

ORDINANCE NO. 2648

AN ORDINANCE amending Sections 18.03.040 and 18.03.050 of the Camas Municipal Code, by revising the definitions for development terms and the environmental definitions.

The Council of the City of Camas do ordain as follows:

Section I

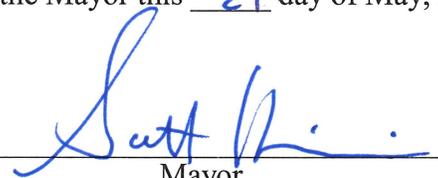
Sections 18.03.040 and 18.03.050 of the Camas Municipal Code are hereby amended to provide as set forth in Exhibit "A" attached hereto and by this reference incorporated herein.

Section II

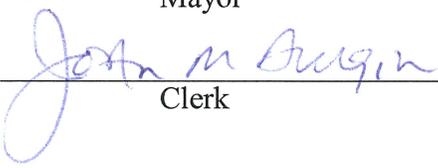
This Ordinance shall take force and be in effect five days from and after its publication according to law.

PASSED BY the Council and APPROVED by the Mayor this 21 day of May, 2012.

SIGNED: _____


Mayor

ATTEST: _____


Clerk

APPROVED as to form:


City Attorney

18.03.040 Definitions for development terms

As used in this title:

"Abutting" means adjoining.

Access Easement. See "Street."

Access Panhandle. See "Flag lot."

"Accessory structure or accessory use" means a structure or use incidental and subordinate to the principal use or structure and located on the same lot or tract.

"Alley" means a narrow street primarily for vehicular service access to the rear or side of properties otherwise abutting on another street.

"Annexation" means the legal process in which a parcel or contiguous group of parcels in an unincorporated area become part of the city taking the action of incorporation.

"Apartment house" means a building containing three or more dwelling units on a lot or parcel. See Figure 18.03-2.

Arterial. See "Street."

"Assessment project" means the assessment may be a local improvement district (LID) or equitable reimbursement method.

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

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

"Boundary line adjustment" means an adjustment of boundary lines between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site or division.

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

"Breezeway" means a structure for the principal purpose of connecting the main building or buildings on a property with other main buildings or accessory buildings.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy.

"Building envelope" means a delineated area identifying where a primary building may be established. See Figure 18.03-3.

"Building height" means the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater building height: (a) the elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance or the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above the lowest grade; (b) an elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in subsection (a) of this definition is more than ten feet above the lowest grade. The height of a stepped or terraced building is the maximum height of segment of the building. See Figure 18.03-4.

"Building line" means a line on a plat indicating the limit beyond which primary buildings or structures may not be erected.

"City" means the City of Camas.

Collector. See "Street."

"Commission" means the planning commission of the City of Camas.

"Comprehensive plan" means the comprehensive plan for the City of Camas, comprising plans, maps or reports, or any combination thereof relating to the future economic and physical growth and development of the city.

"Contractor" means the person/firm hired by the applicant to perform work.

"Council" means the council of the City of Camas.

"Court" means a space open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

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

Cul-de-sac. See "Street."

"Dedication" means the deliberate appropriation of land by an owner for any general and public uses, reserving to the owner no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

"Density transfer" means a transfer of dwelling units located on a site identified as sensitive lands or open space to the developable portion of land on the site. (Refer to Section 18.09.060 Density Transfers)

"Developed acreage" means the total acreage of a land use development exclusive of open space and critical areas. Developed acreage includes infrastructure, storm drainage facilities and lots and access easements. "Developer" means the applicant for the proposed land use or development proposal.

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

"Director" means community development director or designee.

"Driveway" means the required traveled path to or through a parking lot for three or more vehicles. A "driveway" also refers to the vehicular access for single-family dwelling.

"Dwelling unit" means an independent living unit within a dwelling structure designed and intended for occupancy by not more than one family and having its own housekeeping and kitchen facilities. Hotel, motel, and bed and breakfast that are primarily for transient tenancy are not considered dwelling units.

Dwelling Unit, Accessory. "Accessory dwelling unit" means an additional, smaller, subordinate dwelling unit on a lot or attached to an existing or new house.

Dwelling, Condominium. "Condominium dwelling" means two or more units where the interior space of which are individually owned; but the balance of the property (both land and/or building) is owned in common by the collective owners of the building.

Dwelling, Duplex or Two-Family. "Duplex or two-family dwelling" means a structure containing two dwelling units on one lot. See Figure 18.03-5.

Dwelling, Single-Family. "Single-family dwelling" means a detached building containing one dwelling unit.

Dwelling, Single-Family Attached (Row House). "Single-family attached dwelling" means a single household dwelling attached to another single household dwelling by a common vertical wall, and each dwelling is owned individually and located on a separate lot. These are more commonly referred to as townhouses or rowhouses.

"Easement" means a grant of the right to use land for specific purposes.

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

"Erosion control bond" insures the satisfactory installation, maintenance, and operation of erosion control measures within an approved development. The developer/owner is the principle and the city is the obligee. The bond shall remain in full force and effect until released by the city.

"Established grade" means the curb line grade established by the city.

Facility, Essential Public. "Essential public facility" means and includes those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities, state and local correctional facilities including substance abuse facilities, mental health facilities, and group homes.

Facility, Public. "Public facility" means streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, water towers, storm and sanitary sewer systems, parks and recreation facilities, and schools that are open to the general public and owned by or in trust for a government entity.

"Family" means an individual, or two or more persons related by blood or marriage, or two persons with functional disabilities as defined in this chapter, or a group of not more than five unrelated persons (excluding servants), living together in the same dwelling unit.

"Fence" means a structure, other than a building, designed, constructed and intended to serve as a barrier

or as a means of enclosing a yard or other structure; or to serve as a boundary feature separating two or more properties. Landscaping plantings do not fall within this definition.

Fence, Sight-Obstructing. "Sight-obstructing fence" means a fence so arranged as to obstruct vision.

"Final acceptance" means city council approval of the complete public improvements and acceptance of the warranty for the public improvements. The end of the warranty period signifies the city responsibility for maintenance and repair of any public improvements.

"Final plat" means the final drawing of the subdivision or short subdivision and dedication, prepared for filing for record with the county auditor and containing all elements and requirements set forth in this chapter and in state law.

"Flag lot" means a lot that does not have full frontage on a public street and the "pole" of the flag lot is less than half the width of the average lot width. Flag poles shall be a minimum of twenty feet wide, provide a minimum of twelve feet wide pavement and extend no longer than three hundred feet.

"Floor area" means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

"Grade (adjacent ground elevation)" means the lowest point of elevation of the finished surface of the ground paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

"Gross area" means the total usable area including accessory and common space dedication to such things as streets, easements and uses out of character with the principal use but within a unit of area being measured.

"Guest house" means an accessory, detached dwelling without kitchen facilities, designed for and used to house transient visitors or guests of the occupants of the main building without compensation.

Half Street. See "Street."

"Hammerhead" means a term used to describe a particular style of turnaround for emergency vehicles designed in accordance with guidelines in the Camas Design Standard Manual.

"Hearings examiner" conducts quasi-judicial public hearings for land development applications and renders decisions based on regulations and policies as provided in Camas Municipal Code and other ordinances. See CMC Chapter 2.15 Hearing Examiner System.

Height of Building. See "Building height."

"Home, designated manufactured" means a manufactured home which:

- (a) is comprised of at least two fully enclosed parallel sections each not less than twelve (12) feet wide by thirty-six feet long;
- (b) was originally constructed with and now has composition or wood shake or shingle, coated metal, or similar roof, or not less than 3:12 pitch;
- (c) has exterior siding similar in appearance to siding materials commonly used on conventional

site-built IBC single-family residences; and

(d) is placed upon a permanent foundation.

"Home, Manufactured" means a single-family residence constructed after June 15, 1976, in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing, and bearing the appropriate insignia indicating such compliance.

"Home, Mobile" means a single-family residence transportable in one or more sections that are eight feet or more in width and thirty-two feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976. Such home shall be installed in accordance with applicable WAC rules and regulations.

"Home, Modular" means a structure constructed in a factory in accordance with the International Building Code and bearing the appropriate insignia indicating such compliance. This definition includes "prefabricated," "panelized," and "factory built" units. Such home shall be installed in accordance with applicable WAC rules and regulations.

"Homeowner's association" means an incorporated, nonprofit organization operating under recorded land agreements through which: (a) each lot owner is automatically a member; and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.

"IBC" means the International Building Code as adopted by city council.

"IFC" means the International Fire Code as adopted by the city council.

"Infrastructure acreage" means the total area of public improvements including any utility or private road outside of the lot area, street right-of-way, and storm drainage facilities.

"IRC" means the International Residential Code as adopted by the city council.

"Land development" means any project subject to review under Title 16, 17 or 18.

"Lot" means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include parcels.

"Lot area" means the total square footage of a lot.

"Lot coverage" means the portion of a lot that is occupied by the principal and accessory buildings, including all projections except eaves, expressed as a percentage of the total lot area.

"Lot depth" means the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

"Lot line" means the property line bounding a lot.

Lot Line, Front. "Front lot line" means, in the case of an interior lot, the lot line separating the lot from a street other than an alley, and in the case of a corner lot, the shortest lot line separating the lot from a street other than an alley. See Figure 18.03-8.

Lot Line, Rear. "Rear lot line" means a lot line which is opposite and most distant from the front lot line. In the case of a triangular or irregular shaped lot a line ten feet in length within the lot parallel to and at the maximum distance from the front lot line. See Figures 18.03-6 and 18.03-8.

Lot Line, Side. "Side lot line" means any lot line not a front or rear lot line. See Figure 18.03-8.

"Lot width" means the horizontal distance between the side lot lines at the front of the building envelope.

Lot, Corner. "Corner lot" means a lot abutting on two intersecting streets other than an alley provided that the streets do not intersect at an angle greater than one hundred thirty-five degrees. See Figure 18.03-7.

Lot, Interior. "Interior lot" means a lot other than a corner lot. See Figure 18.03-7.

Lot, Through. "Through lot" means a lot having frontage on two parallel or approximately parallel streets. See Figure 18.03-7.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements found in CMC Chapter 16.57.

"Manufactured home park" means any property meeting the minimum standards established in CMC Chapter 18.29 "Manufactured home parks," which would be divided into individual spaces for sale, lease or rent for the accommodation of occupied manufactured/mobile homes.

Marginal Access Street. See "Street."

Minor Street. See "Street."

"Nonconforming building or use" See CMC Chapter 18.41 Nonconforming Uses.

"Owner" means the persons/organization who hold legal right to the property. The owner may also serve as applicant, developer and contractor.

"Pawnshop" means establishments who lend money on goods deposited until redeemed.

"Pedestrian way" means a right-of-way for pedestrian traffic connecting two streets other than at an intersection.

"People with functional disabilities" means a person who, because of a recognized chronic physical or mental condition or disease, is functionally disabled to the extent of:

1. Needing care, supervision or monitoring to perform activities of daily or instrumental activities of daily living;
2. Needing supports to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible;
3. Having a physical or mental impairment which substantially limits one or more of such person's major life activities; or
4. Having a record of having such an impairment, but such term does not include current, illegal use of or active addiction to a controlled substance.

"Performance bond" means a pledge, guarantee or bond, usually to back the performance of an individual or company. The bond guarantees the contractor's performance. A performance bond is generally used to ensure that a particular obligation will be completed at a certain date or that a contract will be performed

as stated. It has no end date, but terminates upon successful completion of obligation.

"Person" means an individual, firm, partnership, corporation, company, association, syndicate or any legal entity, including any trustee, receiver, assignee or other similar representative thereof.

"Phase" means a group of lots, tracts or parcels within well identified and fixed boundaries. The term shall include blocks. Phases shall be consecutively numbered.

"Planned residential development" see CMC Chapter 18.23 Planned Residential Development.

"Planning commission" means the planning commission of the City of Camas.

"Planning control area" means an area in a state of incomplete development within which special control is to be exercised over land partitioning.

"Plat" means a map or representation of a subdivision, showing thereon the division for a tract or parcel of land into lots, blocks, streets and alleys, or other divisions and dedications.

"Preliminary plat" means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, tracts and other elements of a land division consistent with the requirements of this chapter. The preliminary plat shall be the basis of the approval or disapproval of the general layout of the land division.

"Punch list" means a term used by the engineering department to designate items still to be completed per conditions of approval and city standards for the land use to reach final acceptance phase of the approval process.

“Recreational vehicle” means a vehicle which is: a) built on a single chassis; b) 400 square feet or less when measured at the largest horizontal projection; c) designed to be self-propelled or permanently towable by a light duty truck; and d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Right-of-way" (hereinafter referred to as ROW) means the area between boundary lines of a street or other easement.

"Roadway" means the portion of a street right-of-way developed for vehicular traffic.

"Rowhouse". See "Dwelling, Single-Family Attached."

"Sensitive Areas and Open Space". For related definitions see CMC Section 18.03.050 Environmental definitions.

"Setback." See "Yard"

"Shorelines." For related definitions see CMC Section 18.88.030 Definitions in Chapter 18.88 Shoreline Management.

"Short plat" means a map or representation of a short subdivision.

"Short subdivision" means the division of land into nine or fewer lots, sites or divisions for the purpose of sale or lease.

"Sidewalk" means a pedestrian walkway with permanent surfacing to city standards.

"Sidewalk area" means the portion of a street right-of-way between proposed curb line and adjacent lot line.

"Signs" For related definitions see Chapter 18.15 Signs.

"Start of construction" means and includes substantial improvement, and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; of the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundation, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Story" means the space between two successive floors in a building. The top floor shall be the space between the floor surface and the underside of the roof framing. A basement shall be counted as a story if over fifty percent of its ceiling is over six feet above the average finished grade of the adjoining ground surface.

"Story, First". "First story" means the lowest story in a building which qualifies as a story, as defined in this chapter, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than eight feet below grade, as defined in this chapter, at any point.

"Story, Half". "Half-story" means a space under a roof which has the line of intersection of roof decking and exterior wall face not more than four feet above the top floor level. A half-story containing one or more dwellings shall be counted as a full story.

"Street" means the entire width between the boundary of property or lot lines, for the purpose of vehicular and pedestrian traffic. See Table 17.19-1.

1. "Access easement" refers to "private road."
2. "Alley" means a narrow street primarily for vehicular service access to the back or side of properties otherwise abutting on another street.
3. "Arterial" means a street of considerable continuity that is primarily a traffic artery for intercommunication among large areas. There are usually three to five lanes of traffic.
4. "Collector" means a street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas; used to some extent for through traffic and to some extent for access to abutting properties. There are usually two to three lanes of traffic.
5. "Cul-de-sac (dead-end street)" means a short street having one end open to traffic and being terminated by a vehicle turnaround. See Design Standards Manual for required right-of-way, pavement, curb and gutters.

6. "Driveway" see "Private road."
7. "Half street" means a portion of the width of a street usually along the edge of a subdivision where the remaining portion of the street could be provided in another subdivision.
8. "Marginal access street" means those streets whose primary function is the circulation of through traffic and shall include all major and secondary arterials and all collector streets identified in the city comprehensive plan.
9. "Minor street" means a street intended exclusively for access to abutting properties. Also referred to as a neighborhood street. This type of street has only two lanes of traffic.
10. "Private road" means a strip of land that provides access to a lot, tract or parcel. This road is privately maintained but is designed and installed per Table 17.19-1 and with approval of the engineering manager.

"Structural alteration" means any change to the supporting members of a building including foundations, bearing walls or partitions, columns, beams or girders, or any structural change in the roof.

"Structure" means that which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

"Subdivision" means a division or redivision of land into ten or more lots, tracts, sites or divisions for the purpose of sales, lease or transfer of ownership.

"Subdivision improvement bond" means a guarantee that improvements to an approved residential development will be completed in accordance with city standards, and code as stated in conditions of approval. The owner is the principle and the city is the obligee. There is no expiration date on this type of bond but it terminates upon acceptance of improvements by the city. The bond is issued in the amount equal to one hundred five percent of the cost of all public improvements and any improvements required as part of the conditions of approval per CMC Section 17.21.050 Bonds and other financial agreements.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

“Substantial Improvement” for the purposes of CMC 16.57 Frequently Flooded Areas, substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- 1) Before the improvement or repair is started; or
- 2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term can exclude:

- 1) Any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- 2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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

"Telecommunications." For related definitions see Section 18.35.030 Definitions in Chapter 18.35 Telecommunications Ordinance.

"Tract" means an area dedicated to such things as streets, easements and uses out of character with the principal use, but within a unit of area being measured. Tracts may include critical areas, storm ponds, and forestlands, parkland and other open space. Tracts shall not be considered lots for the purpose of determining short plat or subdivision status. Tracts shall not be considered buildable lots of record.

"Turn-arounds" are any location identified by the city engineering manager as necessary to be improved for emergency and other vehicles to turn around.

"UBC." See "IBC" or "IRC."

Utility Facilities, Minor. "Minor utility facilities" means those facilities which have a local impact on surrounding properties and are necessary to provide essential services such as:

1. Substations (transmission and distribution);
2. Pump stations;
3. Outfalls;
4. Water towers and reservoirs;
5. Public wells;
6. Cable television receiver and transmission facilities, excluding wireless communications facilities as defined in CMC Section 18.35.030 Definitions;
7. Catch basins, retention ponds, etc.;
8. Water treatment facilities.

"Vision clearance area" means a triangular area on a lot at the intersection of two streets, or a street and an alley, or a street and a railroad, two sides of which are lot lines measured from their corner intersection for a distance specified in the code. The third side of the triangle is a line across the corner of the lot adjoining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. See Section 18.17.030 Vision clearance areas, along with Figures 18.17-030-1 and 18.17-030-2.

"Warranty bond" means and is referred to as a function and maintenance bond, it is generally used to insure the satisfactory operation to public improvements within an approved development. The developer is the principal and the city is the obligee. The warranty bond has a beginning and ending date in amount specified per CMC Section 17.21.040(B)(1). At the end of the warranty period, the city will assume responsibility for the maintenance and repair of the public improvement.

"Wireless." For related definitions see Chapter 18.35 Telecommunication Ordinance.

"Yard" means an open space, other than a court or accessory structure, unobstructed from the ground to

the sky, except where specifically provided by this code, on the lot on which a building is situated. See Figure 18.03-8.

"Yard, Front". "Front yard" means an open space between the side lot lines and measured horizontally, from the front lot line at right angles to the front lot line, to the nearest point of the building. See Figures 18.03-8 and 18.03-6.

"Yard, Rear". "Rear yard" means an open space between side lot lines and measured horizontally, at right angles from the rear lot line, to the nearest point of the main building. See Figures 18.03-8 and 18.03-6.

"Yard, Side". "Side yard" means an open space between a building and the side lot line measured horizontally, at right angles from the side lot line, to the nearest point of the main building. See Figure 18.03-8.

18.03.050 Environmental definitions.

In addition to the definitions found in Title 16, the following definitions shall also apply to this title:

"Adverse environmental impact" means an impact caused by vegetation removal which creates a risk of landslide or erosion, or which alters or damages wetlands, wetland buffers, wildlife habitat, streams, or watercourses.

"Area of Special Flood Hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letter A.

"Base Flood" the flood having a one-percent (1%) chance of being equaled or exceeded in any given year (also referred to as the "100-year flood"). Designated on Flood Insurance Rate Maps by the letter A.

"Best Available Information" means, in the absence of official flood insurance rate map data, communities can use data from other federal, state, or other sources; provided this data has either been generated using technically defensible methods or is based on reasonable historical analysis and experience. Flood data from existing flood events may be used where flood events are considered more accurate indicators or past base flood conditions. Any variance from adopted flood insurance rate maps must be of a more restrictive nature.

"Buffer" means either: (1) an area adjacent to hillsides which provides the margin of safety through protection of slope stability, attenuation of surface water flows, and landslide, seismic, and erosion hazards reasonably, necessary to minimize risk to the public from loss of life, well-being, or property damage resulting from natural disasters; or (2) an area adjacent to a stream or wetland which is an integral part of the stream or wetland ecosystem, providing shade; input of organic debris and coarse sediments; room for variation in stream or wetland boundaries; habitat for wildlife; impeding the volume and rate of runoff; reducing the amount of sediment, nutrients, and toxic materials entering the stream or wetland; and protection from harmful intrusion to protect the public from losses suffered when the functions and values of stream and wetland resources are degraded.

"dbh" (diameter at breast height) means a tree's diameter measured four and one-half (4.5) feet above the ground measured from the uphill side.

"Drainage facility" means the system of collecting and storing surface and stormwater runoff. Drainage facilities shall include but not be limited to all surface and stormwater runoff conveyance and containment facilities including streams, pipelines, channels, ditches, wetlands, closed depressions,

infiltration facilities, retention/detention facilities, and other drainage structures and appurtenances, both natural and man-made.

"Environmentally sensitive area(s)" or "sensitive lands" means areas within the city that are characterized by, or support unique, fragile or valuable natural resources, or that are subject to natural hazards. Sensitive areas include wetlands and wetland buffers, streams and watercourses, steep slopes, and areas with potentially unstable soils, as those areas are defined and identified pursuant to this title and Title 16.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

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

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

“Flood Insurance Study (FIS)” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Maps, and the water surface elevation of the base flood.

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

"Hillsides" means geological features of the landscape having slopes of fifteen percent or greater. To differentiate between levels of hillside protection and the application of development standards, the city categorizes hillsides into four groups: hillsides of at least fifteen percent but less than forty percent; hillsides with unstable slopes; hillsides of forty percent slope and greater; hillsides which are ravine sidewalls or bluffs.

"Mitigation" means the use of any combination of, or all of the following actions:

1. Avoid impacts to environmentally sensitive areas by not taking a certain action, or parts of an action;
2. Minimize impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environmentally sensitive area;
4. Reducing or eliminating the impact over time by reservation and maintenance operations during the life of the development proposal;
5. Compensating for the impact by replacing or enhancing environmentally sensitive areas, or providing substitute resources.

"Open space" means land set aside and maintained in a natural state, providing air, light, and habitat for wildlife, and/or containing significant trees and vegetation. Open space may contain environmentally sensitive lands, which include but are not limited to steep slopes and areas with unstable soils, wetlands, and streams and watercourses. Open space may also provide for active and passive recreation use. There

are two general categories of open space, which are as follows:

1. "Natural open space" means land devoted to protecting environmentally sensitive lands as defined in this title and CMC Title 16. Natural open space generally has no developed areas, with the exception of trails as identified in the comprehensive parks, recreation, open space plan, or by a condition of development approval.
2. "Recreational open space" means land set aside for recreational opportunities, which may contain trails, sports fields, playgrounds, swimming pools, tennis courts, and picnic areas. Recreational open space is generally limited in size and intensity, proportionate to the development, and is intended for the enjoyment of the residents of the development.

"Open space connectors" means tracts of land with typically no sensitive lands that connect parcels of land to form the open space network.

"Open space network" means a network of open space composed of mostly wooded areas, steep slopes, ravines, streams and waterways, as areas identified in the comprehensive parks, recreation, and open space plan.

"Protective mechanism" means a method of providing permanent protection to open space, and shall include conservation easements, dedication to the city, conveyance to a public or private land trust, conveyance to a homeowner's association, restrictive covenants, or any combination of such mechanisms.

"Ravine sidewall" means a steep slope which abuts and rises from the valley floor of a stream, and which was created by the wearing action of the stream. Ravine sidewalls contain slopes predominantly in excess of forty percent, although portions may be less than forty percent. The toe of a ravine sidewall is the stream valley floor. The top of a ravine sidewall is typically a distinct line where the slope abruptly levels out. Where there is no distinct break in slope, the top is where the slope diminishes to less than fifteen percent. Minor natural or man-made breaks in the slope of ravine sidewalls shall not be considered as the top. Benches with slopes less than fifteen percent, and containing developable areas, shall be considered as the top.

Sensitive Areas. See "Environmentally sensitive areas."

"Sensitive area(s) map(s)" means those maps adopted, and/or incorporated by reference, by the city to identify the general location of environmentally sensitive or valuable areas. In case of questions as to map boundaries or mapping errors, the presence or absence of a sensitive area shall be determined in the field by a qualified professional, experienced in a discipline appropriate to evaluation of the appropriate feature, and shall determine the applicability of this chapter.

"Significant trees" means evergreen trees eight inches dbh, and deciduous trees, other than red alder or cottonwood, twelve inches dbh.

"Steep slopes" or "area with potential unstable soils" means any land potentially subject to landslides, severe erosion, or seismic activity (earthquake faults). Steep slopes are generally characterized by slopes of fifteen percent or greater, impermeable subsurface material (sometimes interbedded with permeable subsurface material), and/or springs or seeping groundwater during the wet season. Seismic areas are those lying along or adjacent to identified earthquake faults.

"Stream" or "watercourse" means those areas where surface waters produce a defined channel or bed. The channel or bed need not contain water year-round. This definition does not include irrigation ditches, canals, storm or surface water conveyance devices, or other entirely artificial watercourses. Streams are further categorized as Class 1 through 5 in accordance with the classifications used by WAC 222-16-030.

“Water Dependent” means a use or portion of a use that cannot exist in a location which is not adjacent to the water, and which is dependent on the water by reason of the intrinsic nature of its operations. Examples include, but are not limited to: aquaculture, marinas, or float plane facilities.

"Wetland bond" insures the satisfactory installation, maintenance, and monitoring of wetland creation or enhancement as may be required as part of the SEPA or wetland mitigation plans. The bond has a beginning and ending date, and shall be in the amount as specified in CMC Section 17.21.050(B)(3).

"Wetland buffer" means a naturally vegetated and undisturbed, enhanced or revegetated area surrounding wetland that is part of a wetland ecosystem and protect a wetland from adverse impacts to its function, integrity, and value. Wetland buffers serve to moderate runoff volume and flow rates; reduce sediment, chemical nutrient and toxic pollutants; provide shading to maintain desirable water temperatures; provide habitat for wildlife; and protect wetland resources from human activities.

"Wetlands" means areas that are inundated or saturated by surface water or groundwater 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. However, wetlands include those artificial wetlands intentionally created to mitigate conversions of wetlands.

"Wildlife habitat" means areas that provide food, protective cover, nesting, breeding, or movement for threatened, endangered, sensitive, monitor, or priority species of wildlife, or other wildlife species of special concern. "Wildlife habitat" shall also mean areas that are the location of threatened, endangered, sensitive, monitor, or priority species of plants, or other plant species of special concern.