

## ORDINANCE NO. 375

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AMENDING CHAPTER 21.06 WMC TECHNICAL TERMS AND LAND USE DEFINITIONS TO ADD NEW SCIENTIFIC DEFINITIONS; REPEALING CHAPTER 21.24 WMC DEVELOPMENT STANDARDS - ENVIRONMENTALLY SENSITIVE AREAS; ADOPTING A NEW CHAPTER 21.24 WMC DEVELOPMENT STANDARDS - CRITICAL AREAS FOR REGULATING CRITICAL AQUIFER RECHARGE AREAS, GEOLOGICAL HAZARD AREAS, FLOOD HAZARD AREAS, FISH AND WILDLIFE CONSERVATION AREAS, STREAMS AND WETLANDS AS REQUIRED BY THE GROWTH MANAGEMENT ACT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to RCW 36.70A.172, cities are required to include the best available science in developing policies and development regulations to protect the functions and values of critical areas; and

WHEREAS, the goals and policies of the Environmental Chapter of the City of Woodinville Comprehensive Plan support the protection and enhancement of Woodinville's natural environment; and

WHEREAS, the City Council's 2004 Environmental Goal is to create a community that reduces waste stream, promotes energy conservation, preserves and enhances aquatic and wildlife habitat, protects and improves water quality, and protects the public from natural hazards; and

WHEREAS, the City has retained a qualified consultant, Adolfson and Associates, with expertise in best available science research and environmental regulations to advise the City in the development of the City's critical areas regulations; and

WHEREAS, a Citizen Advisory Panel was appointed to promote public involvement in the development of the City's critical areas regulations; and

WHEREAS, the Planning Commission held a series of study sessions and public meetings to consider best available science and alternatives to the critical areas regulations; and

WHEREAS, the Planning Commission has determined that certain amendments are necessary to Chapter 21.06 WMC Technical Terms and Land Use Definitions, and that current Chapter 21.24 WMC Development Standards - Environmentally Sensitive Areas should be replaced with new critical areas regulations and standards incorporating best available science as required by state law; and

WHEREAS, the Planning Commission, pursuant to WMC 17.07.050, conducted a public hearing on September 22, 2004, for the purpose of receiving public testimony regarding the proposed amendments to the City's critical areas regulations and technical terms; and

WHEREAS, pursuant to the Growth Management Act, the code amendments contained herein were developed using the best available science, as well as consideration of other relevant GMA goals and economic requirements; and

WHEREAS, current studies including the David Evans *Little Bear Creek Corridor Habitat Assessment* July 2002, Adolfson and Associates *Woodin Creek Habitat Assessment* April 2004 and the Army Corp of Engineer *Sammamish River Assessment* reports, indicate that in-stream and stream corridor habitats for the most are at risk and/or not properly functioning; and

WHEREAS, studies show the "not properly functioning to risk" parameters include water quality, habitat elements, channel conditions and dynamics, flow hydrology, and watershed conditions for the Little Bear Creek and Woodin Creek; and

WHEREAS, baseline conditions determined to to be not properly functioning are likely the most limiting conditions for salmonids; and

WHEREAS according to the science, effective buffer widths for riparian functions vary considerably; the literature is not definitive in identifying one buffer width for each

function studied. The wide range of reported effective buffer widths indicates that site-specific factors are important in determining the outcome; and

WHEREAS, the ranges for buffer widths vary in size for a particular function, according to the scientific studies. Water temperature, sediment and pollution retention, healthy benthic communities and habitat for some species may be achieved in 100 feet of a restored and enhanced riparian stream corridors; and

WHEREAS, the Critical Areas Ordinance deviates from the guidance of best available science in regards to the wetland and stream buffer widths and is contrasted by other considerations such as Growth Management targets, existing land use, physical constraints, economic development, and the financial burden placed upon the private land owner along stream corridors. The large buffer widths recommended by the science would impede most development rights on the existing parcels in the stream corridors; and

WHEREAS, the standard buffer requirement on wetlands and streams may be reduced in exchange for buffer restoration or enhancement, thus achieving a net gain in buffer function and value; and

WHEREAS, the following City of Woodinville programs have already offset some of the urban environmental impacts in the areas of capital projects, restoration projects, operational investments and code revisions;

- Participation Water Resource Inventory Area (WRIA) 8 regional planning
- Acquisition of properties with critical areas
- Scientific assessment studies on major and minor streams.
- ESA regional road maintenance program.
- BAS study and code revision (in progress)
- Mapping of sensitive areas
- Projects for fish habitat enhancement of Little Bear Creek (LBC) and Woodin Creek i.e. (this list is inclusive of the WRIA 8 Near Term Action Agenda)
- Creating pools as refuge places for fish on the Sammamish River
- Culvert replacement at three different locations on LBC
- Weir replacement on LBC

- Bank restoration projects to include removal of invasive plants and replanting native vegetation on LBC, Sammamish River, and Woodin Creek
- Public outreach programs i.e. Salmon Watchers, Sammamish Re-Leaf, chipping and recycling events, promotion of the Built Green Program.
- The designation of wildlife habitat areas (in progress).
- The urban forest program for preservation of our urban forest.
- Storm water inventory and Woodinville stormwater comprehensive plan, and implementation of the NPDES Phase 2 process (Ecology's comprehensive stormwater management program);
- Development of a monitoring system to maintain and assure successful restoration projects.

WHEREAS, mitigation compensation in wetland and stream corridor buffers when developed, require and must include best available science studies and analysis, delineations, mitigation and planting plans, 5 year monitoring plans, and contingency plans in case of enhancement or restoration failure; and

WHEREAS, the Planning Commission has considered the proposed amendments and recommends adoption thereof by the City Council;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Findings and Conclusions.** After consideration of all relevant material, including but not limited to the Planning Commission's recommendation, the City Council hereby makes the following findings:

1. The recitals expressed herein are hereby adopted as the formal findings and conclusions of the City Council;
2. The code amendments effected by this ordinance are consistent with the purposes of the Woodinville Comprehensive Plan, as required by WMC 21.46.030(1);
3. Said amendments are consistent with the purpose of the Woodinville Zoning Code, as required by WMC 21.46.030(2);
4. Said amendments will benefit the public health, safety, and welfare sufficient to warrant the Council's action, as required by WMC 21.46.030(3); and
5. Said amendments will not negatively affect environmental planning and quality in the City of Woodinville.

**Section 2. Amendments to Chapter 21.06 WMC Technical Terms and Land Use Definitions.** Chapter 21.06 WMC, the Technical Terms and Land Use Definition chapter of the City of Woodinville Zoning Code, is hereby amended as set forth in

Attachment A, incorporated herein by this reference as if set forth in full. New text is shown by underline; deleted text is shown by ~~strike through~~.

**Section 3. Amendments to Chapter 21.24 WMC Environmentally Sensitive Areas.**

Chapter 21.24 WMC, the Environmentally Sensitive Areas chapter of the City of Woodinville Zoning Code, is hereby repealed in its entirety and a new Chapter 21.24 WMC Development Standards — Critical Areas, is hereby adopted as set forth in Attachment B, incorporated herein by this reference as if set forth in full.

**Section 4. Severability.** If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

**Section 5. Effective Date.** This ordinance shall take effect and be in full force upon five days after publication. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 13<sup>th</sup> DAY OF DECEMBER 2004.

APPROVED:



Don Brocha, Mayor

ATTEST/AUTHENTICATED:

By: Sandra Parker / CMC  
Sandra Parker/CMC  
City Clerk/MMCA

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By: Zach Lell  
Zach Lell  
City Attorney

PASSED BY THE CITY COUNCIL: 12-13-2004  
PUBLISHED: 12-20-2004  
EFFECTIVE DATE: 12-25-2004  
ORDINANCE NO. 375

## CHAPTER 21.06 TECHNICAL TERMS AND LAND USE DEFINITIONS

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- 21.06.001 Scope of Chapter.
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- 21.06.008 Accessory use, resource.
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- 21.06.015 Adult use facility.
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- 21.06.001**     **Scope of Chapter.** This Chapter contains definitions of technical and procedural terms used throughout the code as well as definitions of land use shown in WMC 21.08, Permitted Uses. See WMC 21.02, Authority, Purpose, Interpretation and Administration, for rules on interpretation of the code, including use of these definitions. Development standards are found in WMC 21.12 through WMC 21.38.
- 21.06.003**     **Abutting, Adjoining.** Abutting, adjoining: to touch along a border or bounding at a point or line.
- 21.06.005**     **Accessory living quarters.** Accessory living quarters: living quarters in an accessory building for the use of the occupant or persons employed on the premises, or for temporary use of guests of the occupant. Such quarters have no kitchen as defined in the International Building Code and are not otherwise used as a separate dwelling unit.
- 21.06.008**     **Accessory use, resource.** Accessory use, resource:
- (1) A use, structure, or part of a structure, which is customarily subordinate and incidental to a resource use including, but not limited to, the following uses:
    - (a) Housing of agricultural workers; or
    - (b) Storage of agricultural products or equipment used on site.
  - (2) Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval.
- 21.06.010**     **Accessory use, commercial/industrial.** Accessory use, commercial/industrial:
- (1) A use that is subordinate and incidental to a commercial or industrial use; including, but not limited to the following uses:
    - (a) Administrative offices, not to exceed forty-nine (49) percent of gross floor area (in industrial uses),
    - (b) Employee exercise facilities,
    - (c) Employee food service facilities,
    - (d) Incidental storage of raw materials and finished products sold or manufactured on-site,
    - (e) Business owner or caretaker residence,
    - (f) Cogeneration facilities, and
    - (g) Ground maintenance facilities.
    - (h) Retail area is limited to ten percent (10) of the gross floor area, not to exceed (3,000) square feet regardless of gross floor area of the principal manufacturing use.
  - (2) Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval.

- 21.06.013 Accessory use, residential.** Accessory use, residential:
- (1) A use, structure, or activity which is subordinate and incidental to a residence including, but not limited to, the following uses:
    - (a) Accessory living quarters and dwellings;
    - (b) Fallout/bomb shelters;
    - (c) Keeping household pets;
    - (d) On-site rental office;
    - (e) Pools, private docks, piers;
    - (f) Antennae for private telecommunication services;
    - (g) Storage of yard maintenance equipment; or
    - (h) Storage of private vehicles, e.g. motor vehicles, boats, trailers or aircraft.
  - (2) Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval.
- 21.06.014 Adjacent.** Adjacent: property that is located within 300 feet of a property line of a subject property.
- 21.06.015 Adult use facility.** Adult use facility: an enterprise predominantly involved in the selling, renting or presenting for commercial purposes of books, magazines, motion pictures, films, video cassettes, cable television, live entertainment, performance or activity distinguished or characterized by a predominant emphasis on the depiction, simulation or relation to "specified sexual activities" as defined in this chapter for observation by patrons therein. Examples of such establishments include, but are not limited to, adult book or video stores and establishments offering panoramas, peep shows or topless or nude dancing.
- 21.06.018 Agricultural crop sales.** Agricultural crop sales: the retail sale of fresh fruits, vegetables and flowers produced on-site. This use is frequently found in roadside stands or U-pick establishments and includes uses located in NAICS Major Group and Industry Group No.:
- (1) 111-Agricultural Production-Crops, and
  - (2) 44523-Fruit and Vegetable Markets.
- 21.06.020 Agricultural products.** Agricultural products: items resulting from the practice of agriculture, including crops such as fruits, vegetables, grains, seed, feed, and plants, or animal products such as eggs, milk and meat.
- 21.06.023 Aircraft, ship and boat manufacturing.** Aircraft, ship and boat manufacturing: the fabrication and/or assembling of aircraft, ships or boats, and including uses located in NAICS Industry Group Nos.:
- (1) 33641-Aerospace, and Aircraft Product and Parts Manufacturing
  - (2) 541771- Aircraft Research and Development in the Physical Engineering and Life Sciences.
  - (3) 48839 - Other Support Activities for Water Transportation

(4) 33661-Ship and Boat Building and Repairing.

**21.06.025 Airport/heliport.** Airport/heliport: any runway, landing area or other facility excluding facilities for the primary use of the individual property owner which is designed or used by both public carriers or private aircraft for the landing and taking off of aircraft, including the following associated facilities:

- (1) Taxiways,
- (2) Aircraft storage and tie-down areas,
- (3) Hangars,
- (4) Servicing, and
- (5) Passenger and air freight terminals.

**21.06.027 Alley.** Alley: an improved thoroughfare or right-of-way, whether public or private, usually narrower than a street, that provides vehicular access to an interior boundary of one or more lots, and is not designed for general traffic circulation.

**21.06.028 Alternative antenna support structure.** Alternative antenna support structure: an "alternative antenna support structure" shall include flat roofs of buildings; bell towers; clock towers; water towers; church steeples; street light standards; traffic light and traffic sign structures; utility poles; and other man-made structures and devices, excluding billboards and commercial signs, that extend vertically from the ground to a sufficient height or elevation to accommodate the attachment of antennas at an altitude or elevation that is required for commercial activity for wireless communications signal transmission and reception.

**21.06.029 Amusement arcades.** Amusement arcades: a building or part of a building in which five or more pinball machines, video games, or other such player-operator amusement devices (excluding juke boxes or gambling-related machines) are operated.

**21.06.030 Anadromous fish.** Anadromous fish: fish that spawn and rear in freshwater and mature in the marine environment.

**21.06.031 Animal, small.** Animal, small: any animal other than livestock or animals considered to be predatory or wild which are kept outside a dwelling unit all or part of the time. Animals considered predatory or wild shall be considered small animals when they are taken into captivity for the purposes of breeding, domestication, training, hunting or exhibition.

**21.06.032 Antenna.** Antenna: a specific device, the surface of which is used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas. For purposes of illustration, such antennas include, but are not limited to, the following:

- (1) Omni-directional (or "whip") antennas, designed to transmit and/or receive signals in a 360 degree pattern,

- (2) Directional (or "panel") antennas, designed to transmit and/or receive signals in a directional pattern which is less than 360 degrees, typically an arc of approximately 120 degrees,
- (3) Parabolic (or "dish") antennas, generally bowl-shaped devices that are designed to transmit and/or receive signals in a specific directional pattern, and
- (4) Ancillary antennas that are not directly used to provide wireless communication services, such as a global positioning system ("GPS") antenna.

**21.06.033 Antenna array.** Antenna array: two or more devices used for the transmission or reception of radio frequency signals, microwave or other signals for personal wireless services purposes and may include omni-directional antennas, directional antennas, parabolic antennas, and ancillary antennas. Two or more antennas situated or mounted upon or attached to a single platform or mounting structure which is affixed or attached to the top of an antenna support structure or mid-way thereon, or to an alternative antenna support structure, including the roof of a flat-roofed building, are included in the definition of antenna array.

**21.06.034 Antenna support structure.** Antenna support structure: a structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing antennas at a height, altitude, or elevation for the purpose of providing personal wireless services. For purposes of illustration, antenna support structures include, but are not limited to, the following:

- (1) A "lattice tower" is a support structure that consists of metal crossed strips, bars, or braces, forming a tower which may have three, four, or more sides,
- (2) A "monopole tower" is a support structure consisting of a single vertical metal, concrete or wooden pole, typically round or square, and driven into the ground or attached to a foundation, and
- (3) A "guyed tower" is a support structure usually over 100 feet tall, which consists of metal crossed strips or bars, and is steadied by wire guys in a radial pattern around the tower.

**21.06.035 Applicant.** Applicant: a property owner or any person or entity acting as an agent for the property owner in an application for a development proposal, permit or approval.

**21.06.036 Auction house.** Auction house: an establishment where the property of others is sold by a broker or auctioneer to persons who attend scheduled sales periods or events.

**21.06.037 Auto Parts Yard.** A tract of land on which used, damaged or otherwise inoperable motor vehicles are stored and disassembled, the parts of which may be sold (wholesale or retail) on-site.

- 21.06.038 Base flood.** Base flood: a flood having a one percent chance of being equaled or exceeded in any given year, often referred to as the "100-year flood." Designation on FIRM maps always includes the letters A or V.
- 21.06.040 Base flood elevation.** Base flood elevation: the water surface elevation of the base flood in relation to the National Geodetic Vertical Datum of 1929.
- 21.06.043 Basement.** Any area of a building having its floor subgrade (below ground level) on all sides. That portion of a building that is partly or entirely below grade and intended as building square footage and used for habitation, storage, or parking.
- 21.06.045 Basin, primary.** Primary basin; a stream basin that provides significant fish and wildlife habitat, are largely open channel systems, have the potential for habitat restoration, and have been identified as priority areas for restoration in the Water Resource Inventory Area (WRIA) 8, i.e., Cold Creek and other tributaries to Bear Creek.
- 21.06.046 Basin, secondary.** Secondary basin: stream basins in which streams are largely piped, have limited opportunities for restoration, and lie within the urban city center, i.e., Woodin Creek.
- 21.06.048 Bed and breakfast guesthouse.** Bed and breakfast guesthouse: a dwelling unit or accessory building within which bedrooms are available for paying guests.
- 21.06.050 Beehive.** Beehive: a structure designed to contain one colony of honey bees (*apis mellifera*).
- 21.06.051 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 375-195-900 through 925. Sources of best available science are included in "Citations of Recommended Sources of Best Available Science for Designated and Protecting Critical Areas" published by the state Office of Community Development.
- 21.06.053 Billboard.** Billboard: a sign, including both the supporting structural framework and attached billboard faces, used principally for advertising a business activity, use, product, or service unrelated to the primary use or activity of the property on which the billboard is located; excluding off-premise directional, or temporary real estate signs.
- 21.06.055 Billboard face.** Billboard face: that portion of a billboard, exclusive of its structural support, on which changeable advertising copy is displayed, either by affixing preprinted poster panels or by painting copy on location; subclassified as follows:

- (1) Billboard face I -- a billboard face not exceeding a height of fourteen (14) feet or a width of forty eight (48) feet; and
- (2) Billboard face II -- a billboard face not exceeding a height of twelve (12) feet or a width of twenty-four (24) feet.

**21.06.058 Biologist.** Biologist: a person who has earned at least a Bachelor of Science degree in the biological sciences from an accredited college or university or who has equivalent educational training and experience.

**21.06.060 Book, stationery, video and art supply store.** Book, stationery, video and art supply store: an establishment engaged in the retail sale of books and magazines, stationery, records and tapes, video and art supplies, including uses located in NAICS Industry Nos.:

- (1) 451211-Book Stores,
- (2) 45321-Stationery Stores,
- (3) 453998- Limited to Art Supply and Architectural Supply Stores,
- (4) 53223-Video tape rental,
- (5) 45122 - Record and prerecorded tape stores, and
- (6) 45114 - Musical Instrument stores.

**21.06.063 Broadleaf tree.** Broadleaf tree means: a tree characterized by leaves that are broad in width and may include both deciduous and evergreen species.

**21.06.065 Buffer, critical area.** Buffer, critical area: a designated area contiguous to and protective of a critical area that is required for the continued maintenance, functioning, and/or structural stability of a critical area.

**21.06.068 Building.** Building: any structure having a roof.

**21.06.070 Building, hardware and garden materials store.** Building, hardware and garden materials store: an establishment engaged in selling lumber and other building materials, feed, and lawn and garden supplies; including, but not limited to uses located in NAICS Major Group No. 444 -Building Materials, Hardware, Garden Supply.

**21.06.073 Building coverage.** Building coverage: area of a lot that is covered by the total horizontal surface area of the roof of a building.

**21.06.075 Building envelope.** Building envelope: area of a lot that delineates the limits of where a building may be placed on the lot.

**21.06.078 Building facade.** Building facade: means that portion of any exterior elevation of a building extending from the grade of the building to the top of the parapet wall or eaves, for the entire width of the building elevation.

- 21.06.080 Building Official.** Building Official: the manager of the City of Woodinville's Permit Center, or his or her designee.
- 21.06.083 Bulk retail.** Bulk retail: an establishment offering the sale of bulk goods to the general public, including limited sales to wholesale customers. These establishments may include a variety of lines of merchandise such as: food, building, hardware and garden materials, dry goods, apparel and accessories, home furnishings, housewares, drugs, auto supplies, hobby, toys, games, photographic, and electronics.
- 21.06.085 Calculated LOS.** Calculated LOS: a quantitative measure of traffic congestion identified by a declining letter scale (A-F) as calculated by the methodology contained in the 1985 Highway Capacity Manual Special Report 209 or as calculated by another method approved by the department. LOS "A" indicates free flow of traffic with no delays while LOS "F" indicates jammed conditions or extensive delay.
- 21.06.087 Camouflaged.** Camouflaged: the use of shape, color, and/or texture to cause an object to appear to become a part of something else, usually a structure, such as a building, wall, or roof. Camouflaged does not mean "invisible," but rather "appearing as part or exactly like the structure used as a mount."
- 21.06.088 Campground.** Campground: an area of land on which accommodations for temporary occupancy such as tents or recreational vehicles without hook-up facilities are permitted and which is used primarily for recreational purposes.
- 21.06.090 Capacity, school.** Capacity, school: the number of students a school district's facilities can accommodate district-wide, based on the district's standard of service, as determined by the school district.
- 21.06.093 Capital facilities plan, school.** Capital facilities plan, school: a district's facilities plan adopted by the school board consisting of:
- (1) A forecast of future needs for school facilities based on the district's enrollment projections,
  - (2) The long-range construction and capital improvements projects of the district,
  - (3) The schools under construction or expansion,
  - (4) The proposed locations and capacities of expanded or new school facilities,
  - (5) At least a six (6)-year financing plan component, updated as necessary to maintain at least a six (6)-year forecast period, for financing needed school facilities within projected funding levels, and identifying sources of financing for such purposes, including bond issues authorized by the voters and projected bond issues not yet authorized by the voters,
  - (6) Any other long-range projects planned by the district,

- (7) The current capacity of the district's school facilities based on the districts adopted standard of service, and a plan to eliminate existing deficiencies, if any, without the use of impact fees, and
- (8) An inventory showing the location and capacity of existing school facilities.

- 21.06.095 Cattery.** Cattery: a place where adult cats are temporarily boarded for compensation, whether or not for training. An adult cat is of either sex, altered or unaltered, that has reached the age of six months.
- 21.06.098 Cemetery, columbarium or mausoleum.** Cemetery, columbarium or mausoleum: land or structures used for burial of the dead. For purposes of the code, pet cemeteries are considered a subclassification of this use.
- 21.06.100 Church, synagogue or temple.** Church, synagogue or temple: A place where religious services are conducted and including accessory uses in the primary or accessory buildings such as religious education, reading rooms, assembly rooms, and residences for nuns and clergy, but excluding facilities for training of religious orders; including uses located in NAICS Industry No. 81311.
- 21.06.101 City Tree Official.** City Tree Official: the Community Development Director or his/her designees responsible for implementing the Community Urban Forestry Plan and Regulations. The City Tree Official shall use the expertise of a certified arborist, under contract by the City, for technical advice on decisions related to the community urban forest.
- 21.06.103 Classrooms, school.** Classrooms, school: educational facilities of the district required to house students for its basic educational program. The classrooms are those facilities the district determines are necessary to best serve its student population. Specialized facilities as identified by the district, including but not limited to gymnasiums, cafeterias, libraries, administrative offices, and child care centers, shall not be counted as classrooms.
- 21.06.105 Clearing.** Clearing: the limbing, pruning, trimming, topping, cutting or removal of vegetation or other organic plant matter by physical, mechanical, chemical or other means.
- 21.06.108 Clustered Development.** Clustered development is a method of locating residences close to each other on small lots. The purpose of clustering residences is to preserve tracts of open space including critical areas and to limit the location, cost and coverage of land by roads and utilities
- 21.06.110 Cogeneration.** Cogeneration: the sequential generation of energy and useful heat from the same primary source or fuel for industrial, commercial, or residential heating or cooling purposes.

- 21.06.111 Co-location.** Co-location: the common use of a single antenna support structure, alternative support structure or by two or more personal wireless service providers.
- 21.06.113 Communication facility, major.** Major communication facility: a communication facility for transmission and reception of:
- (1) UHF and VHF television signals, or
  - (2) FM or AM radio signals.
- 21.06.115 Communication facility, minor.** Minor communication facility: an unstaffed facility for the transmission and/or reception of wireless communication services, usually consisting of antennas, equipment enclosures, transmission cables, and a support structure. A "minor communication facility" is used for the transmission and/or reception of:
- (1) Two-way and/or citizen band (CB) radio signals,
  - (2) Point-to-point microwave signals,
  - (3) Signals through FM radio translators, and
  - (4) Signals through FM radio boosters under ten (10) watts effective radiated power (ERP).
- 21.06.118 Community residential facility (CRF).** Community residential facility (CRF): living quarters meeting applicable federal and state standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation and medical supervision, excluding drug and alcohol detoxification; which is classified in Section 21.08.030 as group residences, if staffed by nonresident staff, each twenty-four (24) staff hours per day equals one full-time residing staff member. The number of occupants shall not exceed the occupant load of the structure calculated as provided in the 1994 International Building Code, Section 1002, or as hereafter amended.
- 21.06.120 Compensatory storage.** Compensatory storage: new, excavated storage volume equivalent to any flood storage which is eliminated by building, filling or grading within the flood plain. For the purpose of this definition, equivalent flood storage capacity is that which is replaced by equal volume between corresponding one-foot contour intervals which are hydraulically connected to the floodway through their entire depth.
- 21.06.121 Concealment.** Concealment: fully hidden from view. For example, a personal wireless service facility is concealed when it is completely hidden or contained within a structure, such as a building, wall, or roof.
- 21.06.123 Conditional use permit.** Conditional use permit: permit granted by the City to locate a permitted use on a particular property subject to conditions placed on the

permitted use to ensure compatibility with nearby land uses in accordance with 21.42.120.

- 21.06.125 Conference center.** Conference center: an establishment developed primarily as a meeting facility; including facilities for recreation and related activities provided for conference participants, excluding overnight lodging.
- 21.06.128 Confinement area.** Confinement area: any open land area in which livestock are kept where the forage does not meet the definition of a grazing area.
- 21.06.130 Consolidation.** Consolidation: the relocation to a consolidated transmission structure of the main transmit antennae of two or more FCC broadcast licensees which prior to such relocation utilized transmission structures located within a 1,500 foot radius of the center of the consolidated transmission structure to support their main transmit antennae.
- 21.06.133 Construction cost per student, school.** Construction cost per student, school: the estimated cost of construction of a permanent school facility in the district for the grade span of school to be provided, as a function of the district's facilities standard per grade span and taking into account the requirements of students with special needs.
- 21.06.134 Conversion option harvest plan.** Conversion option harvest plan; a voluntary plan developed by the landowner and approved by the State Department of Natural Resources and the City of Woodinville for property being converted from commercial timber production to a non-forestry land use. The conversion option harvest plan (COHP) indicates the limits of forest harvest areas, road locations, and open space for forest practices.
- 21.06.135 Critical aquifer recharge area.** Critical aquifer recharge area: Areas designated by Chapter 365-190-080(2) WAC that are determined to have a critical recharging effect on aquifers used for potable water as defined by Chapter 365-190-030(2) WAC.
- 21.06.138 Critical facility.** Critical facility: a facility necessary to protect the public health, safety and welfare and which is defined under the occupancy categories of "essential facilities," "hazardous facilities," and "special occupancy structures" in the International Building Code. These facilities include, but are not limited to, schools, hospitals, nursing homes and police stations, fire departments and other emergency response facilities. Critical facilities also include nursing homes, public roadway bridges and sites for hazardous substance storage or production, not including the temporary storage of consumer products containing hazardous substances intended for household use or for retail sale on the site.

- 21.06.139**     **Danger tree.** Danger tree: any tree with a combination of structural defect and/or disease that makes it subject to a high probability of failure (according to the current International Society of Arboriculture's Tree Hazard Evaluation Standards for Hazard Tree Rating), and a proximity to persons or property that is immediately threatening, as determined by a certified arborist.
- 21.06.140**     **Daycare.** Daycare: an establishment for group care of non-resident adults or children.
- (1) Daycare shall include, but not be limited to, NAICS Industry No. 624411 - Child Day Care Services, NAICS Industry No. 62412 - Adult Daycare Centers and the following:
- (a) Adult Daycare, such as adult day health centers or social day care as defined by the Washington State Department of Social and Health Services,
- (b) Nursery schools for children under minimum age for education in public schools,
- (c) Privately conducted kindergartens or pre-kindergartens when not a part of a public or parochial school, and
- (d) Programs covering after-school care for school children.
- (2) Daycare establishments are subclassified as follows:
- (a) Daycare I -- a maximum of twelve (12) adults or children in any twenty-four (24) hour period, and
- (b) Daycare II -- over twelve (12) adults or children in any twenty-four (24) hour period.
- 21.06.143**     **Deciduous.** Deciduous: a plant species with foliage that is shed annually.
- 21.06.145**     **Density credit, transfer (TDC).** Density credit, transfer (TDC): the ability to transfer potentially buildable dwelling units from an eligible sending site to an eligible receiving site as provided in this code.
- 21.06.148**     **Department.** Department: the City of Woodinville Department of Community Development.
- 21.06.150**     **Department and variety store.** Department and variety store: An establishment engaged in the retail sale of a variety of lines of merchandise, such as; dry goods, apparel and accessories, home furnishings, housewares, and including uses located in NAICS Major Group and Industry Nos.:
- (1) 452-General Merchandise,
- (2) 45322-Gift, Novelty, and Souvenir Shops, and
- (3) 44832-Luggage and Leather Goods Stores.
- 21.06.153**     **Destination resort.** Destination resort: An establishment for resource-based recreation and intended to utilize outdoor recreational opportunities, including

related services, which may include food, overnight lodging, equipment rentals, entertainment and other conveniences for guests of the resort.

- 21.06.155 Developer.** Developer: the person or entity who owns or holds purchase options or other development control over property for which development activity is proposed.
- 21.06.156 Development.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- 21.06.158 Development activity.** Development activity: any construction or expansion of a building, structure or use, any change in use of a building or structure, or any change in the use of land that creates additional demand for school facilities.
- 21.06.160 Development agreement.** Development agreement: a recorded agreement between an applicant and the City of Woodinville which incorporates the site plans, development standards, and other features of the approved development.
- 21.06.163 Development proposal.** Development proposal: any activities requiring a permit or other approval from the City of Woodinville relative to the use or development of land.
- 21.06.165 Development proposal site.** Development proposal site: the legal boundaries of the parcel or parcels of land for which an applicant has or should have applied for authority from the City of Woodinville to carry out a development proposal.
- 21.06.166 Diameter-at-Breast-Height.** Diameter-at-Breast-Height: tree measurement guideline that is the measure in inches of the trunk diameter of each protected or preserved tree 4.5 feet above the ground line.
- 21.06.168 (Reserved).**
- 21.06.169 Disguised.** Disguised: when a personal wireless service facility is changed to appear to be something other than what it really is. For example, communication facilities are sometimes disguised to appear as trees or flag poles.
- 21.06.170 (Reserved).**
- 21.06.173 Dormitory.** Dormitory: a residential building that provides sleeping quarters, but not separate dwelling units, and may include common dining, cooking and recreation or bathing facilities.

- 21.06.175 Drop box facility.** Drop box facility: a facility used for receiving solid waste and recyclables from off-site sources into detachable solid waste containers, including the adjacent areas necessary for entrance and exit roads, unloading and vehicle turnaround areas. Drop box facilities normally service the general public with loose loads and may also include containers for separated recyclable.
- 21.06.178 Drug store** Drug store: an establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics and related supplies, including uses located in NAICS Industry Group and Industry Nos.:
- (1) 44611-Drug Stores and Proprietary Stores,
  - (2) 453991-Tobacco Stores and Stands, and
  - (3) 44612-Cosmetics Stores.
- 21.06.180 Dwelling unit.** Dwelling unit: one (1) or more rooms designed for occupancy by a person or family for living and sleeping purposes, containing kitchen facilities and rooms with internal accessibility, for use solely by the dwelling's occupant; including but not limited to bachelor, efficiency and studio apartments, factory-built housing and mobile homes.
- 21.06.183 Dwelling unit, accessory.** Dwelling unit accessory: a separate, complete dwelling unit attached to or contained within the structure of the primary dwelling; or contained within a separate structure that is accessory to the primary dwelling unit on the premises.
- 21.06.185 Dwelling unit, apartment.** Dwelling unit, apartment: a building containing two (2) or more dwelling units which may be stacked, on one or more dwellings or nonresidential uses.
- 21.06.186 Dwelling unit, duplex.** Dwelling unit, duplex: a building containing two (2) separate, complete, attached dwellings.
- 21.06.188 Dwelling unit, senior citizen assisted.** Dwelling unit, senior citizen assisted: a building containing two (2) or more dwelling units restricted to occupancy by senior citizens, and including, but not limited to the following support services, as deemed necessary:
- (1) Food preparation and dining areas,
  - (2) Group activity areas,
  - (3) Medical supervision, and
  - (4) Similar activities.
- 21.06.190 Dwelling unit, single detached.** Dwelling unit, single detached: a detached building containing one (1) dwelling unit.
- 21.06.193 Dwelling unit, townhome.** Dwelling unit, townhome: a building containing one (1) dwelling unit that occupies space from the ground to the roof, and is attached

to one or more other townhome dwellings by common walls that may be located on lot lines.

- 21.06.195 Earth station.** Earth station: a communication facility which transmits and/or receives signals to and from an orbiting satellite using satellite dish antennas.
- 21.06.197 Eaves.** Eaves: the lower border of a roof that overhangs the wall.
- 21.06.198 Effective radiated power.** Effective radiated power: the product of the antenna power input and the numerical antenna power gain.
- 21.06.200 Elderly.** Elderly: a person sixty-two (62) years of age or older.
- 21.06.203 Electrical conversion substation.** Electrical conversion substation: a site containing equipment for the conversion of high voltage electrical power transported through transmission lines into lower voltages transported through distribution lines and suitable for individual users.
- 21.06.205 Energy resource recovery facility.** Energy resource recovery facility: an establishment for recovery of energy in a usable form from mass burning or refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste.
- 21.06.207 Engineering geologist.** Engineering geologist: a practicing engineering geologist licensed in the state of Washington.
- 21.06.208 Enhancement, critical area.** Enhancement, critical area: an action which increases the functions and values of a stream, wetland or other critical area or buffer.
- 21.06.209 Equipment enclosure, personal wireless service facilities.** Personal wireless service facility equipment enclosure or equipment enclosure: a small structure, shelter, cabinet, box or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing personal wireless service signals and data, including any provisions for air conditioning, ventilation, or auxiliary electric generators.
- 21.06.210 Equipment, heavy.** Equipment, heavy: high-capacity mechanical devices for moving earth or other materials, and mobile power units including, but not limited to:
- (1) Carryalls,
  - (2) Graders,
  - (3) Loading and unloading devices,
  - (4) Cranes,
  - (5) Drag lines,

- (6) Trench diggers,
- (7) Tractors,
- (8) Augers,
- (9) Bulldozers,
- (10) Concrete mixers and conveyers,
- (11) Harvesters,
- (12) Combines, or
- (13) Other major agricultural equipment and similar devices operated by mechanical power as distinguished from manpower.

**21.06.213 Erosion.** Erosion: the process by which soil particles are mobilized and transported by natural agents such as wind, rain splash, frost action or surface water flow.

**21.06.215 Erosion hazard areas.** Erosion hazard areas: those areas in City of Woodinville underlain by soils, which are subject to severe erosion when disturbed. Such soils include but are not limited to those classified as having a severe to very severe erosion hazard according to the USDA Natural Resource Conservation Service (NRCS), the 1973 King County Soils Survey or any subsequent revisions or addition by or to these sources. These soils include, but are not limited to, any occurrence of River Wash (Rh) and the following when they occur on slopes fifteen per cent or steeper:

- (1) The Alderwood gravely sandy loam (AgD),
- (2) The Alderwood and Kitsap soils (AkF),
- (3) The Beausite gravely sandy loam (BeD and BeF),
- (4) The Kitsap silt loam (KpD),
- (5) The Ovall gravely loam (OvD and OvF),
- (6) The Ragnar fine sandy loam (RaD), and
- (7) The Ragnar-Indianola Association (RdE).

**21.06.216 Essential public facility.** Essential public facility: a facility that is difficult to site, such as an airport, a state education facility, a state or regional transportation facility, a state or local correctional facility, a solid waste handling facility, or an in-patient facility, including substance abuse, mental health, or group home facilities.

**21.06.218 Evergreen.** Evergreen: a plant species with foliage that persists and remains green year round.

**21.06.220 (Reserved).**

**21.06.223 Fabric shop.** Fabric shop: an establishment engaged in the retail sale of sewing supplies and accessories, including uses located in NAICS Industry Nos.:

- (1) 45113-Sewing, Supply Stores, and
- (2) Awning Shops, Banner Shops, and Flag Shops found in 453998.

- 21.06.225 Facilities standard, school.** Facilities standard, school: the space required, by grade span and taking into account the requirements of students with special needs, which is needed in order to fulfill the educational goals of the school district as identified in the district's capital facilities plan.
- 21.06.228 Factory-built commercial building.** Factory-built commercial building: any structure that is either entirely or substantially prefabricated or assembled at a place other than a building site; and designed or used for non-residential human occupancy.
- 21.06.230 Fairground.** Fairground: a site permanently designated and improved for holding a county fair, as provided in RCW Chapters 15.76 and 36.37, or for holding similar events, including, but not limited to:
- (1) Carnivals,
  - (2) Circuses,
  - (3) Expositions,
  - (4) Animal shows, and
  - (5) Exhibitions and/or demonstrations of farm and home products with accompanying entertainment and amusements.
- 21.06.233 Family.** Family: an individual or individuals domiciled together in one dwelling unit whose relationship is of a domestic character and who are cooking and living together as a single, housekeeping unit, but the number of individuals occupying the dwelling unit shall not exceed the occupant load of the structure, calculated as provided in the 1994 International Building Code, Section 1002, or as may hereafter be amended.
- 21.06.234 FCC.** FCC: the Federal Communications Commission.
- 21.06.235 Federal Emergency Management Agency (FEMA) floodway.** Federal Emergency Management Agency (FEMA) floodway: the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot at any point. Designation appears as cross-hatched area within the AE zone on FIRM maps.
- 21.06.238 Feed Store.** Feed Store: an establishment engaged in retail sale of supplies directly related to the day to day activities of agricultural production.
- 21.06.240 Fence.** Fence: a barrier for the purpose of enclosing space or separating lots, composed of:

- (1) Masonry or concrete walls, excluding retaining walls; or
- (2) Wood, metal or concrete posts connected by boards, rails, panels, wire or mesh.

- 21.06.241** **Flag.** Flag: a piece of cloth of distinctive color or design that is used as a signal, emblem, or symbol of a nation, state, or public or private institution.
- 21.06.243** **Flood fringe.** Flood fringe: that portion of the floodplain outside of the zero-rise floodway which is covered by floodwaters during the base flood, generally associated with standing water rather than rapidly flowing water.
- 21.06.245** **Flood hazard areas.** Flood hazard areas: those areas in City of Woodinville subject to inundation by the base flood including, but not limited to, streams, lakes, wetlands and closed depressions.
- 21.06.248** **Flood insurance rate map.** Flood Insurance Rate Map (FIRM): the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- 21.06.250** **Flood insurance study for King County.** Flood Insurance Study for King County: the official report provided by the Federal Insurance Administration which includes flood profiles and the Flood Insurance Rate Map.
- 21.06.253** **Flood protection elevation.** Flood protection elevation: an elevation which is one foot above the base flood elevation.
- 21.06.255** **Floodplain.** Floodplain: the total area subject to inundation by the base flood as defined herein.
- 21.06.258** **Floodproofing.** Floodproofing: adaptations which will make a structure that is below the flood protection elevation substantially impermeable to the passage of water and resistant to hydrostatic and hydrodynamic loads including the impacts of buoyancy.
- 21.06.260** **Floodway, zero-rise.** Floodway zero-rise: the channel of a stream and that portion of the adjoining floodplain which is necessary to contain and discharge the base flood flow without any measurable increase in flood height. A measurable increase in base flood height means a calculated upward rise in the base flood elevation, equal to or greater than .01 foot, resulting from a comparison of existing conditions and changed conditions directly attributable to development in the floodplain. This definition is broader than that of the FEMA floodway, but always includes the FEMA floodway. The boundaries of the 100-year floodplain, as shown on the Flood Insurance Study for King County, are considered the boundaries of the zero-rise floodway unless otherwise delineated by a critical area special study.

**21.06.263 Florist shop.** Florist shop: an establishment engaged in the retail sale of flowers and plants, including uses located in NAICS Industry Nos.:

- (1) 45311-Florists, and
- (2) 453998- Limited to Artificial Flowers retail.

**21.06.265 (Reserved).**

**21.06.268 Forest practice.** Forest practice: any activity regulated by the Washington Department of Natural Resources in Washington Administrative Code (WAC) 222 or RCW 76.09 for which a forest practice permit is required, together with fire prevention, detection and suppression; and slash burning or removal. The four classifications of forest practices activities described in WAC 222-16-050 is determined by considering several factors including but not limited to the type of activity proposed (e.g., harvesting, thinning, etc.), its scale, the affected environment, and future use of the site. The description of the classes of forest practices paraphrased below are intended to summarize the classification and do not supersede the specific definitions described in WAC 222-16 and RCW 76.09:

- (1) Class I are those minor forest practices that have no direct potential for damaging a public resource. Examples of Class I forest practices include timber harvests on parcels where contiguous ownership is less than two acres in size that are not within a shoreline designation or UGA, and none of the operation takes place within the riparian management zone of a Type 2 or 3 Water, or within the ordinary high water mark of a Type 4 Water or flowing Type 5 Water (see WAC 222-16 for definitions of Water Types); the culture and harvest of Christmas trees and seedlings; tree planting and seeding; and cutting and/or removal of less than 5,000 board feet of timber for personal use (e.g., firewood, fence post, etc.) in any consecutive 12-month period. Class I forest practices do not require approval of a permit by DNR.
- (2) Class II are those forest practices which have less than an ordinary potential for damaging a public resource. Examples of Class II forest practices include the construction of advance fire trails; timber harvests of less than 40 acres; and the partial cutting of 40 percent or less of the live timber volume on a site. Class II forest practices require notification to DNR prior to being conducted; they do not require an application. Property logged pursuant to a Class II permit must be reforested and is intended to remain in timber production.
- (3) Class III are those forest practices not listed under Class I, II, and IV. Class III forest practices require approval by the DNR. Property logged pursuant to a Class III permit must be reforested and is intended to remain in timber production.
- (4) Class IV forest practices are divided into two categories as follows:
  - (a) Class IV-General are those forest practices occurring on lands within Urban growth Areas; lands platted after January 1, 1960, or on lands which are being converted to a use other than commercial timber production. Examples of Class IV-General forest practices include

harvest of timber and conversion of land to residential or commercial uses. Reforestation is not required under Class IV-General forest practices permit as the property subject to the permit is being converted to a non-forestry use. All Class IV-General forest practices are considered conversion forest practices.

- (b) Class IV-Special are those forest practices which have the potential to result in a substantial impact to the environment. Examples of Class IV-Special forest practices include practices conducted on lands designated as critical wildlife habitat for threatened or endangered wildlife species; timber harvest in National, State, or local parks; and forest practices involving the filling or draining of more than 0.5 acres of wetland. Class IV-Special forest practices include two subcategories: conversion and non-conversion. Class IV-Special conversion forest practices include those practices, which result in the conversion of timber land to a non-forestry use, such as residential, commercial or industrial. Class IV-Special non-conversion forest practices include those practices that will result in uses of the property consistent with timber growing.

**21.06.270 Forest product sales.** Forest product sales: the sale of goods produced, extracted, consumed, gathered or harvested from a forest including, but not limited to:

- (1) Trees,
- (2) Wood chips,
- (3) Logs,
- (4) Fuelwood,
- (5) Cones,
- (6) Christmas trees,
- (7) Berries,
- (8) Herbs, or
- (9) Mushrooms.

**21.06.273 Forest research.** Forest research: the performance of scientific studies relating to botany, hydrology, silviculture, biology and other branches of science in relation to management of forest lands, including but not limited to NAICS Industry Nos:

- (1) 54171- Physical and Biological Research;
- (2) 54171-Noncommercial Research Organizations; and
- (3) 54171-Testing Laboratories.

**21.06.275 Frequency, electronic or electrical.** Frequency, electronic or electrical: the number of times the current from a given source of non-ionizing electromagnetic radiation changes from a maximum positive level through a maximum negative

level and back to a minimum positive level in one second; measured in cycles per second or Hertz ("Hz").

- 21.06.278 Furniture and home furnishings store.** Furniture and Home furnishings store: an establishment engaged in the retail sale of household furniture and furnishings for the home, including uses located in NAICS Major Group and Industry Nos.:
- (1) 442-Furniture, and Home Furnishing Stores, and
  - (2) Baby carriages, Cake Decorating Supplies, Hot Tubs, Picture Frames (ready made), Swimming Pools (above-ground, not site-built), Telephone Stores and Typewriter Stores found in 443112 and 453998 respectively.
- 21.06.280 General business service.** General business service: an establishment engaged in providing services to businesses or individuals, with no outdoor storage or fabrication, including uses located in NAICS Major Group Nos.:
- (1) 522-Depository and Non-depository Institutions,
  - (2) 523-Security and Commodity Brokers, Dealers, Exchanges, and Services,
  - (3) 5241-Insurance Carriers,
  - (4) 531-Real Estate,
  - (5) 551-Holding and Other Investment Offices,
  - (6) 541, 561, 323-Business Services, except Industry Group and Industry No. 54185 Outdoor Advertising Services, and
  - (7) 813-Membership Organizations, including administrative offices of organized religions found in 81311, but excluding churches and places of worship.
- 21.06.283 Geologist.** Geologist: a person licensed as a geologist in the state of Washington.
- 21.06.285 Geotechnical engineer.** Geotechnical engineer: a practicing geotechnical/civil engineer licensed as a professional civil engineer by the State of Washington.
- 21.06.287 Gift shop.** Gift shop: a retail establishment, limited to 3,000 square feet, engaged in the sale of gifts and other small items, such as gift-wrapping materials, greeting cards, and related items.
- 21.06.288 Golf facility.** Golf facility: a recreational facility, under public or private ownership, designed and developed for uses including, but not limited to:
- (1) A golf course,
  - (2) A driving range,
  - (3) Miniature golf,
  - (4) Pro shops,
  - (5) Caddy-shack buildings,
  - (6) Restaurants,
  - (7) Office and meeting rooms, and
  - (8) Related storage facilities.

- 21.06.290** **Grade span, school.** Grade span, school: the categories into which a district groups its grades of students; i.e., elementary, middle or junior high school, and high school.
- 21.06.293** **Grading.** Grading: any excavation, filling, removing the duff layer or any combination thereof.
- 21.06.295** **Grazing Area.** Grazing Area: any open land area used to pasture livestock in which the forage is maintained over eighty (80) percent of the area at all times of the year.
- 21.06.298** **Groundcover.** Groundcover: living plants designed to grow low to the ground (generally one foot or less) and intended to stabilize soils and protect against erosion.
- 21.06.300** **Hazardous household substance.** Hazardous household substance: a substance as defined in RCW 70.105.010.
- 21.06.303** **Hazardous materials or substance.** Hazardous materials or substance: any hazardous waste, hazardous substance, dangerous waste, or extremely hazardous waste that is a physical or health hazard as defined and classified in Chapter 70.105 RCW and Chapter 1773-303 WAC, whether the materials are in usable or waste condition.
- 21.06.304** **Hearing Examiner.** Hearing Examiner: the zoning and subdivision examiner as established by City of Woodinville Ordinance No. 17.
- 21.06.305** **Heavy equipment repair.** Heavy equipment repair: the repair and maintenance of self-powered, self-propelled or towed mechanical devices, and equipment and vehicles used for commercial purposes,  
(1) including:  
    (a) Tandem axel trucks,  
    (b) Graders,  
    (c) Backhoes,  
    (d) Tractor trailers,  
    (e) Cranes, and  
    (f) Lifts, but  
(2) excluding:  
    (a) Automobiles,  
    (b) Recreational vehicles, and  
    (c) Boats and their trailers.

- 21.06.307 Height, personal wireless service facilities.** Height, personal wireless service facilities: for personal wireless service facilities, "height" means the vertical distance measured from existing unaltered ground level to the highest point on the communication facility, including the antenna or antenna array.
- 21.06.308 Helistop.** Helistop: an area on a roof or on the ground used for the takeoff and landing of helicopters for the purpose of loading or unloading passengers or cargo but not including fueling service, hangers, maintenance or overhaul facilities.
- 21.06.309 Historic marker or plaque.** Historic Marker or Plaque: a sign, either freestanding or building-mounted, and not exceeding four square feet in surface area, commemorating a notable historic person or event associated with the building or site on which the marker or plaque is located or, in the case of roadside historic markers, in the immediate vicinity of the site on which the marker is located.
- 21.06.310 Hobby, toy, and game shop.** Hobby, toy, and game shop: an establishment engaged in the retail sale of toys, games, hobby and craft kits, including uses located in NAICS Industry Nos.:
- (1) 45112-Hobby, Toy and Game Shops, and
  - (2) 453998-Limited to Collectors items (e.g. Autograph, Coin, Card and Stamp Shops).
- 21.06.313 Home industry.** Home industry: a limited-scale sales, service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or residential accessory building, or in a barn or other resource accessory building and is subordinate to the primary use of the premises as a residence or farm.
- 21.06.315 Home occupation.** Home occupation: a limited-scale service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit and is subordinate to the primary use of the premises as a residence.
- 21.06.318 Household pets.** Household pets: small animals that are kept within a dwelling unit.
- 21.06.320 Hydroelectric generation facility.** Hydroelectric generation facility: an establishment for the generation of electricity using water sources.
- 21.06.323 Impervious surface.** Impervious surface: any non-vertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle including, but not limited to: roof tops, swimming pools, paved or graveled roads or parking areas, and excluding landscaping, surface water retention/detention facilities, and pedestrian walkways five feet wide or less.

- 21.06.325 Improved public roadways.** Improved public roadways: public road rights-of-way that have been improved with at least two (2) travel lanes and are maintained by either City of Woodinville or the State of Washington.
- 21.06.328 Individual transportation and taxi.** Individual transportation and taxi: an establishment engaged in furnishing individual or small group transportation by motor vehicle, including uses located in NAICS Industry Group and Industry Nos.:
- (1) 48531-Taxicabs, and
  - (2) 48532, 485991, 485999, 48711, 62191-Local Passenger Transportation, not elsewhere classified.
- 21.06.329 Indoor batting cage facility.** Indoor batting cage facility: a participant sports or recreational baseball facility within an enclosed structure that is used for baseball training and entertainment purposes where spectators are incidental and not primary to the activities. The facility houses one (1) or more batting cages installed in accordance with the licensed manufacturer's recommendations and is designed and developed for uses limited to batting practice, pitching practice, and other related baseball skill development activities.
- 21.06.330 Indoor go-cart racing facility.** Indoor go-cart racing facility: a participant sports or training facility within a fully enclosed structure that is used for training and entertainment purposes where spectators are incidental and not primary to the activities. The facility is designed and developed to accommodate the safe operation of propane, gas, or electric-powered go-carts, with a maximum engine size of ten (10) horse power, within a defined track.
- 21.06.331 Interim recycling facility.** Interim recycling facility: a site or establishment engaged in collection or treatment of recyclable materials, which is not the final disposal site, and including:
- (1) Drop boxes,
  - (2) Source-separated, organic waste processing facilities, and
  - (3) Collection, separation and shipment of glass, metal, paper or other recyclables to others who will re-use them or use them to manufacture new products.
- 21.06.333 Jail.** Jail: a facility operated by a governmental agency; designed, staffed and used for the incarceration of persons for the purposes of punishment, correction and rehabilitation following conviction of an offense.
- 21.06.335 (Reserved).**
- 21.06.338 Jewelry store.** Jewelry Store: an establishment engaged in the retail sale of a variety of jewelry products, including uses located in NAICS Industry Nos.:
- (1) 44831-Jewelry Stores, and
  - (2) Gem stones and rock specimens found in 44612.

- 21.06.340 Kennel.** Kennel: a place where adult dogs are temporarily boarded for compensation, whether or not for training. An adult dog is one of either sex, altered or unaltered, that has reached the age of six (6) months.
- 21.06.341 Land use decision.** Land use decision: this term shall have the meaning provided in RCW 36.70C.020 and shall include, but not be limited to, a final decision by the City approving, granting, issuing or denying an application for any of the following: conditional use permits, home occupation and home industry permits, temporary use permits, special use permits, variances, and any other “project permit” as that term is defined in RCW 36.70B.020(4).
- 21.06.343 Landfill.** Landfill: a disposal site or part of a site at which refuse is deposited.
- 21.06.345 Landing field.** Landing field: a runway or landing area which is designed, used or intended to be used by private aircraft; including necessary taxiways, storage and tie-down areas.
- 21.06.348 Landscaping.** Landscaping: live vegetative materials included in the development of a site. Said materials provided along the boundaries of a development site is referred to as perimeter landscaping. Landscaping provided on the remainder of the site is referred to as interior landscaping.
- 21.06.350 Landslide.** Landslide: episodic downslope movement of a mass including, but not limited to, soil, rock or snow.
- 21.06.353 Landslide hazard areas.** Landslide hazard areas: those areas in City of Woodinville subject to severe risks of landslides, including the following:
- (1) Any area with a combination of:
    - (a) Slopes steeper than fifteen (15) percent,
    - (b) Impermeable soils, such as silt and clay, frequently interbedded with granular soils, such as sand and gravel, and
    - (c) Springs or ground water seepage.
  - (2) Any area which has shown movement during the Holocene epoch, from 10,000 years ago to the present, or which is underlain by mass wastage debris from that epoch.
  - (3) Any area potentially unstable as a result of rapid stream incision, stream bank erosion or undercutting by wave action,
  - (4) Any area which shows evidence of or is at risk from snow avalanches.
  - (5) Any area located on an alluvial fan, presently subject to or potentially subject to inundation by debris flows or deposition of stream-transported sediments.
- 21.06.355 Level of service (LOS).** Level of service (LOS): a measure of traffic congestion along a roadway or at an intersection identified by a letter scale from A to F as

calculated by a methodology endorsed by the Institute of Transportation Engineers.

- 21.06.358 Light equipment.** Light equipment: hand-held tools and construction equipment, such as chain saws, wheelbarrows and post-hole diggers.
- 21.06.360 Livestock.** Livestock: grazing animals kept either in open fields or structures for training, boarding, home use, sales, or breeding and production, including but not limited to:
- (1) Cattle,
  - (2) Riding and draft horses,
  - (3) Hogs excluding pigs under 120 lbs. and standing twenty (20) inches or less at the shoulder, which are kept as pets or small animals,
  - (4) Sheep, and
  - (5) Goats.
- 21.06.363 Livestock, large.** Livestock: large cattle, horses, llamas, alpaca, and other livestock generally weighing over 500 pounds.
- 21.06.365 Livestock, small.** Livestock, small: hogs (excluding pigs under 120 lbs. and standing twenty inches or less at the shoulder which are kept as household pets or small animals), sheep, goats, miniature horses, llamas, alpaca and other livestock generally weighing under 500 pounds.
- 21.06.368 Loading space.** Loading space: a space for the temporary parking of a vehicle while loading or unloading cargo or passengers.
- 21.06.370 Log storage.** Log storage: a facility for the open or enclosed storage of logs which may include repair facilities for equipment used on-site or operations offices.
- 21.06.373 Lot.** Lot: a physically separate and distinct parcel of property, which has been created pursuant to the City of Woodinville Subdivision Code or otherwise legally established.
- 21.06.375 Lot line, interior.** Lot line, interior: lot lines that delineate property boundaries along those portions of the property which do not abut a street.
- 21.06.376 Manufactured home.** A single family dwelling built according to the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code. A manufactured home also includes plumbing, heating, air conditioning, and electrical systems; is built on a permanent chassis, and can be transported in one or more sections with each section at least eight feet wide and forty feet long when transported; or when installed on the site is three hundred twenty square feet

or greater. The term “manufactured home” does not include a “recreational vehicle”.

**21.06.378 Marina.** Marina: an establishment providing docking, moorage space and related activities limited to the provisioning or minor repair of pleasure boats and yachts; and personal services including, but not limited to:

- (1) Showers,
- (2) Toilets, and
- (3) Self-service laundries.

**21.06.380 Material error.** Material error: substantive information upon which a permit decision is based that is submitted in error or is omitted at the time of permit application.

**21.06.383 Microwave.** Microwave: electromagnetic waves with a frequency of 890 megahertz (mhz) or greater.

**21.06.385 Mitigation.** Mitigation: the use of any or all of the following actions listed in descending order of preference:

- (1) Avoiding the impact by not taking a certain action,
- (2) Minimizing the impact by limiting the degree or magnitude of the action by using appropriate technology or by taking affirmative steps to avoid or reduce the impact,
- (3) Rectifying the impact by repairing, rehabilitating or restoring the affected area, or
- (4) Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the development proposal,
- (5) Compensating for the impact by replacing, enhancing or providing substitute, and
- (6) Monitoring the impact and taking appropriate corrective measures.

**21.06.388 Mobile home.** Is a factory-built dwelling built prior to June 15, 1976, to standards other than the Department of Housing and Urban Development code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the HUD Manufactured Home Construction and Safety Standards Act. For the purposes of this chapter references to manufactured homes include mobile homes.

**21.06.390 Mobile home park.** Mobile home park: a development with two or more improved pads or spaces designed to accommodate mobile homes.

**21.06.393 Monitoring.** Monitoring: evaluating the impacts of development proposals on natural or manmade systems and assessing the performance of required mitigation through the collection and analysis of data for the purpose of understanding and

documenting changes in the natural or manmade systems, functions and features including, but not limited to, gathering baseline data.

- 21.06.395 Monuments, tombstones, and gravestones sales.** Monuments, tombstones, and gravestones sales: the retail sale of custom stonework products including uses located in NAICS Industry No. 327991-Monuments, finished to custom order, tombstones and gravestones finished.
- 21.06.398 Motor vehicle, boat and mobile home dealer.** Motor vehicle, boat and mobile home dealer: an establishment engaged in the retail sale of new and/or used automobiles, motor homes, motorcycles, trailers, boats or mobile homes, including uses located in NAICS Major Group and Industry Group Nos.:
- (1) 4411-Automotive dealers and gasoline service stations except:
    - (a) 4413-Auto and home supply stores,
    - (b) 4471-Gasoline service stations, and
  - (2) Aircraft dealers found in 441229:
    - (a) 45393-Mobile home dealers, and
    - (b) Yacht brokers found in 441222.
- 21.06.400 Motor vehicle and bicycle manufacturing.** Motor vehicle and bicycle manufacturing: fabricating or assembling complete passenger automobiles, trucks, commercial cars and buses, motorcycles, and bicycles, including uses located in NAICS Industry Group Nos.:
- (1) 3362-Motor Vehicles and Motor Vehicle Equipment, and
  - (2) 336991-Motorcycles, Bicycles, and Parts.
- 21.06.401 Mount.** Mount: any mounting device or bracket which is used to attach an antenna or antenna array to an antenna support structure or alternative antenna support structure.
- 21.06.403 Municipal water production.** Municipal water production: the collection and processing of surface water through means of dams or other methods of impoundment for municipal water systems.
- 21.06.405 Native vegetation.** Native vegetation: vegetation comprised of plant species, other than noxious weeds, which are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site.
- 21.06.406 Native growth protection area (NGPA).** Native growth protection area (NGPA): 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.

- 21.06.408**     **Naturalized species.** Naturalized species: non-native species of vegetation that are adaptable to the climatic conditions of the coastal region of the Pacific Northwest.
- 21.06.410**     **Nonconformance.** Nonconformance: any use, improvement or structure established in conformance with City of Woodinville or County rules and regulations in effect at the time of establishment that no longer conforms to the range of uses, improvements, critical area and critical area buffer requirements permitted in the site's current zone or to the current development standards, of the code due to changes in the code or its application to the subject property.
- 21.06.413**     **Nonhydro-electric generation facility.** Nonhydro-electric generation facility: an establishment for the generation of electricity by nuclear reaction, burning fossil fuels, or other electricity generation methods.
- 21.06.415**     **Non-ionizing electromagnetic radiation (NIER).** Non-ionizing electromagnetic radiation (NIER): electromagnetic radiation of low photon energy unable to cause ionization.
- 21.06.418**     **Noxious weed.** Noxious weed: any plant which is highly destructive, competitive or difficult to control by cultural or chemical practices, limited to those plants on the state noxious weed list contained in WAC 16-750.
- 21.06.420**     **Open-work fence.** Open-work fence: a fence in which the solid portions are evenly distributed and constitute no more than fifty (50) percent of the total surface area.
- 21.06.423**     **Ordinary high water mark.** Ordinary high water mark: the mark found by examining the bed and banks of a stream or lake and ascertaining where the presence and action of waters are so common and long maintained in ordinary years as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute. In any area where neither can be found, the top of the channel bank shall substitute. In braided channels and alluvial fans, the ordinary high water mark or line of mean high water shall be measured so as to include the entire stream feature.
- 21.06.425**     **Outdoor performance center.** Outdoor performance center: establishment for the performing arts with open-air seating for audiences. Such establishments may include related services such as food and beverage sales and other concessions.
- 21.06.428**     **Park.** Park: a site designed or developed for recreational use by the public including, but not limited to:  
    (1) Indoor facilities, such as:  
        (a) Gymnasiums,

- (b) Swimming pools, or
- (c) Activity centers, and
- (2) Outdoor facilities, such as:
  - (a) Playfields,
  - (b) Fishing areas, or
  - (c) Picnic and related outdoor activity areas, and
- (3) Areas and trails for:
  - (a) Hikers,
  - (b) Equestrians,
  - (c) Bicyclists, or
  - (d) Off-road recreational vehicle users.

- 21.06.430** **Park service area.** Park service area: established by the City, within which the dedications of land and fees received from new residential developments for the benefit of residents within such service area.
- 21.06.433** **Parking lot aisle.** Parking lot aisle: that portion of the off-street parking area used exclusively for the maneuvering and circulation of motor vehicles and in which parking is prohibited.
- 21.06.435** **Parking lot unit depth.** Parking lot unit depth: the linear distance within which one parking aisle is flanked by accessible rows of parking stalls as measured perpendicular to the parking aisle.
- 21.06.438** **Parking space.** Parking space: an area accessible to vehicles, improved, maintained and used for the sole purpose of parking a motor vehicle.
- 21.06.440** **Parking space angle.** Parking space angle: the angle measured from a reference line, generally the property line or center line of an aisle, at which motor vehicles are to be parked.
- 21.06.442** **Parks and Recreation Director.** Parks and Recreation Director: the manager of the City of Woodinville's Parks and Recreation Department, or his or her designee.
- 21.06.443** **Party of record.** Party of record (POR): a person, who has submitted written comments, testified, asked to be notified or is the sponsor of a petition entered as part of the official City record on a specific development proposal.
- 21.06.445** **Peak hour.** Peak hour: the hour during the morning or afternoon when the most critical level of service occurs for a particular roadway or intersection.
- 21.06.448** **Permanent school facilities.** Permanent school facilities: facilities of a school district with a fixed foundation which are not relocatable facilities.

- 21.06.450 Personal medical supply store.** Personal medical supply store: an establishment engaged in the retail sale of eyeglasses, contact lenses, hearing aids, and artificial limbs, including uses located in NAICS Industry Nos.:
- (1) 44613-Optical Goods Stores, and
  - (2) 44619-Hearing Aids and Orthopedic and Artificial Limb Stores.
- 21.06.451 Personal wireless service facilities.** Personal wireless service facilities: any unstaffed facility for the transmission and/or reception of personal wireless services as defined by Section 704 (a)(7)(c)(i) of the Federal Telecommunications Act of 1996, including cellular, PCS, enhanced specialized mobile radio (ESMR), specialized mobile radio (SMR), paging, 800 MHz and other similar technologies covered by the aforementioned section.
- 21.06.452 Personal wireless service facility, temporary.** Personal wireless service facility, temporary: a non-permanent facility installed on a short-term basis, for the purpose of evaluating the technical feasibility of a particular site for placement of a personal wireless service facility or for providing emergency communications during a natural disaster or other emergency. Examples of temporary personal wireless service facilities include, but are not limited to, placement of an antenna upon a fully extended bucket truck, crane, or other device capable of reaching the height necessary to evaluate the site for placement of a personal wireless service facility.
- 21.06.453 Pet shop.** Pet shop: an establishment engaged in the retail sale of pets, small animals, pet supplies, or grooming of pets, including uses located in NAICS Industry No. 45391-Pet shops.
- 21.06.455 Photographic and electronic shop.** Photographic and electronic shop: an establishment engaged in the retail sale of cameras and photographic supplies, and a variety of household electronic equipment, including uses located in NAICS Industry No.:
- (1) 44313 - Camera and Photographic Supply Stores,
  - (2) 453998 – Limited to Binoculars and Telescopes,
  - (3) 443112 - Radio, Television, and Consumer Electronics Stores, and
  - (4) 44312 - Computer and Computer Software Stores.
- 21.06.458 Planning Director.** Planning Director: the manager of the City of Woodinville's Community Development Department or his or her designee.
- 21.06.460 Plant associations of infrequent occurrence.** Plant associations of infrequent occurrence: one or more plant species of a landform type which does not often occur in the City of Woodinville because of the rarity of the habitat and/or the species involved or for other botanical or environmental reasons.

- 21.06.461 Primary association.** Primary association: use of a habitat area by a species for breeding, nesting, rearing young, roosting, feeding, or foraging on a regular basis.
- 21.06.462 Priority habitat.** Priority habitat: habitat type or elements with unique or significant value to one or more species as classified by the Washington Department of Fish and Wildlife. A priority habitat may consist of a unique vegetation type of dominant plant species, a described successional stage, or a specific structural element.
- 21.06.463 Private.** Private: solely or primarily for the use of residents or occupants of the premises; e.g., a non-commercial garage used solely by residents or their guests is a private garage.
- 21.06.465 Private stormwater management facility.** Private stormwater management facility: a surface water control structure installed by a project proponent to retain, detain or otherwise limit runoff from an individual or group of developed sites specifically served by such structure.
- 21.06.468 Professional office.** Professional office: an office used as a place of business by licensed professionals, or persons in other generally recognized professions, which use training or knowledge of a technical, scientific or other academic discipline as opposed to manual skills, and which does not involve outside storage or fabrication, or on-site sale or transfer of commodities; including the following NAICS Major Group and Industry Nos.:
- (1) 5242-Insurance Agents, Brokers and Service,
  - (2) 53121-Real Estate Agents and Managers,
  - (3) 541213-Income Tax Return Preparation Services,
  - (4) 54111-Legal Services,
  - (5) 54133-Engineering, Architectural and Surveying Services,
  - (6) 54121-Accounting, Auditing and Bookkeeping Services, and
  - (7) 541611-Administrative Management and General Management Consulting Services, and
  - (8) 54182- Public Relations Services.
- 21.06.470 Public agency.** Public agency: any agency, political subdivision or unit of local government of this state including, but not limited to, municipal corporations, special purpose districts and local service districts, any agency of the State of Washington, the United States or any state thereof or any Indian tribe recognized as such by the federal government.
- 21.06.473 Public agency animal control facility.** Public agency animal control facility: a facility for the impoundment and disposal of stray or abandoned small animals.

- 21.06.475 Public agency archive.** Public agency archive: facilities for the enclosed storage of public agency documents or related materials, excluding storage of vehicles, equipment, or similar materials.
- 21.06.478 Public agency office.** Public agency office: an office for the administration of any governmental activity or program, with no outdoor storage and including, but not limited to uses located in NAICS Major Group, Industry Group and Industry Nos.:
- (1) 9211-Executive, Legislative, and General Government, except Finance,
  - (2) 92113-Public Finance, Taxation, and Monetary Policy,
  - (3) 9231-Administration of Human Resource Programs,
  - (4) 9241-Administration of Environmental Quality and Housing Program,
  - (5) 92611-Administration of Economic Programs,
  - (6) 92812-International Affairs,
  - (7) 92213-Legal Counsel and Prosecution, and
  - (8) 92219-Public Order and Safety.
- 21.06.080 Public agency training facility.** Public agency training facility: an establishment or school for training state and local law enforcement, fire safety, national guard or transit personnel and facilities including but not limited to:
- (1) Dining and overnight accommodations,
  - (2) Classrooms,
  - (3) Shooting ranges,
  - (4) Auto test tracks, and
  - (5) Fire suppression simulations.
- 21.06.483 Public agency yard.** Public agency yard: a facility for open or enclosed storage, repair, and maintenance of vehicles, equipment, or related materials, excluding document storage.
- 21.06.485 Public Works Director.** Public Works Director: the manager of the City of Woodinville's Public Works Department, or his or her designee.
- 21.06.488 Receiving site.** Receiving site: land for which allowable residential density is increased over the base density permitted by the underlying zone, by virtue of permanently securing and dedicating to City of Woodinville, or another qualifying agency (approved by the City), the development potential of an associated sending site.
- 21.06.490 Recreational vehicle (RV).** Recreational vehicle (RV): a vehicle designed primarily for recreational camping, travel or seasonal use which has its own motive power or is mounted on or towed by another vehicle, including but not limited to:
- (1) Travel trailer,
  - (2) Folding camping trailer,

- (3) Park trailer,
- (4) Truck camper,
- (5) Park trailer,
- (6) Motor home, and
- (7) Multi-use vehicle.

- 21.06.493 Recreational vehicle parks.** Recreational vehicle parks: the use of land upon which two (2) or more recreational vehicle sites, including hook up facilities, are located for occupancy by the general public of recreational vehicles as temporary living quarters for recreation or vacation purposes.
- 21.06.495 Recyclable material.** Recyclable material: a non-toxic, recoverable substance that can be re-processed for the manufacture of new products.
- 21.06.498 Regional stormwater management facility.** Regional stormwater management facility: a surface water control structure installed in or adjacent to a stream or wetland of a basin or sub-basin by the County's surface water management ("SWM") division or a project proponent.
- 21.06.500 Regional utility corridor.** Regional utility corridor: a right-of-way tract or easement which contains transmission lines or pipelines for utility companies, excluding distribution lines contained within street rights-of-way or lines serving individual lots or developments.
- 21.06.503 Relocatable facility, school.** Relocatable facility, school: any factory-built structure, transportable in one or more sections that is designed to be used as an education space and is needed to prevent the overbuilding of school facilities, to meet the needs of service areas within a district or to cover the gap between the time that families move into new residential developments and the date that construction is completed on permanent school facilities.
- 21.06.505 Relocatable facilities cost per student.** Relocatable facilities cost per student: the estimated cost of purchasing and siting a relocatable facility in a school district for the grade span of school to be provided, as a function of the district's design standard per grade span and taking into account the requirements of students with special needs.
- 21.06.508 Relocation facilities.** Relocation facilities: housing units that provide housing to persons who have been involuntarily displaced from other housing units as a result of conversion of their housing unit to other land uses.
- 21.06.510 Restoration, critical area.** Restoration, critical area: returning a stream, wetland, other critical area or any associated buffer to a state in which its stability and functions approach its unaltered state as closely as possible.

- 21.06.513 Retail, comparison.** Retail, comparison: for the sale of comparison good and services and is centrally located in the community or region.
- 21.06.515 Retail, convenience.** Retail, convenience: provides for daily living goods, is easy to access and use and is close to residential neighborhoods.
- 21.06.518 Retention/detention facility.** Retention/detention facility: a type of drainage facility designed either to hold water for a considerable length of time and then to release it by evaporation, plant transpiration and/or infiltration into the ground or to hold run-off for a short period of time and then to release it to the surface and storm water management system.
- 21.06.520 Salmonid.** Salmonid: a member of the fish family salmonidae, including:  
(1) Chinook, coho, chum, sockeye and pink salmon,  
(2) Rainbow, steelhead and cutthroat salmon,  
(3) Brown trout,  
(4) Brook and dolly varden char,  
(5) Kokanee, and  
(6) Whitefish.
- 21.06.523 School bus base.** School bus base: an establishment for the storage, dispatch, repair and maintenance of coaches and other vehicles of a school transit system.
- 21.06.525 School district.** School district: any school district whose boundaries include an area of the City.
- 21.06.528 School district support facility.** School district support facility: uses (excluding schools and bus bases) that are required for the operation of a school district. This term includes school district administrative offices, centralized kitchens, and maintenance or storage facilities.
- 21.06.530 Schools, elementary, and middle/junior high.** Schools, elementary, and middle/junior high: institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the State of Washington in grades kindergarten through nine, including associated meeting rooms, auditoriums and athletic facilities.
- 21.06.532 Schools, preschool.** Schools, preschool: establishments providing exclusively educational programs for prekindergarten or preschool children (ages two (2) through five(5)), but excluding daycare as defined by WMC 21.06.140 Daycare.
- 21.06.533 Schools, secondary or high school.** Schools, secondary or high school: institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the State of Washington in grades nine

(9) through twelve (12), including associated meeting rooms, auditoriums and athletic facilities.

- 21.06.534 Secure Community Transition Facility.** The Secure Community Transition Facilities are smaller housing units required by the federal court to provide a community-based treatment setting for SCC sex offenders who have progressed successfully through multiple levels of treatment over several years.
- 21.06.535 Seismic hazard areas.** Seismic hazard areas: those areas in the City of Woodinville subject to severe risk of earthquake damage as a result of earthquake-induced ground shaking, slope failure, settlement, surface rupture, or soil liquefaction .
- 21.06.538 Self-service storage facility.** Self-service storage facility: an establishment containing separate storage spaces that are leased or rented as individual units.
- 21.06.540 Sending site.** Sending site: land designated in WMC 21.36 as capable of providing a public benefit if permanently protected by virtue of having its zoned development potential transferred to another property.
- 21.06.543 Critical areas.** Critical areas: any of those areas in the City of Woodinville which are subject to natural hazards or those land features which support unique, fragile or valuable natural resources including fishes, wildlife and other organisms and their habitat and such resources which carry, hold or purify water in their natural state. Critical areas include erosion hazard areas, flood hazard areas, landslide hazard areas, seismic hazard areas, steep slope hazard areas, streams and wetlands.
- 21.06.545 Setback.** Setback: the minimum required distance between a structure and a lot line, access easement boundary, sensitive buffer or other buffer line that is required to remain free of structures.
- 21.06.548 Setback, interior.** Interior setback: the setback extending from the interior lot line to a line parallel to and measured perpendicularly from the interior lot lines at the depth prescribed for each zone.
- 21.06.550 Setback, street.** Street setback: the setback required between a structure and a street, measured pursuant to WMC 21.12.050 at the depth prescribed for each zone.
- 21.06.552 Sexually Oriented Business.** Sexually Oriented Business: See Section 2 of Ordinance No. 99 for the definition of sexually oriented business. It shall not include any play, opera, musical or other dramatic works that are not obscene; classes, seminars or lectures held for serious, scientific or educational purposes that are not obscene; or exhibitors, performances, expressions or dances that are not obscene.

- 21.06.553**     **Shelters for temporary placement.** Shelters for temporary placement: housing units that provide housing to persons on a temporary basis for a duration not to exceed four (4) weeks.
- 21.06.555**     **Shooting range.** Shooting range: a facility designed to provide a confined space for safe target practice with firearms, archery equipment, or other weapons.
- 21.06.558**     **Sign.** Sign: any device, structure, fixture, or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols, logos, or written copy for the purpose of advertising or identifying any establishment, product, goods, service or event.
- 21.06.559**     **Sign, animated.** Sign, animated: any sign that includes action or motion or the optical illusion of action or motion or color changes of all or any part of the sign.
- 21.06.560**     **(Reserved).**
- 21.06.561**     **Sign, building.** Sign, building: any sign that is painted on, or attached directly to or supported by, an exterior building wall, including facade signs, awning signs, canopy signs, and marquees, but excluding window signs.
- 21.06.563**     **Sign, changing message center.** Sign, changing message center: an electrically controlled sign that contains messages for date, time, and temperature only which changes at intervals of one (1) minute or less.
- 21.06.565**     **Sign, community bulletin board.** Sign, community bulletin board: a permanent sign used to notify the public of community events, public services, or jobs, and which contains no commercial advertising.
- 21.06.567**     **Sign, directional.** Sign, directional: a sign designed to guide or direct pedestrian or vehicular traffic to an area, place or convenience, and may include incidental graphics such as trade names and trademarks.
- 21.06.568**     **Sign, employment.** Sign, employment: a sign designed to notify the public of job opportunities only. Employment signs are limited to displaying the names of businesses hiring, telephone numbers, email addresses, and/or street or mailing address. These signs are of uniform design and are permanent with removable panels as provided in WMC 21.20.105.
- 21.06.569**     **Sign frame.** Sign frame: an enclosing structure or case around a sign.
- 21.06.570**     **Sign, freestanding.** Sign, freestanding: a sign standing directly upon the ground or having one or more supports standing directly upon the ground, and being detached from any building or similar structure.

- 21.06.573**     **Sign, fuel price.** Sign, fuel price: a sign utilized to advertise the price of gasoline and/or diesel fuel.
- 21.06.575**     **Sign, incidental.** Sign, incidental: a sign, emblem or decal designed to inform the public of goods, facilities, or services available on the premises, and may include, but not be limited to signs designating:
- (1) Restrooms;
  - (2) Hours of operation;
  - (3) Acceptable credit cards;
  - (4) Property ownership or management;
  - (5) Phone booths; and
  - (6) Recycling containers.
- 21.06.578**     **Sign, indirectly illuminated.** Sign, indirectly illuminated: a sign that is illuminated entirely from an external artificial source.
- 21.06.580**     **Sign, monument.** Sign, monument: a freestanding sign that is above ground level and is anchored to the ground by a solid base, with no open space between the sign and the ground.
- 21.06.581**     **Sign mounting.** Sign mounting: a support, backing, or setting for a sign.
- 21.06.582**     **Sign, nonconforming.** Sign, nonconforming: any existing permanent, legally erected, on-premise sign which does not comply with the current requirements of WMC Chapter 21.20.
- 21.06.583**     **Sign, off-premise directional.** Sign, off-premise directional: a sign which contains no advertising of a commercial nature which is used to direct pedestrian or vehicular traffic circulation to a facility, service or business located on other premises within 660 feet of the sign.
- 21.06.585**     **Sign, on-premise.** Sign, on-premise: a sign which displays a message which is incidental to and directly associated with the use of the property on which it is located.
- 21.06.588**     **Sign, permanent residential development identification.** Sign, permanent residential development identification: a permanent, freestanding sign identifying the residential development upon which the sign is located.
- 21.06.590**     **Sign, portable.** Sign, portable: a sign which is capable of being moved and is not permanently affixed to the ground, a structure or building, such as an A-frame.

**21.06.593 Sign, projecting.** Sign, projecting: any sign, other than a flat wall sign, which is attached to and projects vertically more than one (1) foot from the wall of a building or other structure.

**21.06.594 Sign, recommended face background colors.** Sign, recommended face background colors: colors recommended by the City for use on the sign face background of mall signs, monument signs, perimeter signs, and building signs. Sign, recommended face background colors are defined using the Pantone color system as a reference, as follows:

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|------------------|--|
| Red              | Pantone #s 181, 188, 194, 202, 208, 216, 222, 229, 235, 242, 262, 478, 483, 506, 518 or darker or duller (more black or green added to the color). |
| Yellow/<br>Brown | Pantone #s 133, 140, 147, 154, 161, 168, 174, 464, 469, 478, 491, 499 or darker or duller (more black or violet added to the color).               |
| Blue             | Pantone #s 269, 276, 281, 289, 296, 302, 309, 533, 540, 548 or darker or duller (more black or orange added to the color).                         |
| Green            | Pantone #s 316, 322, 329, 336, 343, 554, 562, 567, 574 or darker or duller, more black or red added to the color                                   |
| Gray             | Pantone #s 404, 409, 416, 425, 431, 437, 444, 450 or darker or duller (more black added to the color).   |

**21.06.595 Sign, required frame colors.** Sign, required frame colors: colors required by the City for use on the frames of mall signs, monument signs, and perimeter signs. Required frame colors include white and cream or are defined using the Pantone color system as a reference, as follows:

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|------------------|--|
| Red              | Pantone #s 181, 188, 194, 202, 208, 216, 222, 229, 235, 242, 262, 478, 483, 506, 518 or darker or duller (more black or green added to the color). |
| Yellow/<br>Brown | Pantone #s 133, 140, 147, 154, 161, 168, 174, 464, 469, 478, 491, 499 or darker or duller (more black or violet added to the color).               |
| Blue             | Pantone #s 269, 276, 281, 289, 296, 302, 309, 533, 540, 548 or darker or duller (more black or orange added to the color).                         |
| Green            | Pantone #s 322, 329, 316, 336, 343, 554, 562, 567, 574 or darker or duller (more black or red added to the color)                                  |
| Gray             | Pantone #s 404, 409, 416, 425, 431, 437, 444, 450 or darker or duller (more black added to the color).   |

- 21.06.596 Sign, wayfinding.** Sign, wayfinding: an off-premise sign that is part of a city-sponsored and coordinated program for the purpose of facilitating vehicular tourist transit to local tourist destinations as designated and recognized by the City's Wayfinding Sign Program.
- 21.06.597 Sign, window.** Sign, window: any sign located inside or on, affixed to, or located within three feet of a window of a building, whether temporary or permanent, lighted or unlighted, which may be viewed from the exterior of the building. Merchandise located within three feet of a window is not included in the definition unless the merchandise blocks more than one third of the window.
- 21.06.600 Site cost per student.** Site cost per student: the estimated cost of a site in the district for the grade span of school to be provided, as a function of the district's design standard per grade span and taking into account the requirements of students with special needs.
- 21.06.603 (Reserved).**
- 21.06.605 Soil recycling/incineration facility.** Soil recycling/incineration facility: an establishment engaged in the collection, storage and treatment of contaminated soils to remove and reuse organic contaminants.
- 21.06.608 Source-separated organic material.** Source-separated organic material: vegetative material, scrap lumber or wood, or other materials that provide a source for recycled or composted products. This does not include chemically treated wood products and/or toxic organic substances.
- 21.06.610 Special use permit.** Special use permit: a permit granted by the City to locate an essential public facility or a regional land use at a particular location, subject to conditions placed on the proposed use to ensure compatibility with adjacent land uses.
- 21.06.611 Special Event.** Any event meeting the definition of special event found in WMC 8.12.020(a). Special events may include, but are not limited to: fun runs, races on foot, bicycle, or rollerskates, other athletic events, fundraising events, auctions, bike-a-thons, parades, political demonstrations, carnivals, shows or exhibitions, film-making, circuses, block parties and fairs.
- 21.06.612 Specialized instruction school.** Specialized instruction school: establishments engaged in providing specialized instruction in a designated field of study, rather than a full range of courses in unrelated areas; including, but not limited to:  
(1) Art,

- (2) Dance,
- (3) Music,
- (4) Cooking,
- (5) Driving, and
- (6) Pet obedience training.

- 21.06.613** **Species, endangered.** Endangered species: 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.
- 21.06.614** **Species of local importance.** Species of local importance: those species of local concern due to their population status or their sensitivity to habitat manipulation.
- 21.06.615** **Species, threatened.** Threatened species: 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.
- 21.06.616** **Specified sexual activities.** Specified sexual activities: human genitalia in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; or erotic fondling, touching or display of human genitalia, pubic region, buttock, or female breast.
- 21.06.618** **Sporting goods store.** Sporting goods store: an establishment engaged in the retail sale of sporting goods and equipment, including uses located in NAICS Industry Nos:  
 (1) 451110 - Sporting Goods Stores and Bicycle Shops, and  
 (2) 453998 - Limited to Trophy Shops.
- 21.06.620** **Sports club.** Sports club: an establishment engaged in operating physical fitness facilities and sports and recreation clubs, including uses located in NAICS Industry Nos.:  
 (1) 71394-Physical Fitness Facilities, and  
 (2) 7139-Membership Sports and Recreation Clubs.
- 21.06.623** **Stable.** Stable: a structure or facility in which horses or other livestock are kept for:  
 (1) Boarding,  
 (2) Training,  
 (3) Riding lessons,  
 (4) Breeding,  
 (5) Rental, or  
 (6) Personal use.

**21.06.625 Standard of service, school.** Standard of service, school: the standard adopted by each school district which identifies the program year, the class size by grade span and taking into account the requirements of students with special needs, the number of classrooms, the types of facilities the district believes will best serve its student population, and other factors as identified by the school district. The district's standard of service shall not be adjusted for any portion of the classrooms housed in relocatable facilities which are used as transitional facilities or for any specialized facilities housed in relocatable facilities. Except as otherwise defined by the school board pursuant to a board resolution, transitional facilities shall mean those facilities that are used to cover the time required for the construction of permanent facilities; provided that, the "necessary financial commitments" as defined in Section 21.28 are in place to complete the permanent facilities called for in the capital plan.

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

- (1) The toe of a slope is a distinct topographic break in slope which separates slopes inclined at less than forty (40) percent from slopes forty (40) percent or steeper. Where no distinct break exists, the toe of a steep slope is the lower most limit of the area where the ground surface drops ten (10) feet or more vertically within a horizontal distance of twenty five feet (25), and
- (2) The top of a slope is a distinct, topographic break in slope which separates slopes inclined at less than forty (40) percent from slopes forty (40) percent or steeper. Where no distinct break exists, the top of a steep slope is the upper most limit of the area where the ground surface drops ten (10) feet or more vertically within a horizontal distance of twenty five (25) feet.

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

**21.06.633 Streams.** Streams: those areas in the City of Woodinville where surface waters produce a defined channel or bed, not including irrigation ditches, canals, storm or surface water run-off devices or other entirely artificial watercourses, unless they are used by salmonids or are used to convey streams naturally occurring prior to construction in such watercourses. For the purpose of this definition, a defined channel or bed is an area which demonstrates clear evidence of the passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and

silt beds and defined-channel swales. The channel or bed need not contain water year-round.

- 21.06.635 Street.** Street: a public or recorded private thoroughfare providing the main pedestrian and vehicular access through neighborhoods and communities and to abutting property.
- 21.06.636 Street banner.** Street banner: a temporary sign without mechanical or electrical devices made of cloth or similar non-rigid materials suspended with rope or cable over the public street right-of-way.
- 21.06.638 Street frontage.** Street frontage: any portion of a lot or combination of lots which directly abut a public right-of-way.
- 21.06.639 Street/utility pole.** Street/utility pole: telephone, utility/electric, cable television, or street light poles located within a public right-of-way.
- 21.06.640 Structure.** Structure: anything permanently constructed in or on the ground, or over the water; including rockeries and retaining walls over four (4) feet and signs, but excluding fences less than six (6) feet in height and decks less than eighteen (18) inches above grade; or paved areas, and excluding structural or non-structural fill.
- 21.06.643 Student factor.** Student factor: the number derived by a school district to describe how many students of each grade span are expected to be generated by a dwelling unit. Student factors shall be based on district records of average actual student generated rates for new developments constructed over a period of not more than five (5) years prior to the date of the fee calculation; if such information is not available in the district, data from adjacent districts, districts with similar demographics, or county wide averages must be used. Student factors must be separately determined for single family and multifamily dwelling units, and for grade spans.
- 21.06.645 Submerged land.** Submerged land: any land at or below the ordinary high water mark.
- 21.06.647 Substantial damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.
- 21.06.648 Substantial improvement.** Substantial improvement: any maintenance, repair, structural modification, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure

either before the maintenance, repair, modification or addition is started or before the damage occurred, if the structure has been damaged and is being restored.

- 21.06.649 Temporary shelter.** Temporary shelter: a dormitory set up by an institution or nonprofit agency for the protection of homeless people on a temporary basis.
- 21.06.650 Temporary use permit.** Temporary use permit: permit to allow a use of limited duration and/or frequency, or to allow multiple related events over a specified period.
- 21.06.653 Tightline to a sewer.** Tightline to a sewer: a sewer trunk line designed and intended specifically to serve only a particular facility or place, and whose pipe diameter should be sized appropriately to ensure service only to that facility or place. It may occur outside the Local Service Area for sewers, but does not amend the Local Service Area.
- 21.06.654 Traffic impact, direct.** Traffic impact, direct: any increase in vehicle traffic generated by a proposed development which equals or exceeds ten (10) peak hour, peak direction vehicle trips on any roadway or intersection.
- 21.06.655 Trails.** Trails: man-made pathways designed and intended for use by pedestrians, bicyclists, equestrians, and/or recreational users.
- 21.06.658 Transfer station.** Transfer station: a staffed collection and transportation facility used by private individuals and route collection vehicles to deposit solid waste collected off-site into larger transfer vehicles for transport to permanent disposal sites; and may also include recycling facilities involving collection or processing for shipment.
- 21.06.660 Transit base.** Transit base: an establishment for the storage, dispatch, repair and maintenance of coaches, light rail trains, and other vehicles of a public transit system.
- 21.06.663 Transit park and ride lot.** Transit park and ride lot: vehicle parking specifically for the purpose of access to a public transit system.
- 21.06.665 Transitional housing facilities.** Transitional housing facilities: housing units owned by public housing authorities, nonprofit organizations or other public interest groups that provide housing to persons on a temporary basis for a duration not to exceed twenty-four (24) months in conjunction with job training, self sufficiency training, and human services counseling; the purpose of which is to help persons make the transition from homelessness to placement in permanent housing.

- 21.06.668** **Transmission equipment, electronic.** Transmission equipment, electronic: equipment, such as antennae and satellite, or point-to-point microwave dishes, that transmit or receive radio signals.
- 21.06.670** **Transmission line booster station.** Transmission line booster station: an establishment containing equipment designed to increase voltage of electrical power transported through transmission and/or distribution lines to compensate for power loss due to resistance.
- 21.06.673** **Transmission structure.** Transmission structure: a structure intended to support transmission equipment or function as an antenna for AM radio or an earth station satellite dish antenna. The term does not include brackets, platforms, or other apparatus which mount transmission equipment onto transmission structures, buildings or other structures.
- 21.06.675** **Transmitter building.** Transmitter building: building used to contain communication transmission equipment.
- 21.06.678** **Transportation system management (TSM).** Transportation System Management (TSM): projects that can be implemented in a short time frame designed to increase the efficiency of existing transportation facilities. This also includes transit and/or ride sharing measures to decrease single occupancy vehicle trips.
- 21.06.679** **Tree and/or Plant Industry Professional.** Tree and/or plant industry professional; an individual who has professional experience in the tree and/or plant industry including, but no limited to, arboriculture, landscaping, horticulture, urban forestry or similar industries as also defined in Woodinville Municipal Code 2.24.010(12).
- 21.06.680** **Ultimate roadway section.** Ultimate roadway section: a designation by the City of Woodinville that the maximum roadway or intersection capacity has been reached and further right-of-way acquisition and/or improvements are not feasible to increase peak hour vehicle capacity.
- 21.06.683** **(Reserved).**
- 21.06.685** **Use.** Use: activity or function carried out on an area of land, or in a building or structure located thereon. Any use comprising the sole or main use on the site is considered the primary use of the site. Any use subordinate or incidental to the primary use on a site is considered an accessory use.
- 21.06.686** **Use, Reasonable.** Reasonable use: the minimum use to which a property owner is entitled under applicable state and federal constitutional provisions in order to avoid a taking and/or violation of substantive due process. "Reasonable use" shall

be liberally construed to protect the constitutional property rights of the applicant. For example, the minimum reasonable use of a residential lot which meets or exceeds minimum bulk requirements is usually use for one single family residential structure. Determination of "reasonable use" shall not include consideration of factors personal to the owner such as a desire to make a more profitable use of the site.

- 21.06.688 Utility facility.** Utility facility: a facility for the distribution or transmission of services to an area; requiring location in the area to be served; including, but not limited to:
- (1) Telephone exchanges,
  - (2) Water pumping or treatment stations,
  - (3) Electrical switching substations,
  - (4) Water storage reservoirs or tanks,
  - (5) Municipal groundwater well-fields,
  - (6) Regional stormwater management facilities,
  - (7) Natural gas gate stations and limiting stations,
  - (8) Propane, compressed natural gas and liquified natural gas storage tanks serving multiple lots or uses from which fuel is distributed directly to individual users, and
  - (9) Sewer lift stations.
- 21.06.690 Variance.** Variance: an adjustment in the application of standards of a zoning code to a particular property.
- 21.06.693 Vegetation.** Vegetation: any and all plant life growing at, below or above the soil surface.
- 21.06.694 Veterinary Clinic.** Veterinary clinic: a licensed clinic, hospital, or doctor's office providing veterinary care to pets, small animals, and livestock.
- 21.06.695 Vocational school.** Vocational school: establishments offering training in a skill or trade to be pursued as a career, including uses located in NAICS Industry Group No.:
- (1) 51151-Apprenticeship Training, and
  - (2) 61121-Junior Colleges.
- 21.06.698 (Reserved).**
- 21.06.700 Warehousing and wholesale trade.** Warehousing and wholesale trade: establishments involved in the storage and/or sale of bulk goods for resale or assembly, excluding establishments offering the sale of bulk goods to the general public which is classified as a retail use in WMC 21.08.070. These

establishments shall include NAICS Major Group Nos. 421, 444, 422, 454 and NAICS Industry Group Nos. 4931 and 48848.

- 21.06.703 Wastewater treatment facility.** Wastewater treatment facility: a plant for collection, decontamination and disposal of sewage, including residential, commercial, industrial and agricultural liquid wastes, and including any physical improvement within the scope of the definition of "water pollution control facility" set forth in WAC 173-90-015(4) as amended.
- 21.06.705 Water dependent use, Critical area.** Water dependent use, critical area: a land use which can only exist when the interface between wet meadows, grazed land and water provides the biological or physical conditions necessary for the use.
- 21.06.708 Wet meadows, grazed.** Wet meadows, grazed: palustrine emergent wetlands typically having up to six inches of standing water during the wet season and dominated under normal conditions by meadow emergents such as reed canary grass, spike rushes, bulrushes, sedges and rushes. During the growing season, the soil is often saturated but not covered with water. These meadows frequently have been or are being used for livestock activities.
- 21.06.710 Wetland.** Wetland: area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.
- 21.06.711 Wetland classes.** Wetland classes: descriptive classes of the wetlands taxonomic classification system of the U.S. Fish and Wildlife Service (Cowardin et al., 1979).
- 21.06.713 Wetpond.** Wetpond: an artificial water body constructed as a part of a surface water management system.
- 21.06.715 Wildlife shelter.** Wildlife shelter: a facility for the temporary housing of sick or wounded or displaced wildlife.
- 21.06.718 Work release facility.** Work release facility: a facility which allows the opportunity for convicted persons to be employed outside of the facility, but requires confinement within the facility when not in the place of employment.

**21.06.720** **Yard waste processing facility.** Yard waste processing facility: a site where yard and garden wastes, including wood and land clearing debris, are processed into new products, which include but are not limited to soil amendments and wood chips.

**21.06.725** **Youth hostel.** Youth hostel: a registered indoor facility providing board and other necessities for the temporary housing of travelers.

## CHAPTER 21.24 DEVELOPMENT STANDARDS - CRITICAL AREAS

### SECTIONS:

- 21.24.010 Purpose.
- 21.24.020 Applicability.
- 21.24.030 Appeals.
- 21.24.040 Critical area rules.
- 21.24.050 Alteration.
- 21.24.060 Complete exemptions.
- 21.24.070 Partial exemptions.
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- 21.24.090 Critical area maps and inventories.
- 21.24.100 Disclosure by applicant.
- 21.24.110 Critical area review.
- 21.24.120 Critical area special study requirement.
- 21.24.130 Contents of critical area special study.
- 21.24.140 Mitigation, maintenance, monitoring and contingency.
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- 21.24.350 Wetlands: mitigation requirements.
- 21.24.360 Wetlands: limited exemption
- 21.24.370 Streams: designation and rating.
- 21.24.380 Streams: development standards.
- 21.24.390 Streams: permitted alterations.
- 21.24.400 Streams: mitigation requirements.

**21.24.010**

**Purpose.** The purpose of this chapter is to implement the goals and policies of the Washington State Environmental Policy Act, RCW 43.21C, and the City of Woodinville Comprehensive Plan which call for protection of the natural environment and the public health and safety by:

- (1) Including the best available science requirements pursuant to the Washington State Growth Management Act and giving special consideration to anadromous fish when developing the critical areas regulations.
- (2) Establishing development standards to protect defined critical areas;
- (3) Protect members of the public and public resources and facilities from injury, loss of life, property damage or financial loss due to flooding, erosion, landslides, seismic events, soil subsidence or steep slope failures;
- (4) Maintain healthy, functioning ecosystems through the protection of unique, fragile, and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats, and to conserve the biodiversity of plant and animal species.
- (5) Direct activities not dependent on critical areas resources to less ecologically sensitive areas and mitigate unavoidable impacts to critical areas by regulating alterations in and adjacent to critical areas;
- (6) Prevent cumulative adverse environmental impact to water quality, wetlands, fish and wildlife habitat, and the overall net loss of wetlands, frequently flooded areas, and habitat conservation areas.
- (7) Protecting unique, fragile and valuable elements of the environment including, but not limited to, wildlife and its habitat;
- (8) Requiring mitigation of unavoidable impacts on environmentally sensitive areas by regulating alterations in or near critical areas;
- (9) Preventing cumulative adverse environmental impacts on water availability, water quality, wetlands and streams;
- (10) Measuring the quantity and quality of wetland and stream resources and preventing overall net loss of wetland and stream functions;
- (11) Protecting the public trust as to navigable waters and aquatic resources;
- (12) Meeting the requirements of the National Flood Insurance Program and maintaining the City of Woodinville as an eligible community for federal flood insurance benefits;
- (13) Alerting members of the public including, but not limited to, appraisers, owners, potential buyers or lessees to the development limitations of critical areas;
- (14) Providing for public enjoyment of environmentally protected areas by encouraging when feasible and sensible, multiple use of critical area buffers; and
- (15) Providing City officials with sufficient information to protect critical areas.

**21.24.020****Applicability.**

- (1) The provisions of this chapter shall apply to all land uses in the City of Woodinville, and all persons within the City shall comply with the requirements of this chapter.

- (2) The City of Woodinville shall not approve any permit or otherwise issue any authorization to alter the condition of any land, water or vegetation or to construct or alter any structure or improvement without first assuring compliance with the requirements of this chapter.
- (3) Approval of a development proposal pursuant to the provisions of this chapter does not discharge the obligation of the applicant to comply with the provisions of this chapter.
- (4) When any provision of any other chapter of the City of Woodinville Code conflicts with this chapter or when the provisions of this chapter are in conflict, that provision which provides more protection to environmentally critical areas shall apply unless specifically provided otherwise in this chapter or unless such provision conflicts with federal or state laws or regulations.
- (5) The provisions of this chapter shall apply to all forest practices over which the City has jurisdiction pursuant to RCW 76.09 and WAC 222.

**21.24.030 Appeals.** Any decision to approve, condition or deny a development proposal based on the requirements of WMC 21.24 may be appealed according to and as part of the appeal procedure for the permit or approval involved.

**21.24.040 Critical areas rules.** The directors of the applicable departments within the City of Woodinville are authorized to adopt such administrative rules and regulations as are necessary and appropriate to implement WMC 21.24 and to prepare and require the use of such forms as are necessary to its administration.

**21.24.050 Alteration.** Any human activity which results or is likely to result in an impact upon the existing condition of a critical area is an alteration which is subject to specific limitations as specified for each critical area. Alterations include, but are not limited to, grading, filling, dredging, draining, channelizing, applying herbicides or pesticides or any hazardous substance, discharging pollutants except stormwater, grazing domestic animals, paving, constructing, applying gravel, modifying for surface water management purposes, cutting, pruning, topping, trimming, relocating or removing vegetation or any other human activity which results or is likely to result in an impact to existing vegetation, hydrology, wildlife or wildlife habitat. Alterations do not include walking, fishing or any other passive recreation or other similar activities.

**21.24.060 Complete exemptions.** The following are exempt from the provisions of this chapter and any administrative rules promulgated hereunder:

- (1) Alterations in response to emergencies that threaten the public health, safety and welfare or which pose an imminent risk of damage to public or private property as long as any alteration undertaken pursuant to this subsection is reported to the City immediately. The Planning Director shall confirm that an emergency exists and determine what, if any, mitigation shall be required to protect the health, safety, welfare and environment and to repair any resource damage;
- (2) Agricultural activities in existence before March 31, 1993, as follows:

- (a) Mowing of hay, grass or grain crops;
  - (b) Tilling, dicing, planting, seeding, harvesting and related activities for pasture, food crops, grass seed or sod if such activities do not take place on steep slopes;
  - (c) Normal and routine maintenance of existing irrigation and drainage ditches not used by salmonids; and
  - (d) Normal and routine maintenance of farm ponds, fish ponds, manure lagoons and livestock watering ponds;
- (3) Public water, electric and natural gas distribution, public sewer collection, cable communications, telephone utility and related activities undertaken pursuant to Public Works Director-approved best management practices and Policy U-1.12 of the Comprehensive Plan, as follows:
- (a) Normal and routine maintenance or repair of existing utility structures or rights-of-way;
  - (b) Relocation of electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less, only when required by a local governmental agency, which approves the new location of the facilities;
  - (c) Replacement, operation, repair, modification or installation or construction in an improved public road right-of-way of all electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less when such facilities are located within an improved public road right-of-way or Public Works Director-authorized private roadway;
  - (d) Relocation of public sewer local collection, public water local distribution, natural gas, cable communication or telephone facilities, lines, pipes, mains, equipment or appurtenances, only when required by a local governmental agency which approves the new location of the facilities; and
  - (e) Replacement, operation, repair, modification, installation or construction of public sewer local collection, public water local distribution, natural gas, cable communication or telephone facilities, lines, pipes, mains, equipment or appurtenances when such facilities are located within an improved public right-of-way or Public Works Director-authorized private roadway.
- (4) Maintenance, operation, repair or replacement of publicly improved roadways as long as any such alteration does not involve the expansion of roadways or related improvements into previously unimproved rights-of-way or portions of rights-of-way when such facilities are located within an improved public right-of-way or Public Works Director-authorized private roadway;
- (5) Maintenance, operation or repair of publicly improved recreation areas as long as any such alteration does not involve the expansion of improvements into previously unimproved recreation areas;
- (6) All clearing and grading activities which are exempt from the requirement for a clearing and grading permit as specified in the WMC, unless these activities require other permits or authorizations as specified in WMC 21.24.020.

**21.24.070****Partial exemptions.**

- (1) The following are exempt from the provisions of this chapter and any administrative rules promulgated hereunder, except for the notice on title provisions, WMC 21.24.170 through 21.24.180, and the flood hazard area provisions, WMC 21.24.220 through 21.24.260:
  - (a) Structural modification of, addition to, repair or replacement of structures, except single detached residences, in existence before March 31, 1993, which do not meet the building setback or buffer requirements for wetlands, streams or geological hazard areas if the modification, addition, replacement or related activity does not increase the existing footprint of the structure lying within the above-described building setback area, critical area or buffer;
  - (b) Structural modification of, addition to, repair or replacement of single detached residences in existence before March 31, 1993 or residences allowed by reasonable use or variance process which do not meet the building setback or buffer requirements for wetlands, streams or geological hazard areas if the modification, addition, replacement or related activity does not increase the existing footprint of the residence lying within the above-described buffer or building setback area by more than 1000 square feet over that existing before March 31, 1993 and no portion of the modification, addition or replacement is located closer to the critical area or, if the existing residence is in the sensitive area, extends farther into the critical area; and
  - (c) Maintenance or repair of structures which do not meet the development standards of this chapter for geological hazard areas if the maintenance or repair does not increase the footprint of the structure and there is no increased risk to life or property as a result of the proposed maintenance or repair.
- (2) The grazing of livestock is exempt from the provisions of this chapter and any administrative rules promulgated hereunder, except for the livestock restriction provisions, WMC 21.24.320 and 21.24.360, and any animal density limitations established by law, if the grazing activity was in existence before March 31, 1993.
- (3) A permit or approval sought as part of a development proposal for which multiple permits are required is exempt from the provisions of this chapter and any administrative rules promulgated hereunder, except for the notice on title provisions, WMC 21.24.170 - 21.24.180, if:
  - (a) City of Woodinville previously reviewed all critical areas on the site;
  - (b) There is no material change in the development proposal since the prior review;
  - (c) There is no new information available, which is important to any critical area review of the site or particular critical area;
  - (d) The permit or approval under which the prior review was conducted has not expired or, if no expiration date exists, no more than five (5) years have lapsed since the issuance of that permit or approval; and

- (e) The prior permit or approval, including any conditions, has been complied with.

**21.24.080 Exceptions.**

- (1) If the application of this chapter would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this subsection:
  - (a) The public agency or utility shall apply to the Department and shall make available to the Department other related project documents such as permit applications to other agencies, special studies and environmental documents. The Planning Director shall prepare a recommendation to the Hearing Examiner.
  - (b) The Hearing Examiner shall review the application and conduct a public hearing pursuant to the provisions of City of Woodinville Ordinance No. 18. The Hearing Examiner shall make a decision based on the following criteria:
    - (i) There is no other practical alternative to the proposed development with less impact on the sensitive area; and
    - (ii) The proposal minimizes the impact on critical areas.
  - (c) This exception shall not allow the use of the following critical areas for regional retention/detention facilities except where there is a clear showing that the facility will protect public health and safety or repair damaged natural resources:
    - (i) Class 1 stream buffers;
    - (ii) Class 1 wetland buffers with plant associations of infrequent occurrence; or
    - (iii) Class 1 or 2 wetland buffers, which provide critical or outstanding habitat for herons, raptors or state or federal designated endangered or threatened species unless clearly demonstrated by the applicant that there will be no impact on such habitat.
- (2) If the application of this chapter would deny all reasonable use of the property, the applicant may apply for an exception pursuant to this subsection:
  - (a) The applicant shall apply to the Department, and the Planning Director shall prepare a recommendation to the Hearing Examiner. The applicant may apply for a reasonable use exception without first having applied for a variance if the requested exception includes relief from standards for which a variance cannot be granted pursuant to the provisions of WMC 21.44;
  - (b) The Hearing Examiner shall review the application and shall conduct a public hearing pursuant to the provisions of City of Woodinville Ordinance No. 18 and Ordinance No. 81. The Hearing Examiner shall make a final decision based on the following criteria:
    - (i) The application of this chapter would deny all reasonable use of the property;
    - (ii) There is no other reasonable use with less impact on the sensitive area;

- (iii) 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 chapter and the public interest; and
- (iv) Any alterations permitted to the sensitive area shall be the minimum necessary to allow for reasonable use of the property; and
- (c) Any authorized alteration of a sensitive area under this subsection shall be subject to conditions established by the Hearing Examiner including, but not limited to, mitigation under an approved mitigation plan.

**21.24.090 Critical area maps and inventories.**

- (1) **Critical Areas Map.** The distribution of many critical areas in the City of Woodinville are displayed on maps in the King County Critical Areas Map Folio and the City of Woodinville Critical Areas Map. Many of the wetlands are inventoried and rated and that information is published in the King County Wetlands Inventory Notebooks.
- (2) **Flood Hazard Maps.** Many flood hazard areas are mapped by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for King County."
- (3) **King County Critical Recharge Areas Map.** The King County Critical Recharge Areas, including any authorized updates to this map is hereby adopted as the designation of critical aquifer recharge areas in the City of Woodinville.

If there is a conflict among the maps, inventory and site-specific features, the actual presence or absence of the features defined in this title as critical areas shall govern.

**21.24.100 Disclosure by applicant.**

- (1) The applicant shall disclose to the Planning Director the presence of critical areas on the development proposal site and any mapped or identifiable sensitive areas within 100 feet of the applicant's property.
- (2) If the development proposal site contains or is within a critical area, the applicant shall submit an affidavit, to the extent consistent with the applicant's constitutional rights which declares whether the applicant has knowledge of any illegal alteration to any or all sensitive areas on the development proposal site and whether the applicant previously has been found in violation of this chapter, pursuant to WMC 21.50 Enforcement. If the applicant previously has been found in violation, the applicant shall declare whether such violation has been corrected to the satisfaction of the Planning Director.

**21.24.110 Critical area review.**

- (1) The Planning Director shall perform a critical area review for any City of Woodinville development proposal permit application or other request for permission to proceed with an alteration on a site which includes a critical area or is within an identified critical area buffer.
- (2) As part of the critical area review, the Planning Director shall:

- (a) Determine whether any critical area exists on the property and confirm its nature and type;
- (b) Determine whether a critical area special study is required;
- (c) Evaluate the critical area special study;
- (d) Determine whether the development proposal is consistent with this chapter;
- (e) Determine whether any proposed alteration to the critical area is necessary; and
- (f) Determine if the mitigation and monitoring plans and bonding measures proposed by the applicant are sufficient to protect the public health, safety and welfare, consistent with the goals, purposes, objectives and requirements of this chapter.

**21.24.120 Critical area special study requirement.**

- (1) An applicant for a development proposal which includes a critical area or is within an identified critical area buffer shall submit a critical area special study (report requirements are available at the Community Development Department) that uses the best available science to adequately evaluate the proposal and all probable impacts.
- (2) The Planning Director may waive the requirement for a special study if the applicant shows, to the Planning Director's satisfaction, that:
  - (a) There will be no alteration of the critical area or buffer;
  - (b) The development proposal will not have an impact on the critical area in a manner contrary to the goals, purposes, objectives and requirements of this chapter; and
  - (c) The minimum standards required by this chapter are met.
- (3) If necessary to insure compliance with this chapter, the Planning Director may require additional information from the applicant, separate from the special study.

**21.24.130 Contents of critical area special study.**

- (1) The critical area special study shall be in the form of a written report and shall contain the following, as applicable:
  - (a) Using the best available science, identification and characterization of all sensitive areas on or encompassing the development proposal site;
  - (b) Using the best available science, assessment of the impacts of any alteration proposed for a critical area or buffer, assessment of the impacts of any alteration on the development proposal, other properties and the environment, and/or assessment of the impacts to the development proposal resulting from development in the critical area or buffer;
  - (c) Studies, which propose adequate mitigation, maintenance, monitoring and contingency plans and bonding measures;
  - (d) A scale map of the development proposal site; and
  - (e) Detailed studies, as required by the Planning Director.
- (2) A critical area special study may be combined with any studies required by other laws and regulations; and

- (3) If the development proposal will affect only a part of the development proposal site, the Planning Director may limit the scope of the required special study to include only that part of the site, which may be affected by the development.

**21.24.140 Mitigation, maintenance, monitoring and contingency.**

- (1) As determined by the Planning Director, mitigation, maintenance and monitoring measures shall be in place to protect critical areas and buffers from alterations occurring on the development proposal site of a proposed development.
- (2) Where monitoring reveals a significant deviation from predicted impacts or a failure of mitigation or maintenance measures, the applicant shall be responsible for appropriate corrective action which, when approved, shall be subject to further monitoring.

**21.24.150 Security to insure mitigation, maintenance and monitoring.**

- (1) When mitigation required pursuant to a development proposal is not completed prior to Planning Director finally approving the proposal, the Planning Director may delay final approval until mitigation is completed or may require the applicant to post a performance bond or other security in a form and amount deemed acceptable by the Planning Director. The security shall be sufficient to guarantee that all required mitigation measures will be completed no later than the time established by the Planning Director in accordance with this chapter.
- (2) If the development proposal is subject to mitigation, maintenance or monitoring plans, the applicant shall post a maintenance/monitoring bond or other security in a form and amount deemed acceptable the Planning Director. The security shall be sufficient to guarantee satisfactory workmanship on, materials in and performance of or related to structures and improvements allowed or required by this chapter for a period of up to five (5) years. The duration of maintenance/monitoring obligations shall be established by the Planning Director, based upon the nature of the proposed mitigation, maintenance or monitoring and the likelihood and expense of correcting mitigation or maintenance failures.
- (3) Performance and maintenance/monitoring bonds or other security shall also be required for restoration of a critical area or buffer not performed as part of a mitigation or maintenance plan, except that no security shall be required for minor stream restoration carried out pursuant to this chapter. The bond or other security shall be in a form and amount deemed acceptable by the Planning Director.
- (4) Performance and maintenance/monitoring bonds or other security authorized by this section shall remain in effect until the Planning Director determines, in writing, that the standards bonded for have been met.
- (5) Depletion, failure or collection of security funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring or restoration.

- (6) Public development proposals shall be relieved from having to comply with the security requirements of this section if public funds have previously been committed for mitigation, maintenance, monitoring or restoration.

**21.24.160 Critical area markers and signs.**

- (1) Permanent survey stakes delineating the boundary between adjoining property and critical area tracts shall be set, using iron or concrete markers as established by current survey standards.
- (2) The boundary between a critical area tract and contiguous land shall be identified with permanent signs.

**21.24.170 Notice on title.**

- (1) The owner of any property containing critical areas or buffers on which a development proposal is submitted, except a public right-of-way or the site of a permanent public facility, shall file a notice approved by the Planning Director with the County's records and elections division. The required contents and form of the notice shall be set forth in administrative rules. The notice shall inform the public of the presence of critical areas or buffers on the property, of the application of this chapter to the property and that limitations on actions in or affecting such critical areas or buffers may exist. The notice shall run with the land.
- (2) The applicant shall submit proof that the notice has been filed for public record before the Planning Director and/or Building Official shall approve any development proposal for the property or, in the case of subdivisions, short subdivisions and binding site plans, at or before recording.

**21.24.180 Critical area tracts or easements and designations on site plans.**

- (1) Critical area tracts shall be used to delineate and protect those critical areas and buffers listed below in development proposals for subdivisions, short subdivisions or binding site plans and shall be recorded on all documents of title of record for all affected lots:
  - (a) All geological hazard areas and buffers which are one (1) acre or greater in size;
  - (b) All geological hazard areas and buffers which are one (1) acre or greater in size;
  - (c) All wetlands and buffers; and
  - (d) All streams and buffers.
- (2) Any required critical area tract shall be held in an undivided interest by each owner of a building lot within the development with this ownership interest passing with the ownership of the lot or shall be held by an incorporated homeowner's association or other legal entity, which assures the ownership, maintenance and protection of the tract.
- (3) Site plans submitted as part of development proposals for building permits and clearing and grading permits shall include and delineate all flood hazard areas (if they have been mapped by FEMA, King County or City of Woodinville or if a special study is required), geological hazard areas, streams

and wetlands, and buffers and building setbacks. If only a part of the development site has been mapped pursuant to WMC 21.24.130, the part of the site, which has not been mapped, shall be clearly identified and labeled on the site plans. The site plans shall be attached to the notice on title required by WMC 21.24.170.

- (4) Native growth protection easements may be required over delineated critical areas to protect them in perpetuity, as determined by the Planning Director. Easements shall be recorded with the County Assessor's Office prior to issuance of a certificate of occupancy.

**21.24.190 Critical aquifer recharge areas: designation and rating**

- (1) The map entitled King County Critical Recharge Areas, including any authorized updates to this map, is hereby adopted as the designation of critical aquifer recharge areas in the City of Woodinville. The designated critical aquifer recharge areas map may be updated from time to time as new information becomes available pursuant to WMC 21.24.090.
- (2) Critical aquifer recharge areas are categorized as follows:
  - (a) Category I critical aquifer recharge areas include those areas designated on the critical aquifer recharge area map as highly susceptible to groundwater contamination and that are located within a sole source aquifer or wellhead protection area.
  - (b) Category II critical aquifer recharge areas include those mapped areas designated that:
    - (i) Have a medium susceptibility to groundwater contamination and are located in a sole source aquifer or wellhead protection area; or
    - (ii) Are highly susceptible to groundwater contamination and are not located in a sole source aquifer or wellhead protection area.
- (3) An applicant can request that the Planning Director declassify a specific area included in the map adopted under WMC 21.24.190(1). The request must be supported by a critical areas report that includes a hydro-geologic assessment. The request to declassify an area shall be reviewed by the Planning Director following the procedure in WMC 21.24.110.

**21.24.200 Critical aquifer recharge areas: development regulations**

- (1) The following new uses or activities are not allowed in Category I critical aquifer recharge areas:
  - (a) Hazardous liquid transmission pipelines;
  - (b) Sand and gravel, and hard rock mining on land that is not zoned for mining as of December 1, 2004;
  - (c) Mining of any type below the groundwater table;
  - (d) Processing, storage, and disposal of radioactive wastes;
  - (e) Hydrocarbon extraction;
  - (f) Commercial wood treatment facilities on permeable surfaces;
  - (g) Golf courses
  - (h) Cemeteries
  - (i) Wrecking yards

- (j) Landfills for hazardous waste, municipal solid waste, or special waste, and
  - (k) On-site septic systems on lots smaller than one acre without a treatment system that results in effluent nitrate-nitrogen concentrations below ten (10) milligrams per liter.
- (2) The following new uses and activities are not allowed in a Category II critical aquifer recharge area:
- (a) Mining of any type below the water table;
  - (b) Processing, storage, and disposal of radioactive substances;
  - (c) Hydrocarbon extraction;
  - (d) Commercial wood treatment facilities on permeable surfaces;
  - (e) Wrecking yards;
  - (f) Landfills for hazardous waste, municipal solid waste, or special waste; and
  - (g) On-site septic systems on lots smaller than one acre without a treatment system that results in effluent nitrate-nitrogen concentrations below ten (10) milligrams per liter.
- (3) The following standards apply to any development proposal in a critical aquifer recharge area:
- (a) All storage tanks proposed to be located in a critical aquifer recharge area must comply with local building code requirements and must conform to the International Fire Code requirements for secondary containment.
  - (b) Commercial vehicle repair and servicing must be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment should leaks occur.
  - (c) No dry wells shall be allowed in critical aquifer recharge areas on sites used for vehicle repair and servicing. Dry wells existing on the site prior to facility development must be abandoned using techniques approved by the Washington State Department of Ecology prior to commencement of the proposed activity.
  - (d) The activities listed below shall be conditioned in accordance with the applicable state and federal regulations as necessary to protect critical aquifer recharge areas.

Activity	Applicable State and Federal Regulations
Above Ground Storage Tanks	Chapter 173-303 -640 WAC
Animal Feedlots	Chapter 173-216 WAC, Chapter 173-220 WAC
Automobile Washers	Chapter 173-216 WAC, Best Management Practices for Vehicle and Equipment Discharges (WDOE WQ-R-95-56)
Chemical Treatment Storage and Disposal Facilities	Chapter 173-303-182 WAC
Hazardous Waste Generator ( <i>Boat Repair Shops, Biological Research Facility, Dry Cleaners, Furniture Stripping, Motor Vehicle Service Garages, Photographic Processing, Printing and Publishing Shops, etc.</i> )	Chapter 173-303 WAC
Injection Wells	Federal 40 CFR Parts 144 and 146, Chapter 173-218 WAC
Junk Yards and Salvage Yards	Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Vehicles Recycler Facilities (WDOE 94-146)
Oil and Gas Drilling	Chapter 332-12-450 WAC, WAC , Chapter 173-218 WAC
On-Site Sewage Systems (Large Scale)	Chapter 173-240 WAC
On-Site Sewage Systems (< 14,500 gal/day)	Chapter 246-272 WAC, Local Health Ordinances
Pesticide Storage and Use	Chapter 15.54 RCW, Chapter 17.21 RCW
Sawmills	Chapter 173-303 WAC, 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Log Yards (WDOE 95-53)
Solid Waste Handling and Recycling Facilities	Chapter 173-304 WAC
Surface Mining	Chapter 332-18-015 WAC
Underground Storage Tanks	Chapter 173-360 WAC
Waste Water Application to Land Surface	Chapter 173-216 WAC, Chapter 173-200 WAC, WDOE Land Application Guidelines, Best Management Practices for Irrigated Agriculture

**21.24.210 Flood hazard areas: components.**

(1) A flood hazard area consists of the following components:

- (a) Floodplain;
- (b) Flood fringe;
- (c) Zero-rise floodway; and
- (d) Federal Emergency Management Agency ("FEMA") floodway.

- (2) The Public Works Director shall determine the flood hazard area after obtaining, reviewing and utilizing base flood elevations and available floodway data for a flood having a one (1) percent chance of being equaled or exceeded in any given year, often referred to as the "100-year flood." The base flood is determined for existing conditions, unless a basin plan including projected flows under future developed conditions has been completed and adopted by the City of Woodinville, in which case these future flow projections shall be used. In areas where the Flood Insurance Study for the County includes detailed base flood calculations, those calculations shall be used until projections of future flows are completed and adopted by the City of Woodinville.

**21.24.220 Flood Insurance Study adopted.** The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study for King County" dated November 8, 1999, and any revisions thereto, with accompanying Flood Insurance Maps (FIRM), and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study and the FIRM are on file at the Woodinville City Hall. The best available information for flood hazard area identification as outlined in Section 21.24.210(2) shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under Section 21.24.210(2).

**21.24.230 Flood fringe: development standards and permitted alterations.**

- (1) Development proposals shall not reduce the effective base flood storage volume of the floodplain. Grading or other activity which would reduce the effective storage volume shall be mitigated by creating compensatory storage on the site or off the site if legal arrangements can be made to assure that the effective compensatory storage volume will be preserved over time. Grading for construction of livestock manure storage facilities to control non-point source water pollution designed to the standards of and approved by the County Conservation District is exempt from this compensatory storage requirement.
- (2) No structure shall be allowed which would be at risk due to stream bank destabilization including, but not limited to, that associated with channel relocation or meandering.
- (3) All elevated construction shall be designed and certified by a professional structural engineer licensed by the State of Washington and shall be approved by the Public Works Director prior to construction.
- (4) Subdivisions, short subdivisions and binding site plans shall meet the following requirements:
  - (a) New building lots shall contain 5,000 square feet or more of buildable land outside the zero-rise floodway, and building setback areas shall be shown on the face of the plat to restrict permanent structures to this buildable area;

- (b) All utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed consistent with subsections (5), (6), and (7);
- (c) Base flood data and flood hazard notes shall be shown on the face of the recorded subdivision, short subdivision or binding site plan including, but not limited to, the base flood elevation, required flood protection elevations and the boundaries of the floodplain and the zero-rise floodway, if determined; and
- (d) The following notice shall also be shown on the face of the recorded subdivision, short subdivision or binding site plan for all affected lots:

### **"NOTICE"**

"Lots and structures located within flood hazard areas may be inaccessible by emergency vehicles during flood events. Residents and property owners should take appropriate advance precautions."

- (e) If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that
  - (i) All such proposals are consistent with the need to minimize floor damage within the flood-prone area;
  - (ii) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
  - (iii) Adequate drainage is provided to reduce exposure to flood hazards.
- (5) New residential structures and substantial improvements of existing residential structures shall meet the following requirements:
  - (a) The lowest floor, including basement shall be elevated one to one and a half feet above the base flood elevation;
  - (b) Portions of a structure, which are below the lowest floor area, shall not be fully enclosed. The areas and rooms below the lowest floor shall be designed to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for satisfying this requirement shall meet or exceed the following requirements:
    - (i) A minimum of two (2) openings on opposite walls having a total open area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;
    - (ii) The bottom of all openings shall be no higher than one (1) foot above grade; and
    - (iii) Openings may be equipped with screens, louvers or other coverings or devices if they permit the unrestricted entry and exit of floodwaters;
  - (c) Materials and methods which are resistant to and minimize flood damage shall be used; and

- (d) All electrical, heating, ventilation, plumbing, air conditioning equipment and other utility and service facilities shall be flood-proofed to or elevated above the flood protection elevation.
- (6) New nonresidential structures and substantial improvements of existing nonresidential structures shall meet the following requirements:
  - (a) The elevation requirement for residential structures contained in subsection (5) shall be met; or
  - (b) The structure shall be flood-proofed to the flood protection elevation and shall meet the following requirements:
    - (i) The applicant shall provide certification by a professional civil or structural engineer licensed by the State of Washington that the 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 with the approved plans and specifications; and
    - (ii) Approved building permits for flood-proofed nonresidential structures shall contain a statement notifying applicants that flood insurance premiums shall be based upon rates for structures, which are one (1) foot below the flood-proofed level;
  - (c) Materials and methods which are resistant to and minimize flood damage shall be used; and
  - (d) All electrical, heating, ventilation, plumbing, air conditioning equipment and other utility and service facilities shall be flood-proofed to or elevated above the flood protection elevation.
- (7) All new construction and substantial improvement shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (8) Manufactured and Mobile homes shall meet the following requirements:
  - (a) Manufactured homes and Mobile homes to be placed or substantially improved on sites
    - (i) Outside of a mobile home park or subdivision;
    - (ii) In a new manufactured mobile home park or subdivision;
    - (iii) In an expansion to an existing manufactured mobile home park or subdivision, or
    - (iv) In an existing mobile home park or subdivision on which a mobile home has incurred "substantial damage" as the result of a flood; shall be elevated on a permanent foundation such that the lowest floor of the manufactured or mobile home is elevated one (1) foot above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation collapse and lateral movement.
  - (b) Manufactured and Mobile homes to be placed or substantially improved on sites in an existing mobile home park or subdivision that are not subject to the above manufactured and mobile home provisions must be elevated so that either:

- (i) The lowest floor of the manufactured or mobile home is elevated to one (1) foot above the base flood elevation, or
  - (ii) The manufactured or mobile home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.
- (c) All new or substantially improved manufactured and mobile homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include but are not limited to; use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Homes Installation in Flood Hazard Areas" guidebook for additional techniques).
- (d) No permit or approval for the following shall be granted unless all manufactured or mobile homes within the mobile home park meet the in Subsection (b) above:
  - (i) A new mobile home park;
  - (ii) An expansion of an existing mobile home park; or
  - (iii) Any repair or reconstruction of streets, utilities or pads in an existing mobile home park which equals or exceeds fifty (50) percent of the value of such streets, utilities or pads.
- (9) Recreational Vehicles must either:
  - (a) Be on site for fewer than 180 consecutive days,
  - (b) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security devices, and has no permanently attached additions; or
  - (c) Meet the requirements of Subsection 21.24.230(8) and the elevation and anchoring requirements of manufactured and mobile homes.
- (10) Utilities shall meet the following requirements:
  - (a) All new and replacement water systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
  - (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
  - (c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
  - (d) Sewage and agricultural waste storage facilities shall be flood-proofed to the flood protection elevation;
  - (e) Above-ground utility transmission lines, other than electric transmission lines, shall only be allowed for the transport of non-hazardous substances; and;
  - (f) Buried utility transmission lines transporting hazardous substances shall be buried at a minimum depth of four (4) feet below the maximum depth

of scour for the base flood, as predicted by a professional civil engineer licensed by the State of Washington, and shall achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated.

- (11) Critical facilities may be allowed within the flood fringe of the floodplain, but only when no feasible alternative site is available. Critical facilities shall be evaluated through the conditional or special use permit process. Critical facilities constructed within the flood fringe shall have the lowest floor elevated to three or more feet above the base flood elevation. Flood-proofing and sealing measures shall be taken to ensure that hazardous substances will not be displaced by or released into floodwaters. Access routes elevated to or above the base flood elevation shall be provided to all critical facilities from the nearest maintained public street or roadway.
- (12) Prior to approving any permit for alterations in the flood fringe, the Public Works Director shall determine that all permits required by state or federal law have been obtained.

**21.24.240 Zero-rise floodway: development standards and permitted alterations.**

- (1) The requirements, which apply, to the flood fringe shall also apply to the zero-rise floodway. The more restrictive requirements shall apply where there is a conflict.
- (2) A development proposal including, but not limited to, new or reconstructed structures shall not cause any increase in the base flood elevation unless the following requirements are met:
  - (a) Amendments to the Flood Insurance Rate Map are adopted by FEMA, in accordance with 44 CFR 70, to incorporate the increase in the base flood elevation; and
  - (b) Appropriate legal documents are prepared in which all property owners affected by the increased flood elevations consent to the impacts on their property. These documents shall be filed with the title of record for the affected properties.
- (3) The following are presumed to produce no increase in base flood elevation and shall not require a special study to establish this fact:
  - (a) New residential structures outside the FEMA floodway on lots in existence before March 31, 1993, which contain less than 5,000 square feet of buildable land outside the zero-rise floodway and which have a total building footprint of all proposed structures on the lot of less than 2,000 square feet;
  - (b) Substantial improvements of existing residential structures in the zero-rise floodway, but outside the FEMA floodway, where the footprint is not increased; or
  - (c) Substantial improvements of existing residential structures meeting the requirements for new residential structures in WMC 21.24.230.
- (4) Post or piling construction techniques which permit water flow beneath a structure shall be used.

- (5) All temporary structures or substances hazardous to public health, safety and welfare, except for hazardous household substances or consumer products containing hazardous substances, shall be removed from the zero-rise floodway during the flood season from September 30 to May 1.
- (6) New residential or non-residential structures shall meet the following requirements:
  - (a) The structures shall be outside the FEMA floodway; and
  - (b) The structures shall be on lots in existence before March 31, 1993, which contain less than 5000 square feet of buildable land outside the zero-rise floodway.
- (7) Utilities may be allowed within the zero-rise floodway if the City determines that no feasible alternative site is available, subject to the following requirements:
  - (a) Installation of new on-site sewage disposal systems shall be prohibited unless a waiver is granted by the department of public health; and
  - (b) Construction of sewage treatment facilities shall be prohibited.
- (8) Critical facilities shall not be allowed within the zero-rise floodway except as provided in WMC 21.24.230(11).
- (9) Livestock manure storage facilities and associated non-point source water pollution facilities designed, constructed and maintained to the standards of and approved in a conservation plan by the King County Conservation District may be allowed if the Public Works Director reviews and approves the location and design of the facilities.
- (10) Structures and installations, which are dependent upon the floodway, may be located in the floodway if the development proposal is approved by all agencies with jurisdiction. Such structures include, but are not limited to:
  - (a) Dams or diversions for water supply, flood control, hydroelectric production, irrigation or fisheries enhancement;
  - (b) Flood damage reduction facilities, such as levees and pumping stations;
  - (c) Stream bank stabilization structures where no feasible alternative exists for protecting public or private property;
  - (d) Storm water conveyance facilities subject to the development standards for streams and wetlands and the King County Surface Water Design Manual;
  - (e) Boat launches and related recreation structures;
  - (f) Bridge piers and abutments; and
  - (g) Other fisheries enhancement or stream restoration projects.

**21.24.250 FEMA floodway: development standards and permitted alterations.**

- (1) The requirements, which apply, to the zero-rise floodway shall also apply to the FEMA floodway. The more restrictive requirements shall apply where there is a conflict.
- (2) A development proposal including, but not limited to, new or reconstructed structures shall not cause any increase in the base flood elevation.
- (3) New residential or nonresidential structures are prohibited within the FEMA floodway.

- (4) Substantial improvements of existing residential structures in the FEMA floodway, meeting the requirements of WAC 173-158-070, as amended, are presumed to produce no increase in base flood elevation and shall not require a special study to establish this fact.

**21.24.260 Flood hazard areas: certification by engineer or surveyor.**

- (1) For all new structures or substantial improvements in a flood hazard area, the applicant shall provide certification by a professional civil engineer or land surveyor licensed by the State of Washington of:
  - (a) The actual as-built elevation of the lowest floor, including basement; and
  - (b) The actual as-built elevation to which the structure is flood-proofed, if applicable.
- (2) The engineer or surveyor shall indicate if the structure has a basement.
- (3) The Building Official shall maintain the certifications required by this section for public inspection.

**21.24.270 Alteration of watercourses, notice and maintenance required.** In addition to requiring the applicant to meet the requirements of WMC 21.24.360-380 and other applicable local, state, and federal requirements, Woodinville must:

- (1) Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse designated as a zone beginning with A on a FIRM map, and submit evidence of such notification to the Federal Insurance Administration.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

**21.24.280 Building Official to approve alternate design and methods of construction.** The Building Official shall have the authority to approve alternate design and methods of construction through the building permit process as detailed in section 102.2.8 of the Uniform Building Code as adopted by reference in WMC 15.09.020, provided that these do not conflict with the intent or requirements of WMC 21.24.210-.260.

**21.24.290 Geologically hazardous areas: designation.**

- (1) Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake, or other geological events. Areas susceptible to one or more of the following types of hazards shall be designated as a geologically hazardous area:
  - (a) Erosion hazard;
  - (b) Landslide hazard;
  - (c) Seismic hazard
  - (d) Other geological events including mass wasting debris flows, rock falls, and differential settlement.
- (2) Designation of specific hazard areas.

- (a) Erosion hazard areas. Erosion hazard areas are those areas identified by the U.S. Department of Agriculture's Natural Resources Conservation Service or identified by a critical area special study as having a severe to very severe erosion potential.
- (b) Landslide hazard areas. Landslide hazard areas are areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Examples of these may include, but are not limited to the following:
  - (i) Areas of historic failures, such as areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the U.S. Geological Survey or Department of Natural Resources;
  - (ii) Areas with all three of the following characteristics:
    1. Slopes steeper than fifteen percent (15%); and
    2. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
    3. Springs or ground water seepage.
  - (iii) Areas that have shown movement during the Holocene epoch (from ten thousand years ago to the present) or that are underlain or covered by mass wastage debris of that epoch;
  - (iv) Areas potentially unstable because of rapid stream incision, stream bank erosion, and undercutting by wave action;
  - (v) Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding; and
  - (vi) Any area with a slope of forty percent (40%) or steeper and with a vertical relief of ten (10) or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least ten (10) feet of vertical relief.
- (c.) Seismic hazard areas. Seismic hazard areas are areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, surface rupture, or soil liquefaction.

**21.24.300 Development standards: general requirements**

- (1) Alterations of geologically hazardous areas or associated buffers may only occur for activities that:
  - (a) Will not increase the threat of the geological hazard to adjacent properties beyond pre-development conditions;
  - (b) Will not adversely impact other critical areas; and
 are designed so that the hazard to the project is eliminated or mitigated to a level where there is no reasonable chance of harm to the project or its associated land use.

**21.24.310 Performance standards : Specific hazards**

(1) Erosion and landslide hazard areas. Activities on sites containing erosion or landslide hazards shall meet the following requirements:

- (a) Buffer required. A buffer shall be established from all edges of erosion or landslide hazard areas. The size of the buffer shall be determined by the City to eliminate or minimize the risk of property damage, death or injury resulting from erosion and landslides caused in whole or part by the development, based upon review of and concurrence with a critical area report prepared by a qualified professional.
  - (i) Minimum buffer. The minimum buffer shall be fifty (50) feet.
  - (ii) Buffer reduction. The buffer may be reduced to a minimum of ten (10) feet when a qualified professional demonstrates to the satisfaction of the Planning Directors that the reduction will adequately protect the proposed development, adjacent developments and uses and the subject critical area.
  - (iii) Increased buffer. The buffer may be increased where the Planning Director determines a larger buffer is necessary to prevent risk of damage to proposed and existing development;
- (b) Alterations. Alterations of an erosion or landslide hazard area and/or buffer may only occur for activities for which a geotechnical analysis is submitted and certifies that:
  - (i) The development will not increase surface water discharge or sedimentation to adjacent properties beyond pre-development conditions;
  - (ii) The development will not decrease slope stability on adjacent properties; and
  - (iii) Such alterations will not adversely impact other critical areas;
- (c) Design standards. Development within an erosion or landslide hazard area and/or buffer shall be designed to meet the following basic requirements unless it can be demonstrated that an alternative design that deviates from one or more of these standards provides greater long-term slope stability while meeting all other provisions of this Title. The requirement for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function. The basic development design standards are:
  - (i) The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions and 1.2 for dynamic conditions. Analysis of dynamic conditions shall be based on a minimum horizontal acceleration as established by the current version of the International Building Code.
  - (ii) Structures and improvements shall be clustered to avoid geologically hazardous areas and other critical areas;

- (iii) Structures and improvements shall minimize alterations to the natural contour of the slope and foundations shall be tiered where possible to conform to existing topography;
  - (iv) Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;
  - (v) The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;
  - (vi) The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes;
  - (vii) Development shall be designed to minimize impervious lot coverage;
- (d) Vegetation shall be retained. Unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited;
- (e) Seasonal restriction. Clearing shall be allowed only from May 1st to October 1st of each year provided that the Planning Director may extend or shorten the dry season on a case-by-case basis depending on actual weather conditions, except that timber harvest, not including brush clearing or stump removal, may be allowed pursuant to an approved forest practice permit issued by the City or the Department of Natural Resources;
- (f) Utility lines and pipes. Utility lines and pipes shall be permitted in erosion and landslide hazard areas only when the applicant demonstrates that no other practical alternative is available. The line or pipe 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. Stormwater conveyance shall be allowed only through a high-density polyethylene pipe with fuse-welded joints, or similar product approved by the Public Works Director that is technically equal or superior.
- (g) Point discharges. Point discharges from surface water facilities and roof drains onto or upstream from an erosion or landslide hazard area shall be prohibited except as follows:
- (i) Conveyed via continuous storm pipe downslope to a point where there are no erosion hazards areas downstream from the discharge;
  - (ii) Discharged at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the predeveloped state;  
or
  - (iii) Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed buffer demonstrated to be adequate to infiltrate all surface and stormwater runoff, and where it can be demonstrated that such discharge will not increase the saturation of the slope;

- (h) Subdivisions. The division of land in erosion and landslide hazard areas and associated buffers is subject to the following:
  - (i) Land that is located wholly within an erosion or landslide hazard area or its buffer may not be subdivided. Land that is located partially within an erosion or landslide hazard area or its buffer may be divided provided that each resulting lot has sufficient buildable area outside of, and will not affect, the erosion or landslide hazard or its buffer.
  - (ii) Access roads and utilities may be permitted within the erosion or landslide hazard area and associated buffers if the Planning Director determines that no other feasible alternative exists.
- (i) Prohibited development. On-site sewage disposal systems, including drain fields, shall be prohibited within erosion and landslide hazard areas and related buffers.
- (2) Seismic hazard areas. Activities proposed to be located in seismic hazard areas shall meet the standards of WMC 21.24.300 *Development standards – General requirements*.
- (3) Other hazard areas. Activities on sites containing or adjacent to other geologically hazardous areas, shall meet the standards of WMC 21.24.300 *Development standards – General requirements*.

**21.24.320**

**Wetlands: designation and ranking.** Wetlands are those areas designated in accordance with the *Washington State Wetland Identification and Delineation Manual* (1997), that are inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. The goal of the City of Woodinville is to maintain a standard of no net loss in the functions and values of wetlands.

- (1) Wetland rating. Wetlands shall be rated similarly to the Department of Ecology wetland rating system found in the Washington State Wetland Rating System document, Western Washington, *Ecology Publication #93-74*.
- (2) Wetland rating categories. Wetlands shall be designated as Class 1, Class 2, and Class 3 according to the criteria in this Section.
  - (a) Class 1 Wetlands are those wetlands that meet any of the following criteria:
    - (i) Documented habitat for federal or state listed endangered or threatened fish, animal, or plant species: or
    - (ii) Wetlands documented as high quality habitats in the natural Heritage Information System; or
    - (iii) Wetlands of exceptional local significance or irreplaceable ecological functions, including spagnum bogs and fens or natural forest swamps: or
    - (iv) Wetlands proximal to and influenced by the mainstem of the Sammamish River or Little Bear Creek.
  - (b) Class 2 Wetlands are those wetlands not rated as Class 1 wetlands and meet any of the following criteria:

- (i) Wetlands that have significant functions that may not be adequately replicated through creation of restoration; or
  - (ii) Wetlands of any size associated with Type 2 or 3 streams; or
  - (iii) Wetlands greater than one (1) acre in size; or
  - (iv) Wetlands equal to or less than one (1) acre having three (3) or more classes of wetland vegetation as defined in *Classification of Wetlands and Deepwater Habitats of the United States* (Cowardin, et al. 1979); or
  - (v) Wetlands equal to or less than one (1) acre having a forested wetland class or open water habitat.
- (c) Class 3 Wetlands are those wetlands not rated as Class 1 or 2 Wetlands.

**21.24.330**

**Wetlands: development standards.** A development proposal on a site containing a wetland shall meet the following requirements:

- (1) The following standard minimum buffers shall be established from the wetland edge:
  - (a) Class 1 wetlands shall have a 150-foot buffer with a fifty (50) foot reduction with enhancement (as defined in WMC 21.06.208).
  - (b) Class 2 wetlands shall have a 100-foot buffer with a fifty (50) foot reduction with enhancement.
  - (c) Class 3 wetlands shall have a fifty (50) foot buffer with a twenty-five (25) foot buffer reduction with enhancement.
  - (d) The standard buffer width will be established unless the existing wetland buffer is significantly degraded. If the existing wetland buffer is significantly degraded, the applicant may use a reduced buffer as long as enhancement measures are implemented to provide a net improvement in overall wetland and buffer function and value as determined by a qualified biologist. Enhancement measures shall be conducted in accordance with a plan approved by the Planning Director.
  - (e) Any wetland restored, relocated, replaced or enhanced because of a wetland alteration shall have the minimum buffer required for the highest wetland class involved.
  - (f) Wetland buffers shall be measured from the wetland edge as delineated and marked in the field using the *1997 Washington State Wetland Identification and Delineation Manual* (Ecology).
  - (g) The Planning Director shall require increased buffer widths in accordance with a qualified biologist and the best available science on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values based on site-specific characteristics. This determination shall be based on one or more of the following criteria:
    - (i) A larger buffer is needed to protect other critical areas;
    - (ii) The buffer or adjacent uplands has a slope greater than thirty percent (30%) or is susceptible to erosion and standard erosion-control measures will not prevent adverse impacts to the wetland.
- (2) Buffer width averaging may be allowed by the Planning Director in accordance with an approved critical area report and the best available science

on a case-by case basis. Averaging of buffer widths may only be allowed where a qualified professional biologist demonstrates that:

- (a) Additional protection to the wetland will be provided through implementation of a buffer enhancement plan;
- (b) It will not reduce wetland functions or values;
- (c) The wetland contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;
- (d) The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and
- (e) The buffer width is not reduced by more than twenty percent (20%) of the standard width or fifty (50) feet, whichever is greater.

Note: Buffer averaging is allowed as an alternative to buffer reduction with enhancement. Only one method shall be implemented.

- (3) The use of hazardous substances, pesticides and fertilizers in the wetland and its buffer may be prohibited by the Planning Director;
- (4) Unless otherwise provided, the following restrictions shall apply to all development proposals, which include the introduction of livestock:
  - (a) To prevent damage to Class 1 and 2 wetlands:
    - (i) A plan to protect and enhance the wetland's water quality shall be implemented pursuant to WMC 21.30; or
    - (ii) Fencing located at the buffer edge shall be required.
- (5) Standards pertaining to access to streams for watering purposes, stream crossing requirements and use of natural barriers and vegetative buffering in lieu of fencing shall be included in administrative rules promulgated pursuant to this chapter; and
- (6) The livestock restrictions contained in subsection (4) shall not apply to wetlands defined as grazed wet meadows, regardless of their classification.

**21.24.340 Wetlands: permitted alterations.** The Planning Director may allow alterations to a wetland and wetland buffers under the following conditions:

- (1) Special studies completed by qualified professionals determine:
  - (a) The wetland does not serve any of the valuable functions of wetlands identified in WMC 21.06.710 including, but not limited to, biologic and hydrologic functions; or
  - (b) The proposed development will protect or enhance the wildlife habitat, natural drainage or other valuable functions of the wetland and will be consistent with the purposes of this chapter;
  - (c) The existing on-site habitat value, hydrology, erosion and deposition and/or water quality; and
  - (d) Specific recommendations for mitigation which may be required as a condition of development proposal approval. The mitigation may include, but is not limited to construction techniques or design, drainage or density specifications.

- (2) There shall be no introduction of any plant or wildlife, which is not indigenous to the Puget Sound Region into any wetland or buffer unless authorized by a state or federal permit or approval;
- (3) Utilities may be allowed in wetland buffers if the Planning Director determines that:
  - (a) No practical alternative location is available;
  - (b) Mitigation is required that minimizes the impact of the proposal on the wetland buffer;
  - (c) The utility corridor meets any additional requirements set forth in administrative rules including, but not limited to, requirements for installation, replacement of vegetation and maintenance; and
  - (d) The utility corridor meets the provisions of Policy U-1.12 of the City of Woodinville Comprehensive Plan.
- (4) Sewer utility corridors may be allowed in wetland buffers only if:
  - (a) The applicant demonstrates that sewer lines are necessary for gravity flow;
  - (b) The corridor is not located in a wetland or buffer used by species listed as endangered or threatened by the state or federal government or containing critical or outstanding actual habitat for those species or heron rookeries or raptor nesting trees;
  - (c) The corridor alignment including, but not limited to, any allowed maintenance roads follows a path beyond a distance equal to seventy-five (75) percent of the buffer width from the wetland edge;
  - (d) Corridor construction and maintenance protects the wetland and buffer and is aligned to avoid cutting trees greater than twelve (12) inches in diameter at breast height, when possible, and pesticides, herbicides and other hazardous substances are not used;
  - (e) An additional, contiguous and undisturbed buffer, equal in width to the proposed corridor including any allowed maintenance roads, is provided to protect the wetland;
  - (f) The corridor is revegetated with appropriate native vegetation at pre-construction densities or greater immediately upon completion of construction or as soon thereafter as possible, and the sewer utility ensures that such vegetation survives;
  - (g) Any additional corridor access for maintenance is provided, to the extent possible, at specific points rather than by a parallel road;
  - (h) The width of any necessary parallel road providing access for maintenance is as small as possible, but not greater than fifteen (15) feet, the road is maintained without the use of herbicides, pesticides or other hazardous substances and the location of the road is contiguous to the utility corridor on the side away from the wetland; and
  - (i) The utility corridor meets the provisions of Policy U-1.12 of the City of Woodinville Comprehensive Plan.
- (5) Joint use of an approved sewer utility corridor by other utilities may be allowed.
- (6) The following surface water management activities and facilities may be allowed in wetland buffers only as follows:

- (a) Surface water discharge to a wetland from a detention facility, pre-settlement pond or other surface water management activity or facility may be allowed if the discharge does not increase the rate of flow, change the plant composition in a forested wetland or decrease the water quality of the wetland;
- (b) Class 1 or 2 wetland or buffer may be used for a retention/detention facilities if:
  - (i) A public agency and utility exception is granted pursuant to WMC 21.24.080;
  - (ii) All requirements of the King County Surface Water Design Manual are met;
  - (iii) The use will not alter the rating or the factors used in rating the wetland;
  - (iv) The proposal is in compliance with the latest adopted findings of the Puget Sound Wetlands Research Project; and
  - (v) There are no significant adverse impacts to the wetland;
  - (vi) Grass lined swales and dispersal trenches may be located in the outer twenty-five percent (25%) of the buffer area. All other surface water management facilities are not allowed within the buffer area;
- (c) Class 3 wetland or buffer which has as its major function the storage of water may be used as a retention/detention facility if a pre-settlement pond is required and all requirements of the King County Surface Water Design Manual are met; and
- (d) Use of a wetland buffer for a surface water management activity or facility, other than a retention/detention facility, such as an energy dissipater and associated pipes, may be allowed only if the applicant demonstrates, to the satisfaction of the Planning Director, that:
  - (i) No practicable alternative exists; and
  - (ii) The functions of the buffer or the wetland are not adversely affected;
- (7) Public and private trails, or visual access to the sensitive area, are encouraged in wetland buffers provided:
  - (a) The trail surface shall not be made of impervious materials, except that public multi-purpose trails may be made of impervious materials if they meet all other requirements including water quality; and
  - (b) Buffers shall be expanded, where possible, equal to the width of the trail corridor including disturbed areas.
- (8) Wetland road crossings may be allowed if:
  - (a) The Planning Director determines that no alternative access is practical;
  - (b) All crossings minimize impact to the wetland and provide mitigation for unavoidable impacts through restoration, enhancement or replacement of disturbed areas;
  - (c) Crossings do not change the overall wetland hydrology;
  - (d) Crossings do not diminish the flood storage capacity of the wetland; and
  - (e) All crossings are constructed during summer low water periods.

**21.24.350 Wetlands: mitigation requirements.**

- (1) When an alteration to a critical area is proposed, such alteration shall be avoided, minimized, or compensated for as outlined by WAC 197-11-768, in the following order of preference:
  - (a) Avoiding the impact altogether by not taking a certain action or parts of actions;
  - (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
  - (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
  - (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and/or
  - (e) Compensating for the impact by replacing or providing substitute resources or environments.
- (2) Mitigation shall achieve equivalent or greater biological functions. Mitigation for alterations to wetlands shall achieve equivalent or greater biologic functions. Mitigation plans shall be consistent with the Department of Ecology *Guidelines for Developing Freshwater Wetlands Mitigation Plans and Proposals*, 1994, as revised.
- (3) Mitigation for lost functions and values. Mitigation actions shall address functions affected by the alteration to achieve functional equivalency or improvement, and shall provide similar wetland functions as those lost except when:
  - (a) The lost wetland provides minimal functions as determined by a site-specific function assessment and the proposed mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal watershed assessment plan or protocol; or
  - (b) Out-of-kind replacement will best meet formally identified regional goals, such as replacement of historically diminished wetland types.
- (4) Preference of mitigation actions. Mitigation actions that require compensation by replacing, enhancing, or substitution, shall occur in the following order of preference:
  - (a) Restoring wetlands on upland sites that were formerly wetlands.
  - (b) Enhancing significantly degraded wetlands.
  - (c) Preserving high-quality wetlands that are under imminent threat.
- (5) Type and location of mitigation. Mitigation actions shall be conducted within the same sub-drainage basin and on the same site as the alteration except when the  
all of the following apply:
  - (a) There are no reasonable on-site or in subdrainage basin opportunities or on-site and in subdrainage basin opportunities do not have a high likelihood of success due to development pressures, adjacent land uses, or on-site buffers or connectivity are inadequate;

- (b) Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland; and
  - (c) Off-site locations shall be in the same sub-drainage basin and the same Water Resource Inventory Area (WRIA) unless established regional or watershed goals for water quality, flood or conveyance, habitat or other wetland functions have been established and strongly justify location of mitigation at another site.
- (6) Mitigation timing. Where feasible, mitigation projects shall be completed prior to activities that will disturb wetlands. In all other cases, mitigation shall be completed immediately following disturbance and prior to use or occupancy of the activity or development. Construction of mitigation projects shall be timed to reduce impacts to existing wildlife and flora.
- (7) Mitigation monitoring and maintenance. Mitigation projects shall be monitored and maintained for a period of five (5) years. A monitoring protocol shall be approved by the Planning Director and monitoring reports shall be submitted to the City as required.
- (8) Mitigation ratios.
- (a) Acreage replacement ratios. The following ratios shall apply to creation or restoration that is in-kind, on-site, the same category, timed prior to or concurrent with alteration, and has a high probability of success. These ratios do not apply to remedial actions resulting from unauthorized alterations; greater ratios shall apply in those cases. These ratios do not apply to the use of credits from a state certified wetland mitigation bank. When credits from a certified bank are used, replacement ratios should be consistent with the requirements of the bank's certification. The first number specifies the acreage of replacement wetlands and the second specifies the acreage of wetlands altered.

Class 1	4 to 1
Class 2	2 to 1
Class 3	1.5 to 1

- (b) Increased replacement ratio. The Planning Director may increase the ratios under the following circumstances:
- (i) Uncertainty exists as to the probable success of the proposed restoration or creation; or
  - (ii) A significant period of time will elapse between impact and replication of wetland functions; or
  - (iii) Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or
  - (iv) The impact was an unauthorized impact.

- (c) Wetland mitigation banks. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:
  - (i) The bank is certified under Chapter 173-700 WAC;
  - (ii) The City determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
  - (iii) The proposed use of credits is consistent with the terms and conditions of the bank's certification.
- (d) Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.

**21.24.360 Wetlands: limited exemption.** Class 3 wetlands less than 1,000 square feet may be exempted from the provisions of WMC 21.24.320 to 21.24.340 and may be altered by filling or dredging if the Planning Director determines that the cumulative impacts do not unduly counteract the purposes of this chapter and are mitigated pursuant to an approved mitigation plan.

**21.24.370 Streams: designation and rating.** Streams are water bodies with a defined bed and banks and demonstrable flow of water. Streams shall be designated Type 1, Type 2, Type 3 and Type 4 according to the following criteria:

- (1) Type 1 streams are those streams identified as "Shorelines of the State" under Chapter 90.58 RCW or supporting significant anadromous salmonid use, including the Sammamish River and Little Bear Creek.
- (2) Type 2 streams are those that have perennial (year-round) or intermittent (seasonal) flow and are used by salmonids.
- (3) Type 3 streams are those that have perennial or intermittent flow and are used by fish other than salmonids.
- (4) Type 4 streams are those natural streams with perennial or intermittent flow that are not used by fish.

**21.24.380 Streams: development standards.** A development proposal on a site containing a stream shall meet the following requirements:

- (1) The following standard buffers shall be established from the ordinary high water mark or from the top of the bank if the ordinary high water mark cannot be identified:

Stream Type	Standard Buffer Width	Reduced Buffer Width with Enhancement
1	150 feet	115 feet *
2	115 feet	100 feet
3	75 feet	50 feet
4	50 feet	35 feet

\*A 100 foot buffer may be allowed by the Planning Director when a special study (based on BAS) determines that

functions achieved in 100 feet are equal to the functions achieved in 115 feet for the site in question.

- (a) The standard buffer width will be established unless the existing stream buffer is significantly degraded. If the existing stream buffer is significantly degraded, the applicant may use the reduced buffer as referenced in subsection (1) as long as enhancement measures are implemented to provide a net improvement in overall stream and buffer function and value as determined by a qualified biologist. Enhancement measures shall be conducted in accordance with a plan approved by the Planning Director.
  - (b) The Planning Director may allow further decreases to buffer widths on streams designated as "urban" in accordance with the recommendations of a qualified professional biologist and the best available science on a case-by-case basis. A reduced buffer must be sufficient to protect stream functions and values based on site-specific characteristics and must include enhancement measures implemented to provide a net improvement in overall stream and buffer function and value. Stream enhancement measures may be required on-site and/or off-site to improve overall stream function. No buffer shall be reduced on a stream designated as "urban" to less than fifty (50) feet wide unless the stream is not used by fish whereas the minimum buffer will be thirty five (35) feet. Streams designated as "urban" are those streams, which meet all of the following criteria:
    - (i) Streams other than Type 1 streams according to the City of Woodinville classification system;
    - (ii) Streams with degraded channel conditions (i.e., presence of piping, sedimentation, channelization, etc.);
    - (iii) Streams with buffers that are currently degraded or developed; and
    - (iv) Streams within subbasins where restoration opportunities are limited.
  - (c) Any stream relocated because of a permitted alteration shall have the minimum buffer required for the stream class involved.
  - (d) The Planning Director shall require increased buffer widths in accordance with the recommendations of a qualified professional biologist and the best available science on a case-by-case basis when a larger buffer is necessary to protect stream functions and values based on site-specific characteristics. This determination shall be based on one or more of the following criteria:
    - (i) A larger buffer is needed to protect other critical areas;
    - (ii) The buffer or adjacent uplands has a slope greater than thirty percent (30%) or is susceptible to erosion and standard erosion-control measures will not prevent adverse impacts to the stream; and
  - (e) Any stream adjoined by a riparian wetland or other contiguous critical area shall have the buffer required for the stream class involved or the buffer, which applies to the wetland or other sensitive area, whichever is greater.
- (2) The use of hazardous substances, in the stream corridor and its buffer is prohibited; and

- (3) The use of pesticides and fertilizers in the stream corridor and its buffer shall be restricted by type and seasonal use under the discretion of the Planning Director.
- (4) The livestock restrictions in WMC 21.24.330 shall also apply to Type 1 and 2 streams and their buffers.

**21.24.390 Streams: permitted alterations.** Alterations to streams and buffers may be allowed only as follows:

- (1) Alterations may only be permitted if based upon a special study;
- (2) Only plants and wildlife indigenous to the Puget Sound area shall be introduced to any stream or buffer unless authorized by a state or federal permit or approval;
- (3) Utilities may be allowed in stream buffers if:
  - (a) No practical alternative location is available;
  - (b) The utility corridor meets any additional requirements set forth in administrative rules including, but not limited to, requirements for installation, replacement of vegetation and maintenance;
  - (c) The requirements for sewer utility corridors in WMC 21.24.330 shall also apply to streams;
  - (d) Joint use of an approved utility corridor by more than one utility may be allowed; and
  - (e) The utility corridor meets the provisions of Policy U-1.12 of the City of Woodinville Comprehensive Plan.
- (4) The following surface water management activities and facilities may be allowed in stream buffers as follows:
  - (a) Surface water discharge to a stream from a detention facility, pre-settlement pond or other surface water management activity or facility may be allowed if the discharge is in compliance with the King County Surface Water Design Manual;
  - (b) Stormwater management facilities. Grass lined swales and dispersal trenches may be located in the outer twenty-five percent (25%) of the buffer area. All other surface water management facilities are not allowed within the buffer area;
- (5) Public and private trails, or visual access to the stream, is encouraged in stream buffers provided:
  - (a) Trail surface shall not be made of impervious materials, except that public multi-purpose trails may be made of impervious materials if they meet all other requirements including water quality; and
  - (b) Buffers shall be expanded, where possible, equal to the width of the trail corridor including disturbed areas;
- (6) Stream crossings may be allowed if:
  - (a) All crossings use bridges or other construction techniques in accordance with best management practices, which do not disturb the stream bed or bank, except that bottomless culverts or other appropriate methods demonstrated to provide fisheries protection may be used for Type 2 or 3 streams if the applicant demonstrates to the satisfaction of the Planning

- Director that such methods and their implementation will pose no harm to the stream or inhibit migration of fish;
- (b) All crossings are constructed during the summer low flow and are timed to avoid stream disturbance during periods when use is critical to salmonids;
  - (c) Crossings do not occur over salmonid spawning areas unless the Planning Director determines that no other possible crossing site exists;
  - (d) Bridge piers or abutments are not placed within the FEMA floodway or the ordinary high water mark;
  - (e) Crossings do not diminish the flood-carrying capacity of the stream;
  - (f) Underground utility crossings are laterally drilled and located at a depth of four (4) feet below the maximum depth of scour for the base flood predicted by a civil engineer licensed by the State of Washington; and
  - (g) Crossings are minimized and serve multiple purposes and properties whenever possible.
- (7) Stream relocations may be allowed for:
- (a) All stream types as part of a public road project for which a public agency and utility exception is granted pursuant to WMC 21.24.060; and
  - (b) Type 3 or 4 streams for the purpose of enhancing resources in the stream if:
    - (i) Appropriate floodplain protection measures are used; and
    - (ii) The relocation occurs on the site, except that relocation off the site may be allowed if the applicant demonstrates that any on-site relocation is impracticable, the applicant provides all necessary easements and waivers from affected property owners and the off-site location is in the same drainage sub-basin as the original stream;
  - (c) Relocations are constructed during the summer low flow and are timed to avoid stream disturbance during periods when use is critical to salmonids.
- (8) Stream relocation pursuant to this section, the applicant shall demonstrate, based on information provided by a civil engineer and a qualified biologist, that:
- (a) Equivalent base flood storage volume and function will be maintained;
  - (b) No adverse impact to local groundwater;
  - (c) No increase in velocity;
  - (d) No increase in transfer of water;
  - (e) No increase in the sediment load;
  - (f) Requirements set out in the mitigation plan are met;
  - (g) Relocation conforms to other applicable laws; and
  - (h) All work will be carried out under the direct supervision of a qualified biologist.
- (9) Stream channel stabilization may occur if:
- (a) Movement of the stream channel threatens existing residential or commercial structures, public facilities or improvements, unique natural resources or the only existing access to property; and

- (b) Stabilization is done in compliance with the requirements of WMC 21.24.210 through 21.24.260 and administrative rules promulgated pursuant to this chapter.
- (10) Stream enhancement not associated with any other development proposal may be allowed if accomplished according to a plan for its design, implementation, maintenance and monitoring prepared by a civil engineer and a qualified biologist and carried out under the direct supervision of a qualified biologist pursuant to provisions contained in administrative rules.
- (11) A minor stream restoration project for fish habitat enhancement may be allowed if the restoration is:
  - (a) Accomplished by a public agency with a mandate to do such work;
  - (b) Unassociated with mitigation of a specific development proposal;
  - (c) Limited to placement of rock weirs, log controls, spawning gravel, culvert replacement and other specific salmonid habitat improvements;
  - (d) Involves the use of hand labor and light equipment; and
  - (e) Performed under the direct supervision of a qualified biologist.

**21.24.400 Streams: mitigation requirements.**

- (1) Restoration or mitigation shall be required as part of a development proposal whereby impacts, either direct or indirect, to the stream occur. Restoration shall also be required when a stream or its buffer is altered in violation of law or without any specific permission or approval by the Planning Director. A mitigation plan for the restoration or mitigation shall demonstrate that the:
  - (a) Stream has been degraded and will not be further degraded by the restoration or mitigation activity;
  - (b) Restoration or mitigation will reliably and demonstrably improve the water quality and fish and wildlife habitat of the stream;
  - (c) Restoration or mitigation will have no lasting significant adverse impact on any stream functions; and
  - (d) Restoration or mitigation will assist in stabilizing the stream channel.
- (2) The following minimum requirements shall be met for the restoration or mitigation of impacts to a stream or its buffer:
  - (a) All work shall be carried out under the direct supervision of a qualified biologist;
  - (b) Basin analysis shall be performed to determine hydrologic conditions;
  - (c) Natural channel dimensions shall be replicated including its depth, width, length and gradient at the original location, and the original horizontal alignment (meander lengths) shall be replaced;
  - (d) Identical or similar materials shall be used to restore the stream bottom;
  - (e) Bank and buffer configuration shall be restored to its original condition;
  - (f) Channel, bank and buffer areas shall be replanted with native vegetation which replicates the original vegetation in species, sizes and densities; and
  - (g) Pre-existing biologic functions of the stream shall be recreated. (3)
- (3) Mitigation projects shall be monitored and maintained for a period of five (5) years. A monitoring protocol shall be approved by the Planning Director and monitoring reports shall be submitted to the Planning Director as required.

- (4) The requirements in subsection (2) above may be modified if the applicant demonstrates to the satisfaction of the Planning Director that a greater biologic function can otherwise be obtained;
- (5) Replacement or enhancement shall be required when a stream or buffer is altered pursuant to an approved development proposal. There shall be no net loss of stream functions on a development proposal site and no impact on stream functions above or below the site due to approved alterations.
- (6) Requirements, which apply, to the restoration of streams in subsection (2) shall also apply to the relocation of streams, unless the applicant demonstrates to the satisfaction of the Planning Director that a greater biologic function can be obtained by modifying these requirements.
- (7) Replacement or enhancement for approved stream or buffer alterations shall be accomplished in streams and on the site unless the applicant demonstrates to the satisfaction of the Planning Director that:
  - (a) Enhancement or replacement on the site is not possible;
  - (b) Off-site location is in the same drainage sub-basin as the original stream;  
and
  - (c) Greater biologic and hydrologic functions will be achieved.
- (8) Surface water management or flood control alterations shall not be considered enhancement unless other functions are simultaneously improved.
- (9) Day-lighting a stream is encouraged when redeveloping. The Planning Director may modify the requirements pertaining to aquatic areas and their buffers, when locating or day-lighting a stream.