

ORDINANCE NO. 008/2010

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING THE MONROE MUNICIPAL CODE IN ORDER TO CLARIFY AND REVISE CONFLICTING, INCONSISTENT AND OUTDATED DEFINITIONS OF THE CITY'S ADMINISTRATIVE PROCEDURES FOUND IN TITLES 17 THROUGH 21; AS WELL AS ADDING LIMITED AMOUNT OF NEW MATERIAL TO FIX PROBLEMATIC ELEMENTS OF THE ZONING LAND USE MATRIX, MMC 18.10.050.

WHEREAS, the City of Monroe has found certain inconsistencies in the Monroe Municipal Code, and

WHEREAS, on March 18, 2010, the regulations were submitted to the Washington State Department of Commerce and other state agencies for review; and

WHEREAS, on April 26, 2010, the Monroe Planning Commission held a public hearing on the administrative definitions and made a final recommendation of approval to the City Council; and

WHEREAS, on June 15, 2010, the Monroe City Council held a duly advertised public hearing on the administrative regulations; and

WHEREAS, the City Council has determined to adopt amendments to the Monroe Municipal Code to correct the inconsistencies and,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONROE as follows:

Section 1. Changes to section 18.10.050 – Land Use Zoning Matrix, is hereby amended as attached as Exhibit 1.

Section 2. Structural revisions to the matrix in section 18.10.050 – Land Use Zoning Matrix, are hereby amended as attached as Exhibit 2.

Section 3. Consolidate definitions from sections 17.08.010, 18.50.020, 18.78.020, 18.80.030, 18.88.010, 18.93.020, 20.05.030, 20.06.030, 20.07.040, 20.08.030, 20.10.030, 20.12.030 and 21.10.030 into existing chapter 18.02 are hereby amended as attached as Exhibit 3.

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

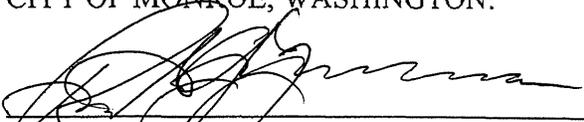
jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 15th day of June 2010.

1st Reading: 6/15/10
Published: 7/6/10
Effective: 7/13/10

CITY OF MONROE, WASHINGTON:



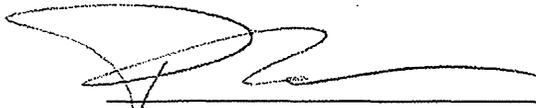
Robert Zimmerman, Mayor

ATTEST/AUTHENTICATED:



Eadye Martinson, Deputy City Clerk

APPROVED AS TO FORM:



Phil Olbrechts, City Attorney

MMC 18.10.050 Zoning Land Use Matrix

Conforming Use	Public Open Space	Limited Open Space	Limited Open Space – Airport	SR 15,000	UR 9,600	Residential 4 Units	UR 6,000	MR 6,000	General Commercial	Service Commercial	Downtown Commercial	Professional Office	Light Industrial	General Industrial
Accessory dwelling units				P ⁵	P ⁵	P ⁵	P ⁵	P ⁵			See Chapter 18.12 MMC			
Adult entertainment (business use)									P ¹	P ¹	See Chapter 18.12 MMC		P ¹	P ¹
Agricultural uses		P		P										
Aircraft and flight schools			P ⁷											
Aircraft hangars and parking areas			P ⁷											
Aircraft sales, rentals, repair (major and minor), rebuilds, and maintenance services			P ⁷											
Airports, landing fields, and heliports	EPF	EPF	EPF											
Amusement facilities									P	C	See Chapter 18.12 MMC		P	P
Animal shelters									C		See Chapter 18.12 MMC		C	C
Animal slaughtering, processing, and/or incidental rendering		S							S				S	S

Art galleries									P	P	See Chapter 18.12 MMC	P	P	
Asphalt batch plants (mix asphalt)													C	P
Athletic fields	P	C												
Auto repair, major and minor			P ⁷						P	P	See Chapter 18.12 MMC		P	P
Auto repair, major									<u>P</u>	<u>P</u>			<u>P</u>	
Auto towing									G	G	See Chapter 18.12 MMC		G	G
Auto sales Motor Vehicle Sales Facility									P	P	See Chapter 18.12 MMC		P	P
Auto wrecking yards													C	C
Aviation fuel sales			P ⁷											
Bakeries									P	P	See Chapter 18.12 MMC		P	P
Banks with drive-up facility									P	P	See Chapter 18.12 MMC			
Bed and breakfasts		C	A ¹		C	C	C	C				P		
Boat sales									P	P	See Chapter 18.12 MMC		P	P
Breweries													P	P

Breweries, micro									P	P	See Chapter 18.12 MMC		P	P
Car washes									P	P			P	P
Cement manufacturing	S	S											S	S
Cemeteries	P	C												
Churches	P	G		G	G	G	G	G	P	P	See Chapter 18.12 MMC	P	P	P
Cleaning establishments									P	P	See Chapter 18.12 MMC		P	P
Clinics, health services	P								PG	GP	See Chapter 18.12 MMC	P	P	
Clubs, fitness		P							P	P	See Chapter 18.12 MMC	A	P	P
Clubs			A ¹						P	P	See Chapter 18.12 MMC	C		
Coffee shops			A ¹						P	P	See Chapter 18.12 MMC	A	P	P
Convenience stores									P	P	See Chapter 18.12 MMC			
Day care centers		C ¹		C ¹	See Chapter 18.12 MMC	C ¹	A	A						
Department stores									P		See Chapter 18.12 MMC			

Dog kennels (indoor)				C					C	C	See Chapter 18.12 MMC		C	C
Drugstores			A ¹						P	P	See Chapter 18.12 MMC	A		
Dwellings, caretaker/ security			A ¹											
Dwellings, duplex				P ²	P ²	P ²	P ²	P ⁶				P ⁶		
Dwellings, farm worker		A		A					A	A				
Dwellings, mobile home/manufactured home		P		P	P	P	P	P						
Dwellings, multifamily								P			See Chapter 18.12 MMC	P		
Dwellings, single-family		P	P ⁷	P	P	P	P	P			See Chapter 18.12 MMC	P		
Dwellings, townhouse								P			See Chapter 18.12 MMC	P		
Electrical transmission lines of higher voltage than 115 kV, in existing corridors	P	P		P	P	P	P	P	P	P	See Chapter 18.12 MMC	P	P	P
Electrical transmission lines of higher voltage than 115 kV, in new corridors	C	C		C	C	C	C	C	C	C	See Chapter 18.12 MMC	C	C	C
Fabrication shops			A ¹						C				P	P
Family day care				A	A	A	A	A						

Fire stations	P	C	A ¹	C	C	C	C	C	P	P	See Chapter 18.12 MMC	C	P	P
Fix-it shops			A ¹						P	P	See Chapter 18.12 MMC		P	P
Garden produce		P		C	C				P	P	See Chapter 18.12 MMC		P	P
Gas Service stations									P	P	See Chapter 18.12 MMC		P	
Government facilities	P								C	C	See Chapter 18.12 MMC	C	C	C
Greenhouses, retail		P							P	P	See Chapter 18.12 MMC		P	P
Grocery stores									P		See Chapter 18.12 MMC	P	P	P
Group homes, Type 1		P		P	P	P	P	P			See Chapter 18.12 MMC	P		
Group homes, Type 2		C ²		C ²			See Chapter 18.12 MMC	C ²						
Halfway houses		EPF		EPF	EPF	EPF	EPF	EPF			See Chapter 18.12 MMC	EPF		
Hardware stores <u>1</u>									P	P	See Chapter 18.12 MMC		P	

Hardware store 2									P	P			P	
Hazardous/dangerous waste facilities	EPF								EPF				EPF	EPF
Home improvement centers									P				P	P
Home occupations				P	P	P	P	P			See Chapter 18.12 MMC		P	
Hospitals	EPF								EPF	EPF	See Chapter 18.12 MMC		EPF	
Hotels											See Chapter 18.12 MMC			
Hotels/mMotels			A ¹						P	P	See Chapter 18.12 MMC			
In-patient facilities, including substance abuse and mental health facilities	P								C	C	See Chapter 18.12 MMC		P	P
Libraries	P								P	P			C	P P
Locksmiths									P	P	See Chapter 18.12 MMC			
Lumber yards									P		See Chapter 18.12 MMC		P	P
Mini self storage			A ¹								See Chapter 18.12 MMC		P	P
Mobile home and travel trailer sales									P	P	See Chapter 18.12 MMC		P	P

Mobile/manufactured home parks				C	C	C	C	C						
Model home(s) and sales offices				P	P	P	P	P				P		
Motor vehicle equipment and sales									P	P	See Chapter 18.12 MMC		P	P
Mortuaries									P	P	See Chapter 18.12 MMC		P	
Nursing and/or convalescent homes	P							C	C	C			P	
Offices, general			P ⁷						P	P	See Chapter 18.12 MMC		P	P
Professional Offices, professional			P ⁷						P	P	See Chapter 18.12 MMC		P	P
Outdoor storage			A ¹										P ⁴	P ⁴
Parks and recreation facilities	P	C ⁴		C ⁴										
Parks, RV		C							C					
Parking lots	P		A ¹						A	A	See Chapter 18.12 MMC		A	A
Photo-processing shops									P	P	See Chapter 18.12 MMC		P	P
Preschools	C	C		C	C	C	C	C	C	C	See Chapter 18.12 MMC		C	C
Printing plants													P	P

Print shops									P	P	See Chapter 18.12 MMC	C	P	P
Prisons/jails	C													
Processing of sand, gravel, rock, black soil, and other natural deposits	S	S											S	S
Public stables	C	C												
Mineral extraction Quarry, mining, and/or removal of sand, gravel, rock, black soil, and other natural deposits	S	S											S	S
Recycling centers													C	C
Regional transit stations, including bus, train, and other high-capacity vehicle bases	EPF	EPF	EPF						EPF	EPF	See Chapter 18.12 MMC	EPF	EPF	EPF
Religious Institution	<u>P</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	See Chapter 18.12 MMC	Religious Institution	<u>P</u>	<u>C</u>
Research facilities												P	P	P
Restaurants			A ¹						P	P	See Chapter 18.12 MMC	C	P	P
Retail sales (livestock)									P	P	See Chapter 18.12 MMC		P	P
Retail stores			A ¹						P	P	See Chapter 18.12 MMC		P	P
Retirement housing/ assisted living facilities								P ³		C ³	See Chapter 18.12 MMC	P ³		

Service establishments									P	P	See Chapter 18.12 MMC	C	P	P
Sewer treatment plants	EPF	EPF											EPF	EPF
Schools	P	C		C	C			C	C	<u>C</u>	<u>C</u>	C	C	
Secondhand stores										P	P	See Chapter 18.12 MMC		
Shake and shingle mills													P	P
Solid waste handling and/or transfer facilities	EPF									EPF			EPF	EPF
Solid waste landfills	EPF													
Shooting ranges (indoor)										P	P	See Chapter 18.12 MMC	P	P
State educational facilities including colleges, community colleges, and universities, ten acres in size or larger	EPF									EPF			EPF	EPF
State and regional transportation facilities including highways of statewide significance	EPF	EPF	EPF	EPF	EPF	EPF	EPF	EPF	EPF	EPF	See Chapter 18.12 MMC	EPF	EPF	EPF
State and local correctional facilities	EPF													
Storage and sale of aviation fuel, oil, and other fluids commonly used in aircraft			P ⁷											

Taverns									P	P	See Chapter 18.12 MMC			
Temporary residential trailersdwelling unit			A ¹	C	C			C	C			C		
Tool sales and rental									P	A	See Chapter 18.12 MMC		P	P
Tow truck operations									C	C	See Chapter 18.12 MMC		C	C
Utility power-generating facilities, public or private, including hydroelectric	S												S	S
Utility services	P	P	P ⁷	P	P	P	P	P	P	P	See Chapter 18.12 MMC	P	P	P
Veterinary clinics/animal hospitals									C	C	See Chapter 18.12 MMC	P	P	P
Warehouses			A ¹						<u>P</u>				P	P
Wholesale establishments													P	P
Work release facilities	EPF													

18.12.170 Downtown neighborhood land use matrix.

Downtown Neighborhood Zoning Matrix	Downtown Commercial Zone			
	Downtown Neighborhood	Rails and Roads Neighborhood	Historic Main Area	Borlin Park Neighborhood
Accessory dwelling units	P ¹		P ¹	P ¹
Adult entertainment (business use) P2				
Amusement facility		P	C	C
Antique shop		P	P	P
Auto repair, <u>minor</u>		P		
Auto repair, <u>major</u>		P		
Art gallery		P	P	P
Bakery		P	P	P
Bank with drive-up facility		P	P	
Bed and breakfast	C ¹		C ¹	C ¹
Brewery, micro		P	P	C
Church	C	P	P	P
Cleaning establishment		P	P	C
Clinic, health services	C	C	C	C
Club, fitness	P	P	P	A
Club		P	P	C
Coffee shop	A	P	P	P
Community open-air market		P	P	P
Convenience stores		P	P	
Day care center	C ²	C ²	C ²	C ²
Drive-up/through		P	P ³	P ³
Drug store		P	P	P
Dwelling, duplex	P			
Dwelling, mobile home	P		C	
Dwelling, multifamily			P ⁴	P
Dwelling, single-family	P		C	
Dwelling, townhouse				P
Electrical transmission lines of higher voltage than 115 kV, in existing corridors	P	P	P	P
Electrical transmission lines of higher voltage than 115 kV, in new corridors	C	C	C	C

Family day care	A	A	A	A
Garden produce		P	P	P
Gas station		P	C	
Government facilities	C	C	C	C
Greenhouse, retail		P	C	
Grocery store		P	P ⁵	P ⁵
Group homes, Type 1	P		C	P
Group homes, Type 2	C ³		C ³	C ³
Halfway house	EPF		EPF	EPF
Hardware store 1		P	P	
Hardware store 2		P		
Home occupations	P		P	P
Hotel		P	C	C
Motel		P		
Library		P		P
Mixed-use (commercial and residential)	P		P	P
Mobile vendors		P ⁶	P ⁶	P ⁶
Nursing and/or convalescent home			P ⁸	P ⁸
Office, general	P	P	P	P
Office, professional	P	P	P	P
Parking lots (accessory use)	P	P	P	P
Parking lots (stand-alone)	C	C	C	C
Pawn shop		P	P	
Preschool	C	C	C	C
Print shop		P	P	C
Regional transit station, including bus, train, and other high-capacity vehicle bases	EPF	EPF	EPF	EPF
Restaurant		P	P	P
Retail stores		P	P ⁷	P ⁷
Retirement housing/assisted living facility		P ⁸	P ⁸	P ⁸
Service establishment	C	P	P	P
State and regional transportation facilities including highways of statewide significance	EPF	EPF	EPF	EPF
Tavern/pub		P	P	A
Tool sales and rental		P		

Utility services	P	P	P	P
Veterinary clinic/animal hospital	C	P	C	

P = Permitted use; A = Accessory use; C = Requires a conditional use permit; and EPF = Essential public facility (see Chapter 18.15 MMC)

P1 Accessory dwelling units must meet criteria outlined in Chapter 18.40 MMC.

P2 Adult entertainment facilities are subject to Chapter 5.48 MMC and are not allowed in the downtown commercial zone.

P3 Drive-up/through windows or areas are prohibited in any establishment serving food and/or beverages.

P4 Multifamily dwellings are only allowed in conjunction with mixed-use structures.

P5 Grocery stores may not exceed 20,000 square feet in gross floor area.

P6 Mobile vendors must meet the criteria outlined in MMC 18.12.190(A).

P7 In the Historic Main and Borlin Park neighborhoods, retail stores are limited to low-intensity uses no more than two thousand five hundred gross square feet, which are typically part of a larger development. Low-intensity uses may include, but are not limited to, boutiques, galleries, jewelry stores, clothing shops, and similar retail uses.

P8 Based upon bedrooms as opposed to dwelling units in any combination of one-, two-, and/or three-bedroom units, not to exceed the maximum density allowed in the underlying zoning district. The standard formula would be to use the maximum allowed density per acre (43,560 square feet divided by minimum zone lot size) multiplied by three (standard bedroom equivalent unit) to achieve bedroom density. For example in the MR6000 zone – a one-acre site could achieve thirty-three bedrooms per acre ($43,560 / 4,000 = 10.89$ or 11 dwelling units per acre $\times 3 = 33$).

C1 Caretaker must be on site.

C2 Limitation on number of children permitted per establishment.

C3 Group homes that qualify as essential public facilities shall follow the regulations in Chapter 18.15 MMC, Essential Public Facilities.

(Ord. 006/2009 § 3)

Restructured Zoning Use Matrix

Conforming Use

Aviation

Aircraft and flight schools
Aircraft hangars and parking areas
Aircraft sales, rentals, repair (major and minor), rebuilds, and maintenance services
Airports, landing fields, and heliports
Aviation fuel sales
Storage and sale of aviation fuel, oil, and other fluids commonly used in aircraft

Government and Education

Fire stations
Government facilities
Jails
Libraries
Preschools
Schools
State and local correctional facilities
State educational facilities including colleges, community colleges, and universities, ten acres in size or larger
Work release facilities

Health Services

Clinics, health services
Hospitals
In-patient facilities, including substance abuse and mental health facilities

Industrial Uses

Animal shelters
Animal slaughtering, processing, and/or incidental rendering
Asphalt batch plants (mix asphalt)
Auto wrecking yards
Cement manufacturing
Fabrication shops
Outdoor storage
Printing plants
Processing of sand, gravel, rock, black soil, and other natural deposits
Recycling centers
Shake and shingle mills
Tow truck operations
Warehouses

Infrastructure/Utilities

Electrical transmission lines of higher voltage than 115 kV, in existing corridors
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Electrical transmission lines of higher voltage than 115 kV, in new corridors
Regional transit stations, including bus, train, and other high-capacity vehicle bases
Sewer treatment plants
State and regional transportation facilities including highways of statewide significance
Utility power-generating facilities, public or private, including hydroelectric
Utility services

Parks/Recreation

Athletic fields
Parks and recreation facilities
Parks, RV
Public stables

Residential and Associated Uses

Accessory dwelling units
Bed and breakfasts
Dwellings, caretaker/security
Dwellings, duplex
Dwellings, farm worker
Dwellings, mobile home/manufactured home
Dwellings, multifamily
Dwellings, single-family
Dwellings, townhouse
Family day care
Group homes, Type 1
Group homes, Type 2
Halfway houses
Home occupations
Mobile/manufactured home parks
Model home(s) and sales offices
Nursing and/or convalescent homes
Retirement housing/ assisted living facilities
Temporary dwelling unit

Retail and Commercial

Art galleries
Bakeries
Breweries
Breweries, micro
Coffee shops
Convenience stores
Department stores
Drugstores
Garden produce
Greenhouses, retail

Grocery stores
Hardware stores 1
Hardware stores 2
Home improvement centers
Lumber yards
Motor vehicle sales facility
Restaurants
Retail stores
Secondhand stores
Taverns
Tool rental
Wholesale establishments

Service

Amusement facilities
Auto repair, minor
Auto repair, major
Banks with drive-up facility
Car washes
Cleaning establishments
Clubs
Clubs, fitness
Day care centers
Fix-it shops
Hotels
Kennel
Locksmiths
Mini self storage
Motels
Print shops
Professional Offices
Religious Institution
Research facilities
Service establishments
Service stations
Veterinary clinics/animal hospitals

Other

Adult entertainment (business use)
Agricultural uses
Cemeteries
Hazardous/dangerous waste facilities
Mortuaries
Parking lots
Shooting ranges (indoor)
Solid waste handling and/or transfer facilities
Solid waste landfills

18.02.010 A definitions.
"Abandonment" means to cease operation for a period of sixty or more consecutive days.
"Access road" means a driveway that may provide access to more than one parking lot or area, may provide access to more than one property or lot, and may provide internal access from one street to another.
"Accessory use or structure" means a use incidental and subordinate to the principal use and located on the same lot or in the same building as the principal use. If an accessory building is attached to the main building by a common wall, breezeway or roof, the accessory building shall be considered a part of the main building.
"Active fault" means a fault that is considered likely to undergo renewed movement within a period of concern to humans. Faults are commonly considered to be active if the fault has moved one or more times in the last ten thousand years.
"Adjacent" means immediately adjoining (in contact with the boundary of the influence area) or within a distance less than that needed to separate activities from critical areas to ensure protection of the functions and values of the critical areas. Adjacent shall mean any activity or development located: <ol style="list-style-type: none"> 1. On site immediately adjoining a critical area; or 2. A distance equal to or less than the required critical area buffer width and building setback.
"Administrator" Unless otherwise specified, the Administrator shall be the Director of Community Development or his/her designated representative.
"Adopted site plan" means a comprehensive document and scale drawing prepared in conforming with Chapter 18.82 MMC which: <ol style="list-style-type: none"> A. Identifies and shows the area, and locations of all streets, roads, improvements, utilities, open spaces and other such matters specified by Chapter 18.82 MMC; B. Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the commission as approved or modified by the council; and C. Contains provisions requiring conformity with the adopted site plan by any development.
"Adult family home" means a residential home in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.
"Advertising vehicle" means any vehicle or trailer on a public right-of-way or public property or on private property so as to be visible from a public right-of-way which has attached thereto, or located thereon any sign or advertising device for the basic purpose of providing advertisement or products or directing people to a business activity located on the same property or nearby property or any other premises. The vehicle must be used primarily for the purpose of advertising, as opposed to serving some other function such as delivery of goods or services or transport.
"Affected employee" means a full-time employee who begins his or her regular workday at a major employer work site between six a.m. and nine a.m. (inclusive) on two or more weekdays for at least twelve continuous months, who is not an independent contractor, and who is scheduled to be employed on a continuous basis for fifty-two weeks for an average of at least thirty-five hours per week.
"Affected urban growth area" means: <ol style="list-style-type: none"> A. An urban growth area, designated pursuant to RCW 36.70A.110, whose boundaries contain a state highway segment exceeding the one hundred person per hours of delay threshold calculated by the Washington State Department of Transportation, and any contiguous urban growth areas; and B. An urban growth area, designated pursuant to RCW 36.70A.110, containing a jurisdiction with a population over seventy thousand that adopted a commute trip reduction ordinance before the year 2000, and any contiguous urban growth areas; or C. An urban growth area identified by the Washington Department of Transportation as listed in WAC 468-63-020(2)(b).
"Affiliate" means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another person.
"Agricultural Use" means those activities conducted on lands defined in RCW 84.34.020(2), and activities involved in the production of crops or livestock for wholesale trade. An activity ceases to be considered

<u>agriculture when the area on which it is conducted is proposed for conversion to a nonagricultural use or has lain idle for more than five years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity.</u>
"Airport" means First Air Field, city of Monroe, Washington.
"Airspace obstruction" means any structure, tree, land mass, smoke or steam, or use of land that penetrates the primary, approach, transitional, horizontal, or conical surface of the airport as defined by Federal Aviation Regulations (FAR), Part 77.
"Air-supported structure" means an air-supported or inflated object with or without cable supports and braces intended to attract attention to the location, event or promotion.
"Alley" means a public thoroughfare which affords only a secondary means of access to abutting property, and is not intended for general traffic circulation.
"Alteration" means any human-induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to, grading, filling, dredging, channelizing, clearing (vegetation), applying pesticides, discharging waste, construction, compaction, excavation, modifying for storm water management, relocating, or other activities that change the existing landform, vegetation, hydrology, wildlife or wildlife habitat value of critical areas.
"Alternative mode" means any means of commute transportation other than that in which the single-occupant motor vehicle is the dominant mode, including telecommuting and compressed workweeks if they result in reducing commute trips.
"Alternative work schedules" mean work schedules that allow employees to work their required hours outside of the traditional Monday to Friday, eight a.m. to five p.m. schedule. Programs such as compressed workweeks eliminate work trips for affected employees.
"Amendment," unless otherwise specified, means a change to Title 18. There are two types of zoning amendments: those which change the text of this title, and those which change the use classifications and/or boundaries upon the official zoning map (a rezone). Of these, small area rezones are treated with a more intensified substantive review.
"Amusement facilities" means those establishments such as theaters, dance halls, bowling alleys, skating rinks, miniature golf courses, arcades, waterslides and other similar uses which provide recreation either indoors or in a confined intensively utilized outdoor area.
"Anadromous fish" means fish that spawn in fresh water and mature in the marine environment.
<u>"Animal shelters" means a public or private facility which houses four or more stray or unwanted small animals (that number not including one unweaned litter) for periods longer than 24 hours.</u>
<u>"Animal slaughtering, processing, and/or incidental rendering" means an establishment engaged in operations which include the handling and slaughtering of livestock, including manufacturing of products from animal substances such as glue, lard and tallow.</u>
"Antenna height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.
"Antenna support structure" means any pole, telescoping mast, tower, tripod, or other structure which supports a device used in the transmitting or receiving of radio frequency signals.
"Antenna" means any exterior apparatus designed for telephonic, radio, data, internet, or television communications through the sending and/or receiving of electromagnetic waves, and includes equipment attached to a tower or building for the purpose of providing personal wireless services, including unlicensed wireless telecommunications services, wireless telecommunications services utilizing frequencies authorized by the Federal Communications Commission for "cellular," "enhanced specialized mobile radio" and "personal communications services," telecommunications services, and its attendant base station.
"Antique shop" means a place that sells predominantly those articles which are antiques and antique-related objects.
"Antique" means any article that because of its age, rarity or historical significance has a monetary value greater than the original value; provided, that for the purpose of this code, the term "antique" shall not

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include automobiles.
"Apartment house" means any building or portion thereof which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of five or more families living independently of each other and doing their own cooking in the said building.
"Apartment" means a room, or suite of two or more rooms in a multifamily dwelling, occupied or suitable for occupancy as a dwelling unit for one family.
"Applicant" means a person or entity who files an application for a permit with the city and who is either the owner of the land on which that proposed activity would be located, a contract purchaser, or the authorized agent of such a person.
"Approval, final" means official action taken by the city with respect to a final plat.
"Approval, preliminary" means official action taken by the hearing authority and council with respect to a proposed plat.
"Apron" means the portion of the driveway approach that extends from the gutter flow line to the sidewalk area and underlying between the end slopes of the driveway approach.
"Aquifer recharge area" means an area that, due to the presence of certain soils, geology, and surface water, acts to recharge groundwater by percolation.
<u>"Architecturally consistent " means conforming in overall design, form, or structure by incorporating two or more of the following common elements: design, color, and/or material.</u>
"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V. The term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."
"Area or surface area of sign" means the greatest area of a sign, visible from any one viewpoint, excluding the sign support structures, which do not form part of the sign. The "surface area" of the sign is determined by the height times the width of a typical rectangular sign, or other appropriate mathematical computation of surface area, for nonrectangular signs. The surface area shall be measured as follows:
<u>"Art galleries" means an enclosed area or building dedicated to the exhibition and/or sale of works of art</u>
<u>"Asphalt batch plants (mix asphalt)" means an establishment engaged in the manufacture of asphalt mixtures used for road paving operations from raw materials purchased from others</u>
<u>"Athletic fields" means an outdoor open area dedicated to recreational sports, these fields may be under the ownership of public or private entities.</u>
"Authority, hearing" means the hearing examiner for the city of Monroe.
<u>"Auto repair, minor" means any area of land, including the structures thereon, that is used for auto repairs including, but not limited to, engine or transmission overhaul and replacement, collision services such as auto body and frame repair and painting, and the general servicing and replacement of parts. "Auto repair, minor" that primarily includes vehicles up to 8,000 pounds (curb weight).</u>
<u>"Auto repair, major" means any area of land, including the structures thereon, that is used for general motor repair and replacement of parts to vehicles and machinery that primarily over 8000 pounds, including body and fender works and painting.</u>
<u>"Auto wrecking yards" means a premises devoted to dismantling or wrecking of motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts.</u>
"Average assessed value" means the average assessed value by dwelling unit type of all residential units constructed within the district.
"Average grade level" means a reference plane representing the finished ground level measured by delineating the smallest rectangle which can enclose the proposed building, and then averaging the four corner elevations of the rectangle. In the event the corner point of the rectangle drawn is not located on the subject property, the measurement point shall be determined by establishing the corner point from the property line where it intersects the rectangle.
"Aviation easement" means an easement granted for the free and unobstructed use and passage of aircraft over, across, and through the airspace above, or in the vicinity or property. (Ord. 006/2009 § 4; Ord. 033/2008 § 6; Ord. 028/2006 § 2; Ord. 013/2005; Ord. 922, 1989)
"Awning" means a roof-like cover which projects from the wall of a building for the purpose of shielding the door, window or pedestrians from the elements.

Exhibit #3

18.02.020 B definitions.

"Bakeries" means a building or structures primary use is to prepare baked goods for consumption or sale on or off the site.

"Balloon test" means a test for a reasonable period of time, not less than three consecutive workdays, whereby a balloon of sufficient size to replicate the size of the top of a proposed tower and antenna array is tethered to the ground at the location of the proposed base for a pending new tower application and the balloon is suspended at the height that replicates the height of the proposed tower and antenna array. No trees shall be removed to conduct the balloon test.

"Banks with drive-up facility" means a business offering financial services that is designed and intended to allow drivers to remain in their vehicles before and during participation in an activity on the site.

"Base flood elevation" means the water surface elevation of the base flood. It shall be referenced to the National Geodetic Vertical Datum of 1929 (NGVD).

"Base flood" means a flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "one-hundred-year flood."

"Base year survey" or "baseline measurement" means the survey, during the base year, of employees at a major employer work site to determine the drive-alone rate and vehicle miles traveled per employee at the work site. The jurisdiction uses this measurement to develop commute trip reduction goals for the major employer. The baseline measurements must be implemented in a manner that meets the requirements specified by the city.

"Base year" means the twelve-month period that commences when the city of Monroe determines an employer is required to comply with the CTR law.

"Basement" See International Building Code.

"Bed and breakfast" means a detached single-family dwelling where transient lodging and meals are provided for compensation, when the facility is operator-occupied. The number of guests is limited to no more than six at any time.

"Best available science" means current scientific information used in the process to designate, protect, or restore critical areas, that is derived from a valid scientific process as defined by WAC 365-195-900 through 365-195-925.

"Best management practices" means conservation practices or systems of practice and management measures that:

1. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxins, and sediment;
2. Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and the chemical, physical, and biological characteristics of wetlands;
3. Protect trees and vegetation designated to be retained during and following site construction; and
4. Provide standards for proper use of chemical herbicides within critical areas.

"Billboard" generally means a sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

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

"Boeckh Index" means the current construction trade index of construction costs for each school type.

"Boundary line adjustment" means the adjustment of a boundary line between existing lots which results in no more lots, tracts, parcels, sites, or divisions than existed before the adjustment and which meets the criteria set forth in Chapter 17.30 MMC.

"Breweries" means the majority of the square footage of the brewery building and related structures is devoted to the process of brewing beer, storing and/or distributing the beer.

"Breweries, micro" means an operation where specialty beer is produced and distributed to a lesser extent than a "brewery" according to the brewery industry standards. The majority of the square footage of the microbrewery building and related structures is devoted to such uses as a tasting room, restaurant and/or gift shops.

<p>"Buffer zone" means a strip of land, identified in this title, established to protect one type of land use from another with which it is incompatible. Buffer zones are described in this title with reference to neighboring districts. Normally, the buffer zone is landscaped and kept in open space uses.</p>
<p>"Buffer" means the zone contiguous with a critical area that is required for the continued maintenance, function, and structural stability of the critical area.</p>
<p>"Building area" means the total ground coverage of a building or structure which provides shelter, measured from the outside of its external walls or supporting members or from a point four feet in from the outside edge of a cantilevered roof, whichever is greatest.</p>
<p>"Building envelope" means the elements of a building that separate the interior and exterior environment and include a combination of building height, setbacks from front, side and rear yards, lot coverage, building footprint and floor area ratio or FAR; together these dimensions can define the building's envelope.</p>
<p>"Building line" means the line, face or corner of the part of a building nearest the property line.</p>
<p>"Building permit" means an official document or certificate issued by the building official authorizing performance of construction or alteration of a building or structure. As the term relates to park impact fees, "building permit" includes a permit issued for the siting or location of a mobile home.</p>
<p>"Building setback line (BSBL)" means a line beyond which the foundation of a building shall not extend.</p>
<p>"Building" means a structure as defined in this chapter. When a total structure is separated by division walls without openings, each portion so separated, it shall be considered a separate building. "Building" includes all other structures of every kind regardless of similarity to buildings.</p>
<p>18.02.030 C definitions.</p>
<p>"Cable acts" means the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992, as amended by portions of the Telecommunications Act of 1996, and as hereafter amended.</p>
<p>"Cable operator" means a telecommunications carrier providing or offering to provide "cable service" within the city as that term is defined in the cable acts.</p>
<p>"Cable television service provider" means a service provider that provides cable television services within the city under a franchise.</p>
<p>"Cable television service" means the one-way transmission to subscribers of video programming and other programming service and subscriber interaction, if any, that is required for the selection or use of the video programming or other programming service.</p>
<p>"Caliper" means the diameter of a tree or shrub trunk measured six inches above grade.</p>
<p>"Camouflaged" means a personal wireless service facility that is disguised, hidden, or integrated with an existing structure that is not a monopole or tower, or a personal wireless service facility that is placed within an existing or proposed structure, or new structure, tower, or mount within trees so as to be significantly screened from view.</p>
<p>"Canopy" means a freestanding structure affording protection from the elements to persons or property thereunder.</p>
<p>"Capacity" means the number of students the district's facilities can accommodate district-wide, as determined by the district.</p>
<p>"Capital facilities plan" means the district's facilities plan adopted by the school board consisting of those elements meeting the requirements of the GMA.</p>
<p>"Capital facilities" means those park, open space and recreation facilities or improvements addressed in the park and recreation and capital facilities elements of the Monroe comprehensive plan, as the same now exists or may be hereafter amended. Capital facilities costs include the cost of park planning, land acquisition, site improvements, buildings, and equipment, but exclude the cost of maintenance and operation.</p>
<p>"Car washes" means a permanent structure used for washing vehicles</p>
<p>"Carpool" means a motor vehicle occupied by at least two people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle commute trip.</p>
<p>"Cell site" means a tract or parcel of land that contains personal wireless service facilities including any antenna, support structure, accessory buildings, and parking, and may include other uses associated</p>

Exhibit #3

with and ancillary to personal wireless services.
<u>"Cement manufacturing" means the manufacturing or processing of cement</u>
<u>"Cemeteries" means land used or intended to be used for the burial of dead humans and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries, and related uses, when operated in conjunction with and within boundaries of such cemetery.</u>
"Certificate of occupancy" means official certification that a premises conforms to provisions of the zoning code and building code, and may be used or occupied. Such a certificate is granted for new construction or for the change of use of an existing structure or for alterations or additions to existing structures. Unless such a certificate is issued, a structure cannot be occupied.
"Channel migration zone (CMZ)" means the lateral extent of likely movement along a stream or river during the next one hundred years as determined by evidence of active stream channel migration movement over the past one hundred years.
"Child care" means a licensed agency that provides for the care of thirteen or more children.
"City administrator" means the city administrator of the city of Monroe, or his or her designee.
"City engineer" means the Monroe city engineer or his/her designee. Any authority expressly or impliedly granted to the city engineer by Chapter 20.12 MMC shall supersede conflicting authority granted to the community development director in MMC 21.20.020.
"City property" means all real property owned by the city whether in fee ownership or other interest.
"City" means the city of Monroe, Washington
"Classrooms" mean 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.
"Cleaning establishment" means a commercial laundry and/or dry-cleaning business, including coin-operated laundry facilities.
<u>"Clinic, health services" means a building or office used by physicians, dentists, and/or other medical professionals to examine, diagnose, and treat patients, and to administer day-to-day accessory and office functions relating to the medical or dental practice, but does not include overnight stays. means a building or office used by physicians, dentists, and/or other medical professionals to examine, diagnose, and treat patients, and to administer day-to-day accessory and office functions relating to the medical or dental practice, but does not include extended overnight stays as associated with hospitals and nursing homes.</u>
"Closed record appeal" means an appeal to the city council or hearing examiner, following an open record hearing on a project permit application, when the appeal is based on the existing record with no or limited new evidence or information allowed to be submitted and only appeal arguments are allowed.
"Club" means an incorporated or unincorporated association of persons organized for a social, educational, literary or charitable purpose.
<u>"Clubs, fitness" means a use featuring exercise, sports and other active physical fitness conditioning typically requiring a membership</u>
"Co-location" means the use of a personal wireless service facility or cell site by more than one personal wireless service provider.
<u>"Coffee shops" Means an establishment that primarily serves prepared coffee</u>
"Community-oriented open-air market" means a site or location where two or more individual vendors, with each vendor operating independently from the other vendors and subleasing booths or stalls, sell foods and merchandise on a temporary basis. This definition is inclusive of "farmers' markets," "art fairs," and the like, but does not include "flea markets."
"Commute trip reduction (CTR) plan" means the city of Monroe's plan and ordinance to regulate and administer the CTR programs of a major employer within its jurisdiction.
"Commute trip vehicle miles traveled per employee (VMT)" means the sum of the individual commute trip lengths in miles over a set period divided by the number of full-time employees.
"Commute trips" means trips made from a worker's home to a work site during the peak period of six a.m. to nine a.m. on weekdays.

<p>“Commuter matching service” means a system that assists in matching commuters for the purpose of commuting together.</p>
<p>“Commuter” means a resident or employee in an affected urban growth area who is participating in the city’s commute trip reduction program, including any growth and transportation and efficiency center programs, implemented to meet Monroe’s established targets.</p>
<p>“Compensation project” means actions specifically designed to replace project-induced critical area and buffer losses. Compensation project design elements may include, but are not limited to, land acquisition, planning, construction plans, monitoring, and contingency actions.</p>
<p>“Compensatory mitigation” means types of mitigation used to replace project-induced critical area and buffer losses or impacts. Compensatory mitigation includes, but is not limited to, the following:</p> <ol style="list-style-type: none"> 1. Restoration. Actions performed to reestablish functional characteristics that are lost or degraded due to unauthorized alteration, past management activities, or catastrophic events within an area that no longer meets the definition of a critical area. 2. Creation. Actions performed to intentionally establish a critical area at a site where it did not formerly exist. 3. Enhancement. Actions performed to improve the condition of an existing critical area so that the functions it provides are of a higher quality.
<p>“Comprehensive plan amendment” means an amendment or change to the text or maps of the comprehensive plan.</p>
<p>“Comprehensive plan” means policies and proposals prepared by the planning commission and adopted by the council to guide the orderly development of the city and to promote the general welfare.</p>
<p>“Compressed workweek” means an alternative work schedule, in accordance with employer policy, that regularly allows a full-time employee to eliminate at least one workday every two weeks by working longer hours during the remaining days, resulting in fewer commute trips by the employee. This definition is primarily intended to include weekly and biweekly arrangements, the most typical being four ten-hour days or eighty hours in nine days, but may also include other arrangements.</p>
<p>“Concession stand” means a commercial stand operated or maintained for the sale of food or merchandise associated with a community-oriented open-air market.</p>
<p>“Concurrency determination” means a nonbinding determination of what public facilities and services are available at the date of inquiry.</p>
<p>“Concurrency management system” means the procedures and processes utilized by the city to determine that development approvals, when issued, will not result in the reduction of the level of service standards set forth in the comprehensive plan.</p>
<p>“Concurrency” means when adequate public facilities meeting the level of service standard are in place at the time a development permit is issued, or a development permit is issued subject to the determination that the necessary facilities will be in place when the impacts of the development occur, or that improvements or strategy are in place at the time of development or that a financial commitment is in place to complete the improvements or strategies within six years of the time of the development, as set forth in the comprehensive plan.</p>
<p>“Conditional use” means a use allowed in one or more zones as defined by the zoning code, but which, because of characteristics peculiar to such use, the size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such uses consistent and compatible with other existing or permissible uses in the same zone and mitigate adverse impacts of the use.</p>
<p>“Conforming lot” means a lot that contains the required width, depth and square footage as specified in the zoning district in which the lot is situated.</p>
<p>“Conforming use” means a use that is listed as a permitted use in the zoning district in which the use is situated.</p>
<p>“Consolidated hearing” means a public hearing at which all agencies required to hold public hearings shall consolidate hearing processes into one concurrent hearing.</p>
<p>“Construction cost per student” means 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 design standard per grade span.</p>

"Convenience stores" Means a use which combines retail food sales with fast foods or take-out food service and other retail goods
"Conversion" means a forest practice involving the removal of trees to convert forestland to permanent nonforestry urban uses that results in residential, commercial, or industrial activities.
"Cooperative parking facility" means an off-street parking facility shared by two or more buildings or uses.
"corner lot" means a lot located on the intersection of two or more streets. A lot abutting a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred and thirty-five degrees.
"Council" means the city council of the city of Monroe.
"County" means Snohomish County.
"COW" means "cell on wheels." A cell on wheels or other temporary personal wireless communications facility shall be permitted for a maximum of ninety days in any three hundred sixty-five day period or during an emergency declared by the city.
"Critical aquifer recharge area" means areas designated by WAC 365-190-080(2) that are determined to have critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2).
"Critical areas" means any of the following areas or ecosystems: critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands as defined by the Growth Management Act (Chapter 36.70A RCW) and Chapter 20.05.
"CTR - Exemption" means a waiver from any or all CTR program requirements granted to an employer by a city/county based on unique conditions that apply to the employer or employment site.
"CTR law" means the Commute Trip Reduction Law passed by the Washington State legislature in 1991 (Chapter 202, Laws of 1991) and codified in RCW 70.94.521 through 70.94.551, and amended in 1997 and 2006, requiring counties of over one hundred fifty thousand residents, with one or more major employers, to implement a CTR ordinance and plan. All cities in such counties with one or more major employers are also required to adopt CTR ordinances and plans.
"CTR program" means an employer's strategies to reduce affected employees' SOV use and VMT per employee.
"CTR-Implementation" means active pursuit by an employer of the CTR goals of RCW 70.94.521 through 70.94.551 and this chapter as evidenced by appointment of a transportation coordinator, distribution of information to employees regarding alternatives to SOV commuting, and commencement of other measures according to its approved CTR program and schedule.
"Cultural facilities" means, but is not limited to, libraries, museums, art galleries, and dancing, music and art centers.
"Curb cut" means a depression in the roadside curb for driveway purposes which provides access to park on private premises from a public street. (Ord. 006/2009 § 4; Ord. 033/2008 § 6; Ord. 922, 1989)
"Custom bus/bus pool" means a commuter bus service arranged specifically to transport employees to work.
18.02.040 D definitions.
"Date of issuance of decision" means, in the case of decisions that may be appealed administratively, the date on which the decision is mailed to all parties of record and from which the appeal period is calculated. In the case of decisions that may be appealed only to the superior court, the date prescribed by the Land Use Petition Act, Chapter 36.70B RCW.
"Day care center" means any type of group child care facility other than occupied dwelling unit which receives children for day care or an occupied dwelling unit which receives thirteen or more children for day care.
"Day care" means any type of group day care program licensed by the state of Washington for the care of children during part of a twenty-four-hour day, including nurseries for children of working parents, nursery schools for children under minimum age for education in public schools, and programs covering after-school care for school children.
"Day nurseries" means a public center for the care and training of young children.

Exhibit #3

<p>"De minimis development" means a proposed development relating to land use of such a low intensity as to have a de minimis effect, if any, upon the level of service standards set forth in the comprehensive plan; such development shall be exempt from concurrency review. Development approvals for single-family dwellings shall be deemed de minimis. Any development generating less than thirty-eight average daily trips shall be deemed de minimis for purposes of assessing transportation levels of service.</p>
<p>"Decision" means the written report of findings and conclusions issued by the hearing body and forwarded to all parties of record.</p>
<p>"Dedication" means the appropriation of land by its owner for general or public use, who reserves no special rights to himself.</p>
<p>"Department stores" means a large scale retail stores specializing in clothing and other typically 100,000 square feet in size that specializes in the sale of clothes, jewelry, furniture, etc.</p>
<p>"Design guidelines" means a regulatory document used in implementing the community's design-related goals and objectives.</p>
<p>"Detached building" means a building surrounded on all sides by open space.</p>
<p>"Developable area" means areas outside of any critical areas and their required setbacks or buffers.</p>
<p>"Developer" means the proponent of a development activity, such as any person or entity who owns or holds purchase options or other development control over property for which development activity is proposed within the city.</p>
<p>"Development action" means an action of the city, such as a land use amendment to the comprehensive plan or a rezoning.</p>
<p>"Development approval" means any written authorization from the city which authorizes the commencement of a development activity, including but not limited to building permits, final subdivision and site plan approval.</p>
<p>"Development moratorium" means the denial by the city of Monroe of all applications for permits or approvals for a period of six years as established in Chapter 76.09 RCW, including but not limited to building permits, right-of-way permits, subdivisions, rezones, and variances on the subject property.</p>
<p>"Development permit" means any permit issued by the city of Monroe, or other authorized agency, for construction, land use, or the alteration of land.</p>
<p>"Development regulations" means MMC Titles 15, 17, 18, 19, and 20.</p>
<p>"Development" 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. "Development" also means subdivision of a parcel or parcels into one or more lots.</p>
<p>"Director" Unless otherwise specified, the Director refers to the community development director or his/her designee.</p>
<p>"Display area" means the greatest area of display meant to contain the text, graphics, pictures, lights and other background details to be viewed as signage. Display area shall be measured as the smallest rectangle placed around all that composes the display area. On no sign shall the display area be less than fifty percent of the surface area of the sign.</p> <p>a. "Display area" includes only one face of a double-faced sign where the faces of the sign are parallel. If any face is offset from parallel or separated by more than two feet, such face shall be counted as a separate surface area.</p> <p>b. "Display area" of a spherical, cubical or polyhedral sign equals the sum of the surface area of all faces, divided by two.</p>
<p>"Display" means the visual information shown on a sign, including the text, graphics, logo, pictures, lights and background.</p>
<p>"District or zone" means an area accurately defined as to boundaries and locations on the official zoning map and within which certain land use regulations as prescribed by the text of Chapter 18 MMC.</p>
<p>"District property tax levy rate" means the district's current capital property tax rate per thousand dollars of assessed value.</p>
<p>"District" means the Monroe School District No. 103.</p>
<p>"Dominant mode" means the mode of travel used for the greatest distance of a commute trip.</p>
<p>"Drip line boundary" means the circle that can be drawn on the ground below a tree directly under its outermost branch tips.</p>

"Drive-alone" means single-occupant vehicle.
"Drive-in business establishment" means a business establishment where customers are permitted or encouraged, either by the design of physical facilities or by service and/or parking area accessory to the building, to remain seated in their motor vehicles while conducting business.
"Driveway" means a private road giving access from a public way to a building or abutting grounds.
"Drugstores" Means a retail store where medicines and miscellaneous articles are sold
"Dwelling unit type" means (1) single-family residences, (2) multifamily, one-bedroom apartment or condominium units, and (3) multifamily multiple-bedroom apartment or condominium units.
"Dwelling unit, accessory" or "accessory dwelling unit" means a separate living unit attached to or contained within the structure of the primary dwelling unit or detached from the primary dwelling unit, but located on the same lot. The accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and conforms to the requirements of Chapter 18.40 MMC. (Ord. 006/2009 § 4; Ord. 033/2008 § 6; Ord. 016/2006 § 3; Ord. 006/2004 § 1; Ord. 922, 1989)
"Dwelling unit" means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
"Dwelling, Duplex" A building containing two kitchens and designed to be occupied by two families living independently of each other, sharing a common wall; a common wall includes floors or ceilings when units are stacked. A building, on a single lot, containing two kitchens and designed to be occupied by two families living independently of each other, sharing a common wall; a common wall includes floors or ceilings. This definition does not include single-family dwellings within an approved accessory dwelling unit.
"Dwellings, farm worker" means a dwelling unit occupied by a full- or part-time farmer on a lot or lots used exclusively for agriculture
"Dwelling, multifamily" means any residential building containing three or more attached dwelling units that may include triplexes, fourplexes, apartments, townhouses, condominiums, and the like.
"Dwelling, single-family" means a detached building containing only one dwelling unit.
18.02.050 E definitions.
"Educational institution" means an elementary, junior high, high school, junior college, college or university or other schools giving general academic instruction in the several branches of learning and study required by the educational code of the state of Washington.
"Effective date" means the date a final decision becomes effective.
"Employee transportation coordinator (ETC)" means a person who is designated as responsible for the development, implementation, and monitoring of an employer's CTR program.
"Employer" means a sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district, or other individual or entity, whether public, nonprofit, or private, that employs workers.
"Engineering geologist" means a practicing professional engineering geologist licensed with the state of Washington.
"Environments and facilities, local" are those park, recreation, and open space facilities that are described in the park and recreation element of the Monroe comprehensive plan and that meet the criteria for designation as local facilities set forth in the said plan.
"Environments and facilities, regional/citywide" are those park, recreation, and open space facilities that are described in the park and recreation element of the Monroe comprehensive plan and that meet the criteria for designation as regional/citywide facilities set forth in the said plan.
"Equipment enclosure" means a structure, shelter, cabinet, or vault used to house and protect the electronic equipment Associated equipment may include air conditioning, backup power supplies and emergency generators.

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<p>"Erosion hazard area" means those areas of Monroe containing soils which, according to the USDA Soil Conservation Service, Snohomish County Soil Survey dated 1983, may experience severe to very severe erosion hazard.</p>
<p>"Erosion" means the process by which soil particles are mobilized and transported by natural agents such as wind, rain, frost action, or stream flow.</p>
<p>"Essential public facilities" means facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.</p>
<p>"Essential public facility (EPF)" means any public facility or facilities owned or operated by a unit of local or state government, public or private utility, transportation company, or any other entity that provides public services as its primary mission, and that is difficult to site. EPF shall include those facilities listed in RCW 36.70A.200, and any facility that appears on the list maintained by the Washington State Office of Financial Management under RCW 36.70A.200(4).</p>
<p>"Estimated facility construction cost" means the planned costs of new schools or the actual construction costs of schools of the same grade span recently constructed by the district, including on-site and off-site improvement costs. If the district does not have this cost information available, construction costs of school facilities of the same or similar grade span within another district are acceptable.</p>
<p>"Excavation" means the mining or carrying or other mechanical removal of natural deposits including underground shaft operations, but excluding:</p> <ol style="list-style-type: none"> A. Excavations and grading for building construction where such construction is authorized by a valid building permit; B. Tilling of soil for agricultural purposes C. Any excavation: <ol style="list-style-type: none"> 1. Which does not alter a drainage course, and 2. Which has less than two feet of mean average depth, or which does not create an out slope greater than five feet in height and is not steeper than one and one-half feet horizontal to one foot vertical, and 3. If located in a residential zone, cubic yards excavated from contiguous land under common ownership does not exceed five hundred cubic yards, and 4. If located in any nonresidential zone, cubic yardage excavated from contiguous land under common ownership is less than two thousand cubic yards.
<p>"Existing (preexisting)" means a use, lot or building that existed at the time of the passage of the ordinance codified in this title. (Ord. 006/2009 § 4; Ord. 016/2006 § 3; Ord. 922, 1989)</p>
<p>18.02.060 F definitions.</p>
<p><u>"Fabrication shops" means the production, processing, assembling, packaging or treatment of semi-finished or finished products from raw materials or previously prepared materials or components.</u></p>
<p>"Facade buffers" means a space around storefront intended to create a softening effect by reducing the amount of visual, straight-line architecture.</p>
<p>"Facade" means the exterior wall face of a building, extending from the ground to the top of the parapet or eaves, but not including any portion of the roof. Each side of a building (i.e., each architectural elevation) is considered one facade. For buildings with more than one occupant/tenant, the facade for each occupant shall be that portion of the exterior wall face between the points where the interior wall between tenants intersects with the exterior wall, thus delineating the individual occupant/tenant space.</p>
<p>"Facility design capacity" means the number of students each school type is designed to accommodate, based on the district's standard of service as determined by the district.</p>
<p>"Factory-built housing" or "factory-built commercial structure" means any structure designed primarily for human occupancy, other than a mobile (manufactured) home, the structure or room of which is either entirely or substantially prefabricated or assembled at a place other than a building site. No factory-built housing or factory-built commercial structure shall be installed on a building site unless it bears the</p>

Exhibit #3

insignia of approval of the Washington State Department of Labor and Industries and is inspected by the city, pursuant to its authority and the development requirements set forth in this title.
"Family day care" means an occupied dwelling unit in which the full-time occupant provides daily care for children other than his/her own family. Such care in a family day care home is limited to twelve or fewer children including children living in the home.
"Family" means two or more persons related by blood, marriage, or adoption, or not more than six unrelated persons, living together within a single dwelling unit. For the purposes of this definition, children with familial status within the meaning of Title 42 USC, Section 3602(k), and individuals with disabilities within the meaning of Title 42 USC, Section 3602(h), will not be counted as unrelated persons. "Adult family homes," as defined by RCW 70.128.175, are included within the definition of "family."
"Farmers' Market" See "Community-oriented open-air market."
"Farming" means the raising and harvesting of crops; feeding, breeding and management of livestock; dairying or any other agricultural or horticultural use or any combination thereof and includes the disposal by marketing or otherwise of products produced on the premises. It includes the construction and use of dwellings and other buildings customarily provided in conjunction with farming, but does not include a commercial feed lot.
"Fast food restaurant" means an establishment whose principal business is the sale of foods, frozen desserts, or beverages served in or on disposable containers for consumption while seated within the building or in a vehicle or incidentally within a designated outdoor area, or for take-out consumption off the premises.
"FCC" or "Federal Communications Commission" means the federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.
"Fence" means that which is built, constructed, or composed of parts joined together of material in some definite manner in which the prime purpose is to separate and divide, partition, enclose or screen a parcel or parcels of land.
"Festoon(s)" means a strip or string of balloons, flags or lights, which includes clusters of balloons, flags or lights, connected on at least one end to a fixed or movable object such as a vehicle.
"Final decision" means the final action by the director of community development, planning commission, hearing examiner, or city council.
"Fire lane" means an aisle, lane, or roadway on an improved site which is designated, constructed, and required for emergency access of fire and aid-unit vehicles.
<p>"Fish and wildlife habitat conservation areas" means areas necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-080(5). These areas include:</p> <ol style="list-style-type: none"> 1. Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association; 2. Habitats of local importance, including, but not limited to, areas designated as priority habitat by the Department of Fish and Wildlife; 3. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish and wildlife habitat; 4. Waters of the state, including lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface water and watercourses within the jurisdiction of the state of Washington; 5. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity; 6. State natural area preserves and natural resources conservation areas; and 7. Land essential for preserving connections between habitat blocks and open spaces.
"Fix-it shops" means a service establishment dedicated to the repair of small engines and electronics

<p>"Flex-time" is an employer policy allowing individual employees some flexibility in choosing the time, but not the number, of their working hours to facilitate the use of alternative modes.</p>
<p>"Flood fringe" means that portion of the floodplain outside of the floodway which is covered by floodwaters during the base flood; it is generally associated with standing water rather than rapidly flowing water.</p>
<p>"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated many areas of flood hazard, floodways, and the risk premium zones.</p>
<p>"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff or surface waters from any source.</p>
<p>"Floodplain" means the total area subject to inundation by the base flood including the flood fringe and floodway.</p>
<p>"Floodway" means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the surface water elevation more than one foot.</p>
<p>"Floodway-dependent structure" means structures that are floodway-dependent including, but not limited to, dams, levees and pump stations, stream bank stabilization, boat launches and related recreational structures, bridge piers and abutments, and fisheries enhancement or stream restoration projects.</p>
<p>"Floor Area Ratio" (FAR). "FAR" means the ratio of the floor area of a building to the area of the lot on which the building is located. The diagram below illustrates three simple ways that a 1:1 FAR might be reached: one story covering the entire lot, two stories covering half of the lot, or four stories covering a quarter of the lot all result in the same FAR.</p>
<p>"Floor area" means the sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior walls and from the centerline of divisions, shafts and stairwells at each floor, mechanical equipment rooms or attic spaces with headroom of seven feet six inches or more, penthouse floors, interior balconies and mezzanines, enclosed porches, and malls. "Floor area" shall not include accessory water tanks and cooling towers, mechanical equipment or attic spaces with headroom of less than seven feet six inches, exterior steps or stairs, terraces, breezeways and open spaces.</p>
<p>"Floor finish" means the exposed floor surface, including coverings applied over a finished floor, and includes, but is not limited to, wood, vinyl flooring, wall-to-wall carpet, and concrete.</p>
<p>"Food" shall have its usual and ordinary meaning, and shall include all items designed for human consumption, including, but not by way of limitation, candy, gum, popcorn, hot dogs, sandwiches, peanuts, soft drinks, and dairy products.</p>
<p>"Forest practices" means activities conducted on or directly pertaining to forestlands, regulated in Chapter 222-16 WAC or Chapter 76.09 RCW, relating to growing, harvesting, or processing timber. This includes but is not limited to: road and trail construction; harvesting, final and intermediate; pre-commercial thinning; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control.</p>
<p>"Formation, confining" means the relatively impermeable formation immediately overlaying a confined aquifer.</p>
<p>"Formation" means an assemblage of earth materials grouped together into a unit that is convenient for description or mapping.</p>
<p>"Franchise" means the general authority granted by the city council to a telecommunications service provider or to a cable television service provider to use city rights-of-way to provide services to locations within the city. A franchise issued by the city is a master permit within the meaning of RCW 35.99.010(3).</p>
<p>"Frequently flooded areas" means lands in the floodplain subject to a one percent or greater chance of flooding in any given year and those lands that provide important flood storage, conveyance, and attenuation functions, as determined by the director, in accordance with WAC 365-190-080(3).</p>
<p>"Front lot line" means that boundary of a lot which abuts a street or private road. The owner of a corner lot may select, on corner lots, either street lot line as the front lot line. (Ord. 006/2009 § 4; Ord. 016/2006 § 3; Ord. 012/2003; Ord. 1036, 1994; Ord. 922, 1989)</p>
<p>"Frontage, building" means that part of a building or structure considered to be the side of a building with a principal access to a business or businesses.</p>
<p>"Frontage" means the linear distance of property along a street or highway.</p>
<p>"Full-time employee" means a person, other than an independent contractor, scheduled to be employed on a continuous basis for fifty-two weeks for an average of at least thirty-five hours per week.</p>

Exhibit #3

<p>"Functions and values" means the beneficial roles served by critical areas, including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, groundwater recharge and discharge, erosion control, and recreation.</p>
<p>18.02.070 G definitions.</p>
<p>"Greenhouses, retail" means a structure designed and used to create an artificial climate for the growing of plants for retail sale.</p>
<p>"Geologically hazardous areas" means areas that may not be suited to development consistent with public health, safety or environmental standards, because of their susceptibility to erosion, sliding, earthquake, or other geological events as designated by WAC 365-190-080(4). Types of geologically hazardous areas include erosion, landslide, seismic, mine, and volcanic hazards.</p>
<p>"Geologist" means a practicing professional geologist licensed with the state of Washington.</p>
<p>"Geotechnical engineer" means a practicing professional geotechnical/civil engineer licensed with the state of Washington.</p>
<p>"Goal" means a purpose toward which efforts are directed.</p>
<p>"Good faith effort" means that an employer has met the minimum requirements identified in RCW 70.94.531 and this chapter, and is working collaboratively with the city/county to continue its existing CTR program or is developing and implementing program modifications likely to result in improvements to its CTR program over an agreed-upon length of time.</p>
<p>"Governing authority" means the city council of the city of Monroe.</p>
<p>"Governmental entity" means the state of Washington, Snohomish County, the city, municipally owned utilities, and special purpose districts including the school, fire and library districts.</p>
<p>"Governmental or quasi-governmental facilities" means those facilities which include but are not limited to schools (public or private), parks, utility substations, public buildings, vocational education centers or other similar uses satisfying a public need and under governmental control.</p>
<p>"Grade (ground level)" means the finished level of the street (or parking lot) closest to the sign to which reference is made. In cases where the property on which the sign is located is lower than the immediately adjacent street level, the ground level shall be considered the street level as measured from the street centerline, so as to facilitate visibility of signage.</p>
<p>"Grade span" means a category into which a district groups its grades of students (e.g., elementary, middle or junior high, and high school).</p>
<p>"Grading" means any excavation, clearing, filling, leveling, or contouring of the ground surface by human or mechanical means.</p>
<p>"Grocery stores" means an establishment dealing in staple food such as produce, meats, dairy, and cereals.</p>
<p>"Grantee" (Wireless Facilities) means both licensees and franchisees granted certain rights and obligations as more fully described herein.</p>
<p>"Gross leasable floor area" means the total square footage of floor space in a building, including selling areas, offices and stock rooms of a commercial building, but excluding courts, stairways and the pedestrian mall, provided it is not used for the sale, storage or display of merchandise.</p>
<p>"Ground cover management" means the mowing or cutting of ground cover when such activities do not disturb the root structures of plants.</p>
<p>"Ground cover" means small plants such as salal, ivy, ferns, mosses, grasses, or other types of vegetation which normally cover the ground and includes trees and shrubs less than six inches in diameter.</p>
<p>"Group home, Type 1" means a place for persons with mental and physical handicaps, or dependent or pre-delinquent children, providing special care in a homelike environment and consistent with the United States Fair Housing Act and RCW 35A.63.240, Washington Housing Policy.</p>
<p>"Group home, Type 2" means a nonprofit or for-profit place for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation.</p>

Exhibit #3

<p>"Growth and transportation efficiency center (GTEC)" means a defined, compact, mixed-use urban center that contains jobs or housing and supports multiple modes of transportation. For the purpose of funding, a GTEC must meet minimum criteria established by the CTR Board under RCW 70.04.537, and must be certified by a regional transportation planning organization as established in RCW 47.80.020.</p>
<p>"Growth Management Act or Act" means the sections of the Washington State Growth Management Act codified at Chapters 36.70A and 82.02 RCW, as may be hereinafter amended.</p>
<p>"Guesthouse" means an accessory structure to a principal residential use. A guesthouse shall not have more than two bedrooms and no kitchen. It shall be used or designed for use primarily by guests or servants for sleeping quarters only. (Ord. 006/2009 § 4; Ord. 016/2006 § 3; Ord. 922, 1989)</p>
<p>18.02.080 H definitions.</p>
<p>"Halfway house" means a center for formerly institutionalized individuals (as mental patients or drug addicts) that are designed to facilitate their readjustment to private life.</p>
<p>"Hammerhead" means a street temporarily closed at one end, the ultimate purpose of which is to provide an extension of the street to adjacent property. The end of this temporary dead-end street must be further characterized by an extension of the street width to be used for turning of motor vehicles.</p>
<p><u>"Hardware store 1" means a retail store with a gross floor area of 20,000 square feet or less predominantly used for the sale of tools, paints, and other small building equipment and supplies. Accessory uses may include the storage of lumber, drywall, roofing, or other similar building materials.</u></p>
<p><u>"Hardware store 2" means a retail store with a gross floor area between 20,001 square feet and 100,000 square feet predominantly used for the sale of tools, paints, and other small building equipment and supplies. Accessory uses may include the sale or storage of lumber, drywall, roofing, or other similar building materials.</u></p>
<p>"Hazard areas" means areas designated as frequently flooded or geologically hazardous areas due to potential for erosion, landslide, seismic activity, mine collapse, or other geologically hazardous conditions.</p>
<p>"Hazardous waste facility" means any facility that treats or stores hazardous wastes.</p>
<p>"Hazardous waste storage" means the holding of hazardous waste for a temporary period, as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC, or its successor.</p>
<p>"Hazardous waste treatment" means the physical, chemical or biological processing of hazardous waste for the purpose of rendering these wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume, as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC, or its successor.</p>
<p>"Hazardous waste" means all dangerous and extremely hazardous waste as defined in RCW 70.105.010(15) and Chapter 173-303 WAC, except for moderate risk waste as set forth in RCW 70.105.010(17).</p>
<p>"Hearings examiner" reference 2.34 MMC</p>
<p>"Heavy equipment" means such construction machinery as backhoes, treaded tractor, dump trucks, and front-end loaders.</p>
<p>"Height of building" means the vertical distance from the finished average grade level to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof and to the midpoint between the eaves and ridge for a gable, hip or gambrel roof.</p>
<p>"Height of sign" means the vertical distance from the grade to the highest point of a sign or any vertical projection thereof, including its supporting columns, or the vertical distance from the relative grade in the immediate vicinity.</p>
<p>"Height of trees" means the distance from growth stem to top of root ball.</p>
<p>"Holographic display" means any display that creates a three-dimensional image through projection.</p>
<p>"Home association" means an incorporated nonprofit organization operating under recorded land agreements through which:</p> <p>A. 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; and</p>

B. The charge, if unpaid, becomes a lien against the property.
"Home day care centers" means a day care center for six or fewer children including the children of the occupant. The home day care center shall be operated by an occupant of the home.
"Home improvement centers" means a warehouse-type retail facility with a gross floor area greater than 100,000 square feet specializing in the sale of home improvement products.
"Home occupation" means any business or commercial activity conducted in a dwelling unit that results in a product or service, and is clearly incidental and subordinate to the residential use of such dwelling unit. A. Home Occupation, Minor. "Minor home occupations" are compatible with the neighborhoods in which they are located and cause no impact greater than that generally associated with a single-family residence. B. Home Occupation, Major. "Major home occupations" have the potential for causing some effects greater than that generally associated with a single-family residence and may require conditions to reduce those impacts.
"Hospital" means an institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and licensed by Washington State law.
"Hotel" means a facility providing six or more guest rooms or suites for transient lodging accommodations to the general public, and providing additional services such as restaurants, meeting rooms, gift shops, and/or entertainment and recreation facilities. Access to individual units is predominantly by means of common interior hallway. Not included in this definition are institutions housing persons under legal restraint or requiring medical attention. (Ord. 006/2009 § 4; Ord. 033/2008 § 6; Ord. 1248, 2001; Ord. 1241, 2001; Ord. 1177, 1999; Ord. 922, 1989)
"Hydraulic project approval (HPA)" means a permit issued by the state Department of Fish and Wildlife for modification to waters of the state in accordance with Chapter 75.20 RCW.
"Hydrologist" means a practicing professional hydrologist licensed with the state of Washington.
18.02.090 I definitions.
"Imaginary surface" means the airspace (primary, approach, transitional, horizontal, and conical surfaces) designated by the floor-area-ratio.
"Impact fee schedule" means the table of impact fees to be charged per unit of development, computed by the formula adopted under 20.07 MMC, indicating the standard fee amount per dwelling unit that shall be paid as a condition of residential development within the city.
"Impervious surface" means a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development or that causes water to run off the surface in greater quantities or at an increased rate of flow from the present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of storm water.
"Inflatable object" means any inflatable object larger than three feet in diameter, such as a blimp, large balloon, or inflatable sport equipment, used to attract attention to a business, special event or activity.
"Infrastructure" means but is not limited to the roads, sanitary sewer, municipal water, curb, gutter, sidewalk and streetscape required in the development of a subdivision, including off-site mitigation for roads, schools, and parks.
"In-patient facilities, including substance abuse and mental health facilities" means facilities of a local nature intended to meet the service needs of the local community. These facilities are typically characterized by providing some type of in-patient care, assistance, or monitoring and include substance abuse and mental health facilities
"Intensity" means the number of dwelling units per acre for residential development and floor area ratio and/or occupancy load for nonresidential development, such as commercial, office, and industrial uses. (Ord. 006/2009 § 4; Ord. 033/2008 § 6; Ord. 028/2006 § 2)
"Interest rate" means the current interest rate as stated in the Bond Buyer Twenty-Bond General Obligation Bond Index.

<p>"Isolated wetland" means those wetlands that are outside of and not contiguous to any one-hundred-year floodplain, lake, river, or stream and have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.</p>
<p>18.02.100 J definitions.</p>
<p>"Jails" means a public facility for the incarceration of people under warrant, awaiting trial on felony or misdemeanor charges, convicted but not yet sentenced, or serving a sentence of one (1) year or less.</p>
<p>"Joint aquatic resources permit application (JARPA)" means a single application form that may be used to apply for hydraulic project approvals, shoreline management projects, approval of exceedance of water quality standards, water quality certifications, Coast Guard bridge permits, Department of Natural Resources use authorization, and Army Corps of Engineer permits.</p>
<p>"Junkyard" means an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard includes an auto wrecking yard but does not include uses established within enclosed buildings or pawnshops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition or the processing of used, discarded or salvaged materials as part of a manufacturing operation. (Ord. 006/2009 § 4; Ord. 922, 1989)</p>
<p>"Jurisdiction's base year measurement" means the proportion of single-occupant vehicle commute trips by CTR commuters and commute trip vehicle miles traveled per CTR commuter on which commute trip reduction targets for the local jurisdiction shall be based. The jurisdiction's base year measurement, for those jurisdictions with an affected urban growth area as of March 1, 2007, shall be determined based on employee surveys administered in the 2006-2007 survey cycle. If complete employee survey data from the 2006-2007 survey cycle is not available, then the base year measurement shall be calculated from the most recent and available set of complete employee survey data.</p>
<p>18.02.110 K definitions.</p>
<p>"Kennel" means a place, other than the residence of the owner of the animal(s), where three or more dogs or cats, four months old or older, or any combination of dogs and cats, are kept, whether care is for compensation or not. (Ord. 006/2009 § 4; Ord. 013/2005; Ord. 922, 1989)</p>
<p>18.02.120 L definitions.</p>
<p>"Lake" means an area permanently inundated by water in excess of two meters deep and greater than twenty acres in size measured at the ordinary high water mark.</p>
<p>"Land clearing" means the act of removing or destroying trees, ground cover, and other vegetation by manual, mechanical, or chemical methods.</p>
<p>"Land cost per acre" means the estimated average land acquisition cost per acre (in current dollars) based on recent site acquisition costs, comparisons of comparable site acquisition costs in other districts, or the average assessed value per acre of properties comparable to school sites located within the district.</p>
<p>"Landscape architect" means a Washington State registered professional landscape architect, having current certification with the State Department of Licensing.</p>
<p>"Landscape Barrier/buffer" means a space, either landscaped or in a protected state, intended to reduce the impact of development, traffic, undesirable sights, sounds, and odors.</p>
<p>"Landscape Maintenance" means the continual maintenance of planting areas and landscape plants in a healthy, living condition, the replacement of dead, diseased, or damaged plant material, and the repair of irrigation systems.</p>
<p>"Landscaping" or "landscaping areas" means natural vegetation such as trees, shrubs, ground cover and other landscape materials arranged in a manner to produce an aesthetic effect appropriate for the use to which the land is put. Ponds, streams, natural areas, or areas for the detention of storm water runoff are not considered part of the landscaped area of a site unless they are integrated with required landscaping as a water feature</p>

"Landslide hazard areas" means areas that are potentially subject to risk of mass movement due to a combination of geologic landslides resulting from a combination of geologic, topographic, and hydrologic factors.
"Landslide" means episodic down-slope movement of a mass of soil or rock that includes, but is not limited to, rock falls, slumps, mudflows, and earthflows.
"Legal building," "legal structure" and "legal land use" mean any building, structure or use of the land that complies with all applicable zoning code requirements.
"Level-of-service, existing/proposed (ELOS/PLOS)" means the ratio of park, recreation, and open space lands and facility units (acres, fields, square feet, etc.) to the number of persons in the city's population (expressed as unit per one thousand persons).
"Libraries" means a facility housing a collection of literary documents and/or research material available for borrowing
"License" (Wireless Facilities) means the general authority granted by the city to a service provider to use city rights-of-way to provide telecommunications services to locations outside of the city. A license issued by the city is a master permit within the meaning of RCW 35.99.010(3).
"Licensed practitioners" means those persons possessing a license earned as a result of passing an examination administered by a state or national board of examiners, commission or professional association.
"Loading space" means a space on the same site with the principal use served which provides for the temporary parking of a vehicle while loading or unloading merchandise, materials or passengers.
"Locksmiths" means an establishment that makes and repairs locks and keys.
"Lot depth" means the mean dimension of the lot from the front street line to the rear line.
"Lot frontage" means that portion nearest the street or easement except on a corner lot in which case the front yard shall be considered the narrowest part of the lot that abuts a street.
"Lot width" means the horizontal distance between lot sidelines. (Ord. 006/2009 § 4; Ord. 033/2008 § 6; Ord. 922, 1989)
"Lot, fully developed" means parcels with improvements assessed by the Snohomish County assessor's office at a value greater than ten thousand dollars (containing an existing structure) – for single-family lots – the existing structure is valued at greater than seventy percent of the land value and for multifamily and commercial lots – the existing structure is valued at greater than seventy-five percent of the land value.
"Lot, panhandle" or "flag lot" means a lot where the front and rear lot lines conform to zoning code requirements for lot dimensions except for the panhandle. The panhandle is a narrow strip of land to be utilized for access purposes from an improved public right-of-way. The panhandle or access portion of the lot is not be used to determine building setbacks, but is counted toward minimum lot area requirements.
"Lot" means a parcel of land described by: <ol style="list-style-type: none"> 1. Reference to a recorded plat; 2. Metes and bounds; 3. Section, range, and township; usually a part of a subdivision.
"Low-income housing" means a housing unit developed and maintained specifically for rental or ownership occupancy by households with incomes no greater than fifty percent of current median income as determined by reference to the most recently published income data for the Seattle-Bellevue PMSA published by the U.S. Department of Housing and Urban Development.
"Lumber yards" means an establishment devoted to the sale of lumber, drywall, roofing, and similar building materials.
18.02.130 M definitions.
"Major employer" (formerly "affected employer") means a private or public employer, including state agencies, that employs one hundred or more full-time employees at a single work site who begin their regular workday between six a.m. and nine a.m. on weekdays for at least twelve months.
"Major work site" as it pertains to CTR means a building or group of buildings that are on physically contiguous parcels of land or on parcels of land separated solely by private or public roadways or rights-of-

Exhibit #3

way, and at which there are one hundred or more full-time employees, who begin their regular workday between six a.m. and nine a.m. on weekdays, for at least twelve continuous months.
"Manufactured home" means a single-family dwelling required to be built in accordance with regulations adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974.
"Marquee" means a permanent roof-like structure projecting horizontally from and attached to a building, affording protection from the elements to persons and property thereunder.
"Medical and dental laboratory" means premises devoted to product development in any branch of medicine or dentistry, including the application of scientific principles in testing, analysis, or preparation of drugs, chemicals or other products or substances but specifically excluding the commercial manufacturing or storage and distribution operations in excess of twenty thousand square feet of floor area.
"Mental hospital" (including treatment of alcoholics) means an institution licensed by Washington State agencies under provisions of law to offer facilities, care and treatment for cases of mental and nervous disorders and alcoholism.
"Merchandise" means clothing, toys, electronics, pictures, games, or other nonfood products for sale or rent.
"Message" means a set of sequential displays that conveys related information about a product, service or company in an electronic sign.
"Mineral extraction" means the removal of naturally occurring metallic and nonmetallic minerals and other geologic materials from, on and/or beneath the earth's surface.
"Mini day care center" means a day care center for seven to twelve children including the children of the occupant. The mini day care center shall be operated by an occupant of the home.
"Mini self storage" means a storage facility providing garages, rooms, closets and lockers for rent on an individual basis, usually by month.
"Minimum height of ground floor" means the vertical distance from top to top of the successive finished floor surfaces; and, if the ground floor is the only floor above street grade, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.
"Mining" See "Mineral extraction."
"Minor adjustment," as determined by the zoning code administrator, means a change in the final development plan which may affect the precise dimensions or siting of buildings but does not affect the basic character or arrangement of buildings or the density of the development or open space provided.
"Minor utility project" means the placement of a utility pole, street sign, anchor, vault, or other small component of a utility facility, where the disturbance of an area is less than seventy-five square feet.
<p>"Mitigation" means avoiding, minimizing, or compensating for adverse impacts on critical areas. Mitigation shall use any of the actions that are listed below in descending order of preference:</p> <ol style="list-style-type: none"> 1. Avoiding the impact altogether by not taking a certain action or parts of an action; or 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts; or 3. Rectifying the impact by repairing, rehabilitating, or restoring the affected critical areas; or 4. Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the development proposal; or 5. Compensating for the impact by replacing, enhancing, or providing substitute critical areas; and 6. Monitoring the impacts and compensation project, and taking appropriate corrective measures. Mitigation for individual actions may include a combination of the above.
"Mixed Use" means a group of structures housing more than one type of retail business, office, commercial or manufacturing venture and generally under one ownership and control.
"Mixed-use building" means a building that contains a combination of residential and two or more different land uses, which may include office, commercial/retail, restaurant and/or public uses.

"MMC" means the Monroe Municipal Code.
"Mobile home park" means a tract of land under single ownership or control, including ownership by a condominium association, upon which three or more mobile homes occupied as dwellings may be located.
"Mobile home" means a factory-built dwelling built before June 15, 1976, to standards other than the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), and acceptable under applicable state codes in effect at the time of construction or introduction of the home into this state.
"Mobile vendor" means any person, firm or corporation who engages temporarily in the business of selling food, and nonalcoholic beverages and/or other goods or services and delivering goods, wares or merchandise within the city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure or vacant lot, motor vehicle or trailer.
"Mode" means the means of transportation used by employees, such as single-occupant motor vehicle, rideshare vehicle (carpool, vanpool), transit, ferry, bicycle, walking, compressed work schedule and telecommuting.
"Model home" means a single-family residence open to the public for sales promotion to demonstrate the types and finishes of homes available in the subdivision. A model home is constructed in an approved preliminary plat which has not yet received final plat approval.
"Modification" (Wireless Facilities) means the changing of any portion of a personal wireless service facility from its description in a previously approved permit. Examples include, but are not limited to, changes in design.
"Monitoring" means the collection of data by various methods for the purpose of understanding natural systems and features, evaluating the impact of development proposals on such systems, and assessing the performance of mitigation measures imposed as conditions of development.
<u>"Mortuaries" means a place of business licensed in accordance with RCW 18.39.145, that provides for any aspect of the care, shelter, transportation, embalming, preparation, and arrangements for the disposition of human remains and includes all areas of such entity and all equipment, instruments, and supplies used in the care, shelter, transportation, preparation, and embalming of human remains.</u>
<u>"Motel" means a facility providing individual guest rooms for transient lodging accommodations to the general public, a majority or all rooms having direct access to the outside without the necessity of passing through a main lobby of the building and providing accommodations for automobiles adjacent to the lodging. (Ord. 006/2009 § 4; Ord. 033/2008 § 6; Ord. 016/2006 § 3; Ord. 016/2004; Ord. 1248, 2001; Ord. 1234, 2001; Ord. 922, 1989) means a facility providing four or more guest rooms for transient lodging accommodation to the general public but does not provide additional services such as restaurants, meeting rooms, entertainment, and recreational facilities. Facility may include meeting rooms and recreation areas such as swimming pools or exercise rooms.</u>
<u>"Motor vehicle sales facility" means any area of land, including the structures thereon, that is used for the display, sale, rental, or leasing of operable motorized vehicles, including but not limited to automobiles, RVs and boats, motorsport, and related nonmotorized vehicles such as trailers and which may or may not include onsite service and repair facilities.</u>
"Mount" means the structure or surface upon which personal wireless service facilities are mounted. There are three types of mounts: A. Building Mounted. A personal wireless service facility mount fixed to the roof or side of a building. B. Ground Mounted. A personal wireless service facility mount fixed to the ground, such as a tower. C. Structure Mounted. A personal wireless service facility fixed to a structure other than a building, such as light standards, utility poles, and bridges.
"Multiple occupancy building" means a single structure housing more than one type of retail business, office, commercial, or manufacturing venture.
"Mural" means a large painting or decoration, either painted directly on the wall, or prepared separately and attached to the wall.
18.02.140 N definitions.
"Native growth protection easement (NGPE)" means an easement granted to the city of Monroe for the protection of native vegetation within a critical area or its associated buffer. The NGPE shall be recorded on the appropriate documents of title and filed with the Snohomish County recordings division.
"Native tree" is any perennial woody plant with one main stem or multiple stems that support secondary branches, that has a distinct and elevated crown, that will commonly reach a height of fifteen feet or

Exhibit #3

greater, and that has a caliper of six inches or greater measured four and one-half feet above the ground level.
"Native vegetation" means plant species that are indigenous to the area in question.
"Natural or existing topography" means the topography of the lot, parcel or tract of real property immediately prior to any site preparation or grading, including excavation or filling.
"New development" means any and all development for which a permit is issued after the effective date of the first ordinance establishing 20.10 MMC.
"Noncommercial public service sign" means noncommercial signs devoted to religious, charitable, cultural, governmental or educational messages.
"Nonconforming building or structure" means any building or structure which was legally constructed prior to the effective date of the ordinance codified in this title or subsequent amendments under which it would not be permitted as a new structure because it does not conform with the lot area, yard, height or lot coverage restrictions in these regulations, or is designed or intended for a use that does not conform to the use regulations for the district in which it is located, whether at the effective date of the ordinance codified in this title or as the result of subsequent amendments to these regulations.
"Nonconforming use" means any use of land, building or structure legally established prior to the effective date of the ordinance codified in this title which does not comply with all of these zoning regulations or of any amendment hereto governing use of the zoning district in which such use is situated.
"Nonprecision instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment, for which a straight-in nonprecision approach procedure has been approved, or planned, and for which no precision approach facilities are planned.
"Notice" means written communication delivered via the United States Postal Service with receipt deemed accepted three days following the day on which the notice was deposited with the postal service unless the third day falls on a weekend or legal holiday in which case the notice is deemed accepted the day after the weekend or legal holiday.
"Noxious matter" means material capable of causing injury to living organisms by chemical reactions, or capable of causing detrimental effects upon the physical or economic well-being of individuals.
"Nursery school" means an establishment for preschool children whose parents send them for educational experience, but not for supplemental parental care.
"Nursing home" and/or "convalescent home" means an establishment which provides full-time convalescent or chronic care or both for three or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill, or surgical or obstetrical services, shall be provided in such a home. A hospital or sanitarium shall not be considered to be included in this definition. (Ord. 006/2009 § 4; Ord. 033/2007 § 2; Ord. 028/2006 § 2; Ord. 922, 1989)
18.02.150 O definitions.
"Official plans" mean the comprehensive plan, the zoning code, and the subdivision code of the city.
"Off-premises" means being off a lot with or without buildings.
"Off-street parking" means parking area within the boundaries of a lot.
"On-premises" means being on a lot with or without buildings.
"Open record hearing" means a hearing, conducted by a single hearing body that creates the record through testimony and submission of evidence and information, under procedures prescribed by the hearing body. An open record hearing may be held prior to a decision being issued on a project permit to be known as an "open record pre-decision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record pre-decision hearing has been held on the project permit.
"Open space" means land area which includes but is not limited to woodlands, fields, sidewalks, walkways, landscape areas, gardens, courtyards, or lawns, but not occupied by buildings, traffic circulation roads or parking areas.

<p>"Ordinary high water mark" means the mark that will be found by examining the bed and banks of a stream and ascertaining where the presence and action of waters are so common and usual, and so long maintained in all ordinary years, that the soil has a character distinct from that of the abutting upland, in respect to vegetation. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute. In braided channels and alluvial fans, the ordinary high water mark or substitute shall be measured so as to include the entire stream feature.</p>
<p>"Outdoor storage" means the keeping of any goods, materials, merchandise, vehicles, construction equipment, cargo containers, and the like for more than twenty-four consecutive hours in an area that is not enclosed, is open to the sky and is visible by adjacent properties or rights-of-way. This definition does not include areas for the retail sale of new and used automobiles.</p>
<p>"Overhead facilities" means utility facilities and telecommunications facilities located above the surface of the ground, including the underground supports and foundations for such facilities.</p>
<p>"Overlay zones" means a set of zoning requirements that is described the ordinance and/or in this title, is mapped, and is imposed in addition to those of the underlying district. Developments within the overlay zone must conform to the requirements of both zones or the more restrictive of the two. It usually is employed to deal with special physical characteristics such as floodplains or steeply sloping areas. (Ord. 006/2009 § 4; Ord. 1269, 2002; Ord. 922, 1989)</p>
<p>"Owner" means the owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered to be the owner of the real property if the contract is recorded.</p>
<p>18.02.160 P definitions.</p>
<p>"Parapet" means that portion of a building wall and/or facade, which extends above the roof of the building.</p>
<p>"Parcel" means a tract or plat of land of any size, which may or may not be subdivided or improved.</p>
<p>"Park - Capital facilities program (CFP)" means a six-year plan that is approved by the city council in order to finance the development of capital facilities necessary to support the projected population of Monroe over the six-year period. The city's CFP is found in the capital facilities element of the Monroe comprehensive plan, as the same now exists or may be hereafter amended.</p>
<p>"Park - Development activity," as the term relates to park impact fees, means any construction or expansion of a building, structure, or use, any changes in the use of a building or structure, or any changes in the use of land that created additional demand and need for public park, open space or recreation facilities.</p>
<p>"Park - Encumbered" means to reserve, set aside, or otherwise earmark the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for park, open space or recreation capital facilities. Impact fees shall be considered encumbered on a first in, first out basis.</p>
<p>"Park - Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project and are not system improvements. No park, open space or recreation improvement or facility included in the capital facilities plan shall be considered a project improvement.</p>
<p>"Park-Existing development" means that development which physically exists or for which the developer holds a valid building permit as of the effective date of the first ordinance establishing 20.10 MMC.</p>
<p>"Park-Impact fee" means a payment of money imposed upon new growth or development as a condition of development approval in order to pay for park, open space or recreation facilities needed to serve such new growth or development. "Impact fee" does not include any permit or application fee.</p>
<p><u>"Parks and recreation facilities" means any park and/or recreational facility owned or dedicated to the public or a government agency.</u></p>
<p><u>"Parks, RV" means land under single ownership or control, designed and improved to accommodate the temporary parking of two or more recreational vehicles with associated common facilities such as showers and waste disposable areas. The term shall include campgrounds when designed to accommodate recreational vehicles, but does not include land zoned and used for the storage, display or sale of recreational vehicles.</u></p>
<p>"Parking space" means an off-street parking space which is maintained and used for the sole purpose of accommodating a temporarily parked motor vehicle and which has access to a street or alley.</p>
<p>"Park-Proportionate share" means that portion of the cost of park, open space and recreation improvements that are reasonably related to the service demands and needs of new development.</p>
<p>"Parks and recreation facility" means a facility or area for recreation purposes, including but not limited to swimming pools, parks, tennis courts, playgrounds, picnic areas and/or other similar uses.</p>

Exhibit #3

<p>"Park-System improvements" means park, open space and recreation facilities that are included in the capital facilities plan and are designed to provide service-to-service areas within the community at large, in contrast to project improvements. (Ord. 005/2003)</p>
<p>"Party of record" means any person who has testified at a hearing or has submitted a written statement related to a development action and who provides the city with a complete address.</p>
<p>"Party to an appeal" means the appellant(s), applicant, and city of Monroe.</p>
<p>"Pawn shop" means an establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.</p>
<p>"Peak period trip" means any employee trip that delivers the employee to begin his or her regular workday between six a.m. and nine a.m. (inclusive), Monday through Friday, except legal holidays.</p>
<p>"Peak period" means the hours from six a.m. to nine a.m., Monday through Friday, except legal holidays.</p>
<p>"Performance standards" see MMC 18.10.270</p>
<p>"Permanent facilities" means facilities of the district with a fixed foundation, which are not relocatable facilities.</p>
<p>"Permitted lot coverage" means the percentage of total lot area, based on square footage, covered by impervious surfaces, divided by the total lot area.</p>
<p>"Permitted use" means any use authorized or permitted alone or in conjunction with any other use in a specified district and subject to the limitation of the regulations of such use district.</p>
<p>"Person hours of delay" means the daily person hours of delay per mile in the peak period of six a.m. to nine a.m., as calculated using the best available methodology by the Washington State Department of Transportation.</p>
<p>"Person" means any person, individual, public or private corporation, firm, association, joint venture, partnership, owner, lessee, tenant, or any other entity whatsoever or any combination of such, jointly or severally.</p>
<p>"Personal wireless service," "personal wireless service facilities," and "facilities" used in this title shall be defined in the same manner as in Title 47, USC, Section 332(c)(7)(C), as they may be amended now or in the future, and includes facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.</p>
<p>"Planned action" means a significant development proposal as defined in RCW 43.21C.031 as amended.</p>
<p>"Planned residential development" means a flexible method of land development, which accomplishes the purposes of Chapter 18.84 MMC, in which the principal use is residential.</p>
<p>"Plat, final" and "final short plat" means the final drawing of the subdivision or short subdivision and dedication prepared for filing for record with the county auditor and contains all elements and requirements set forth in Chapter 17.</p>
<p>"Plat, preliminary" and "preliminary short plat" means a neat and approximate drawing of a proposed subdivision or short subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision or short subdivision consistent with the requirements of this chapter. The preliminary plat or preliminary short plat shall be the basis for the approval or disapproval of the layout of a final subdivision or final short subdivision by the hearing authority and/or city council.</p>
<p>"Plat, proposed" means the preliminary plan for subdivision submitted by the subdivider to obtain hearing authority and city council approval.</p>
<p>"Plat, short" means the map or representation of a short subdivision.</p>
<p>"Porte cochere" means a covering structure projecting horizontally from and attached to a building, affording protection from the elements; typically used for loading and unloading of vehicles.</p>
<p>"Potable water" means water that is safe and palatable for human use.</p>
<p>"Practical alternative" means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impacts to critical areas.</p>
<p>"Pre-development meeting" means a meeting between the applicant and city development staff to discuss process, code requirements and development alternatives.</p>
<p>"Preexisting lot of record" means a lot of record legally existing prior to December 31, 1968. Such a lot shall be deemed to have complied with the minimum required lot area and width of the underlying zoning district. A structure may be permitted on the lot of record providing it meets all front, side and rear yard requirements.</p>

Exhibit #3

"Preschools" means a facility for the organized instruction of children who have not reached the age for enrollment in kindergarten.
"Previously incurred system improvements" means system improvements that were accomplished in order to serve new growth and development.
"Primary facade" means those portions of a facade which are adjacent to or front on a public street, park or plaza.
"Primary surface" means a surface that is longitudinally centered on a runway, extends two hundred feet beyond each end of a runway, and is two hundred fifty feet wide.
"Principal use" or "principal building" means the primary or predominant use or building or lot to which the property or usage is or may be devoted, and to which all other uses or buildings on the premises are accessory.
"Printing plants" means a printing operation involving printing presses and/or other industrial machinery
"Print shops" Means a service/retail establishment offering print services for individual consumers or small business
"Prior system improvement deficiencies" means deficiencies in public facilities serving existing development and that do not meet the proposed level of service.
"Priority habitat" means habitat types or elements with unique or significant value to one or more species as classified by the state Department of Fish and Wildlife.
"Private detached garage" means an accessory building or structure other than a portion of the main building, enclosed on not less than three sides and designed or used only for the shelter or storage of vehicles, primarily only those vehicles belonging to the occupants of the main building.
"Private recreational facility" means any recreational facility not owned or dedicated to the public or a government agency.
"Private road" means any right-of-way or road surface not open to general public use which is retained permanently as a privately owned and maintained road and is created to provide access from a street to a lot or lots.
"Private" means solely or primarily for the use of the resident(s) or occupant(s) of the premises; e.g., a noncommercial garage used solely by the residents or their guests is a private garage.
"Processing of sand, gravel, rock, black soil, and other natural deposits" Means the mining or quarrying of sand, gravel, rock, black soil, and other natural deposits
"Professional offices" means a use that provides professional, administrative, or business related services such as engineers, attorneys, architects, accountants and other persons providing services utilizing training in and a knowledge of mental disciplines such as real estate and insurance as distinguished from training in occupations requiring skills or manual dexterity or the handling of commodities. offices maintained and used as a place of business conducted by persons engaged in the healing arts of human beings, such as doctors and dentists (but wherein no overnight care of patients is given) and by engineers, attorneys, architects, accountants and other persons providing services utilizing training in and a knowledge of mental disciplines such as real estate and insurance as distinguished from training in occupations requiring skills or manual dexterity or the handling of commodities.
"Project area" means all areas within fifty feet of the area proposed to be disturbed, altered, or used by the proposed activity or the construction of any proposed structures.
"Project permit" or "project permit application" means any land use or environmental permit or license required by the city of Monroe for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required for critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations.
"Property line" means the line denoting the limits of legal ownership of the property.
"Proportion of single-occupant vehicle trips" or "SOV rate" means the number of commute trips made by single-occupant automobiles divided by the number of full-time employees.
"Public Facilities and Services" The following public facilities and services for which level of service standards have been established in the comprehensive plan: 1. Potable water; 2. Wastewater;

<p>3. Storm water drainage;</p> <p>4. Police and fire protection;</p> <p>5. Parks and recreation;</p> <p>6. Arterial roadways;</p> <p>7. Public schools. (Ord. 033/2008 § 7; Ord. 1052, 1995)</p>
<p>"Public hearing" means an open record hearing at which evidence is presented and testimony is taken.</p>
<p>"Public roads" means all lanes, roads, streets, and alleys which are open as a matter of right to public vehicular traffic.</p>
<p><u>"Public stables" means any commercial or semi-public establishment where horses are kept for riding, driving or stabling. It may include structures and/or open roaming areas.</u></p>
<p>"Public use" means a structure or use intended or used for a public purpose by a city, a school district, the county, the state, or by any other public agency or by a public utility. (Ord. 006/2009 § 4; Ord. 033/2008 § 6; Ord. 033/2007 § 2; Ord. 028/2006 § 2; Ord. 922, 1989)</p>
<p>18.02.170 Q definitions.</p>
<p>"Qualified professional forester" means an individual with academic and field experience in forestry or urban forestry, with a minimum of two years experience in tree evaluation. This may include Society of American Foresters (SAF) Certified Forester, Registered American Society of Consulting Arborists (ASCA) Consulting Arborist, Washington State Licensed Landscape Architect, or an International Society of Arborists (ISA) Certified Arborist.</p>
<p>"Qualified professional" means a person with experience and training in the pertinent scientific discipline, and who is a qualified expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental sciences, fisheries, geomorphology or related field, and two years of related work experience.</p> <ol style="list-style-type: none"> 1. A qualified professional for habitats or wetlands must have a degree in biology or a related environmental science and professional experience related to the subject. 2. A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington. 3. A qualified professional for critical aquifer recharge areas must be a hydrologist, geologist, engineer, or other scientist with experience in preparing hydrological assessments.
<p>"Quarrying" means mineral extraction with the use of drilling and blasting to remove rock, ore, stone, and other similar materials. (Ord. 006/2009 § 4; Ord. 016/2006 § 3)</p>
<p>18.02.180 R definitions.</p>
<p>"Reader board" means a sign or part of a sign on which the letters are replaceable by manual means such as changing magnetic letters on a signboard.</p>
<p>"Rear lot line" means that boundary of a lot which is most distant from and is most nearly parallel to the front lot line. When a lot borders a body of water or stream beyond the ordinary high water mark, the rear lot line shall be considered to be the ordinary high water mark.</p>
<p>"Reasonable use" means the minimum to which a property owner is entitled under applicable state and federal constitutional provisions, including takings and substantive due process.</p>
<p>"Reclassification" means a change in zoning boundaries upon the zoning map, which is an official part of these zoning regulations.</p>
<p>"Recreational vehicle" means a vehicle with or without motor power designed for temporary occupancy as a residence. This definition includes motor homes, travel trailers, campers, and the like. Recreational vehicles are prohibited from use as permanent dwellings units in all zoning districts established by this title. "Permanent," for the purposes of this definition, is defined as occupancy by persons or individuals for</p>

more than four consecutive days and in no case more than sixteen days in any one consecutive twelve-month period.
<u>"Recycling centers" means a collection and processing point for nontoxic, recoverable substance that can be reprocessed for the manufacture of new products.</u>
<u>"Religious Institution" means a facility operated for worship, prayer, meditation or similar activity by an organization granted tax exempt status by the Federal Internal Revenue Service</u>
"Relocatable facilities cost" means the total cost, based on actual facilities costs incurred by the district, for purchasing and installing portable classrooms.
"Relocatable facilities student capacity" means the rated capacity of a typical portable classroom used for a specified grade span.
"Relocatable facilities" means 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 the 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.
"Removal" means the actual removal or causing the effective removal through damaging, poisoning, root destruction or other direct or indirect actions resulting in the death of vegetation.
"Repair" means to paint, clean or replace damaged parts of a sign, or to improve its structural strength, but not in a manner that would change the size, shape or location.
<u>"Research facilities" means an activity whose primary focus involves investigation and experimentation in the natural, physical, or social sciences. It typically involves a small amount of product development or assembly space and products testing, and supporting office space. Related administrative and corporate functions are incidental and subordinate to the primary research and development activities.</u>
"Residence" means a building or structure, or portion thereof, which is designed for and used to provide a place of abode for human beings. "Residence" includes the term "residential" as to the type or intended use of a building.
<u>"Restaurants" means a business establishment where meals or refreshments may be purchased and consumed, not associated with drive thru windows or take out typical of fast-food restaurant.</u>
"Retail stores" means a permanent establishment engaged in selling goods or merchandise to the public for personal or household consumption, irrespective of the nature of the business, unless specifically excluded or differentiated as a different use. This definition may include department stores and retail shops, whether as an independent establishment or as part of a larger development, but excludes vehicle sales, outdoor retail sales, eating and drinking establishments, and taverns among others.
"Retirement housing" and/or "assisted living facility" means any form of congregate housing designed to provide for the particular needs of the elderly, seniors, or physically disabled, who may have functional limitations due to age or physical impairment, but are otherwise in good health. Residents of such housing can maintain an independent or semi-independent lifestyle and do not require more intensive care as provided in a nursing or convalescent home. For the purposes of this definition, "elderly" or "senior" typically means persons fifty-five years of age or older. Design features may include but are not limited to wide doors and hallways and low counters to accommodate wheelchairs, support bars, specialized bathrooms and common dining, recreation or lounge areas. This definition shall not be construed to include facilities to house persons under the jurisdiction of the superior court or the Board of Prison Terms and Paroles.
"Rezone" means an amendment or change of zoning district on the official zoning map. See also "Amendment."
"Right-of-way use permit" means the authorization by which the city grants permission to a service provider to enter and use the right-of-way at a specific location for the purpose of installing, maintaining, repairing, or removing identified facilities.
"Rights-of-way" means land acquired or dedicated for public roads and streets but does not include (a) land dedicated for roads, streets, and highways not opened and not improved for motor vehicle use by the public; (b) structures, including poles and conduits, located within the right-of-way; or (c) federally granted railroad rights-of-way acquired under 43 USC, Section 912, and related provisions of federal law, that are not open for motor vehicle use.
"Riparian habitat" means areas adjacent to aquatic systems with flowing water that contains elements of both aquatic and terrestrial ecosystems that mutually influence each other.

Exhibit #3

"Roof" means a structure covering any portion of a building or structure, including the projection beyond the walls or supports.
"Routine vegetation management" means tree trimming or pruning and ground cover management undertaken by a person in connection with the normal maintenance and repair of property.
"Runway" refers to Runway 07-25 at First Air Field. (Ord. 006/2009 § 4; Ord. 033/2008 § 6; Ord. 028/2006 § 2; Ord. 922, 1989)
18.02.190 S definitions.
"Sales area" means any stall, booth, stand, space, section, unit or specified floor area within a licensed community-oriented open-air market location where goods or services are offered or displayed by a vendor for the purpose of sale, trade, barter, exchange or advertisement.
"Salmonid" means a member of the fish family Salmonidae. In Snohomish County, chinook, coho, chum, sockeye, and pink salmon; cutthroat, brook, brown, rainbow, and steelhead trout; kokanee; and native char (bull trout and Dolly Varden).
"Satellite television antenna" means an apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.
<u>"Schools" means an institution of learning, whether public or private, which offers instruction in those courses or study required by the Washington Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a kindergarten, elementary school, junior high school, senior high school or any special institution of education. This definition also includes vocational or professional institution of higher education, community or junior colleges, or universities under ten acres in size.</u>
"School - Capital facilities" means school facilities identified in the district's capital facilities plan and are "system improvements" as defined by the GMA as opposed to localized "project improvements."
"School - Encumbered" means impact fees identified by the district as being committed as part of the funding for a school facility for which the publicly funded share has been assured, development approvals have been sought, or construction contracts have been let.
"School - Land development permit" means any land use or environmental permit or license including but not limited to preliminary or final plat for a single-family residential project, a building permit, site plan, or preliminary or final planned residential development plan.
"School -Development activity" means any residential construction or expansion of a building, structure or use of land, or any other change in use of a building, structure, or land that creates additional demand and need for school facilities, but excluding building permits for attached or detached accessory apartments, and remodeling or renovation permits which do not result in additional dwelling units. Also excluded from this definition is "housing for older persons" as defined by 46 USC 3607, when guaranteed by a restrictive covenant, and new single-family detached units constructed on legal lots created prior to May 1, 1991.
"School impact fee" means a payment of money imposed upon development, as a condition of development approval, to pay for school facilities needed to serve new growth and development. The school impact fee does not include a reasonable permit fee, an application fee, the administrative fee for collecting and handling impact fees, or the cost of reviewing independent fee calculations.
"School-Design standards" means 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 district as identified in the district's capital facilities plan.
"School-Multifamily unit" for purposes of school mitigation, means any residential dwelling unit that is not a single-family unit as defined by 20.07MMC.
"Screening" means a continuous fence and/or evergreen landscaped planting that effectively obscures the property it encloses.
"Scrolling" means the vertical movement of a static message or display on an electronic sign.
"Searchlight" means any device emitting a strong beam of light not normally associated with the daily operation or outdoor lighting of the business or location, used to attract attention to the site.
<u>"Secondhand stores" means a retail establishment dealing in the selling and buying of used merchandise which is not antique, not including the sale of used automobiles.</u>
"Secondary facade" means those portions of a facade that are adjacent to or front on alleys, private roads, trails or sidewalks.
"Secondary use" means a use subordinate to the principle use of the property, such as commercial, residential, utilities, etc.

"Secondhand store" means a retail establishment dealing in the selling and buying of used merchandise which is not antique, as defined in MMC 18.02.040, and not including the sale of used automobiles.
"Section 404 permit" means a permit issued by the Army Corp of Engineers for the placement of dredge or fill material waterward of the ordinary high water mark or clearing in waters of the United States, including wetlands, in accordance with 33 United State Code (USC) Section 1344.
"Security barrier" means a wall, fence, or berm that has the purpose of sealing a personal wireless service facility from unauthorized entry or trespass.
"Seismic hazard areas" means areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.
"Service area" means a geographic area defined by the city or, in the case of facilities providing service to areas outside the city, by interlocal agreement, as being that area in which a defined set of park, open space and recreation facilities provide service to development within the area.
"Service establishment" means any business, professional or government office providing a substantial function of the business as on-site services, which involve personal contact with people who do not work in the office. Examples would include, but not be limited to, residential real estate sales, banks and loan offices, medical offices and employment agencies. Also included are personal service shops which administer personal services, including beauty and barber shops, nail salons, tanning salons, day spas, pet grooming, tailoring, shoe repair, and other similar uses.
"Service station" means <u>any business, professional or government office providing a substantial function of the business as on-site services, which involve personal contact with people who do not work in the office. Examples include, personal service shops which administer personal services, including beauty and barber shops, nail salons, tanning salons, day spas, pet grooming, tailoring, shoe repair, and other similar uses. Any area of land, including the structures thereon, that is used for the sale of gasoline, this may include: servicing of motor vehicles; retail sale of automobile accessories; automobile washing waxing and polishing; tire changing and repair (not including recapping); battery service, charging and replacement (not including repair and rebuilding); installation of accessories; and the following operations if conducted wholly within a building: lubrication of motor vehicles, brake servicing, wheel balancing, the testing and replacing of carburetors, coils, condensers, fan belts, wiring, water hoses and similar parts.</u>
"Setback" means the minimum required distance between a structure and a lot line, access easement boundary, critical areas buffer, or other boundary line that is required to remain free of structures. A setback is measured perpendicularly from the property line, access easement, or other boundary to the outer wall of the structure. In the case where a structure does not have an outer wall, such as a carport, the measurement shall be to the posts of such structure.
"Shake and shingle mills" means an establishment operating an automated shake and shingle mill which manufacture shakes, shingles and/or ridge caps using automated processes.
"Shooting ranges (indoor)" means an establishment operating an automated shake and shingle mill which manufacture shakes, shingles and/or ridge caps using automated processes.
"Short subdivision" means the division or redivision of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.
"Side lot line" means any boundary of a lot which is not a front nor a rear lot line.
"Sidewalk area" means the space on the right-of-way set aside as the walking area for pedestrian traffic as shown and established on the records of the city as a sidewalk and where the city records do not specify such walking area, the "sidewalk area" shall be that space within the public right-of-way which is actually used as the walking area for pedestrian as distinguished from vehicular traffic.
"Sight visibility triangle" means a method of providing adequate visual clearance for vehicular and pedestrian traffic approaching a street intersection which is established by measuring a certain distance back from the point where street corner lines meet and connecting the two points established by such measurement.
"Sign Maintenance" means the work of keeping something in a suitable condition such as repair would accomplish.
"Sign(s), primary" means all permitted monument/freestanding and building-mounted signs.
"Sign, address" means any sign of a noncommercial nature stating the address of the structure upon which said sign is located.
"Sign, banner" means a sign of nonpermanent nature constructed of nonrigid materials.

Exhibit #3

<p>"Sign, building-mounted/Wall" means a single- or multiple-faced sign of a permanent nature, made of rigid material, attached to or painted upon the wall/facade of a building or the face of a marquee in such a manner that the wall/facade becomes the supporting structure or forms the background surface of the sign and does not project more than eighteen inches from such wall/facade.</p>
<p>"Sign, cabinet" generally means an internally illuminated sign in which a removable sign face (typically with translucent graphics) is enclosed on all edges by a metal cabinet. A cabinet sign may be multi-sided.</p>
<p>"Sign, changeable message" means any sign capable of changing the message by means of manual methods.</p>
<p>"Sign, construction" means an informational sign, which identifies the architects, engineers, contractors and other individuals or firms involved with the construction of a building, which is erected during the construction period.</p>
<p>"Sign, directory" means a sign listing the tenants or occupants of a building or group of buildings and that may indicate their respective professions or business activities.</p>
<p>"Sign, electronic" means a sign containing a display that can be changed by electrical, electronic or computerized process, not including video signs.</p>
<p>"Sign, flashing" means a sign or a portion thereof which changes light intensity or switches on and off in a constant, random or irregular pattern or contains motion or the optical illusion of motion by use of electrical energy.</p>
<p>"Sign, freestanding" means a sign permanently mounted into the ground, supported by poles, pylons, braces or a solid base and not attached to any building. Freestanding signs including those signs otherwise known as "pedestal signs," "pole signs," "pylon signs," and "monument signs."</p>
<p>"Sign, illegal" means any sign which does not comply with the requirements of this code within the city limits, as they now or hereafter exist.</p>
<p>"Sign, informational" means small signs, not exceeding six square feet in surface area, of a noncommercial nature, and not announcing the name of the business or use, intended primarily for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, directions, help wanted, public telephone, parking directions and the like.</p>
<p>"Sign, legal nonconforming" means any sign erected prior to the effective date of the ordinance codified in this chapter pursuant to a city sign permit, not meeting the parameters of this chapter.</p>
<p>"Sign, monument" means a ground-mounted, freestanding sign where the base is attached to the ground as a wide base of solid construction and no part of the sign is wider than the base.</p>
<p>"Sign, off-premises" means a sign which displays a message relating to a use of property or sale of goods or services at a location other than that on which the sign is located.</p>
<p>"Sign, on-premises" means a sign which displays a message that is directly related to the use of the property on which it is located. Including those freestanding signs approved under a master sign site plan as referenced in MMC 18.80.100.</p>
<p>"Sign, political" means a sign advertising a candidate or candidates for public elective office, or a political party, or signs urging a particular vote on a public issue decided by ballot.</p>
<p>"Sign, portable" means a sign which has no permanent attachment to a building or the ground, including A-frame signs, sandwich board signs, pole attachments, and signs mounted on a mobile base, but not including real estate open house and political signs or portable reader board signs as prohibited under MMC 18.80.220.</p>
<p>"Sign, projecting" means a sign other than a wall sign, which projects from and is supported by a wall of a building or structure.</p>
<p>"Sign, real estate" means a sign that pertains to the sale or lease of the premises, or a portion of the premises on which the sign is located.</p>
<p>"Sign, roof" means any sign erected above a roof, parapet, canopy, porte cochere of a building or structure, including a sign affixed to any structure erected upon a roof, including a structure housing building equipment.</p>
<p>"Sign, snipe" means an off-premises sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences, utility poles or to other objects, not applicable to the present use of the premises or structure upon which the sign is located.</p>

Exhibit #3

<p>"Sign, subdivision" means a sign used to identify a land development of a residential nature.</p>
<p>"Sign, suspended" means a sign hanging down from a marquee, awning, canopy or porte cochere that would exist without the sign.</p>
<p>"Sign, temporary" means a nonpermanent sign intended for use for a limited period of time. Types of temporary signs are: construction, banner, inflatable, real estate and political signs.</p>
<p>"Sign, trailer" means a sign which is attached to a trailer or has been constructed as a trailer for the purpose of being towed by a motor vehicle whether operable or not.</p>
<p>"Sign, video" means video devices such as televisions, computer monitors, flat panel displays, plasma screens, and similar video electronics used as signage.</p>
<p>"Sign, window" means all signs located inside and affixed to or 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. The term does not include merchandise located within three feet of a window.</p>
<p>"Sign" means all surfaces/structures (permitted, exempt or prohibited) regulated by this chapter that have letters, figures, design, symbols, trademark or devices intended to attract attention to any activity, service, place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever.</p>
<p>"Single occupancy building" means a commercial or industrial building or structure with one major enterprise. A building is classified as "single occupancy" only if:</p> <ol style="list-style-type: none"> a. It has only one occupant; b. It has no wall in common with another building; and c. It has no part of its roof in common with another building.
<p>"Single-occupant vehicle (SOV) trips" means commute trips made by affected employees in SOVs.</p>
<p>"Single-occupant vehicle (SOV)" means a motor vehicle occupied by one employee for commute purposes, including a motorcycle. If there are other passengers occupying the motor vehicle, but the ages of these passengers are sixteen or under, the motor vehicle is still considered a "single-occupant vehicle" for measurement purposes.</p>
<p>"Site area" means the total horizontal dimensional area within the property lines excluding external rights-of-way.</p>
<p>"Site plan" means a plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features, both natural and manmade and, depending on requirements, the locations of proposed utility lines.</p>
<p>"Special event" means any event for which a special event permit has been issued pursuant to Chapter 5.28 MMC.</p>
<p>"Special use" means a use possessing characteristics of such unusual, large-scale, unique or special form as to require additional scrutiny, above and beyond the requirements of a conditional use. The purpose of a review shall be to determine that the characteristics of any such use shall not be unreasonably incompatible with the type of uses permitted in surrounding areas and for the further purpose of stipulating such conditions as may reasonably assure that the basic purpose of this title shall be served.</p>
<p>"Species, endangered" means a 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.</p>
<p>"Species, threatened" means any fish or wildlife species that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the state or federal government as a threatened species.</p>
<p>"Stand" means a homogenous grouping of tree species or a group of trees that contain a large proportion of the same species.</p>

<p>“Standard of service” means the standard adopted by the 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 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 any other specialized facilities housed in relocatable facilities.</p>
<p>“State match percentage” means the proportion of funds that are provided to the district for specific capital projects from the state’s Common School Construction Fund. These funds are disbursed based on a formula which calculates district-assessed valuation per pupil relative to the whole state-assessed valuation per pupil to establish the maximum percentage of the total project eligible to be paid by the state.</p>
<p>“State” means the state of Washington.</p>
<p>“Steep slopes” means those slopes forty percent or steeper within a vertical elevation change of at least ten feet. A slope is defined by establishing its toe and top and is measured by averaging the inclination over at least ten feet of vertical relief. For the purpose of this definition:</p> <ol style="list-style-type: none"> 1. The toe of slope is a distinct topographical break in slope that separates slopes inclined at less than forty percent from slopes forty percent or steeper. When no distinct break exists, the toe of slope of a steep slope is the lowermost limit of the area where the ground surface drops ten feet or more vertically within a horizontal distance of twenty-five feet; and 2. The top of slope is a distinct, topographical break in slope that separates slopes inclined at less than forty percent from slopes forty percent or steeper. When no distinct break exists, the top of slope is the uppermost limit of the area where the ground surface drops ten feet or more vertically within a horizontal distance of twenty-five feet.
<p>“Story” means the space in a building from top to top of the successive finished floor surfaces or between a finished floor and the roof.</p>
<p>“Stream” means water contained within a channel, either perennial or intermittent, and classified according to WAC 222-16-030 or 222-16-031 and as listed under “water typing system.” Streams also include natural watercourses modified by man. Streams do not include irrigation ditches, waste ways, drains, outfalls, operational spillways, channels, storm water runoff facilities, or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse.</p>
<p>“Street” means a right-of-way which affords a primary means of public access to abutting property.</p>
<p>“Structure alteration” means any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams or girders. (Ord. 006/2009 § 4; Ord. 033/2008 § 6; Ord. 013/2005; Ord. 922, 1989)</p>
<p>“Structure” means any permanent or temporary edifice or building, or any piece or work artificially built or composed of parts joined together in some definite manner.</p>
<p>“Student factor (student generation rate)” means the number of students of each grade span (elementary, middle/junior high, high school) that a district determines are typically generated by different dwelling unit types within the district. The district will use a survey or statistically valid methodology to derive the specific student generation rate. (Ord. 1205, 2000)</p>
<p>“Subdivider” means one who undertakes the subdivision or short subdivision of land. The term includes agents of the subdivider, such as engineers, surveyors, etc.</p>
<p>“Subdivision code” means MMC Title 17.</p>
<p>“Subdivision” means the division or redivision of land into ten or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.</p>
<p>“Surplus space” means that portion of the usable space on a utility pole which has the necessary clearance from other pole users, as required by the orders and regulations of the Washington Utilities and Transportation Commission, to allow its use by a telecommunications carrier for a pole attachment.</p>

"Surveyor, professional land" means a person by reason of his or her special knowledge of the mathematical and physical sciences and principles and practices of land surveying, which is acquired by professional education and practical experience, is qualified to practice land surveying and as attested to by his or her legal registration in the state of Washington as a professional land surveyor. (Ord. 008/2009 § 2 (Exh. A); Ord. 033/2008 § 5; Ord. 009/2007 § 3; Ord. 1203, 2000; Ord. 1061, 1995)

18.02.200 T definitions

"Target" means a quantifiable or measurable value that is expressed as a desired level of performance, against which actual achievement can be compared in order to assess progress.

"Tavern" means a commercial establishment licensed to sell alcoholic beverages for consumption on premises. Such establishments also usually offer food for on-site consumption, which may be prepackaged or prepared on premises.

"Telecommunications carrier" includes every person that directly or indirectly owns, controls, operates or manages plant, equipment or property within the city, used or to be used for the purpose of providing telecommunications services to locations outside the city.

"Telecommunications service provider" includes every person that directly or indirectly owns, controls, operates or manages plant, equipment or property within the city, used or to be used for the purpose of offering telecommunications services, except cable television service, to residents, businesses or other locations within the city.

"Telecommunications Service provider" means every corporation, company, association, joint stock association, firm, partnership, person, city, or town owning, operating or managing any facilities used to provide and providing telecommunications or cable television services for hire, sale, or resale to the general public. Service provider includes the legal successor to any such corporation, company, association, joint stock association, firm, partnership, person, city or town.

"Telecommunications service" means transmission of information, except cable television service, by wire, radio, optical cable, electromagnetic, or other similar means, for hire, sale, or resale to the general public. For the purposes of definition "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. Telecommunications service excludes the over-the air transmission of broadcast television or broadcast radio signals, facilities necessary for governmental purposes, the city shall act within a reasonable period of time, taking into account the nature and scope of the application. Any decision to deny an application shall be in writing, supported by substantial evidence contained in a written record. The city shall approve, approve with condition, or deny the application in accordance with the time frames set forth in MMC Title 21, Administration of Development Regulations, and in accordance with other applicable ordinances.

"Telecommuting" means the use of telephones, computers, or other similar technology to permit an employee to work from home, eliminating a commute trip, or to work from a work place closer to home, reducing the distance traveled in a commute trip by at least half.

"Temporary dwelling" means a dwelling unit which has not been permanently attached to the ground by placement on a permanent foundation, has no permanent utility connections, and for which a permit has been obtained pursuant to this title.

"Through lot" means a lot other than a corner lot with frontage on two parallel or approximately parallel streets or private roads that do not intersect at the lot line. Both lot lines abutting streets or private roads shall be deemed front lot lines.

"Topping" means the severing of main trunks or stems of vegetation at any place above twenty-five percent of the vegetation height.

"Tow truck operations" means vehicle operations involving the towing of wrecked or disabled vehicles.

"Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities including radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communications services towers, alternative tower structures, and the like.

"Townhouse" or "townhome" means a building containing a group of three or more attached dwelling units in which each unit extends from foundation to roof and with open space on at least two sides. (Ord. 006/2009 § 4; Ord. 033/2008 § 6; Ord. 922, 1989)

<p>"Transit" means a multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, ferry, rail, shared-ride taxi, shuttle bus, or vanpool. A transit trip counts as zero vehicle trips.</p>
<p>"Transportation - Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development project, that are necessary for the use and convenience of the occupants or users of the project, and that are not system improvements. No improvement or facility included in the city's adopted capital facilities plan shall be considered a project improvement.</p>
<p>"Transportation - Development activity" means 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 generates at least one p.m. peak hour trip of additional demand on and/or need for transportation facilities.</p>
<p>"Transportation - Proportionate share" means that portion of the cost of transportation facility improvements that is reasonably related to the service demands, impacts, and needs of new development.</p>
<p>"Transportation - Public facilities" means transportation facilities that are owned or operated by the city.</p>
<p>"Transportation demand management (TDM)" means a broad range of strategies that are primarily intended to reduce and reshape demand on the transportation system.</p>
<p>"Transportation facilities" means public streets and roads, including all publicly owned streets, roads, alleys, and rights-of-way within the city, and all traffic control devices, curbs, gutters, sidewalks, facilities, and improvements directly associated therewith.</p>
<p>"Transportation Impact fee" means a payment of money imposed by the city upon a building permit or other approval in order to fund system improvements needed to serve new growth and development, that is reasonably related to the new development that creates additional demand and need for transportation facilities, that is a proportionate share of the cost of the transportation facilities, and that is used for facilities that reasonably benefit the new development.</p>
<p>"Transportation management organization (TMO)" means a group of employers or an association representing a group of employers in a defined geographic area. A TMO may represent employers within specific city limits or may have a sphere of influence that extends beyond city limits.</p>
<p>"Transportation System improvements" means transportation facilities that are included in the city's capital facilities plan and that are designed to provide service to the community at large, in contrast to project improvements.</p>
<p>"Traveling" means the horizontal, side-to-side movement of a static or dynamic message or display on an electronic sign. (Ord. 029/2005 § 1)</p>
<p>"Tree cutting" means the actual removal of the above-ground plant material of a tree through manual or mechanical methods.</p>
<p>"Tree topping" means the severing of the main stem of the tree in order to reduce the overall height of the tree; provided, that no more than forty percent of the live crown is removed during any topping. If more than forty percent of the top is removed, it is considered removal.</p>
<p>"Tree trimming" means the pruning or removal of limbs; provided, that the main stem is not severed and no more than forty percent of the live crown is removed. If more than forty percent of the limbs or crown is removed, it is considered removal. (Ord. 004/2009 § 2)</p>
<p>"Tree" means any perennial woody plant with one main stem or multiple stems that supports secondary branches, that has a distinct and elevated crown, that will commonly reach a height of fifteen feet or greater, and where the main stem or one stem of a multi-stemmed tree has a DBH (diameter at breast height) measurement of six inches or greater four and one-half feet above the ground.</p>
<p>18.02.210 U definitions.</p>
<p>"Unavoidable" means adverse impacts that remain after all appropriate and practicable avoidance and minimization have been achieved.</p>
<p>"Understory" means the vegetation layer of a forest that includes shrubs, herbs, grasses, and grass-like plants, but excludes trees.</p>
<p>"Unlicensed wireless services" means commercial mobile services that operate on public frequencies and do not need an FCC license.</p>
<p>"Unlisted use" means uses which are not specifically named as permitted in any use classification contained within this title.</p>
<p>"Usable satellite signal" means a satellite signal which, when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations or by way of</p>

cable television. (Ord. 922, 1989)
"Use" means an activity or purpose for which land or premises or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.
"Used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
"Utility facilities" means the plant, equipment and property including, but not limited to, the poles, pipes, mains, conduits, ducts, cables, wires, plant and equipment located under, on or above the surface of the ground within rights-of-way and used or to be used for the purpose of providing utility or telecommunications services.
"Utility services" means the generation, transmission, and/or distribution of utilities. (Ord. 006/2009 § 4; Ord. 016/2006 § 3; Ord. 922, 1989)
"Utility" means any service, facility and/or agency that produces, transmits, carries, stores, processes, or disposes of electrical power, gas, potable water, storm water, communications (including, but not limited to, telephone and cable), sewage, oil and the like.
18.02.220 V definitions.
"Vanpool" means a vehicle occupied by from seven to fifteen people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle trip. A vanpool trip counts as zero vehicle trips.
"Variance" means an adjustment in the application of the specific regulations to a particular parcel of property which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone. A variance runs with the land and compliance with the conditions of any such variance is the responsibility of the current owner of the property, whether that be the applicant or a successor.
"Vegetation alteration" means any clearing, grading, cutting, topping, limbing, or pruning of vegetation.
"Vegetation" means any and all organic plant life growing below, at, and above the soil surface.
"Veterinary clinic" or "animal hospital" means the offices of one or more licensed veterinarians designed for the medical or surgical treatment of animals or pets, including the boarding of hospitalized animals in addition to accessory care such as clipping, bathing and similar services, but excluding overnight kenneling.
"Visual relief" means a transparent buffer that softens and breaks up sites within compatible use areas and parking lots. (Ord. 1177, 1999)
"Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved approach airport layout plan. (Ord. 006/2009 § 4; Ord. 033/2008 § 6; Ord. 028/2006 § 2; Ord. 922, 1989)
"Voluntary employer work site" means the physical location occupied by an employer who is voluntarily implementing a CTR program.
18.02.230 W definitions.
<u>"Warehouses" means a building primarily for the long-term storage of goods and materials.</u>
"Washington Utilities and Transportation Commission" or "WUTC" means the state administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers in the state of Washington to the extent prescribed by law. (Ord. 002/2005)
"Water resources inventory area (WRIA)" means one of sixty-two watersheds in the state of Washington, each composed of the drainage areas of a stream or streams, as established in Chapter 173-500 WAC as it existed on January 1, 1997. The city of Monroe is within WRIA 7 (Snohomish Basin).

"Water typing system" means waters are classified according to WAC 222-16-031:

1. Type 1 Water. All waters, within their ordinary high water mark, as inventoried as "shorelines of the state" under Chapter 90.58 RCW and the rules adopted by Chapter 90.58 RCW, but not including those waters' associated wetlands.
2. Type 2 Water. Segments of natural waters that are not classified as Type 1 waters and have a high fish, wildlife, or human use. These are segments of natural waters and periodically inundated areas of their associated wetlands that:
 - a. Are diverted for domestic use by more than one hundred residential or camping units or by a public accommodation facility licensed to serve more than ten persons, when such diversion is determined by the state Department of Natural Resources to be a valid appropriation of water and only considered Type 2 water upstream from the point of such diversion for one thousand five hundred feet or until the drainage area is reduced by fifty percent, or whichever is less;
 - b. Are diverted for use by federal, state, tribal or private fish hatcheries. Such waters shall be considered Type 2 water upstream from the point of diversion for one thousand five hundred feet, including tributaries if highly significant for protection of downstream water quality;
 - c. Are within a federal, state, local, or private campground having more than thirty camping units; provided, that the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within one hundred feet of a camping unit;
 - d. Are used for fish spawning, rearing or migration. Waters having the following characteristics are presumed to have highly significant fish populations:
 - i. Stream segments having a defined channel twenty feet or greater within the bankfull width and having a gradient of less than four percent;
 - ii. Lakes, ponds, or impoundments having a surface area of one acre or greater at seasonal low water; or
 - e. Are used by fish for off-channel habitat. These areas are critical to the maintenance of optimum survival of fish. This habitat shall be identified based on the following criteria:
 - i. The site must be connected to a fish-bearing stream and accessible during some period of the year; and
 - ii. The off-channel water must be accessible to fish through a drainage with less than a five percent gradient.
3. Type 3 Water. Segments of natural waters that are not classified as Type 1 or 2 waters and have a moderate to slight fish, wildlife, and human use. These are segments of natural waters and periodically inundated areas of their associated wetlands that:
 - a. Are diverted for domestic use by more than ten residential or camping units or by a public accommodation facility licensed to serve more than ten persons, where such diversion is determined by the state Department of Natural Resources to be a valid appropriation of water and the only practical water source for such use. Such waters shall be considered to be Type 3 water upstream from the point of such diversion for one thousand five hundred feet or until the drainage area is reduced by fifty percent, whichever is less;
 - b. Are used by fish for spawning, rearing, or migration. The requirements for determining fish use are described in the State Forest Practices Board Manual, Section 13. If fish use has not been determined:
 - i. Stream segments having a defined channel of two feet or greater within the bankfull width in Western Washington and having a gradient of sixteen percent or less;
 - ii. Stream segments having a defined channel of two feet or greater within the bankfull width, and having a gradient greater than sixteen percent and less than or equal to twenty percent and having an area greater than fifty acres in contributing basin size based on hydrographic boundaries;
 - iii. Ponds or impoundments having a surface area greater than one-half acre at seasonal low water and having an outlet to a fish stream;
 - iv. Ponds or impoundments having a surface area greater than one-half acre at seasonal low water.
4. Type 4 Water. All segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are waters that do not go dry any time of a year of normal rainfall. However, for the purpose of water typing, Type 4 waters include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, nontechnical observations (see State Forest Practices Board Manual, Section 23), the Type 4 waters begin at a point along the channel where the contributing basin area is at least thirteen acres.
5. Type 5 Water. All segments of natural waters within the bankfull width of defined channels that are not Type 1, 2, 3, or 4 waters. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of the year and are not located downstream from any stream reach that is a Type 4 water. Type 5 waters must be physically connected by an above-ground channel system to Type 1, 2, 3, or 4 waters.

"Week" means a seven-day calendar period starting on Monday and continuing through Sunday.

"Weekday" means any day of the week except Saturday or Sunday.

"Wetland" means those areas that are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate conversion of wetlands.

<p>"Wetland Classifications" There are three general types of wetlands as classified by the U.S. Fish and Wildlife Service (Cowardin, et al., 1979):</p> <ol style="list-style-type: none"> 1. Emergent. A wetland with at least thirty percent of the surface area covered by erect, rooted, herbaceous vegetation extending above the water surface as the uppermost vegetation strata; 2. Forested. A wetland with at least twenty percent of the surface area covered by woody vegetation greater than twenty feet in height; and 3. Scrub-shrub. A wetland with at least thirty percent of its surface area covered by woody vegetation less than twenty feet as the uppermost strata. <p>Wetland Edge. Delineation of the wetland edge shall be based on the Washington State Wetland Identification and Delineation Manual, Department of Ecology, 1997, and Publication 96-94 or as revised.</p> <p>Wetlands Rating System. Wetlands shall be rated according to the Washington State Wetland Rating System for Western Washington, Department of Ecology, 1997, Publication 3-74 or as revised.</p> <ol style="list-style-type: none"> 1. Category I. Category I wetlands are those that meet the following criteria: <ol style="list-style-type: none"> a. Documented habitat for federal- or state-listed endangered or threatened fish, animal or plant species; or b. High quality native wetland communities, including documented Category I or II quality natural heritage wetland sites and sites which qualify as Category I or II quality natural heritage wetlands; or c. High quality, regionally rare wetland communities with irreplaceable ecological functions, including sphagnum bogs and fens, estuarine wetlands, or mature forested swamps; or d. Wetlands of exceptional local significance. 2. Category II. Category II wetlands are those not defined as Category I wetlands and that meet the following criteria: <ol style="list-style-type: none"> a. Documented habitats for state-listed sensitive plant, fish, or animal species; or b. Wetlands that contain plant, fish, or animal species listed as a priority species by the state Department of Fish and Wildlife; or c. Wetland types with significant functions that may not be adequately replicated through creation or restoration; or d. Wetlands possessing significant habitat value based on a score of twenty-two or more points in the habitat rating system; or e. Documented wetlands of local significance. 3. Category III. Category III wetlands are those that do not satisfy Category I, II, or IV criteria, and with a habitat rating of twenty-one points or less. 4. Category IV. Category IV wetlands are those that meet the following criteria: <ol style="list-style-type: none"> a. Hydrologically isolated wetlands that are less than or equal to one acre in size, have only one wetland class, and are dominated (greater than eighty percent areal cover) by a single non- native plant species (monotypic vegetation); or b. Hydrologically isolated wetlands that are less than two acres in size, and have only one wetland class and greater than ninety percent areal cover of nonnative plant species. (Ord. 004/2006 § 4; Ord. 019/2003)
<p><u>"Wholesale establishments" means a warehouse-type facility where shoppers are typically required to obtain membership status and must show proof of membership prior to entry and purchase of all items. Products consist of discounted or wholesale goods, such as a wide variety of food, clothing, tires and appliances. Many items are sold in large quantities or bulk. This use occupies no less than 75,000 square feet of gross floor area and has somewhat higher parking ratios than typical of standard warehouse uses.</u></p>
<p>"Wireless Facility - Design" means the appearance of personal wireless service facilities, including such features as their materials, colors, and shape.</p>
<p>"Wireless Provider" means every corporation, company, association, joint stock company, firm, partnership, limited liability company, other entity and individual that provides personal wireless service over personal wireless service facilities.</p>
<p>"Wireless Service Facilities" means all of the plant, equipment, fixtures, appurtenances, antennas, and other facilities necessary to furnish and deliver telecommunications services and cable television services, including but not limited to poles with crossarms, poles without crossarms, wires, lines, conduits, cables, communications and signal lines and equipment, braces, guys, anchors, vaults, and all attachments, appurtenances, and appliances necessary or incidental to the distribution and use of telecommunications services and cable television services.</p>
<p>"Working day" means any day which the city of Monroe is open for business.</p>
<p>"Writing," "written," or "in writing" means original signed and dated documents. Facsimile (fax) transmissions are a temporary notice of action that must be followed by the original signed and dated document via mail or delivery. (Ord. 021/2008 § 1; Ord. 1192, 2000)</p>

18.02.240 X definitions.

Reserved. (Ord. 006/2009 § 4)

18.02.250 Y definitions.

"Yard- Front, Rear and Side".

- A. "Yard" means an unoccupied open space which lies between the property and the building setback line, the inside boundary of which shall be considered parallel to the nearest property line.
- B. "Front yard" means a yard extending between side lot lines across the front of a lot adjacent to a street; provided, that in the case of through lots a front yard shall be provided on both frontages; in case of both normal corner and reversed frontage lots, a full depth front yard shall be provided in accordance with the prevailing lot pattern and the second front yard shall be as established by the code unless the units of duplex or multifamily structure face both streets, in which case two full front yards shall be required. In case of corner lots with more than two frontages, the city shall determine the front yard requirements in accordance with this title.
- C. "Rear yard" means a yard extending across the rear of the lot between inner side yard lines and opposite the required front yard; provided, that corner lots with normal frontage shall have a rear yard extending from the inner side line of the side yard adjacent to the interior lot to the inner line of the second front yard; and provided further, that no rear yard is provided for a reverse frontage corner lot and moreover in lots of this description the yards remaining after the front yards have been established shall be considered side yards.
- D. "Side yard" means a yard extending from the rear line of the required front to the rear lot line; provided, that on corner lots with normal frontage there will be only one side yard adjacent to the interior lot; and further, that in through lots the side yard shall extend from the rear lines of the front yards required. (Ord. 006/2009 § 4; Ord. 922, 1989)

18.02.260 Z definitions.

"Zone" means an area defined as to boundaries and location, and classified by the zoning regulations as available for certain types of uses, and within which other types of uses are permitted.

"Zoning code" means MMC Title 18. (Ord. 003/2008 (Exh. F); Ord. 009/2007 § 5; Ord. 016/2006 § 5; Ord. 001/2003; Ord. 1227, 2001; Ord. 1092, 1996)

"Zoning lot" means a single tract of land located within a single block, which at the time of filing for a building permit is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. A zoning lot may or may not coincide with a lot of record. (Ord. 006/2009 § 4; Ord. 922, 1989)