notification to the town. This notification shall include a statement acknowledging and accepting the terms and conditions of all permits issued for the site and/or facility by town, state or federal agencies, and:

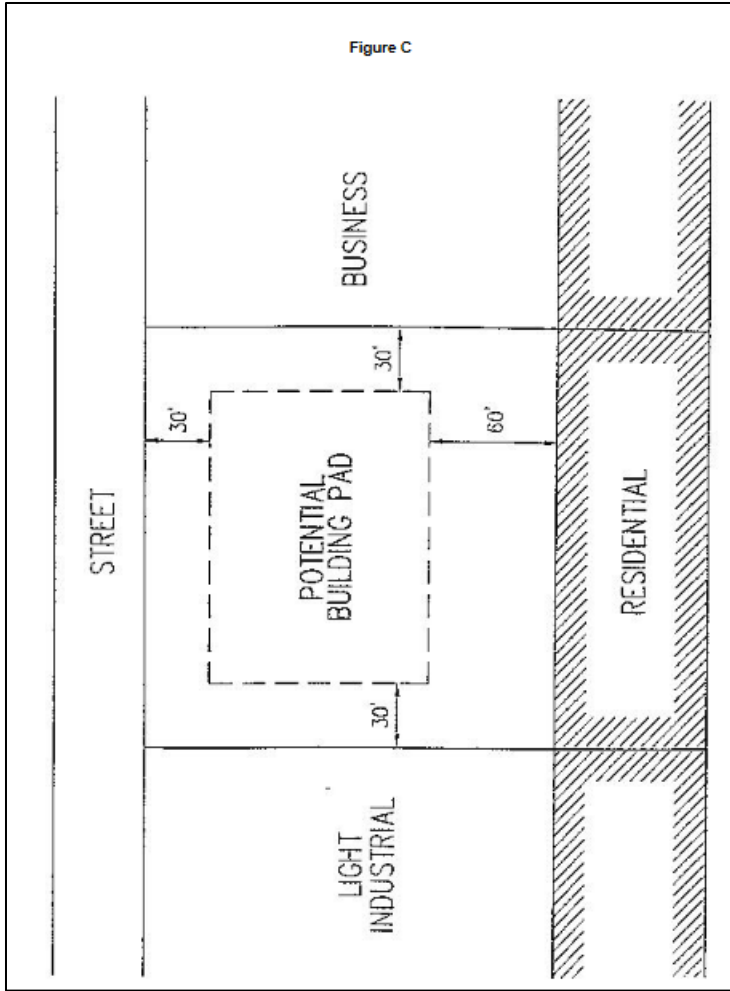
1. Documentation that the site/facility is currently in full compliance with its permits and applicable town ordinances;
2. A statement assuring ongoing compliance with all permits and applicable town ordinances.

**18.95.120 Fees.**

It is the policy of the town that applicants pay the full reasonable costs associated with processing an application.

A. The applicant shall reimburse the town for reasonable costs associated with processing a WCF application. These costs include the costs of professional engineers and other consultants hired by the town to review and inspect the applicant's proposal when the town is unable to do so with existing in-house staff. These professional services may include, but are not limited to, engineering, technical reviews, legal, planning, hearing examiner, environmental review, critical areas review, financial, accounting, soils, mechanical, and structural engineering. In the event that a project requires special staff analysis beyond that which is included in the base fee, the applicant shall reimburse the town at the hourly rate identified in the town's current fee ordinance in place at the time of application. The applicant shall make a deposit in the amount identified in the town's current fee ordinance for conditional use permit applications or minor site plan approval, depending on the type of WCF application filed with the town.





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**CHAPTER 18.100 MOBILE HOME PARKS**

**Sections:**

- 18.100.010 Permit – Requirements.**
- 18.100.020 Permit Application – Requirements.**
- 18.100.030 Lot area and width.**
- 18.100.040 Coverage.**
- 18.100.050 Zero lot line developments.**
- 18.100.060 Recreational facilities.**
- 18.100.070 Setbacks for structures.**
- 18.100.080 Landscaping and screening.**
- 18.100.090 Business signs.**
- 18.100.100 Lot individuality.**
- 18.100.110 Bond.**
- 18.100.120 Inspection – Required.**
- 18.100.130 Inspection – Fees.**

**18.100.010 Permit – Requirements.**

No person, company or corporation shall establish a new mobile home park or enlarge an existing mobile home park within the town limits without first obtaining a conditional use permit from the town. Approval of a new or enlarged mobile home park will follow Process Type IV (Chapter 14.15 CMC, Permit Decision and Appeal Processes).

**18.100.020 Permit Application – Requirements.**

The permit shall require the following:

A. A plat as provided by the plat and subdivision laws of the town, showing the location of the proposed mobile home park and all buildings, sanitary facilities, playground recreation areas, driveways, and individual mobile home lots, and including all dimensions of the mobile home park tract, the building envelope for each individual home, lot parking facilities, patio, storage, lighting, utilities, landscaping screening design, and other requirements of the platting and subdivision laws of the town.

B. The minimum size of the mobile home park shall be 10 acres.

**18.100.030 Lot area and width.**

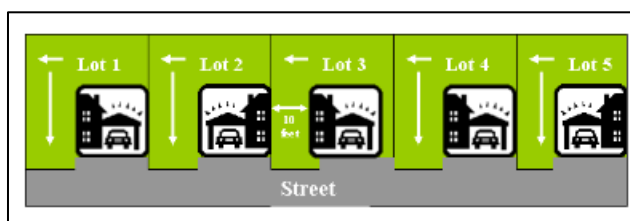
Each mobile home lot shall have a minimum area of 4,400 square feet and a minimum width of 30 feet at a point one-half the distance of the lot depth.

**18.100.040 Coverage.**

There shall be a minimum of 6,200 square feet total land area per mobile home lot. Maximum lot coverage shall be 60 percent of the total park area. The total park area shall include driveways and private thoroughfares, playground-recreation areas, individual trailer lots, and caretaker's quarters within the plat.

**18.100.050 Zero lot line development.**

A mobile home park may be platted as a zero lot line development. In this arrangement, all mobile homes and auxiliary structures are massed along one side of the lot with the opposite side consisting of open space. No two lots are allowed to have the building amassed along an adjacent internal lot line without a minimum 10 feet of horizontal separation between structures on the two lots. No structure may be placed within 10 feet of the perimeter boundary of the mobile home park. Generally, all lots along the same side of the street shall have the homes and structures amassed such that the open space appears on the same side of each lot when faced from the street. All other setbacks from public right-of-way and the edge of thoroughfare noted in CMC 18.100.070 apply to zero lot line developments. Please see figure below.

**18.100.060 Recreational facilities.**

All mobile home parks within the town shall provide general recreational facilities. The hearing examiner shall find that each mobile home park shall provide sufficient recreational facilities to serve the inhabitants of the mobile home park.

**18.100.070 Setbacks for structures.**

Except when platted as a zero lot line development (CMC 18.100.050), every mobile home shall have a setback of not less than five feet from the side lot lines and a minimum of 10 feet set back from the rear yard lines. No building, carport, or other auxiliary structure shall be permitted closer than 20 feet to any property line that abuts a street or public right-of-way, and no closer than 10 feet from the edge of the private thoroughfare or the perimeter of the mobile home park.

Also, except when platted as a zero lot line development (CMC 18.100.050), an auxiliary building shall be located no closer than five feet from any lot line.

**18.100.080 Landscaping and screening.**

At a minimum, new mobile home parks shall provide landscaping and screening that conforms to the requirements of Chapters 18.30 and 18.35 CMC. In the capacity of approving a conditional use permit for a mobile home park, the hearing examiner shall find that the privacy of adjacent properties are maintained.

**18.100.090 Business signs.**

Business signs shall conform to the provisions set forth in Chapter 18.80 CMC.

**18.100.100 Lot individuality.**

Each mobile home lot shall be established within the park so as to give maximum individuality of appearance of each lot.

**18.100.110 Bond.**

Each applicant in the establishment of the new mobile home park shall file with the town a performance surety bond in an amount equivalent to 10 percent of the cost of furnishing the recreational and other facilities required as conditions of approval for the mobile home park.

**18.100.120 Inspection – Required.**

There is established a program of annual inspection of all mobile home parks established within the town, pursuant to the terms and conditions of this chapter. The clerk is directed to institute and administer the inspection program and to annually report to the town council the results of the inspection. The purpose of the inspection is to assure that the mobile home parks are maintained in all respects to assure the health, safety and welfare of the inhabitants of the mobile home parks and the inhabitants of the town living adjacent to the parks.

**18.100.130 Inspection – Fees.**

There is established an annual inspection fee for all mobile home parks in the sum of \$100.00. The mobile home parks shall pay said sum of money on or before February 1st of each calendar year on forms to be supplied by the town.

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## CHAPTER 18.105 SPECIAL USES

### Sections:

- 18.105.010 Purpose.**
- 18.105.020 Application requirements.**
- 18.105.030 Special use permit decision and appeal process.**
- 18.105.040 Special use review and approval criteria.**
- 18.105.050 Additional review criteria pertaining to parking lots.**
- 18.105.060 Class II special use – Use-specific standards.**
- 18.105.070 Special use notification of hearing.**
- 18.105.080 Status of special uses.**
- 18.105.090 Special use time limits and revocation.**

### **18.105.010 Purpose.**

The purpose of this section is to allow certain specified uses through a special use permit. Special uses are those which are deemed necessary to the public convenience but are found to possess characteristics relating to their size, numbers of people involved, traffic generated, and their potential impact on the area which makes impractical their being identified exclusively with any particular zone classification as herein defined. Because of their special impact or unique characteristics, the following uses may have a substantial adverse impact upon or be incompatible with other uses of land. This impact often cannot be determined in advance of the use being proposed for a particular location.

It is the intent of this chapter to ensure that the location of these uses will not be unreasonably incompatible with uses permitted in the surrounding areas, the uses will not have a substantial adverse impact, and to permit the hearing examiner to impose stipulations and conditions as may reasonably assure that the basic intent of this chapter will be served regarding the approval, denial, or approval with conditions for the issuance of a special use permit.

Uses requiring the approval of a special use permit have been divided into Class I and Class II special uses. Review criteria for Class I special uses are found in CMC 18.105.040 and 18.105.050. Review of proposals for Class II special uses shall include the review criteria for Class I special uses and the appropriate criteria found in CMC 18.105.060 for Class II special uses.

#### A. Class I Special Uses.

##### 1. Places of public assembly and recreation such as:

- a. Ballfields;
- b. Fairgrounds;
- c. Golf and athletic facilities;
- d. Open-air theaters;
- e. Recreational areas, commercial, including tennis clubs and similar activities;

f. Recreational centers privately operated;

g. Rodeos;

h. Sports arenas;

2. Public and private transportation facilities:

a. Transit facilities, bus barns, park-and-ride lots, transit stations;

b. Parking lots.

B. Class II Special Uses.

1. Yard waste composting facilities;

2. Recycling processing centers;

3. Surface mines;

4. Amusement parks;

5. Stadiums;

6. Heliports.

**18.105.020 Application requirements.**

An application for a special use permit shall include all of the information required in Chapter 14.20 CMC, Application Requirements. The application shall also include a list and description of all proposed activities planned or anticipated to occur on the property including the proposed hours of operation.

Copies of all reports, permits, or records required by or submitted to federal, state, regional, or county agencies pursuant to any laws or regulations shall be made available to the town upon request as relevant to the application and consistent with applicable law. Information required shall be limited to that pertaining to operations within the town of Carbonado. The public disclosure of such information shall be governed by applicable law.

**18.105.030 Special use permit decision and appeal process.**

When an application for a special use is filed with the town, the hearing examiner may authorize establishment of those uses that are expressly listed as special uses. No special use permit shall be issued unless the use complies with all of the applicable standards of this chapter. The town will follow Process Type V (Chapter 14.15 CMC, Permit Decision and Appeal Processes) in the consideration of special uses applications.

**18.105.040 Special use review and approval criteria.**

In the review of a special use permit application, the hearing examiner shall consider each of the following in his/her findings:

- A. The town's comprehensive plan.
- B. The policies set forth in the state's Growth Management Act.
- C. There shall be a demonstrated need for the special use within the community at large which shall not be contrary to the public interest.
- D. The special use shall be located, planned, and developed in such a manner that the special use shall not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the community.
- E. Certain special uses may have characteristics that necessitate buildings or other structures associated with such uses to exceed the height limits of the zoning districts in which the special uses may be located. Therefore, the hearing examiner and town council may authorize the height of buildings or other structures associated with the following special uses to exceed the height limit set forth in the zoning district in which such uses are located, or as allowed in Chapter 18.20 CMC; provided, such height is consistent with the criteria contained in this section:
  - 1. Ballfield;
  - 2. Fairgrounds;
  - 3. Open-air theaters;
  - 4. Recreational areas, commercial, including tennis clubs and similar activities;
  - 5. Rodeos;
  - 6. Sports arenas; and
  - 7. Transit facilities, bus barns, park-and-ride facilities.
- F. The site is of adequate size to accommodate the proposed use, including, but not limited to, parking, traffic circulation, and buffers from adjacent properties.
- G. Adequate landscaping, screening, yard setbacks, open spaces, or other design elements necessary to mitigate the impact of the special use upon neighboring properties shall be provided.
- H. All external illumination is designed to face inward, so that impact to adjacent properties is minimized to the greatest extent practicable.
- I. Parking areas are designed to assure that headlight glare from internal traffic does not affect motorists on adjoining streets.
- J. On-site drainage is designed to assure that post-construction drainage has no greater impact on downstream properties than preconstruction drainage.

K. The proposed access to the site must be adequate considering traffic safety and existing street conditions.

L. There is adequate sight distance at each proposed point of access to the site to assure traffic safety.

M. The applicant must demonstrate and the hearing examiner must find that the noise generated by the proposed use shall not exceed the maximum permissible noise levels set forth in Chapter 173-60 WAC and shall not be an increase of more than five dBA above the ambient noise level. The ambient noise level shall be measured using the 15-hour period from 7:00 a.m. to 10:00 p.m. instead of using a 24-hour period.

N. The generation of noise, noxious or offensive emissions or odors, or other nuisances which may be injurious or detrimental to the community must be mitigated to the greatest extent practicable.

O. Availability of public infrastructure which may be necessary or desirable for the support of the special use. These may include, but shall not be limited to, availability of utilities, transportation systems (including vehicular, pedestrian and public transportation systems), and police and fire facilities.

P. Additional use-specific standards shall apply to the Class II special uses identified under CMC 18.105.060.

**18.105.050 Additional review criteria pertaining to parking lots.**

In addition to the criteria imposed by CMC 18.105.040, parking lots that are not required to satisfy the parking requirements for a special use shall be subject to the following special use review standards:

A. To the extent necessary to preserve public safety and prevent crime, parking lots shall be fenced to limit access and lighted to improve visibility.

B. Parking lot owners shall provide a plan to ensure adequate maintenance to mitigate impacts on surrounding properties, including impacts created by dust and litter. The parking lot owner shall also post a bond to cover the cost of implementing the plan.

C. Parking lots shall serve as a temporary use subject to a three-year limitation with a right of a two-year extension upon approval by the planning and community development director. A two-year extension shall be granted if the parking continues to comply with the requirements applicable to special uses, as identified in CMC 18.105.060 and this section.

**18.105.060 Class II special use – Use-specific standards.**

The following standards apply to the specific Class II special uses identified below:

A. Yard Waste Composting Facilities.

1. Purpose. To appropriately site facilities which import, process, package and distribute products derived from composting yard waste.



2. Standards.

- a. Minimum lot size: two acres.
- b. Maximum building site coverage: 25 percent.
- c. Minimum structural setback: 50 feet.
- d. The entire composting operation, including the stockpiling of materials prior to and following composting activities, must be conducted under a roof.
- e. The operation shall be effectively screened from view by using a solid screen six feet high. Screening may include fences, walls, vegetation, berms with vegetation, combinations of these, or other methods, all of which must provide a permanent solid screen barrier to visibility from rights-of-way and adjacent and nearby properties. Vegetation used for screening must be of sizes, types, numbers, and siting adequate to achieve 100 percent opacity within three years. All vegetation used for screening shall be maintained in a healthy condition. Vegetation used for screening that dies shall be replaced within six months. Fences and walls over six feet high, which may be required to screen the use from adjacent properties, shall require a building permit and shall maintain the setback required in subsection (A)(2)(c) of this section.
- f. The operation must employ current technology and comply with all federal, state, and local best management practices and regulations.
- g. The operation shall obtain and maintain any required solid waste permit from applicable authorities.

B. Recycling Processing Centers.

1. Purpose. To appropriately site facilities which collect, process, store, and distribute the following recyclable materials: paper, cardboard, metal cans, and plastics.

2. Standards.

- a. Minimum lot size: minimum acreage requirement for zone where use is permitted.
- b. Maximum building site coverage: 60 percent.
- c. Minimum structural setback: 20 feet from all property lines.
- d. Direct access to the operation shall be from a collector or arterial road.
- e. The collection, processing, and storage must be conducted within a building.

f. The operation shall be effectively screened from view by using a solid screen six feet high. Screening may include fences, walls, vegetation, berms with vegetation, combinations of these, or other methods, all of which must provide a permanent solid screen barrier to visibility from rights-of-way and adjacent and nearby properties. Vegetation used for screening must be of sizes, types, numbers, and siting adequate to achieve 100 percent opacity within three years. All vegetation used for screening shall be maintained in a healthy condition. Vegetation used for screening that dies shall be replaced within six months. Fences and walls over six feet high, which may be required to screen the use from adjacent properties, shall require a building permit and shall maintain the setback required in subsection (B)(2)(c) of this section.

g. The operation shall meet all federal, state, and local regulations and standards.

h. The operation shall obtain and maintain any required solid waste permit from the applicable county permitting authorities.

### C. Surface Mining.

1. Purpose. To appropriately site surface mining and accessory uses.

2. Standards. The surface mining operation shall adhere to all conditions found in a Department of Natural Resources approved site reclamation permit, as required by Chapter 78.44 RCW.

3. Application Procedures. In addition to the information required in this chapter, the application to the town for a special use permit for surface mining shall include:

a. A contour map, drawn to the scale of 100 feet to the inch and contour intervals of 10 feet, or at a scale and topographic interval determined to be adequate by the land use administrator or his designee, showing current field topography, including the location of watercourses of the tract intended for the proposed operation and estimated thickness of overburdened and mineral-bearing strata in the tract intended for the proposed operation.

b. A copy of the applicant's Department of Natural Resources reclamation permit application, as required by Chapter 78.44 RCW.

c. A list of all proposed activities anticipated or planned to occur on the site, including but not limited to the method of surface mining, washing, sorting, crushing, asphalt or concrete batching, equipment maintenance, or any activity that could result in a potential, significant, adverse environmental impact.

d. The application shall include a report demonstrating that the noise generated by the proposed use, as mitigated, shall not exceed the maximum permissible noise levels as set forth in Chapter 173-60 WAC.

4. Accessory Uses.

a. The following accessory uses are allowed only when expressly permitted in a special use permit issued by the hearing examiner: washing, sorting or crushing of rock or gravel, asphalt production (batching or drum mixing), concrete batching, storage or use of fuel, oil or other hazardous materials, and equipment maintenance.

b. Accessory uses are permitted only in conjunction with an existing surface mining operation. Recycling of asphalt or concrete is permitted as an accessory use only in conjunction with a permitted crusher and in accordance with any applicable town and county requirements.

5. Reports. Copies of any reports or records, except financial reports, required to be submitted to federal, state, regional or county officials or agencies pursuant to any laws or regulations shall be made available to the town upon request as relevant to the application and consistent with applicable law. The public disclosure of such information shall be governed by applicable law. The operator shall keep a record of the source of any asphalt, concrete or soils imported from off-site and stored on-site.

D. Amusement Parks.

1. Purpose. To appropriately site amusement parks.

2. Standards.

a. Minimum lot size: five acres.

b. Maximum building coverage: 60 percent.

c. Minimum structural setback: 60 feet.

d. The operation shall be effectively screened from view by using a solid screen six feet high. Screening may include fences, walls, vegetation, berms with vegetation, combinations of these, or other methods, all of which must provide a permanent solid screen barrier to visibility from rights-of-way and adjacent and nearby properties. Vegetation used for screening must be of sizes, types, numbers, and siting adequate to achieve 100 percent opacity within three years. All vegetation used for screening shall be maintained in a healthy condition. Vegetation used for screening that dies shall be replaced within six months. Fences and walls over six feet high, which may be required to screen the use from adjacent properties, shall require a building permit and shall maintain the setback required in subsection (D)(2)(c) of this section.

e. The applicant must prepare a traffic impact analysis with appropriate mitigation to mitigate all traffic impacts.

E. Stadiums.

1. Purpose. To appropriately site stadiums.

2. Standards.

a. Minimum lot size: 10 acres.

b. Maximum building coverage: 60 percent.

c. Minimum structural setback: 60 feet.

d. The operation shall be effectively screened from view by using a solid screen six feet high. Screening may include fences, walls, vegetation, berms with vegetation, combinations of these, or other methods, all of which must provide a permanent solid screen barrier to visibility from rights-of-way and adjacent and nearby properties. Vegetation used for screening must be of sizes, types, numbers, and siting adequate to achieve 100 percent opacity within three years. All vegetation used for screening shall be maintained in a healthy condition. Vegetation used for screening that dies shall be replaced within six months. Fences and walls over six feet high, which may be required to screen the use from adjacent properties, shall require a building permit and shall maintain the setback required in subsection (E)(2)(c) of this section.

e. The applicant must prepare a traffic impact analysis with appropriate mitigation to mitigate all traffic impacts.

F. Heliports.

1. Purpose. To appropriately site heliports.

2. Standards for Stand-Alone Heliport Facilities.

a. Minimum lot size: one-half acre.

b. Maximum building coverage: 60 percent.

c. Minimum structural setback: 30 feet.

d. The operation shall be effectively screened from view by using a solid screen six feet high. Screening may include fences, walls, vegetation, berms with vegetation, combinations of these, or other methods, all of which must provide a permanent solid screen barrier to visibility from rights-of-way and adjacent and nearby properties. Vegetation used for screening must be of sizes, types, numbers, and siting adequate to achieve 100 percent opacity within three years. All vegetation used for screening shall be maintained in a healthy condition. Vegetation used for screening that dies shall be replaced within six months. Fences and walls over six feet high, which may be required to screen the use from adjacent properties, shall require a building permit and shall maintain the setback required in subsection (F)(2)(c) of this section.

e. The operation shall not operate between the hours of 10:00 p.m. and 7:00 a.m.

f. The operation shall meet all federal, state and local regulations and standards.

g. The application shall include a report demonstrating that the noise generated by the heliport, as mitigated, shall not exceed the maximum permissible noise levels as set forth in Chapter 173-60 WAC.

3. Standards for Heliports as Accessory Uses to Hospitals.

a. Heliports included in proposals for new hospitals shall be reviewed by the hearing examiner under the conditional use permit application process (Chapter 14.30 CMC) required for the approval of hospitals.

b. Heliports proposed for existing hospital facilities shall be reviewed under applicable criteria in this subsection.

**18.105.070 Special use notification of hearing.**

Notification of the public hearing of the approval authority on the application for a Class I special use permit shall be mailed to all property owners as shown by the records of the applicable county assessor(s) within a 1,000-foot radius of the external boundaries of subject property.

Notification of the public hearing of the approval authority on the application for a Class II special use permit shall be mailed to all property owners as shown by the records of the applicable county assessor(s) within a 2,000-foot radius of the external boundaries of subject property.

All notices shall be mailed not less than 15 days prior to the hearing.

**18.105.080 Status of special uses.**

Any use for which a special use is authorized by the hearing examiner and town council and which complies with the requirements of this chapter and those of other applicable chapters shall be deemed to be a permitted use on the lot on which it is thus permitted. Once a special use has been authorized, however, the use shall not be enlarged, extended, increased in intensity, or relocated unless an application is made for a new or amended special use permit.

In order to ensure that the location and character of the following special uses will be compatible with the town of Carbonado comprehensive plan, a review and decision by the hearing examiner is required prior to the issuance of any special use permit.

**18.105.090 Special use time limits and revocation.**

A. Expiration of Approval. The authorization shall expire upon expiration of three years from the date of final approval of a special use permit which by then has not commenced

operation, or upon abandonment for a period of one year of a special use that has been authorized.

B. Time Limit and Review. Any permit issued pursuant to this chapter shall be reviewed by the town council no less frequently than every two years from the date of the decision to approve the permit. At the time of such review, the town council may request a hearing for the hearing examiner to review, and, if necessary, impose additional conditions upon the operation if necessary to meet the standards of this chapter as amended.

The town of Carbonado's land use administrator or her/his designee may request a hearing before the hearing examiner if it is determined after review that the special use no longer is being performed under the conditions set by the hearing examiner at the time of the initial approval. During the hearing, the hearing examiner may terminate the use or add conditions or standards that will achieve compliance with the original approval.

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## ORDINANCE TABLE

Number	Passage Date	Subject
1	11/01/48	Combines office of town clerk and treasurer (CMC 2.05); (Amended by Ord. 160)
2	12/06/48	Salary and bond of treasurer (Repealed by Ord. 63)
3	12/06/48	Curfew (Title 9); (Replaced by Ord. 276)
4	02/07/49	Carrying and discharging of loaded firearms (Title 9); (Replaced by Ord. 276)
5	02/07/49	Disposal of garbage (Repealed by Ord. 23)
6	04/04/49	Garbage dump (Repealed by Ord. 24)
7	04/04/49	Pinball machine license (CMC 5.10); (Replaced by Ord. 128)
8	04/04/49	Adopts Washington Motor Vehicle Act (Repealed by Ord. 90)
9	06/06/49	Appropriation of funds (Special)
10	06/20/49	Fireworks (Repealed by Ord. 19)
11	08/01/49	Amends and repeals § 2 of Ord. 4, loaded firearms (Title 9); (Replaced by Ord. 276)
12	08/19/49	Police justice (CMC 2.10); (Replaced by Ord. 275)
13	08/19/49	Town marshal (CMC 2.15); (Replaced by Ord. 275)
14	08/19/49	Animals running at large (CMC 6.05); (Replaced by Ord. 378)
15	10/03/49	1950 budget and tax levy (Special)
16	10/03/49	Disorderly persons (Title 9) (Replaced by Ord. 276)
17	01/09/50	Holding of open caucus (CMC 2.35)
18	04/10/50	Council meetings (CMC 2.20); (Amended by Ord. 70)
19	06/12/50	Fireworks; repeals Ord. 10 (CMC 8.30); Replaced by 222
20	09/11/50	Volunteer firemen's relief and compensation (CMC 2.30)
21	10/02/50	1951 budget and tax levy (Special)
22	01/08/51	Amends and repeals § 4 of Ord. 12, police justice (CMC 2.10); (Replaced by Ord. 275)
23	06/11/51	Disposal of garbage; repeals Ord. 5 (CMC 8.10)
24	06/11/51	Garbage dump; repeals Ord. 6; (Repealed by Ord. 101)
25	06/11/51	Amends § 4 of Ord. 13, Town Marshall (CMC 2.15); (Replaced by Ord. 275)
26	09/10/51	Appropriation of funds (Special)
27	10/01/51	1952 budget and tax levy (Special)
28	02/11/52	Protection against fires (CMC 8.25)
29	04/14/52	Parking on Pershing Avenue (CMC 10.15)
30	10/06/52	1953 budget and tax levy (Special)
31	01/22/53	Election for lease of water supply and distribution system (Special)
32	05/11/53	Authorizes lease of water supply and distribution system (Special)
33	05/01/53	Water department (CMC 13.05); (Repealed by Ord. 419)
34	05/11/53	Cemetery fund (Repealed by Ord. 60)
35	10/05/53	1953 water department budget (Special)
36	10/05/53	1954 budget and tax levy (Special)
37	02/08/54	Appropriation of funds (Special)
38	10/04/54	1955 budget and tax levy (Special)
39	10/03/55	1956 budget and tax levy (Special)
40	07/09/56	Amends § 3 of Ord. 3, curfew (Title 9); Replaced by Ord. 276
41	07/09/56	Pensions and retirement for town employees (Not codified)
42	07/09/56	Accepts conveyance of property (Special)



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43	10/01/56	1957 budget and tax levy (Special)
44	10/08/56	Appropriation of funds (Special)
45	10/08/56	Appropriation of funds (Special)
46	10/07/57	1958 budget and tax levy (Special)
47	06/58	Authorizes conveyance of property (Special)
48	09/08/58	1959 budget and tax levy (Special)
49	11/10/58	Franchise grant (Special)
50	12/08/58	Garbage dump (Repealed by Ord. 101)
51	09/14/59	1960 budget and tax levy (Special)
52	09/29/60	1961 budget and tax levy (Special)
53	06/12/61	Appropriation of funds (Special)
54	09/11/61	1962 budget and tax levy (Special)
55	12/11/61	Establishes municipal court (CMC 2.40); (Replaced by 274)
56	12/11/61	Designates major and secondary arterials (CMC 10.20)
57	02/12/62	Appropriation of funds (Special)
58	06/11/62	Appropriation of funds (Special)
59	09/10/62	1963 budget and tax levy (Special)
60	12/10/62	Repeals Ord. 34 (Repealer)
61	04/08/63	Prohibits the use of certain streets by certain vehicles (CMC 12.05)
62	09/09/63	1964 budget and tax levy (Special)
63	03/09/64	Salary and bond of treasurer; repeals Ord. 2 (Not codified)
64	09/14/64	1965 budget and tax levy (Special)
65	12/14/64	Appropriation of funds (Special)
66	01/11/65	False fire alarms (Title 9); Replaced by Ord. 276
67	09/13/65	Authorizes police to pursue and arrest violators beyond city limits (CMC 2.45)
68	09/13/65	1966 budget and tax levy (Special)
69	05/09/66	Posting places (CMC 1.10); (Amended by Ord. 152)
70	05/09/66	Place for council meetings (CMC 2.20); Amends Ord. 18
71	06/13/66	Adopts Washington Motor Vehicle Laws (CMC 10.05); (Superseded by Ord. 90 and 273)
72	09/12/66	1967 budget and tax levy (Special)
72A	11/22/66	Accepts indenture and quit claim deed (Special)
73	03/13/67	Sale of rights (Special)
73A	06/12/67	Establishing a civilian auxiliary police force
73B	09/11/67	Authorizes execution of quit claim deed (Special)
74	09/11/67	Annexation (Special)
75	09/25/67	1968 budget and tax levy (Special)
76	11/13/67	Amends § 11 of Ord. 33, water rates (Repealed by Ord. 85)
77	11/13/67	Use of trailers as dwellings (Repealed by Ord. 84)
78	01/08/68	Adopts 1967 Uniform Building Code (CMC 15.05); (Replaced by Ord. 170 and 171)
79	02/12/68	Dangerous dogs (Repealed by Ord. 269)
80	08/12/68	Funds transfer (Special)
81	10/07/68	1969 budget and tax levy (Special)
82	06/09/69	Abandoned vehicles (Repealed by Ord. 323)
83	06/09/69	Size and placement of dwellings (CMC 15.15)
84	07/14/69	Use of trailers and mobile homes as dwellings; repeals Ord. 77 (Repealed by Ord. 322)

85	09/08/69	Amends § 11 of Ord. 33, water rates; repeals Ord. 76 (CMC 13.05); (Repealed by Ord. 419)
86	1969	1970 budget and tax levy (Special)
87	02/09/70	Penal code (Title 9); (Replaced by Ord. 276)
87A	1970	Appropriation of funds (Special)
88	04/13/70	Utilities department (CMC 13.10); (Repealed by Ord. 419)
89	03/09/70	Sales and use tax (CMC 3.15)
90	09/16/70	Adopts state traffic statutes; repeals Ord. 8 (CMC 10.05); (Superseded by Ord. 273)
91	11/02/70	1971 budget and tax levy (Special)
92	11/70	Amends Ord. 88, utilities (CMC 13.10); (Repealed by Ord. 419)
93	02/15/71	Water and sewer bonds (Special)
94	04/12/71	Water and sewer warrants (Special)
95	09/13/71	Compensation for attendance at council meetings (CMC 2.20); (Amended by Ord. 116 § 1)
96	11/08/71	1972 budget and tax levy (Special)
97	11/08/71	Speed limit on Highway 165 (CMC 10.10); (Replaced by Ord. 199)
98	11/08/71	Amends §§ 5 and 9 of Ord. 88, utilities (CMC 13.10), (§ 1 Amended by Ord. 121); (Repealed by Ord. 419)
99	1973	1974 budget and tax levy (Special)
100	12/05/73	1974 budget and tax levy (Special)
101	01/14/74	Garbage collection and disposal (CMC 8.15); (Amended by Ord. 320, 404 and 414)
102	09/23/74	Street closure (Special)
103	11/11/74	Designates major and secondary arterials (CMC 10.20); Modifies Ord. 56
104	11/11/74	Town engineer and planning commission (Repealed by Ord. 321)
105	11/11/74	Subdivisions (Title 17); (Replaced by Ord. 429)
106	1974	1975 budget and tax levy (Special)
107	02/10/75	Amends Ord. 101, garbage rates (Repealed by Ord. 138)
108	02/24/75	Amends Ord. 87, penal code (Title 9); Replaced by Ord. 276
109	09/22/75	Funds transfer (Special)
110	09/22/75	Funds transfer (Special)
111	1975	1976 budget and tax levy (Special)
112	01/76	Water and sewer rates (Repealed by Ord. 121)
113	05/26/76	Water and sewer lines (CMC 13.10); (Repealed by Ord. 419)
114	1976	1977 budget (Special)
115	11/28/77	1978 budget and tax levy (Special)
116	02/13/78	Compensation for attendance at council meetings (CMC 2.20); (Amended Ord. 95 § 1)
117	05/15/78	Building permit fee (Repealed by Ord. 129)
118	08/07/78	Amends § 10 of Ord. 105, subdivisions (Title 17); (Replaced by Ord. 429)
119	12/11/78	Adopts uniform codes (15.05); (Replaced by Ord. 429)
120	1978	1979 budget (Special)
121	07/23/79	Amends § 5 of Ord. 88 and § 2 of Ord. 98, utilities; repeals § 1 of Ord. 98 and Ord. 112 (CMC 13.10); (Amended by Ord. 364); (Repealed by Ord. 364)
122	1979	Amends § 1 of Ord. 92, utilities (CMC 13.10); (Repealed by Ord. 419)
123	09/10/79	Street closure (Special)

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124	11/19/79	Amends § 11 of Ord. 92, utilities (CMC 13.10); (Repealed by Ord. 419)
125	12/79	1980 budget and tax levy (Special)
126	03/10/80	Cabaret license (CMC 5.15)
127	04/14/80	Business licenses (CMC 5.05); (Amended by Ord. 416)
128	04/14/80	Amusement devices license (CMC 5.10)
129	1980	Repeals Ord. 117 (Repealer)
130	1980	Building inspector's salary (Not codified)
131	10/13/80	Amends § 6 of Ord. 84, use of trailers and mobile homes as dwellings (Repealed by Ord. 322)
132	12/80	1981 budget and tax levy (Special)
133	10/13/81	Variiances (CMC 14.50); (Replaced by Ord. 429)
134	10/13/81	Permanent and temporary living facilities (Repealed by Ord. 322)
135	11/30/81	1982 budget and tax levy (Special)
136	01/11/82	Cemeteries (CMC 8.05)
137	08/10/82	Claims clearing fund (CMC 3.25)
138	06/14/82	Garbage rates; repeals Ord. 107 (Repealed by Ord. 172)
139	01/10/82	Amends § 3 of Ord. 121, utilities (CMC 13.10); (Repealed by Ord. 419)
140	07/01/82	Amends § 1 of Ord. 124, utilities (CMC 13.10); (Repealed by Ord. 419)
141	9/20/82	Funds transfer (Special)
142	02/07/83	Sales and use tax (CMC 3.20)
142A	02/14/83	Amends § 6 of Ord. 142, sales and use tax (CMC 3.20)
143	08/10/82	Real estate excise tax (CMC 3.10)
144	11/13/82	1983 budget and tax levy (Special)
145	03/14/83	Franchise grant (Special)
146	01/11/83	Amends § 9 of Ord. 142, sales and use tax (Not codified)
147	09/12/83	Salary (Special)
148	11/12/83	Amends § 1 of Ord. 140 and 122, utilities (CMC 13.10); (Repealed by Ord. 419)
149	12/12/83	Amends § 7 of Ord. 113, water and sewer lines (CMC 13.10); (Repealed by Ord. 419)
150	12/12/83	Adopts 1984 budget (Special)
151	12/12/83	1984 tax levy (Special)
152	04/09/84	Amends Ord. 69, posting places (CMC 1.10)
153	05/14/84	Adopts uniform codes (Repealed by 181)
154	10/08/84	Amends 1984 budget (Special)
155	11/21/84	Weight restrictions on town roads (CMC 10.25)
156	11/14/84	1985 tax levy (Special)
157	12/17/84	Adopts 1985 budget (Special)
158	12/17/84	Amends Ord. 156, 1985 tax levy (Special)
159	12/10/84	Amends § 1 of Ord. 148, utilities (CMC 13.10); (Repealed by Ord. 419)
160	02/18/85	Combines town clerk and treasurer (CMC 2.05)
161	03/11/85	Oil and gas lease agreement (Special)
162	03/25/85	Amends 1985 budget (Special)
163	04/08/85	Petty cash and change revolving fund (CMC 3.40)
164	08/12/85	Amends § 2 of Ord. 121, utilities (CMC 13.10); (Repealed by Ord. 419)
165	11/12/85	Public education fund (CMC 3.45)

166	12/09/85	1986 tax levy (Special)
167	12/09/85	Adopts 1986 budget (Special)
168	12/28/85	Amends 1985 budget (Special)
169	02/10/86	Payroll clearing fund (CMC 3.35)
170	03/24/86	Energy code (CMC 15.05); (Replaced by Ord. 189)
171	05/12/86	Adopts uniform codes (CMC 15.05); (Replaced by Ord. 190)
172	08/07/86	Garbage rates; repeals Ord. 138 (Repealed by Ord. 177)
173	12/08/86	Sewer rates (CMC 13.10); (Repealed by Ord. 419)
174	12/08/86	Amends 1986 budget (Special)
175	12/08/86	1987 tax levy (Special)
176	12/08/86	Adopts 1987 budget (Special)
177	05/18/87	Garbage rates; repeals Ord. 172 (Repealed by Ord. 196)
178	11/09/87	1988 tax levy (Special)
179	11/09/87	Clerk-treasurer's hours and salary (Special)
180	12/14/87	Adopts 1988 budget (Special)
181	04/11/88	Adopts uniform and state codes; repeals Ord. 153 (Repealed by Ord. 190)
182	09/12/88	Adds § 5 to Ord. 133, variances (CMC 14.50); (Replaced by Ord. 429)
183	10/10/88	Franchise grant (Special)
184	10/10/88	Authorizes appointment of mayor pro tempore (CMC 2.25)
185	11/14/88	Town maintenance superintendent's wages (Special)
186	11/28/88	1989 tax levy (Special)
187	12/12/88	Adopts 1989 budget (Special)
188	12/12/88	Livestock (CMC 6.10) (Replaced by Ord. 379)
189	05/08/89	Uniform codes (CMC 15.05); (Replaced by Ord. 429)
190	07/10/89	Adopts uniform and state codes; repeals Ord. 181 (CMC 15.05); (Replaced by Ord. 429)
191	11/13/89	Amends 1988 budget (Special)
192	11/13/89	Amends 1989 budget (Special)
193	12/11/89	1990 tax levy (Special)
194	12/11/89	Adopts 1990 budget (Special)
195	05/14/90	Public education fund (CMC 3.45); Amends Ord. 165
196	06/18/90	Garbage rates; repeals Ord. 177 (Repealed by Ord. 220)
197	06/18/90	Interlocal agreement (Special)
198	06/18/90	Establishes municipal court and penal code (CMC 2.40, 2.45, 9.05); (Replaced by Ord. 274 § 1 & Ord. 276 § 1)
199	1990	Speed limit on Highway 165 (CMC 10.10)
200	12/03/90	1991 tax levy (Special)
201	12/10/90	Adopts 1991 budget (Special)
202	11/12/91	Sewer rates (CMC 13.10); (Repealed by Ord. 419)
203	11/12/91	Amends § 1 of Ord. 164, utilities (CMC 13.10); (Repealed by Ord. 419)
204	11/12/91	Sewer line repair and construction fund (CMC 3.50); Amended by Ord. 235 and 243
205	12/09/91	Amends Ord. 149, water and sewer lines (CMC 13.10); (Repealed by Ord. 419)
206	12/09/91	Amends Ord. 148, utilities (CMC 13.10); (Repealed by Ord. 419)
207	12/09/91	Water line repair and construction fund (CMC 3.55)
208	12/09/91	1992 tax levy (Special)
209	12/09/91	Adopts 1992 budget (Special)

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210	01/13/92	Land use application review fee (CMC 14.55); (Amended by Ord. 429; re-codified to CMC 14.90)
211	01/13/92	Critical areas and natural resource lands (CMC 16.05); (Replaced by Ord. 428)
212	01/13/92	Agricultural lands (CMC 16.40); (Replaced by Ord. 428)
213	01/13/92	Forest lands (CMC 16.45); (Replaced by Ord. 428)
214	01/13/92	Mineral resource lands (CMC 16.50); (Replaced by Ord. 428)
215	01/13/92	Property adjacent to designated resource lands (CMC 16.55); (Replaced by Ord. 428)
216	01/13/92	Fish and wildlife habitat areas (CMC 16.30); (Replaced by Ord. 428)
217	01/13/92	Flood hazard areas (CMC 16.20); (Replaced by Ord. 428)
218	01/13/92	Wetland protection (CMC 16.10); (Replaced by Ord. 428)
219	01/13/92	Aquifer recharge area (CMC 16.35); (Replaced by Ord. 428)
220	04/13/92	Garbage rates; repeals Ord. 196 (Repealed by Ord. 233)
221	04/13/92	Amends § 3 of Ord. 119, uniform codes (CMC 15.05); (Replaced by Ord. 429)
222	06/15/92	Fireworks (CMC 8.30); (Replaced by Ord. 231)
223	09/14/92	Uniform and state codes (Repealed by Ord. 313)
224	08/10/92	Amends 1991 budget (Special)
225	07/13/92	Building inspector's wage (Special)
226	12/14/92	1993 tax levy (Special)
227	12/14/92	Adopts 1993 budget (Special)
228	12/14/92	Amends 1992 budget (Special)
229	02/08/93	Annexation (Special)
230	05/10/93	Water conservation (CMC 13.15); (Amended by Ord. 305)
231	06/14/93	Fireworks (CMC 8.30); (Replaced by Ord. 291)
232	08/09/93	Franchise grant (Special)
233	09/21/93	Garbage rates; repeals Ord. 220 (Repealed by Ord. 254)
234	09/21/93	Amends § 1 of Ord. 203, utilities (CMC 13.10); (Repealed by Ord. 419)
235	09/21/93	Amends § 2 of Ord. 204, sewer line repair and construction fund (CMC 3.50); (Replaced by Ord. 243)
236	09/21/93	Amends § 2 of Ord. 207, water line repair and construction fund (CMC 3.55)
237	11/08/93	Annexation (Special)
238	12/13/93	1994 tax levy (Special)
239	12/13/93	Adopts 1994 budget (Special)
240	12/13/93	Amends 1993 budget (Special)
241	04/11/94	Geologically hazardous areas (CMC 16.25); (Replaced by Ord. 428)
242		Water connection allocations (Not adopted)
243	07/13/94	Amends § 2 of Ord. 204, sewer line repair and construction fund (CMC 3.50)
244	07/13/94	Amends § 2 of Ord. 207, water line repair and construction fund (CMC 3.55)
245	1994	Interlocal drug fund (CMC 3.30)
246	09/19/94	Franchise grant (Special)
247	09/19/94	Planning commission (Repealed by Ord. 321)
248	12/12/94	Sewer rates (Repealed by Ord. 282)
249	12/12/94	1995 tax levy (Special)



250	12/12/94	Adopts 1995 budget (Special)
251	12/12/94	Amends 1994 budget (Special)
252	12/12/94	Annexation (Special)
253	04/10/95	Stormwater management (CMC 16.15); (Replaced by Ord. 428)
254	04/10/95	Garbage rates; repeals Ord. 233 (Repealed by Ord. 265)
255	09/13/95	Comprehensive plan (CMC 14.05); (Repealed by Ord. 344)
256	12/11/95	Amends 1995 budget (Special)
257	12/11/95	1996 tax levy (Special)
258	12/11/95	Adopts 1996 budget (Special)
259	01/08/96	Amends §§ 1 – 6 of Ord. 223, uniform and state codes (Repealed by Ord. 313)
260	08/14/96	Comprehensive plan (Special); (Repealed by Ord. 344)
261	12/09/96	Amends 1996 budget (Special)
262	12/09/96	1997 tax levy (Special)
263	12/09/96	Adopts 1997 budget (Special)
264	03/10/97	Sale of real and personal property of the town (CMC 3.05)
265	05/12/97	Garbage rates; repeals Ord. 254 (Repealed by Ord. 280)
266	05/12/97	Amend § 2 of Ord. 247, planning commission (Repealed by Ord. 321)
267	05/12/97	Fees for town services and permitting activities (CMC 14.60); (Amended by Ord. 429; re-codified CMC 14.95)
268	05/12/97	Consolidated development code (CMC 14.05, 14.10, 14.15, 14.20, 14.25, 14.30, 14.35, 14.40, 14.45, 16.05, 16.10, 16.20, 16.25, 16.30, 16.35, 16.40, 16.45, 16.50, 16.55, 17.05, 17.10, 17.15, 17.20, 17.25, 17.30, 18.05, 18.10, 18.15, 18.20, 18.25, 18.30, 18.35, 18.40, 18.45, 18.50, 18.55); (Repealed and Replaced by Ord. 428 and 429; CMC 14.30 renumbered to 14.50)
269	10/13/97	Potentially dangerous dogs; repeals Ord. 79 (CMC 6.15)
270	12/08/97	Amends 1997 budget (Special)
271	12/08/97	1998 tax levy (Special)
272	12/08/97	Adopts 1998 budget (Special); (Repealed by Ord. 404)
273	03/09/98	Adopts Washington Model Traffic Ordinance (CMC 10.05)
274	03/09/98	Amends § 1 of Ord. 198, municipal court (CMC 2.40)
275	03/09/98	Amends § 2 of Ord. 198, interlocal agreements (CMC 2.45)
276	03/09/98	Amends § 3 of Ord. 198, penal code (CMC 9.05)
277	11/09/98	1999 tax levy (Special)
278	12/14/98	Adopts 1999 budget (Special)
279	12/14/98	Amends § 1 of Ord. 277, 1999 tax levy (Special)
280	02/08/99	Garbage rates; repeals Ord. 265 (Repealed by Ord. 283)
281	11/08/99	Amends Ord. 234, water rates (CMC 13.10); (Amended by Ord. 296)
282	11/08/99	Sewer rates; repeals Ord. 248; (Repealed by Ord. 297)
283	11/08/99	Garbage rates; repeals Ord. 280 (Repealed by Ord. 298)
284	12/13/99	2000 tax levy (Special)
285	12/13/99	Adopts 2000 budget (Special)
286	05/08/00	Amends Ord. 266, planning commission (Repealed by Ord. 321)
287	11/13/00	2001 tax levy (Special)
288	12/04/00	Readopts Ord. 281, 282 and 283, fees (CMC 13.10)
289	12/11/00	Amends 2000 budget (Special)
290	12/11/00	Adopts 2001 budget (Special)
291	10/15/01	Fireworks (CMC 8.30)

292	11/14/01	2002 tax levy (Special)
293	12/10/01	Adopts 2002 budget (Special)
294	12/10/01	Amends 2001 budget (Special)
295	12/10/01	Temporary structures (CMC 15.20)
296	01/14/02	Amends Ord. 281, water rates (CMC 13.10); (Amended by Ord. 318)
297	01/14/02	Sewer rates; repeals Ord. 282 (Repealed by Ord. 319)
298	02/11/02	Garbage rates; repeals Ord. 283 (Repealed by Ord. 304)
299	2002	Cross-connection control program (CMC 13.20)
300	11/13/02	2003 tax levy (Special)
301	12/09/02	Real estate excise tax capital projects fund (CMC 3.10)
302	12/09/02	Amends 2002 budget (Special)
303	12/09/02	Adopts 2003 budget (Special)
304	03/10/03	Garbage rates; repeals Ord. 298 (Repealed by Ord. 311)
305	07/21/03	Amends Ord. 230, water conservation (CMC 13.15)
306	09/10/03	Tax levy special election (Special)
307	09/10/03	Tax levy special election (Special)
308	11/12/03	2004 tax levy (Special)
309	12/08/03	Amends 2003 budget (Special)
310	12/08/03	Adopts 2004 budget (Special)
311	02/09/04	Garbage rates; repeals Ord. 304 (Repealed by Ord. 320)
312	05/10/04	Junk vehicles (Repealed by Ord. 323)
313	06/16/04	Building codes; repeals Ord. 223 and 259 (CMC 15.05); (Repealed by Ord. 342)
314	11/08/04	2005 tax levy (Special)
315	11/08/04	2005 tax levy (Special)
316	12/13/04	Amends 2004 budget (Special)
317	12/13/04	Adopts 2005 budget (Special)
318	01/10/05	Amends Ord. 296, water rates (CMC 13.10); (Amended by Ord. 331)
319	01/10/05	Sewer rates; repeals Ord. 297 (CMC 13.10); (Replaced by Ord. 332)
320	04/11/05	Garbage rates; repeals Ord. 304 (CMC 8.15); (Repealed by Ord. 339)
321	07/11/05	Repeals Ord. 104, 247 and 266, planning commission (Repealer)
322	11/14/05	Travel trailers; repeals Ord. 84, 131 and 134 (CMC 15.10)
323	11/14/05	Abandoned vehicles; repeals Ord. 82 and 312 (CMC 8.20)
324	11/14/05	Amends Ord. 121, water rates (13.10); (Superseded by Ord. 364)
325	11/14/05	2006 tax levy (Repealed by Ord. 329)
326	11/14/05	2006 tax levy (Repealed by Ord. 330)
327	12/12/05	Amends 2005 budget (Special)
328	12/12/05	Adopts 2006 budget (Special)
329	12/12/05	2006 tax levy; repeals Ord. 325 (Special)
330	12/12/05	2006 tax levy; repeals Ord. 326 (Special)
331	07/17/06	Water Rate Increase (CMC 13.10); (Amends Ord. 318); (Amended by Ord. 350)
332	07/17/06	Sewer Rate Increase; (Replaces Ord. 319); (Superseded by Ord. 355)
333	07/17/06	Overtime/Compensatory Time
334	07/17/06	Adopts Chapter CMC 1.01 (Repealed by Ord. 429)
335	11/15/06	EMS Levy Increase (Special); (Replaced by Ord. 347)

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336	11/15/06	2007 tax levy; (Replaced by Ord. 348)
337	12/11/06	2006 Budget Amendment (Special)
338	12/11/06	Adopts 2007 Budget (Special)
339	04/01/07	2007 Garbage Rate Increase; (Repeals Ord. 320)
340	04/09/07	Adopts a System of Registration of Bonds and Obligations
341	N/A	ordinance number not used
342	07/09/07	Adopts 2006 IBC Codes; Repeals Ord. 313; (Repealed by Ord. 429)
343	05/14/07	Water Leaks on Private Property; (Repealed by Ord. 363)
344	09/10/07	Adopts 2007 Comprehensive Plan; Repeals 1995 Comprehensive Plan; (Repealed by Ord. 417)
345	09/10/07	Adopts Critical Areas Ordinance; (Repealed by Ord. 428)
346	10/10/07	Adopts Water System Small Loan (Special)
347	11/14/07	EMS Levy Increase (Special); (Replaced by Ord. 358)
348	11/14/07	2008 Property Tax Levy (Special); (Replaced by Ord. 357)
349	12/10/07	2008 Budget (Special); (Replaced by Ord. 360)
350	01/14/08	2008 Water Rate Increase; Amends Ord. 331; (Replaced by Ord. 354)
351	02/11/08	2008 Garbage Rate Increase; (Repeals Ord. 339); (Repealed by Ord. 361)
352A	01/14/08	Adopts State Highway Access Management and Access Permitting (CMC 10.30)
352B	04/14/08	Salary Increase Town Maintenance Water/Sewer Utilities Worker (Special)
353	04/14/08	Salary Increase Clerk-Treasurer (Special); (Replaced by Ord. 356)
354	10/15/08	2008 Water Rate Increase; Amends Ord. 350; Replaced by Ord. 385)
355	10/15/08	2008 Sewer Rate Increase; (Replaces Ord. 332)
356	10/15/08	Salary Increase Clerk-Treasurer (Special)
357	11/10/08	2009 Property Tax Levy (Special); (Replaced by Ord. 367)
358	11/10/08	2009 EMS Levy Increase (Special); (Replaced by Ord. 368)
359	12/15/08	2008 Budget Amendment (Special); (Amends Ord. 349);
360	12/15/08	2009 Budget (Special); (Replaced by Ord. 370)
361	02/10/09	2009 Garbage Rate Increase (Special); Repeals Ord. 351; (Replaced by Ord. 372)
362	01/12/09	2009 Wage and Salary Schedule (Special)
363	03/09/09	Water Leaks on Private Property; Repeals Ord. 343
364	03/09/09	2009 Water Fees and Regulations; Repeals Ord. 324; (Replaced by Ord. 419)
365	03/09/09	2009 Wage and Salary Schedule (Special)
366	09/14/09	Renaming of Streets and Readdressing CMC 12.10
367	11/16/09	2010 Property Tax Levy (Special); (Replaced by Ord. 376)
368	11/16/09	2010 EMS Levy Increase; (Replaced by Ord. 377)
369	11/16/09	Noise (CMC 8.40)
370	12/14/09	2010 Budget (Special); (Replaced by Ord. 381)
371	12/14/09	Adopting Pierce County Animal Control (CMC 6.15)
372	02/08/10	2010 Garbage Rate Increase (Special); Repeals Ord. 361; (Replaced by Ord. 404)
373	02/08/10	New Utility Tax (CMC 3.65)



374	07/12/10	Issuing Water Service Connections (CMC 13.12.090); (Replaced by Ord. 420)
375	10/11/10	Parking on Pershing; Amends Ord. 29; Amends CMC 10.15
376	11/18/10	2011 Property Tax Levy (Special); (Replaced by Ord. 390)
377	11/18/10	2011 EMS Levy Increase (Special); (Replaced by Ord. 391)
378	11/15/10	Keeping of Fowl and Rabbits (CMC 6.05)
379	11/15/10	Keeping of Livestock (CMC 6.10); Supersedes Ord. 188 and 260, Section 3.63G
380	11/15/10	Increases Real Estate Excise Tax (CMC 3.10.010)
381	12/13/10	2011 Budget (Special); (Replaced by Ord. 389)
382	03/14/11	2011 Budget Amendment (Special)
383	05/14/11	2011 Wage and Salary Increase (Special)
384	06/15/11	2010 Budget Amendment (Special); Amends Ord. 370
385	11/14/11	2011 and 2012 Water Rate Increase (Special); Replaces Ord. 354; (Replaced by Ord. 394)
386	11/14/11	2012 Property Tax Levy (Special); (Replaced by Ord. 390)
387	11/14/11	2012 EMS Levy Increase (Special); (Replaced by Ord. 391)
390	11/28/12	2013 Property Tax Levy (Special); (Replaced by Ord. 406)
391	11/28/12	2013 EMS Levy Increase (Special); (Replaced by Ord. 407)
392	12/17/12	Transportation Benefit District (CMC 3.60)
393	12/27/12	City Street General Fund Transfer (Special)
394	12/17/12	2013 Water Rate Increase; Replaces Ord. 385; (Replaced by Ord. 411)
395	12/17/12	2013 Sewer Rate Increase; Replaces Ord. 355; (Replaced by Ord. 412)
396	12/27/12	Creates Storm and Surface Water Utility (CMC 13.36)
397	12/10/12	Changing Claims to Checks (Special)
398	12/27/12	2013 Budget (Special); Amended by Ord. 409; (Replaced by Ord. 408)
399	05/13/13	Establishing Nuisances (CMC 8.35)
400	04/10/13	Transportation Benefit District; Amends 3.60.030 and 3.60.040
401	05/13/03	Administrative Charge for Refuse; (Repealed by Ord. 404)
402	05/13/13	Separate Fee Schedule (Special); Amends Ord. 401
403	09/09/13	Utility Accounts Bill to Property Owners: Amends CMC 8.15.090, 13.10.050, and 13.10.090; Repeals CMC 13.05 and Ord. 33; (Replaced by Ord. 419)
404	06/10/13	Garbage Rate Increase; Repeals Ord. 272 and 401; (Repealed by Ord. 414)
405	09/09/13	Moratorium on the Recreational Use of Marijuana; (Replaced by Ord. 429)
406	11/11/13	2014 Property Tax Levy (Special); (Replaced by Ord. 421)
407	11/11/13	2014 EMS Levy Increase (Special); (Replaced by Ord. 422)
408	12/16/13	2014 Budget (Special); (Replaced by Ord. 424)
409	12/16/13	2013 Budget Amendment (Special); Amends Ord. 398
410	12/16/13	Electric Utility Tax Increase
411	12/16/13	2014 Water Rate Increase (Special); (Repealed by Ord. 419)
412	12/16/13	2014 Sewer Rate Increase (Special)
413	12/30/14	2013 Budget Amendment (Special); Amends Ord. 409
414	01/13/14	Garbage Rate Increase; Repeals Ord. 404; (Repealed by Ord. 423)
415	04/28/14	Water Service Connection Moratorium (Special)
416	06/10/14	Business Licenses (CMC 5.05); (Amends Ord. 127)

417	06/30/14	Adopts 2014-2034 Comprehensive Plan; Repeals 2007 Comp Plan; (Replaced by Ord. 426)
418	07/31/14	2014 Revised EMS Levy (Special)
419	09/08/14	Creates Water and Sewer Utility, CMC 13.12; amends CMC 8.15.090 and 13.36.130; Repeals CMC 13.05 and 13.10
420	10/07/14	Issuing Water Service Connections (CMC 13.12.090); Replaced Ord. 374
421	11/24/14	2015 Property Tax Levy Increase (Special)
422	11/24/14	2015 EMS Levy Increase (Special)
423	12/15/14	Refuse Collection Fee; Repeals Ord. 414
424	12/29/14	2015 Budget (Special)
425	03/16/15	Marijuana Production, Processing and Retailing Moratorium; (Replaced by Ord. 429)
426	06/09/15	Adopts 2015 Update of 2014-2034 Comprehensive Plan
427	06/09/15	Adopts 2015 Economic Development Plan
428	06/09/15	Adopts new Best Available Science and Critical Areas Ordinance (replaces CMC Title 16)
429	06/09/15	Adopts New Municipal Code (CMC Chapters 1.01, 1.05, and 1.10; Chapter 2.50; Chapter 5.20; Chapter 10.30; Chapter 12.10; and replaces Titles 14, 15, 17, and 18) and repeals former ordinances (See CMC 1.01.060 for complete list)
430	06/09/15	Marijuana Production, Processing and Retailing Moratorium
431	N/A	Codification of Prior Ordinances (Ord. 331-430), Repealing, Superseding and Amending Ordinances
432	09/28/15	Town of Carbonado Absorbing the Carbonado Transportation Benefit District; Repealed by Ord. 442
433	09/26/15	Animal Control Amendment, Repealing CMC 6.05, 6.10 and 6.15 and Replacing with CMC 6.01; Repealing Ord. 371; Modifying CMC 8.40 Noise and Ord. 369; and Adding CMC 9.05020
434	11/09/15	2016 Property Tax Levy Increase (Special)
435	11/09/15	2016 EMS Levy Increase (Special)
436	11/23/15	Amending the Definition of an Accessory Dwelling Unit, CMC 18.10.030.2
437	N/A	ordinance number not used
438	N/A	ordinance number not used
439	12/21/15	2016 Budget (Special)
440	12/21/15	2015 Budget Amendment (Special); Amends Ord. 424
441	03/09/16	Amends CMC 6.01 Animals; Amends Ord. 433
442	03/31/16	Repeals Ord. 432; Re-adopts Assumption of Rights, Powers, Functions, Immunities and Obligations of the Carbonado Transportation Benefit District; Amends CMC 3.60
443	N/A	Void
444	06/01/16	Allowing for Motorized Recreational Vehicles, Wheeled All-Terrain Vehicles Use on Public Streets, CMC 10.35
445	07/18/16	Adopting Public Works Standards, Title 11
446	09/12/16	Decreasing Town Speed Limit, Adopts CMC 10.40
447	09/12/16	Adopting Complete Streets, Adopts CMC 11.45
448	11/14/16	2017 Property Tax Levy Increase (Special)
449	11/14/16	2017 EMS Levy Increase (Special)
450	12/12/16	2017 Storm and Surface Water Charge Increase; Amends CMC 13.36.110A

451	N/A	Void
452	12/12/16	2017 Budget (Special)
453	12/12/16	2016 Budget Amendment (Special)
454	02/27/17	Flood Hazard Areas; Amends CMC 16.05 and 16.25
455	06/06/17	Travel Trailer Occupancy; Amends CMC 15.10
456	07/17/17	Building and Fire Code Updates; Repeals CMC 15.05, Adds CMC 15.06 and 15.07
457	07/17/17	Fireworks; Repeals and Replaces CMC 8.30
458	08/14/17	Vacation of a Portion of 6 <sup>th</sup> Street
459	09/11/17	Bulk and Dimensional Regulation; Amends CMC 18.25.010
460	11/13/17	2018 Property Tax Levy Increase (Special)
461	11/13/17	2018 EMS Levy Increase (Special)
462	12/11/17	2017 Budget Amendment (Special)
463	12/11/17	2018 Budget (Special)
464	01/08/18	Water and Sewer Late & Shut Off Charges; Modifies CMC 13.12.070
465	08/13/18	Changing and Adding Funds To Property Account For Revenues and Expenditures By Activities
466	N/A	Void
467	N/A	Void
468	09/21/18	Business Licensing; Amends CMC Title 5
469	10/09/18	Establishing A Moratorium On Water Service Connections and New Subdivision Applications (Special)
470	11/12/18	2019 Property Tax Levy Increase (Special)
471	11/12/18	2019 EMS Levy Increase (Special)
472	10/25/18	2018 Budget Amendment (Special)
473	11/30/18	Overtime/Compensatory Time; Amends Ord. 333, Section 403 (Repealed by Ord. 475)
474	12/10/18	2019 Budget (Special)
475	12/27/18	Overtime/Compensatory Time; Amends Ord. 333, Section 403; Replaces Ord. 473
476	01/14/19	Rural Community Assistance Corporation Revenue Bond for Town Water System Improvements (Special)
477	08/19/19	Establish/Extend a Moratorium on Subdivisions, Accessory Dwelling Units and Water Service Connections (Special)
478	07/15/19	Repeal and Replace CMC 10.15 Related to Parking
479	07/15/19	Water and Sewer Revenue Bond (Special)
480	08/12/19	Adopts Grinder Pump Control, CMC 13.13
481	09/09/19	Amends CMC 13.12.060 and 13.12.090 Utility Service Applications and Installation
482	09/09/19	Sewer Utility Revenue Bond (Special)
483	11/11/19	2020 Property Tax Levy (Special)
484	11/11/19	2020 EMS Levy (Special)
485	11/11/19	2019 Budget Amendment (Special)
486	11/11/19	Establishing Education Fund (No. 701) (Special)
487	11/11/19	2020 Budget (Special)
488	01/13/20	Water Bond, Amends Ord. 479 (Special)
489	01/13/20	Re-Authorizing EMS Levy to Vote (Special)