



**CITY OF EDGEWOOD
PLANNING COMMISSION MEETING AGENDA**

Monday, June 9, 2025 – 6:00 PM ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

Virtual Meeting Via Zoom <https://zoom.us/j/97065969184>

Zoom Meeting ID: 970 6596 9184

1. CALL TO ORDER

a. Pledge of Allegiance & Roll Call

2. CONSENT AGENDA: *All matters listed under Item 2, Consent Agenda, are considered routine in nature and will be enacted by one motion. Individual discussion of these items is not planned. A member, however, may remove any item to discuss as an item for separate consideration under New Business.*

a. Meeting Minutes of May 12, 2025

3. CITIZEN COMMENT PERIOD *This portion of the agenda is reserved for the public to comment on items not on the agenda. The Planning Commission may invite additional public comment on agenda items noted for discussion later in the meeting.*

4. PUBLIC HEARINGS

a. Sign Code Amendments

b. Unit Lot Subdivision Code

5. ACTION ITEMS

a. Sign Code Amendments Recommendation

b. Unit Lot Subdivision Code Recommendation

c. Impact Fee Code Recommendation

d. Land Use Table Amendments Recommendation

6. DISCUSSION ITEMS

a. Interim Zoning Ordinance 25-0676

b. 2024 Critical Areas Ordinance Update

c. Sanitary Sewer Code Amendments

7. STAFF COMMENTS

8. COMMISSIONER UPDATES

9. ADJOURN

This meeting is accessible to persons with disabilities. For individuals who may require special accommodations, please contact City Hall at (253) 952.3299, 24 hours in advance.



CITY OF EDGEWOOD

PLANNING COMMISSION MEETING AGENDA SUMMARY

Monday, May 12, 2025 – 6:00 PM ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

1 CALL TO ORDER

a. Pledge of Allegiance and Roll Call

Chair Overfield called the meeting to order at 6pm and led attendees in the Pledge of Allegiance. **Present:** Carly Guillory, JoAnn Overfield, Jan Furey, Tom Greene, Sarah Wagner **Excused:** Leyla Church, Carly Lenoir

2 CONSENT AGENDA:

a. Agenda Approval or Modification

b. Meeting Minutes of April 14, 2025

Motion: As Read **Action:** Approved, **Moved by:** Commissioner Green **Seconded by:** Commissioner Furey **Motion Passed 5-0**

3 CITIZEN COMMENT PERIOD

There were no citizen comments.

4 PUBLIC HEARINGS

a. Impact Fees

Chair Overfield called the public hearing to order at 6:02pm, followed by a staff presentation on the topic. With no public comment, the public hearing was adjourned at 6:05pm.

b. Land Use Table Updates

Commissioner Overfield called the public hearing to order at 6:05pm, followed by a staff presentation on the topic. With no public comment, the hearing was adjourned at 6:13pm.

5 ACTION ITEMS

a. Middle Housing Code Amendments

Motion: As Read **Action:** Approved, **Moved by:** Commissioner Furey **Seconded by:** Commissioner Wagner **Motion Passed 5-0**

b. ADU Code Amendments

Motion: As Read **Action:** Approved, **Moved by:** Commissioner Guillory **Seconded by:** Commissioner Furey **Motion Passed 5-0**

c. Parking Code Amendments

Motion: As Amended **Action:** Approved, **Moved by:** Commissioner Furey **Seconded by:** Commissioner Wagner **Motion Passed 5-0**

d. Hazardous Vegetation And Tree Preservation

Motion: As Read **Action:** Approved, **Moved by:** Commissioner Furey **Seconded by:** Commissioner Green **Motion Passed 6-0**

6 DISCUSSION ITEMS

a. Impact Fees

Community Development Director Metzler reviewed this item with the commission, stating the staff is continuing to work on updates to all the city's Impact Fee calculations and the Economic Development Advisory Board is recommending Transportation Impact Fee exemptions for certain land use categories to the city council.

b. Land Use Table Updates

Staff requested that the commissioners review and discuss the materials provided and request staff to prepare final edits for formal recommendation to the city council at their next meeting.

c. Subdivision Amendments

Commissioners requested staff schedule the Subdivision Amendment Public Hearing for the June 9, 2025, Planning Commission meeting.

d. Introduction - Sign Code Updates

Commissioners reviewed the proposed code amendments and requested staff proceed with the formal code amendment process and schedule a public hearing.

7 STAFF COMMENTS

Staff discussed the commissioners' expiring terms, and various upcoming code updates.

8 COMMISSIONER UPDATES

There were no commissioner updates.

9 ADJOURN

Chair Overfield adjourned the meeting at 6:56pm.



CITY OF EDGEWOOD
STAFF REPORT
PLANNING COMMISSION AGENDA ITEM

Date: June 9, 2025

Title: Sign Code Amendments – Public Hearing

Attachments: DRAFT EMC 18.97 Redlines

Submitted By: Jeremy Metzler, PE – Community Development Director

Background Information:

There are some inconsistencies and conflicts to address in Edgewood Municipal Code (EMC) regarding signs located in public right-of-way. EMC 12.05.010(A) adopts Pierce County Code (PCC) Title 12 by reference, which prohibits objects in the public right-of-way “*without the express permission in writing of the [City] Engineer*” under [PCC 12.28](#). EMC Chapter 18.97 is consistent with this for permanent signs, but inconsistent for temporary signs. While EMC remains dependent on PCC for certain provisions, staff believes EMC 18.97 needs to be updated to resolve this inconsistency.

Staff has also received multiple complaints regarding signs mounted on fences and other site features that are facing the public right-of-way, as well as signs that are located on a different site than the business or service for which they are promoting or intended, as they may be considered distractions for the driving public and/or pose a legitimate safety concern.

To address the issues described above, staff introduced the attached draft redline revisions to EMC Chapter 18.97 at the [May 12, 2025 Planning Commission Meeting](#).

Current Discussion:

This is the Planning Commission Public Hearing for draft amendments to Edgewood's Sign Code, EMC 18.97, to address the issues described above. Staff will provide a brief overview of the draft code amendments. After the presentation, the public may submit written or oral testimony to the Planning Commission.

Public Hearing:

The Planning Commission is scheduled and duly noticed to hold a public hearing this evening to accept public comment regarding proposed draft code amendments to EMC Chapter 18.97 related to signs in and near the public right-of-way.

1 **Chapter 18.97**
2 **SIGN CODE**

3 Sections:

4 **Article I. General Provisions**

- 5 18.97.010 Intent and purpose.
6 18.97.020 Applicability and interpretations.
7 18.97.030 Exemptions.
8 18.97.040 Prohibited signs.

9 **Article II. Sign Standards Applicable to All Signs**

- 10 18.97.050 Sign illumination.
11 18.97.060 Sign materials.
12 18.97.070 Sign placement and location restrictions.
13 18.97.080 Sign area measurements.
14 18.97.090 Sign height measurement.
15 18.97.100 Sign structure and installation.
16 18.97.110 Digital signs.
17 18.97.120 Electronic message center signs (EMCS).

18 **Article III. Sign Types**

- 19 18.97.130 Permanent signs.
20 18.97.140 Accessory signs.
21 18.97.150 Awning or canopy signs.
22 18.97.160 Building-mounted wall signs.
23 18.97.170 Changeable copy sign.
24 18.97.180 Freestanding signs.
25 18.97.190 Ground-mounted or landscape wall sign.
26 18.97.200 Portable signs.
27 18.97.210 Projecting signs.
28 18.97.220 Service island signs.
29 18.97.230 Sign walkers.
30 18.97.240 Temporary signs.
31 18.97.250 Window signs.

32 **Article IV. Permitting**

- 33 18.97.260 Sign permits.
34 18.97.270 Master sign plans.
35 18.97.280 Sign variances.
36 18.97.290 Nonconforming signs, maintenance, removal and enforcement.

37 **Article V. Definitions**

- 38 18.97.300 Definitions.
39 **Article I. General Provisions**

40 **18.97.010 Intent and purpose.**

41 A. Intent. Signs have a strong visual impact on the character and quality of the community. As a prominent part of
42 the scenery, they attract or repel the viewing public, affect the safety of vehicular traffic, and their suitability or
43 appropriateness helps to set the tone for the neighborhood. The city relies upon its scenery and physical beauty to
44 attract commerce; aesthetic considerations assume economic value. It is the intent of the city, through this chapter,

1 to protect and enhance the city’s historic and residential character and its economic base through the provision of
2 appropriate and aesthetic signage. In addition, it is the intent of the city to limit the size, type and location of signs in
3 order to minimize their distracting effect on drivers and thereby improve traffic safety.

4 B. Purpose. The purpose of this chapter is to promote the public health, safety and welfare through a comprehensive
5 system of reasonable, effective, consistent, content-neutral and nondiscriminatory sign standards and requirements.
6 This chapter has also been adopted to:

7 1. Promote and accomplish the goals, policies and objectives of the city’s comprehensive plan and the
8 Edgewood Municipal Code (EMC), specifically this title, Development Standards;

9 2. To provide minimum standards in order to safeguard life, health, property and public welfare, and promote
10 traffic safety by controlling the design, quality of materials, construction, illumination, size, location and
11 maintenance of signs and sign structures;

12 3. Recognize free speech rights by regulating signs in a content-neutral manner;

13 4. Promote the free flow of traffic and protect pedestrians and motorists from injury and property damage
14 caused by, or which may be fully or partially attributable to, cluttered, distracting, or illegible signage;

15 5. Protect the beauty of the city’s built environment by encouraging signs that are compatible with the
16 architectural style, characteristics, and scale of the building to which they may be attached, and to encourage
17 signs that are compatible with adjacent buildings and businesses;

18 6. Protect property values, the local economy, and the quality of life by preserving and enhancing the
19 appearance of the streetscape;

20 7. Provide consistent sign design standards;

21 8. Encourage creative and innovative approaches to signage, and signs that are of a quality design, pleasing in
22 appearance and are appropriate in size, materials and illumination to the surrounding neighborhood;

23 9. Provide an improved visual environment for the citizens of and visitors to the city;

24 10. Adopt clear, understandable regulations which enable the fair and consistent enforcement of this chapter;
25 and

26 11. Address emerging trends in digital and electronic sign technologies and provide regulations that facilitate
27 the use of such technologies while ensuring the protection of motorists and pedestrians from the hazards of
28 glare, startling bursts of light, and use of virtual movement and animation intended to attract driver attention,
29 hold driver gaze, or otherwise distract drivers from the safe operation of their vehicles. Protect neighborhoods,
30 surrounding development, and the night sky from the nuisance factors associated with such glare, movement,
31 and animation of digital and electronic signs. (Ord. 19-552 § 2 (Exh. A)).

32 **18.97.020 Applicability and interpretations.**

33 A. This chapter applies to all signs, as defined in EMC 18.97.300, Definitions, within the city that are visible or
34 audible from any street, sidewalk, or public place, regardless of the type or nature.

35 B. This chapter is not intended to, and shall not be interpreted to, restrict speech on the basis of its content,
36 viewpoint, or message. Any classification of signs in this chapter which purports to permit speech by reason of the
37 type of sign, identity of the sign user or otherwise shall be interpreted to allow commercial or noncommercial speech
38 on the sign. No part of this chapter shall be construed to favor commercial speech over noncommercial speech. To
39 the extent that any provision of this chapter is ambiguous, the term shall be interpreted not to regulate speech on the
40 basis of the content of the message.

41 C. Nothing in this chapter shall be construed to prohibit a person from holding a sign while picketing or protesting
42 on public property that has been determined to be a traditional or designated public forum, e.g., a sidewalk or park,
43 so long as the person holding the sign does not block ingress to and egress from buildings; create a safety hazard by

1 impeding travel on sidewalks, in bike or vehicle lanes, or on trails; or violate any other reasonable time, place, and
2 manner restrictions adopted by the city. (See EMC 18.97.230, Sign walkers.)

3 D. Compliance with these regulations does not remove an applicant's obligation to comply with applicable
4 provisions of any other federal, state, or local law or regulation. (Ord. 19-552 § 2 (Exh. A)).

5 **18.97.030 Exemptions.**

6 The following signs or activities relating to signs are not subject to the permitting requirements of this chapter, as
7 long as they meet the standards set forth below:

8 A. Changes to the face or copy of changeable copy signs, digital signs, or EMCS, provided such changes do not
9 change the material, appearance, size, or dimensions of the sign as originally permitted by the city.

10 B. The normal repair and maintenance of conforming or legal nonconforming signs.

11 C. Temporary signs meeting the requirements in EMC 18.97.240, Temporary signs.

12 D. Building identification signs that meet one or more of the following four criteria:

13 1. Signs not exceeding one square foot in area for residential buildings, or not exceeding two square feet in area
14 for nonresidential buildings.

15 2. Business name and address signs on an entry door that do not exceed two square feet in area.

16 3. Certain stone or cement plaques and cornerstones with engraved or cast text or symbols that are permanently
17 embedded in the building's foundation or masonry siding materials; provided, that none of these exceed four
18 square feet in area.

19 4. Other building identification signs meeting these requirements as required pursuant to the city's building
20 code (EMC Title 15, Buildings and Construction) or zoning code (this title, Development Standards), public
21 works standards, or any other city or state code, ordinance, or regulation.

22 E. Governmental Signs. Signs installed by the city, county, or a federal or state governmental agency for the
23 protection of the public health, safety, and general welfare, including, but not limited to, the following:

24 1. Emergency and warning signs necessary for public safety or civil defense;

25 2. Traffic or wayfinding signs erected and maintained by an authorized public agency;

26 3. Signs required to be displayed by law;

27 4. Signs showing the location of public facilities; and

28 5. Any sign, posting, notice, or similar sign placed by or required by a governmental agency in carrying out its
29 responsibility to protect the public health, safety, and general welfare.

30 F. Flags. Any flags; provided, that they conform to all provisions of this chapter for signs.

31 G. Interior Signs. Signs or displays located entirely inside of a building and located at least three feet away from
32 transparent doors and windows.

33 H. Nondiscernable Signs. Signs and associated sign support structures that are not visible, odorous, or audible
34 beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way.

35 I. Vehicle Signs. Any sign on a vehicle not prohibited by EMC 18.97.040(I) and placed in accordance with EMC
36 18.97.070(B).

- 1 J. Temporary Signs in Windows. Any temporary sign taped or otherwise affixed to the inside of a window, in such a
2 manner as to be easily removed; provided, that the total area of such sign in any one window does not exceed the
3 size limitations in EMC 18.97.250, Window signs, and EMC 18.97.240, Temporary signs.
- 4 K. Bench Signs. Any outdoor bench or furniture with any signs, other than plaques, that do not exceed one square
5 foot in area.
- 6 L. Private Signs. Privately maintained traffic control signs in a subdivision with private roads or privately
7 maintained traffic control signs in a private parking lot. (Ord. 19-552 § 2 (Exh. A)).
- 8 **18.97.040 Prohibited signs.**
9 No person shall erect, alter, maintain, or relocate any of the following signs in the city:
- 10 A. Animated Signs. Rotating or revolving signs, or signs where all or a portion of the sign moves in some manner.
11 This includes any sign animated by any means, including fixed aerial displays, balloons, pennants, spinners,
12 propellers, whirling, or similar devices designed to flutter, rotate or display other movement under the influence of
13 the wind, including flag canopies not otherwise allowed in EMC 18.97.150, Awning or canopy signs, streamers,
14 tubes, or other devices affected by the movement of air or other atmospheric or mechanical means. This does not
15 include historic signs and historic replica signs where the applicant is able to prove, through documentation or other
16 evidence, that the original historic sign produced the same motion or movement and is proposed in the same
17 location.
- 18 B. Rotating Signs. Any sign in which the sign body or any portion rotates, moves up and down, or any other type of
19 action involving a change in position of the sign body or any portion of the sign, whether by mechanical or any other
20 means.
- 21 C. Nuisance Signs. Any sign which emits smoke, visible particles, odors or sound, except that speakers in
22 drive-through facilities shall be permitted in accordance with any other applicable restrictions contained within the
23 EMC.
- 24 D. Bench or Furniture Signs. Any sign on a bench or other furniture that is greater than one square foot in area.
- 25 E. Flashing Signs or Lights. A sign that contains an intermittent or flashing light source, or a sign that includes the
26 illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.
27 Flashing light sources are prohibited. Signs with an exposed light source, exceeding the equivalent of 25 watts per
28 lamp, including clear light bulbs which do not flash on a theater marquee except for neon incorporated into the
29 design of the sign, are also prohibited. EMCS and digital signs are allowed under the provisions of EMC 18.97.110,
30 Digital signs, and EMC 18.97.120, Electronic message center signs (EMCS).
- 31 F. Hazardous Signs. Any sign that constitutes a traffic hazard or detriment to traffic safety by reason of its size,
32 location, movement, or method of illumination, or by obstructing the vision of drivers, or by distracting from the
33 visibility of an official traffic control device by diverting or tending to divert the attention of drivers of moving
34 vehicles from traffic movements on streets, roads, intersections, or access facilities. No sign shall be erected so that
35 it obstructs the vision of pedestrians or by glare or method of illumination constitutes a hazard to pedestrians or
36 traffic. No sign may interfere with, mislead, or confuse traffic.
- 37 G. Impeding Signs. Any sign that impedes free ingress to and egress from any door, window, or exit way required
38 by building and fire regulations.
- 39 H. Permanent Signs or Signs Posted or Carried on Portable, Nonmotorized or Motorized Wheeled Vehicles That Are
40 Placed on Vacant Lots, Parcels, or Easements. Any permanent sign located on a vacant lot, parcel, or easement.
41 Signs may only be established as an accessory use to a principally permitted use and may not be the principal use of
42 a lot, parcel, or easement.
- 43 I. Certain Movable Signs. Portable, nonmotorized wheeled vehicles or motorized, wheeled vehicles containing or
44 carrying signs that are: (1) for the primary purpose of advertising; (2) not permanently affixed (painted directly on

1 the body of the vehicle or applied as a decal); (3) that extend beyond the overall length, width or height of the
2 vehicle; and (4) parked on any public street within city limits.

3 J. Abandoned Signs. Any sign that meets the definition of “abandoned sign” in EMC 18.97.300.

4 K. Support Signs. Any sign tacked, painted, burned, cut, pasted, or otherwise affixed to utility poles, fences, poles,
5 trees, rocks, posts, ladders, or similar supports visible from and/or within public rights-of-way.

6 L. Off-Site ~~Controlled~~-Signs. Any sign that is not located on the property for which it supports programmed or
7 controlled off site.

8 M. Roof-Mounted Signs. A sign mounted on, and supported by, the main roof portion of a building, or above the
9 uppermost edge of a parapet wall of a building, and that is wholly or partially supported by such a building.

10 N. Feather Signs. Any temporary, portable sign made of lightweight materials that is prone to move in the wind, and
11 that contains a harpoon-style pole or staff that is driven into the ground or supported by means of an individual
12 stand. This definition includes such signs of any shape including flutter, bow, teardrop, rectangular, shark, and
13 U-shaped.

14 O. Except as permitted with a city street use permit or otherwise specifically authorized in this chapter, signs may
15 not be placed within, on, or projecting over a city right-of-way or within, on, or over other city property. (Ord.
16 21-603 § 1 (Exh. A); Ord. 19-552 § 2 (Exh. A)).

17 Article II. Sign Standards Applicable to All Signs

18 **18.97.050 Sign illumination.**

19 A. General. No temporary sign may be illuminated. No sign located in a residential zone may be illuminated, except
20 that on parcels two acres in size or greater, signs may be halo illuminated or illuminated as necessary for allowable
21 digital signs. Permanent signs allowed by this chapter may be nonilluminated, or illuminated by internal light
22 fixtures, halo illuminated, or have external indirect illumination, unless otherwise specified. All illuminated signs
23 shall comply with the time limitations of subsection (D) of this section.

24 B. Externally Illuminated Signs.

25 1. Except as provided in this subsection, externally illuminated signs shall be illuminated only with steady,
26 stationary, fully shielded light sources directed solely onto the sign without causing glare. Light shielding shall
27 ensure that the lamp or light source is not visible beyond the premises and shall further ensure that the light is
28 contained within the sign face.

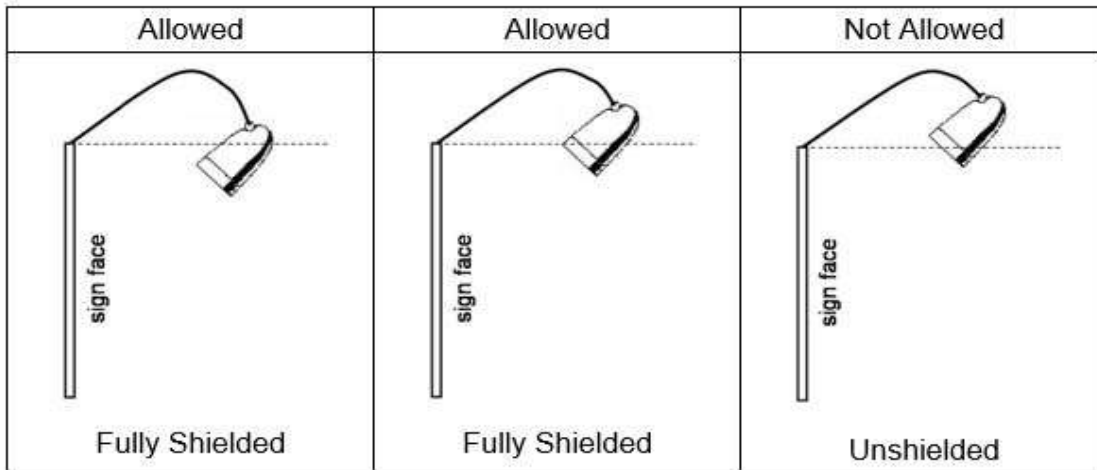
29 2. A light fixture mounted above the sign face may be installed with its bottom opening tilted toward the sign
30 face, provided:

31 a. The bottom opening of the light fixture is flat, i.e., it could be covered by a flat board allowing no light
32 to escape; and

33 b. The uppermost portion of the fixture’s opening is located no higher than the top of the sign face, as
34 shown in Figure 1 below. Light fixtures aimed and installed in this fashion shall be considered fully
35 shielded.

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Figure 1



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4 C. Internally Illuminated Signs.

5 1. Internally illuminated signs shall be constructed with an opaque sign face background with translucent text,
6 symbols, logo shields, or any combination of these. If the sign owner desires to have the entire sign face visible
7 at night, an external light source may be used to illuminate the sign, subject to the illumination standards in this
8 chapter.

9 2. In no case may an internally illuminated sign, a digital sign, or an EMCS exceed a light output of 50 nits in a
10 residential zone or 100 nits in a nonresidential zone during nighttime hours.

11 3. Neon sign lighting is allowed only within the TC, C, MUR, BP, I, and P zoning districts. Neon lighting shall
12 not exceed 100 nits per sign face and may be used as text or copy, but shall not be used as a sign graphic. Neon
13 signs with solid backgrounds are not allowed in windows in order to ensure maximum light and visibility
14 through windows. Examples of neon signs are shown in Figures 2a and 2b below.

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Figure 2a (Allowed)



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Figure 2b (Prohibited)



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7 D. Time Limitations. All illuminated signs over three square feet in area shall be turned off by 11:00 p.m., or when
8 the business closes, whichever is later. Signs subject to time limitations are required to have functioning and
9 properly adjusted automatic shut-off timers. (Ord. 19-552 § 2 (Exh. A)).

10 **18.97.060 Sign materials.**

11 A. Temporary Signs. The construction of temporary signs is limited to the materials described in the definition of
12 “temporary sign” in EMC 18.97.300, Definitions. In addition, the temporary sign must also conform to the
13 requirements of this chapter, including, but not limited to, EMC 18.97.240, Temporary signs.

14 B. Permanent Signs. Permanent signs must be manufactured of durable materials that are designed to withstand the
15 natural elements and the effects of water and wind (see Figures 3 and 4). The following additional requirements
16 apply to any permanent sign larger than 30 square feet, except for window signs located inside glass:

- 17 1. Paper-faced signs, including vinyl-coated paper and those applied with adhesives, are not allowed. Canvas or
18 vinyl signs must be made of minimum 20-ounce materials with polymeric plasticizers for durability.

1 2. Sign faces made of canvas, fabric, vinyl, or similar pliable materials that are attached to permanent sign
2 structures must be mounted behind a perimeter frame or trim cap so that the edges of the sign face are not
3 exposed. Flags made of 100 percent spun polyester are exempt from this requirement.

4 **Figure 3**
5



6 **Figure 4**
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10 (Ord. 19-552 § 2 (Exh. A)).

11 **18.97.070 Sign placement and location restrictions.**

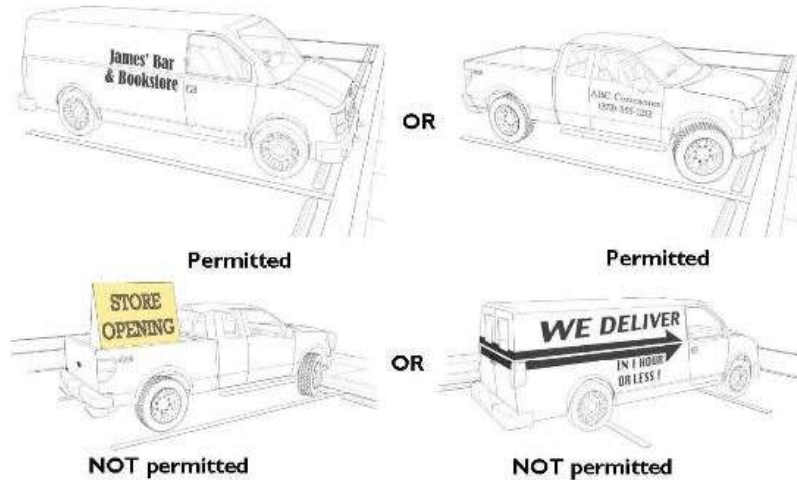
12 A. Rights-of-Way. No sign, permanent or otherwise, may be placed within the roadway portion of any city public
13 right-of-way, except Governmental Signs (EMC 18.97.030(E)) or as otherwise permitted by first obtaining a street
14 use permit or a special event permit from the city. No permanent sign may be placed within the right-of-way. See
15 EMC 18.97.240(G) for restrictions on temporary signs within the right-of-way but outside the roadway.

16 B. Attached to Vehicles on Private Premises. No sign may be mounted, attached, or painted on a trailer, boat, or
17 motor vehicle that is parked, stored, or displayed conspicuously on private premises in a manner intended to attract
18 the attention of the public, excluding signs that are permanently painted or wrapped on the surface of the vehicle, or
19 adhesive vinyl film affixed to the interior or exterior surface of a vehicle window, or signs magnetically attached to
20 motor vehicles or rolling stock that are actively used in the daily conduct of business (see Figure 5). All vehicles

1 covered by this subsection shall be operable and parked in a lawful or authorized manner within a required parking
2 stall that is marked and striped for the parking of vehicles.

3
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Figure 5



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6 C. Attached to Other Fixtures. No sign may be painted, attached, or mounted on any fuel tanks, storage containers,
7 or solid waste receptacles or their enclosures, except for information that is required by law.

8 D. Freeway-Oriented Signs. Freeway-oriented signs are prohibited, except in the following instances:

9 1. Building-mounted wall signs per EMC 18.97.160, window signs per EMC 18.97.250, and temporary signs
10 per EMC 18.97.240 as otherwise allowed by this chapter may face the freeway if:

11 a. They are installed by a business that has its primary customer entrance facing the freeway; and

12 b. The wall, window or temporary sign also faces an intervening parking lot or frontage road that serves
13 the business.

14 2. Freestanding signs as otherwise allowed by this chapter may be permitted for businesses located on and
15 facing frontage roads along freeways, even if such signs are incidentally visible from the freeway. (Ord. 19-552
16 § 2 (Exh. A)).

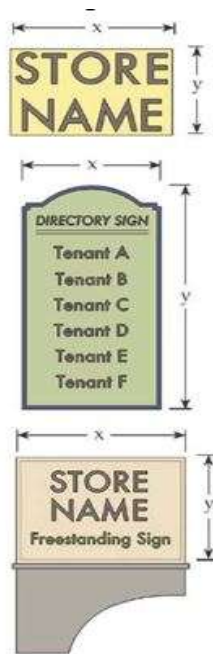
17 **18.97.080 Sign area measurements.**

18 Sign area for all sign types is measured as follows:

19 A. Background Panel or Surface. Sign copy mounted, affixed, or painted on a background panel or surface
20 distinctively painted, textured, or constructed as a background for the sign copy is measured as that area contained
21 within the smallest rectangle, parallelogram, triangle, or circle that will enclose the sign copy and the background, as
22 shown in Figure 6.

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Figure 6



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4 B. Individual Letters or Graphics. Sign copy mounted as individual letters or graphics against a wall, fascia,
5 mansard, or parapet of a building or surface of another structure, that has not been painted, textured, or otherwise
6 altered to provide a distinctive background for the sign copy, is measured as the sum of the smallest square,
7 rectangle, parallelogram, triangle, or circle that will enclose every word, sentence, and complete message, and each
8 graphic in the sign.

9 C. Illuminated Surface. Sign copy mounted, affixed or painted on an illuminated surface or illuminated element of a
10 building or structure is measured as the entire illuminated surface or illuminated element which contains sign copy,
11 as shown in Figure 7. Such elements may include, but are not limited to, illuminated canopy fascia signs, interior
12 illuminated awnings, or both.

13
14

Figure 7



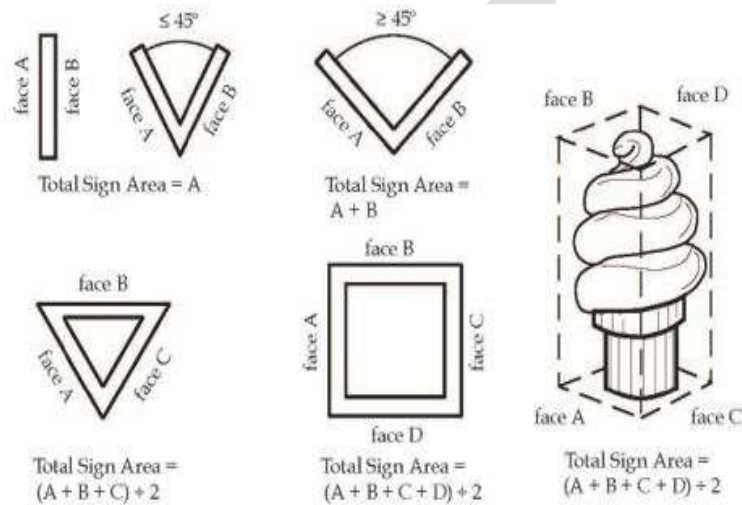
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16 D. Backlit Translucent Panels. Backlit translucent panels and spandrels, with or without text or graphics, are
17 measured as the area of the height and width of any internally illuminated translucent panel or spandrel, including
18 the side panels if the structure or spandrel is greater than six inches in width.

19 E. Multi-Face Signs. Multi-face signs, as shown in Figure 8, are measured as follows:

- 1 1. Two-Face Signs. If the interior angle between the two sign faces is 45 degrees or less, the sign area is of one
 2 sign face only. If the angle between the two sign faces is greater than 45 degrees, the sign area is the sum of the
 3 areas of the two sign faces.
- 4 2. Three- or Four-Face Signs. The sign area is 50 percent of the sum of the areas of all sign faces.
- 5 3. Spherical, free-form, sculptural or other nonplanar sign area is measured as 50 percent of the sum of the
 6 areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign
 7 structure, as show in Figure 8 below. Signs with greater than four polyhedron faces are prohibited.

8 **Figure 8**



10
 11 (Ord. 19-552 § 2 (Exh. A)).

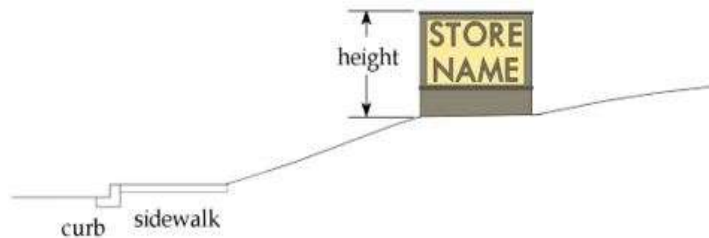
12 **18.97.090 Sign height measurement.**

13 Sign height is measured as follows:

14 A. Freestanding Signs. Sign height is measured as the vertical distance from natural grade at the base of a sign to the
 15 top of the sign, including the sign support structure; except that signs within 25 feet of an adjacent road may be
 16 measured as follows:

- 17 1. If natural grade at the base of a sign is higher than the grade of the adjacent road, sign height shall be
 18 measured from the base of the sign as shown in Figure 9.

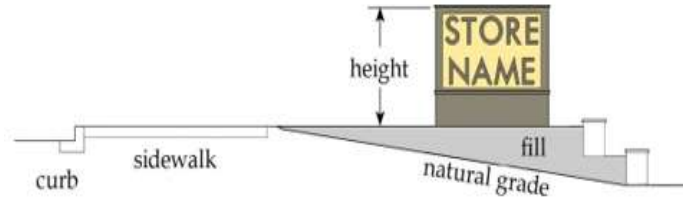
19 **Figure 9**



- 21
 22 2. If natural grade at the base of the sign is lower than the grade of an adjacent road, the height of the sign shall
 23 be measured from the top of curb or road-grade elevation; provided, that fill is placed between the curb and the

1 sign and extends at least five feet beyond the base of the sign in all directions, as shown in Figure 10. Any cut,
2 fill, or grading work must comply with applicable site grading, fill, or excavation requirements contained
3 elsewhere in the EMC.

4 **Figure 10**



6
7 (Ord. 19-552 § 2 (Exh. A)).

8 **18.97.100 Sign structure and installation.**

9 A. Support Elements. Any angle iron, bracing, guy wires, or similar features used to support a sign shall not be
10 visible.

11 B. Electrical Service. When electrical service is provided to freestanding signs or landscape wall signs, all such
12 electrical service is required to be underground and concealed. Electrical service to building-mounted wall signs,
13 including conduit, housings, and wire, shall be concealed. A building permit (electrical) must be issued prior to the
14 installation of any new signs requiring electrical service.

15 C. Raceway Cabinets. Raceway cabinets, where used as an element of building-mounted wall signs, shall match the
16 building color scheme at the location of the building where the sign is located. Where a raceway cabinet provides a
17 contrast background to sign copy, the colored area is considered part of the sign face and is counted in the aggregate
18 sign area permitted for the site or business. Examples of raceway cabinets are shown in Figure 11.

19 **Figure 11**



21
22 D. Limitation on Attachments and Secondary Uses. All permitted sign structures and their associated landscape
23 areas shall be kept free of supplemental attachments or secondary uses, including, but not limited to, supplemental
24 signs not part of a permitted sign, light fixture, newspaper distribution rack, or trash container. The use of sign
25 structures and associated landscape areas as bicycle racks or support structures for outdoor signs is prohibited. (Ord.
26 19-552 § 2 (Exh. A)).

27 **18.97.110 Digital signs.**

28 A digital sign is not a separately allowed sign type. The purpose of this section is to regulate the manner in which
29 digital sign technology can be applied to sign types that are otherwise allowed in this chapter. This section is not
30 intended to allow more signs or larger signs than otherwise permitted in this chapter. No permit shall be issued for a
31 digital sign that does not comply with the following standards:

32 A. Zoning. Allowed in all zoning districts.

- 1 B. Number. One digital sign per 100 feet of street frontage in the TC, C, MUR, BP, I, and P zoning districts. One
2 digital sign per 100 feet of street frontage in residential zones on parcels two acres or greater in size, not to exceed
3 one sign per parcel.
- 4 C. Setback Location. As allowed under the specific sign type; however, a minimum separation spacing in the TC, C,
5 MUR, BP, I, and P zoning districts of 100 feet is required in order to comply with subsection (B) of this section.
- 6 D. Size and Area. Maximum of 30 square feet, or as otherwise limited by the size limits of this chapter.
- 7 E. Height. As allowed under the specific sign type.
- 8 F. Design. Maximum luminance: 50 nits during nighttime hours. Motion limits: no motion allowed except for
9 instantaneous change of message. Minimum hold between messages: eight seconds.
- 10 G. Programming. To ensure that digital signs are programmed and continue to operate according to local standards,
11 digital signs shall be designed for local on-site control and programming. (Ord. 19-552 § 2 (Exh. A)).
- 12 **18.97.120 Electronic message center signs (EMCS).**
- 13 An EMCS is not a separately allowed sign type. The purpose of this section is to regulate the manner in which
14 EMCS technology can be applied to sign types that are otherwise allowed in this chapter. This section is not
15 intended to allow more signs or larger signs than otherwise permitted in this chapter. No permit shall be issued for
16 an EMCS that does not comply with the following standards:
- 17 A. Zoning. Only allowed in the TC, C, MUR, BP, I, and P zoning districts.
- 18 B. Number. One EMCS per 100 feet of street frontage, not to exceed one per business or tenant space. Parcel area
19 must meet or exceed one acre and contain at least 100 feet of contiguous street frontage to allow an EMCS.
- 20 C. Setback Location. As allowed under the specific sign type; however, a minimum separation spacing of 100 feet is
21 required in order to comply with subsection (B) of this section.
- 22 D. Size and Area. Maximum of 30 square feet, or as otherwise limited by the size limits of this chapter.
- 23 E. Height. As allowed under the specific sign type.
- 24 F. Design – Maximum Luminance.
- 25 1. Daytime: 5,000 nits.
- 26 2. Nighttime: 50 nits.
- 27 3. Signs shall include auto-dimming features with light-sensory capabilities to dim the sign to allowable
28 luminance levels during nighttime hours.
- 29 G. Motion Limits. No motion except for a fade-in of the next message with the fade transition being no more nor
30 less than one and one-half seconds. Fade transition is required rather than instantaneous message changes to avoid
31 sudden or startling flashes of light. The minimum hold between messages shall be 10 seconds, plus one and one-half
32 seconds for a transition fade. Signs shall have no flashing copy or lights; revolving beacon lights; chasing, blinking,
33 or stroboscopic lights; or fluttering, undulating, swinging, or otherwise moving parts.
- 34 H. Programming. To ensure that EMCS are programmed and continue to operate according to local standards,
35 EMCS shall be designed for local on-site control and programming. The applicant shall provide a written certificate
36 from the sign manufacturer that the nighttime light intensity has been factory preset not to exceed allowable levels
37 under this section, and that this setting is protected from end-user modification by password-protected software or
38 other method that ensures compliance. (Ord. 19-552 § 2 (Exh. A)).
- 39 Article III. Sign Types

- 1 **18.97.130 Permanent signs.**
- 2 Permanent signs shall comply with the sign area, height, number, type, and other requirements of this section and
- 3 any other applicable sections, as well as the following Table 1 in this section ¹. Sign permits are required for all
- 4 permanent signs in accordance with EMC 18.97.260, Sign permits.

Table 1 – Standards for Permanent Signs by Sign Type.

Type	Zone	Number of Signs	Maximum Height (feet)	Maximum Area (sq. ft.)	Setbacks
Accessory Sign (EMC 18.97.140)	Only allowed in the TC, C, MUR, BP, I, and P zoning districts	1 sign at each vehicle ingress or egress, no more than 4 accessory signs per parcel	Building- mounted max. of 8 ft.; freestanding max. of 3 ft. from grade	3 sq. ft. per sign face; may be double-sided	Flexible, see EMC 18.97.140
Accessory Sign – Drive Through, Large (EMC 18.97.140)	Only allowed in the TC, C, MUR, BP, I, and P zoning districts	In addition to other accessory signs, 1 large accessory sign for each point of entry to a drive-up window	5.5 ft., including the associated sign structure	45 sq. ft. per drive-up point of entry	Signs shall be oriented so that the sign face is not visible from vehicles travelling in the public right-of-way
Awning or Canopy Sign (EMC 18.97.150)	Only allowed in the TC, C, MUR, BP, I, and P zoning districts	1 awning sign for each primary entrance to a tenant space, see EMC 18.97.150 for secondary entrances	Awning sign cannot be mounted higher than a max. of 25 ft. above the ground floor	On primary elevation, sign shall not exceed 1 sq. ft. of sign per linear foot of awning or canopy width	Cannot project beyond the edges of the awning on which it is displayed. Cannot project above, below, or beyond the edges of the building wall on which it is located.
Building-Mounted Wall Signs (EMC 18.97.160)	Residential parcels larger than 2 acres in any zoning district	1 per each building facade on an accessory structure, e.g., barn that is parallel to and visible from a street frontage	Shall not project above rooflines or obscure architectural details and may not exceed 70% of the blank wall height	50 sq. ft., but cannot exceed 3% of the area of the facade of building where sign is mounted	Mounted on building that must comply with setbacks
Building-Mounted Wall Signs (EMC 18.97.160)	In the TC, C, MUR, BP, I, and P zoning districts	1 per each building facade that is parallel to and visible from a street frontage	Shall not project above rooflines or obscure architectural details and may not exceed 70% of the blank wall height	Up to 5% of the area of the facade upon which sign is placed, not to exceed 60% of the width of wall plane or tenant space	Mounted on building that must comply with setbacks
Changeable Copy Signs (EMC 18.97.170)	In all zoning districts	1 per parcel but 1 additional sign allowed if placed 100 ft. from public right-of-way and other restrictions	15 ft. max.	No more than 20% of the allowed wall sign area or 50% of a freestanding sign may be changeable copy; if at least 100 ft. from streets, may be a max. of 50% of wall sign area	If building-mounted, building must comply with setbacks; if freestanding, sign must comply with setbacks for freestanding signs
Freestanding Signs (EMC 18.97.180)	MR-2 , TC, C, MUR, BP, I, and P zoning districts ¹	See code – 1 for each site frontage	See code – depending on street frontage, 6 to 15 ft.	See code – depending on street frontage, 20 to 100 sq. ft.	5 ft. from street property line; 25 ft. from any interior side lot line; and 30 ft. from any residential zone
Ground-Mounted or Landscape Wall Signs (EMC 18.97.190)	Allowed in all zones but not allowed on individual single-family lots	1 per development	5 ft. max. from grade	Between 24 sq. ft. to 32 sq. ft., see EMC 18.97.190	At least 5 ft. from street property line; 25 ft. from any interior side lot line
Portable Signs (EMC 18.97.200)	Only allowed in the TC, C, MUR, BP, I, and P zoning districts	1 per business or tenant space	Sandwich board signs, max. of 4 ft. in height; pole-mounted signs, max. of 5 ft. in height	Sandwich board signs, 3 ft. in width; pole-mounted, 2 ft. in width	Must be located no further than 10 ft. from primary building of business; prohibited on citypublic

Table 1 – Standards for Permanent Signs by Sign Type.

Type	Zone	Number of Signs	Maximum Height (feet)	Maximum Area (sq. ft.)	Setbacks
					right-of-way, sidewalk without street use permit
Projecting Signs (EMC 18.97.210)	All zoning districts	1 per tenant space or building frontage, allowed in addition to wall signage	No higher than the first story level of the building; no lower than 8 ft. above the grade of sidewalk, walkway or driveway	Nonresidential zones: cannot exceed 12 sq. ft.; residential zones: face of sign cannot exceed 1.5 sq. ft. in area	Must be attached to building which complies with setbacks, may extend a max. of 4 ft. from building and hung a minimum of 6 inches from building
Service Island Signs (EMC 18.97.220)	Only allowed in the TC, C, MUR, BP, I, and P zoning districts	1 sign on canopy fascia per street frontage, not to exceed 20% of area of canopy fascia	See building-mounted wall sign requirements	20% of area of canopy fascia to which sign is mounted	Mounted on building that must comply with setbacks
Sign Walker (EMC 18.97.230)	Only allowed in the TC, C, MUR, BP, and I zoning districts	No limit	Shall not exceed 8 ft. in height when held in place	8 sq. ft. in area	Minimum of 30 ft. from street intersection; prohibited on public property or public right-of-way, in driveways, parking stalls, driving lanes, etc.
Window Sign² (EMC 18.97.250)	All zoning districts	No more than 1 permanent window sign per window	No higher than second-story windows for permanent window signs	Shall not exceed 25% of area of window in which sign is displayed	Building in which window sign is displayed must comply with setbacks

- 1
- 2 1. See EMC 18.97.240 for temporary freestanding signs which are allowed in residential areas.
- 3 2. Window signs may be permanent or temporary. This table includes the regulations for permanent window signs.
- 4 (Ord. 19-552 § 2 (Exh. A)).
- 5 **18.97.140 Accessory signs.**
- 6 No permit shall be issued for an accessory sign which does not comply with the following standards:
- 7 A. Zones. Only allowed in the TC, C, MUR, BP, I, and P zoning districts.
- 8 B. Number. A maximum of one sign at each vehicle point of entry or egress, not to exceed four accessory signs per
- 9 parcel.
- 10 C. Setback Locations. Flexible; provided, that the number of signs in subsection (B) of this section is not exceeded;
- 11 and provided, that the signs comply with setback standards for freestanding signs in EMC 18.97.180.
- 12 D. Dimensions. Maximum sign area: three square feet per face; may be double-sided.
- 13 E. Height – Mounting Height.
- 14 1. Building-mounted wall sign (EMC 18.97.160): maximum of eight feet; must be flat against a wall of the
- 15 building.
- 16 2. Freestanding sign (EMC 18.97.180): maximum of three feet from grade.

- 1 F. Design. Nonilluminated or internal illumination only. Any accessory sign with electronic display must conform to
2 all digital sign or EMCS standards in EMC 18.97.110, Digital signs, or EMC 18.97.120, Electronic message center
3 signs (EMCS).

4 **Figure 12**
5



- 6
7 G. Drive-Through Large Accessory Signs. In addition to the accessory signs allowed for vehicle points of entry and
8 in addition to freestanding signs otherwise allowed under EMC 18.97.180, large accessory signs are allowed for
9 each point of entry to a drive-up window, subject to the following standards:

- 10 1. Maximum Sign Size. Thirty square feet.
11 2. Maximum Sign Height. Five feet, six inches, including the associated sign structure.
12 3. Orientation. Large accessory signs must be oriented so that the sign face is not visible from vehicles
13 travelling in any public rights-of way.
14 4. Screening. All sides of large accessory signs must be screened from the view of vehicles travelling in the
15 street or public right-of-way with landscaping or walls of brick, stone, or siding materials that match the
16 principal walls of the building to which the sign applies. If landscaping is used for screening, it must provide
17 full screening at maturity and must be large enough at planting to provide at least 70 percent screening of the
18 sign.
19 5. Audio. No sound or amplification may be emitted that is audible beyond the site. (Ord. 19-552 § 2 (Exh. A)).

20 **18.97.150 Awning or canopy signs.**

21 No permit shall be issued for an awning or canopy sign which does not comply with the following standards:

22 A. Zone. Only allowed in the TC, C, MUR, BP, I, and P zoning districts.

23 B. Number. One awning or canopy sign is allowed for each primary entrance to a building or tenant space. In
24 addition, one awning or canopy sign may be allowed on a secondary entrance which faces a public street or on-site
25 parking area. The awning or canopy sign may only be placed on the ground-floor level facade of the building.
26 Awning or canopy signs shall be included in the calculations for allowable wall signage per facade.

27 C. Setback Location.

- 28 1. An awning or canopy sign may not be mounted higher than a maximum of 25 feet above the ground floor.

1 2. An awning or canopy sign shall not project above, below, or beyond the edges of the face of the building
2 wall or architectural element on which it is located.

3 3. No part of the sign, as a part of, or displayed on, the vertical surface of an awning or canopy, shall project
4 beyond the edges of the awning or canopy surface on which it is displayed. If an awning or canopy is placed on
5 multiple store fronts, each business or tenant space is permitted signage no greater than 60 percent of the store
6 width or tenant space.

7 4. The awning or canopy sign shall not extend horizontally a distance greater than 60 percent of the width of
8 the awning, canopy, or valance on which it is displayed.

9 D. Dimensions. The sign area on the primary elevation shall not exceed one square foot of sign area per linear foot
10 of awning or canopy width. A maximum of 40 percent of an awning or canopy on which signage is proposed may be
11 of an angle greater than 60 degrees from horizontal.

12 **Figure 13**



14
15 E. Height. See subsection (C) of this section (Setback Location).

16 F. Design. If sign letters or logos are backlit or internally illuminated, only the face area containing the letters or
17 logos may be illuminated. The sign may also be externally illuminated as allowed by EMC 18.97.050. (Ord. 19-552
18 § 2 (Exh. A)).

19 **18.97.160 Building-mounted wall signs.**

20 No permit shall be issued for a building-mounted wall sign which does not comply with the following standards:

21 A. Residential. Wall signs are not allowed on residential parcels smaller than two acres in size in any zoning district,
22 except for address numbers as required by law and building identification signs allowed by EMC 18.97.030.

23 1. Number. One per each accessory building facade that is parallel to and visible from a street frontage.

24 2. Setback Location. Permitted on the building wall of an individual building.

25 3. Dimensions. Total area shall not exceed 100 square feet or three percent of the area of the facade upon which
26 the sign is placed, whichever is less. Width: not to exceed 60 percent of the width of the wall plane upon which
27 the sign is placed.

Figure 14



4. Height. Shall not project above rooflines or obscure architectural details and may not exceed 70 percent of the blank wall height.

5. Design. Nonilluminated only.

B. Nonresidential Zones.

1. Number. One per each building facade that is parallel to and visible from a street frontage.

2. Location on Building. Signs may not cover or obscure architectural details of a building, such as stair railings, windows, doors, decorative louvers or similar elements intended to be decorative features of a building design. Signs must appear to be a secondary feature of the building facade.

3. Dimensions.

a. Area. The total signage area may be up to five percent of the area of the facade upon which the sign is placed.

b. Width. Not to exceed 60 percent of the width of the wall plane upon which the sign is placed or the width of the tenant space.

c. Height. Shall not project above rooflines or obscure architectural details and may not exceed 70 percent of the blank wall height.

4. Size of Parcel or Site. No restrictions.

5. Design.

a. Illumination, Flush- or Tight-Mounted. All individual letter signs shall be installed to appear flush-mounted. If the letters are illuminated and require a raceway, the letters shall be installed tight against the raceway, which shall be painted to match the color of the surface to which the raceway is mounted. Where possible – especially on new construction – the raceway should be recessed to allow letters to be flush with the wall surface.

1 b. Where more than one sign is allowed for a business, all signs shall be consistent in design, style, color,
2 and method of illumination. Where there are multiple businesses or tenants on a site, all signs shall
3 conform to a master sign plan, consistent with EMC 18.97.270. (Ord. 19-552 § 2 (Exh. A)).

4 **18.97.170 Changeable copy sign.**

5 No permit shall be issued for a changeable copy sign which does not comply with the following standards:

6 A. Zones. Changeable copy signs are allowed in all zoning districts, but only as an integral part of a
7 building-mounted wall sign or freestanding sign.

8 B. Number. No more than one changeable copy sign shall be allowed for each parcel, except that additional
9 changeable copy signs are permitted as follows:

10 1. The additional changeable copy sign(s) must be placed at least 100 feet from abutting ~~public streets or~~
11 rights-of-way; and

12 2. The additional changeable copy sign(s) must not exceed the maximum area, height, and quantity standards
13 otherwise applicable to any freestanding or building-mounted wall sign on the parcel.

14 **Figure 15**
15



16

17 C. Setback Location. Placement is allowed only as an integral part of a building-mounted wall sign or a freestanding
18 sign. Changeable copy signs that are portable are not permitted.

19 D. Dimensions. No more than 20 percent of the allowed building-mounted wall sign area if placed less than 100 feet
20 from abutting streets and no more than 50 percent of a freestanding sign face may be changeable copy; however,
21 these size limitations do not apply to signs required by law. Building-mounted wall signs with changeable copy
22 placed at least 100 feet from abutting streets may be a maximum of 50 percent of permitted wall sign area.

23 E. Height above Grade. Fifteen feet maximum. Building-mounted wall signs are limited to the maximum height for
24 freestanding signs.

25 F. Design. Nonilluminated in all zones. Internally or indirectly illuminated in nonresidential zones subject to the
26 illumination standards in EMC 18.97.050. (Ord. 19-552 § 2 (Exh. A)).

27 **18.97.180 Freestanding signs.**

28 No sign permit shall be issued for a freestanding sign that does not comply with the following standards:

1 A. Zone. Permanent freestanding signs are only allowed in the MR-2, TC, C, MUR, BP, I, and P zoning districts.²

2 B. Number.

3 1. The number and type of freestanding signs for single and multiple-tenant uses are derived from the use, zone,
4 location, and length of development site frontage as described in this section.

5 2. One individual freestanding sign is allowed per parcel for each street frontage. Multiple shared freestanding
6 signs may be permissible in accordance with the minimum separation distance in subsection (C)(4) of this
7 section, and subject to a master sign plan. Flag lot sites with frontage on a public street are permitted one sign
8 on the frontage providing primary access to the site and may request or apply for a master sign plan with
9 adjoining properties to erect a shared freestanding sign that complies with the street frontage requirements of
10 the properties joined in the master sign plan.

11 3. Shopping centers, mixed-use developments, adjoining parcel development, or multi-tenant buildings may
12 request or apply for a master sign plan for the comprehensive review of all signs proposed within the site
13 development.

14 **Figure 16**



16
17 C. Setback and Location.

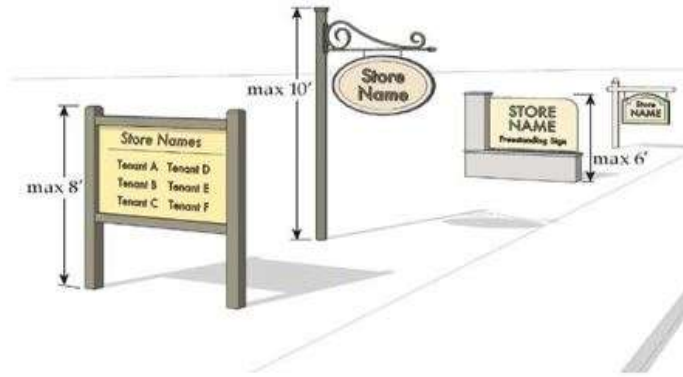
18 1. No freestanding sign shall be permitted on any site that does not have street frontage.

19 2. Freestanding signs shall be set back a minimum of five feet from the street side property line, a minimum of
20 25 feet from any interior side lot line and a minimum of 30 feet from any residential district.

21 3. No freestanding sign shall be located in the triangular area(s) measured 15 feet by 15 feet where a driveway
22 enters onto a street, or in any other area which may obstruct the vision of motorists so as to create a safety
23 hazard. Additionally, all signs are subject to the public works standards regarding sight distances.

24 4. Where more than one freestanding sign is proposed on a site with multiple frontages, a minimum of 150
25 linear feet shall separate each sign.

Figure 17



D. Dimensions.

1. Maximum sign size and height dimensions are determined based on the property's linear distance of total street frontage and are subject to both the setback and location criteria in subsection (C) of this section and the following requirements:

Individually Permitted Freestanding Signs

Total Street Frontage	Maximum Size	Maximum Height
0 – 60 feet	40 square feet	6 feet
61 – 119 feet	50 square feet	8 feet
120 feet or more	75 square feet	10 feet

Shared Freestanding Signs (approved under a master sign plan)

Total Street Frontage	Maximum Size	Maximum Height
0 – 60 feet	48 square feet	7.5 feet
61 – 119 feet	60 square feet	10 feet
120 feet or more	90 square feet	12 feet

2. An individual freestanding sign may be permitted up to a maximum height of 12 feet and a maximum size of 120 square feet and a shared freestanding sign may be permitted up to a maximum height of 15 feet, in accordance with subsection (D)(2)(c) of this section, and a maximum size of 150 square feet; provided, that all of the following conditions are satisfied:

- a. The sign is ground-mounted on a monument-style base, made or covered with brick or stone, which extends at least the full width of the sign face and is at least one-fourth of the total sign height. An alternate material may be approved by the director if he or she finds that the material better reflects the materials and architecture of the closest or principal building on the site;
- b. The sign cabinet and the associated trim caps that secure and frame the sign face are dark bronze, black, or an earth tone color that reflects the color of the sign base or the color of the siding or trim of the building to which the sign applies;

1 c. The sign is no taller than 75 percent of the height of the tallest building on the property or within the
2 master sign plan area, as measured to the midpoint between the fascia line and the ridge on a pitched roof
3 building, or the top of the highest cornice or parapet on a flat roof building; and

4 d. The sign maintains a setback separation distance of 200 feet from any other freestanding sign on the
5 same property or subject to the same master sign plan.

6 E. Design. The following design standards apply to freestanding signs:

7 1. The sign face may be either nonilluminated or externally illuminated. An internally illuminated sign is
8 allowed if the background of the sign is totally opaque and only the graphics, text, or both are illuminated.

9 2. The permanent sign base shall have a minimum aggregate width of 40 percent of the width of the sign
10 cabinet or face. (Ord. 19-552 § 2 (Exh. A)).

11 **18.97.190 Ground-mounted or landscape wall sign.**

12 No permit shall be issued for a ground-mounted or landscape wall sign which does not comply with the following
13 standards:

14 **Figure 18**
15



16
17 A. Zones. Allowed in all zones ~~except but not allowed on individual single family residential~~ lots in the
18 ~~single family R-1 and R-2 zones.~~

19 B. Number. Multiple signs are permitted to a maximum of 24 square feet and sign(s) shall not cover more than 40
20 percent of the landscape wall's background area.

21 C. Setback. Perimeter/screen walls shall ~~be located wholly on private property, comply with setback requirements of~~
22 ~~the underlying zone, and~~ be located at least five feet from ~~either~~ the sidewalk ~~when abutting~~ public right-of-way.

23 D. Dimensions.

24 1. ~~Single family Residential~~ subdivisions or multifamily developments: one sign up to a maximum of 24 square
25 feet in area.

26 2. ~~Nonresidential use in R-1, R-2, MR-1, and MR-2 zoning districts: one sign up to a maximum of 16 square~~
27 ~~feet in area.~~

28 3. Nonresidential use in TC, C, MUR, BP, I, and P zoning districts: one sign up to a maximum of 24 square feet
29 in area.

30 4. Civic uses in all zoning districts: one sign up to a maximum of 32 square feet.

1 E. Height. Maximum of five feet above grade. The sign copy shall be a minimum of six inches below the top of the
2 wall and 12 inches above ground level. Signs shall not project above or beyond the top or sides of the landscape
3 wall.

4 F. Design. Illumination is permitted. (Ord. 19-552 § 2 (Exh. A)).

5 **18.97.200 Portable signs.**

6 No permit shall be issued for a portable sign, sandwich board sign, or pole-mounted sign that does not comply with
7 the following standards:

8 A. Zone. Allowed only in the MR-2, TC, C, MUR, BP, I, and P zoning districts, except that temporary portable
9 signs are allowed in residential zones, subject to the provisions of EMC 18.97.240, Temporary signs.

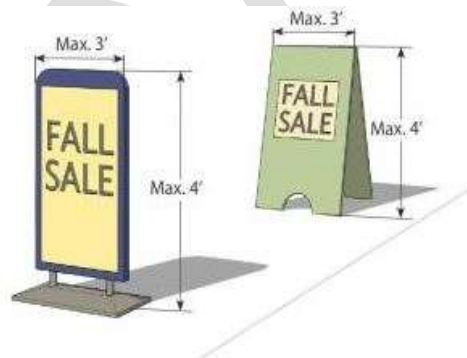
10 B. Number. Not more than one portable sign may be displayed per business or per tenant space.

11 C. Location. Must be located no farther than 10 feet from the primary building of the business, or, if there is only
12 one business or tenant space on the site, it may be located not farther than 10 feet from the site's driveway entrance.
13 No portable sign may be located within, over, or on ~~the city public~~ right-of-way ~~or any public sidewalk~~ without a
14 street use permit issued by the city.

15 D. Dimensions – Size and Height. Sandwich board signs: a maximum of four feet in height as measured in the flat
16 standing position and not the open standing position, and a maximum of three feet in width. Pole-mounted signs: a
17 maximum of five feet in height, and a maximum of two feet in width.

18 E. Design and Materials. Must be constructed with durable materials that are designed to withstand the natural
19 elements and the effects of water and wind, otherwise they will be regulated as temporary signs under EMC
20 18.97.240. Portable signs must be designed to withstand typical prevailing winds and must include a heavy weighted
21 base for pole-mounted signs, and a heavy weight suspended between the opposing faces of a sandwich board sign.

22 **Figure 19**



24
25 F. Display Hours. Portable signs and temporary portable signs may only be displayed during business operating
26 hours.

27 G. Type. Portable signs may not be changeable copy signs or illuminated in any manner. (Ord. 19-552 § 2 (Exh. A)).

28 **18.97.210 Projecting signs.**

29 No permit shall be issued for any projecting sign that does not comply with the following standards:

30 A. Zone. Allowed in all zoning districts.

31 B. Number. One projecting sign may be allowed per tenant space or building frontage. Projecting signs are
32 permitted in addition to allowable wall signage.

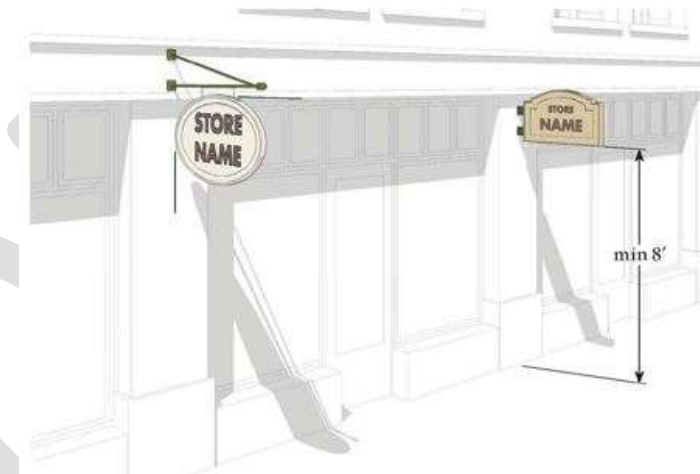
1 C. Location.

- 2 1. No part of any projecting sign shall be located closer than eight feet above the grade of the sidewalk,
3 walkway, or driveway directly below and within three feet of the sign.
- 4 2. Projecting signs may extend a maximum of four feet from the building and shall be separated a minimum of
5 six inches away from the building.
- 6 3. No projecting sign shall be located within 25 feet of another projecting sign on the same site or on the same
7 building.
- 8 4. No projecting sign shall be located higher than the first-story level of the building.
- 9 5. No projecting sign shall extend into the public right-of-way to any point within ten feet of a vehicular travel
10 lane, including the sidewalk, without an approved street use permit issued by the city.

11 D. Dimensions.

- 12 1. Nonresidential Zones. The face of a projecting sign shall not exceed 12 square feet in area.
- 13 2. Residential Zones. The face of a projecting sign shall not exceed one and one-half square feet in area.

14 **Figure 20**



- 16
- 17 E. Height. No higher than the first-story level of the building, and a maximum of 25 feet above grade.

18 F. Design.

- 19 1. ~~In nonresidential zones, projecting signs may~~ be illuminated, internally or indirectly. In residential
20 zones, projecting signs may not be illuminated.
- 21 2. Projecting signs shall be perpendicular to the building wall to which they are affixed.
- 22 3. Projecting signs shall not exceed four inches in thickness.
- 23 4. Projecting signs shall be supported by or suspended from solid rods or otherwise tethered or reinforced to
24 avoid movement in wind. (Ord. 19-552 § 2 (Exh. A)).

25 **18.97.220 Service island signs.**

26 No permit shall be issued for a service island sign that does not comply with the following standards:

- 1 A. Zone. Allowed only in the TC, C, MUR, BP, I, and P zoning districts.
- 2 B. Number and Size.
- 3 1. Island Canopies. One sign on the canopy fascia per street frontage, not to exceed 20 percent of the area of
4 canopy fascia to which the sign is mounted.
- 5 2. Spandrel Signs and Canopy Support Signs. Spandrel signs shall not exceed 20 percent of the spandrel area,
6 and both spandrel signs and signs attached to canopy support columns shall be deducted from allowable wall
7 signage on the associated principal building on the site.
- 8 C. Setback – Location. Mounted on building that must comply with setbacks.
- 9 D. Height. Shall not project above rooflines or obscure architectural details and may not exceed 70 percent of the
10 blank wall height.
- 11 E. Design. Spandrel signs may be internally illuminated, subject to the illumination standards of EMC 18.97.050.
12 Signs attached to canopy support columns shall not be illuminated. (Ord. 19-552 § 2 (Exh. A)).
- 13 **18.97.230 Sign walkers.**
14 Sign walkers are allowed, subject to the following standards:
- 15 A. Permit. A permit is not required for a sign walker, but the sign walker shall comply with all applicable
16 requirements of this chapter.
- 17 B. Zone. Only allowed in the TC, C, MUR, BP, and I zoning districts.
- 18 C. Number. No limit.
- 19 D. Location. Sign walkers are restricted to a minimum of 30 feet from a street or driveway intersection, measured
20 from the back of the curb or edge of pavement if no curb exists, and shall not be located in any of the following
21 places:
- 22 1. On any public property or within public right-of-way, although sign walkers are allowed on public sidewalks
23 as limited above;
- 24 2. In parking aisles or stalls;
- 25 3. In driving lanes;
- 26 4. On fences, walls, boulders, planters, other signs, vehicles, utility facilities or other structures; or
- 27 5. In a manner which results in a sign walker or the sign walker’s sign physically interfering with motorists,
28 pedestrians, or bicyclists.
- 29 E. Dimensions. The sign walker’s sign shall not exceed eight square feet in area, and shall not exceed eight feet in
30 height when held in place.
- 31 F. Design. The sign walker’s sign cannot be illuminated. Sign walkers shall be limited to daylight hours only. A sign
32 walker’s sign may not include any element of a prohibited sign as described in EMC 18.97.040. (Ord. 19-552 § 2
33 (Exh. A)).
- 34 **18.97.240 Temporary signs.**
35 A. No Permit Required – Materials. No sign permit is required for temporary signs that comply with the standards in
36 this section. Temporary signs are primarily distinguished by the materials which make up the sign (see definition of
37 “temporary sign” in EMC 18.97.300 and EMC 18.97.060, Sign materials). Temporary signs shall comply with the
38 requirements of this chapter.

1 B. Removal. Temporary signs shall be removed if the sign is in need of repair, is worn, dilapidated, or creates a
2 public nuisance.

3 C. City Property (Excluding City Right-of-Way). See EMC 18.97.020(C). Temporary signs on city-owned property
4 (excluding city right-of-way) are allowed only in conjunction with a city approved and issued special event permit.

5 D. Residential Zones. Temporary signs may be placed on property residentially zoned in accordance with the
6 requirements of this chapter and the following:

7 1. Building-/Surface-/Wall-Mounted Signs. Not allowed on properties under two acres in size. For larger
8 parcels, see subsection (F) of this section.

9 2. Changeable Copy Signs. See applicable sign type.

10 3. Freestanding Signs (Includes Post-Mounted, Stake-Mounted, and Portable Signs). No more than two on-site
11 freestanding temporary signs may be displayed per site, as follows:

12 a. ~~NonSingle-Multi~~Family Properties. Temporary freestanding signs shall not exceed four square feet in
13 size and five feet in height if the sign is mounted on the ground. Temporary freestanding signs shall not
14 exceed three feet in height if the sign is stake-mounted or portable.

15 b. Multifamily Properties. Temporary freestanding signs shall not exceed six square feet in size and five
16 feet in height if the sign is post-mounted on the ground. Temporary freestanding signs shall not exceed
17 three feet in height if the sign is stake-mounted or portable.

18 4. Window Signs. Limited to no more than one temporary window sign per residential unit, not to exceed four
19 square feet.

20 E. Nonresidential or Mixed-Use Properties. Temporary signs are allowed on properties within the TC, C, MUR, BP,
21 and P zoning districts in accordance with the requirements of this chapter and the following:

22 1. Building-/Surface-/Wall-Mounted Signs.

23 a. Size. Limited to 40 square feet total per building site, not to exceed 20 square feet per individual sign.

24 b. Location. Must be flatly affixed to walls below the fascia or parapet line, or flatly affixed to on-site
25 fences ~~only if not visible from public right-of-way either facing the abutting street, or facing inward to the~~
26 ~~subject site~~. Signs shall not be attached or tethered to other site improvements.

27 2. Freestanding Signs (Including Post-Mounted, Stake-Mounted, and Portable Signs) – Size and Height.
28 Limited to four square feet in area, and sign cannot exceed five feet in height if the temporary sign is
29 post-mounted in the ground and cannot exceed three feet in height if the temporary sign is stake-mounted or
30 portable. No more than two on-site freestanding temporary signs may be displayed per site.

31 3. Window Signs. Limited to one temporary sign per window not to exceed 50 percent of the individual
32 window area, and not to exceed 20 percent of the total ground-floor window area on any given facade, subject
33 to the window sign requirements of EMC 18.97.250.

34 F. Temporary Signs on Large Properties within Any Zoning District. The following temporary signs may be placed
35 on any site at least two acres in size, in accordance with the requirements of this section and the following:

36 1. Type. Any type.

37 2. Size and Height. Not to exceed 64 square feet and up to eight feet above ground level.

38 3. Exclusivity. The sign allowed under this subsection is in lieu of and shall not be displayed with or be in
39 addition to other temporary signs allowed by this section.

1 G. City Right-of-Way. Except for Governmental Signs (EMC 18.97.030(E)), and unless otherwise authorized by a
2 street use permit, other valid permit, license, or other government approval. Temporary signs are prohibited in the
3 public right-of-way. Temporary signs placed on public property or public right-of-way in violation of this chapter
4 are subject to removal and disposal by the city without notice. The city shall hold signs removed from public
5 property or public right-of-way for a minimum of two weeks before disposing of the sign roadway. Temporary signs
6 on city right of way (placed outside of the roadway) must comply with the following requirements:

7 1. Location. Allowed only between the property line and the back edge of the nearest sidewalk, or where no
8 sidewalk exists, between the property line and a line five feet away from the nearest edge of the roadway pavement.
9 Signs may not be placed on sidewalks, driveways, or other paved areas designed for pedestrian or vehicular use; in
10 planter strips; or as conditioned in a street use permit. Approval of the abutting owner is recommended.

11 2. Type. Signs on stakes that can be manually pushed or hammered into the ground are allowed. All other signs are
12 prohibited, unless specifically allowed by a street use permit.

13 3. Size and Height. Limited to four square feet, and three feet in height.

14 4. Other Signs. The city may allow other signs in city right of way with a street use permit.

15 5. Attachments. Signs in the right of way may not include attachments such as balloons, streamers, or other
16 attention getting devices. (Ord. 19-563 § 1 (Exh. A); Ord. 19-552 § 2 (Exh. A)).

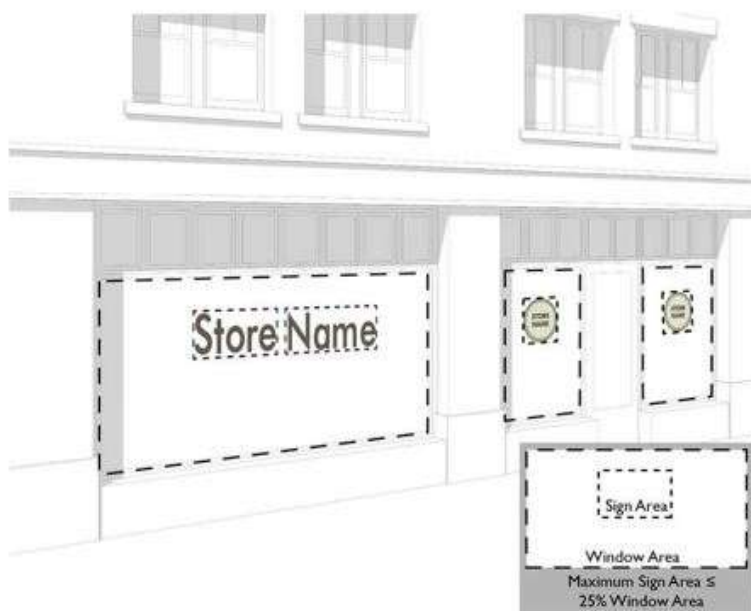
17 **18.97.250 Window signs.**

18 No permit shall be issued for a permanent window sign that does not comply with the following standards:

19 A. Zone. Allowed in all zoning districts.

20 B. Number. No more than one permanent window sign may be placed in a single window.

21 **Figure 21**
22



23
24 C. Setback – Location. No higher than second-story windows for permanent window signs. For the requirements
25 applicable to temporary window signs, see EMC 18.97.240.

1 D. Window Coverage. Window signs, whether temporary or permanent, shall not exceed 25 percent of the area of
2 the window on which they are displayed.

3 E. Height. No higher than the first-story level of a building, maximum height 25 feet from grade.

4 F. Design. Permanent window signs are limited to individual painted or vinyl cut-out letters and graphics, or neon
5 signs constructed with or without a solid or opaque background. Permanent signs with solid backgrounds are not
6 permitted in windows in order to ensure maximum light and visibility through windows. Temporary window signs
7 are exempt from the restrictions in this subsection. (Ord. 19-552 § 2 (Exh. A)).

8 Article IV. Permitting

9 **18.97.260 Sign permits.**

10 A. What Is a Sign Permit? A sign permit is the approval granted by the city for any person to erect, alter, expand, or
11 relocate a sign. For some signs, a building permit may also be required.

12 B. Is a Sign Permit Required? A sign permit is not required for any sign that is erected, altered, expanded, or
13 relocated in accordance with the criteria listed in EMC 18.97.030, Exemptions. Even if a permit is not required, the
14 sign must conform to this sign code.

15 C. Who Approves the Application? Sign permits are approved by the community development director or designee.
16 If a building permit is required for the sign, the building code official approves the building permit. If a street use
17 permit is required, the public works director approves the permit.

18 D. Who May Submit an Application? The owner or tenant of the property where the sign will be located, or the
19 owner's agent on their behalf and with their written consent.

20 E. How Do I Submit an Application? A complete sign permit application must be submitted to the city and the
21 application must include all of the following:

22 1. Application Form. A completed sign permit application, including the applicant's name, address, phone
23 number, and email address. If the applicant is not the property owner, then the property owner must be
24 identified, and the application must include an affidavit from the property owner, verifying that the property
25 owner has given permission to the applicant for the submission of the sign permit application and for the
26 installation or posting of the sign on the property owner's land.

27 2. Other Permit Applications. If required by the building code, a completed building permit application. In
28 some instances, a street use permit application or a special event permit application may be required.

29 3. Building Elevation/Site Plan. Signs proposed to be mounted on a building require a building elevation drawn
30 to scale that specifies the locations and size of existing signs on the building, the location and size of new signs
31 proposed on the building, the dimensions of the wall plane upon which the signs will be placed, and drawings
32 or photographs which show the scale of the sign in relation to surrounding doors, windows and other
33 architectural features. Freestanding signs require a site plan indicating the proposed sign location as it relates to
34 property lines, surrounding landscaping, adjacent streets, driveways and adjacent buildings.

35 4. Detailed Description of Sign. A scaled colored rendering or drawing of the sign and its associated structure,
36 including dimensions of all sign faces, and descriptions of materials to be used on the sign and associated trim
37 caps, fixtures and support structure, description of the sign face illumination and methods used to ensure that
38 only text, graphics and logo shields are internally illuminated.

39 5. Scaled Installation Drawing. A scaled drawing that includes the sign description, proposed materials, size,
40 weight, manner of construction and method of attachment, including all hardware necessary for proper sign
41 installation, and, if applicable, foundation design.

42 6. Lighting. A drawing indicating the location and fixture type of all exterior lighting for the proposed signs.
43 The drawing shall specify wattage and lamp type to ensure compatibility with the illumination standards in
44 EMC 18.97.050.

- 1 7. Master Sign Plan. If the sign is subject to a master sign plan as described in EMC 18.97.270, a master sign
2 plan must be included as part of a complete sign permit, unless a master sign plan for the site or building has
3 already been approved, is current and is on file with the city.
- 4 8. Fees. Payment of the sign permit fee as set forth in the city of Edgewood fee schedule.
- 5 F. How Is Notice Provided? There is no notice to the public that a sign permit application has been submitted.
- 6 G. How Is an Application Reviewed? A sign permit application follows the Process I procedure in EMC 18.40.070
7 and 18.40.080. The application is categorically exempt from SEPA and, pursuant to RCW 36.70B.140(2), is exempt
8 from the other permit processing requirements in RCW 36.70B.060 and 36.70B.110, including, but not limited to,
9 the notice of application, determination of completeness and issuance of a final decision within the time permit set
10 forth in RCW 36.70.080.
- 11 H. What Approval Criteria Are Used?
- 12 1. A sign permit application shall not be approved unless the director makes written findings and conclusions
13 that the criteria applicable to each sign type, as well as the sign standards in this chapter, are satisfied.
- 14 2. Building permit applications associated with the sign shall be reviewed by the building code official for
15 consistency with the building code.
- 16 3. If the sign uses electrical wiring and connections, a licensed electrician must submit a copy of the electrical
17 permit application to the city, with the original submitted for approval to the state of Washington. If the sign
18 requires a street use or special event permit, the application shall be submitted with the sign permit application
19 for review by the public works director.
- 20 I. What If an Application Is Denied? The applicant may file an administrative appeal as provided in EMC
21 18.40.080(D).
- 22 J. What Happens after Approval? Once the sign permit issues, the sign must be installed within 180 days or the sign
23 permit will expire. Building permits and street use permits shall expire in accordance with other applicable code
24 provisions. No sign may be erected, altered or relocated if the sign permit has expired, even if the associated
25 building permit or street use permit has not expired. (Ord. 24-660 §§ 24, 25 (Exh. B); Ord. 23-652 § 85 (Exh. A);
26 Ord. 19-552 § 2 (Exh. A)).
- 27 **18.97.270 Master sign plans.**
- 28 A. What Is a Master Sign Plan? A master sign plan is a plan that includes, in a coordinated fashion, all of the signs
29 needed for spaces in a proposed mixed-use or nonresidential, multi-tenant building(s) or site development or for
30 coordination of adjoining parcels seeking to combine their total street frontage subject to the sizing requirements in
31 EMC 18.97.180(D). In addition, a master sign plan may be voluntarily developed by the owner or agent of any new
32 or existing nonresidential use.
- 33 B. Who Approves the Application? The community development director or designee.
- 34 C. Who May Submit an Application? The owner of the buildings or site development.
- 35 D. How Do I Submit an Application? A complete application for a master sign plan must be submitted, which
36 includes all of the following information:
- 37 1. A complete master sign plan application, including the applicant's name, address, phone number and email
38 address. If the applicant is not the property owner(s), then the property owner(s) must be identified and the
39 application must include an affidavit from the property owner(s), verifying that the property owner(s) has given
40 permission for the applicant to submit the master sign plan application. No master sign plan application may be
41 submitted without written consent from all affected property owners, and no sign may be placed upon real
42 property without the consent of the real property owner(s);

- 1 2. A site plan drawn to legible scale, indicating the location of all buildings, driveways and pavement areas,
2 landscape areas, abutting streets, and proposed freestanding signs on the site;
- 3 3. Elevation drawings of each building on a site that indicate proposed sign locations on each of the buildings;
- 4 4. Maximum allowable signage on each elevation based upon a five percent calculation of all facades;
- 5 5. The master sign plan application shall identify the sign features and sign types proposed to be used on each
6 building and the proposed location. In addition, the applicant shall include a statement describing the manner in
7 which the building or site owner wishes to allocate allowable signage among tenants and where specific tenant
8 signage shall be located;
- 9 6. A narrative description of the development to demonstrate that the master sign plan meets the required
10 design standards of this chapter;
- 11 7. Fees. Payment of the master sign plan fee, as set forth in the city of Edgewood fee schedule.

12 E. How Is Notice Provided? There is no notice provided to the public that a master sign plan application has been
13 submitted.

14 F. How Is an Application Reviewed? A master sign plan application follows the Process I procedure in EMC
15 18.40.070 and 18.40.080. The application is categorically exempt from SEPA and, pursuant to RCW 36.70B.140(2),
16 is exempt from the other permit processing requirements in RCW 36.70B.060 and RCW 36.70B.110, including, but
17 not limited to, the notice of application, determination of completeness and issuance of a final decision within the
18 time permit set forth in RCW 36.70.080.

19 G. What Approval Criteria Are Used? All signs in the master sign plan must meet the criteria for approval of a sign
20 permit in this section. In addition, all of the signs in the master sign plan:

- 21 1. Shall be architecturally similar and visually related to each other through the incorporation of common
22 design elements. Up to two sign types may be used on any one building. All sign cabinets, trim caps, and all
23 sign supports, such as poles and braces, shall be of a common color;
- 24 2. Shall be architecturally integrated with the buildings included in the master sign plan; and
- 25 3. Must not obscure the view of other signs which are consistent with this chapter.

26 H. What Happens If a Master Sign Plan Is Denied? The applicant may file an administrative appeal as provided in
27 EMC 18.40.080(D).

28 I. What Happens after Approval? Once the master sign plan issues, the signs depicted in the approved plan must be
29 installed within 180 days or the master sign plan will expire. Building permits and street use permits for any signs
30 shown in the master sign plan shall expire in accordance with other applicable code provisions. No sign may be
31 erected, altered or relocated if the master sign plan has expired, even if the associated sign permit, building permit or
32 street use permit has not expired.

33 J. Can the Master Sign Plan Be Amended? An application for an amendment to an approved master sign plan can be
34 submitted at any time, subject to the same requirements and procedures that apply to the original master sign plan
35 application. Tenants whose signs are included in the amendment application need the property owner's consent to
36 file such application. In order to approve any such amendment, the director shall consider the existing signs on the
37 building(s) subject to the approved master sign plan when determining whether the application meets the criteria for
38 approval in subsection (G) of this section. (Ord. 23-652 § 86 (Exh. A); Ord. 19-552 § 2 (Exh. A)).

39 **18.97.280 Sign variances.**

40 A. What Is a Sign Variance? A variance application is submitted concurrent with a sign permit application when the
41 property owner/tenant seeks to deviate from the strict application of the regulations in this chapter which apply to:

- 42 1. Sign placement on a parcel or building frontage;

1 2. Sign area; or

2 3. Sign height (as limited in this chapter).

3 A variance may not be granted to allow any prohibited signs or prohibited sign features, as described in EMC
4 18.97.040, or for any other purpose that is not specifically listed in this subsection. The variance procedure in this
5 section does not apply to the processing of any street use permit or building permit.

6 First Amendment Exception. Where an applicant can demonstrate that the strict application of the regulations in this
7 chapter would violate his/her First Amendment rights, the city may grant a First Amendment exception that does not
8 conform to all of the variance criteria in subsection (G) of this section. However, the applicant shall submit an
9 application which provides his/her response to each of the variance criteria in subsection (G) of this section. In order
10 to process a First Amendment exception, the city shall follow all other requirements of this section. In order to
11 approve a First Amendment exception, the city must make written findings, and may only grant such exception to
12 the extent reasonably necessary to protect the applicant's First Amendment rights. If a First Amendment exception is
13 granted, it shall be processed as an approval of a variance for purposes of this chapter.

14 B. Who Approves the Application? After a public hearing on the consolidated applications of the sign permit and
15 sign variance, the hearing examiner approves the applications.

16 C. Who May Submit an Application? The owner of the buildings, the owner of the property or site development.

17 D. How Do I Submit an Application? A complete application for a sign variance shall consist of the following:

18 1. Application Form. A completed sign variance application, including the applicant's name, address, phone
19 number and email address. If the applicant is not the property owner, then the property owner must be
20 identified and the application must include an affidavit from the property owner, verifying that the property
21 owner has given permission to the applicant for the submission of the sign variance application and for the
22 installation/posting of the sign on the property owner's property.

23 2. Sign permit application (all of the materials required by EMC 18.97.260(E)).

24 3. A narrative report which describes the requested variance in detail. The report shall identify all of the
25 sections of this chapter from which the applicant is requesting the variance, as well as the nature and extent of
26 the variance (in size, area, location on the property, height).

27 4. The narrative report shall also include the applicant's description of the manner in which the sign variance
28 satisfies all of the variance criteria in subsection (G) of this section.

29 5. Payment of the sign variance fee, as set forth in the city of Edgewood fee schedule.

30 E. How Is Notice Provided? The public is given notice of a sign variance application and the associated sign permit
31 application through issuance of a notice of application, as described in EMC 18.40.180.

32 F. How Is an Application Reviewed? The sign variance application is consolidated for processing, with the
33 associated sign permit application, as Process III (hearing examiner review) in EMC 18.40.100. The city determines
34 whether the applications are complete (EMC 18.40.150), the notice of application issues (EMC 18.40.180), a notice
35 of public hearing issues (EMC 18.40.190) and a public hearing is held by the hearing examiner (EMC
36 18.40.190(E)). The hearing examiner issues a decision (EMC 18.40.100(Q) and (R)).

37 G. What Approval Criteria Are Used? Sign variance applications shall be reviewed by the hearing examiner to
38 determine whether all of the following criteria are satisfied. In order to approve any sign variance, the director must
39 make written findings to show that all of the following criteria have been met:

40 1. The request for a sign variance is due to unusual conditions pertaining to sign visibility needs for a specific
41 building or lot; and

42 2. The sign will not create a hazard; and

- 1 3. The sign will not violate any state statute or any city code provision (other than the ones identified in
2 subsections (A)(1) through (3) of this section); and
- 3 4. The sign will not negatively affect adjacent property; and
- 4 5. The sign will be in keeping with the general character of the surrounding area and the granting of the
5 variance would not result in an alteration of the essential character of the surrounding area; and
- 6 6. The proposed variance is consistent with the purposes and intent of the zoning/development code and the
7 purposes of this chapter; and
- 8 7. The variance is consistent with the city's comprehensive plan; and
- 9 8. The applicant has established that there are practical difficulties in complying with the provision(s) of this
10 chapter identified in subsections (A)(1) through (3) of this section and that the proposed sign is a reasonable
11 use of the property (economic considerations alone do not constitute practical difficulties); and
- 12 9. The plight of the applicant is due to circumstances unique to the property, which were not created by the
13 applicant or landowner; and
- 14 10. The variance will not permit any sign or use that is not allowed in the zoning district where the affected
15 land is located, nor will it allow any sign or sign feature prohibited under EMC 18.97.040.

16 H. What If an Application Is Denied? The applicant may file an administrative appeal as provided in EMC
17 18.40.100(T) and (X).

18 I. What Happens after Approval? Once the variance and sign permit issue, the sign must be installed within 180 days
19 or the variance and sign permit will expire. Building permits and street use permits shall expire in accordance with
20 other applicable code provisions. No sign may be erected, altered or relocated if the sign permit has expired, even if
21 the associated building permit or street use permit has not expired. (Ord. 23-652 § 87 (Exh. A); Ord. 19-552 § 2
22 (Exh. A)).

23 **18.97.290 Nonconforming signs, maintenance, removal and enforcement.**

24 A. Nonconforming Signs. Any lawful nonconforming sign may be continued, as long as it is maintained only in the
25 manner and to the extent that it existed at the time it became nonconforming. Illegal signs shall not be considered
26 nonconforming signs.

27 B. Maintenance. It is unlawful for any owner of record, lessor, lessee, manager, or other person having lawful
28 possession or control over a building, structure, or parcel of land to fail to maintain any signs on the building,
29 structure, or parcel in compliance with this chapter and the zoning code (this title, Development Standards). Failure
30 to maintain a sign constitutes a violation of this chapter, and shall subject the violator to issuance of a notice of code
31 violation and enforcement under the provisions of EMC Title 7 and Chapter 18.85 EMC, unless otherwise specified.

32 1. Sign Maintenance. All signs, whether or not in existence prior to the adoption of this chapter, shall be
33 maintained. Maintenance of a sign shall include periodic cleaning, replacement of flickering, burned-out or
34 broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked or otherwise damaged or
35 broken parts of a sign, and any other activity necessary to restore the sign so that it continues to comply with
36 the requirements and contents of the sign permit issued for its installation and the provisions of this chapter.

37 2. Landscape Maintenance. Required landscaped areas associated with an approved sign shall receive regular
38 repair and maintenance. Plant materials that do not survive after installation in required landscape areas are
39 required to be replaced within six months of the plant's demise or within the next planting season, whichever
40 event first occurs.

41 C. Removal. Any vacant or unused sign support structures, angle irons, sign poles or other remnants of old signs
42 which are currently not in use, or are not proposed for immediate reuse by a sign permit application for a permitted
43 sign, shall be removed. In addition to the remedies in Chapter 18.85 EMC, Enforcement, the director shall have the

1 authority to require the repair, maintenance or removal of any sign or sign structure which has become dilapidated or
2 represents a hazard to the safety, health or welfare of the public, at the cost of the sign and/or property owner.

3 D. Enforcement. Violations of the provisions of this chapter shall be deemed civil violations enforced according to
4 EMC Title 7 and Chapter 18.85 EMC, unless otherwise specified. (Ord. 20-572 § 9 (Exh. I); Ord. 19-552 § 2 (Exh.
5 A)).

6 Article V. Definitions

7 **18.97.300 Definitions.**

8 The words and phrases used in this chapter shall be construed as defined in this section, unless the context clearly
9 appears otherwise. Unless specifically defined in this section, the definitions set forth in other provisions of this code
10 shall likewise apply to this chapter.

11 A Definitions.

12 “A-frame sign” means signs capable of standing without support or attachment. See also “Portable sign” or
13 “Sandwich board sign.”

14 “Abandoned sign” means a sign, the face of which has been removed or is broken and is not refaced within 180 days
15 thereafter. Abandoned signs shall also include signs with rusted, faded, peeled, cracked, or otherwise deteriorated
16 materials or finishes that have not been repaired within 90 days after the city provides notice of the sign’s
17 deteriorated condition under the city’s enforcement title (EMC Title 7, Code Enforcement).

18 “Accessory sign” means a permanent, freestanding or building-mounted sign of limited height and size that provides
19 supplemental opportunity for freestanding or building-mounted signage on a site, at points of egress or entry.

20 “Aerial sign” means a free-floating balloon, kite or similar object not directly secured to property within the city.

21 “Alter” means to change the copy, color, size, shape, illumination, position, location, construction or supporting
22 structure of a sign, not including ordinary maintenance.

23 “Area of a sign” means the smallest square, rectangle, parallelogram or circle that will enclose the extreme limits of
24 writing, representation, logo, or any figure of similar character, together with any frame, background area, structural
25 trim, or other materials or color forming an integral part of the display or used to differentiate such sign from the
26 background against which it is placed. The supports or uprights on which any such sign is supported shall not be
27 included in determining the sign area. The area of signs with two faces shall be considered to be the area of the
28 largest face. The area of signs with three or more faces shall be considered to be the area of the largest face or
29 one-half the area of all of the faces, whichever is less.

30 “Awning or canopy sign” means a sign affixed to or imprinted on an attached shelter composed of nonrigid
31 materials such as an awning, or a permanent architectural projection, such as an awning or canopy, composed of
32 nonrigid materials on a supporting framework, affixed to the exterior wall of a building, extending over a door,
33 entrance, window or outdoor service area.

34 B Definitions.

35 “Business activity” means an enterprise offering goods, services, or other consideration to the public, in legal
36 occupancy of a site or of a specific portion of a site and under separate and distinct management from any other
37 enterprise located on the same site.

38 “Business frontage” means the horizontal dimensions of a building or individual business elevation measured at
39 ground level.

40 C Definitions.

41 Canopy or Awning Sign. See definition under “Awning or canopy sign.”

1 “Changeable copy sign” means a sign or portion thereof which is designed to have its message or copy readily
2 changed manually or by remote or automatic means without altering or replacing the face or surface. Changeable
3 copy signs support hard-copy text or graphics and do not use digital or electronic text or images.

4 D Definitions.

5 “Daytime” means the hours beginning one-half hour after legal sunrise and continuing until one-half hour before
6 legal sunset.

7 “Digital sign” means a changeable copy sign with monochrome LED (light emitting diodes) text, graphics or
8 symbols over a black, nonilluminated background.

9 “Directional sign” means a sign erected for the purpose of facilitating or controlling the efficient and safe movement
10 of pedestrians or vehicles within a multi-tenant development.

11 E Definitions.

12 “Electronic message center sign” or “EMCS” means an electrically activated changeable copy sign having variable
13 message and/or graphic presentation capability that can be electronically programmed by computer or handheld
14 device from a remote location. EMCS typically use light-emitting diodes (LEDs) or liquid crystal display (LCD) as
15 a lighting source.

16 “Elevation” means the visible vertical plane of the side of a building from ground level to the roofline.

17 “Elevation, primary” means the side of a building directly abutting either a street or a parking area. A business
18 owner may choose which elevation is considered the primary elevation, except that in a multi-tenant building, the
19 elevation which is contiguous to other businesses shall be the primary elevation.

20 “Elevation, secondary” means any elevation of a building not determined to be a primary elevation.

21 F Definitions.

22 “Facade” means the elevation of a building extending from the ground level up to the bottom of the fascia on a
23 pitched-roof building, and up to the top of the wall or parapet on a flat-roof building. The area of a facade for
24 purposes of calculating allowable wall signage includes the area of the windows and doors but excludes openings
25 that do not have solid coverings, such as breezeways, colonnades and gateways that extend to the backside of the
26 building.

27 “Fascia” means an architectural term for a vertical frieze or board under a roof edge or which forms the outer
28 surface of a cornice, visible to an observer.

29 “Flag canopy” means a line of flags, or a series of lines of flags, suspended above a site.

30 “Flashing sign” means an electric sign, or portion thereof, except an EMCS, which changes light intensity in a
31 sudden transitory burst, or which switches on and off in a constant pattern in which more than one-third of the
32 nonconstant light source is off at any one time.

33 “Freestanding sign” means a sign and its support pole or base standing directly on the ground that is independent
34 from any building or other structure.

35 “Freeway” means a limited access highway, state route or interstate.

36 “Freeway oriented sign” means a sign within 150 feet of a freeway right-of-way that has its sign face parallel to,
37 perpendicular to, angled toward, or otherwise readable from the freeway right-of-way.

38 “Frontage” means the property line of an individual lot, tract or parcel that abuts a public or private street
39 right-of-way, excluding alleys and private driveways. The number of frontages on a lot is the same as the number of
40 public or private street rights-of-way that the lot abuts.

1 G Definitions.

2 “Gross leasable space” means area of a single leasable space, regardless of the number of tenants or leases within
3 the space.

4 “Ground-mounted or landscape wall sign” means a sign consisting of individual letters mounted on a screen or
5 perimeter wall which may be attached or detached from a building, but which is architecturally integrated with the
6 overall development.

7 H Definitions.

8 “Halo illuminate” means a light source placed behind totally opaque letters or symbols so that the light reflects off
9 the wall or background to which the letters or symbols are mounted rather than emanating through the letters or
10 symbols, creating a halo effect that leaves the letters or symbols viewable in silhouette form only.

11 “Height of sign” means the overall height of the sign above grade directly below or at the base of the sign.

12 I Definitions.

13 “Illegal sign” means a sign which does not conform to the requirements and standards of this chapter and which
14 does not meet the criteria of a nonconforming sign as defined in this section.

15 “Integrated development site” means any commercial or noncommercial development site, regardless of the number
16 of lots or individual tenants, that is developed with common parking, layout, architecture or design features.

17 “Item of information” means a word, figure, logo, abbreviation or other symbolic representation.

18 L Definitions.

19 Landscape Wall Sign. See “Ground-mounted or landscape wall sign.”

20 “Logo” means a design of letters, colors or symbols used as a trademark or for identification in lieu of, or in
21 conjunction with, other signs.

22 “Logo shield” means a logo contained within an area no greater than four square feet, incorporated into a larger sign
23 face or designed as an individual sign or component of a sign containing individually mounted sign graphics.

24 “Lot line” means a line that separates two lots.

25 “Luminance” means the photometric quality most closely associated with the perception of brightness. Luminance is
26 measured in candelas per square meters or “nits.”

27 M Definitions.

28 “Mansard” means a roof with two slopes on each of the four sides, the lower steeper than the upper.

29 “Master sign plan” means a coordinated sign plan which includes the details of all signs (not including exempt or
30 temporary signs) which are or will be placed on a site.

31 “Monument sign” means a freestanding, low-profile sign with the sign width greater than the sign height and
32 designed with a solid base and background.

33 “Motion” means the depiction of movement or change of position of text, images or graphics. Motion shall include,
34 but not be limited to, visual effects such as dissolving and fading text and images, running sequential text, graphic
35 bursts, lighting that resembles zooming, twinkling or sparkling, changes in light or color, transitory bursts of light
36 intensity, moving patterns or bands of light, expanding or contracting shapes and similar actions.

37 “Multi-tenant development” means a development consisting of three or more leasable spaces.

1 N Definitions.

2 “Natural grade” means the topographic condition or elevation of a site or portion of a site over the past five years, or
3 the finished grade of an approved site development plan. Changes to grade or elevation resulting from fill,
4 mounding, or berming within five years preceding any requested permit other than a site development plan shall not
5 be considered natural grade for permitting purposes.

6 “Neon sign” means a sign with illumination affected by a light source consisting of a neon or other gas tube which is
7 bent to form letters, symbols or other shapes.

8 “Nighttime” means the hours beginning one-half hour before legal sunset and continuing until one-half hour after
9 legal sunrise.

10 “Nits” means a unit of measure of brightness or luminance. One nit is equal to one candela/square meter.

11 “Nonconforming sign” means any sign, which at one time conformed to all applicable requirements and standards of
12 this chapter, including all permit requirements, but which subsequently ceased to so conform due to changes in such
13 requirements and standards.

14 “Nonresidential zone” means, in the context of this chapter, the Mixed Use Residential (MUR), Commercial (C),
15 Town Center (TC), Public (P), Business Park (BP), and Industrial (I) zones, any zone that does not include
16 residential dwelling units except for mixed use zoning districts where residential units are located above or behind
17 nonresidential uses and the ground floor streetscape is characterized by commercial and other nonresidential uses.

18 O Definitions.

19 “Opaque” means a material that does not transmit light from an internal illumination source.

20 P Definitions.

21 “Painted sign” means a sign painted directly on a building or on material which is then attached to a building. See
22 also “Wall sign.”

23 “Pan-channel” means a sign graphic that is constructed of a three-sided metal channel, usually having a light source
24 contained within the channel. The open side may face inward, resulting in silhouette lighting, or it may face outward
25 to allow full illumination. The open side of the channel may be enclosed with a translucent material.

26 “Parapet” means a protective wall or barrier projecting above any canopy, balcony or roof.

27 “Permanent sign” means a sign constructed of weather-resistant material and intended for permanent use and that
28 does not otherwise meet the definition of “temporary sign.” Wall-mounted sign holders designed for insertion of
29 signs and posters shall be considered permanent signage and subject to all standards of this chapter.

30 “Pole sign” means a sign mounted on a weighted base, intended to be movable.

31 “Portable sign” means a freestanding sign that is readily movable and not permanently affixed to the ground,
32 including A-frame or sandwich board signs, pole signs mounted on weighted bases, and similar signs that are used
33 on more than a temporary basis.

34 “Projecting sign” or “projection sign” means a sign attached to a building with the face not parallel to the vertical
35 surface of the building. Projecting signs include signs projecting directly from walls, or signs hanging from porch
36 ceilings or other support structures.

37 R Definitions.

38 “Raceway” means a box-type conduit to house electrical wires for signs and used to support and/or affix signage on
39 a wall.

1 “Residential zone” means, in the context of this chapter, the Residential (R-1/R-2) and Mixed Residential
2 (MR-1/MR-2) zones.

3 “Right-of-way” means the strip of land platted, dedicated, condemned, established by prescription or otherwise
4 legally established for the use of pedestrians, vehicles or utilities.

5 “Roadway” means that portion of the street improved, designed, or ordinarily used for vehicular travel and parking,
6 exclusive of the sidewalks and shoulder. Where there are curbs, the roadway is the curb-to-curb width of the street.

7 “Roof-mounted sign” means a sign which has a point of attachment to the roof or mansard of a building.
8 Architectural projections, including mechanical equipment screens, above any parapet or roofline whose sole
9 function is a background for signs shall be considered a sign structure. A sign on such an architectural projection
10 shall be considered a roof sign.

11 “Roofline” means the uppermost edge of the roof or the top of the parapet, excluding mechanical equipment screens,
12 whichever is highest. Where a building has several roof levels, the roofline shall be the one belonging to that portion
13 of the building on which the sign is located.

14 S Definitions.

15 Sandwich Board Sign. See “A-frame sign.”

16 “Service island sign” means a permanent sign displayed on the service island canopy of a gas station, bank, car wash
17 or other use that provides a canopy cover for vehicles. Service island signs are not the same as awning or canopy
18 signs as otherwise defined by this chapter.

19 “Sign” means letters, figures, symbols, trademarks, or logos, with or without illumination, intended to identify any
20 place, subject, person, firm, business, product, article, merchandise or point of sale. A “sign” also includes balloons
21 attached to sign structures, products, streamers, spinners, pennants, flags, inflatables or similar devices intended to
22 attract attention to a site or business, as well as architectural or structural forms, illuminated panels, spandrels,
23 awnings and other structural or architectural features not common to classic vernacular or noncorporate regional
24 architecture and that are intended to convey a brand, message or otherwise advertise a location or product, whether
25 or not such features include text or graphics and whether or not they serve other practical purposes such as lighting,
26 covering or enclosure of persons or products. A “sign” includes any device which streams, televises or otherwise
27 conveys electronic visual messages, pictures, videos or images, with or without sound or odors. Refer to EMC
28 18.97.040 for a list of prohibited signs.

29 “Sign walker” means a sign carried by a person.

30 “Signable area” means the area of the largest rectangular portion of a face of a building to which a sign is affixed or
31 proposed to be affixed, which can be included within parallel, vertical, and horizontal lines uninterrupted by
32 significant architectural features of the building.

33 “Site” means a unit of land, together with all improvements thereon, determined as follows:

34 1. A unit of land which may be conveyed separately from any and all adjacent land without the requirement of
35 approval of a boundary line adjustment, short plat or a preliminary plat.

36 2. Two or more buildings or business activities that are or will be related to each other physically or
37 architecturally, such as by sharing off-street parking facilities, so as to form an integrated development, such as
38 a shopping center, industrial park, or office complex.

39 “Spandrel” means a panel or box-type structure that spans between and/or is connected to the support columns of a
40 porch, colonnade or canopy, usually for architectural embellishment and/or signage purposes.

41 “Special event sign or temporary sign” means signs or advertising displays or a combination thereof which
42 advertises or attracts public attention to a special one-time event, including, but not limited to, the opening of a

1 building or business activity, the sale of goods and services at discounted or otherwise especially advantageous
2 prices or similar event.

3 “Static” means without motion.

4 “Story” means that portion of a building included between the upper surface of a floor and the upper surface of the
5 floor or ceiling next above.

6 “Suspended sign” means a sign mounted above a sidewalk adjacent to a business, affixed to a beam, overhang, roof
7 or other fixture that is an integral part of a building.

8 T Definitions.

9 “Temporary sign” means any sign that is used temporarily and is not permanently mounted, painted or otherwise
10 affixed, excluding portable signs as defined by this chapter, including any poster, banner, placard, stake sign or sign
11 not placed in the ground with concrete or other means to provide permanent support, stability and rot prevention.
12 Temporary signs may only be made of nondurable materials including, but not limited to, paper, corrugated board,
13 flexible, bendable or foldable plastics, foamcore board, vinyl canvas or vinyl mesh products of less than 20-ounce
14 fabric, vinyl canvas and vinyl mesh products without polymeric plasticizers and signs painted or drawn with water
15 soluble paints or chalks. Signs made of any other materials shall be considered permanent and are subject to the
16 permanent sign regulations of this chapter. “Temporary sign” may also include special event signs.

17 “Tenant space” means the entire building which encompasses a building or use on a site; or in buildings designed for
18 multi-tenant occupancy, it is the space between demising walls and which has an independent entrance to common
19 corridors or to the outside. Portions of tenant spaces that are sublet to or otherwise allowed to be used by persons or
20 businesses other than the principal person or business of a tenant space are not considered tenant spaces in the
21 context of this chapter.

22 U Definitions.

23 “Unshielded lighting” means an external illumination source which is exposed to view.

24 W Definitions.

25 “Wall sign” means a sign which is attached parallel to or painted on a wall, including parapet or canopy fascia, or a
26 building.

27 “Width of sign” means the total horizontal dimension of a sign, including all frames or structures.

28 “Window” means the entire window unit including individual sashes or panes that might otherwise divide the area
29 between the head, jamb and sill; except that in commercial storefront window assemblies, a single window is the
30 glass area between each mullion that divides the window assembly, whether installed as a single piece of glass or as
31 multiple pieces of glass divided by muntins.

32 “Window sign” means a sign that is attached to or is intended to be seen in, on or through a window of a building
33 and is visible from the exterior of the window. (Ord. 21-603 § 2 (Exh. A); Ord. 20-572 § 9 (Exh. I); Ord. 19-552 § 2
34 (Exh. A)).

35

36 ¹. This table presents the sign standards in an abbreviated format for the reader’s convenience. To the extent that there may be a
37 conflict between this table and the text of the code, the text of the code provision relating to the individual sign type shall prevail.

38

39 ². Temporary freestanding signs are allowed in all zones, see EMC 18.97.240.

40

41



CITY OF EDGEWOOD
STAFF REPORT
PLANNING COMMISSION AGENDA ITEM

Date: June 9, 2025

Title: Subdivision Amendments

Attachments: A. Draft EMC Title 16 & 18 Redlines
B. Unit Lot Subdivision Fact Sheet

Submitted By: Josh Kubitz, AICP – Planning Manager

Introduction:

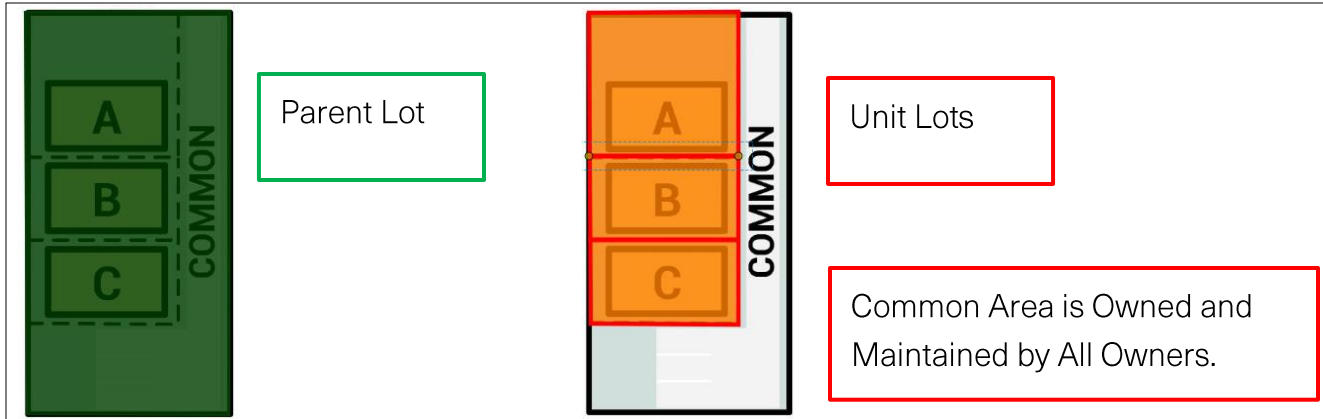
As introduced at the [April 14, 2025 Planning Commission Meeting](#) and discussed at the [May 12, Planning Commission Meeting](#), staff is working to update the subdivision provisions in Edgewood Municipal Code (EMC) to align with recent changes in state law. Here is a summary of the relevant legislation:

- [ESSB 5258 \(2023\)](#) – Section 11 amends RCW 58.17.060 to all require cities to include unit lot subdivisions in their short plat regulation procedures which allows division of a parent lot into separately owned unit lots.
- [ESB 559 \(2025\)](#) – Section 1 amends RCW 58.17.020 to include unit lot subdivision definitions. Section 2 amends RCW 58.17.060 to require specific notes on the fact of the unit lot subdivision’s plat and requires cities to incorporate changes by 2027.

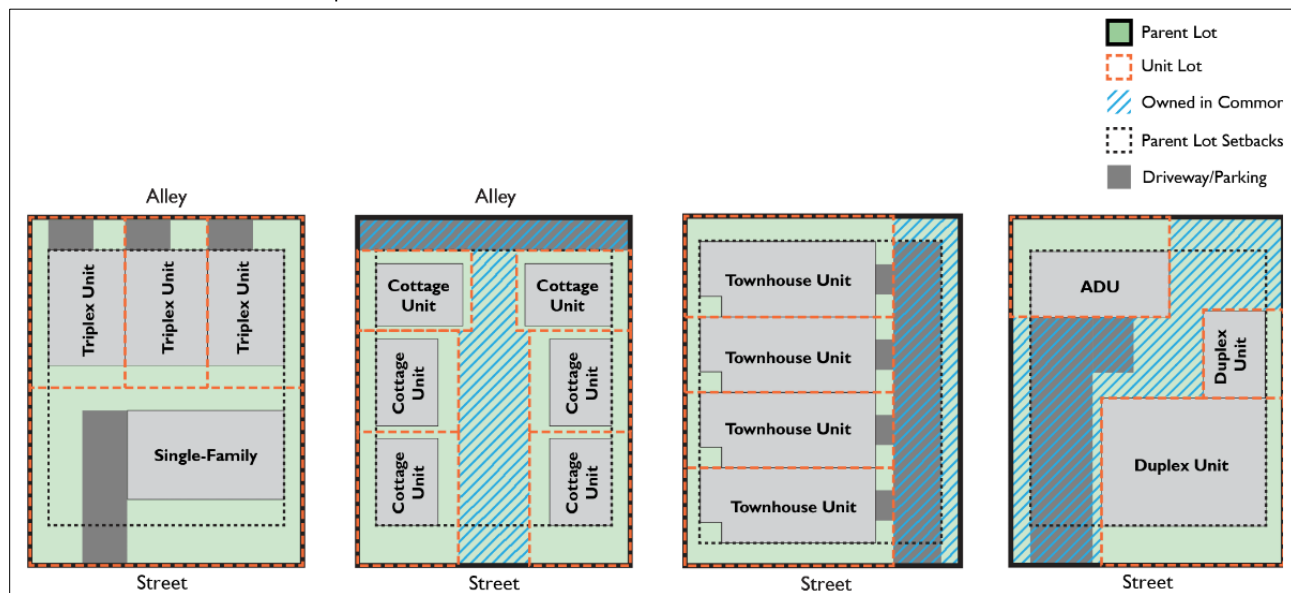
Background Information:

A Unit Lot Subdivision (ULS) creates new buildable lots, like a typical subdivision, except that ULS allows “unit lots” flexibility in the application of dimension standards (setbacks, lot coverage, etc.). In a ULS development, the main lot(s) be subdivided is considered the “parent lot.” The individual lots created are called “unit lots” which are also called “child lots”. These unit lots are legal lots of record and get their own tax parcels. The parent lot is required to comply with setbacks, max impervious, lot coverage, etc., while the unit lots do not. A ULS proposal may include a lot with existing structures, a vacant lot, or a combination thereof. The following image provides the various ways a unit lot subdivision can be proposed.

Parent Lot vs. Unit Lots:



Unit Lot Subdivision Examples:



Key Changes:

The following summarizes the key changes:

- EMC 16.01.065 & .090 – Clarifying edits and updates.
- EMC 16.01.070 – Minor definition revisions and new unit lot subdivision definitions.
- EMC 16.01.120 & .125, 16.06.080 – Clarity updates and Comprehensive Plan consistency updates regarding community septic systems.
- EMC 16.01.160 – Recording signature updates.
- EMC 16.01.180 – Added model home regulations.
- EMC 16.02.050 through .080 – Clarity and consistency updates.
- EMC 16.03.020 through .070 – Short plat modification clarity and consistency revisions.
- EMC 16.04.040 – Revise subdivision neighborhood meeting requirements to occur during the comment period instead of prior to application.

- EMC 16.04.120 – Subdivision modification clarity and consistency revisions.
- EMC 16.04.030 & .160 through .180 – Move subdivision final plat approval authority from City Council to the Director, as directed by Planning Commission, and associated updates.
- EMC 16.07 – Clarifying edits and updates to plat and binding site plan alteration code.
- EMC 16.08 – New unit lot short subdivision chapter.
- EMC 18.40.070 – Updating process type chart as needed for above items.

Current Discussion:

This is the Planning Commission Public Hearing for draft amendments to address unit lot subdivision legislation, clarify the short plat and subdivision modification process, and general clarity, formatting, and consistency edits. Staff will provide a brief presentation on the draft code amendments. After the presentation, the public may submit written or oral testimony to the Planning Commission.

Public Hearing:

The Planning Commission is scheduled and duly noticed to hold a public hearing this evening to accept public comment regarding proposed draft amendments to EMC Title 16 related to subdivisions.

1 **16.01.065 Administration.**

2 ~~The director is vested with the duty of administering and implementing the provisions of this~~
3 ~~title.~~ The duties and responsibilities of the reviewing entities are specified as follows:

4 A. The community development department is responsible for the administration and
5 coordination of this title unless prescribed otherwise by law, and is responsible for
6 reviewing compliance to those requirements set forth under this title. ~~The director is~~
7 ~~responsible for issuing decisions for boundary line adjustments, binding site plans~~
8 ~~prescribed in EMC 16.05.050(B), short subdivisions, and associated dedications, as~~
9 ~~prescribed in this title.~~

10 B. The public works department is responsible for reviewing compliance to engineering
11 and technical requirements prescribed in EMC Title 11, Sewers; Title 12, Streets,
12 Sidewalks and Public Places; Title 13, ~~Water and Sewers~~Surface Water Management and
13 Site Development; and floodplain ~~certificates hazard areas~~ prescribed in EMC
14 14.80.~~060(A)(4)~~. The city engineer is responsible for accepting the layout of streets,
15 alleys and other rights-of-way, design of bridges, sewage and water systems, and other
16 structures; and making recommendations to the decision making authority regarding
17 dedication to the public of such improvements.

18 C. The fire code official is responsible for reviewing compliance with fire access and fire
19 safety requirements that are prescribed in the International Fire Code, as adopted in EMC
20 Title 15.

21 D. The ~~Tacoma-Pierce County health department~~TPCHD is responsible for reviewing
22 compliance to sewer and/or water services when sewer and/or water services are not
23 available from the city or an authorized purveyor.

24 E. The authorized water purveyor is responsible for issuing water availability letters and
25 ensuring water system improvements are adequately available to the development.

26 ~~F. The hearing examiner is responsible for holding an open record hearing and issuing a~~
27 ~~decision for preliminary full subdivisions, binding site plans prescribed in EMC~~
28 ~~16.05.050, and associated dedications; and administrative appeal hearings as prescribed~~
29 ~~in this title and Chapter 18.40 EMC.~~

1 ~~G. The city council is responsible for issuing a decision on final full subdivisions and~~
2 ~~dedications, and amendments thereto; and administrative closed record appeal hearings as~~
3 ~~prescribed in this title and Chapter 18.40 EMC.~~

4 ...

5 **16.01.070 Definitions.**

6 ...

7 “Community on-site septic system” means a septic system designed to simultaneously serve two
8 or more ~~single family individual~~ dwelling units which may be located on a different lot, tract, or
9 parcel from the unit(s) being served.

10 ...

11 “Director” means the ~~mayer~~ Community Development Director or designee, unless otherwise
12 specified.

13 ...

14 “Lot, parent” means a residential lot that is subdivided into unit lots through the unit lot
15 subdivision process.

16 “Lot, unit” means a subdivided lot within a residential development as created from a parent lot
17 and approved through the unit lot subdivision process.

18 “Unit lot subdivision” means a short plat proposed as part of a residential development project
19 that meets the development standards applicable to the parent lot at the time the application is
20 vested, but which may result in development on one or more individual unit lots becoming
21 nonconforming as to specified land use and development standards based on the analysis of the
22 individual unit lot.

23 ...

24 “TPCHD” means the Tacoma – Pierce County Health Department, or their successor local health
25 agency.

26 ...

1 **16.01.090 Application of EMC Titles 11, 12, 13, 14, 18 and 20.**

2 The provisions of EMC Title 11, Sewers; Title 12, Streets, Sidewalks and Public Spaces; Title 13,
3 Surface Water Management and Site Development~~Water and Sewers~~; Title 14, Critical Areas;
4 Title 18, Development Standards; and Title 20, SEPA, shall apply to this title. If a provision of
5 this title conflicts or overlaps with the provision of another ordinance of the city, the most
6 restrictive provision or the provision imposing the highest standard prevails.

7 ...

8 **16.01.120 On-site sewage disposal.**

9 Approval of on-site sewage disposal systems from TPCHD~~the Tacoma-Pierce County health~~
10 ~~department~~ is required whenever public sanitary sewer systems are not available as set forth in
11 EMC 11.30.070. Preliminary approval from TPCHD~~the health department~~ of any proposed on-
12 site sewage systems shall accompany any application for a preliminary~~short~~ subdivision,
13 ~~preliminary full subdivision~~ or binding site plan. ~~Approvals shall be based on the percolation test~~
14 ~~simulating high water conditions~~. The city engineer shall review the TPCHD findings ~~of the~~
15 ~~Tacoma-Pierce County health department~~ for accuracy and not accept their ~~health department's~~
16 approval if it does not meet the city's following requirements:-

17 A. On-site sewage disposal systems for existing and proposed lots shall be located on the lot(s)
18 they are intended to serve, except as authorized under EMC 16.01.125.

19 B. As of (effective date of this ordinance), applications for new community on-site septic
20 systems are prohibited. Existing community on-site septic systems compliant with current the
21 ~~Tacoma-Pierce County health department (TPCHD)~~ regulations as set forth within the most
22 ~~current version of the TPCHD environmental health code~~ are only permissible for unit lot
23 subdivisions, where all the unit lots being served are located within the same parent lot as the
24 community on-site septic system.

25 **16.01.125 Exceptions – On-site sewage disposal.**

26 An existing on-site sanitary “private disposal” system (inclusive of existing community on-site
27 septic systems) may be approved as an off-site sewage disposal system when such approval, as
28 part of a subdivision application review, (A) would not adversely affect the public interest, and
29 (B) would provide for greater compliance with the provisions of the subdivision code overall.
30 The approval of an exception under this section must be noted in the findings of a formal written

1 decision or staff report conditions and subject to final approval by the city. Any off-site sewage
2 system must comply with ~~TPCHD~~~~the Tacoma Pierce County health department~~ requirements for
3 properly certifying and recording all easements related to the off-site system prior to any final
4 subdivision or short subdivision ~~final~~-approval.

5 ...

6 **16.01.160 Recording certificates.**

7 The following certificate shall be shown on the face of all final ~~subdivisions~~~~short plats, plats,~~
8 binding site plans and boundary line adjustments; ~~except the certificate prescribed in subsection~~
9 ~~(D) of this section, which is required for a final plat only.~~ The ~~d~~Director shall approve the format
10 of the certificates.

11 A. Owner’s free consent;:-

12 B. Community Development Director;:-

13 C. Public ~~w~~Works ~~d~~Director/~~city engineer~~;:-

14 ~~D. (for Full Subdivisions) Mayor, representing the city council’s approval;:-~~

15 E. Pierce County ~~a~~Assessor/~~t~~Treasurer;:- and

16 F. ~~Tacoma Pierce County health department~~ (~~w~~When on-site sewage disposal is used) TPCHD.

17 ...

18 **16.01.180 Building and occupancy permit.**

19 A. No building permit, septic tank permit, occupancy permit, or other development permit shall
20 be issued for any lot divided in violation of this title, except that an innocent purchaser of value
21 may obtain permits needed for development if such purchaser shows the following:

22 1. The lot was purchased at a market value not reflecting the illegal division;

23 2. The purchaser exercised reasonable diligence but did not know of the illegal division;

24 and

25 3. The public interest will not suffer;

1 4. A written notice of the date, time and place of the proposed action is mailed by first
2 class mail to the owners of record of the parcels adjacent to the subject property and they
3 are given 10 days to respond.

4 B. No building permit for a structure that may have occupancy ~~other than a temporary~~
5 ~~contractor’s office or temporary storage building~~ shall be issued for a structure on a lot ~~or parcel~~
6 within lands being divided prior to final approval and recording of the land division plat, short
7 plat, or binding site plan ~~except~~ provided by subsection C, below, and unit lot subdivisions (EMC
8 16.08).

9 C. Model Homes. It shall be the purpose and intent of this subsection to allow the construction of
10 up to four detached principal units within a preliminary subdivision, which have been approved
11 in accordance with all existing plans and regulations. Model homes shall be established subject
12 to the following criteria:

13 1. Model homes must meet the requirements of the City of Edgewood Buildings and
14 Construction Code (EMC 15.10.010) and obtain a certificate of occupancy as required in EMC
15 15.03.330.

16 2. All areas of the subdivision serving the model home(s) are served by an all-weather surface
17 roadway as approved by the city engineer and fire official.

18 3. All required stormwater and drainage facilities necessary for the areas of the subdivision
19 serving the model homes are in place and functional, to the satisfaction of the city engineer.

20 4. Only one model home may be occupied as a temporary real estate office pursuant to EMC
21 18.50.070.

22 5. Approval of model homes does not constitute a division of the property.

23 6. An existing dwelling(s) not demolished shall be counted against the total number of allowable
24 model homes.

25 7. The footprint of all existing model homes, including roof overhangs, porches, decks, etc. shall
26 be shown on the final plat to ensure that there are no encroachments into required setbacks.

27 ...

1 **16.02.050 Application.**

2 Applications for boundary line adjustments shall be made on forms provided by the city and
3 include the following information:

4 A. At least one original drawing, ~~six copies, and one eight and one half inch by 11 inch copy in~~
5 an electronic format approved by the Director, containing the information prescribed in
6 subsection (B) of this section.

7 ...

8 **16.02.060 Final approval.**

9 A. The Director, having reviewed the boundary line adjustment for conformance with EMC
10 16.02.030, shall sign the boundary line adjustment indicating the city’s approval. All other
11 decisions shall comply with EMC 18.40.080 and EMC 18.40.200.

12 B. The proposed boundary line adjustment is not considered formally approved until it is filed
13 for recording with the County Auditor. It shall be the responsibility of the applicant to file for
14 recording the approved boundary line adjustment, bearing all required signatures and
15 certifications, with the County Auditor and provide the items listed in EMC 16.02.060(C) to the
16 city.

17 C. The applicant must return the following to the city within 14 days of recording:

18 1. Provide an electronic copy of the recorded boundary line adjustment.

19 ~~A. After the director has granted approval of a boundary line adjustment application, the~~
20 ~~applicant shall have prepared and shall submit a Mylar drawing to the city containing the~~
21 ~~information prescribed in EMC 16.02.050 and any information required in the conditions of~~
22 ~~approval.~~

23 ~~B. The Mylar drawing shall include the following information:~~

24 ~~1. A statement that the boundary line adjustment does not constitute a conveyance of real-~~
25 ~~property.~~

26 ~~2. The Mylar drawing shall contain all survey information required for a record of survey-~~
27 ~~under the Survey Recording Act, Chapter 58.09 RCW and Chapter 332-130 WAC,~~

1 together with the signature blocks required in EMC 16.01.160, and the surveyor's
2 certificate, which shall be fully executed before approval.

3 3. The Mylar drawing submitted for recording shall also be submitted in an electronic
4 format approved by the city engineer.

5 4. A free consent statement, certifying that the individual(s) signed as a free and
6 voluntary act and deed for the uses and purposes herein mentioned, shall be inked on the
7 Mylar. This shall be dated, signed and notarized (paper press seals will not be accepted)
8 by a notary public in and for the state of Washington, with "notary's residing at" included
9 in notary's certification, prior to submittal, in permanent black ink, by all parties having
10 interest in the property. Owners' names shall also be lettered below the signatures....

11 **16.02.070 Review procedures.**

12 Boundary line adjustment applications shall be reviewed as a Process I administrative approval
13 as prescribed in EMC 18.40.080.~~Boundary line adjustment applications shall be reviewed as a~~
14 ~~Process I administrative approval as prescribed in EMC 18.40.080. A completed application for a~~
15 ~~boundary line adjustment shall be determined incomplete, approved, returned to the applicant for~~
16 ~~modifications, or denied within 30 days of receipt of an application by the city. The city shall not~~
17 ~~be considered to be in receipt of a complete application unless and until such time as the~~
18 ~~applicant meets the requirements of EMC 18.40.140, Project permit applications, and any other~~
19 ~~requirements as determined by the director.~~

20 **16.02.080 Expiration.**

21 The approved boundary line adjustment shall be recorded with Pierce County Auditor within six
22 (6) months of the Director's signature. Boundary line adjustments not timely recorded shall
23 automatically expire. No ~~expiration~~ extensions of the expiration will be allowed.

24
25 ...

26 **16.03.020 Scope and redivision of a short plat.**

27 This chapter is for the division of Aany land ~~being divided~~ into six or fewer lots for the purpose
28 of sale, lease, or transfer of ownership, ~~tracts, parcels, sites, or divisions~~, and which has ~~not~~ been
29 divided by a short subdivision within the previous five years, ~~may be processed in accordance~~

1 ~~with the provisions of this chapter. For example, lots kept under common interest and ownership~~
 2 ~~are not counted against the limit of six.~~ Land within a short subdivision shall not be further
 3 divided in any manner within a period of five years without the filing of a final plat, except that
 4 when the short plat contains fewer than ~~four-six lots as described above~~~~parcels~~, nothing in this
 5 section shall prevent the owner who filed the short subdivision from filing an amendment within
 6 the five-year period to create up to a total of ~~four-six~~ lots within the original short subdivision
 7 boundaries.

8 ...

9 **16.03.030 Notice requirements.**

10 ~~Notice shall be provided as set forth in EMC 16.01.080 and EMC 18.40. In addition to the notice~~
 11 ~~requirements prescribed in Chapter 18.40 EMC, mailed notice shall be sent to property owners~~
 12 ~~consistent with the requirements set forth in EMC 16.01.080.~~

13 ...

14 **16.03.070 Minor Modifications to an ~~approved preliminary~~ short ~~subdivision~~plat approval.**

15 A. ~~Except as provided in subsections B and C of this sections, a modification of a previously~~
 16 ~~approved preliminary short plat is treated as a new application. Minor modifications to an~~
 17 ~~approved short subdivision which has not been recorded may be requested by the applicant and~~
 18 ~~approved by the director subject to the provisions for a Process I administrative approval~~
 19 ~~prescribed in EMC 18.40.080.~~

20 B. Exceptions. The following modifications of a preliminary short plat approval may be
 21 reviewed through final plat approval and do not require further review:

22 1. Changes required due to ~~E~~engineering design and details, unless the proposed detail
 23 modifies or eliminates features specifically required as an element of the preliminary plat
 24 approval;

25 2. Minor changes in lot lines or dimensions, as determined by the Director;

26 3. A decrease in the number of proposed lots.

1 C. Minor Modification Process and Criteria. Minor modifications to short plats shall be
2 processed as a Process I application (EMC 18.040.080) to ensure that the modification meets the
3 following criteria:

4 1. Does not create additional lots or significantly alter or vacate city easements, roads, or
5 city-owned lands;

6 2. Maintains the quality of design or product established by the original approval;

7 3. Does not cause a significant environmental or land use impact on or beyond the site;
8 or

9 4. Is necessary due to circumstances that render it impractical, unfeasible or detrimental
10 to the public interest to accomplish the subject condition or requirement of preliminary
11 plat approval.

12 D. Written Decision. The Director shall issue a written decision on the minor modification
13 which contains the following:

14 a. A description of the original preliminary plat approval and the proposed modification;

15 b. An analysis of the proposed minor modification using the applicable decision criteria,
16 including the facts upon which the decision and any conditions for the project are based;
17 and

18 c. A statement that the minor modification is approved, approved with modifications or
19 denied subject to the provisions of this section.

20
21 ~~The director shall find that the following exist before approving such amendment:~~

22 ~~1. The modification will not be inconsistent or cause the short subdivision to be~~
23 ~~inconsistent with the findings, conclusions, or approval of the original short subdivision;~~

24 ~~2. The modification will not cause the short subdivision to violate any applicable city-~~
25 ~~policy, ordinance, or regulation;~~

26 ~~3. The intent of the short subdivision's original conditions is not altered; and~~

1 ~~4. The modification does not create additional lots, or involve significant relocation of~~
2 ~~streets.~~

3 ~~B. Modifications that exceed the criteria above shall be processed as a new short or full~~
4 ~~subdivision application.~~

5 ...

6 **16.03.130 Distribution of copies and filing of short subdivision.**

7 ~~Once the required city departments have approved the short subdivision and executed their~~
8 ~~approval in accordance with the requirements of this chapter, the director shall return the original~~
9 ~~Mylar drawing to the applicant for recording with the auditor. After recording the final short plat,~~
10 ~~the applicant shall submit two reproducible copies of the short plat with the recording number to~~
11 ~~the city. The Mylar drawing with the recording number shall also be submitted to the city in an~~
12 ~~electronic format approved by the city engineer.~~

13 ...

14 **16.04.030 Review procedures.**

15 Full Subdivision applications shall be reviewed in accordance with the following procedures:

16 A. A preliminary full subdivision application is reviewed as a Process III hearing examiner
17 action pursuant to EMC 18.40.100.

18 B. A final plat application is reviewed as a Process ~~IV quasi-judicial rezone~~ pursuant to EMC
19 18.40.~~110070~~.

20 C. Prior to submission of a preliminary full subdivision application, a preapplication conference
21 as prescribed in EMC 18.40.130 is ~~required~~highly recommended. ~~The applicant is responsible for~~
22 ~~submitting the required information and paying the appropriate fee as set forth in Chapter 3.35-~~
23 ~~EMC.~~

24 ...

25 **16.04.040 Neighborhood meeting.**

26 ~~Prior to submitting a full subdivision application, a~~ neighborhood meeting is required following
27 the Notice of Application~~Complete Application~~ issuance for a preliminary full subdivision
28 application. The purpose of the neighborhood meeting is to allow the applicant to identify

1 community concerns and directly receive public input on the preliminary plat application. ~~The~~
2 ~~applicant shall take action minutes of the meeting and shall submit the minutes to the City upon~~
3 ~~request with the preliminary plat application.~~

4 The meeting shall be held by the applicant at City Hall and shall be open to the public and ~~a to~~
5 ~~representatives~~ of the city ~~should attend~~. The meeting date and time will be scheduled by city
6 staff, in consultation with the applicant, and included with the associated Notice of Application
7 and consistent with EMC 18.40.180 and EMC 16.01.080. The meeting shall be held on a
8 weekday evening, but not during a city observed holiday, and held between 15 days and 30 days
9 from Notice of Application issuance. The Notice of Application comment period shall include
10 the meeting date. The applicant team shall take meeting minutes and provide them to the city
11 within one week to be included as part of the record.

12 ~~In order to schedule a neighborhood meeting, the applicant shall perform the following three-~~
13 ~~steps: (A) contact the city to receive a mailing list consistent with the requirement set forth in~~
14 ~~EMC 16.01.080; (B) verify the date is not an observed holiday; and (C) if required, pay the~~
15 ~~applicable fees as set forth in the city of Edgewood fee schedule. Once the meeting is scheduled,~~
16 ~~the applicant shall mail notice of the meeting to all property owners identified on the provided~~
17 ~~mailing list. The meeting notice shall be mailed at least 15 calendar days prior to the~~
18 ~~neighborhood meeting date. The applicant shall submit a copy of the mailed notice and an~~
19 ~~affidavit confirming all mailings to the City upon request with the preliminary plat application.~~

20 ...

21 **16.04.120 Minor Modifications to an approved preliminary subdivision plat**
22 **approval. Modifications to an approved preliminary full subdivision.**

23 A. Except as provided in subsections B and C of this sections, a modification of a previously
24 approved preliminary plat is treated as a new application.

25 B. Exceptions. The following modifications of a preliminary plat approval may be reviewed
26 through final plat approval and do not require further review:

- 27 1. Changes required due to ~~E~~engineering design and details, unless the proposed detail
28 modifies or eliminates features specifically required as an element of the preliminary plat
29 approval;

1 2. Minor changes in lot lines or dimensions, as determined by the Director; or

2 3. A decrease in the number of proposed lots.

3 C. Minor Modification Process and Criteria. Minor modifications shall be processed as a
4 Process I application (EMC 18.040.080) to ensure that the modification meets the following
5 criteria:

6 1. Does not create additional lots or significantly alter or vacate city easements, roads, or
7 city-owned lands;

8 2. Maintains the quality of design or product established by the original approval;

9 3. Does not cause a significant environmental or land use impact on or beyond the site;
10 and

11 4. Is necessary due to circumstances that render it impractical, unfeasible or detrimental
12 to the public interest to accomplish the subject condition or requirement of preliminary
13 plat approval.

14 D. Written Decision. The Director shall issue a written decision on the minor modification
15 which contains the following:

16 a. A description of the original preliminary plat approval and the proposed modification;

17 b. An analysis of the proposed minor modification using the applicable decision criteria,
18 including the facts upon which the decision and any conditions for the project are based;
19 and

20 c. A statement that the minor modification is approved, approved with modifications or
21 denied subject to the provisions of this section.

22 ~~Minor modifications to an approved preliminary full subdivision, not involving the location or~~
23 ~~relocation of a lot, tract or parcel boundary line and not involving the location or relocation of a~~
24 ~~street or public way, may be requested by the applicant and approved by the director subject to~~
25 ~~the provisions for Process I administrative approval prescribed in EMC 18.40.080. The director~~
26 ~~must find that the following criteria are met before approving such amendment:~~

27 ~~1. No additional lots for sale or lease will be created by the modification;~~

~~2. The modification will not be inconsistent or cause the full subdivision to be inconsistent with the findings, conclusions, or decision of the preliminary approval;~~

~~3. The modification will not cause the full subdivision to violate any applicable city policy, ordinance, or regulation; and~~

~~4. The intent of the full subdivision's original conditions is not altered.~~

~~B. Modifications that exceed the criteria above shall be processed as a new preliminary full subdivision application.~~

...

16.04.160 Final plat approval.

~~The Director must review a proposed final plat using the permit review procedures defined in EMC 18.40.080, and grant approval only if the final plat is in conformance with the approved preliminary plat and/or any approved modifications and complies with the following criteria:~~

~~1. All conditions of preliminary plat approval have been met;~~

~~2. The final plat is consistent with the provisions of Chapter 58.17 RCW and other applicable State and local laws;~~

~~3. The final plat bears the required certificates and statements of approval;~~

~~4. The plat is technically correct and accurate as certified by the land surveyor responsible for the plat; and~~

~~5. The required facilities and improvements have been completed or the required bond or financial guarantees have been provided as set forth in EMC 16.04.110, EMC 16.06, and EMC 16.07.; and~~

~~6. Any inconsistencies with the approved preliminary plat are minor deviations that do not increase the number of lots, change any buildable lot size by more than 10 percent, or substantially alter the location or nature of improvements.;~~

~~After the city has reviewed the application for a final full subdivision and found the final plat to be in compliance with all applicable codes and conditions of approval, the applicant shall have a Mylar copy prepared of the final plat and submit it to the city. The applicant shall be responsible~~

~~for obtaining the required signatures prior to submitting the Mylar to the city for city council approval~~

...

16.04.170 Time limitation on final full subdivision submittal.

The final full subdivision meeting all conditions of approval and local and state requirements shall be submitted to the city ~~council~~ within five years of the date of the preliminary full subdivision approval, or the preliminary approval shall expire and become null and void except as specifically provided for in accordance with RCW 58.17.140 and 58.17.170.

...

16.04.180 Effect of an approved final full subdivision.

A full subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances and regulations in effect at the time of final approval for a period of five years after final plat approval, unless the ~~city council~~ Director finds that a change of conditions creates a serious threat to the public health or safety in the subdivision.

...

~~**16.04.190 — Distribution of copies and filing of final full subdivision.**~~

~~The director shall distribute the original and copies of the approved final full subdivision as follows:~~

~~A. The original Mylar with signatures shall be returned to the applicant to be recorded with the auditor;~~

~~B. The applicant shall transmit two paper copies to the Pierce County assessor;~~

~~C. The applicant shall transmit two paper copies of the recorded plat to the city; and~~

~~D. The Mylar drawing with the recording number shall also be submitted to the city in an electronic format approved by the city engineer.~~

...

16.06.080 Sanitary sewers and on-site septic systems.

Compliance with applicable regulations is required. Sanitary sewer regulations ~~and on-site septic systems~~ can be found in EMC Titles 11 ~~and 13~~. ~~Additionally, o~~ On-site septic systems must

1 comply with ~~Tacoma Pierce County health department~~ TPCHD regulations and the requirements
2 of this title.

3 ...

4 **16.07.020 Administration.**

5 The ~~d~~Director is authorized and directed to administer the provisions of this chapter. The
6 authority to approve, approve with conditions, or deny an approved plat or a final binding site
7 plan vacation or alteration is granted ~~to the hearing examiner after a public hearing in EMC~~
8 16.07.030.

9 ...

10 **16.07.030 Review Procedures.**

11 Plat and binding site plan alterations applications shall be processed and reviewed in the same
12 manners as the original application provided in EMC 16.04 or EMC 16.04, and EMC 18.40.

13 Short plat alteration applications shall be processed per EMC 16.07.090.

14 ~~Subsections (A) through (I) of this section shall be followed in the processing of approved plat or~~
15 ~~final binding site plan vacation or alteration applications and administrative appeals shall be~~
16 ~~heard by city council. See EMC 16.07.090 for alterations to a short subdivision.~~

17 ~~A. EMC 18.40.150, Determination of complete application;~~

18 ~~B. EMC 18.40.180, Notice of application;~~

19 ~~C. Chapter 20.05 EMC, SEPA (if required);~~

20 ~~D. EMC 18.30.050, determination of consistency;~~

21 ~~E. EMC 18.40.190, Notice of public hearing;~~

22 ~~F. EMC 18.40.100(K), preparation of staff report;~~

23 ~~G. EMC 18.40.100(L), Public Hearing;~~

24 ~~H. EMC 18.40.100(Q) through (R), notice of decision; and~~

25 ~~I. EMC 18.40.100(T), hearing examiner appeal.~~

26 ...

~~16.07.070 — Time limitation for final decision.~~

~~A full subdivision or binding site plan vacation or alteration application shall be approved, approved with conditions, or denied within 120 days after a complete application has been submitted, unless the applicant consents in writing to an extension of the 120-day time period.~~

...

New Chapter:

Chapter 16.08

UNIT LOT SHORT SUBDIVISION

Sections:

- 16.08.010 Purpose.
- 16.08.020 Applicability.
- 16.08.030 Application
- 16.08.040 Review Procedures.
- 16.08.050 Plat Notes.
- 16.08.060 General Requirements
- 16.08.070 Final approval and recording
- 16.08.080 Expiration
- 16.08.090 Conflicts

16.08.010 Purpose.

The purpose of these provisions is to allow an alternative method of subdividing individual middle housing, multiple detached single-family residences, and townhouses, while applying only those development standards applicable to the parent lot as a whole, rather than to individual unit lots resulting from the subdivision.

16.08.020 Applicability.

An applicant may apply for a unit lot subdivision under the following proposals:

A. The proposed unit lot subdivision shall include no more than the number of lots, tracts, and parcels allowed for short subdivision as provided in EMC 16.03.020.

B. Only parent lots developed with or proposed to be developed with middle housing types, multiple detached single-family residences, or townhouses in which no dwelling units are stacked on another dwelling unit or other use, may be subdivided into individual, separately owned unit lots and common areas.

C. For previously developed lots, eligibility for unit lot subdivision shall be subject to compliance with all standards applicable to the parent lot and proposed unit lots.

1 Inconsistency of existing development with the provisions of this section shall not constitute
2 justification for a variance.

3 **16.08.030 Application**

4 An application for a unit lot subdivision shall include:

5 A. Application Form and/or Checklist provided and maintained by the Department; and

6 B. All documentation and information required by EMC 16.03.040.

7 **16.50.040 Review Procedures.**

8 Unit lot subdivisions shall be processed and reviewed in the same manner as EMC 16.03, Short
9 Subdivisions and EMC 18.40.090, Process Type II. If the unit lot subdivision is subject to
10 Process Type I Design Review, the design review shall occur concurrently with the unit lot
11 subdivision review.

12 **16.08.050 Plat Notes.**

13 The following plat notes shall be placed on the face of the unit lot subdivision drawings:

14 A. The title of the plat shall include the phrase “Unit Lot Subdivision.”

15 B. Approval of the design and layout of the unit lot's housing development project was
16 granted based on detailed review of that specified project, as a whole, on the parent lot,
17 including specific reference to the applicable permit or file number for that specified project;

18 C. Subsequent subdivision actions, additions, or modifications to the unit lot housing
19 development project's structures may not create or increase any nonconformity of the parent
20 lot as a whole, and shall conform to the approved unit lot housing development project or to
21 the land use and development standards in effect at the time of the proposed actions,
22 additions, or modifications

23 D. If a structure or portion of a structure within the unit lot housing development project has
24 been damaged or destroyed, any repair, reconstruction, or replacement of any structure shall
25 conform to the approved unit lot housing development project or to the land use and
26 development standards in effect at the time the proposed repair, reconstruction, or
27 replacement project's permit application becomes vested

28 D. Additional development or redevelopment of the individual unit lots may be limited as a
29 result of the application of development standards to the parent lot.
30

31 **16.08.060 General Requirements.**

32 In addition to any other standards and approval criteria applicable to the unit lot subdivision,
33 including EMC 16.03, proposals shall be subject to the following:

34 A. Development as a whole on the parent lot, rather than individual unit lots, shall comply
35 with applicable development standards provided in EMC 18.80. This includes, but not
36 limited to, setbacks, lot coverage, impervious surfaces, etc.

1 B. Except with unit lots with existing legally permitted dwelling unit, the unit lot shall be
2 subject to the design standards provided in EMC 18.95, except where they conflict with the
3 provisions of this section.

4 C. Portions of the parent lot not subdivided for individual unit lots shall be owned in
5 common by the owners of the individual unit lots, or by a homeowners' association
6 comprised of the owners of the individual unit lots located within the parent lot.

7 D. Parking shall be calculated and designed for each lot in compliance with EMC 18.90.130.
8 All off-street parking is subject to EMC 18.90.090 landscaping requirements.

9 E. Access easements, joint use and maintenance agreements, and covenants, conditions and
10 restrictions (CC&Rs) identifying the rights and responsibilities of property owners and/or the
11 homeowners' association shall be executed and recorded with the county auditor for use and
12 maintenance of common garage, parking, and vehicle access areas; bike parking; solid waste
13 collection areas; underground utilities; common open space; shared interior walls; exterior
14 building facades and roofs; and other similar features.

15 F. Each unit lot shall have individual utility services and meters that are specific to that
16 dwelling unit. This includes utilities such as water, sanitary sewer/septic, power, gas, etc.

17 G. For unit lot short plats where any structures are proposed on, over, or across unit lot
18 boundaries, each unit lot shall have an approved and issued building permit with a completed
19 and inspected foundation prior to final plat approval to ensure that each unit lot conforms
20 with applicable building and fire codes, unless otherwise approved by the Building Official
21 and Fire Official.

22 **16.08.080 Final approval and recording.**

23 The final unit lot subdivision shall be prepared in accordance with the short subdivision final
24 approval and recording requirements provided in EMC 16.03.

25 **16.08.090 Expiration.**

26 Time limitations on final unit lot subdivisions shall be in accordance with EMC 16.03.

27 **16.08.100 Conflicts.**

28 Any conflicts between the provisions of this section and the text of other sections in this title
29 shall be resolved in favor of the text of this section.

30

31

32

1 **18.40.070 Process types.**

2 Permit applications for review shall be classified as a Process I, Process II, Process III, or
3 Process IV action, all of which are administrative in nature. Process V actions are legislative in
4 nature. All land use permit applications and decisions are categorized by process type as set forth
5 in this chapter. Please refer to Table 1: Application Processing Type below:

6 Table 1: Application Processing Type

7

	Process I Minor Administrative Approval	Process II Major Administrative Action	Process III Hearing Examiner Action	Process IV Quasi-Judicial Action	Process V Legislative Action
Permits	Administrative interpretations; Boundary line adjustments; Building permit; Design standards review; Final binding site plan; Subdivision modification; Final subdivision; plat modification; Final short plat; Limited home business; Manufactured or mobile home permit; ADU approval; Site development permit; Sign permit; Temporary sign permit; Temporary use; Tree removal permit; Zoning decisions	Administrative uses; Administrative variance; Binding site plan per EMC 16.05.050(B); <u>Binding Site Plan alteration</u> ; Home business; Master plan; Environmental review; <u>Preliminary Plat Modification</u> ; Short plat; Short plat amendment <u>Alteration</u> ; <u>Unit Lot Short Subdivision</u>	Binding site plan per EMC 16.05.050(A) ; <u>Binding Site plan alteration</u> ; Conditional uses; Preliminary plat; <u>Plat Alteration</u> Public facilities permits; Reasonable use permit; variances; Residential cluster development	Site-specific rezone; **Final plat **No hearing or recommendation required from planning commission	Ordinance text or area-wide map change; Annexation ; Adoption of new planning-related ordinances

	Process I Minor Administrative Approval	Process II Major Administrative Action	Process III Hearing Examiner Action	Process IV Quasi-Judicial Action	Process V Legislative Action
Impacts	Minimal or no effect on others, so issuance of permit is not dependent on others	Application of the standards may require some knowledge of impacts and effect upon others	Potential significant effect on some persons or broad impact on a number of persons	Potential significant effect on some persons or broad impact on a number of persons	Potential significant effect on some persons or broad impact on a number of persons
Recommendations	NA	NA	Staff	Planning commission **except as noted above	Planning commission
Decision-Making Body	Designee	Designee	Hearing examiner	City council	City council
Appeal	Mayor	Hearing examiner	City council	State agencies, Pierce County superior courts	State agencies, Pierce County superior courts
Notice/Comment	Not required	Nearby property owners invited to comment on an application	In addition to applicant, others affected invited to present initial information	In addition to applicant, others affected invited to present initial information	Anyone invited to present information

1



UNIT LOT SUBDIVISIONS FACT SHEET | JANUARY 2025

Unit Lot Subdivisions

State Law Requirements

In 2023, Washington state law changed to require unit lot subdivisions be included in **short plat regulations** for all cities, towns, and counties. [RCW 58.17.060\(3\)](#), established by Engrossed Second Substitute Senate Bill (ESSSB) 5258 (Chapter 337, 2023 Laws), states:

“All cities, towns, and counties shall include in their short plat regulations procedures for unit lot subdivisions allowing division of a parent lot into separately owned unit lots. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners’ association comprised of the owners of the individual unit lots.”

This fact sheet provides information and recommendations for jurisdictions to consider in adopting code that implements RCW 58.17.060(3). The Resources section at the end of this Fact Sheet provides links to several cities’ adopted codes, a model code, and other references. Jurisdictions are encouraged to review different approaches and adopt what works best for their local context and to implement their land use and housing policies.

Adoption Deadlines

All cities, towns, and counties in the state must adopt procedures for unit lot short subdivisions by their next periodic update of comprehensive plans and development regulations. See RCW 36.70A.130 and Commerce’s [periodic update](#) page for more information on deadlines.

Agency contact

Lilith Vespier
INFILL HOUSING MANAGER

Local Government Division

Lilith.Vespier@commerce.wa.gov

Phone: 360.890.5100

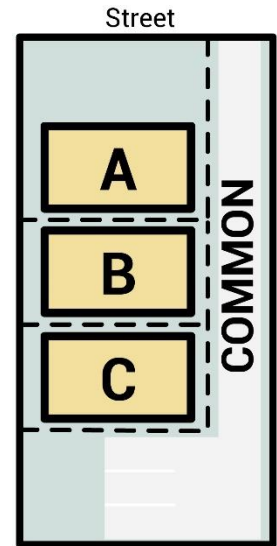
**GROWTH MANAGEMENT
SERVICES**

About Unit Lot Subdivisions

A unit lot subdivision (ULS) creates new lots much like a typical subdivision, except a ULS allows flexible application of dimensional standards. In a ULS, the development as a whole is on the “parent lot” which conforms to the zoning dimensional standards while individual “unit lots” are not required to. Unit lots (also called child lots) are individual, sellable, legal lots of record with their own tax or parcel identification number.

Options for Ownership

The unit lot subdivision bill included an intent statement to “[increase] the supply and affordability of condominium units and townhouses as an option for homeownership.” Unit lot subdivisions are one method for dividing multiple housing units on a parcel into individual unit lots for sale to individual owners, providing fee simple homeownership opportunities. This is important to allow smaller units on smaller lots, allowing for a more attainable ownership unit. Homeowners can then gain equity on the home.



Example unit lot subdivision with three unit lots and a tract held in common.

Standards

State law provides that ULS shall be included as a short plat process. This means a maximum of 4-9 unit lots may be developed, depending on how many lots the jurisdiction allows in a short plat process and the number of housing units zoning permits on the parent lot. See the “Number of Unit Lots” section below for more information.

State law also provides that portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners’ association. See the “Common Areas” section below for more information. While state law does not provide any additional ULS guidance, a key benefit of the unit lot subdivision concept is the flexible application of zoning dimensional standards. See the “Dimensional Standards” section below for details.

Comparison of condominium and ULS

Unit lot subdivision is different from or an alternative to condominium ownership. The primary differences between ULS and condominium creation are described in the following table:

	Unit Lot Subdivision	Condominium
Options for ownership of underlying land	<ul style="list-style-type: none"> Individual Combination of individual and common interest 	<ul style="list-style-type: none"> Common interest
Options for management of common area(s)	<ul style="list-style-type: none"> HOA Other formal common agreement, including plat notes 	<ul style="list-style-type: none"> HOA

	Unit Lot Subdivision	Condominium
Allows separate ownership of stacked unit(s)	No	Yes
Allows separate ownership of ADUs	Yes	Yes
Warranty	Not required	Four year-implied warranty of quality
Processing	Short plat through jurisdiction	State process with notice to county auditor May require jurisdiction process*
Typical Processing Steps	City/county platting process: <ul style="list-style-type: none"> • Application • Notice, if applicable • Preliminary approval • Final approval • Recording 	<ul style="list-style-type: none"> • Check with local jurisdiction for any processing requirements • Housing code inspection • Issuance of a Notice of Condominium Conversion • Public offering statement • Selling units to individual buyers • Filing a declaration with the local government

* Some jurisdictions require condominium conversions to be reviewed through a local process, such as a binding site plan. The application and review processes should be clearly defined in a jurisdiction’s code.

A condominium and ULS can also be combined in cases where a unit lot has stacked units and separate unit ownership is desired.

Considerations for ULS Development Regulations

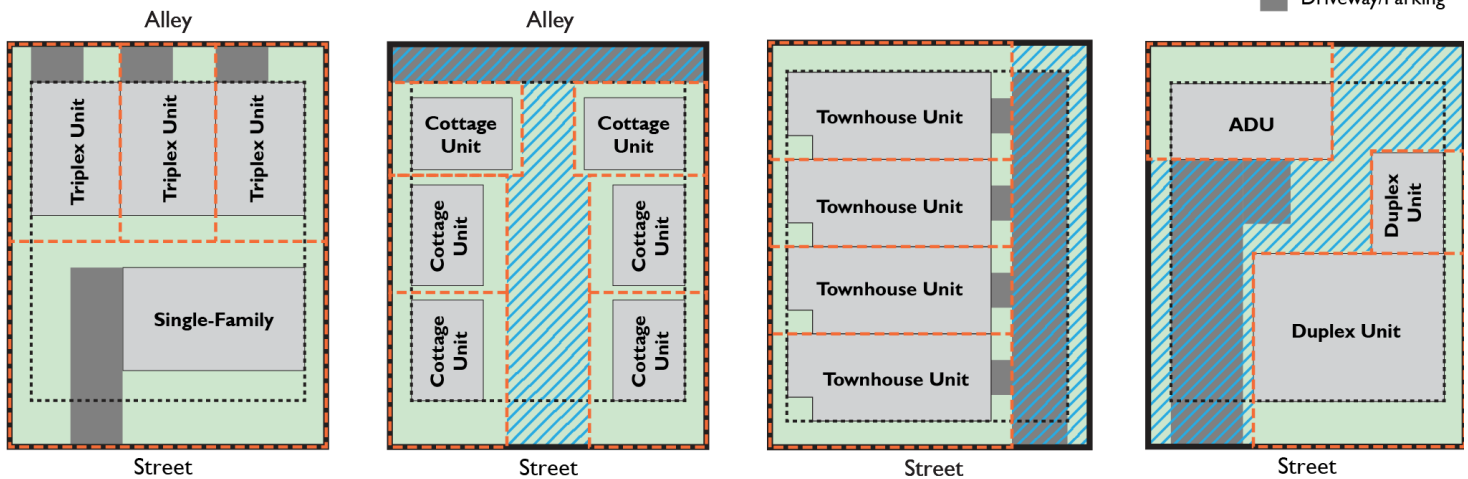
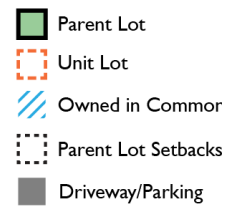
Unit lot subdivision can be used with any type of attached or detached housing. If the goal is individual ownership of each dwelling, the housing units cannot be stacked, as a ULS divides the land. Where units are stacked, a condominium arrangement is the tool that can provide for separate sale.



Left to right: Townhouses in Spokane, cottage housing in Kirkland, and a fourplex built behind an existing single-family residence in Seattle

The following examples illustrate how setbacks apply to a parent lot and unit lots.

1. Preserved single-family house with three attached units built in the back yard.
2. A cottage cluster development with a shared open space.
3. A townhouse development with a shared driveway.
4. A duplex with an accessory dwelling unit (ADU) on its own unit lot.



Special considerations for ULS with specific housing types are discussed below.

Middle Housing

For jurisdictions required to allow [middle housing](#) under [RCW 36.70A.635](#), and those seeking to promote middle housing and homeownership, ULS is a valuable tool. While ULS's have been popular in Washington for townhomes and cottage housing, jurisdictions must allow a zero-lot line short subdivision where the number of lots created is equal to the unit density for middle housing. ULS is the tool for separating middle housing types including, but not limited to, townhomes, cottage housing, duplexes, triplexes, fourplexes, fiveplexes, and sixplexes.

Accessory Dwelling Units

Unit lot subdivisions may also be used to create individual unit lots for accessory dwelling units, in attached or detached forms. Note that [RCW 36.70A.681\(1\)\(c\)](#) requires cities and counties to allow at least two accessory dwelling units (ADUs) on all "lots" that are located in all zoning districts within an urban growth area that allow for single-family homes. The reference to "lots" in [RCW 36.70A.681\(1\)\(c\)](#) means parent lots that meet the minimum lot size, and not unit lots, as [RCW 36.70A.681\(1\)\(e\)](#) states that the ADU provisions apply to lots that meet the minimum lot size required for a principal housing unit.

[RCW 36.70A.681\(1\)\(k\)](#) also states that a city or county may not prohibit the sale or other conveyance of a condominium unit independently of a principal unit solely on the grounds that the condominium unit was originally built as an accessory dwelling unit. This is clear that ADUs are intended for separate sale as condominiums, and by extension, unit lot subdivisions.

Detached Houses

Unit lot subdivisions can also be used for detached single-family residences. This could come in multiple forms to provide ownership opportunities, including:

- Preserving an existing home and adding infill housing (new middle housing and/or ADUs depending on zoning provisions of the jurisdiction) elsewhere on the parent lot.
- Developing a new detached home together with new middle housing and/or ADUs on the parent lot.
- Developing multiple detached units, such as cottage housing, on a parent lot, if allowed by a jurisdiction.

Dimensional Standards

A key benefit of a ULS is the flexible application of zoning dimensional standards. In a ULS, the development as a whole on the parent lot must comply with applicable dimensional standards. However, individual unit lots are not subject to dimensional standards that apply to the parent lot, such as (if applicable):

- Lot area, depth, and width
- Setbacks (front, side, rear, etc.) and setback projections
- Floor area ratio (FAR)
- Lot coverage (or building coverage)
- Impervious surface coverage
- Landscaped area minimum
- Any other standard based on the size or dimensions of the lot or distance from lot lines

Other dimensional standards, such as maximum building height, not related to the lot size and lot lines continue to apply to individual unit lots. Also, note that ULS is not intended to permit land uses or densities that are not otherwise allowed in the zone in which a ULS is proposed.

Example: A cottage housing development uses ULS to accommodate ownership of individual cottage lots. The zone allows 60% maximum impervious surface coverage. The development as a whole is constructed with 55% impervious coverage on the parent lot, but some individual unit lots have impervious surface coverage of 80% or more (balanced by a large landscaped open space in the common area). Owners of individual unit lots may increase their impervious surface coverage further (for example, by expanding the unit or creating a paved patio) as long as the development's entire impervious surface coverage does not exceed 60%. **Commerce recommends that jurisdictions require notes on that plat stating subsequent additions or modifications to structure(s) shall not create a nonconformity of the parent lot.** Covenants, conditions and restrictions (CC&Rs) and/or ULS bylaws should clearly identify procedures for property owners to address changes affecting the conformity of the parent lot.

While unit lots do not have minimum area or dimensions, some jurisdictions provide guardrails. The City of Everett requires unit lots be "large enough" to contain a dwelling unit and accessory improvements such as decks, fences, driveways and parking, and private yard areas. The City of Spokane allows a unit lot to be as small as the footprint of the building situated upon it, subject to the requirements of the building and fire code.

Common Areas

RCW 58.17.060(3) provides a standard for ownership and management of common areas: “Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners’ association comprised of the owners of the individual unit lots.” Common area lots, parcels, or tracts are also legal lots of record. Management topics for common areas include how they are used by residents, procedures for maintenance and repairs, and responsibilities for utility bills and property taxes.

Homeowners’ Associations

Homeowners’ associations (HOAs) organize decision-making around common areas with formal processes. The HOA may also provide guidance on new development or changes within the parent lot/plat. They are most often associated with larger residential developments or projects with common maintenance needs. Typically, an HOA requires owners to pay monthly or yearly dues to cover upkeep and insurance costs. HOAs are regulated by RCW 64.38 where the community is made up of homeowners owning individual lots and regulated by RCW 64.90 where there are condominium units on a single lot.

Common Ownership

State law requires that “owned in common” arrangements be permitted as an alternative to HOAs for managing common areas. This can include condominiums (RCW 64.34), common interest communities (RCW 64.90), associations of apartment owners (RCW 64.32), retirement communities, co-ops, and timeshares. It can also mean there is no formal organization of owners and that matters of common interest are managed informally, which can be a risky arrangement when one or more owners are resistant to make decisions or pay their share of common costs.

Agreements

Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions (CC&Rs) identify the rights and responsibilities of property owners and/or the bylaws of an ownership association may be executed for the use and maintenance of common areas and features. These may cover topics such as:

- Garages, automobile and bicycle parking, and vehicle access areas
- Common yards, courts, landscaping, and recreational elements
- Shared interior walls
- Exterior building facades and roofs
- Sheds and other accessory structures
- Solid waste collection areas
- Mailboxes
- Utility infrastructure and payments

Commerce recommends that jurisdictions require ULS to record agreements for the ownership and management of common areas to be recorded with the county auditor, along with the ULS.



A common area in Cully Green, a courtyard apartment development in Portland, OR. Source: MAKERS.

Off-Street Parking

Within the parent lot, commerce recommends providing the flexibility for required off-street vehicle parking to be located in a common area or on a different unit lot than the lot with the associated dwelling unit. This arrangement can be formalized with an easement. This option provides greater design flexibility, especially for infill development on small lots where it may be impractical for every dwelling unit to have an adjacent private parking space or garage. Removing off-street parking requirements for residential development can also increase design flexibility and streamline the administration of unit lot subdivisions.

Administration

Parent Lot Size

Unit lot subdivisions should not have a minimum parent lot size separate from the zoning minimum lot size. ULS is primarily intended for smaller site developments and individual ownership of infill housing opportunities, such as middle housing, which cannot be accomplished by another process due to site size, building configurations, or development regulations. However, ULS can also be used on large sites. It is not intended to replace land division processes or function as a type of planned unit development. These examples are when a unit lot subdivision is ideal:

- Existing lot, meeting the minimum lot size, with more than one dwelling unit attached or detached
- Existing lot, larger than the minimum lot size, but not large enough to short plat
- Existing lot, larger than the minimum lot size, but not able to short plat without removal of an existing dwelling(s)
- Existing lot, regardless of size, developed with cottage housing or townhomes meeting the local development regulations

Number of Unit Lots

RCW 58.17.060(3) requires that ULS regulations be adopted within “short plat” procedures. Under [RCW 58.17.020](#) “short plat” is the map or representation of a short subdivision. A “short subdivision” is defined as:

“Short subdivision” is the division or redivision of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership. However, the legislative authority of any city or town may by local ordinance increase the number of lots, tracts, or parcels to be regulated as short subdivisions to a maximum of nine. The legislative authority of any county planning under RCW [36.70A.040](#) that has adopted a comprehensive plan and development regulations in compliance with chapter [36.70A](#) RCW may by ordinance increase the number of lots, tracts, or parcels to be regulated as short subdivisions to a maximum of nine in any urban growth area.

Setting the number of lots, tracts, or parcels to be regulated as short subdivisions to a maximum of nine, as allowed by the RCW, has the benefit of allowing more lots for residential development to approved administratively and promoting infill development in urban growth areas. Note that “Tier 1” middle housing cities subject to RCW 36.70A.635(1)(b) should allow unit lot short subdivisions of at least six unit lots to be consistent with the number of middle housing units that must be allowed. See more information in Commerce’s [User Guide for Middle Housing Model Ordinances](#).

The requirement in RCW 58.17.060(3) is specific to including ULS procedures in short plat regulations. However, cities, towns, and counties may also, if they choose, adopt ULS procedures in their subdivision

procedures, sometimes referred to as regular, major, or long subdivisions. For example, see [Wenatchee Municipal Code 11.32.080\(3\)](#) and [Anacortes Municipal Code 19.32.050\(D\)\(1\)](#).

Utilities

Utility purveyors (cities, special districts, and private purveyors) should have flexible requirements for the design of water, sewer, electrical, and other connections to buildings in unit lot subdivisions. There are advantages and disadvantages to centralized and shared lateral connections and metering, and there may be different ownership arrangements, cost implications, and other reasons that require a variety of approaches.

When developing ULS criteria, utility purveyors should be consulted for best or preferred practices. These practices may vary if a ULS is proposed for a new development or an existing or older developed lot; regardless, it may be beneficial to include an administrative option to deviate from the preferred practice. For example:

- A single-family dwelling with one or two accessory dwelling units should have the flexibility to record a unit lot subdivision without changing the existing utilities.
- A townhouse developer could have an option to choose between a private master meter maintained by a homeowner's association and having separate meters for each unit.

Permit Application and Approval

Commerce recommends that ULSs follow the same application, review, and approval procedures as a short subdivision. Using the same application, review and approval procedures can help make review times comparable to standard short subdivisions and encourage the creation of unit lot subdivisions. Jurisdictions using existing short subdivision regulations as a template for ULS should adopt separate criteria for review, such as those provided at the end of this document, or carefully review existing regulations for barriers to ULS applicability to various housing types such as middle housing.

Timing

Commerce recommends considering opportunities to streamline permit approval processes, consistent with the Local Project Review Act ([RCW 36.70B](#)). The local code should be clear about what documents are required for a unit lot subdivision and the standard or review for the ULS.

Flexibility in timing relative to ULS and the development of structures can benefit a variety of development scenarios. For example, the owner of an existing detached single-family residence could use a ULS to sell their backyard to a developer who then builds an accessory dwelling unit or duplex on one unit lot, while the owner retains ownership of the existing residence on another unit lot. In another example, a townhouse development might first be developed as rental housing under single ownership, and later converted to ownership units with each townhouse unit sitting on its own unit lot.

Applications

Additional items to consider requiring for ULS applications and with the final plat recording may include:

- A site plan where each unit lot is uniquely labeled on the plat (such as Unit Lot A, Unit Lot B, etc.), showing access, utilities, parking, setbacks, as would be required for a short subdivision
- The legal description, parcel number, and/or street address (existing and modified, if applicable) of the original parent lot and for the new unit lots

- Access easements and easements for existing or new utility connections
- Joint use and maintenance agreements, and covenants, conditions and restrictions (CC&Rs) identifying the rights and responsibilities of property owners and/or an ownership association for use and maintenance of common areas and features

Finalizing and Recording

Unit lot subdivisions, being a type of short plat, will follow the same approval procedures (including the same decision-maker) and recording procedures as subdivisions. Any access easements, joint use and maintenance agreements, and CC&Rs should be recorded with the county auditor. Notes on the face of the plat should be required to identify the development as a unit lot subdivision. Examples of required notes:

- *The title of the plat shall include the phrase “Unit Lot Subdivision”*
- *Approval of the development on each unit lot was granted by review of the development, as a whole, on the parent lot.*
- *Subsequent platting actions and additions or modifications to structure(s) shall not create a nonconformity of the parent lot.*
- *Unit lots are not separate buildable lots independent of the overall development on the parent lot; and additional development of individual unit lots may be limited as a result of the application of development standards to the parent lot.*

Resources

Code Examples

The below list links to adopted ULS standards from Washington cities. The list is ordered roughly from least complex codes to more complex codes.

- [Shoreline Municipal Code 20.30.410\(B\)\(4\)](#) (adopted 2020) – ULS may be used for “mixed single-family attached” development.
- Seattle Municipal Code [23.24.045 for short subdivision](#) and [23.22.062 for subdivisions](#) (adopted 2020) – ULS may be used for detached single-family residences, townhouses, rowhouses, and cottage housing.
- [Spokane Municipal Code 17G.080.065](#) (adopted 2023) – ULS may be used in any development with two or more dwelling units (including accessory dwelling units) and where the parent lot is two acres or less. Accessory dwelling units have special standards for utilities and recording. The general recording requirements provide more plat note requirements than most jurisdictions.
- Snohomish County Code [30.41B.205 for short subdivision](#) and [30.41A.205 for subdivision](#) (adopted 2017) – ULS may be used for townhouses, mixed townhouses, and cottage housing. Two separate codes depending on the number of unit lots proposed.
- [Wenatchee Municipal Code 11.32.080](#) (adopted 2023) – ULS may be used for duplexes, courtyard housing, townhouses, and cottage housing. There are clear references to short subdivisions and major subdivisions depending on the number of unit lots proposed. There are special requirements for final approval.
- [Snohomish Municipal Code 14.215.125](#) (adopted 2024) – ULS may be used for detached single-family residences, accessory dwelling units, duplexes, townhouses, cottage housing, and manufactured home parks. There are specific requirements for minimum open space and utility connections.
- [Everett Municipal Code 19.27](#) (adopted 2020) – ULS may be used for detached single-family residences, cottage housing, and townhouses. Provides special procedures for existing condominium buildings to subdivide into unit lots. Common areas may be owned in common or by a homeowner’s association.

Informational Resources

Example of ULS information provided by Washington cities:

- [Tacoma – Unit Lot Subdivision Summary Sheet](#)
- [Snohomish – Unit Lot Subdivision Handout](#)
- [Seattle – Land Use / Master User Permit – Plat \(see Tip 213A\)](#)
- [Bellevue – Unit Lot Subdivision amendment information page](#)

Examples of ULS short plats for a variety of cities and housing types are [available here](#).

Model Code

This model code is from Commerce’s [User Guide for Middle Housing Model Ordinances](#). It provides an example of basic provisions for unit lot subdivisions. Modifications of this model code will be needed depending on each jurisdiction’s existing code organization, land division regulations, and desired approach to unit lot subdivisions.

- X. *Unit lot subdivisions. A lot may be divided into separately owned unit lots and common areas, provided the following standards are met.*
1. *Process. Unit lot subdivisions shall follow the application, review, and approval procedures for a short subdivision or subdivision, depending on the number of lots.*
 2. *Applicability. A lot to be developed with middle housing or multiple detached single-family residences, in which no dwelling units are stacked on another dwelling unit or other use, may be subdivided into individual unit lots as provided herein.*
 3. *Development as a whole on the parent lot, rather than individual unit lots, shall comply with applicable design and development standards.*
 4. *Subsequent platting actions and additions or modifications to structure(s) may not create or increase any nonconformity of the parent lot.*
 5. *Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions (CC&Rs) identifying the rights and responsibilities of property owners and/or the homeowners’ association shall be executed for use and maintenance of common garage, parking, and vehicle access areas; bike parking; solid waste collection areas; underground utilities; common open space; shared interior walls; exterior building facades and roofs; and other similar features shall be recorded with the county auditor.*
 6. *Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners’ association comprised of the owners of the individual unit lots.*
 7. *Notes shall be placed on the face of the plat or short plat as recorded with the county auditor to state the following:*
 - a. *The title of the plat shall include the phrase “Unit Lot Subdivision.”*
 - b. *Approval of the development on each unit lot was granted by the review of the development, as a whole, on the parent lot.*

8. *Effect of Preliminary Approval. Preliminary approval constitutes authorization for the applicant to develop the required facilities and improvements, upon review and approval of construction drawings by the public works department. All development shall be subject to any conditions imposed by the city on the preliminary approval.*
9. *Revision and Expiration. Unit lot subdivisions follow the revision and expiration procedures for a short subdivision.*
10. *Definitions.*
 - a. *“Lot, parent” means a lot which is subdivided into unit lots through the unit lot subdivision process.*
 - b. *“Lot, unit” means a lot created from a parent lot and approved through the unit lot subdivision process.*
 - c. *“Unit lot subdivision” means the division of a parent lot into two or more unit lots within a development and approved through the unit lot subdivision process.*



CITY OF EDGEWOOD
STAFF REPORT
PLANNING COMMISSION AGENDA ITEM

Date: June 9, 2025

Title: Sign Code Amendments – Recommendation

Attachments: Draft Planning Commission Recommendation

Submitted By: Jeremy Metzler, PE – Community Development Director

Background Information:
Please see Agenda Item 4.a.

Current Discussion:
Planning Commission held a public hearing earlier this evening on the proposed draft code amendments to EMC Chapter 18.97 related to signs in and near the public right-of-way. The Planning Commission is invited to review and discuss the materials provided under Agenda Item 4.a and any public comments received this evening.

Staff Recommendation:
Following any further discussion on this item, the Planning Commission is invited to make a formal recommendation to the City Council on the proposed draft code amendments to EMC Chapter 18.97 related to signs in and near the public right-of-way provided under Agenda Item 4.a. A draft recommendation has been prepared by staff, attached herein for consideration.



CITY OF EDGEWOOD
PLANNING COMMISSION
RECOMMENDATION

The Planning Commission voted to recommend that the City Council adopt the proposed amendments to Edgewood Municipal Code (EMC) Chapter 18.97 related to signs in and near the public right-of-way, as presented herewith.

RECOMMENDED BY THE CITY OF EDGEWOOD PLANNING COMMISSION
ON THE 9TH DAY OF JUNE 2025.

JoAnn Overfield
Planning Commission Chair

Attest by:

Jeremy Metzler, PE
Community Development Director



**CITY OF EDGEWOOD
STAFF REPORT
PLANNING COMMISSION AGENDA ITEM**

Date: June 9, 2025

Title: Subdivision Amendments – Recommendation

Attachments: Draft Planning Commission Recommendation

Submitted By: Josh Kubitza, AICP – Planning Manager

Background Information:
Please see Agenda Item 4.b.

Current Discussion:
Planning Commission held a public hearing earlier this evening on the proposed draft code amendments to EMC Title 16 and Title 18 related to subdivisions. The Planning Commission is invited to review and discuss the materials provided under Agenda Item 4.b and any public comments received this evening.

Staff Recommendation:
Following any further discussion on this item, the Planning Commission is invited to make a formal recommendation to the City Council on the proposed draft code amendments to Title 16 and Title 18 related to subdivisions provided under Agenda Item 4.b. A draft recommendation has been prepared by staff, attached herein for consideration.



CITY OF EDGEWOOD
PLANNING COMMISSION
RECOMMENDATION

The Planning Commission voted to recommend that the City Council adopt the proposed amendments to Edgewood Municipal Code (EMC) Title 16 and Title 18 related to subdivisions, as presented herewith.

RECOMMENDED BY THE CITY OF EDGEWOOD PLANNING COMMISSION
ON THE 9TH DAY OF JUNE 2025.

JoAnn Overfield
Planning Commission Chair

Attest by:

Jeremy Metzler, PE
Community Development Director



CITY OF EDGEWOOD
STAFF REPORT
PLANNING COMMISSION AGENDA ITEM

Date: June 9, 2025

Title: Impact Fees Code Updates - Recommendation

Attachments: Draft EMC Title 4 Redlines
Draft Planning Commission Recommendation

Submitted By: Jeremy Metzler, PE – Community Development Director

Background Information:

As introduced at the [March 10, 2024 Planning Commission Meeting](#) and discussed at the [April 14, 2025 Planning Commission Meeting](#), staff is working to update Impact Fee provisions in Edgewood Municipal Code (EMC) to align with recent changes in state law. Here is a summary of the relevant legislation:

- [SB 5258 \(2023\)](#) – Section 10 amends RCW 82.02.060 to require fees to be based on “*the square footage, number of bedrooms, or trips generated,*” rather than by unit type or classification, and requires any amendment to EMC be completed by June 30, 2025.
- [HB 1337 \(2023\)](#) – Section 4(1)(a) requires impact fees on Accessory Dwelling Units (ADU’s) be no greater than 50 percent of the fee imposed on the principal unit.

The City is required to update the relevant sections of EMC to comply with this legislation by June 30, 2025. Staff recommends keeping the existing “per trip” rate structure for Transportation Impact Fees, and allowing for either “per square foot” or “per bedroom” rate structures for Park and School Impact Fees.

Current Discussion:

Following last month’s public hearing and discussion, staff has finalized the attached draft amendments for final review and consideration by the Planning Commission. Staff will bring recommendations for Impact Fee rates to the City Council for consideration alongside this code amendment recommendation.

Staff Recommendation:

Following any further discussion on the matter, the Planning Commission is invited to make a formal recommendation to the City Council on adoption of the proposed draft code amendments to address the recent Impact Fee legislation. A draft recommendation has been prepared by staff, attached herein for consideration.



CITY OF EDGEWOOD
PLANNING COMMISSION
RECOMMENDATION

The Planning Commission voted to recommend that the City Council adopt the proposed amendments to Edgewood Municipal Code (EMC) Title 4 amendments to address the recent Impact Fee legislation, SB 5258 and HB 1337 (2023), as presented herewith.

RECOMMENDED BY THE CITY OF EDGEWOOD PLANNING COMMISSION
ON THE 9TH DAY OF JUNE 2025.

JoAnn Overfield
Planning Commission Chair

Attest by:

Jeremy Metzler, PE
Community Development Director

1 **Chapter 4.10**
2 **SCHOOL IMPACT FEES**

3 Sections:

- 4 4.10.010 Authority.
- 5 4.10.020 Definitions.
- 6 4.10.030 Exemptions.
- 7 4.10.040 Interlocal agreement between the city and districts.
- 8 4.10.050 Exemptions – Low-income housing.
- 9 4.10.060 Submission of each district’s capital facilities plan and data.
- 10 4.10.070 Annual council review.
- 11 4.10.080 Impact fee program elements.
- 12 4.10.090 Fee calculations.
- 13 4.10.100 Fee collection.
- 14 4.10.110 Imposition of impact fees.
- 15 4.10.120 Determination of the fee, adjustments, exceptions and appeals.
- 16 4.10.130 Impact fee accounts and refunds.

17 **4.10.010 Authority.**

18 This chapter is adopted as an official control to implement Edgewood’s comprehensive plan policies, the Growth
19 Management Act, RCW 82.02.050 through 82.02.100; and the State Subdivision Act, Chapter 58.17 RCW. This
20 chapter is also necessary to address identified impacts of new development on schools, in order to protect the public
21 health, safety and welfare.

22 **4.10.020 Definitions.**

23 For purposes of this chapter, the following terms have the indicated meanings:

24 A. “Capacity” means the number of students each district’s facilities can accommodate district-wide, based on the
25 district’s standard of service, as determined by each district.

26 B. “Capital facilities plan” means each district’s facilities plan adopted by the school board(s) consisting of:

- 27 1. A forecast of future needs for school facilities based on each district’s enrollment projections;
- 28 2. An identification of additional demands placed on existing public facilities by new development;
- 29 3. The long-range construction and capital improvement projects of the districts;
- 30 4. The schools under construction or expansion;
- 31 5. The proposed locations and capacities of expanded or new school facilities;
- 32 6. An inventory of existing school facilities, including permanent, transitional and relocatable facilities;
- 33 7. At least a six-year financing component, updated as necessary to maintain at least a six-year forecast period,
34 for financing needed for school facilities within projected funding levels, and identifying sources of financing
35 for such purposes, including bond issues authorized by the voters;
- 36 8. An identification of deficiencies in school facilities serving the student populations and the means by which
37 existing deficiencies will be eliminated within a reasonable period of time; and
- 38 9. Any other long-range projects planned by the districts.

39 C. “City” means the city of Edgewood.

- 1 D. "Classrooms" mean educational facilities of each district required to house students for its basic educational
2 program. The classrooms are those facilities the districts determine are necessary to best serve its student population.
3 Specialized facilities as identified by the districts, including but not limited to gymnasiums, cafeterias, libraries,
4 administrative offices, and child care centers, shall not be counted as classrooms.
- 5 E. "Construction cost per student" means the estimated cost of construction of a permanent school facility in each
6 district for the grade span of school to be provided, as a function of each district's design standard per grade span.
- 7 F. "Design standard" means the space required, by grade span and taking into account the requirements of students
8 with special needs, which is needed in order to fulfill the educational goals of the districts as identified in each
9 district's capital facilities plan.
- 10 G. "District(s)" means Puyallup School District No. 3; Fife School District No. 417; and Sumner [Bonney Lake](#)
11 School District No. 320.
- 12 H. "Developer" means the person or entity who owns or holds purchase options or other development control over
13 property for which development activity is proposed.
- 14 I. "Development activity" means any residential construction or expansion of a residential building, structure or use,
15 any change in use of a residential building or structure, or any change in the use of residential land that creates
16 additional demand for school facilities.
- 17 J. "Dwelling unit" means a dwelling unit as defined in EMC Title 18.
- 18 K. "Elderly" means a person aged 62 or older.
- 19 L. "Encumbered" means impact fees identified by each district as being committed as part of the funding for a
20 school facility for which the publicly funded share has been assured or building permits sought or construction
21 contracts let.
- 22 M. "Interlocal agreement" means the agreement between each district and the city, governing the operation of the
23 school impact fee program and describing the relationship, duties and liabilities of the parties.
- 24 N. "Grade span" means the categories into which each district groups its grade of students; i.e., elementary, middle
25 or junior high school, and high school.
- 26 O. "Impact fee" means a payment of money imposed upon development as a condition of development approval to
27 pay for school facilities needed to serve new growth and development, that is reasonably related to the new
28 development that creates additional demand and need for public facilities, that is a proportionate share of the cost of
29 the public facilities, and that is used for facilities that reasonably benefit the new development. "Impact fee" does
30 not include a reasonable permit or application fee.
- 31 P. "Impact fee schedule" means the table of impact fees to be charged per unit of development, computed by the
32 formula adopted under this chapter, indicating the standard fee amount per dwelling unit that shall be paid as a
33 condition of residential development within the city.
- 34 Q. "Low-income and moderate-income housing" means housing affordable under federal standards to households
35 with annual incomes at or below 80 percent of the county median income.
- 36 R. "Permanent facilities" means facilities of the districts with a fixed foundation which are not relocatable facilities.
- 37 S. "Relocatable facilities" means any factory-built structure, transportable in one or more sections that is designed to
38 be used as an education space and is needed to prevent the overbuilding of school facilities, to meet the needs of
39 service areas within each district or to cover the gap between the time that families move into new residential
40 developments and the date that construction is completed on permanent school facilities.

1 T. “Relocatable facilities cost per student” means the estimated cost of purchasing and siting a relocatable facility in
2 any of the districts for the grade span of school to be provided, as a function of the district’s design standard per
3 grade span.

4 U. “Site cost per student” means the estimated cost of a site in any of the districts for the grade span of school to be
5 provided, as a function of the district’s design standard per grade span.

6 V. “Standard of service” means the standard adopted by each district which identifies the program year, the class
7 size by grade span and taking into account the requirements of students with special needs, the number of
8 classrooms, the types of facilities each district believes will best serve its student population, and other factors as
9 identified by the districts. Each district’s standard of service shall not be adjusted for any portion of the classrooms
10 housed in relocatable facilities which are used as transitional facilities or any other specialized facilities housed in
11 relocatable facilities.

12 W. “Student factor” means the number derived by each district to describe how many students of each grade span
13 are expected to be generated by a dwelling unit. Student factors shall be based on each district’s record of average
14 actual student generated rates for new developments constructed over a period of not more than five years prior to
15 the date of the fee calculation; provided, that if such information is not available in a district, data from adjacent
16 districts, or districts with similar demographics or county-wide averages may be used. Student factors must be
17 updated on an annual basis, and separately determined for single-family and multifamily dwelling units and for
18 grade spans.

19 X. “Transitional facilities” means those school facilities that are being used pending the construction of permanent
20 facilities; provided, that the necessary financial commitments are in place to construct the permanent facilities.

21 **4.10.030 Exemptions.**

22 The following development activities do not create any additional school impacts and are exempt from the
23 requirements of this chapter:

24 A. Reconstruction, remodeling or construction of the following facilities, subject to the recording of a covenant or
25 recorded declaration of restrictions precluding use of the property for other than the exempt purpose; provided, that
26 if the property is used for a nonexempt purpose, then the school impact fees then in effect shall be paid.

27 1. Shelters or dwelling units for temporary placement, which provide housing to persons on a temporary basis
28 for not more than four weeks;

29 2. Construction or remodeling of transitional housing facilities or dwelling units that provide housing to
30 persons on a temporary basis for not more than 24 months, in connection with job training, self-sufficiency
31 training and human services counseling, the purpose of which is to help persons make the transition from
32 homelessness to placement in permanent housing; and

33 3. Any form of housing for the elderly, including nursing homes, retirement centers, and any type of housing
34 units for persons age 55 and over, which have recorded covenants or recorded declaration of restrictions
35 precluding school-aged children as residents in those units.

36 B. Rebuilding of legally established dwelling unit(s) destroyed or damaged by fire, flood, explosion, act of God or
37 other accident or catastrophe, or remodeling of existing legally established dwelling unit(s); provided, that such
38 rebuilding takes place within a period of one year after destruction, and so long as no additional dwelling units are
39 created.

40 C. Condominium projects in which existing dwelling units are converted into condominium ownership and where no
41 new dwelling units are created.

42 D. Any development activity that is exempt from the payment of an impact fee pursuant to RCW 82.02.100, due to
43 mitigation of the same system improvement under the State Environmental Policy Act.

1 E. Any development activity for which school impacts have been mitigated pursuant to a condition of plat approval
2 to pay fees, dedicate land or construct or improve school facilities, unless the condition of the plat approval provides
3 otherwise; provided, that the condition of the plat approval predates the effective date of fee imposition.

4 F. Any development activity for which school impacts have been mitigated pursuant to a voluntary agreement
5 entered into with the districts to pay fees, dedicate land or construct or improve school facilities, unless the terms of
6 the voluntary agreement provide otherwise; provided, that the agreement predates the effective date of fee
7 imposition.

8 **4.10.040 Interlocal agreement between the city and districts.**

9 As a condition of the city's authorization to implement this school impact fee chapter, the city and districts shall
10 enter into interlocal agreements governing the operation of the school impact fee program, and describing the
11 relationship and liabilities of the parties thereunder. The interlocal agreements shall provide for the collection of
12 impact fees by the districts on behalf of the city.

13 **4.10.050 Exemptions – Low-income housing.**

14 For low-income housing exemptions, see Chapter 4.40 EMC.

15 **4.10.060 Submission of each district's capital facilities plan and data.**

16 A. On an annual basis, the districts shall submit the following materials to the city council:

- 17 1. Each district's capital facilities plan (as defined in EMC 4.10.020) and adopted by the school board;
- 18 2. Each district's enrollment projections over the next six years, its current enrollment and each district's
19 enrollment projections and actual enrollment from the previous year;
- 20 3. Each district's standard of service;
- 21 4. Each district's overall capacity over the next six years, which shall take into account the available capacity
22 from school facilities planned by each district but not yet built and be a function of each district's standard of
23 service as measured by the number of students which can be housed in each district's facilities; and
- 24 5. An inventory of each district's existing facilities.

25 B. To the extent that each district's standard of service identifies a deficiency in its existing facilities, each district's
26 capital facilities plan must identify the sources of funding other than impact fees for building or acquiring the
27 necessary facilities to serve the existing student population in order to eliminate the deficiencies within a reasonable
28 period of time.

29 C. Facilities to meet future demand shall be designed to meet the adopted standard of service. If sufficient funding is
30 not projected to be available to fully fund a capital facilities plan which meets the adopted standard of service, each
31 district's capital facilities plan should document the reason for the funding gap, and identify all sources of funding
32 that the district plans to use to meet the adopted standard of service.

33 D. Each district shall also submit an annual report to the city council showing the capital improvements which were
34 financed in whole or in part by the impact fees.

35 E. In its development of the financing plan component of the capital facilities plan, each district shall plan on a
36 six-year horizon and shall demonstrate its best efforts by taking the following steps:

- 37 1. Establish a six-year financing plan, and propose the necessary bond issues and levies required by and
38 consistent with that plan and as approved by the school board consistent with RCW 28A.53.020, 84.52.052 and
39 84.52.056, as amended; and
- 40 2. Apply to the state for funding, and comply with the state requirements for eligibility to the best of each
41 district's ability.

1 **4.10.070 Annual council review.**

2 On at least an annual basis, the city council shall review the information submitted by each district pursuant to EMC
 3 4.10.060(A). The review shall occur in conjunction with any update of the capital facilities plan element of the city's
 4 comprehensive plan.

5 **4.10.080 Impact fee program elements.**

6 A. The city shall impose impact fees on every development activity in the city for which a fee schedule has been
 7 established.

8 B. Any impact fee imposed shall be reasonably related to the impact caused by the development and shall not
 9 exceed a proportionate share of the costs of system improvements that are reasonably related to the new
 10 development. The impact fee formula shall account in the fee calculation for future revenues each district will
 11 receive from the development.

12 C. The impact fee shall be based on the capital facilities plan developed by each district and approved by the school
 13 board, and adopted by reference by the city as part of the capital facilities element of the city's comprehensive plan
 14 for the purpose of establishing the fee program.

15 **4.10.090 Fee calculations.**

16 A. The fees set forth in this chapter ~~is~~are based on the ~~formula calculations~~ contained in ~~the~~ Puyallup, Fife and
 17 Sumner ~~Bonney Lake~~ school districts' ~~respective~~ adopted capital facility plans ~~“impact fee calculation” table.~~

18 B. ~~Fees charged for accessory dwelling units (ADUs) shall be no greater than 50% of the impact fee that would be~~
 19 ~~imposed on the principal unit. Separate fees shall be calculated for single family and multifamily types of dwelling~~
 20 ~~units, and separate student generation rates must be determined by each district for each type of dwelling unit. For~~
 21 ~~the purpose of this chapter, mobile homes shall be treated as single family dwellings and accessory dwelling units~~
 22 ~~and duplexes shall be treated as multifamily dwellings.~~

23 C. The fee shall be calculated on a district-wide basis using the appropriate factors and data to be supplied by each
 24 district, as required by interlocal agreements. The fee calculations shall also be made on a district-wide basis to
 25 assure maximum utilization of all school facilities in each district used currently or within the last two years for
 26 instructional purposes.

27 **4.10.100 Fee collection.**

28 At the time of application for a development activity at the city, the school impact fee shall be imposed based on the
 29 impact fee schedule. The impact fee shall be collected by each district on behalf of the city, and maintained in
 30 separate accounts.

31 **4.10.110 Imposition of impact fees.**

32 A. Impact fees shall be imposed upon development activity in the city as follows:

SCHOOL DISTRICT	PER SINGLE-FAMILY DWELLING UNIT		PER MULTIFAMILY DWELLING UNIT	
	School District Need Fee Calculation for 2016-2017	2016-2017 Impact Fee (Maximum Fee Obligation Allowed by Edgewood)	School District Need Fee Calculation for 2016-2017	2016-2017 Impact Fee (Maximum Fee Obligation Allowed by Edgewood)
Fife	\$6,670.00	\$3,500.00	\$1,772.00	\$1,772.00
Puyallup	\$8,918.87	\$3,500.00	\$2,010.57	\$2,000.00
Sumner	\$11,851.30	\$3,500.00	\$1,946.16	\$1,946.16

33
 34 1. Fees are established based on the annual calculation of impact fee need as documented in each school
 35 district's adopted capital facilities plan ~~annually, scaled to a cost per bedroom or per square foot of livable~~
 36 ~~space, pursuant to RCW 82.02.060.~~

1 2. The current school impact fees shall be listed in the city of Edgewood fee schedule, adopted pursuant to
2 EMC 3.35.020, and automatically updated for inflation annually using the following procedures:

3 a. City staff shall use the Construction Cost Index for Seattle (June-June) published by the Engineering
4 News-Record to calculate annual inflation adjustments in the impact fees. The impact fees shall not be
5 adjusted for inflation if the index remains unchanged.

6 b. The indexed impact fees shall be effective January 1st beginning in 2026, and on January 1st of each
7 year thereafter. A copy of the indexed impact fees shall be provided to the city council each October, but
8 the indexed impact fees shall become effective without further council action.

9 3. The impact fee adopted represents the fee calculations as presented by the Fife, Puyallup and
10 Sumner-Bonney Lake school districts in their adopted capital facilities plans updated annually. Where
11 recommended fees exceed the maximum amount authorized for collection by the city of Edgewood, they are
12 shown in the fee schedule at the maximum amount allowed.

13 B. At the time of application for development activity, an applicant will be notified of the requirement to pay school
14 impact fees to each district based on the fee schedule adopted by the city as a part of the impact fee program. Upon
15 receipt of the impact fee payments or a copy of a recorded impact lien in accordance with Chapter 4.05 EMC, each
16 district shall issue a certificate or identifying receipt to the applicant indicating that the school impact fee has been
17 paid or payment has been properly deferred. Prior to approving or permitting any development activities subject to
18 the impact fees adopted pursuant to this chapter, the city shall require that the applicant provide to the city the
19 original of the certificate or receipt issued by the school district or a copy of the impact fee lien recorded pursuant to
20 Chapter 4.05 EMC. Each school district shall develop standardized forms for this purpose, showing that impact fees
21 have been paid to the district or payment has been properly deferred in accordance with Chapter 4.05 EMC, and that
22 the city may proceed to issue the permit or grant the necessary approval. Impact fees may be paid to the district
23 under protest pursuant to the procedures set forth in EMC 4.10.120(I).

24 C. The city shall not issue a required building permit for any development subject to the imposition of impact fees
25 under this chapter until the impact fees set forth in the impact fee schedule have been paid or payment has been
26 properly deferred in accordance with Chapter 4.05 EMC.

27 **4.10.120 Determination of the fee, adjustments, exceptions and appeals.**

28 A. The city shall determine a developer's impact fee, according to the schedule set forth in EMC 4.10.110(A).

29 B. Arrangements may be made for later payment of the impact fee with the approval of each district only if the
30 district determines that it will be unable to use or will not need the payment until a later time; provided, that
31 sufficient security, as defined by the district, is provided to assure payment. Security shall be made to and held by
32 the district, which will be responsible for tracking and documenting the security interest.

33 C. The fee amount established in the schedule shall be reduced by the amount of any payment previously made for
34 the lot or development activity in question, either as a condition of approval or pursuant to a voluntary agreement.

35 D. Whenever a developer is granted approval subject to a condition that the developer actually provide a school
36 facility acceptable to the district, the developer shall be entitled to a credit for the actual cost of providing the
37 facility, against the fee that would be chargeable under the formula provided by this chapter. The cost of
38 construction shall be estimated at the time of approval, but must be documented, and the documentation confirmed
39 after the construction is completed to assure that an accurate credit amount is provided. If construction costs are less
40 than the calculated fee amount, the difference remaining shall be chargeable as a school impact fee.

41 E. The standard impact fees may be adjusted, if one of the following circumstances exist; provided, that the discount
42 set forth in the fee formula fails to adjust for the error in the calculation or fails to ameliorate for the unfairness of
43 the fee:

44 1. The developer demonstrates that an impact fee assessment was improperly calculated; or

- 1 2. Unusual circumstances identified by the developer demonstrate that if the standard impact fee amount was
2 applied to the development, it would be unfair or unjust.
- 3 F. In cases where a developer requests an independent fee calculation, adjustment exception or a credit pursuant to
4 RCW 82.02.060(3), the city shall consult with the districts and the districts shall advise the city prior to the city
5 making final impact fee determinations.
- 6 G. A developer may provide studies and data to demonstrate that any particular factor used by a district may not be
7 appropriately applied to the development proposal.
- 8 H. Any appeal of the decision of the city with regard to fee amounts shall follow the process for the appeal of the
9 underlying development application, as set forth in the Edgewood Municipal Code. Any errors in the formula
10 identified as a result of the appeal should be referred to the council for possible modification.
- 11 I. Impact fees may be paid under protest in order to obtain a permit or other approval of development activity.

12 **4.10.130 Impact fee accounts and refunds.**

- 13 A. Impact fee receipts shall be earmarked specifically and retained in a special interest-bearing account established
14 by each district solely for the district's school impact fees. All interest shall be retained in the account and expended
15 for the purpose or purposes for which impact fees were imposed. Annually, the districts, based in part on its report
16 prepared pursuant to EMC 4.10.060, shall prepare a report on the impact fee account showing the source and amount
17 of all moneys collected, earned or received, and capital or system improvements that were financed in whole or in
18 part by impact fees. The districts shall submit a copy of their reports to the city council. The districts shall maintain
19 separate school impact fee accounts pursuant to EMC 4.10.100, and shall prepare a report on the source and amount
20 of all school impact fees collected by the districts on behalf of the city.
- 21 B. Impact fees for each district's system improvements shall be expended by the district only in conformance with
22 the capital facilities plan element of the city's comprehensive plan.
- 23 C. Impact fees shall be expended or encumbered by the districts for a permissible use within 10 years of receipt by
24 the district, unless there exists an extraordinary or compelling reason for fees to be held longer than 10 years. Such
25 extraordinary or compelling reasons shall be identified to the city by the district in a written report. The city council
26 shall identify the district's extraordinary and compelling reasons for the fees to be held longer than 10 years in the
27 council's own written findings.
- 28 D. The current owner of property on which an impact fee has been paid may receive a refund of such fees if the
29 impact fees have not been expended or encumbered within 10 years of receipt of the funds by any district on school
30 facilities intended to benefit the development activity for which the impact fees were paid. In determining whether
31 impact fees have been encumbered, impact fees shall be considered encumbered on a first in, first out basis. On
32 behalf of the city, the district(s) shall notify potential claimants by first-class mail deposited with the United States
33 Postal Service addressed to the owner of the property as shown in the county tax records.
- 34 E. An owner's request for a refund must be submitted to the appropriate district in writing within one year of the
35 date the right to claim the refund arises or the date that notice is given, whichever date is later. Any impact fees that
36 are not expended or encumbered by any district in conformance with the capital facilities plan within these time
37 limitations, and for which no application for a refund has been made within this one-year period, shall be retained
38 and expended consistent with the provisions of this section. Refunds of impact fees shall include any interest earned
39 on the impact fees.
- 40 F. Should the city seek to terminate any or all school impact fee requirements, all unexpended or unencumbered
41 funds, including interest earned, shall be refunded to the current owner of the property for which a school impact fee
42 was paid. Upon the finding that any or all fee requirements are to be terminated, the city shall place notice of such
43 termination and the availability of the refunds in a newspaper of general circulation at least two times and shall
44 notify all potential claimants by first-class mail addressed to the owner of the property as shown in the county tax
45 records. All funds available for refund shall be retained for a period of one year. At the end of one year, any
46 remaining funds shall be retained by the district, but must be expended by the district, consistent with the provisions

1 of this section. The notice requirement set forth above shall not apply if there are no unexpended or unencumbered
2 balances within the account or accounts being terminated.

3 G. A developer may request and shall receive a refund, including interest earned on the impact fees, when:

4 1. The developer has not received final plat approval, the building permit, the mobile home permit, the site plan
5 approval, nor final approval for the development activity as required by statute or city code including the
6 International Building Code; and

7 2. No impact on the district(s) has resulted. "Impact" shall be deemed to include cases where the district(s)
8 have expended or encumbered the impact fees in good faith prior to the application for a refund. In the event
9 that the district(s) have expended or encumbered the fees in good faith, no refund shall be forthcoming.
10 However, if within a period of three years, the same or subsequent owner of the property proceeds with the
11 same or substantially similar development activity, the owner shall be eligible for a credit. The owner must
12 petition the district(s) and provide receipts of impact fees paid by the owner for a development of the same or
13 substantially similar nature on the same property or some portion thereof. The district(s) shall determine
14 whether to grant a credit, and such determinations may be appealed by following the procedures set forth in
15 EMC 4.10.120.

16 H. Interest due upon the refund of impact fees required by this section shall be calculated according to the average
17 rate received by each district on invested funds throughout the period during which the fees were retained.

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Chapter 4.20
PARK IMPACT FEES

Sections:

- 4.20.010 Findings and purpose.
- 4.20.020 Definitions.
- 4.20.030 Fee imposed – Applicability.
- 4.20.040 Exemptions.
- 4.20.050 Park impact fee program elements.
- 4.20.060 Fee calculation methods.
- 4.20.070 Fee collection.
- 4.20.080 Fee adjustments.
- 4.20.090 Park impact fee accounts and refunds.
- 4.20.100 Processing.
- 4.20.110 Other authority.
- 4.20.120 Appeals.

4.20.010 Findings and purpose.

The city council of the city of Edgewood finds and determines that growth and development activity in the city will create additional demand and need for park facilities in the city, and the council finds that growth and development activity should pay a proportionate share of the cost of such facilities needed to serve the growth and development activity. Therefore, pursuant to the Growth Management Act (Chapter 36.70A RCW), and RCW 82.02.050 through 82.02.100, which authorize cities to impose and collect impact fees to partially fund public facilities to accommodate new growth, the council adopts this chapter to impose park impact fees for park and recreational facilities. The provisions of this chapter shall be liberally construed in order to carry out the purposes of the council in establishing park impact fees.

4.20.020 Definitions.

A. Affordable Housing. Housing is considered “affordable” to a family if it costs no more than 30 percent of the family’s income. The income groups that are the focus of affordable housing are the low- and moderate-income families.

1. Low-income group: a family earning between zero and 50 percent of the Pierce County median household income.

2. Moderate-income group: a family earning between 50 percent and 80 percent of the Pierce County median household income. “Median income” means the median income for the Tacoma MSA (Pierce County), as most recently determined by the Secretary of Housing and Urban Development (HUD) under Section 8(f)(3) of the United States Housing Act of 1937, as amended, or if programs under said Section 8(f)(3) are terminated, median income determined under the method used by the Secretary prior to such termination.

B. “Capital facilities element” means that capital facilities plan adopted by the city council as part of the city’s comprehensive plan, and its amendments.

C. “Comprehensive plan” means the city of Edgewood comprehensive plan, including any adopted amendments.

D. “Conditions of approval,” as they apply to park impact fee evaluations, means those conditions necessary to ensure that the proposed development will not cause the level of service for parks to fall below the standards adopted in the comprehensive plan. The conditions of approval shall be binding upon the approval of any permit application for which this chapter is applicable as described in EMC 4.20.030.

E. “Development” means any construction, reconstruction or expansion of a building, structure, or use, any change in use of a building or structure or any changes in the use of land, that requires review and approval of a development permit.

1 F. "Development permit" includes, but is not limited to, a building permit, short plat application, preliminary plat
2 application, or rezone application, or any written authorization from the city which authorizes the commencement of
3 development.

4 G. *Repealed by Ord. 15-447.*

5 H. "Financial commitment" means any form of binding and enforceable financial obligation that is acceptable to the
6 city, and provided to the city at the time of development approval.

7 I. "Park and recreational facilities" means those capital facilities identified as park and recreational facilities in the
8 capital facilities element of the city of Edgewood comprehensive plan.

9 J. "Park impact fee" means the payment of money imposed upon development as a condition of approval of a
10 development permit to pay for public facilities needed to serve new growth and development, and that is reasonably
11 related to the new development that creates additional demand and need for facilities, that is a proportionate share of
12 the costs of the facilities, and that is used for facilities that reasonably benefit the new development. "Park impact
13 fee" does not include a reasonable permit or application fee.

14 K. "Level of service (LOS)" means the relationship between park facilities and service provision within the city, as
15 specified in the city's comprehensive plan.

16 L. "Proportionate share" means that portion of the cost of public facility improvements and facilities that are
17 reasonably related to the service demands and needs of new development. The proportionate share will be calculated
18 by the methods required by RCW 82.02.060.

19 M. "Service area" means the geographical area in which a defined set of park facilities provide service to
20 development within the area. For the purposes of this chapter, the service area shall be the entire area within the city
21 limits of Edgewood.

22 **4.20.030 Fee imposed – Applicability.**

23 A. There is imposed, and shall be collected from every person who receives a development permit, a park impact fee
24 for each dwelling unit ~~based on the average occupancy for each housing type~~. The amount shall be calculated based
25 on a ~~unit~~-cost of \$1,089 per person; ~~and the total fee based on persons per unit (PPU) scaled to a cost per bedroom or~~
26 ~~per square foot of livable space~~, consistent with the provisions of this chapter ~~and RCW 82.02.060. -and in-~~
27 ~~accordance with the following schedule of fees:~~

Dwelling Unit Type	PPU X \$1,089	Total PIF
Single-Family	2.7 X \$1,089	\$2,940
Multifamily or Accessory- Dwelling Unit: 1–4 units	2.0 X \$1,089	\$2,178
Multifamily: 5+ units	1.6 X \$1,089	\$1,742
Mobile Homes	2.0 X \$1,089	\$2,178

28
29 B. The current park impact fees shall be listed in the city of Edgewood fee schedule, adopted pursuant to EMC
30 3.35.020, and automatically updated for inflation annually using the following procedures:

31 1. City staff shall use the Construction Cost Index for Seattle (June-June) published by the Engineering
32 News-Record to calculate annual inflation adjustments in the impact fees. The impact fees shall not be adjusted
33 for inflation if the index remains unchanged.

34 2. The indexed impact fees shall be effective January 1st beginning in 2026, and on January 1st of each year
35 thereafter. A copy of the indexed impact fees shall be provided to the city council each October, but the indexed
36 impact fees shall become effective without further council action.

1 C. Impact fees charged for accessory dwelling units (ADUs) shall be no greater than 50% of the impact fee that
2 would be imposed on the principal unit.

3 **4.20.040 Exemptions.**

4 The following developments are exempt from the requirements of this chapter:

5 A. Low-Income Housing. For low-income housing exemptions, see Chapter 4.40 EMC.

6 B. Change of Use. An applicant proposing a development involving a change of use and/or structure that has no
7 greater impact than the existing use shall not be assessed a park impact fee.

8 C. City Projects. An applicant proposing the development of a city project shall not be assessed a park impact fee.

9 D. Home Occupations. An applicant proposing the development of a home occupation shall not be assessed a park
10 impact fee.

11 E. Pending Development Permit. An applicant shall not be assessed a park impact fee if one or more of the
12 following has occurred:

13 1. The city and applicant have signed a park mitigation agreement for the development at issue prior to the
14 effective date of the ordinance codified in this chapter; or

15 2. The applicant has already provided, or been required to provide as a condition of approval, park mitigation
16 for the development at issue prior to the effective date of the ordinance codified in this chapter; or

17 3. The applicant has already been assessed a park impact fee for the same development.

18 **4.20.050 Park impact fee program elements.**

19 A. The city shall impose and collect park impact fees on every development permit within the service area, except as
20 provided in EMC 4.20.040, Exemptions.

21 B. Any park impact fee imposed shall be reasonably related to the impact caused by the new development and shall
22 not exceed a proportionate share of the cost of park and recreational facilities that are reasonably related to the new
23 development.

24 C. The park impact fee imposed may include costs for park and recreational facility improvements previously
25 incurred by the city to the extent that new development will be served by the previously constructed improvements;
26 provided, that such fee shall not be imposed to correct any system improvement deficiencies.

27 D. The park impact fee imposed for any development shall be calculated and determined by the procedures
28 established in this chapter. The basis for such calculation shall be the November 2012 “Technical Memorandum to
29 Council – Preliminary Recommendations – Park Impact Fees,” which is hereby adopted by reference.

30 E. In computing the fee applicable to a given development, credit shall be given for the fair market value, measured
31 at the time of dedication, for any dedication of land for, improvements to, or new construction of any park and
32 recreational facilities that are identified in the capital facilities element and that are required by the city as a
33 condition of approving the development.

34 F. Park impact fees shall be used for park and recreational facilities that will reasonably benefit the new
35 development, and only those park and recreational facilities addressed by the city’s capital facilities element of the
36 comprehensive plan.

37 **4.20.060 Fee calculation methods.**

38 All data and other information necessary to determine impact fee amounts will be made available to the public upon
39 request. Data such as park needs, and facility improvement projects and costs, and related fee schedules will be
40 updated as necessary. Forms and procedures will be established administratively.

1 **4.20.070 Fee collection.**

2 At the time of application for a building permit, the park impact fee shall be calculated based on the park impact fee
3 schedule and as set forth in EMC 4.20.030. No building permit shall be issued until the impact fee has been paid in
4 full by the applicant or payment has been properly deferred in accordance with Chapter 4.05 EMC; provided, that
5 payment of fees may be phased if the building permits for the development are also phased. The park impact fee
6 shall be collected by the city, and maintained in a separate account, as required by EMC 4.20.090. Park impact fees
7 may be paid under protest in order to obtain a building permit.

8 **4.20.080 Fee adjustments.**

9 A. Fees calculated by the city may be adjusted by the mayor, in any of the following circumstances:

- 10 1. The applicant demonstrates that a park impact fee assessment was improperly calculated; or
11 2. The applicant provides studies and data that, when considered, suggest that adjustment of the fee would be
12 appropriate; or
13 3. Unusual circumstances exist which, when considered, suggest that imposition of the standard fee would be
14 unfair.

15 B. Any appeal of the decision of the city with regard to park impact fee amounts shall follow the process for the
16 appeal of the underlying development permit.

17 **4.20.090 Park impact fee accounts and refunds.**

18 A. Park impact fee receipts shall be earmarked specifically and retained in a special interest-bearing account
19 established by the city solely for park impact fees. All interest shall be retained in the account and expended for the
20 purpose or purposes for which said fees were imposed. Annually, the city shall prepare a report on the source and
21 amount of all park impact fees collected, interest earned, and the park and recreational facilities that were financed
22 in whole or in part by said fees.

23 B. Park impact fees shall be expended by the city only in conformance with the capital facilities element of the
24 comprehensive plan.

25 C. Park impact fees shall be expended or encumbered by the city for a permissible use within 10 years of receipt by
26 the city, unless there exists an extraordinary or compelling reason for fees to be held longer than 10 years. Such
27 extraordinary or compelling reasons shall be identified in written findings by the city.

28 D. The current owner of property on which a park impact fee has been paid may receive a refund of such fees if the
29 city fails to expend or encumber the fees within 10 years of receipt of the fees by the city on park facilities intended
30 to benefit the development for which said fees were paid. In determining whether park impact fees have been
31 encumbered, such fees shall be considered encumbered on a first-in, first-out basis. The city shall notify potential
32 claimants by first-class mail deposited with the United States Postal Service at the last known address of the
33 claimants.

34 E. An owner's request for a refund must be submitted to the city in writing within one year of the date the right to
35 claim the refund arises or the date that notice is given, whichever date is later. Any park impact fees that are not
36 expended or encumbered by the city in conformance with the capital facilities element within these time limitations,
37 and for which no application for a refund has been made within this one-year period, shall be retained and expended
38 consistent with the provisions of this section. Refunds of park impact fees shall include interest earned on such fees.

39 F. Should the city seek to terminate any or all park impact fee requirements, all unexpended or unencumbered funds,
40 including interest earned, shall be refunded pursuant to this section. Upon the finding that any or all fee
41 requirements are to be terminated, the city shall place notice of such termination and availability of refunds in a
42 newspaper of general circulation at least two times and shall notify all potential claimants by first-class mail to the
43 last known address of claimants. All funds available for refund shall be retained for a period of one year. At the end
44 of one year, any remaining funds shall be retained by the city, and must be expended by the city consistent with the
45 provisions of this chapter. The notice requirements set forth above shall not apply if there are no unexpended or
46 unencumbered balances within the account or accounts being terminated.

- 1 G. An applicant may request and shall receive a refund, including interest earned on the park impact fees, when:
- 2 1. The applicant does not proceed to finalize the development; and
- 3 2. No impact on the city has resulted. "Impact" shall be deemed to include cases where the city has expended or
- 4 encumbered the park impact fees in good faith prior to the application for refund. In the event that the city has
- 5 expended or encumbered the fees in good faith, no refund shall be forthcoming. However, within a period of
- 6 three years, if the same or subsequent owner of the property proceeds with the same or substantially similar
- 7 development activity, the owner shall be eligible for a credit. The owner must petition the city and provide
- 8 receipts of park impact fees paid by the owner for a development of the same or substantially similar nature on
- 9 the same property or some portion thereof. The city shall determine whether to grant a credit, and such
- 10 determinations may be appealed by following the procedures set forth in EMC 4.20.120.
- 11 H. Interest due upon the refund of park impact fees required by this chapter shall be calculated according to the
- 12 average rate received by the city on invested funds throughout the period during which the fees were retained.
- 13 **4.20.100 Processing.**
- 14 The city shall determine any applicable park impact fees as a normal part of processing a development permit.
- 15 **4.20.110 Other authority.**
- 16 Nothing in this chapter is intended to limit the city's authority under the State Environmental Policy Act or any other
- 17 source.
- 18 **4.20.120 Appeals.**
- 19 Any determination of the park impact fee amount, decision to approve, condition or deny a development proposal
- 20 based on the requirements of this chapter may be appealed according to the appeal procedure for the underlying
- 21 development permit or approval involved, as set forth in the Edgewood Municipal Code. An applicant for a
- 22 development permit may pay the park impact fees imposed by this chapter under protest in order to obtain the
- 23 approval for the development and/or development permit. No appeal shall be permitted unless and until the park
- 24 impact fees at issue have been paid.

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Chapter 4.30
TRAFFIC IMPACT FEES

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- Sections:
- 4.30.010 Purpose.
 - 4.30.020 Authority.
 - 4.30.030 Definitions.
 - 4.30.040 Applicability.
 - 4.30.050 Exemptions.
 - 4.30.055 Additional exemptions.
 - 4.30.060 Service area.
 - 4.30.070 Use of funds.
 - 4.30.075 Project list.
 - 4.30.080 Impact fee determination and collection.
 - 4.30.090 Impact fee adjustments, independent calculations.
 - 4.30.100 Impact fee credits.
 - 4.30.110 Impact fee refunds.
 - 4.30.120 Appeals and payments under protest.
 - 4.30.130 Council review of impact fees.
 - 4.30.135 Funding of projects.
 - 4.30.140 Administrative fees.
 - 4.30.150 Impact fee calculations.
 - 4.30.160 Schedule of fees.
 - 4.30.170 Existing authority unimpaired.
 - 4.30.180 Severability.
 - 4.30.190 *Repealed.*

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4.30.010 Purpose.
This chapter is intended to:

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- A. Assist in the implementation of the comprehensive plan for the city of Edgewood.
- B. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use, or shortly thereafter, without decreasing current service levels below established minimum standards for the city.

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- C. Establish standards and procedures so that new development pays a proportionate share of costs for new facilities and services and does not pay arbitrary or duplicative fees for the same impact.

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4.30.020 Authority.
A. This chapter is enacted pursuant to the Washington State Growth Management Act codified at Chapter 36.70A RCW and RCW 82.02.050 through 82.02.100.

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- B. The city has conducted studies documenting cost and demand for new facilities and services.

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4.30.030 Definitions.
A. “Dwelling unit” means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen, sleeping, and sanitary facilities for use solely by one family.

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- B. “Encumber” means to transfer impact fee dollars from the traffic mitigation impact fee fund to a fund for a particular system improvement that is fully in the current year’s budget. Funds may only be encumbered by an action of the city council.

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- C. “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

1 the project, and are not system improvements. No improvement or facility included in the city's capital
2 improvement plan or transportation improvement program approved by the city council shall be considered a project
3 improvement.

4 D. "System improvements" means transportation facilities that are included in the city's six-year capital
5 improvement plan and are designed to provide service to the community at large, in contrast to project
6 improvements.

7 E. "Applicant" means a person, individual, or organization seeking permission to develop land within the city of
8 Edgewood by applying for a building permit.

9 F. "Interest" means the interest earned by the account during the period the fees were retained.

10 G. "Traffic mitigation impact fee" means payment of money imposed by the city of Edgewood upon development
11 activity pursuant to this chapter as a condition of granting development approval and/or a building permit in order to
12 pay for the public facilities needed to serve new growth and development. Traffic mitigation impact fees do not
13 include permit fees, an application fee, the administrative fee for collecting and handling impact fees, the cost of
14 reviewing independent fee calculations or the administrative fee required for an appeal.

15 H. "Peak hour" means the consecutive 60-minute period during the 4:00 p.m. to 6:00 p.m. peak period during which
16 the highest volume occurs.

17 I. "Traffic mitigation impact fee fund" means the fund established by the adoption of Ordinance 05-253 on August
18 23, 2005, for the public facilities for which traffic impact fees are collected, in compliance with the requirements of
19 RCW 82.02.060.

20 J. "Traffic impact fee study" means the study which determined the traffic mitigation impact fee dated October
21 2016.

22 K. "Transportation improvement plan" means a schedule of intended transportation improvements.

23 **4.30.040 Applicability.**

24 All persons receiving building permits, including remodels or expansions, within the city of Edgewood after the
25 effective date of the ordinance codified in this chapter shall be required to pay traffic mitigation impact fees in an
26 amount and manner set forth in this chapter.

27 **4.30.050 Exemptions.**

28 The following development activities are exempt from paying traffic mitigation impact fees because they do not
29 have a measurable impact on the city's transportation facilities, or because the city has chosen to exempt them,
30 pursuant to RCW 82.02.060(2), as development with broad public purposes:

31 A. Existing Dwelling Unit. Any alteration, expansion, reconstruction, remodeling, replacement, or
32 demolition/removal of an existing single-family or multifamily dwelling unit that does not result in the generation of
33 additional peak hour trips with the exception that any building permit for replacement must be approved within 12
34 months of removal of the previous structure.

35 B. Existing Nonresidential Building. Any alteration, reconstruction, remodeling, replacement, or demolition/removal
36 of an existing nonresidential building that does not result in the generation of any new peak hour trips with the
37 exception that any building permit for replacement must be approved within 12 months of removal of the previous
38 structure.

39 C. The mayor or designee shall be authorized to determine whether a particular development activity falls within an
40 exemption from traffic mitigation impact fees identified in this section or under other applicable law.
41 Determinations of the mayor or designee shall be in writing and shall be subject to appeal to the hearing examiner as
42 provided in Chapter 2.40 EMC.

43 **4.30.055 Additional exemptions.**

44 *Reserved.*

1 **4.30.060 Service area.**

2 This section establishes one service area which shall be consistent with the city limits of the city of Edgewood, in
3 accordance with RCW 82.02.060(7).

4 **4.30.070 Use of funds.**

5 A. Impact fees shall:

- 6 1. Be used for system improvements; and
- 7 2. Not be imposed to make up for deficiencies in the facilities serving existing development; and
- 8 3. Not be used for maintenance or operation.

9 B. Impact fees may be spent for improvements listed in the six-year transportation improvement program and
10 identified as being funded in part by impact fees. Expenditures may include, but are not limited to, facility planning,
11 land acquisition, site improvements, necessary off-site improvements, construction, engineering, permitting,
12 financing, grant match funds and administrative expenses, applicable impact fees or mitigation costs, capital
13 equipment pertaining to public facilities, and any other capital cost related to a particular system improvement.

14 C. Impact fees may also be used to recoup transportation facility improvement costs previously incurred by the city
15 to the extent that new growth and development will be served by the previously acquired or constructed
16 improvements resulting in such costs.

17 D. In the event that bonds or similar debt instruments are or have been issued for the construction of a public facility
18 or system improvement for which impact fees may be expended, impact fees may be used to pay debt service on
19 such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with
20 the requirements of this chapter and are used to serve new development. The transportation improvement program
21 should distinguish between facilities and funds needed to serve new development and those facilities and funds
22 needed to correct existing deficiencies.

23 **4.30.075 Project list.**

24 A. The director shall annually review the city's six-year road plan and shall:

- 25 1. Identify each project in the comprehensive plan that is growth-related and the proportion of each such project
26 that is growth-related;
- 27 2. Forecast the total money available from taxes and other public sources for transportation improvements for
28 the next six years;
- 29 3. Update the population, building activity and demand and supply data for transportation facilities and the
30 impact fee schedule for the next six-year period;
- 31 4. Calculate the amount of impact fees already paid;
- 32 5. Identify those comprehensive plan projects that have been or are being built but whose performance capacity
33 has not been fully utilized.

34 B. The director shall use this information to prepare an annual draft amendment to the project list and to the fee
35 schedule adopted pursuant to this chapter, which shall comprise:

- 36 1. The projects in the comprehensive plan that are growth-related and that should be funded with forecast
37 public monies and the impact fees already paid; and
- 38 2. The projects in the comprehensive plan that are growth-related and that should be funded with forecast
39 public monies and the impact fees already paid; and
- 40 3. The projects already built or funded pursuant to this chapter whose performance capacity has not been fully
41 utilized.

1 C. The city council, at the same time that it adopts the annual budget and appropriates funds for capital improvement
2 projects, shall, by separate ordinance, establish the annual project list by adopting, with or without modification, the
3 director's draft amendment.

4 D. Once a project is integrated into the project list and fee schedule, a fee shall be imposed on every development
5 until the project is removed from the project list by one of the following means:

6 1. The city council by ordinance removes the project from the project list, in which case the fees already
7 collected will be refunded if necessary to ensure that impact fees remain reasonably related to transportation
8 impacts of development that have paid an impact fee; provided, that a refund shall not be necessary if the
9 council transfers the fees to the budget of another project that the council determines will mitigate essentially
10 the same transportation impacts; or

11 2. The capacity created by the project has been fully utilized, in which case the director shall remove the project
12 from the project list.

13 **4.30.080 Impact fee determination and collection.**

14 A. At the time of building permit issuance, city staff shall determine the total impact fee owed based on the fee
15 schedule in effect at the time of such issuance, in accordance with EMC 4.30.160.

16 B. Factors Used in Impact Fee Calculations. The calculation of impact fees shall include the factors identified in
17 RCW 82.02.040 through 82.02.070 and shall:

18 1. Determine the standard fee for similar types of development, which shall be reasonably related to each
19 development's proportionate share of the cost of projects described in the project list for each type of impact
20 fee.

21 2. Reduce the proportionate share by applying the benefit factors described in EMC 4.30.100.

22 C. Proportionate Share. In calculating proportionate share, the following factors shall be considered:

23 1. Identification of all transportation facilities that will be impacted by users from development;

24 2. Identification of the point at which the capacity of a transportation facility has been fully utilized;

25 3. Updating of the data as often as practicable, but at least annually;

26 4. Estimation of the cost of construction of the projects in the transportation improvement program (TIP) for
27 roads at the time they are placed on the list and to then update the cost estimates at least annually, considering
28 the:

29 a. Availability of other means of funding transportation facilities;

30 b. Cost of existing transportation facility improvements;

31 c. Methods by which transportation facility improvements were financed; and

32 d. An adjustment to the cost of the transportation facilities for past or future payments or reasonably
33 anticipated to be made by new development to pay for particular system improvements in the form of user
34 fees, debt service payments, taxes or other payments earmarked for or prorable to the particular system
35 improvement.

36 D. Impact fee collection shall also occur at the time of building permit issuance unless payment has been properly
37 deferred in accordance with Chapter 4.05 EMC.

38 E. An applicant may request that the impact fee be calculated in advance of building permit issuance, but any such
39 advance calculation shall not be binding upon the city and should only be used as guidance by the applicant. If the
40 city council revises the impact fee formula or the impact fees prior to the time that a building permit is issued for a

1 particular development, the formula or fee amount in effect at the time of building permit issuance shall apply to the
2 development.

3 **4.30.090 Impact fee adjustments, independent calculations.**

4 An applicant may request an adjustment to the impact fees determined, in accordance with RCW 82.02.060(6),
5 according to the fee schedule adopted pursuant to this chapter, by preparing and submitting to the mayor or designee
6 an independent fee calculation for the development activity for which a building permit is sought. The
7 documentation submitted shall show the basis upon which the independent fee calculation was made. Independent
8 fee calculations for traffic impact fees shall use the same formulas and methodology used to establish the impact
9 fees in this chapter and shall be limited to adjustments in trip generation rates used in the traffic impact fee study,
10 and shall not include travel demand forecasts, trip distribution, traffic assignment, transportation service areas, costs
11 of road projects, or cost allocation procedures.

12 A. If the mayor or designee agrees with the independent fee calculation, a written agreement to accept such amount
13 shall be transmitted to the applicant who shall, in turn, present it to the city upon impact fee collection.

14 B. If the mayor or designee does not agree with the independent fee calculation, the fee payer may appeal this
15 decision to the hearing examiner through procedures outlined in Chapter 2.40 EMC.

16 **4.30.100 Impact fee credits.**

17 A. An applicant shall be entitled to a credit against the applicable traffic impact fee collected, in accordance with
18 RCW 82.02.060(4), under the fee schedule adopted pursuant to this chapter for the value of any dedication of land
19 for, improvement to, or new construction of, any system improvements provided by the applicant, to facilities that
20 are:

21 1. Included within the six-year transportation improvement program and identified as system improvements
22 that are to be funded in part by traffic impact fees; and

23 2. At suitable sites and constructed at an acceptable quality as determined by the city; and

24 3. Completed, dedicated, or otherwise transferred to the city prior to the determination and award of a credit as
25 set forth in this section.

26 B. No credit shall be given for project improvements.

27 C. The value of a credit for improvements shall be established by original receipts provided by the applicant for one
28 or more of the same system improvements for which the impact fee is charged.

29 D. The value of a credit for land shall be established on a case-by-case basis by an appraiser selected by, or
30 acceptable to, the city. The appraiser must be licensed and in good standing with the state of Washington for the
31 category of the property appraised. The appraisal shall be in accordance with the most recent version of the Uniform
32 Standards of Professional Appraisal Practice and shall be subject to review and acceptance by the city. The appraisal
33 and review shall be at the expense of the applicant.

34 E. Whenever a development is granted approval subject to a condition the system improvements that are identified
35 in the six-year transportation improvement program be constructed or provided, or whenever the applicant has
36 agreed, pursuant to the terms of a voluntary agreement with the city of Edgewood, to donate or dedicate land for
37 road facilities that are identified in the six-year transportation improvement program, and which are included in the
38 list of road projects that are used to determine the traffic impact fee, as listed in the traffic impact fee study, the
39 applicant shall be entitled to a credit for the value of the land or actual costs of capital facility construction against
40 the fee that would be chargeable under the formula provided. The land value or costs of construction shall be
41 determined pursuant to this section.

42 F. This subsection applies only to residential developments and the residential portion of a mixed use development.
43 In cases where a developer would be entitled to a credit under this section, but the amount of the credit has yet to be
44 determined on a per dwelling unit basis, the city shall take the total credit amount available to the entire plat or
45 project, calculated by applying subsections (A) through (E) of this section, and divide that amount by the number of

1 dwelling units approved for that plat or project. The impact fee and credit may then be calculated and collected on a
2 per dwelling unit basis as building permits are issued for those dwelling units. Where building permits for some, but
3 not all, of the dwelling units within a plat or project have already been obtained at the time the ordinance codified in
4 this chapter becomes effective, the credit for the unpermitted dwelling units will be calculated to arrive at a per
5 dwelling unit amount in the same manner. For example, if a plat has been approved for 20 dwelling units, and
6 building permits have only been issued for 10 of those units, the per dwelling unit credit for the remaining 10 units
7 will equal the total credit amount divided by 20 dwelling units.

8 G. This subsection applies to nonresidential developments, or the nonresidential portion of a mixed use
9 development. In cases where a developer would be entitled to a credit under this section, but the amount of the credit
10 has yet to be determined on a per square foot basis, the city shall take the total credit amount available to the entire
11 plat or project, calculated by applying subsections (A) through (C) of this section, and divide that amount by the
12 number of square feet approved for that plat or project. The impact fee and credit may then be calculated and
13 collected on a per square foot basis as building permits are issued for that square footage. Where building permits
14 for some, but not all, of the dwelling units within a plat or project have already been obtained at the time the
15 ordinance codified in this chapter becomes effective, the credit for the unpermitted square footage will be calculated
16 to arrive at a per square footage amount in the same manner. For example, if a 20,000 square foot commercial
17 project has been approved, and building permits have only been issued for 10,000 square feet of the project, the per
18 square foot credit for the remaining 10,000 square feet will equal the total credit amount divided by 20,000 square
19 feet.

20 H. Pursuant to and consistent with the requirements of RCW 82.02.060(1)(b), impact fee schedules have been
21 adjusted for future taxes and other revenue sources to be paid by the new development which are earmarked or
22 proratable to the same new public facilities which will serve the new development.

23 I. After receiving the receipts for improvements, the appraisal of land value, the receipts and calculations of prior
24 payments earmarked or pro-ratable to the same system improvements for which the impact fee is imposed, the
25 mayor or designee shall provide the applicant with a letter setting forth the dollar amount of the credit, the reason for
26 the credit, the legal description of the site donated where applicable, and the legal description or other adequate
27 description of the project or development to which the credit may be applied. The applicant must sign and date a
28 duplicate copy of such letter indicating their agreement to the terms of the letter and return such signed document to
29 the city before the impact fee credit will be awarded. The failure of the applicant to sign, date, and return such
30 document within 60 calendar days shall nullify the credit.

31 J. If the amount of the credit is less than the calculated fee amount, the difference remaining shall be chargeable as
32 an impact fee and paid at the time of application for the building permit. In the event the amount of the credit is
33 calculated to be greater than the amount of the impact fee due, no further sums shall be due from the applicant.

34 K. A claim for credit will be processed by the city using whichever of the following options is selected by the
35 applicant:

36 1. Claims for credits that are submitted prior to, or with, an application for a building permit for which an
37 impact fee will be due will be processed by the city before payment of the impact fee is due in order to allow
38 any credit authorized by the city to reduce the amount of the impact fee; or

39 2. Claims for credits that are submitted no later than 30 days after the issuance of a building permit for which
40 an impact fee is due shall be processed by the city after the impact fee is paid in full, and any credit authorized
41 by the city will be refunded to the applicant within 90 days of receipt of the claim for credit.

42 L. Claims for credits that are submitted more than six months after the issuance of a building permit for which an
43 impact fee is due are deemed to be waived and shall be denied.

44 M. Determinations made by the mayor or designee pursuant to this section shall be subject to appeal to the examiner
45 subject to the procedures set forth in Chapter 2.40 EMC.

1 **4.30.110 Impact fee refunds.**

2 A. The current owner of property on which impact fees have been paid may receive a refund of such fees if the
3 impact fees have not been expended or encumbered within 10 years of their receipt by the city. In determining
4 whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered
5 on a first in, first out basis.

6 B. The city shall provide for the refund of fees according to the requirements of this section and RCW 82.02.080.
7 An owner's request for a refund must be submitted to the mayor or designee in writing within one year of the date
8 the right to claim the refund arises or the date that notice is given, whichever date is later.

9 C. Any impact fees that are not expended or encumbered within 10 years of their receipt by the city, and for which
10 no application for a refund has been made within this one-year period, shall be retained by the city and expended
11 consistent with the provisions of this chapter.

12 D. Refunds of impact fees shall include any interest earned on the impact fees.

13 E. Should the city seek to terminate all impact fee requirements, all unexpended or unencumbered funds, including
14 interest earned, shall be refunded to the current owner of the property for which an impact fee was paid. Upon the
15 finding that all fee requirements are to be terminated, the city shall place notice of such termination and the
16 availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants
17 by first-class mail addressed to the owner of the property as shown in the Pierce County tax records. All funds
18 available for refund shall be retained for a period of one year. At the end of the one-year period, any remaining
19 funds shall be retained by the city, but must be expended for the original purposes, consistent with the provisions of
20 this section. The notice requirement set forth above shall not apply if there are no unexpended or unencumbered
21 balances within the account or accounts being terminated.

22 F. An applicant may request and receive a refund, including interest earned on the impact fee, when:

23 1. The applicant does not proceed to finalize the development activity as required by statute or city code or the
24 International Building Code; and

25 2. The city has not expended or encumbered the impact fees prior to the application for a refund. In the event
26 that the city has expended or encumbered the fees in good faith, no refund shall be forthcoming. However, if,
27 within a period of three years, the same or subsequent owner of the property proceeds with the same or
28 substantially similar development activity, the owner shall be eligible for a credit against any then-existing
29 traffic impact fee requirement. The owner must petition the city in writing and provide receipts of impact fees
30 paid by the owner for a development of the same or substantially similar nature on the same property or some
31 portion thereof. The city shall determine whether to grant a credit and such determinations may be appealed by
32 following the procedures set forth in this chapter.

33 **4.30.120 Appeals and payments under protest.**

34 A. This subsection applies when an applicant seeks a building permit to construct a portion of a development that
35 has already been reviewed and approved, in other respects, pursuant to procedures that comply with Chapter 2.40
36 EMC. An example of this circumstance would be an application for a permit to build one house in a large
37 subdivision that was previously approved. In this case, any appeal of the decision of the city with regard to the
38 imposition of an impact fee or the amount of any impact fees, impact fee credit, or impact fee refund may be taken
39 before the hearing examiner pursuant to Chapter 2.40 EMC in conjunction with an appeal of the underlying building
40 permit.

41 B. This subsection applies when an applicant seeks a building permit in conjunction with other development
42 approvals that may be subject to an open record hearing and closed record appeal pursuant to procedures that
43 comply with Chapter 2.40 EMC. An example of this circumstance would be an application for a short plat and
44 building permit to build a new office park. In this case, any appeal of the decision of the city with regard to the
45 imposition of an impact fee or the amount of any impact fees, impact fee credit, or impact fee refund must be made
46 according to the process outlined for and in conjunction with the underlying development approval.

47 C. Any applicant may pay the impact fees imposed by this chapter under protest in order to obtain a building permit.

1 D. Only the applicant has standing to appeal impact fee matters.

2 **4.30.130 Council review of impact fees.**

3 A. The impact fee schedule adopted pursuant to this chapter shall be reviewed by the city council, as it deems
4 necessary and appropriate, in conjunction with the update of the city's transportation improvement program.-
5 ~~Amendments or updates to the impact fee schedule shall be adopted by ordinance.~~

6 B. The current transportation impact fees shall be listed in the city of Edgewood fee schedule, adopted pursuant to
7 EMC 3.35.020, Notwithstanding subsection (A) of this section, the impact fee schedule and shall be automatically
8 updated for inflation annually using the following procedures:

9 1. The public works director shall use the Construction Cost Index for Seattle (June-June) published by the
10 Engineering News-Record to calculate annual inflation adjustments in the impact fee schedule. The impact fee
11 schedule shall not be adjusted for inflation if the index remains unchanged.

12 2. The indexed impact fee schedule shall be effective January 1st beginning in 2023, and on January 1st of each
13 year thereafter. A copy of the indexed impact fee schedule shall be provided to the city council each October,
14 but the indexed impact fee schedule shall become effective without further council action.

15 **4.30.135 Funding of projects.**

16 A. An impact fee fund is hereby created for transportation impact fees. Separate accounts shall be established for
17 each fee type. The city's finance director shall be the manager of the city's fund. The city shall place transportation
18 impact fees in appropriate deposit accounts within the impact fee fund.

19 B. The transportation impact fees paid to the city shall be held and disbursed as follows:

20 1. The fees collected for each project shall be placed in a deposit account within the impact fee fund, with the
21 exception of school impact fees, which shall be collected by the school district;

22 2. When the council appropriates TIP funds for a transportation project on the project list, the transportation
23 fees held in the impact fee fund shall be transferred to the TIP fund. The nonimpact fee monies appropriated for
24 the project shall comprise both the public share of the project cost and an advancement of that portion of the
25 private share that has not yet been collected in transportation impact fees;

26 3. The first money spent by the director on a project after a council appropriation shall be deemed to be the fees
27 from the impact fee fund;

28 4. Fees collected after a project has been fully funded by means of one or more council appropriations shall
29 constitute reimbursement to the city of the funds advanced for the private share of the project. The public
30 monies made available by such reimbursement shall be used to pay the public share of other projects;

31 5. All interest earned on impact fees paid shall be retained in the account and expended for the purpose or
32 purposes for which the impact fees were imposed.

33 C. Projects shall be funded by a balance between impact fees and public funds, and shall not be funded solely by
34 impact fees.

35 D. Impact fees shall be expended or encumbered for a permissible use for 10 years after receipt, unless there exists
36 an extraordinary or compelling reason for fees to be held longer than 10 years. The director may recommend to the
37 council that the city hold transportation fees beyond 10 years in cases where extraordinary or compelling reasons
38 exist. Such reasons shall be identified in written findings by the council.

39 **4.30.140 Administrative fees.**

40 A. The cost of administering the traffic impact fee program shall also include an amount equal to five percent of the
41 amount of the total traffic impact fee determined from the fee schedules. The administrative fee shall be deposited
42 into an administrative fee account within the traffic mitigation impact fee fund. Administrative fees shall be used to
43 defray the cost incurred by the city in the administration and update of the traffic impact fee program, including, but

1 not limited to, review of independent fee calculations and the value of credits. The administrative fee is not
2 creditable or refundable.

3 B. The administrative fee, in addition to the actual impact fees, shall be paid by the applicant to the city at the same
4 time as the impact fee.

5 **4.30.150 Impact fee calculations.**

6 The traffic impact fee shall be calculated using a schedule that identifies a particular fee amount for a particular type
7 of development, as supported by and consistent with the City of Edgewood Transportation Impact Fee Program
8 Report dated October 2016, and any adopted updates or amendments thereto. Traffic impact fees for Accessory
9 dDwelling uUnits (ADUs) shall be ~~calculated using IFE number 220, Apartment customer type~~ no greater than 50%
10 of the traffic impact fee that would be imposed on the principal unit.

11 **4.30.160 Schedule of fees.**

12 A traffic impact fee shall be assessed against all new development in the Transportation Impact Fee Schedule,
13 adopted pursuant to this chapter. This fee schedule represents the city's determination of the appropriate share of
14 system improvement costs to be paid by new growth and development. The current ~~trafficsportation~~ impact fees,
15 based on a single PM Peak Hour trip generated by the project, shall be listed in the city of Edgewood fee schedule
16 adopted pursuant to EMC 3.35.020.

17 **4.30.170 Existing authority unimpaired.**

18 Nothing in this chapter shall preclude the city from requiring the applicant to mitigate adverse environmental
19 impacts of a specific development pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, based on
20 the environmental documents accompanying the underlying development approval process, and/or Chapter 58.17
21 RCW governing plats and subdivisions; provided, that the exercise of this authority is consistent with the provisions
22 of Chapters 43.21C and 82.02 RCW.

23 **4.30.180 Severability.**

24 If any section, sentence, clause or phrase of this chapter should be held to be invalid or unconstitutional by a court of
25 competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any
26 other section, sentence, clause or phrase of this chapter.

27 **4.30.190 Effective date.**

28 *Repealed by Ord. 21-60*



CITY OF EDGEWOOD
STAFF REPORT
PLANNING COMMISSION AGENDA ITEM

Date: June 9, 2025

Title: Land Use Table Updates - Recommendation

Attachments: Draft Planning Commission Recommendation
Exhibit A – DRAFT Land Use Table Amendments
Exhibit B – DRAFT EMC 18.70 Amendments
Exhibit C – DRAFT Other EMC Title 18 Amendments

Submitted By: Jeremy Metzler, PE – Community Development Director

Background Information:

The 2024 Comprehensive Plan Periodic Update was adopted by the City Council, including updated Land Use and Zoning Maps, and they became effective as of January 1, 2025. The changes adopted therein necessitate Edgewood Municipal Code (EMC) updates to ensure consistency. The Planning Commission starting reviewing draft amendments to EMC 18.70.050 at their [February 10, 2025 meeting](#) for consistency with the following:

1. Comprehensive Plan Vision, Goals, & Policies for all plan elements (available [here](#))
2. Promotion of commercial uses and activities for economic development
3. Meridian Corridor Vision
4. Addressing outstanding items needing to be updated
5. Update associated land use references in EMC Title 18 and EMC 18.20, Definitions for consistency with the proposed amendments

Pursuant to item #2, the Planning Commission requested Economic Development Advisory Board (EDAB) input on proposed changes to commercial and industrial land uses at their [March 10, 2025 meeting](#). EDAB met on [April 7, 2025](#), performed a detailed review of the proposed land use table amendments, and made their formal recommendation to the Planning Commission at their [May 5, 2025 meeting](#).

Staff also issued a SEPA Determination of Nonsignificance (DNS) on April 27, 2025, with the SEPA public comment period ending with last month's public hearing. No public comments were received.

Current Discussion:

Following last month's public hearing and discussion, staff has finalized the attached draft amendments for final review and consideration by the Planning Commission. With the latest update slated for City Council's consideration at their June 10, 2025 regular meeting, staff has updated Exhibit A to reflect those

anticipated changes to be already effective, including changes from “Single Family” to “Residential” and the elimination of the Single Family 5 (SF-5) zoning district. Red and green text with strikeouts and underlines indicate other modifications being recommended herein.

Staff Recommendation:

Following any further discussion on the matter, the Planning Commission is invited to make a formal recommendation to the City Council on adoption of the proposed draft code amendments EMC Title 18 ensuring consistency between the Comprehensive Plan, Land Use Table, and affected regulations. A draft recommendation has been prepared by staff, attached herein for consideration.



CITY OF EDGEWOOD
PLANNING COMMISSION
RECOMMENDATION

The Planning Commission voted to recommend that the City Council adopt the proposed amendments to Edgewood Municipal Code (EMC) Title 18 ensuring consistency between the Comprehensive Plan, Land Use Table, and affected regulations, as presented herewith.

RECOMMENDED BY THE CITY OF EDGEWOOD PLANNING COMMISSION
ON THE 9TH DAY OF JUNE 2025.

JoAnn Overfield
Planning Commission Chair

Attest by:

Jeremy Metzler, PE
Community Development Director

18.70.050 Land use table.

Table 1: Land Use Table

<u>Legend (EMC 18.70.040(A))</u>		Residential 1	Residential 2	Mixed Residential 1	Mixed Residential 2	Mixed Use Residential	Town Center	Commercial	Business Park	Industrial	Public	Notes
Land Use Category	NAICS Code	R-1	R-2	MR-1	MR-2	MUR	TC	C	BP	I	P	
Residential												
Detached Dwelling	Special	✓	✓	✓	✓	✓	–	–	–	–	–	
<i>Middle Housing</i>												
Accessory Dwelling Unit (ADU)	Special	✓	✓	✓	✓	✓	✓	✓	–	–	–	See EMC 18.90.190 for ADU requirements. ADUs are allowed secondarily in TC and C zones only when paired with a townhouse use.
Cottage Housing	Special	✓	✓	✓	✓	✓	–	–	–	–	–	
Courtyard Apartments	Special	✓	✓	✓	✓	✓	–	–	–	–	–	
Duplex	Special	✓	✓	✓	✓	✓	–	–	–	–	–	
Stacked Flats	Special	✓	✓	✓	✓	✓	–	–	–	–	–	
<i>Multifamily</i>												
Multi-plex (tri-, four-, five-, six-)	Special	–	–	✓	✓	✓	–	–	–	–	–	
Townhouse	Special	–	–	✓	✓	✓	✓	✓	–	–	–	See Ordinance 25-0676 for TC and C zones.
Apartment	Special	–	–	–	–	✓	✓	✓	✓	–	–	See Ordinance 25-0676 for TC and C zones.

Legend (EMC 18.70.040(A))		Residential 1	Residential 2	Mixed Residential 1	Mixed Residential 2	Mixed Use Residential	Town Center	Commercial	Business Park	Industrial	Public	Notes
✓	Permitted Use											
–	Prohibited Use											
A	Requires AUP											
CUP	Requires CUP											
Land Use Category	NAICS Code	R-1	R-2	MR-1	MR-2	MUR	TC	C	BP	I	P	All Uses Subject to Conditions 1 and 6
<i>Other</i>												
Adult Family Home	623990, part	✓	✓	✓	✓	✓	✓	✗=	✗=	–	–	In accordance with RCW 70.128.010(1), as amended
Nursing and Residential Care Facilities	6231; 6232	–	–	–CUP	CUP_A	✓	✓	✓	✓	–	–	<u>Only permitted in MR-1 if located on a Arterial or Collector road. This use is considered residential for mixed use determinations.</u>
Assisted Living Facilities	6233	–	–	CUP	CUP_A	✓	✓	✓	✓	–	–	<u>Only permitted in MR-1 if located on a Arterial or Collector road. This use is considered residential for mixed use determinations.</u>
Live/Work Unit	Special	–	–	–A	–A	✓	✓	✓	✗=	–	–	<u>Only permitted in MR-1 if located on a Arterial or Collector road. This use is considered residential for mixed use determinations.</u>
<u>Work/Live Unit</u>	<u>Special</u>	=	=	=	A	✓	✓	✓	=	=	=	
Permanent Supportive Housing		✓	✓	✓	✓	✓	✓	✓	✓	–	–	
Transitional Housing		✓	✓	✓	✓	✓	✓	✓	✓	–	–	
Agriculture and Resource (Sector 11-21)												
Agricultural Sales	Special	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
<i>Crop Production</i>												
Crop Production	111, part	A	A	A	–	–	–	–	A	A	–	

Legend (EMC 18.70.040(A))		Residential 1	Residential 2	Mixed Residential 1	Mixed Residential 2	Mixed Use Residential	Town Center	Commercial	Business Park	Industrial	Public	Notes
✓	Permitted Use											
–	Prohibited Use											
A	Requires AUP											
CUP	Requires CUP											
Land Use Category	NAICS Code	R-1	R-2	MR-1	MR-2	MUR	TC	C	BP	I	P	
Marijuana Production	111; Special	–	–	–	–	–	–	–	–	–	–	See Condition 2
Crop Production, All Other	111, part	✓	✓	–	–	–	–	–	–	✓	✓	
<i>Animal Production and Aquaculture</i>												
Animal Production, Personal	112, part	✓	✓	✓	A	–	–	–	–	–	✓	Only permitted as an accessory use to a primary residential use.
Hog and Pig Farming	112210	–	–	–	–	–	–	–	–	–	–	Personal animal uses are permitted in all zones per EMC 18.100.030.
Cattle Feedlots	112112	–	–	–	–	–	–	–	–	CUP	–	
Animal Production and Aquaculture, All Other	112 except 112210; 112112; 112511, part	✓	CUP	–	–	–	–	–	–	✓	CUP	
Mining, Quarrying, and Oil and Gas Extraction	21	–	–	–	–	–	–	–	–	–	–	Unless otherwise authorized or permitted by the state where city of Edgewood is preempted from regulating
<i>Utilities (Sector 22)</i>												
Electric Power Generation	22111, <u>except 221114 and 221115</u>	CUP	CUP	CUP	CUP	–	–	–	–	CUP	CUP	Not applicable to small-scale, independent residential units or single-building power supply units

Legend (EMC 18.70.040(A))		Residential 1	Residential 2	Mixed Residential 1	Mixed Residential 2	Mixed Use Residential	Town Center	Commercial	Business Park	Industrial	Public	Notes
✓	Permitted Use											
–	Prohibited Use											
A	Requires AUP											
CUP	Requires CUP											
Land Use Category	NAICS Code	R-1	R-2	MR-1	MR-2	MUR	TC	C	BP	I	P	
<u>Solar Electric Power Generation</u>	221114	✓	✓	A	A	A	A	A	✓	✓	✓	
<u>Wind Electric Power Generation</u>	221115	✓	✓	✓	✓	✓	✓	✓	✓	A	A	
Potable Water Treatment	221310, part	CUP	CUP	CUP	CUP	–	–	–	–	CUP	CUP	
Sewage Collection or Treatment Facility	221320, part	CUP	CUP	CUP	CUP	–	–	–	–	CUP	CUP	
Wireless Communication Facilities	517312; 517919, part	See Note										Activities subject to Edgewood Ord. No. 18-526 and any successors, as modified (EMC 18.100.110)
Manufacturing (Sector 31-33)												
Animal Slaughtering and Processing	3116	–	–	–	–	–	–	–	–	–	–	
Marijuana Processing	Special	–	–	–	–	–	–	–	–	–	–	See Condition 2
Manufacturing, Craft	Special	–	–	–	–	CUP A	CUP A	CUP ✓	CUP ✓	✓	–	
Manufacturing, Light	23, part; 311 except 3116; 312; 313; 314; 315; 316; 337	–	–	–	–	–	–	–	CUP A	✓	–	

Legend (EMC 18.70.040(A))		Residential 1	Residential 2	Mixed Residential 1	Mixed Residential 2	Mixed Use Residential	Town Center	Commercial	Business Park	Industrial	Public	Notes
✓	Permitted Use											
–	Prohibited Use											
A	Requires AUP											
CUP	Requires CUP											
Land Use Category	NAICS Code	R-1	R-2	MR-1	MR-2	MUR	TC	C	BP	I	P	All Uses Subject to Conditions 1 and 6
Manufacturing, Heavy	23, part; 321; 322; 323; 324; 325; 326; 327; 331; 332; 333; 334; 335; 336; 339	–	–	–	–	–	–	–	–	CUP	–	
Wholesale and Retail Trade (Sector 42, 44-45)												
Wholesale Trade	423; 424; 425	–	–	–	–	–	–	–	A	✓	–	
<i>Retail Trade</i>												
Automobile and Other Motor Vehicle Dealers	4411; 4412	–	–	–	–	–	–	CUP	A	A	–	
Gasoline Stations	447	–	–	–	–	CUP	CUP	A CUP	✓	✓	–	<u>Use is limited to 25,000 square feet of total site area per zone in the MUR and C zones (total site area includes all accessory and ancillary uses)</u>
<u>Alternative Fueling Stations</u>	<u>Special</u>	=	=	=	✓	✓	✓	✓	✓	✓	✓	
Pet and Pet Supplies Stores	453910	–	–	–	–	A✓	✓	✓	✓	✓	–	
Fuel Dealers	454310	–	–	–	–	–	–	–	CUP	✓CUP	–	

Legend (EMC 18.70.040(A))		Residential 1	Residential 2	Mixed Residential 1	Mixed Residential 2	Mixed Use Residential	Town Center	Commercial	Business Park	Industrial	Public	Notes
✓	Permitted Use											
–	Prohibited Use											
A	Requires AUP											
CUP	Requires CUP											
Land Use Category	NAICS Code	R-1	R-2	MR-1	MR-2	MUR	TC	C	BP	I	P	Notes
Marijuana Retailers	453998, part	–	–	–	–	–	–	–	–	–	–	See Condition 2. Per Ord. Nos. 11-356, 13-410, 14-425, 17-502, and regulations regarding cannabis in Chapter 69.51A RCW or I-502
Sexually Oriented Retail Businesses	Special	–	–	–	–	–	–	–A	CUP A	–A	–	Subject to standards provided in EMC 18.100.100
Retail Trade, All Other	All Other 44; 45	–	–	–	–A	✓	✓	✓	✓	✓	CUP	
Transportation and Warehousing (Sector 48-49)												
<i>Transportation</i>												
Pipeline Transportation	486	See Note										Activities must follow city of Edgewood permitting requirements and are subject to Condition 3
Transportation, All Other	48 except 486	See Note										See Condition 4
<i>Warehousing and Storage</i>												
Mini-Warehouses and Self-Storage Units	53113	–	–	–	–	–	–	–	✓	✓	–	
Warehousing and Storage, All Other	–	–	–	–	–	–	–	–	CUP	✓	–	–
<u>Warehousing and Storage, All Other up to 50,000 sq. ft.</u>		=	=	=	=	=	=	=	✓	✓	=	

Legend (EMC 18.70.040(A))		Residential 1	Residential 2	Mixed Residential 1	Mixed Residential 2	Mixed Use Residential	Town Center	Commercial	Business Park	Industrial	Public	Notes
✓	Permitted Use											
–	Prohibited Use											
A	Requires AUP											
CUP	Requires CUP											
Land Use Category	NAICS Code	R-1	R-2	MR-1	MR-2	MUR	TC	C	BP	I	P	
<u>Warehousing and Storage, All Other 50,001 sq. ft and greater</u>		=	=	=	=	=	=	=	=	✓	=	
Business and Professional Services (Sector 51-56)												
General	All Office Use, plus: 51 except 517; 52; 531 ; 533; 54 except 541940; 55; 561; 813	–	–	–	–	✓	✓	✓	✓	A	–	
<u>Wedding and Special Occasion Venues and Events</u>	Special	A	A	A	✓	✓	✓	✓	A	A	A	
<i>Rental and Leasing</i>												
Passenger Car Rental and Leasing	53211	–	–	–	–	✓ –	✓ –	✓ A	✓	✓	–	
Truck, Utility Trailer, and RV Rental and Leasing	53212	–	–	–	–	CUP –	CUP –	– A	✓	✓	–	<u>Use is limited to no more than four (4) rental units per site in the C zone.</u>

Legend (EMC 18.70.040(A))		Residential 1	Residential 2	Mixed Residential 1	Mixed Residential 2	Mixed Use Residential	Town Center	Commercial	Business Park	Industrial	Public	Notes
✓	Permitted Use											
–	Prohibited Use											
A	Requires AUP											
CUP	Requires CUP											
Land Use Category	NAICS Code	R-1	R-2	MR-1	MR-2	MUR	TC	C	BP	I	P	All Uses Subject to Conditions 1 and 6
Consumer Goods Rental	5322; 5323, part	–	–	–	–	✓	✓	✓	✓	✓	–	
Commercial and Industrial Equipment Rentals	5323, part; 5324	–	–	–	–	–	–	–	✓	✓	–	
<i>Waste Management and Remediation Services</i>												
Waste Management and Remediation Services, All Other	5622, part; 5629	–	–	–	–	–	–	–	–CUP	CUP	–CUP	
Educational Services (Sector 61)												
Elementary and Secondary Schools	6111	CUP	CUP	CUP	CUP	A	✓	✓	✓	CUP	A	
Junior Colleges, Colleges, Universities, and Professional Schools	6112; 6113; 6114	–	–	–	–CUP	A	✓	✓	✓	CUP	A	
Technical and Trade Schools	6115	–	–	–	–CUP	A	✓	✓	✓	CUP A	A	
Educational Services, All Other	6116; 6117	–	–	–	–A	A	✓	✓	✓	CUP	–A	

Legend (EMC 18.70.040(A))		Residential 1	Residential 2	Mixed Residential 1	Mixed Residential 2	Mixed Use Residential	Town Center	Commercial	Business Park	Industrial	Public	Notes
✓	Permitted Use											
–	Prohibited Use											
A	Requires AUP											
CUP	Requires CUP											
Land Use Category	NAICS Code	R-1	R-2	MR-1	MR-2	MUR	TC	C	BP	I	P	All Uses Subject to Conditions 1 and 6
Health Care and Social Assistance (Sector 62)												
Ambulatory Health Care Services, All Other	All Other 621	–	–	–	CUP	✓	✓	✓	✓	CUP	CUP	
Hospitals	622	–	–	–	–	–	✓	✓	✓	CUP	–	
<u>Community Care & Walk-in Clinics</u>	<u>Special</u>	=	=	=	A	✓	✓	✓	✓	✓	✓	
<i>Social Assistance</i>												
Services for the Elderly and Persons with Disabilities	624120	–	–	–A	CUP A	✓	✓	✓	✓	CUP	CUP ✓	
Vocational Rehabilitation Services	624310	–	–	–CUP	CUP A	✓	✓	✓	✓	CUP	CUP ✓	
Child Daycare Services, Home-Based	624410, part	A ✓	A ✓	A ✓	A ✓	✓	✓	✓	✓=	–	–	Subject to standards provided in EMC 18.100.040, and requires an applicable Home Business Permit.
Child Daycare Services, All Other	624410, part	–	–	–A	CUP A	✓	✓	✓	✓	CUP A	– ✓	Subject to standards provided in EMC 18.100.040
Social Assistance, All Other	All Other 624	–	–	–	CUP	✓	✓	✓	✓	CUP	CUP	
Emergency Housing		–	–	–	–	CUP A	✓	✓	CUP A	✓	– ✓	
Emergency Shelter		–	–	–	–	CUP A	✓	✓	CUP A	✓	– ✓	

Legend (EMC 18.70.040(A))		Residential 1	Residential 2	Mixed Residential 1	Mixed Residential 2	Mixed Use Residential	Town Center	Commercial	Business Park	Industrial	Public	Notes
✓	Permitted Use											
–	Prohibited Use											
A	Requires AUP											
CUP	Requires CUP											
Land Use Category	NAICS Code	R-1	R-2	MR-1	MR-2	MUR	TC	C	BP	I	P	All Uses Subject to Conditions 1 and 6
Arts, Entertainment, and Recreation (Sector 71)												
Libraries	Special	–	–	A	A	✓	✓	✓	✓	A	✓	
Museums and Art Galleries	712 except 712130	–	–	A	A	✓	✓	✓	✓	A	✓	
Zoos, Aquariums, and Botanical Gardens	712130	–	–	–	–	A	✓	✓	✓	✓	A	
Golf Courses and Country Clubs	713910	A	A	A	A	A	✓	✓	✓	✓	A	
Sexually Oriented Entertainment	Special	–	–	–	–	–	–	–	CUP	CUP	–	Subject to standards provided in EMC 18.100.100
Gambling Industries	7132	–	–	–	–	–	CUP A	A	A	✓	–	
Indoor Arts, Entertainment, and Recreation Activities, Other	Special	–	–	CUP	A	CUP ✓	✓	✓	✓	A	✓	
Outdoor Arts, Entertainment, and Recreation Activities, Other	Special	A	A	A	A	CUP ✓	A	A	A	–	✓	
Accommodation (Sector 721)												
Hotels (except Casino Hotels) and Motels	721110	–	–	–	A	CUP ✓	✓	✓	CUP	✓ –	–	

Legend (EMC 18.70.040(A))		Residential 1	Residential 2	Mixed Residential 1	Mixed Residential 2	Mixed Use Residential	Town Center	Commercial	Business Park	Industrial	Public	Notes
✓	Permitted Use											
–	Prohibited Use											
A	Requires AUP											
CUP	Requires CUP											
Land Use Category	NAICS Code	R-1	R-2	MR-1	MR-2	MUR	TC	C	BP	I	P	
Bed-and-Breakfast Inns	721191	-A	-A	CUP A	CUP A	CUP ✓	✓	✓	CUP A	–	–	
<u>Short-term Rentals</u>	<u>Special</u>	✓	✓	✓	✓	✓	✓	✓	=	=	=	
RV Parks and Recreational Camps	7212	-A	-A	-A	–	–	–	–	–	-A	–	
Food Service and Drinking Places (Sector 722)												
Special Food Services	7223 except 722330	See Note				✓	✓	✓	✓	-✓	-✓	Allowed as incidental use in residential districts
Mobile Vendors	722330	-A	-A	-A	-✓	✓	✓	✓	✓	✓	✓	<u>In R-1, R-2, and MR-1, only permitted within 600 feet of a street corner and fronting on a Collector or Arterial road. Activities always require TUP and must comply with EMC 18.50.070</u>
Drinking Places for Alcoholic Beverages	722410	-A	-A	-A	-✓	CUP ✓	✓	✓	✓	✓	CUP ✓	Subject to regulation and classification by the Washington State Liquor and Cannabis Board. <u>In R-1, R-2, and MR-1, only permitted within 600 feet of a street corner and fronting on a Collector or Arterial road.</u>
Restaurants, Full Service	722511	-A	-A	-A	-✓	✓	✓	✓	✓	✓	✓	<u>In R-1, R-2, and MR-1, only permitted within 600 feet of a street corner and fronting on a Collector or Arterial road.</u>

Legend (EMC 18.70.040(A))		Residential 1	Residential 2	Mixed Residential 1	Mixed Residential 2	Mixed Use Residential	Town Center	Commercial	Business Park	Industrial	Public	Notes
✓	Permitted Use											
–	Prohibited Use											
A	Requires AUP											
CUP	Requires CUP											
Land Use Category	NAICS Code	R-1	R-2	MR-1	MR-2	MUR	TC	C	BP	I	P	
Restaurants, Limited Service	722513; 722514	– <u>A</u>	– <u>A</u>	– <u>A</u>	– <u>✓</u>	✓	✓	✓	✓	✓	✓	Subject to compliance with drive-up windows (special) use, if also applicable. <u>In R-1, R-2, and MR-1, only permitted within 600 feet of a street corner and fronting on a Collector or Arterial road.</u>
Snack and Nonalcoholic Beverage Bars	722515	– <u>A</u>	– <u>A</u>	– <u>A</u>	– <u>✓</u>	✓	✓	✓	✓	✓	✓	Subject to compliance with drive-up windows (special) use, if also applicable. <u>In R-1, R-2, and MR-1, only permitted within 600 feet of a street corner and fronting on a Collector or Arterial road.</u>
Services (Sector 811-812)												
Personal Care Services	8121; 812310; 8123200	– <u>A</u>	– <u>A</u>	– <u>A</u>	– <u>✓</u>	CUP ✓	✓	✓	✓	✓	–	<u>In R-1, R-2, and MR-1, only permitted within 600 feet of a street corner and fronting on a Collector or Arterial road.</u>
<i>Automotive Repair and Maintenance</i>												
Automotive Oil Change and Lubrication Shops	811191	–	–	–	–	–	–	CUP <u>A</u>	A	✓	–	
Car Washes	811192	–	–	–	–	CUP <u>A</u>	✓ <u>–</u>	✓	✓	✓	–	
Automotive Repair and Maintenance, All Other	All Other 8111	–	–	–	–	–	–	CUP <u>A</u>	CUP <u>A</u>	✓	–	

Legend (EMC 18.70.040(A))		Residential 1	Residential 2	Mixed Residential 1	Mixed Residential 2	Mixed Use Residential	Town Center	Commercial	Business Park	Industrial	Public	Notes
✓	Permitted Use											
–	Prohibited Use											
A	Requires AUP											
CUP	Requires CUP											
Land Use Category	NAICS Code	R-1	R-2	MR-1	MR-2	MUR	TC	C	BP	I	P	All Uses Subject to Conditions 1 and 6
<i>Other Repair and Maintenance</i>												
Other Repair and Maintenance, Consumer	811 except 8111	–	–	–	–	–	–	CUP_A	CUP_A	✓	–	
Other Repair and Maintenance, Commercial/Industrial	811 except 8111	–	–	–	–	–	–	–	CUP_A	✓	–	
Funeral Homes and Funeral Services	812210	–A	–A	–A	–A	–A	–	CUP_A	CUP_A	✓	–	<u>In R-1, R-2, and MR-1, only permitted within 600 feet of a street corner and fronting on a Collector or Arterial road.</u>
Crematoria	812220, part	–	–	–	–	–	–	–	CUP	CUP	–	
<i>Pet Care Services</i>												
Kennels	Special	–	–	–	–	A	–	A	A	A	CUP	
Veterinary Services	541940	A	A	A	A	✓	✓	✓	✓	A	A	Only permitted in residential zones and MR-1 as an accessory use to a primary residential use.
Pet Care Services, All Other	812910, part	A	A	A	A	✓	✓	✓	✓	A	–	Only permitted in residential zones and MR-1 as an accessory use to a primary residential use.
Civic and Public Uses (Sector 813)												
Cemeteries	812220, part	–A	–A	–A	–	–	–	–	–	–	CUP	

Legend (EMC 18.70.040(A))		Residential 1	Residential 2	Mixed Residential 1	Mixed Residential 2	Mixed Use Residential	Town Center	Commercial	Business Park	Industrial	Public	Notes
✓	Permitted Use											
–	Prohibited Use											
A	Requires AUP											
CUP	Requires CUP											
Land Use Category	NAICS Code	R-1	R-2	MR-1	MR-2	MUR	TC	C	BP	I	P	
<u>Correctional Institutions</u>	922140	=	=	=	=	=	=	CUP	CUP	=	CUP	=
<u>Administrative Public Facility</u>	92 except 922140	=	=	=	=	✓	✓	✓	✓	✓	✓	=
<u>Nonadministrative Public Facility</u>	Special	=	=	=	=	=	=	=	=	=	A	<u>Activities with Outside Storage also subject to EMC 18.90.120</u>
<u>Parks, Open Space, and Public Recreation</u>	Special	✓	✓	✓	✓	✓	✓	✓	✓	A	✓	=
<i>Religious Assembly</i>												
Up to 10,000 sq. ft.	813110, Assembly Only	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
10,000 to 19,999 sq. ft.	813110, Assembly Only	✓	✓	A	A	CUP_A	CUP_A	✓	✓	–	CUP	
20,000 to 29,999 sq. ft.	813110, Assembly Only	A	A	A	A	CUP	CUP	✓	✓	–	CUP	
30,000 to 39,999 sq. ft.	813110, Assembly Only	CUP	CUP	A	A	CUP	CUP	✓	✓	–	CUP	
40,000 sq. ft. or greater	813110, Assembly Only	–	–	–	–	–	–	✓CUP	✓	–	CUP	

Legend (EMC 18.70.040(A))		Residential 1	Residential 2	Mixed Residential 1	Mixed Residential 2	Mixed Use Residential	Town Center	Commercial	Business Park	Industrial	Public	Notes
✓	Permitted Use											
-	Prohibited Use											
A	Requires AUP											
CUP	Requires CUP											
Land Use Category	NAICS Code	R-1	R-2	MR-1	MR-2	MUR	TC	C	BP	I	P	
Correctional Institutions	922140	-	-	-	-	-	-	CUP	CUP	-	CUP	=
Administrative Public Facility	92 except 922140	-	-	-	-	✓	✓	✓	✓	✓	✓	=
Nonadministrative Public Facility	Special	-	-	-	-	-	-	-	-	-	A	Activities with Outside Storage also subject to EMC 18.90.120
Parks, Open Space, and Public Recreation	Special	✓	✓	✓	✓	✓	✓	✓	✓	A	✓	=
Other Uses												
Parking Lots	812930, part	-	-	-	-	-A	-	CUP_A	-	-CUP	-CUP	<u>As a principal use, no more than 25,000 square feet of total parking area per lot or contiguous ownership in MUR or C zoning districts, except for Transit agency park-and-rides or public parks and services. Permitted as an accessory use without an AUP in all zones.</u>
Parking Structures	812930, part	-	-	-	-	-A	CUP_-	CUP_A	-	-A	-A	<u>Permitted as an accessory use without an AUP in all zones</u>
Drive-Up Windows	Special	-	-	-	-	CUP_A	CUP_A	CUP_✓	CUP_A	CUP_✓	CUP_-	Window shall not face a public ROW and facility must be screened from ROW
Outside Displays	Special	-	-	-	-	✓	✓	✓	✓	✓	✓_-	Activities also subject to EMC 18.95.030(I)
Outside Storage	Special	-	-	-	-	-	CUP_-	-	CUP	A	See Note	Allowed as incidental use in Public district. Activities also subject to EMC 18.90.120

Conditions:

- (1) Operations shall not disseminate dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence beyond the boundaries of the site, property, or parcel on which such use is located.
- (2) Subject to regulation and classification by the Washington State Liquor and Cannabis Board, where applicable and must comply with Edgewood City Ordinance Nos. [11-356](#), [13-410](#), 14-425 and/or 17-502; plus any regulations regarding cannabis in Chapter 69.51A RCW or I-502.
- (3) Subject to Washington Utilities and Transportation Commission regulations and the federal Pipeline and Hazardous Materials Safety Administration (PHMSA). As allowed under state or federal regulations, any use(s) or appurtenances subject to local municipal control will require a CUP in all zoning districts.
- (4) NAICS Subsector Codes 481-485 and 487 (Air Transportation; Rail Transportation; Water Transportation; Truck Transportation; Transit and Ground Passenger Transportation; and Scenic and Sightseeing Transportation) permitted as services or systems, to include necessary support activities. The physical location of facilities, maintenance grounds, offices, or other structures incidental to the service or system is subject to the use regulations for said structure.
- (5) Essential public facilities are subject to EMC 18.50.060, Essential public facilities permit.
- (6) Subject to EMC 18.100.030, Animals.

Chapter 18.70
PERMITTED LAND USES

Sections:

- 18.70.010 Purpose of provisions.
 18.70.020 Characterization of use and organization.
 18.70.040 Establishing use.
 18.70.050 Land use table. [see Exhibit A]

Prior legislation: Ords. 03-203, 07-283, 08-305, 11-359, 15-448, 16-463, 16-469 and 16-482.

18.70.010 Purpose of provisions.

This chapter lists the land uses that are regulated within this title in order to ensure orderly, uniform, and fair regulation that results in not only the appropriate siting of land uses, but also the appropriate physical relationship of different land uses, which are sometimes not complementary, to one another as zoning is applied. (Ord. 20-579 § 2 (Exh. B)).

18.70.020 Characterization of use and organization.

A. Each land use within Edgewood shall be characterized according to the North American Industry Classification System (NAICS) or the land use definition provided in Chapter 18.20 EMC, Definitions, as described further below. The use of a property is defined by the activity for which it or structures occupying it is or are intended, designed, arranged, occupied, or maintained. In all regulatory zones there shall be no limit as to the number of principal uses allowed on a lot, provided each principal use is permitted in the zone and meets all pertinent regulatory requirements.

B. All references to ~~the North American Industry Classification System~~ (NAICS) are to the titles and descriptions found in the North American Industry Classification System, 2017 Edition, prepared by United States Office of Management and Budget, which is hereby adopted by reference. ~~The~~ NAICS is used to suit the purposes of this title, to list and define land uses authorized to be located in the various zoning district consistent with the comprehensive plan.

C. ~~The~~ NAICS uses a six-digit coding system to identify particular industries and their placement in the hierarchical structure of the classification system. The first two digits of the code designates the sector, the third digit designates the subsector, the fourth digit designates the industry group, the fifth digit designates the NAICS industry, and the sixth digit designates the national industry.

D. A “part” in the NAICS column of the land use table means that only a part of the associated NAICS definition will be included into the specified land use. The community development director or assignee will respond to requests for clarification on a project by project basis.

E. A “special” in the NAICS column of the land use table means that the NAICS definition for the specified land use is not provided or that the city has modified the definition by this title. The “special” definition is provided in Chapter 18.20 EMC, Definitions.

F. The community development director shall determine whether a proposed land use not specifically listed in a land use table or specifically included within a NAICS classification is allowed in a zone. The director’s determination shall be based on whether or not permitting the proposed use in a particular zone is consistent with the purposes of this title and the zone’s purpose as set forth in Chapter 18.80 EMC, by considering the following factors:

1. The physical characteristics of the use and its supporting structures, including but not limited to scale, traffic and other impacts, and hours of operation;
2. Whether or not the use complements or is compatible with other uses permitted in the zone; and
3. The NAICS classification, if any, assigned to the business or other entity that will carry on the primary activities of the proposed use. (Ord. 20-579 § 2 (Exh. B)).

1 **18.70.040 Establishing use.**

2 A. The use of land or buildings shall be in accordance with those listed in the Land Use Table. No land or building
3 shall hereafter be used and no building or structure erected, altered, or converted other than for those uses specified
4 in the zoning district in which it is located. The legend for interpreting the Land Use Table is:

✓	Designates use <u>is</u> permitted in the zoning district indicated
–	Designates use <u>is</u> prohibited in <u>the zoning</u> district indicated
A	Designates use may be approved by <u>a</u> Administrative <u>u</u> Use <u>p</u> Permit (<u>AUP</u>)
CUP	Designates use may be approved by <u>e</u> Conditional <u>u</u> Use <u>p</u> Permit (<u>CUP</u>)

5
6 B. If a use is identified as requiring a temporary use permit (TUP), then the use is only allowed if ~~the a~~ TUP is
7 obtained in accordance with EMC 18.50.070.

8 ~~C. If a use is not listed, it is not allowed in any zoning district.~~

9 ~~DC.~~ It is recognized that ~~the land use table does not list all possible land uses, and that~~ new types of land use will
10 develop and forms of land use not presently anticipated may seek to locate in the city of Edgewood. In order to
11 provide for such changes and contingencies, a determination as to the appropriate classification of any new or
12 unlisted form of land use in the Land Use Table shall be performed in accordance with EMC 18.50.020(D).

13 ~~ED.~~ Any proposed use, business, structure, or other land occupancy is subject to the primary, secondary, and
14 incidental uses expressed in the Land Use Table. As an example, a company performing surveying and mapping
15 services may locate their office in accordance with their primary NAICS code for the service function and any
16 secondary, tertiary, or otherwise accompanying or secondary outdoor storage, maintenance facility, information
17 services, or other use is subject to the development standards and conditions of the incidental use. (Ord. 20-579 § 2
18 (Exh. B)).

Chapter 18.20
DEFINITIONS

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18.20.040 A definitions.

“Alternative fueling stations” means fueling or charging facilities that offer non-liquid fuels for vehicles, such as hydrogen and electric vehicle charging, and do not meet the definition of “Gasoline stations”. Locations may include accessories and repair services as incidental, and no storage or parking space is offered for rent.

18.20.060 C definitions.

“Community Care & Walk-in Clinics” means human health services such as primary care, preventative care, mental health, dental, pharmacy, and social services for case management. A walk-in clinic (also known as a walk-in center) is a medical facility that accepts patients on a walk-in basis and with no appointment required.

18.20.100 G definitions.

“Gasoline stations” means a building or lot having pumps and storage tanks where liquid fuels, oils or accessories for motor vehicles are dispensed, sold or offered for sale at retail prices only, repair service is incidental and no storage or parking space is offered for rent. Further described in NAICS 447.

18.20.120 I definitions.

“Interior landscaping area” means any area of a lot that is not within a required perimeter landscaping or landscape buffer area. In the case of ~~single family~~ residences in residential zones (R-1, R-2, MR-1, MR-2), the entire lot shall be considered the interior landscaping area. Interior landscaping areas are required within large parking lot areas to provide aesthetic visual relief and provide for some shading of parking spaces.

18.20.150 L definitions.

“Live/work unit” means a dwelling unit consisting of both a commercial/office and a residential component that is occupied by the ~~business owners~~same resident. The commercial space must be a single unit that is no more than 50 percent of the live/work unit, built and designed to accommodate office/professional use ~~by accountants; architects; artists and artisans; attorneys; computer software and multimedia related professionals; consultants; engineers; fashion, graphic, interior and other designers; hair stylists; home based office workers; insurance, real estate and travel agents; one on one instructors; photographers; and similar occupations~~. The live/work unit shall be defined as a residential occupancy and is the occupant’s primary residence ~~of the occupant~~.

18.20.220 S definitions.

“Short-term Rentals” means a type of lodging sometimes called vacation rentals. A house, condo, or apartment (or a part of one) or other residential use/structure that is rented for a fee for fewer than 30 consecutive nights is a short-term rental. Examples of short-term rentals are those rented through platforms such as Airbnb and VRBO.

1 ...

2 **18.20.260 W definitions.**

3 ...

4 “Wedding and Special Occasion Venues and Events” means indoor or outdoor spaces primarily engaged in hosting
5 events for ceremonies and celebrations such as weddings, reunions, parties, fairs, festivals, banquets, and business
6 events.

7 ...

8 “Work/live unit” means a dwelling unit consisting of both a commercial/office and a residential component that is
9 occupied by the business owner. The commercial space must be a single unit that is 50 percent or more of the
10 work/live unit, built and designed to accommodate office/professional use. The live/work unit shall be defined as a
11 commercial occupancy and is the occupant’s primary residence.

12 ...

13 **Chapter 18.30**
14 **GENERAL ADMINISTRATION**

15 ...

16 **18.30.120 Security mechanisms.**

17 A. The purpose of this section is to provide the city with financial mechanisms to ensure that conditions,
18 requirements and all applicable provisions of this title associated with permit approvals are met. The city may
19 require a cash set-aside, assignment of funds, guarantee, letter of credit or the posting of a performance, ~~completion,~~
20 or maintenance bond, or its equivalent, with the city to ensure the subsequent completion and continued
21 maintenance of all permit conditions. Permits for single-family detached dwellings and middle housing residences,
22 except related stormwater facility or road improvements, are exempt from this requirement.

23 ...

24 **Chapter 18.40**
25 **PROCEDURES FOR LAND USE PERMITS AND DECISIONS**

26 ...

27 **18.40.030 Exclusions from permit requirements.**

28 Except as indicated otherwise, an activity, development or use listed below is excluded from the requirement for a
29 project permit, discretionary land use review, or zoning decision under this title. Exclusion from ~~thesaid~~
30 requirements ~~of a permit under this title~~ does not exempt the activity, development, or ~~its~~ use from applicable
31 requirements of this or other titles of EMC, or other applicable federal, state and local regulations.

32 A. Landscaping of a ~~single family~~ detached dwelling or middle housing residence that does not involve a structure,
33 grading, fill, excavation, or otherwise requires a permit to complete.

34 ...

35 **Chapter 18.50**
36 **DISCRETIONARY PERMITS AND ADMINISTRATIVE DECISIONS – REVIEW CRITERIA**

37 ...

38 **18.50.035 Residential cluster development.**

39 ...

40 **B. General Provisions.**

41 1. A RCD may be approved for development containing residential uses located within the ~~Single Family Low~~
42 ~~(SF 2), Single Family Moderate (SF 3), Single Family High (SF 5) Residential (R-1 and R-2),~~ Mixed
43 Residential (MR-1 and MR-2), Mixed Use Residential (MUR), Commercial (C), and Town Center (TC) zoning
44 districts.

1 ...

2 C. Density and Dimensional Standards.

3 ...

4 2. The modifications to development standards allowed pursuant to subsection (B)(7)(a) of this section shall be
5 subject to the following limitations:

6 a. The maximum building height shall be the same as that set forth in the underlying zoning district where
7 the building is located and the provision in subsection (B)(6)(c) of this section shall not apply.

8 b. Each lot shall have a minimum net buildable area in accordance with EMC 18.80.040(~~CE~~)(2) or the
9 following Table 1.

10

Table 1: Minimum Net Buildable Area Lot Size

Zoning District	Land Use Type	Net Buildable Area (square feet)
SF-5/MR-1	Single-Family Detached Dwellings and Middle Housing	5,000
	All Other Allowed Uses	3,000
MR-2	All Allowed Uses	3,000
MUR	Single-Family Detached Dwellings and Middle Housing	4,000
	All Other Allowed Uses	2,000
TC	All Allowed Uses	None
C	All Allowed Uses	None

11 c. The following development standards shall be applied to the entire RCD rather than to individual lots:

12 i. Maximum impervious surface (not to include surface areas for roads, sidewalks, bicycle and
13 pedestrian pathways, utilities such as stormwater and sewers, and similar infrastructure); and

14 ii. Maximum lot coverage (not to include structures that house utilities and similar infrastructure); and

15 iii. The minimum number of required off-street parking spaces.

16 d. The setbacks of the underlying zoning district shall apply to the perimeter of the RCD, except ~~when~~
17 ~~adjacent to single family zoned property where~~ the minimum setback shall be 25 feet from all property
18 lines abutting ~~the single family residential~~ zoning districts (R-1, R-2).

19 e. Buildings containing residential uses shall maintain a minimum 10-foot distance separation between the
20 buildings as measured from the outdoor side of the exterior walls.

21 ...

22 E. Design Standards for Common Open Space.

23 1. A percentage of the total gross land area within the RCD shall be preserved as common open space in
24 accordance with the following standards:

25 a. ~~Single Family Five (SF-5) and~~ Mixed Residential One (MR-1) zones: at least 30 percent.

26 b. Mixed Residential Two (MR-2) zone: at least 15 percent.

1 c. Mixed Use Residential (MUR), Town Center (TC) and Commercial (C) zones: at least 15 percent.

2 2. Common open space shall be classified as active or passive. Passive open space includes natural features and
3 environmentally constrained lands where disruptions to the natural environment are subject to the regulations
4 set forth in EMC Title 14 (Critical Areas). Active open space includes recreational activities such as sport
5 fields, pea patches, picnic areas, playgrounds, athletic courts and similar types of facilities. ~~A trail that is
6 improved to city standards set forth in Chapter 12.12 EMC, whether public or private, shall be included as
7 active open space.~~

8 ...

9 **Chapter 18.100**
10 **DEVELOPMENT STANDARDS – USE SPECIFIC**

11 ...

12 **18.100.040 Daycare facilities.**

13 ...

14 C. The community development director or designee, or hearing examiner, as appropriate, shall approve applications
15 for family daycare homes and daycare centers subject to the following general requirements and the requirements of
16 RCW 36.70A.450(2)(a) through (e):

17 1. Washington State daycare licensure and all applicable state and local licensure and land use permits shall be
18 obtained prior to operation and shall be maintained.

19 2. The facility shall comply with all building, fire safety, health code, and business licensing requirements.

20 3. A safe passenger loading area shall be provided and certified by the department of early learning licensor.

21 4. Signage, if any, shall conform to the requirements of Chapter 18.97 EMC, Sign Code.

22 5. Parking shall conform to the requirements of EMC 18.90.130, Parking.

23 6. No structural or decorative alteration shall be made to the dwelling, which will alter the ~~single family~~
24 residential character of an existing or proposed residential structure, or which is incompatible with surrounding
25 residences.

26 ...

27 **18.100.070 Home business.**

28 The purpose of this section is to provide standards which allow residents ~~of single or multifamily dwellings~~ to
29 operate businesses or conduct commercial activity from their principal residence or from a permitted accessory
30 structure while achieving the goals of retaining the residential character of the dwelling and the neighborhood.

31 A. Home businesses are limited to an accessory use in conjunction with a ~~residential~~single family detached dwelling
32 use type. Obtaining a home business permit is required in addition to the general business license required by
33 Chapter 5.05 EMC. The home business permit is administered through the city clerk’s office.

34 ...

35 E. One or more home business may be conducted in a ~~single family~~ residential detached dwelling use type as an
36 accessory use, except as prohibited in subsection (C) of this section, Prohibited Activities; provided, that the home
37 business shall:

38 ...

39 **18.100.080 Limited home business.**

40 A. The purpose of this section is to provide standards which allow residents ~~of single or multifamily dwellings~~ to
41 operate businesses or conduct commercial activity from their principal residence or from a permitted accessory
42 structure while achieving the goals of retaining the residential character of the dwelling and the neighborhood.

1 B. Limited home businesses are permitted as an accessory use in conjunction with ~~residential~~~~single family~~ detached
 2 dwelling, ~~single family attached dwelling~~, and ~~multifamily attached dwelling~~ middle housing use types.

3 ...

4 **18.100.110 Wireless communications facilities.**

5 ...

6 E. Standards – Towers.

7 ...

Table 2

New Wireless Communication Tower Criteria

Allowed by Conditional Use Permit

Zoning District	Maximum Tower Height [2]	Stealth Design	Setback from Property Lines (does not apply within ROW)
SFR-1, R-2, MR-1 [3]	60'	Required	20'
MR-2, C, MUR, TC, Public [3]	70' [4]	Optional See [3]	20'

8 [3] Stealth design is required if an applicant constructs a tower in or within 50 feet of a residential zone.

9 [4] An additional 20 feet in height in ~~these nonresidential~~ zones is allowed if applicant uses stealth design.

10 ...

11 4. Preferred Tower Locations.

12 a. Facilities are strongly preferred to be sited within the public rights-of-way, on main corridors and
 13 arterials to the extent feasible. Facilities in the rights-of-way shall maintain at least a 200-foot separation
 14 from other wireless facilities; except when collocated or on opposite sides of the same street.

15 Facilities outside of the public rights-of-way shall be subject to the following siting preferences, ordered
 16 from most preferred to least preferred:

17 i. City owned or operated property and facilities in public zones (P) ~~that are not in residential zones or~~
 18 ~~located within 150 feet of residential zones;~~

19 ii. Industrial zones and business park zones (I and BP);

20 iii. Nonresidential (not ~~SFR~~ or MR) zones;

21 iv. City owned or operated property and facilities in any other zone;

22 v. Commercial, mixed use residential, town center and public zones (C, MUR, TC and Public);

23 vi. Residential zones (~~SFR~~, MR).

24 ...

Chapter 18.105
CONCURRENCY MANAGEMENT

1
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3 ...

18.105.030 Exempt development.

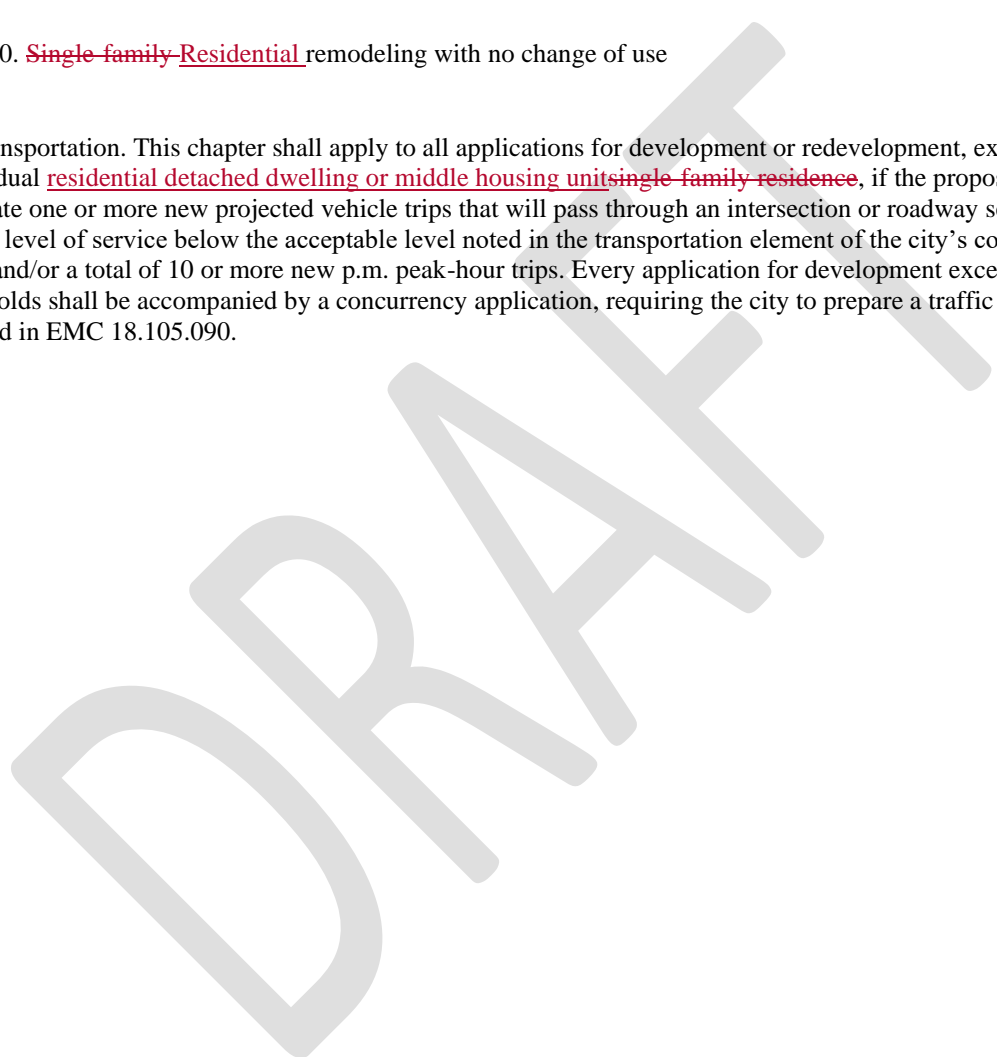
A. No development activity (as defined in EMC 18.20.070) shall be exempt from the requirements of this chapter, unless the permit is listed below. The following types of permits are not subject to the capacity reservation certificate (CRC) process because they do not create additional long-term impacts on transportation facilities:

8 ...

9 10. ~~Single-family Residential~~ remodeling with no change of use

10 ...

11 B. Transportation. This chapter shall apply to all applications for development or redevelopment, excluding an
12 individual ~~residential detached dwelling or middle housing units~~ ~~single-family residence~~, if the proposal or use will
13 generate one or more new projected vehicle trips that will pass through an intersection or roadway section identified
14 with a level of service below the acceptable level noted in the transportation element of the city’s comprehensive
15 plan, and/or a total of 10 or more new p.m. peak-hour trips. Every application for development exceeding these
16 thresholds shall be accompanied by a concurrency application, requiring the city to prepare a traffic report as
17 defined in EMC 18.105.090.





CITY OF EDGEWOOD
STAFF REPORT
PLANNING COMMISSION AGENDA ITEM

Date: June 9, 2025
Title: Interim Zoning Ordinance 25-0676 – Introduction
Attachments: Interim Zoning Ordinance 25-0676
Project Memo – Housing Land Capacity by Income Level
Submitted By: Jeremy Metzler, PE – Community Development Director

Background Information:

The City Council adopted an updated Comprehensive Plan in December 2024, which includes updates to several goals and policies regarding development in the Town Center and Commercial zoning districts. Since the update, City staff have received an increased frequency of inquiries regarding potential single-use residential developments along Meridian Ave E (SR 161), and the vesting of such developments under existing regulations could permanently alter the intended non-residential character of these zoning districts. The City Council recognized Edgewood Municipal Code (EMC) Section 18.80.080 required immediate attention and adopted Interim Zoning Ordinance 25-0676 on March 25, 2025 (attached).

The critical items addressed by the Interim Zoning Ordinance are as follows:

- Clarifies the purpose of the Town Center (TC), Commercial (C), and Business Park (BP) zoning districts
- Prohibits single-use residential projects in the TC and C zoning districts
- Prohibits all new residential projects in the BP zoning district
- Continues allowing single- and mixed-use residential in the Mixed Use Residential (MUR) zoning district
- Requires all properties in these zoning districts that abut arterial roadways (Meridian Ave E, Emerald St E, 8th St E, 24th St E) to develop permissible non-residential uses within 200 feet of said roadway, while allowing for mixed use (residential and commercial) if 50% of the building footprint area (ground floor) is a commercial use
- Removes the ability to simply "preserve", or set aside, the required frontage area "for future retail or office type commercial uses"
- Removes the allowance for vertical mixed use projects to develop ground floor residential if converted to commercial within three years of occupancy (not utilized)

RCW 36.70A.390 authorizes the City Council to adopt an interim zoning control ordinance for one (1) or more six (6) month periods without first holding a public hearing on the proposed interim zoning control ordinance, so long as a public hearing is held within 60 days of its adoption. The required public hearing was held with City Council on May 13, 2025 ([link to presentation](#)), where no comments were received.

Furthermore, the Ordinance directs the Planning Commission “to review the permanent regulations and to make a recommendation on whether said regulations, or some modification thereof, should be permanently adopted” within six (6) months of adoption. Tonight’s introduction and discussion satisfies this requirement. The Planning Commission must consider modifications to the attached interim zoning ordinance, conduct public hearings as may be necessary or desirable, and prepare a recommendation to the City Council regarding the adoption of permanent regulations for the Council’s consideration and action no later than March 25, 2026, unless extended or modified by the Council.

Staff also held an initial discussion with the Economic Development Advisory Board (EDAB) at their June 2, 2025 meeting, seeking feedback regarding this ordinance’s potential impact on economic policy, commercial business, land development policy and business retention, for review with the Planning Commission this evening. The following is a summary of the points discussed with the EDAB:

- General agreement with intent to ensure frontages are developed, not set aside as vacant, and agreement on the 200-foot requirement
- Looking for creative solutions to filling the frontage space with non-residential uses, exploring the potential for temporary spaces or mobile vendor plazas
- Some discussion regarding the need for non-residential uses on all parcels fronting Meridian versus focusing on those in closer proximity to arterial intersections
- Discussion about Live/Work versus Work/Live units, building and fire code considerations
- Concerns expressed about maintaining fairness for the landowners on all above points

Current Discussion:

Staff encourages the Planning Commissioners to review the May 13, 2025 Council presentation linked above in preparation for tonight’s meeting, and offers the following questions to start:

1. Recognizing the mixed-use purpose of the TC and C zones ([EMC 18.80.080\(B\)](#), items 1 and 2), should the city prohibit single-use residential projects in these zoning districts?
2. Recognizing the employment and commercial purpose of the BP zone ([EMC 18.80.080\(B\)](#), item 4), should the city prohibit all new residential projects in this zoning district?
3. Do the commissioners have any suggestions regarding the proposed frontage non-residential use area / depth of 200 feet? How about the proposed 50% building footprint requirement?
4. Do the commissioners have any comments on preservation / set aside "for future retail or office type commercial uses" versus requiring a developer to provide said non-residential use space?
5. In light of the attached Housing Land Capacity memo and understanding Edgewood has nearly achieved the 2044 residential unit target for the TC zone in 2025, what additional information would be useful as we proceed with this analysis?

Staff Recommendation:

The Planning Commission is invited to review and discuss the attached Interim Zoning Ordinance, the questions above, and request additional information or modifications from staff in preparation for further discussion at next month's meeting. Staff anticipates scheduling a public hearing and adoption of a formal recommendation regarding this matter to City Council at subsequent meetings.

ORDINANCE NO. 25-0676

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, ADOPTING AN INTERIM ZONING CONTROL ORDINANCE TO AMEND TITLE 18 OF THE EDGEWOOD MUNICIPAL CODE REGARDING NON-RESIDENTIAL DEVELOPMENT WITHIN THE TOWN CENTER, COMMERCIAL, MIXED USE RESIDENTIAL AND BUSINESS PARK ZONING DISTRICTS FOR A PERIOD OF ONE YEAR; ESTABLISHING A DATE FOR A PUBLIC HEARING; DECLARING AN EMERGENCY; PROVIDING FOR SEVERABILITY; AND PROVIDING THAT THE INTERIM REGULATIONS WILL TAKE EFFECT IMMEDIATELY UPON PASSAGE

WHEREAS, the adoption of land use and zoning regulations is a valid exercise of the City's police power and is specifically authorized by Revised Code of Washington (RCW) 35A.63.100; and

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt interim development regulations; and

WHEREAS, local project review processes are governed by Chapter 36.70B RCW; and

WHEREAS, the City has experienced a substantial increase in inquiries for single-use residential developments in the Town Center, Commercial, Mixed-Use Residential, and Business Park zoning districts, which are inconsistent with the recently adopted Comprehensive Plan and threaten to permanently alter the intended non-residential character of these zones if not addressed immediately; and

WHEREAS, the City must amend portions of the development code in Title 18 of the Edgewood Municipal Code (EMC) as soon as practical in order to comply with provisions of the recently adopted Comprehensive Plan and preserve frontages in these zones for non-residential development; and

WHEREAS, while the City's Comprehensive Plan was adopted in December 2024, City staff have not yet been able to initiate critical development regulation updates needed to implement the plan due to other state-mandated regulations with imminent deadlines and limited staff availability; and

WHEREAS, the City Council has determined that to adequately preserve said frontages for non-residential development and thoroughly analyze permanent regulations, interim development regulations adopted under the provisions of RCW 36.70A.390 are necessary to allow adequate time for the City to adopt permanent development regulations; and

WHEREAS, failure to adopt interim zoning controls immediately would result in the acceptance and processing of applications under outdated regulations, potentially leading to vested rights that would prevent the City from implementing the Comprehensive Plan’s intended land use policies, thereby threatening the long-term economic viability of these zoning districts; and

WHEREAS, the City is authorized under RCW 35A.63.220 and 36.70A.390 to pass an interim zoning and official control ordinance for up to one (1) year if a work plan is developed for related studies providing for such a longer period; and

WHEREAS, City Staff have developed a work plan for related studies and such work plan is specified below; and

WHEREAS, RCW 36.70A.390 authorizes the City Council to adopt an interim zoning control ordinance for one (1) or more six (6) month periods without first holding a public hearing on the proposed interim zoning control ordinance so long as a public hearing is held within at least 60 days after its adoption; and

WHEREAS, the City Council has scheduled a public hearing regarding the adopted interim zoning ordinance on May 13, 2025; and

WHEREAS, the increasing demand for residential development in the City causes an emergency which necessitates that this ordinance become effective immediately in order to preserve the public health, safety, and welfare and also requires action prior to the preparation of a State Environmental Protection Act (SEPA) threshold determination pursuant to WAC 197-11-880; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of March 25, 2025;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Findings Adopted. The “Whereas Clauses” set forth in the recitals of this Ordinance are hereby adopted as the findings and conclusions of the City Council for passing this Ordinance.

Section 2. EMC 18.80.080, Amended. EMC Section 18.80.080, Town Center, Commercial, Mixed Use Residential and Business Park zoning districts, is hereby amended as shown in Exhibit A attached and incorporated by this reference.

Section 3. Duration of Interim Zoning Controls. The interim zoning and official controls approved by this Ordinance shall be effective immediately upon passage of this ordinance and continue in effect for a period of one (1) year, commencing on March 25, 2025, and ending on March 25, 2026, unless extended or modified by City Council or unless a final ordinance is adopted amending the Edgewood Municipal Code before March 25, 2026.

Section 4. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing to accept public testimony on this interim ordinance within sixty (60) days of its adoption. The Council shall hold this hearing at Edgewood City Hall on May 13, 2025, at 7:00 pm or as soon as possible thereafter. After the public hearing, the City Council may adopt additional legislative findings in support of this Ordinance and/or otherwise modify the provisions of this Ordinance.

Section 5. Adoption of Work Plan. Within the next six (6) months following the passage of this Ordinance, the Edgewood Planning Commission is hereby directed to review the permanent regulations and to make a recommendation on whether said regulations, or some modification thereof, should be permanently adopted. The Edgewood Planning Commission is directed to complete its review, to conduct such public hearings as may be necessary or desirable, and to forward its recommendation to City Council.

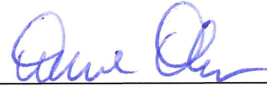
Section 6. Transmittal to Commerce. Pursuant to RCW 36.70A.106, the Community Development Director is hereby directed to transmit this ordinance to the Washington State Department of Commerce for review, as may be required or desired.

Section 7. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers for the purposes of codification, and any other references thereto.

Section 8. Severability. If any section, sentence, clause, or phrase of this Ordinance or any municipal code section amended hereby should be held to be unconstitutional or unlawful 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 or the amended municipal code section.

Section 9. Effective Date. The City Council hereby finds and declares that without immediate action, single-use residential projects may be vested under existing regulations before necessary zoning amendments can be adopted, permanently altering the intended non-residential character of the Town Center, Commercial, and Business Park zoning districts. The inability to implement these zoning controls before new development applications are processed threatens the City's ability to maintain compliance with its Comprehensive Plan and protect critical commercial corridors, thereby creating an emergency necessitating immediate action. This ordinance shall become effective immediately upon passage by at least a majority plus one of the full City Council. The City Clerk is directed to publish a summary of this ordinance at the earliest possible publication date.

ADOPTED THIS 25TH DAY OF MARCH, 2025.



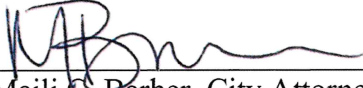
Dave Olson, Mayor

ATTEST/AUTHENTICATED:



Jill Schwerzler-Herrera, CMC
City Clerk

APPROVED AS TO FORM:



Maili C. Barber, City Attorney

Published: March 28, 2025

Effective Date: March 25, 2025

18.80.080 Town Center, Commercial, Mixed Use Residential and Business Park zoning districts.

A. Applicability. This section establishes development standards for the Town Center, Commercial, Mixed Use Residential and Business Park zoning districts. All standards contained in other chapters of the Edgewood Municipal Code shall apply unless specifically modified by the standards contained in this section. Where a conflict exists between code standards, the specific standards contained in this section shall control.

B. Purpose.

1. The Town Center (TC) zoning district is envisioned as the heart of Edgewood, reflecting a unique local character and rural roots. Borrowing from traditional town development patterns and forms, the TC is envisioned as the most walkable area of the city, with a mix of multistory and single-story buildings framing the street and other public spaces. The TC zone accommodates a range of compatible uses emphasizing a variety of vertical and horizontal mixed use development, blending pedestrian-oriented retail, multifamily residential, senior housing and civic uses. The TC zone complements local traffic, bicycle, and pedestrian circulation and provides connectivity to public open spaces.
2. The Commercial (C) zoning district accommodates a wide range of commercial development, including large format retail, auto-oriented uses, and regional scale commercial uses. Development standards seek to balance the needs of the pedestrian with those of the automobile and are flexible to accommodate a wide range of uses and forms. This area provides a visual and functional transition to the Town Center and adjacent zones and assures that there is ample area to accommodate potential economic development opportunities. While commercial development is emphasized, this zone also allows mixed-use development that may combine commercial uses with multifamily housing.
3. The Mixed Use Residential (MUR) zoning district accommodates a range of medium density residential housing types to meet consumer preferences, changing household sizes and market demands. A mix of land uses is allowed including some commercial uses and professional office uses to provide diverse economic development opportunities, while maintaining neighborhood compatibility. This zone provides a visual and functional transition to areas of more intensive development and adjacent residential neighborhoods. Within the Meridian Corridor, achieving a high level of connectivity with streets, pedestrian and bicycle routes both within this district and to the adjoining TC district is a major goal.
4. The Business Park (BP) zoning district accommodates a wide range of employment and commercial uses, including professional office, retail, and light industrial uses, as well as senior housing as a mixed use. Development standards seek to accommodate a wide range of business, while ensuring an urban design that is compatible with adjacent zones. Significant landscaping is emphasized in this zone, both for aesthetic appeal and as a tool to ensure greater compatibility between a wide range of uses. Residential uses are not allowed in the BP zoning district.

C. Permitted Uses. For permitted uses within the Town Center, Commercial, Mixed Use Residential, and Business Park zoning districts see EMC 18.70.050 Table 1, Land Use Table.

D. Development Standards. This subsection establishes the development standards that apply to the zones described. Please note that the provisions below include both minimum and maximum standards, as well as certain standards, such as height and floor area ratio, that may be modified up to the limits stated herein if certain development intensity bonus options elements (as provided for in Table 2) are included in the proposal.

Table 1: Development Standards

Standards	TC	C	MUR	BP
Maximum Height (without Any Bonus)	45 feet	35 feet	35 feet	35 feet
Maximum Height (with FAR Bonus)	57 feet (minimum 3:1 FAR)	45 feet (minimum 1.5:1 FAR)	35 feet	35 feet

Standards	TC	C	MUR	BP
Maximum Residential Net Density (1)(3)(14)	Controlled by maximum height, FAR and building code	48 D.U./acre	48 D.U./acre (1)	N/A
Minimum Residential Net Density (1)(3)	24 D.U./acre	24 D.U./acre	10 D.U./acre	N/A
Minimum Lot Frontage Occupied by a Building	50%	35%	35%	Meridian: 25% Other: None
Minimum Setback to TC, C, MUR or BP Zones (8)	None	None	None (9)	None, except 20 feet for light industrial
Minimum Setbacks to Zones Other Than TC, C, MUR or BP (10)	25 feet	25 feet	20 feet	25 feet
Maximum Floor Area Ratio (FAR) with Bonus Features (11)	4:1	3:1	2:1 (12)	2:1
Maximum Floor Area Ratio (FAR) without Bonus Features (13)	1:1	0.5:1	0.5:1 (12)	0.5:1
Maximum Hard Surface Area (Including Lot Coverage)	90%	85%	75%	80%
Maximum Effective Impervious Surface (14)	75%	70%	60%	65%

Table 1: Development Standards Exceptions and Notes.

- (1) New residential uses are not allowed in the Business Park zone. Residential uses are only allowed in the Town Center and Commercial zones if they are part of mixed use project. Maximum Residential Net Density for projects in the Mixed Use Residential zone without a mixed use is 24 D.U./acre.
- (2) Reserved
- (3) All properties fronting arterial roadways (principal and minor) must develop permissible non-residential uses within 200 feet of said roadway. If part of a mixed use project, a minimum of 50 percent of the building footprint area within 200 feet of said roadway must contain a permissible commercial use, unless otherwise approved by the director to meet the purpose and intent of the underlying zone.
- (4) Reserved
- (5) Reserved
- (6) Reserved
- (7) Reserved
- (8) Setbacks may be necessary to accommodate utility easements or to accommodate required landscaping.
- (9) Setbacks for single-family detached dwellings shall be as follows:
 - (a) Front yard/street setback: 15 feet.
 - (b) Garage setback: 20 feet.
 - (c) Principal arterial and state highway setback: 25 feet.
 - (d) Rear yard setback: 10 feet.

(e) Interior setback: five feet or shall meet the minimum fire separation required per the International Fire Code (IFC) as adopted by the city of Edgewood.

(10) Twenty-foot setback required from any public property other than a street. Parks, open space, or stormwater ponds may be reduced or exempt from this requirement as determined by the community development director and public works director. Any reduction or exemption from this requirement must be supported by the City’s comprehensive plan and capital improvement plan, as adopted.

(11) See Table 2: Development Intensity Bonus Options necessary to achieve maximum FAR.

(12) FAR does not apply to single-family detached dwelling or cottage housing.

(13) There is no minimum FAR in the TC, C, MUR or BP zones.

(14) Director and city engineer may establish administrative rules for allowing partial credit for pervious paving materials.

The following optional features may be used alone or in combination to increase the allowed height and floor area ratio (FAR) up to the maximum limits identified in Table 1 (subsection (D) of this section). Table 2 below identifies the allowed FAR bonus and any additional requirements pertaining to the described bonus feature.

Table 2: Development Intensity Bonus Options

Bonus Feature	FAR Bonus	Description, Additional Requirements and Limitations
1. Parallel Road Network	1.5	Dedication and construction of those portions of the adopted parallel road network that are within or adjacent to the subject property. Design shall be consistent with the adopted street standards, including, but not limited to, travel lanes, on-street parking, landscaping and sidewalk.
2. Significant Public Plaza or Public Green Space	1.25	Available in the Town Center district only, and at the discretion of the director. Location and design shall be consistent with Town Center and Meridian Avenue Corridor master plan, and, if possible, complementary to any planned public plaza or development. Must be a minimum of five percent of the interior floor area of the development and no less than 1,500 square feet. This bonus must be in addition to any pedestrian-oriented space as required in subsection (F) of this section and EMC 18.95.030 or as required by any underlying land use approval. Plazas and green spaces shall incorporate LID to the maximum extent feasible (per Minimum Requirement No. 5 of the PCM).
3. Through Block Connection or Alley Enhancement	1.0	A pedestrian walkway and accompanying landscaping that shall be at least 15 feet wide and extend along a property line or through a site to allow the public to pass from one street to another street or an alley. The surface shall consist of stone, unit pavers, textured concrete, permeable pavement, or other material approved by the community development director or designee, with pedestrian scale lighting at least every 50 feet. Walkways and landscaping shall incorporate LID to the maximum extent feasible (per Minimum Requirement No. 5 of the PCM).
4. Mixed Use Development	1.0	Ground floor commercial with minimum of 12 feet in height measured from finished floor to finished ceiling and residential uses on upper floors at or above minimum residential density. Note additional required standards for pedestrian-oriented ground floor commercial in No. 8 below shall also apply.
5. Structure Parking, Below Grade	1.0	At least 80 percent of the parking shall be contained within a structure that is below grade.
6. Affordable Housing	1.0	For all new development within the Town Center, total square footage may be increased by two square feet for every one square foot of affordable housing (for a maximum of 1.0 FAR in bonus) provided an affordable housing plan (AHP) is developed and submitted to the director for review and approval. The developer shall commit to implementing the AHP as a part of a signed comprehensive development

Bonus Feature	FAR Bonus	Description, Additional Requirements and Limitations
		agreement with the city. This agreement shall be reviewed by a housing consultant or nonprofit group at the expense of the applicant with recommendations made to the director prior to any city commitment to that agreement.
7. Other Public Plaza or Public Green Space	0.75	Location and design shall be consistent with Town Center and Meridian Avenue Corridor master plan and any planned public plaza or development. Must be a minimum of two percent of the interior floor area of the development and no less than 500 square feet. This bonus must be in addition to the minimum pedestrian-oriented space requirement in subsection (F) of this section and EMC 18.95.030. Plazas and green spaces shall incorporate LID to the maximum extent feasible (per Minimum Requirement No. 5 of the PCM).
8. Ground Floor Pedestrian-Oriented Commercial	0.75	Ground floor commercial with minimum of 12 feet in height measured from finished floor to finished ceiling. Buildings shall include windows with clear vision glass on at least 50 percent of the area between two and 12 feet above grade for all ground floor building facades that are visible from an abutting street. Weather protection with a minimum of six feet in depth shall be provided over sidewalks and pedestrian connections on 80 percent of the length of the building frontage.
9. Structured Parking, At Grade or Above Grade	0.75	At least 80 percent of the parking shall be contained within a structure. The structure may be part of the building or a separate structure. The structure shall be designed to minimize visibility of the parking area from the street. The street level floor shall be mixed use.
10. LEED Gold Certification (or Better)	0.75	As certified by the USGBC. Applicant is responsible for providing LEED precertification submittal documentation and annotated checklist to the city. City will review documentation at the applicant's expense. If accepted, the city will make this a condition of approval of the subsequent building permit.
11. Multi-Modal Pathway	0.5	A pathway for the movement of pedestrians and bicyclists that is consistent with the Town Center and Meridian Avenue Corridor master plan, transportation plan, and city's parks and recreation plan and approved by city staff. Pathways shall incorporate LID to the maximum extent feasible (per Minimum Requirement No. 5 of the PCM).
12. Public Meeting Room	0.5	Available in the Town Center district only. A room available to the community for meetings and events. The size shall be a minimum of 500 square feet, with windows on at least one side and shall be directly accessible from the outside or by a controlled lobby that allows public access.
13. LEED Silver Certification	0.5	As certified by the USGBC. Applicant is responsible for providing LEED precertification submittal documentation and annotated checklist to the city. City will review documentation at the applicant's expense. If accepted, the city will make this a condition of approval of the subsequent building permit.
14. Water Feature	0.25	A decorative water feature shall be equivalent to at least one percent of the project's construction cost and shall be directly accessible and visible to the public by being adjacent to a plaza, sidewalk, pathway or through-block connection. Documentation shall be provided of construction value and the cost of the water feature.
15. Exterior Art Element	0.25	Exterior art element shall be equivalent to at least one percent of the total value of the project's construction cost. Such elements include but are not limited to sculptures, bas-reliefs, metalwork and murals. Documentation shall be provided of the construction value and the value of the art as appraised by an art appraiser. Art elements shall be visible to the public at all times and will be reviewed and approved by an arts body designated by the city.

E. Design Standards.

1. Site and Building Design. Site and building design standards shall be required for all development as set forth in Chapter 18.95 EMC. Where the standards in Chapter 18.95 EMC conflict with the standards in this section, the development standards contained in this section shall control.

2. Street Design. Location, design and configuration of all streets shall be in accordance with the adopted street standards contained in EMC Title 12, Streets, Sidewalks and Public Places.

F. Open Space Requirements.

1. **Applicability.** New development within the Town Center (TC), Business Park (BP), Commercial (C), and Mixed Use Residential (MUR) zoning districts shall be required to meet the open space requirements in this subsection.
2. **Numeric Standards.** All new development shall provide accessible public space equivalent to one and one-half percent of the gross floor area of all structures. The design and location of public spaces shall consider the design and location of public spaces on adjacent properties and if feasible shall be oriented and connected to those spaces pursuant to the concepts presented in the Town Center and Meridian Corridor master plan.
3. If it can be demonstrated by the applicant to the satisfaction of the director that a required public space is adjacent to, integrated with and can be accessed from a public space on an adjoining property, this requirement may be reduced to one percent of gross floor area.
4. All required public spaces shall be oriented towards, and have direct connections (both physical and visual) to, a public street.
5. Where public spaces are integrated into new development, or where new development abuts an existing or planned public plaza, the primary building entrance shall be oriented towards or connected to that plaza.

G. Landscaping.

1. **Applicability.** The requirements of EMC 18.90.090 shall apply to the TC, C, MUR and BP zones, except as provided in this subsection. Please also see Chapter 18.95 EMC for applicable design standards. Where landscape regulations in this section conflict with the provisions in EMC 18.90.090 or Chapter 18.95 EMC, the regulations in this subsection shall control. Please note: Where this section is silent on a specific requirement, such as irrigation requirements or minimum standards for plantings, the standards contained in EMC 18.90.090 and 18.95.050 shall apply. The standards contained in EMC 18.90.090(G) (Landscaping Types) are specifically modified by this subsection and the standards contained in EMC 18.90.090(H) (Landscaping Regulations by Zoning Districts) do not apply to TC, C, MUR and BP zones.
2. **Street Frontages.** In addition to landscape standards contained below, five percent of the total area between the building facade and the curb shall be landscaped. Within the BP zoning district 10 percent of the total area between the building facade and curb shall be landscaped. This shall be in addition to street trees and landscaping provided in public spaces and parking lots that are required in other subsections.
 - a. Required landscaping may be planted within planting areas surrounding trees, in raised planters, and on vegetative walls mounted to the ground-level building facade. Landscaping shall incorporate LID systems to the maximum extent feasible (per Minimum Requirement No. 5 of the PCM).
 - b. Where a building or portion of a building is located more than 10 feet from a public sidewalk or usable public space, all area between the building and the public sidewalk that is not used for vehicle or pedestrian access, circulation, parking or seating shall be landscaped.
 - c. Potted landscape material may be substituted for required landscaping in areas designed for outdoor eating with the approval of the department.
3. **Public Spaces.** A minimum of 15 percent of the total area of a public space, such as a courtyard or plaza, shall be landscaped.
4. **Surface Parking Areas.** Surface parking areas shall be landscaped as set forth in EMC 18.90.090.
5. **Street Frontages.** Street frontage design and landscaping shall be provided as contained in Chapter 18.95 EMC and EMC Title 12, Streets, Sidewalks and Public Places.
6. **Landscape Buffers – Standards and When Required.**
 - a. Development in the TC, C and MUR zoning districts shall provide a minimum 20-foot Type IV landscape buffer where they abut Single-Family zoning districts or 15 feet of Type I landscaping where

they abut Mixed Residential or Public zoning districts. The director may waive or modify this requirement for pedestrian-oriented development adjacent to the Public zoning district where consistent with the purpose of this section.

b. Development in the BP zoning district shall provide a minimum 25-foot Type IV landscape buffer where it abuts Single-Family or Public zoning districts. In addition, 15 feet of Type I landscaping shall be provided between adjacent BP zoned properties.

c. Commercial or light industrial development in the C and MUR zoning districts shall provide a minimum 10-foot-wide Type I landscape buffer adjacent to the TC zoning district. The director may waive this requirement for pedestrian-oriented commercial development that includes a minimum of 50 percent of the lot frontage occupied by a building. Landscaping for surface parking areas shall still apply.

d. A minimum of a 10-foot Type I landscape buffer shall be provided between more intensive zones and the MUR, and along abutting properties in the MUR district. The director may waive or modify this requirement for pedestrian-oriented commercial development that includes a minimum of 50 percent of the lot frontage occupied by a building or for abutting residential development in the MUR zone in common ownership. Required landscaping for surface parking areas is required in accordance with EMC 18.90.090 and Chapter 18.95 EMC.

7. Special Landscaping in the Business Park (BP) Zone. In order to achieve the urban design intent and provide an environment suitable to a wide range of employment uses, a minimum of 20 percent of the total site area in the BP zone shall be landscaped.

8. Tree Preservation and Protection Standards.

a. Significant tree identification and preservation and/or replacement shall be required as set forth in EMC 18.90.180, Tree preservation. Mixed-use development shall be considered commercial development for the purposes of the tree preservation.

b. The director shall have the authority to reduce the required tree replacement ratio where such requirement would conflict with the urban design intent of this section and applicable design provisions of Chapter 18.95 EMC.

c. If the standards contained in Chapter 18.95 EMC are modified, the director shall at a minimum ensure that representative native vegetation is retained or replanted totaling at least five percent of the site area and that such landscaping is provided in excess of the requirements contained in this section.

H. Parking, Access and Circulation.

1. Applicability. Parking facilities and access drives shall be designed in accordance with EMC 18.90.130, except as provided below.

a. Where a conflict exists between the standards contained in EMC 18.90.130 and the standards contained in this section, the standards contained in this section shall control.

b. If this subsection does not specify a parking requirement for a land use, the director shall establish the minimum requirement based on a study of anticipated demand as provided in EMC 18.90.130(C)(8).

2. Purpose. The purpose of this subsection is to provide adequate parking for all allowed uses; to reduce demand for parking by encouraging alternative transportation such as rideshare, public transit, bikes and pedestrian mobility; to promote a “park once and walk” strategy and to ensure the location and design of parking facilities is consistent with urban design and economic development goals.

3. Parking Location.

a. Site design, including parking lot and building location, shall comply with the minimum lot frontage requirements in subsection (D) of this section.

- b. A parking lot shall not be located on a corner where two streets intersect.
 - c. Within the TC zone, a parking lot shall not be located between the principal building and the street, adjacent to a park or open space or at a street terminus.
 - d. Within the TC zone, parking structures shall contain ground level commercial uses.
 - e. Within the C, MUR and BP zones, parking structures that front on a street that are not part of a residential or mixed use building shall contain ground level commercial uses.
4. **Parking Facility Design and Integration.** It is the city's intent to encourage the integration and connection of parking facilities, including shared parking and physical connections between parking facilities in adjoining developments. Applicants shall demonstrate how they meet this objective, including shared parking, or document why it is not feasible to do so. Please see Chapter 18.95 EMC, Design Standards, for additional urban design requirements for parking facilities.
5. **Minimum Parking Requirements.** Except as provided in subsection (H)(9) of this section, off-street parking areas shall contain the minimum number of parking spaces as stipulated in EMC 18.90.130(G). Please note that maximum parking requirements as contained in subsection (H)(10) of this section also apply.
6. **Loading Areas.** Please see EMC 18.90.130(D).
7. **Disabled Parking.** Please see Chapter 19.27 RCW, State Building Code, and Chapter 70.92 RCW, Public Buildings – Provisions for Aged and Disabled.
8. **Bike Parking.** In any development required to provide six or more parking spaces, bicycle parking shall be provided. Bicycle parking shall be bike rack or locker-type facilities unless otherwise specified.
- a. One bicycle parking space shall be provided for every 12 motor vehicle parking spaces, except as follows:
 - i. The director may reduce bike rack parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location.
 - ii. The director may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination shall include but not be limited to the following uses: park, library, museum, school, sports club or retail business located along a developed trail or designated bicycle route.
 - b. Bicycle parking shall be located within 100 feet of the principal building and directly adjacent to a sidewalk or pedestrian walkway that connects directly to building entrance(s).
 - c. Bicycle frame or wheels to be locked to a structure attached to the pavement.
 - d. All bicycle parking and storage shall be located in safe, visible areas that do not impede traffic flow and shall be well lit for nighttime use.
 - e. When more than 15 people are employed on site, bicycle storage facilities for employees shall be provided. The director shall allocate the required number of parking spaces between bike rack parking and enclosed locker-type facilities.
 - f. One secured bicycle storage space shall be provided for every two dwelling units in attached single-family and multifamily units, unless individual garages are provided for every unit. The director may reduce the number of bike rack parking spaces if indoor storage facilities are available to all residents.
9. **Parking Reductions.** The amount of off-street parking required by subsection (H)(5) of this section may be reduced by an amount determined by the director pursuant to the provisions below.

a. Car Share Parking. Required parking for multifamily residential developments (or the residential portion of mixed use developments) containing more than 30 units may be reduced by three spaces for each one dedicated car share space. A signed agreement between the property owner and car share provider must be submitted for approval of the parking reduction.

b. Shared-Use Parking. Developments may receive a reduction in required parking of up to 20 percent of the minimum parking requirements, provided:

i. The total parking area exceeds 5,000 square feet;

ii. The parking facilities are designed and developed as a single on-site common parking facility, or as a system of on-site and off-site facilities, if all facilities are connected with improved pedestrian facilities and no building or use involved is more than 800 feet from the most remote shared facility;

iii. The total number of parking spaces in the common parking facility is not less than the minimum required spaces for any single use;

iv. The director may increase the reduction where compelling evidence is provided in a parking study submitted by the applicant that the proposed reduction is warranted. See criteria in EMC 18.90.130;

v. A covenant or other contract for shared parking between the cooperating property owners is approved by the director. This covenant or contract must be recorded with the Pierce County auditor's office as a deed restriction on both properties and cannot be modified or revoked without the consent of the director; and

vi. If any requirements for shared parking are violated, the affected property owners must provide a remedy satisfactory to the director or provide the full amount of required off-street parking for each use, in accordance with the requirements of this chapter, unless a satisfactory alternative remedy is approved by the director.

c. Transit Availability. The director may reduce the number of required off-street parking spaces when one or more scheduled transit routes provide service within 750 feet of the site. The amount of the reduction shall be based on the number of scheduled transit runs between 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m. each weekday up to a maximum reduction of two percent for each transit run up to a maximum of 20 percent.

10. Maximum Parking Requirements. Please see EMC 18.90.130(G).

11. Transit Facilities. All development shall provide transit facilities as provided in EMC 18.90.130(E)(2).

12. Parking Stall and Aisle Design and Access. Please see EMC 18.90.130(C)(5).



PROJECT MEMO

TO:	Jeremy Metzler	DATE:	October 2, 2024
FROM:	Nicole Stickney Tri-Cities - (509) 380-5883	PROJECT NO.:	2220913.30
		PROJECT NAME:	Edgewood Comprehensive Plan Periodic Update
SUBJECT:	Housing Land Capacity by Income Level		

BACKGROUND & SUMMARY

The **Buildable Lands Program** is a continuous review and monitoring initiative mandated by the **Growth Management Act (GMA)** in RCW 36.70A.215. Pierce County is responsible for establishing and overseeing this program, ensuring coordination with Edgewood and the county’s other 22 cities and towns. In collaboration with its cities and towns, the County annually collects development data and uses the information to produce a report on observed development and future capacity within the urban growth area (UGA). Pierce County issued the 2021 Buildable Lands Report (Fourth Edition, Updated Version, Published 11/11/2022) to fulfill their ongoing reporting requirements.

As required for the City’s Comprehensive Plan update, the data that was assembled and analyzed for the buildable lands report is valuable for assessing the City of Edgewood’s zoning map in order to evaluate the city’s housing capacity.

The GMA requires comprehensive plans to include a housing element that identifies a “sufficient capacity of land” to accommodate all projected housing needs during the 20-year planning period (RCW 36.70A.070(2)(c)).

With recent changes to state law, we now must supply a detailed review of capacity among four categories: *moderate, low, very low, and extremely low-income* households, as defined in RCW 36.70A.030. The income level is relative to “median household income¹ adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.”

To evaluate residential land capacity by income level, AHBL used the 6-step process as outlined by the Department of Commerce’s *Guidance for Updating Your Housing Element* (August 2023). The data analyzed are the 2021 Pierce County Buildable Lands Report, growth targets adopted Pierce County ORDINANCE NO. 2022-46s (population, employment, and total housing growth) ORDINANCE NO. 2023-22s (replacing housing growth targets with housing by income bracket), OFM, City staff, and Pierce County GIS shapefiles.

PART ONE: LAND CAPACITY CHECK

Revised in 2022, the 2021 Pierce County Buildable Lands Report (BLR) fulfills state law requirements under RCW 36.70A.215 and WAC 365-196-315. The report looks back at Edgewood’s historic growth and analyzes its future

¹ The Department of Housing and Urban Development (HUD) annually publishes Area Median Income (AMI) for each county (or *market area* which may include several counties, as is done for the Puget Sound Area). The market area’s AMI in 2024 is \$136,600.00

capacity for development. **The report estimated that that Edgewood had capacity to support 3,584 new residential units with the current zoning,** as detailed in Table 1.

The table details the city’s estimated net capacity for new housing units among parcels that were classified among four categories, as *vacant, underutilized, vacant – single unit, or pipeline* to arrive at estimates for capacity on a per unit basis according to zoning district (*built out and undevelopable* counts are not shown).

It is important to note that these “net” figures account for specific and capacity deductions that were made for probable market factors, critical area protections, and other factors such as infrastructure needs. (*See the Buildable Lands Report for further information on methodology and for definitions*).

Table 1: City of Edgewood 2020-2044 Housing Capacity (Dwelling Units)

Zone	Vacant	Underutilized	Vacant Single Unit	Pipeline	Total
BP	11	13	0	288	312
C	39	124	14	0	177
I	0	0	0	0	0
MR-1	16	20	23	66	125
MR-2	83	12	33	0	128
MUR	68	182	90	0	340
P	0	-2	0	0	-2
SF-2	95	605	94	39	833
SF-3	126	717	160	20	1,023
SF-5	16	76	33	3	128
TC	65	455	0	0	520
Total	519	2,202	447	416	3,584

Data Source: 2021 Pierce County Buildable Lands Report Fourth Edition, Updated Version, Published 11/11/2022 (Table 14-8)

We did not make any adjustments to the table for recent development (2020 to present) because the period of 2020-2044 is used to calculate the growth targets, and because then the mapping produced by the BLR could not be used.

PIERCE COUNTY GROWTH TARGETS

Via Ordinance No. 2022-46s and Ordinance 2023-22s, Pierce County adopted residential and employment targets for 2044 for all its jurisdictions including Edgewood according to income band, which is further detailed in the draft Housing Element prepared for the Comprehensive Plan Periodic Update project (AHBL, September 5, 2024).

Using the figures from the BLR, Edgewood appears to have sufficient capacity to accommodate its 2044 housing and jobs targets on the whole. However, deeper investigation is required to fully account for the housing needs for different household income levels.

In the following exhibit we compare Pierce County growth targets with the capacity of the 2021 Buildable Lands Report:

	ESTIMATED CAPACITY	2020-2044 NEED (INCREASE)	SURPLUS/ DEFICIT
Housing	3,584	2,397	+1,187
Jobs	4,047	1,962	+2,085

Source: 2021 Pierce County Buildable Lands Report (Tables 8-8 & 8-9); Pierce County Ord. 2023-22s & Ord. 2022-46s

PART TWO: ACCOMMODATING HOUSING NEEDS

As shown in Part One, the total Edgewood housing supply is expected to exceed projected numbers with the city’s currently adopted zoning map. However, **housing affordability** is an essential part of Pierce County policies, and Pierce County has allocated housing unit needs by income brackets as required by state law. Edgewood’s allocation is shown in Table 2:

Table 2: Housing Unit Supply and Allocation (Needs) for Edgewood

		Permanent Housing Needs by Income Level (% of Area Median Income)						Emergency Housing Needs (Beds)	
		0-30%		>30-50%	>50-80%	>80-100%	>100-120%		>120%
	Total	Non-PSH	PSH						
Est. Supply (2020)	5,125	165	0	356	744	644	875	2,341	0
Allocation (2020-2044)	2,397	310	418	445	351	151	137	585	147

Source: Pierce County ORD 2023-22s

HOUSING AFFORDABILITY ANALYSIS – CURRENT ZONING

In order to evaluate land capacity by income level, AHBL used the 6-step process as outlined by Commerce². The 6 steps include:

1. Summarize land capacity by zone.
2. Categorize zones by allowed housing types and density level.
3. Relate zone categories to potential income levels and housing types served.
4. Summarize capacity by zone category.
5. Compare projected housing needs to capacity.
6. (If deficit is found) Implement actions to increase capacity for one or more housing needs. Then reassess capacity (Step 1) based on actions.

We began with the city’s existing zoning map to establish a baseline and see if the city could adequately fulfill the County’s CWPPs without any changes to the zoning.

² [Guidance for Updating Your Housing Element](#) (Department of Commerce –Growth Management Services, August 2023)

Step 1. Summarize land capacity by zone

Table 1 provides this information. The majority of the residential capacity (supply) is in zones SF-2 and SF-3.

Step 2. Categorize zones by allowed housing types and density level

In Commerce’s step 2 we identify which housing types are allowed in each zone category to relate each zone category to “potential affordability levels.” Commerce set out five zoning categories and Edgewood has three of the five categories (Edgewood does not have Mid-Rise Multifamily or High-Rise/Tower). In Table 2, we document what the code allows for, and what assigned *zoning category* corresponds to each zoning district.

Table 2: Edgewood Zoning Districts and Allowed Housing Types / Density Level

Zone	Housing types allowed	Max density level allowed	Assigned zone category
SF-2	Detached single family	2 dua	Low Density
SF-3	Detached single family, duplex, attached	3 dua	Low Density
SF-5	Detached single family, duplex, attached	5 dua	Low Density
MR-1	Detached single family, duplex, attached, multi-plex, townhouse	4 dua	Low Density
MR-2	Detached single family, duplex, attached, multi-plex, townhouse	8 dua	Moderate Density
MUR	Detached single family, duplex, attached, multi-plex, townhouse, apartment	24 dua	Low-Rise Multifamily
Commercial	Townhouse, apartment	48 dua	Low-Rise Multifamily
Town Center	Townhouse, apartment	48 dua	Low-Rise Multifamily
BP	Apartment	N/A	Low-Rise Multifamily

Step 3: Relate zone categories to potential income levels and housing types served.

Commerce advises that in order to ensure land capacity for all income segments, in Step 3 certain assumptions need to be made about the types of housing each household category is likely to occupy. Jurisdictions have leeway in how to accomplish this task. For Edgewood, we have documented these assumptions consistent with the model provided by Commerce in Exhibit 12 of their document, with one modification which is excluding Mid-Rise Multifamily since that housing type is not present in the City; See Table 3.

Table 3: Zone categories and potential income levels served

Zone category	Housing types allowed	Lowest Potential income level served		Assumed affordability level for capacity analysis
		Market Rate	With subsidies and/or incentives	
Low Density	Detached single family homes	Higher income (>120% AMI)	Not typically feasible at scale	Higher income (>120% AMI)
Moderate Density	Townhomes, duplex, triplex, quadplex	Moderate income (>80-120% AMI)	Not typically feasible at scale	Moderate income (>80-120% AMI)
Low-Rise Multifamily	Walk up apartments and condominiums (2 to 2 floors)	Low income (>50-80% AMI)	Extremely low and Very low income (0-50% AMI)	Low income (0-80% AMI) and Permanent Supportive Housing (PSH)
ADUs (All zones)	Accessory dwelling Units on developed residential lots	Low income (>50-80% AMI)	N/A	Low income (> 50-80% AMI)

Adapted from Commerce’s “Guidance for Updating Your Housing Element” Exhibit 12

Step 4: Summarize capacity by zone category

In Step 4 we summarize the land capacity for housing production by zone category. This is essentially a “sorting” exercise. We estimate that there is capacity for 2,109 units in the low-density category, 128 units in the moderate density category and 1,349 units in the low-rise multifamily category in addition to capacity for ADUs (not calculated) as show in Table 4:

Table 4: Edgewood Building Capacity Summarized by Zone Category

Zone	Unit Capacity	Assigned zone category	Capacity in zone category
SF-2	833	Low Density	2,109
SF-3	1,023		
SF-5	128		
MR-1	125		
MR-2	128	Moderate Density	128
MUR	340	Low rise multifamily	1,349
Commercial	177		
Town Center	520		
BP	312		
ADU’s	Not calculated	ADU’s	Not Calculated

Step 5: Compare projected housing needs by capacity

For Step 5, Commerce advises that we should compare the jurisdiction’s *projected housing needs by income level to capacity* in order to assess if there is sufficient capacity to accommodate needs at all income levels. Housing needs are aggregated among the zone categories.

For Step 5 we populated Table 5 to show the housing need as allocated by Pierce County for the years 2020-2044.

Table 5: Edgewood Projected Housing Needs compared to Available Capacity (2020-2044)

Income Level (% AMI)	Projected housing need	Zone categories serving these needs	Aggregated housing needs	Total capacity (from Step 4)	Capacity: surplus or deficit
0-30% PSH	418	Low rise multifamily	1,524	1,349	-175
0-30% Other	310				
>30-50%	445				
>50-80%	351				
>80-100%	151	Moderate density	288	128	-160
>100-120%	137				
>120%	585	Low density	585	2,109	1,524

PSH = Permanent Supportive Housing

When the total projected housing needs are compared to the total capacity for housing growth, there is a surplus of capacity overall. However, when capacity for each zone category is compared to housing needs at the associated income levels, we find there is a deficit of capacity for housing with the potential to serve households at 120% of AMI or below, and a surplus of units in the low density category which would likely serve households above 120% of AMI.

In other words, the results of our evaluation show that Edgewood, under the current zoning, appears to have a deficit in housing capacity for the income bands below 120% AMI.

Step 6: Implement actions to increase capacity for one or more housing needs. Then reassess capacity (Step 1) based on actions.

Commerce advises that if the comparison in step 5 shows a lack of capacity in one or more income categories, jurisdictions must identify and implement actions to address the projected deficit.

In the next section, we partially re-run this analysis according to zoning changes.

HOUSING AFFORDABILITY ANALYSIS – PROPOSED ZONING

Edgewood is considering changes to its Future Land Use Map (FLUM) and Zoning Maps. In many areas, lands are proposed to be “upzoned” which allows increased density and therefore additional capacity. In general, the increases are directed to occur in locations where there are not sensitive environmental areas (although the

critical area protections could still limit development regardless of zoning, thereby limiting the extent to which an upzone could have effect) and are directed to occur where sufficient infrastructure is in place or can be available. The city's adoption of an updated General Sewer Plan (GSP) and future projects to expand sewer access makes upzoning certain lands possible (within geographic constraints).

In this part of our analysis, we will re-assess the results of the step 5 with some adjustments for the proposed zoning scheme. This was done on a limited basis. We did not re-run the entire analysis as doing so would be tremendously time-consuming and produce limited benefit. Instead, we determined the key variables having the most significant impact on our outcome; that is, by focusing on key changes between the current zoning map and the proposed zoning map we can ensure that the mapping change closes the gaps identified in potential housing affordability.

This is not a simplistic effort. Rebalancing the numbers to match the changes to the map is complex; for example a ten acre vacant parcel that is upzoned from SF-3 to MR-2 would need to be accounted as a change among zone categories (from low-density to moderate-density) **and** the housing capacity number would also change (increase) because of the change to building entitlement. We used data provided in the BLR to obtain reliable numbers for our assumptions (including the Edgewood residential density trends observed between 2013-2020 that were documented in the BLR at Table 8-2) and to maintain consistency.

Some examples of changes that were not analyzed include:

- An upzone of SF-2 lands to SF-3 and MR-1 will result in increased capacity numbers. However, the zoning categories among all these zones is the same (Low Density) and so no gain in housing capacity for the income bands below 120% of AMI will be realized. Thus, we did not do those calculations.
- Upzoned lands that were identified as "Pipeline" or were either built out or unbuildable were passed over. We didn't change the assumptions in that part of the data.

This work required a geo-spatial analysis in GIS. We needed to compare the current zoning scheme to the proposed zoning and additionally use the geographic data from the BLR indicating the locations of vacant, vacant-single-unit, and underutilized properties.

The following adjustments were identified:

1. Lands that were upzoned from SR-3 to MR-2 included a count of 12 VSUs plus 33 acres which resulted in **12 units subtracted from SR-3** and **12 units added to MR-2** as well as the addition of **283 homes to MR-2 (moderate density)** and the subtraction of **47 homes from SR-3 (low density)**.
2. We subtracted **97 homes from the MR-2 count (moderate density)** and **added 252 homes to Town Center count (low rise multifamily)** as 11.16 acres of vacant land was upzoned and the assumed density values of Town Center far exceed that of lands zoned MR-2.
3. Lands upzoned from SR-3 to MUR results in the **subtraction of 3 vacant-single-unit counts from SR-3 (low density)** and the **addition of 9 units to MUR (low rise multifamily)** (this is a conservative approach because it is possible that many more units could be developed in MUR).
4. We can assume an addition of **44 units to the MUR zone (low rise multifamily)** and a **reduction of 7 units from the SR-3 zone (low density)** inventory to account for 2.14 vacant acres plus approximately 3 acres of underutilized land.

In summary, there was a reduction of 57 units from the *Low Density* zoning category; a net increase of 186 units in the *Moderate Density* zoning category and an increase of 305 units to *Low Rise Multifamily*.

Table 6 shows the results; the first four columns are identical to what is shown for Table 5; the last two columns provide adjusted values.

Table 6: ADJUSTED Edgewood Projected Housing Needs compared to Available Capacity (2020-2044)

Income Level (% AMI)	Projected housing need	Zone categories serving these needs	Aggregated housing needs	Total capacity ADJUSTED (ESTIMATE)	ADJUSTED (ESTIMATE) Capacity: surplus or deficit
0-30% PSH	418	Low rise multifamily	1,524	1,654	+130
0-30% Other	310				
>30-50%	445				
>50-80%	351				
>80-100%	151	Moderate density	288	314	+26
>100-120%	137	Low density	585	2,052	+1,467
>120%	585				

PSH = Permanent Supportive Housing

CONCLUSIONS AND RECOMMENDATIONS

As shown in Table 3, Commerce provides cities with the option to consider how construction of ADUs will contribute to the affordable housing supply. For the purposes of our analysis, we did not need to contemplate this factor chiefly because the Buildable Lands Report did not account for ADUs. However, there is some additional capacity that could be realized. Edgewood must allow two ADUs per lot on all lots that allow single family homes per recent legislation (HB 1337). The City may place limitations based on sewer availability and critical areas. Historically, ADU participation within the City has been low and yet ADUs may already serve an important function in Edgewood by providing affordable housing and that may increase in the years to come if more units are built.

Additionally, Edgewood will soon need to adopt amendments to its zoning code for the state’s Middle Housing requirements (HB 1110). Edgewood is a Tier 3 City and as such must broaden the allowed uses in many of its zoning districts to accommodate increased density. This will change how properties may be developed and will also result in an increased supply (and, presumably, an increase supply in less expensive housing) which has not been assessed.

Our analysis, which had a limited scope, confirms that Edgewood will supply sufficient housing zoning if the proposed zoning map is approved. In the future, the city may want to perform a full and revised land capacity analysis (with recalibrated assumptions including consideration for ADU development and Middle Housing changes, and with a full geo-spatial analysis) to ascertain a more complete build-out scenario.

Cc: Morgan Dorner, City of Edgewood
Wayne Carlson, Emily Weimer and Anisa Thaci, AHBL

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**CITY OF EDGEWOOD
STAFF REPORT
PLANNING COMMISSION AGENDA ITEM**

Date: June 9, 2025

Title: 2024 Critical Areas Ordinance Update - Introduction

Attachments: 2024 DRAFT Critical Area Update Checklist

Submitted By: Josh Kubitzka, AICP, Planning Manager

Introduction

The purpose of this staff report is to provide an introduction to the Planning Commission on the Critical Areas Ordinance (CAO) within the Edgewood Municipal Code (EMC), and the updates required to be completed by December 31, 2025.

Background

The State Growth Management Act (GMA) requires cities to complete a “10-year periodic update” of their Comprehensive Plans. Edgewood’s City Council adopted the 2024 Comprehensive Plan periodic update in December 2024 which reflects the various new and revised regulations and laws since the last periodic update in 2015. As part of each periodic update, the GMA requires all cities and counties to adopt development regulations that protect critical areas within one year of the Comprehensive Plan’s adoption date. As such, Edgewood is required to review and update the CAO by December 31, 2025, to remain in compliance with the GMA.

Critical areas are lands that are natural hazards or lands that can pose a risk to life and property and areas that support unique, fragile or valuable resources. RCW 36.70A.030(5) defines five types of critical areas:

- Wetlands ([EMC 14.40](#))
- Aquifer recharge areas ([EMC 14.60](#))
- Frequently flooded areas ([EMC14.80](#))
- Geologically hazardous areas ([EMC 14.70/14.90/14.100/14.110](#))
- Fish and wildlife habitat conservation areas. ([EMC 14.50](#))

The review of critical area regulations under RCW 36.70A.172(1) also requires the inclusion of Best Available Science (BAS). Cities must demonstrate that BAS has been considered when creating their CAO by documenting scientific sources that support their approach to regulating critical areas and explaining when policies depart from science-based recommendations. Chapter 365-195 of the Washington

Administrative Code (WAC) serves as a guide for establishing what is considered the best available science. Edgewood last substantially reviewed its BAS in 2018.

Resources:

[Washington State Department of Commerce Critical Area Protection](#)

Tentative Schedule:

Planning Commission Introduction – June 9, 2025

Planning Commission BAS and Gap Analysis Review – July 14, 2025

Planning Commission Draft Amendments Review – August 11, 2025

Planning Commission Draft Amendments Review – September 8, 2025

SEPA Issuance and Comment Period – September 11, 2025

Planning Commission Public Hearing – October 13, 2025

Planning Commission Recommendation – November 10, 2025

City Council Introduction – November 18, 2025

City Council BAS and Amendment Public Hearing – November 25, 2025

City Council BAS and Amendment Review – December 2, 2025

City Council BAS and Amendment Adoption – December 9, 2025

Public Involvement:

Agencies – Ongoing

Public – Ongoing

Current Discussion:

While some initial critical area ordinance discussion occurred with the 2024 Comprehensive Plan update, staff is reviewing the critical areas BAS and conducting a gap analysis between the BAS and the existing code. Staff will provide a critical area presentation and will be available to answer questions.

Critical Areas Checklist

A Technical Assistance Tool from Growth Management Services – updated November 2022

Name of city or county: <i>City of Edgewood</i>	
Staff contact, phone, and e-mail address: <i>Completed by : Andrew Love (AHBL) 206-658-2677, alove@ahbl.com</i>	
<p>INSTRUCTIONS</p> <p>This checklist is intended to help local governments update their development regulations, pursuant to the schedule in RCW 36.70A.130(5) (updated in 2022). We strongly encourage but do not require jurisdictions to complete the checklist and return it to Growth Management Services (GMS), along with their updates. This checklist may be used by all jurisdictions, including those local governments planning for resource lands and critical areas only. For general information on update requirements, refer to A Guide to the Periodic Update Process Under the Growth Management Act – Fully Planning Counties & Cities, 2022 and Keeping your Comprehensive Plan and Development Regulations Current: A Guide to the Periodic Update Process under the Growth Management Act, August, 2016 and WAC 365-196-610 (updated in 2015).</p> <p>Bold items are a GMA requirement or may be related requirements of other state or federal laws. Underlined items are links to Internet sites and may include best practices or other ideas to consider.</p> <p>Commerce WAC provisions are advisory under Commerce’s statutory mandate to provide technical assistance, RCW 43.330.120 which states that the Department of Commerce “...shall help local officials interpret and implement the different requirements of the act through workshops, model ordinances, and information materials.” If you have questions, call GMS at (360) 725-3066.</p> <p>Updates to Commerce WAC – Revisions to the Commerce WAC relating to critical areas have been provided in a table with dates of changes on the Growth Management Act Periodic Update web site. The table can be used with this checklist to determine what changes have been made since the last update of your critical areas regulations.</p>	<p>Contents</p> <p>Instructions 1</p> <p>Overall Requirements2</p> <p>Wetlands..... 3</p> <p>Critical Aquifer Recharge Areas 4</p> <p>Frequently Flooded Areas 5</p> <p>Geologically Hazardous Areas 6</p> <p>Fish and Wildlife Habitat Conservation Areas 7</p> <p>Designating and Protecting Waters of the State 8</p> <p>Anadromous Fisheries 8</p> <p>Reasonable Use Exceptions..... 8</p> <p>Agricultural Activities.....9</p> <p>Forest Practices Regulations..... 9</p> <p>Good Ideas..... 9</p>

How to fill out the checklist

Using the current version of your critical areas regulations, fill out each item in the checklist. Select the check box or type in text fields, answering the following question:

Is this item addressed in your current Critical Areas Ordinance (CAO)? If YES, fill in the form with citation(s) to where in the plan or code the item is addressed. We recommend using citations rather than page numbers because they stay the same regardless of how the document is printed. If you have questions about the requirement, follow the hyperlinks to the relevant statutory provision or rules. If you still have questions, visit the [Commerce Growth Management Services Web page](#) or [contact one of the Commerce planners](#) assigned to your region.

CRITICAL AREAS

Regulations protecting critical areas are required by **RCW 36.70A.060(2)** and **RCW 36.70A.172(1)**. [WAC 365-195-900 through 925](#) provide guidelines. Guidance can also be found in Commerce’s [Critical Areas Handbook \(Updated June, 2018\)](#); the Minimum Guidelines [WAC 365-190-080 – 130](#); Best Available Science, [Chapter 365-195 WAC](#); and Procedural Criteria, [WAC 365-196-485](#) and [WAC 365-196-830](#), and on Growth Management’s [Critical Areas](#) webpage.

Regulations required to protect critical areas

Addressed in current plan or regulations? If yes, note where

OVERALL REQUIREMENTS

The CAO includes best available science to clearly designate and protect all critical areas that might be found within the jurisdiction.

1. Designation of Critical Areas

RCW 36.70A.170(1)(d) required all counties and cities to designate critical areas. **RCW 36.70A.170(2)** requires that counties and cities consider the Commerce Minimum Guidelines pursuant to RCW 36.70A.050.

RCW 36.70A.050 directed Commerce to adopt the Minimum Guidelines to classify critical areas. [WAC 365-190-080 through 130 \(updated in 2010\)](#) provide guidance on defining or “designating” each of the five critical areas.

[WAC 365-190-040 \(updated in 2010\)](#) outlines the process to classify and designate natural resource lands and critical areas.

2. Definition of Critical Areas

RCW 36.70A.030(6) provides definitions for critical areas. Sections (6) regarding fish and wildlife habitat conservation areas; (14) regarding geologically hazardous areas; and (31) regarding wetlands were updated in 2010.

[WAC 365-190-030 \(updated 2010\)](#) provides definitions in the Minimum Guidelines.

Yes, Various parts and sections of EMC Title 14 including: EMC 14.20.010, EMC 14.40.020 (Wetlands), EMC 14.50.020 (FWHCAs), EMC 14.60.020 (CARAs), EMC 14.70.020 (Volcanic Hazard Areas), EMC 14.80.020 and .040 (Flood hazard), EMC 14.90.020 (Landslide hazard), EMC 14.100.020 (Seismic hazard), EMC 14.110.020 (Erosion Hazard)

Yes, EMC 14.20.010

<p>3. Protection of Critical Areas <u>RCW 36.70A.060 (2)</u> required counties and cities to adopt development regulations that protect the critical areas required to be designated under RCW 36.70A.170. <u>RCW 36.70A.172(1)</u> requires the inclusion of best available science in developing policies and development regulations to protect the functions and values of critical areas. In addition, counties and cities must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries. WAC 365-196-830 (updated 2017) provides guidance on protection of critical areas.</p> <p>4. Inclusion of Best Available Science <u>RCW 36.70A.172(1)</u> requires inclusion of the best available science (BAS). Chapter 365-195 WAC outlines recommended criteria for determining which information is the BAS, for obtaining the BAS, for including BAS in policies and regulations, for addressing inadequate scientific information, and for demonstrating “special consideration” to conservation or protection measures necessary to preserve or enhance anadromous fisheries. WAC 365-195-915 provides criteria for including BAS in the record.</p> <p>5. No net loss of critical area functions and values is a requirement for development regulations in WAC 365-196-830(4). If development regulations allow harm to critical areas, they must require compensatory mitigation of the harm.</p>	<p>Yes, Various parts and sections of EMC Title 14 including EMC 14.20.010</p> <p>Was BAS documented in the record for the review and updates to the critical areas regulations?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Location in Text: EMC 14.10.140(A)</p> <p>Do your regulations address no net loss and require compensatory mitigation?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Location in Text: EMC 14.40.010(A) and 14.40.060 only apply to wetlands EMC 14.50.010 and 14.50.070 only apply to Fish and Wildlife Habitat Areas</p>
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<p>WETLANDS DEFINITION</p> <p>The definition of wetlands is consistent with <u>RCW 36.70A.030(31)</u> (updated in 2012).</p>	<p>Is the wetland definition consistent with RCW 36.70A.030(2431)?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: EMC 14.20.010(B)(98)</p>
<p>WETLANDS DELINEATION</p> <p>Wetlands are delineated using the approved federal wetland delineation manual and applicable regional supplements in accordance with <u>WAC 173-22-035</u> (updated in 2011).</p> <p>See Ecology's Wetland Delineation page and <u>WAC 365-190-090</u> (updated in 2010) for additional assistance.</p>	<p>Are wetlands delineated using the approved Federal Wetland Delineation Manual and Regional Supplements?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: EMC 14.40.020(B)(1)</p>

<p>WETLANDS PROTECTION</p> <p>Policies and regulations protect the functions and values of wetlands. RCW 36.70A.172(1) Counties and cities are encouraged to make their actions consistent with the intent and goals of “protection of wetlands”, Executive Order 89-10 as it existed on September 1, 1990.</p> <p>WAC 365-190-090(3) recommends using a wetlands rating system that evaluates the existing wetland functions and values to determine what functions must be protected. Ecology updated its recommended wetlands rating systems effective January 2015. For information on the rating system, including the July 2018 adjustments to ranges for habitat scores, see:</p> <ul style="list-style-type: none"> • 2014 Updates to the Washington State Wetland Rating Systems • Washington State Wetland Rating System for Western Washington • Washington State Wetland Rating System for Eastern Washington <p>For other resources and guidance on protecting wetlands, go to Ecology’s Local Wetland Regulations: Growth Management Act technical assistance and see:</p> <ul style="list-style-type: none"> • Wetland Guidance for Critical Areas Ordinance (CAO) Updates: Western and Eastern Washington (2022) 	<p>Do the regulations use a rating system to determine wetlands protection?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: EMC 14.40.020(D) adopts rating system EMC 14.40.030 includes buffer standards Table 14.40.060 includes mitigation ratios</p>
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<p>CRITICAL AQUIFER RECHARGE AREAS</p> <p>Policies and regulations protect the functions and values of critical aquifer recharge areas. RCW 36.70A.172(1).</p> <p>Policies and regulations protect the quality and quantity of groundwater used for public water supplies. RCW 36.70A.070(1) and WAC 365-196-485(1)(d).</p> <p>The following references also relate to protection of groundwater resources:</p> <p>RCW 90.44 – Regulation of Public Groundwaters RCW 90.48 – Water Pollution Control RCW 90.54 – Water Resources Act of 1971 RCW 36.36.020 - Creation of aquifer protection area (1988) WAC 365-190-100 Critical Aquifer Recharge Areas (2010) WAC 173-100 Groundwater Management Areas and Programs (1988) WAC 173-200 Water Quality Standards for Groundwaters of the State of Washington (1990)</p>	<p>If groundwater is used for potable water, do regulations protect the quality and quantity of ground water?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in text: EMC 14.60.040 contains performance standards to protect CARAs</p>
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<p>WAC 365-196-735 Consideration of state and regional planning provisions (list) (2010)</p> <p>The Critical Aquifer Recharge Areas Guidance Document (updated 2021) provides information on protecting functions and values of critical aquifer recharge areas, best available science, how to work with state and local regulations and adaptive management.</p> <p>Also, consider the following:</p> <ul style="list-style-type: none"> • Prohibiting or strictly regulating hazardous uses in critical aquifer recharge areas (CARAs) and designating and protecting wellhead areas. See Ecology’s guidance on Critical Aquifer Recharge Areas. • Limiting impervious surfaces to reduce stormwater runoff, as required under Phase I and II municipal stormwater permits. Ecology’s Stormwater Manual for Western Washington (updated in 2012) includes low impact development (LID) related definitions, requirements, and an LID performance standard. See Stormwater Management and Design Manuals on Ecology’s web page. • For additional guidance on LID resources, see Commerce’s Incentivizing low-impact development guidebook. 	<p>Are the critical aquifer recharge regulations consistent with current mapping of these critical areas?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in text: <i>EMC 14.60.030(A)(1) references the city’s CARA map, however it is unclear if the map is up to date</i></p>
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<p>FREQUENTLY FLOODED AREAS</p> <p>Regulations protect the functions and values of frequently flooded areas and safeguard the public from hazards to health and safety. RCW 36.70A.172(1) WAC 365-196-830 provides: "Protection' in this context means preservation of the functions and values of the natural environment, or to safeguard the public from hazards to health and safety."</p> <p>WAC 365-190-110 (updated in 2010) directs counties and cities to consider the following when designating and classifying frequently flooded areas:</p> <ol style="list-style-type: none"> Effects of flooding on human health and safety, and to public facilities and services; Available documentation including federal, state, and local laws, regulations, and programs, local studies and maps, and federal flood insurance programs, including the provisions for urban growth areas in RCW 36.70A.110; The future flow flood plain, defined as the channel of the stream and that portion of the adjoining flood plain that is necessary to contain and discharge the base flood flow at buildout; The potential effects of tsunamis, high tides with strong winds, sea level rise, and extreme weather events, including those potentially resulting from global climate change; Greater surface runoff caused by increasing impervious surfaces. 	<p>Are frequently flooded areas designated and regulated using FEMA and Ecology guidance?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: <i>EMC 14.80, EMC Section 14.20.010. Ordinance 20-0589 notes that the City brought their code into alignment with the NFIP standards in 2020</i></p>
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Classification of and regulations for frequently flooded areas should not conflict with the [FEMA](#) requirements for the National Flood Insurance Program (NFIP). See [Ecology's Frequently Flooded areas: Critical Areas Ordinance](#) webpage and [44 CFR 60](#).

Communities that are located on Puget Sound or the Strait of San Juan de Fuca, or have lakes, rivers or streams that directly or indirectly drain to those water bodies, are subject to the NFIP Biological Opinion (BiOp) for Puget Sound. The biological opinion required changes to the implementation of the NFIP in order to meet the requirements of the Endangered Species Act (ESA) in the Puget Sound watershed. FEMA Region X has developed an implementation plan that allows communities to apply the performance standards contained in the Biological Opinion by implementing:

- 1) [a model ordinance](#);
- 2) [a programmatic Checklist](#); or
- 3) on a permit by permit basis as long as it can be demonstrated that there is no adverse effect to listed species. Communities have the option of utilizing their CAOs as part of a programmatic response to address the requirements of the biological opinion. FEMA must approve a community's biological opinion compliance strategy.

Additional resources:

RCW 86.12 Flood Control by Counties

RCW 86.16 Floodplain Management

RCW 86.26 State Participation in Flood Control Maintenance

RCW 86.16.041 Floodplain Management Ordinance and Amendments

[WAC 173-158-070](#) Requirements for construction in Special Flood Hazard Areas

Are you utilizing your CAO as part of a programmatic response to the BiOp?

Yes

No

N/A

Location in Text:

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<p>DEFINITION OF GEOLOGICALLY HAZARDOUS AREAS</p> <p>The definition of geologically hazardous areas is consistent with RCW 36.70A.030(14) (updated 2012) and WAC 365-190-120(1).</p> <p>“Geologically hazardous areas” means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.</p>	<p>Is the geologically hazardous areas definition consistent with RCW 36.70A.030(14)?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: EMC 14.20.010(B)(52)</p>
<p>PROTECTION OF GEOLOGICALLY HAZARDOUS AREAS</p> <p>Regulations protect the functions and values of geologically hazardous areas and safeguard the public from hazards to health and safety. RCW 36.70A.172(1) WAC 365-196-830 (2010) provides:” “Protection” in this context means preservation of the functions and values of the natural environment, or to safeguard the public from hazards to health and safety.”</p> <p>Geologically hazardous areas are designated, and their use is regulated or limited consistent with public health and safety concerns. RCW 36.70A.030(14) provides a definition (updated in 2012) and WAC 365-190-120 describes the different types of hazardous areas (2010):</p> <ul style="list-style-type: none"> • Geologically hazardous areas include: <ul style="list-style-type: none"> • seismic hazards • tsunami hazards • landslide hazards • areas prone to erosion hazards <ul style="list-style-type: none"> • volcanic hazards • channel migration zones • areas subject to differential settlement from coal mines or other subterranean voids. <p>The Department of Natural Resource’s Washington Geological Survey Geologic Hazards and the Environment website includes information on earthquakes and faults, landslides, volcanoes and lahars, tsunamis, hazardous minerals, emergency preparedness, historic mines and includes geologic hazard maps that can be accessed from the Geologic Information Portal.</p>	<p>Are uses in geologically hazardous areas designated and regulated or limited consistent with public health and safety?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: EMC 14.070.040 addresses volcanic hazard area standards EMC 14.090.040 and 14.090.050 address landslide hazard area standards and buffer requirements EMC 14.100.040 and 14.100.050 address seismic hazard area standards and buffer requirements EMC 14.110.040 and 14.110.050 address erosion hazard area standards and buffer requirements</p>

<p>DEFINITION OF FISH AND WILDLIFE HABITAT AND CONSERVATION AREAS</p> <p>The definition of fish and wildlife habitat conservation areas is consistent with RCW 36.70A.030(6) (updated 2012) and WAC 365-190-030 (updated in 2015). The definition of fish and wildlife habitat conservation areas was amended to state that they do not include: “<i>such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company</i>”.</p>	<p>Is the FWHCA definition consistent with RCW 36.70A.030(6)?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: EMC 14.50.020 (A)</p>
<p>PROTECTION OF FISH AND WILDLIFE HABITAT AND CONSERVATION AREAS</p> <p>Policies and regulations protect the functions and values of fish and wildlife habitat conservation areas. RCW 36.70A.172(1) and RCW 36.70A.030(6) (updated 2012).</p> <p>WAC 365-190-130(4) says local jurisdictions should consult WDFW’s Priority Habitat and Species webpage. BAS regarding biodiversity areas and corridors has advanced significantly since 2015. Recent updates and resources include:</p> <ul style="list-style-type: none"> • Aquatic Habitat Guidelines (2010, 2014) • Priority Habitat and Species maps (updated daily) • Priority Habitats and Species List (updated March 2022) • Priority Habitats and Species: Management recommendations: <ul style="list-style-type: none"> • Landscape Planning for Washington’s Wildlife (2009) • Land Use Planning for Salmon, Steelhead and Trout (2011) • Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications (2020) • Riparian Ecosystems, Volume 2: Management Recommendations (2020) • Riparian Management Zone Checklist for CAOs (2023) • Shrub-Steppe Management Recommendations (2020) • Oregon White Oak Woodlands Ecosystems Management Recommendations (1998) • Management recommendations for Washington’s Priority Species (by taxa) • Puget Sound Kelp Conservation and Recovery Plan (2020) • Stream Habitat Restoration Guidelines (2012) • Water Crossing Design Guidelines (2013) <p>Areas “with a primary association with listed species” should be considered per WAC 365-190-130(2)(a). Consult WDFW’s Threatened and Endangered Species list and U.S. Fish and Wildlife Service’s Information for Planning and Consultation resources for up to date information on all state and federal listed species.</p> <p>Also see the Puget Sound Partnership’s Salmon Recovery website for Water Resource Inventory Area (WRIA) Plans in Puget Sound.</p>	<p>Have you reviewed your regulations regarding any applicable changes in management recommendations for priority habitats and species?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text</p> <p>Several changes are needed: the state has amended the water typing system (affecting EMC 14.50.020 (D)), a lot of new guidance has come out since EMC was last amended in 2017 via Ord.17-513</p> <p>Have you reviewed your regulations regarding any changes in species listings?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text</p> <p>EMC 14.50.020 generally looks to be consistent but revisit (A)(5) in case changes are needed</p>

<p>DESIGNATING AND PROTECTING WATERS OF THE STATE</p> <p>RCW 90.48.020 defines waters of the state, which include all surface waters, salt waters, groundwater and all other water courses in Washington. WAC 365-190-130(2) (updated in 2010) recommends designating all waters of the state as fish and wildlife habitat conservation areas (FWHCAs).</p> <p>Stream types are classified in WAC 222-16-030 (updated in 2006) with field verification, or an alternate system that considers factors listed in WAC 365-190-130(4)(f)(iii). See http://www.dnr.wa.gov/forest-practices-water-typing to use Washington State Department of Natural Resources (DNR)'s stream typing system.</p> <p>Establish riparian management zones to maintain no net loss of riparian ecosystem functions and values.</p> <p>Designate areas that risk contaminating or harming shoreline resources including tidelands and bedland suitable for shellfish harvest, kelp and eelgrass beds and forage fish spawning areas.</p>	<p>Do you designate waters of the state as FWHCAs?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: EMC 14.50.020(A)(1)</p> <p>Do your regulations protect waters of the state?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: EMC 14.50.030 and remaining parts of the chapter</p>
<p>ANADROMOUS FISHERIES</p> <p>Policies and regulations for protecting critical areas give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries. RCW 36.70A.172(1) is the requirement and WAC 365-195-925 (updated in 2000) lists criteria involved. This requirement applies to all five types of critical areas.</p> <p>WAC 365-190-130(4)(i) recommends sources and methods for protecting fish and wildlife habitat conservation areas, including salmonid habitat. Counties and cities may use information prepared by the United States Department of the Interior Fish and Wildlife Service, National Marine Fisheries Service, the Washington State Department of Fish and Wildlife, the State Recreation and Conservation Office, and the Puget Sound Partnership to designate, protect and restore salmonid habitat. Counties and cities should consider recommendations found in the regional and watershed specific salmon recovery plans (see the Governor's Salmon Recovery Office webpage and the Puget Sound Partnership's Salmon Recovery webpage).</p> <p>Land Use Planning for Salmon, Steelhead and Trout: A land use planner's guide to salmonid habitat protection and recovery (October 2009) is an excellent resource.</p>	<p>Do your regulations give special consideration to anadromous fisheries?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: EMC 14.50.050(3)(d)</p>

<p>REASONABLE USE EXCEPTIONS</p> <p>The Critical Areas Ordinance (CAO) allows for “reasonable use” if the CAO would otherwise deny all reasonable use of property. Reasonable use provisions should limit intrusions into critical areas to the greatest extent possible and apply the mitigation sequence as needed for no net loss of ecosystem functions and values RCW 36.70A.370 (1991). Common exemptions include emergencies, remodels that do not further extend into critical areas, surveying, walking, and development that has already been completed with critical areas review under a previous permit. See Critical Areas Handbook, Chapter 3: Structuring Critical Areas Regulations, p.9 (Updated June, 2018).</p>	<p>Do you have reasonable use provisions?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Location in Text: EMC 14.30.050</p>
<p>AGRICULTURAL ACTIVITIES (COUNTIES ONLY)</p> <p>Non-VSP Counties Critical areas regulations as they specifically apply to agricultural activities in counties or watersheds not participating in the Voluntary Stewardship Program (VSP) have been reviewed, and if needed, revised pursuant to RCW 36.70A.130. RCW 36.70A.710(6) "Agricultural activities" means all agricultural uses and practices as defined in RCW 90.58.065.</p> <p>VSP Counties After watershed work plan approval, VSP counties are encouraged to reference and describe their participation in the program within their critical areas development regulations (WAC 365-196-832). See Critical Areas Handbook, Chapter 5: Protecting Critical Areas in Natural Resource Lands (Updated June, 2018).</p>	<p>Did you review your regulations as they apply to agricultural activities?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Location in Text:</p>
<p>FOREST PRACTICES APPLICATION REGULATIONS</p> <p><i>If applicable</i>, regulations for forest practices have been adopted: RCW 36.70A.570 (adopted in 2007).</p> <p>RCW 76.09.240, amended in 2011, requires many counties over 100,000 in population, and the cities and towns within those counties to adopt regulations for forest practices. These are often included in clearing and grading ordinances.</p>	<p>Have you adopted forest practices regulations?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: EMC 13.05 – Various sections</p>
<p>GOOD IDEAS</p> <p>Non-regulatory measures to protect or enhance functions and values of critical areas may be used to complement regulatory methods. These may include:</p> <ul style="list-style-type: none"> • public education • stewardship programs • pursuing grant opportunities • water conservation • joint planning with other jurisdictions and non-profit organizations • stream and wetland restoration activities • transfer of development rights 	<p>Are you using non-regulatory measures to protect critical areas?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Location in Text: N/A (The city uses non-regulatory measures but they are not discussed in the EMC)</p>

Monitoring and adaptive management is encouraged in [WAC 365-195-905\(6\)](#) to improve implementation of your regulations. See Commerce's Monitoring and Adaptive Management chapter in the [Critical Areas Handbook \(June 2018\)](#).

Do you have a monitoring and adaptive management program for your CAO?

Yes

No

Location in Text:



CITY OF EDGEWOOD
STAFF REPORT
PLANNING COMMISSION AGENDA ITEM

Date: June 9, 2025

Title: Sanitary Sewer Code Amendments – Introduction

Attachments: Draft EMC Title 11 Amendments

Submitted By: Jeremy Metzler, PE – Community Development Director

Background Information:

The City's General Sewer Plan (GSP) was updated and adopted by the City Council in December 2024, alongside the City's 2024 Comprehensive Plan Periodic Update, following several years of review and discussion with the Planning Commission. The attached draft code redlines were first introduced to the Planning Commission in February 2023, but implementation was delayed until the City Council could act on the GSP and Comprehensive Plan updates. As noted by staff in November 2024, these proposed revisions to Edgewood Municipal Code (EMC) are needed to enable the updated GSP and implement the updated goals and policies in the Comprehensive Plan.

Here is a summary of the proposed changes:

- The Comprehensive Plan policies, as recommended by the Planning Commission, are incorporated under EMC 11.35.010 and EMC 11.55.010.
- Staff is recommending deletion of outdated policies, replacing them with a reference to the Comprehensive Plan and General Sewer Plan.
- Consolidation of connection requirements (EMC 11.40.010 to 11.40.030) with system extension requirements (EMC 11.35.010).
- Removal of references to specific criteria that are already addressed in several other standards and forms that do not need to be repeated in the code.
- With the change in language to focus on “receiving jurisdictions”, EMC 11.70 (Non-Core West Phase I Sewer Area) is no longer needed.
- With the intent of having clear local code for regulating discharges to the sewer utility and establishing pretreatment review and permitting processes, EMC 11.50 is a proposed model that still needs technical review and concurrence with each of the “receiving jurisdictions”.

Also, pending Planning Commission direction, staff could revise Title 11 to be more similar to Title 13, where the utility would be separate and distinct from the design regulations:

- EMC 11.20 may be able to be consolidated with EMC 11.30, or
- EMC 11.40 and EMC 11.60 could be worked into EMC 11.20

Finally, legal review is still pending for the following chapters:

- EMC 11.35.090, System extension agreements
- EMC 11.36, Sewer Latecomer Agreements (*only minor cleanup edits*)
- EMC 11.50, Discharges to the Sewer (*need to review against all Receiving Jurisdiction's rules*)
- EMC 11.60, Rates and Billing Procedures
- EMC 11.65, Violations and Enforcement

Current Discussion:

Staff encourages the Planning Commissioners to review the attached redlined code in preparation for tonight's meeting, reviewing for consistency with the following Comprehensive Plan goals and policies:

- Goal U.2 – Support the provision of quality utility services that are reliable, efficient, accessible, and financially and environmentally sustainable.
 - Policy U.2j – *Assure that the City's General Sewer Plan (GSP) is coordinated with and supports the Comprehensive Plan.*
 - Policy U.2k – *To promote the long-term viability and health of environmentally sensitive areas, do not allow new community on-site septic systems (OSS).*
 - Policy U.2l – *Do not allow installation of a new OSS on parcels of land located within 300 feet of the nearest sanitary sewer main (measured along the applicable service route as identified in the GSP), including proposed subdivisions of land.*
 - Policy U.2m – *Require the installation of dry sanitary sewer mains for new subdivisions located more than 300 feet from the nearest sanitary sewer main (as measured along the applicable service route identified in the GSP).*
 - Policy U.2n – *When new sanitary sewer mains installed by private developers are adjacent to property with an existing structure served by an OSS, require that the existing structure connect to the new sewer as follows:*
 - a. *Prior to permit approval for any increase in use of the OSS,*
 - b. *Prior to permit approval for any reclassification of use,*
 - c. *If the OSS requires a permit for repair to maintain function, or*
 - d. *If the OSS is failing as defined by TPCHD.*
 - Policy U.2o – *Require a public noticing and engagement process with impacted property owners prior to any new sanitary sewer main installation by the City, with all existing structures served by an OSS being required to connect to the new sewer as described under policy U.2n, in addition to the following time limitation:*
 - a. *The existing OSS shall be assigned an age based on the date of the last permitted activity in TPCHD records, such as a completed installation or repair permit.*
 - b. *The existing structure will not be required to connect until the OSS age is at least fifteen (15) years.*
 - c. *Once the OSS age reaches fifteen (15) years, existing structures will have no more than 180 days to connect.*

- Policy U.2p – *Prioritize City funding for sanitary sewer expansion in the following order:*
 - a. *Areas where road conditions warrant repair and/or replacement*
 - b. *Areas where other capital improvements are planned or warranted*
 - c. *Existing neighborhoods with aging OSS's (being more than 20 years old and/or otherwise identified problem areas, such as odor complaints or recent repair activity)*
 - d. *Other developable areas*
- Goal U.3 – *Work with regional partners to address regional utility issues.*
 - Policy U.3a – *Coordinate with other jurisdictions and governmental entities in the planning and implementation of multijurisdictional utility facility additions and improvements.*

Staff Recommendation:

The Planning Commission is invited to review and discuss the attached draft amendments to EMC Title 11, the Comprehensive Plan goals and policies listed above, and request additional information or modifications from staff in preparation for further discussion at next month's meeting. If there are no substantive concerns, staff would like to schedule a public hearing for July 14, 2025, and consideration of a formal recommendation to City Council could be scheduled for the August meeting.

1 Title 11

2 SEWERS

3 Chapters:

- 4 11.20 Sanitary Sewer Utility
- 5 11.30 Sewer System General Provisions
- 6 11.35 Sewer System Extensions and Connections
- 7 11.36 Sewer Latecomer Agreements
- 8 11.40 Connection Permits and Charges
- 9 11.45 Side Sewers
- 10 11.50 Discharges to the Sewer
- 11 11.55 Private Disposal Systems
- 12 11.60 Rates and Billing Procedures
- 13 11.65 Violations and Enforcement
- 14 ~~11.70 Non-Core West Phase I Sewer Area~~

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Chapter 11.20

SANITARY SEWER UTILITY

Sections:

- 11.20.010 Utility created.
- 11.20.020 Fund created.
- 11.20.030 Authority.
- 11.20.040 Sanitary sewer utility ~~creation~~ policies.

11.20.010 Utility created.

Pursuant to the authority contained in RCW 35.21.210 and 35.67.030, the city of Edgewood does hereby establish a sanitary sewer utility. (Ord. 06-271 § 1).

11.20.020 Fund created.

There is hereby created a sewer utility operating fund. All fees and charges related to the operation of the sewer utility shall be placed into this fund. (Ord. 06-271 § 1).

11.20.030 Authority.

The sewer utility shall be under the direction and control of the ~~mayor~~director. The ~~mayor~~director is authorized to delegate responsibilities for administration of the sanitary sewer utility to such other city employees as the ~~mayor~~director may from time to time direct. (Ord. 15-447 § 1 (Exh. A); Ord. 06-271 § 1).

11.20.040 Sanitary sewer utility ~~creation~~ policies.

~~Policies guiding the creation of the sewer utility are hereby established as follows:~~

~~A. Growth and dDevelopment of the sanitary sewer utility shall be focused along the Meridian corridor. To help meet this policy, “sewer availability” shall mean, for those areas in Phase I (See Figure ES-1, general sewer plan), sewer is available from the date of the city council adoption of the general sewer plan. For those areas in Phase II, sewer is available 20 years after the date of the city council adoption of the general sewer plan. For those areas in Phase III, sewer service is available 50 years after the date of the city council adoption of the in accordance with the City’s current Comprehensive Plan and Ggeneral Ssewer Pplan.~~

~~B. System extensions shall be paid for by the benefited parties. May be done through developer extension or formation of a local improvement district.~~

~~1. Developer Extensions.~~

- ~~a. Shall be paid for by the developer.~~
- ~~b. Are subject to approval by the city council and require execution of a system extension agreement with the city.~~
- ~~c. Reimbursement from other properties that later connect to and benefit from such extensions and/or improvements may be made at the sole discretion of the city, pursuant to Chapter 35.91 RCW and Chapter 11.36 EMC.~~

~~2. Local Improvement Districts.~~

- ~~a. The initial 50 percent of estimated LID preformation costs shall be advanced by the proponents of the project. The remaining 50 percent of LID preformation costs shall be advanced by the city. The source of funds shall be the sewer utility fund via an interfund loan from the general fund.~~
- ~~b. The proponents shall provide a petition requesting that the city council initiate the LID process by resolution.~~

1 ~~e. To assess support of the project, the petition must be signed by the owners of property aggregating a~~
2 ~~majority of the area within the proposed district.~~

3 ~~d. The formation of a local improvement district shall be pursuant to Chapters 35.43 through 35.54 RCW~~
4 ~~and subject to approval by the city council.~~

5 ~~C. Sewer System Improvements Made by the City.~~

6 ~~1. When the city elects to make general improvements to the city's sanitary sewer system, such improvements~~
7 ~~shall be paid for with connection and/or rate charges collected from users of the system.~~

8 ~~2. When the city elects to make improvements to the city's sanitary sewer system that create a special benefit to~~
9 ~~properties, the city shall require the owners of those properties to pay for such improvements as a part of and in~~
10 ~~addition to normal connection charges and/or rate surcharges.~~

11 ~~D. Connection Required.~~

12 ~~1. Property Adjacent to a Developer Extension. When a sanitary sewer is extended, by a developer, to or past~~
13 ~~property not owned by said developer, the owner of such property shall not be required to connect to the sewer~~
14 ~~so extended.~~

15 ~~2. Property within an LID. Buildings on property within a local improvement district are required to be~~
16 ~~connected to the city's sewer system and the property owner shall be required to pay all charges associated with~~
17 ~~such connection.~~

18 ~~3. Health Department Exception. An existing structure on property with sewer availability, fronted by the city's~~
19 ~~sanitary sewer system, whose on-site sewage disposal system has failed and cannot be acceptably corrected or~~
20 ~~repaired, as determined by the Tacoma Pierce County health department, shall be required to connect to said~~
21 ~~sewer system and the property owner shall be required to pay all charges associated with such connection.~~

22 ~~E. Side Sewers— Responsibility to Construct. Except as otherwise provided by this title, a new side sewer, from the~~
23 ~~right of way line or easement to the sewer main or submain, shall be constructed and paid for by the owner of the~~
24 ~~property on which the structure is served by the side sewer.~~

25 ~~F. Private Disposal System.~~

26 ~~1. Residential structures may connect to a private sewage disposal system; provided, that both of the following~~
27 ~~conditions must be met:~~

28 ~~a. A valid permit from the Tacoma Pierce County health department is obtained; and~~

29 ~~b. The property is not located within the boundaries of a local improvement district.~~

30 ~~2. A new commercial, industrial, institutional or multifamily structure may connect to a private sewage disposal~~
31 ~~system; provided, that all of the following conditions must be met:~~

32 ~~a. A valid permit from the Tacoma Pierce County health department is obtained;~~

33 ~~b. The property is not located within the boundaries of a local improvement district; and~~

34 ~~e. The property owner must agree in writing, as a condition to the issuance of the building permit, to~~
35 ~~disconnect from and remove said private sewage disposal system and connect to the city sanitary sewer~~
36 ~~system when it becomes available. (Ord. 19 542 § 3; Ord. 10 333 § 2; Ord. 06 271 § 1).~~

1 Chapter 11.30

2 SEWER SYSTEM GENERAL PROVISIONS

3 Sections:

- 4 11.30.010 Purpose.
- 5 11.30.020 Definitions.
- 6 11.30.030 Authority.
- 7 11.30.040 General sewer plan.
- 8 11.30.050 Levels of service.
- 9 11.30.060 Design and construction standards.
- 10 11.30.070 Sewer availability.
- 11 11.30.080 Sewer system capacity, record, and reservation.

12 **11.30.010 Purpose.**

13 This title sets forth the regulations under which the city ~~of Edgewood~~ sewer utility is managed and operated. It is
14 intended to enable the director ~~of public works~~ to protect the public health in conformity with all applicable local,
15 state and federal laws relating thereto. The objectives of this chapter are to:

16 A. Provide for orderly planning of the utility.

17 B. Develop and adopt appropriate levels of service.

18 C. Develop standards for design and construction that will ~~result in lower~~ system operation and maintenance costs
19 and a safe and healthy work environment.

20 D. Provide for a variety of funding options for system extensions so that sewer service ~~is able to may~~ expand in
21 accordance with the Comprehensive Plan and General Sewer Plan within the planning framework, and all benefited
22 properties pay their appropriate shares.

23 E. Regulate new sewer system construction to be uniform and of high quality.

24 F. Establish connection policies and procedures and the basis for connection charges and manner of collection.

25 G. Regulate and control, at the source, the quality of wastewater that is discharged from the Edgewood sewer system
26 to the receiving sewer system(s) so that it meets the regulations governing such sewer system(s).

27 H. Provide for the use and regulation of septic tanks where appropriate.

28 I. Provide for the establishment of equitable sewer rates and set forth billing procedures.

29 J. Establish enforcement measures. (Ord. 06-271 § 1).

30 **11.30.020 Definitions.**

31 Definitions for words and phrases used in this title, ~~except for the referenced sections of the Tacoma Municipal~~
32 ~~Code contained in Chapter 11.50 EMC~~, shall be found in this section; the Orange Book, or otherwise contained in
33 EMC; Glossary, Water and Wastewater Control Engineering, Third Edition, American Public Health Association,
34 1980; or Webster's New International Dictionary of the English Language Unabridged, Merriam Webster Inc.,
35 2002, and succeeding editions; with precedence in that order, unless from the context a different meaning is intended
36 or unless different meaning is specifically defined and more particularly directed to the use of such words or
37 phrases. Where terms are not defined, they shall have their ordinarily accepted meanings within the context with
38 which they are used. ~~Words whose context indicates a definition other than that given below are defined by their~~
39 ~~context.~~

40 ~~Definitions for words used in the Tacoma Municipal Code are found in TMC 12.08.010.~~

1 ~~The following words and phrases shall be defined as follows:~~

2 “Acceptance” means formal action, taken by resolution of the council, accepting improvements, made pursuant to a
3 contract, for ownership and maintenance by the city.

4 “Biochemical oxygen demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of
5 organic matter under standard laboratory procedures in five days at 20 degrees Celsius, expressed in parts per
6 million or milligrams per liter (mg/l) by weight, using “Standard Methods,” Seventeenth Edition, together with
7 amendments thereto, and subsequent editions.

8 “Building” means a roofed and walled structure, both permanent and temporary, including appurtenances, such as
9 open stairs, patios, and decks.

10 “Building code” means the ~~provisions of the~~ International Building Code, ~~2003 Edition, International Code Council,~~
11 ~~as amended by the state of Washington, and amended and~~ adopted by the city ~~as described in EMC 15.05.030 of~~
12 ~~Edgewood, as may be further amended, and as may be replaced by succeeding building codes.~~

13 “Building sewer” means that part of the horizontal piping of a private sewer system which extends from the end of
14 the building drain and which receives the wastewater from the building drain and conveys it to the side sewer or
15 private disposal system and is regulated by the building department and plumbing code.

16 “CIP” means capital improvement plan.

17 “City” means the city of Edgewood.

18 “Completion date” means the day all the work specified in the contract is completed and all the obligations of the
19 contractor under the contract are fulfilled by the contractor. All documentation required by the contract and required
20 by law must be furnished by the contractor before establishment of this date.

21 “Comprehensive plan” means the ~~currently adopted~~ city of Edgewood comprehensive plan ~~as first adopted by the~~
22 ~~city council on June 12, 2001, as amended on July 9, 2002, and as may be further amended.~~

23 “Connection” means the physical connection of the building sewer to the side sewer. In the event a portion of the
24 building sewer has been constructed with the side sewer, connection shall be deemed to occur when the two separate
25 portions of the building sewer are connected.

26 “Connection right” means the right of a property that has fulfilled all the requirements for connection to the city’s
27 sewer system, as set forth in this title, to connect to that sewer system, subject to the conditions set forth in the
28 connection permit and agreement.

29 “Conveyance” means, primarily, the transport of sewage from one place to another with few or no connections, as in
30 a sewer trunk or pump station force main.

31 “Council” means the council of the city of Edgewood.

32 “Cross-Connection Control Manual” means the Cross-Connection Control Manual, Accepted Procedure and
33 Practice, Sixth Edition, published by the Pacific Northwest Section of the American Water Works Association,
34 together with amendments thereto, and subsequent editions.

35 “Design and Construction Standards” means the ~~city’s~~ book of design and construction standards ~~of the city of~~
36 ~~Edgewood~~ for public works projects and system extensions by developers as set forth in EMC 11.30.060.

37 “Development” means construction of a building or other structure and site improvements, street and utility
38 improvements, and subdivision of property.

39 “Director” means the city’s ~~of Edgewood~~ director of public works or authorized representative. ~~If there is no~~
40 ~~appropriated position for the director of public works, the mayor or their authorized representative shall fill this role.~~

1 “DOE” means the Washington State Department of Ecology.

2 “EMC” means the Edgewood Municipal Code.

3 “Equivalent residential unit (ERU)” means one single-family house, apartment unit, condominium unit, or
4 townhouse unit. For nonresidential connections, an ERU is ~~2~~150 gallons per day of wastewater, or one-half pound
5 per day of total suspended solids, or one-half pound per day of biochemical oxygen demand (BOD).

6 The determination of the number of ERUs required for nonresidential buildings shall be made pursuant to EMC
7 11.40.070.

8 “Frontage” means the side of the property, adjacent to the right-of-way or easement, containing the sewer or
9 proposed sewer.

10 ~~“Fronted”~~. A property is fronted by a sewer when 10 feet or more of the right-of-way or easement containing a
11 sewer is adjacent to a property line of that property and the sewer contained therein extends 10 feet or more past the
12 nearest property line or extension thereof. If the right-of-way or easement ends at the subject property line and the
13 sewer ends within 50 feet of said property line and is intended to never be extended past that point, the property
14 shall be considered to be fronted by the sewer.

15 “Fully fronted” means when a right-of-way or easement containing a city sewer is adjacent to and continuous along
16 one or more full sides of a property.

17 “GSP” means the city’s general sewer plan ~~of the city of Edgewood~~.

18 “Human occupation” means the use or intent of use of a building that includes part-time or full-time residency,
19 employment, sports, entertainment, and commercial or other activity that requires the presence of plumbing fixtures
20 as determined by the plumbing code.

21 “IBC” means the ~~2003~~ International Building Code ~~together with amendments thereto, and subsequent editions~~; see
22 definition of “building code” in this section.

23 “Improvements” means construction intended to or having the effect of increasing the value of real or personal
24 property.

25 “LID” means a local improvement district, a group of properties specially benefited by the construction of a local
26 improvement, paid for, in whole or in part, by special assessments levied against said group of properties,
27 established and authorized by the local legislative authority.

28 “Local improvement” means an improvement or improvements owned or operated by a public corporation (RCW
29 35.43.010).

30 “Mayor” means the city’s ~~of Edgewood~~ mayor or authorized representative.

31 “Orange Book” means Criteria for Sewage Works Design, Washington State Department of Ecology, ~~December-~~
32 ~~1998~~ January 2022, together with amendments thereto, and subsequent editions.

33 “OSS” means private on-site sewage system; also called “septic system”.

34 “Owner” means the owner of the subject real property. If the owner is a corporation, partnership or an indisposed
35 individual, proof of authority to sign on behalf of the owner shall be required. Such proof may include corporate
36 bylaws, a signed and dated resolution of the board of directors, partnership agreement, power of attorney, or other
37 written legal document acceptable to the city.

38 ~~“Phase I property” means a property within the Phase I boundaries as defined in the GSP. Phase II and Phase III-~~
39 ~~properties are, likewise, defined in the GSP.~~

- 1 “Physical completion date” means the day all of the work is physically completed on the project. All documentation
2 required by the contract and required by law does not necessarily need to be furnished by the contractor by this date.
- 3 “Plumbing code” means the provisions of the Uniform Plumbing Code, 2000 Edition, IAPMO, as amended by the
4 state of Washington and amended and adopted by the city of Edgewood, as may be further amended, and as may be
5 replaced by succeeding plumbing codes as described in EMC 15.05.080.
- 6 “Private disposal system” means a privately owned septic tank with drain field or other on-site wastewater treatment
7 and disposal system; see also “OSS”.
- 8 “RCW” means the Revised Code of Washington.
- 9 “Receiving Jurisdiction” means another City, County or Sewer District that receives wastewater from a portion of
10 the City of Edgewood (e.g., City of Puyallup, Fife, Tacoma, Pierce County and/or Lakehaven Water and Sewer
11 District).
- 12 “Sewage” means wastewater that contains human waste.
- 13 “Sewer,” also called “sanitary sewer,” means pipes and associated structures that exclusively carry wastewater.
- 14 “Sewer availability” means the condition of a property of being permitted to connect to the city’s sewer system. See
15 EMC 11.30.070.
- 16 “Sewer lateral” means a sewer that has no other city sewers discharging into it.
- 17 “Sewer main or trunk” means a sewer that receives wastewater from one or more submains.
- 18 “Sewer service area” means that area lying within the corporate boundaries of the city of Edgewood designated for
19 city sewer service pursuant to a comprehensive sewerage plan, approved in accordance with Chapters 36.93 and
20 36.94 RCW.
- 21 “Sewer submain” means a sewer that receives wastewater from one or more laterals.
- 22 “Sewer system,” also called “sanitary sewer system,” means the aggregate of all the parts of a wastewater collection
23 and treatment system including sewers, appurtenances, pump stations and treatment facilities.
- 24 “Sewer utility” means the city’s of Edgewood sanitary sewer utility.
- 25 “Side sewer” means that sewer, located within a city right-of-way or easement, between the city’s sewer main and
26 the right-of-way or easement line, connecting to the building sewer and regulated by the public works department
27 and this title.
- 28 “Special event” means a commercial, entertainment, or sport activity or community service or civic event, held in or
29 out-of-doors, on private or public property, or on public rights-of-way.
- 30 “Standard Specifications” means the Standard Specifications for Road, Bridge, and Municipal Construction,
31 Washington State Department of Transportation, 2006, as amended, and replaced by succeeding editions.
- 32 “Storm drain” means pipes and associated structures that carry surface water and exclude wastewater.
- 33 “Structure” means something constructed, including, but not limited to, buildings, retaining walls, rockeries,
34 sidewalks, patios, decks, constructed landscaping features, sheds, fences, and driveways.
- 35 “Substantial completion date” means the day the director determines the improvements are fully functional from
36 both operational and safety standpoints or that the city has full and unrestricted use and benefit of the facilities both
37 from the operational and safety standpoint, and only minor incidental work, removal of temporary substitute
38 facilities, correction, or repair remains for the physical completion of the total contract.

1 “System extension” means capital improvements to the sewer system, including, but not limited to, extensions of
2 sewer lines, and the construction of manholes, pump stations, other appurtenances and controls.

3 “Temporary portable toilet” means a self-contained, noncaustic chemical toilet equipped with a waste-receiving,
4 chemical-holding container, housed in its own shelter.

5 “TESC” means temporary erosion and sedimentation control.

6 ~~“TMC” means the Tacoma Municipal Code.~~

7 ~~“TPCHD” means the Tacoma – Pierce County Health Department.~~

8 “ULID” means utility local improvement district, a group of properties specially benefited by the construction of a
9 local water, sewer, or off-street parking facility improvement, financed by revenue bonds, paid for in whole or in
10 part by revenues of the utility, established and authorized by the local legislative authority.

11 “WAC” means the Washington Administrative Code.

12 “Wastewater” means water that has been used for domestic or industrial purposes and contains or may contain
13 suspended or dissolved solids from such use.

14 “Work” means the provision of all labor, materials, tools, equipment, and everything needed to successfully
15 complete a project according to the contract. (Ord. 15-447 § 1 (Exh. A); Ord. 10-333 § 8; Ord. 06-271 § 1).

16 **11.30.030 Authority.**

17 The city ~~of Edgewood~~ sanitary sewer utility is established by this title in accordance with RCW 35.21.210 and
18 35.67.030. Except as otherwise provided herein, the director ~~of public works of the city of Edgewood~~ shall
19 administer, implement and enforce the provisions of this title.

20 A. Applicability. This title shall apply to all persons and properties within the city ~~of Edgewood~~ and any person
21 using, discharging to, or damaging the city’s sewer system inside or outside the city.

22 B. Connection Charges and Rates. The authority to set and collect connection charges and monthly rates shall be in
23 accordance with RCW 35.67.190, 35.92.020 and 35.92.025 and other applicable laws and regulations.

24 C. Enforcement. The authority to lien property for delinquent and unpaid rates and other charges for sewer service
25 shall be in accordance with RCW 35.67.200. The authority to issue citations and levy penalties for civil infractions
26 shall be in accordance with Chapter 1.10 EMC, General Penalty. The authority to adopt ordinances and impose
27 penalties for civil and criminal infractions thereof shall be in accordance with RCW 35A.11.020.

28 D. Discharge Permits. The ~~receiving jurisdictions~~ that ~~convey and/or treat~~ ~~operates the wastewater treatment plant~~
29 ~~treating~~ the city’s sewage shall be authorized to regulate and enforce the provisions of Chapter 11.50 EMC, and,
30 pursuant to RCW 90.48.160, issue discharge permits within the city to operators of industrial and commercial
31 operations, monitor discharges, inspect said industrial and commercial operations, and enforce discharge regulations
32 promulgated by said jurisdiction.

33 E. Inspection. The ~~receiving jurisdictions, city, and their~~ ~~its~~ inspectors, ~~and consultants~~ shall have free access to and
34 authority to observe, inspect, gather samples, and perform tests related to all city sewer system construction or other
35 activity or use located on city property, the public rights-of-way, and city easements within and outside the city.

36 Construction and all other activity or use, located on private property, authorized or regulated under this title shall be
37 conditioned upon the right of the city, its inspectors, and consultants to enter upon such private property and
38 authority to observe, inspect, gather samples, and perform tests related to all such construction or other activity or
39 use.

40 F. Stop Work. ~~Pursuant to EMC Chapter 7.40, the~~ ~~receiving jurisdictions, city, and their~~ ~~its~~ inspectors, ~~and~~
41 ~~authorized consultants~~ shall have authority to stop work authorized or regulated under this title when such inspectors

1 or consultants shall find that stopping the work is necessary to ensure compliance with approved plans,
2 specifications, Design and Construction Standards, and Standard Specifications.

3 G. Uncover. The receiving jurisdictions, city, and their inspectors, ~~and authorized consultants~~ shall have authority
4 to require that improvements or parts thereof, authorized or regulated under this title, must be uncovered or dug up
5 and/or removed for inspection when:

- 6 1. Such improvements require inspection; and
- 7 2. No inspection has been made by the city; and
- 8 3. Inadequate notice has been given by the owner or contractor requesting the inspection.

9 H. Remove. The receiving jurisdictions, city, and their inspectors, ~~and authorized consultants~~ shall have authority
10 to require that improvements or parts thereof, authorized or regulated under this title, that do not comply with
11 approved plans, specifications, Design and Construction Standards, and Standard Specifications be removed from
12 the project and be replaced. (Ord. 06-271 § 1).

13 **11.30.040 General sewer plan.**

14 ~~As authorized by RCW 35.67.030, the council has adopted by ordinance (RCW 35.67.030) a general sewer plan~~
15 ~~(GSP) that sets the boundaries of the city's sewer service area and guides the sewer utility as to the location and size~~
16 ~~of sewer mains, trunks, submains and pump stations. The GSP shall set forth a detailed capital improvement plan~~
17 ~~(CIP) for 10 years and a general CIP for 20 years. The most recent edition of the Design and Construction Standards~~
18 ~~shall be included in the GSP by reference. DOE approval of the GSP is required subject to RCW 90.48.110(3),~~
19 ~~WAC 173-240-030, 173-240-040, and 173-240-050. The GSP is a stand-alone technical plan, referenced here for~~
20 ~~consistency with the comprehensive plan, and maintained by the public works director. The GSP general sewer plan~~
21 ~~will be updated in accordance with RCW 35.67.030 and, when required, modifications must be approved by the~~
22 ~~Department of Ecology. The planning commission shall provide recommendations on comprehensive plan policy~~
23 ~~updates consistent with the GSP general sewer plan and EMC city of Edgewood Municipal Code as needed for~~
24 ~~consistency. The GSP shall include those elements described in Section G1-2.4 of the Orange Book and WAC 173-~~
25 ~~240-050. (Ord. 08-310 § 7; Ord. 06-271 § 1).~~

26 **11.30.050 Levels of service.**

27 The director shall prepare and the council shall adopt levels of service for the operation and maintenance of the
28 sewer utility. The base level of service shall be in compliance with Washington State law and DOE regulations. The
29 adopted levels of service shall be used to set staffing requirements and budgets, and to evaluate the performance of
30 the sewer utility. (Ord. 06-271 § 1).

31 **11.30.060 Design and construction standards.**

32 The director shall prepare and the council shall adopt by resolution design and construction standards for the sewer
33 utility entitled Design and Construction Standards, which shall provide for administrative changes and variances.
34 (Ord. 06-271 § 1).

35 **11.30.070 Sewer availability.**

36 A. Sewer availability is as defined in the EMC 11.30.020. ~~The initial capacity of the sewer system, as determined by~~
37 ~~the method in EMC 11.30.080, is adequate only for build-out of Phase I properties. Expansion of sewer system~~
38 ~~capacity will be required before properties within Phase II will be provided sewer availability. Sewer availability for~~
39 ~~Phase II shall not occur until 20 years following adoption of the GSP. Sewer availability for Phase III properties~~
40 ~~shall not occur until 50 years following adoption of the GSP.~~

41 B. The city will not provide sewer service outside its municipal boundary. (Ord. 06-271 § 1).

42 **11.30.080 Sewer system capacity, record, and reservation.**

43 A. The capacity of the city's sewer system shall be determined as set forth in interlocal agreement(s) between the
44 city and ~~other~~ receiving jurisdictions and as established in the GSP for wastewater conveyance and treatment or by
45 ~~the design and construction of a wastewater treatment plant~~. The capacity shall be established in ERUs. The value of
46 an ERU is as set forth in EMC 11.30.020. The sewer utility shall establish flow meters at ~~all~~ city discharge points

1 and, from time to time, shall evaluate the correlation between the ERUs issued and the actual quality and quantity of
2 sewage discharged. The value of an ERU and the number of remaining ERUs shall be adjusted, as necessary, to
3 reflect the actual values determined from said evaluation, by ordinance of the council and approval by the DOE, if
4 required.

5 B. The director shall keep a record of the sewer system capacity, and as connection permits are issued shall subtract
6 the number of ERUs assigned to each permit and keep a balance of available ERUs.

7 C. Sewer system capacity shall be reserved for properties within LIDs when the conditions set forth in subsection
8 (F) of this section have been met. The director shall determine the amount and timing of capacity that can be
9 reserved based on the capacity available at the time of the request, the scheduling of construction for expansion of
10 capacity, and the amount of capacity demand in current competing requests for capacity.

11 D. Sewer system capacity may be reserved for property whose owner is a contributing party to a system extension
12 agreement when the conditions set forth in subsection (F) of this section have been met.

13 E. Sewer system capacity may be reserved for new building construction, redevelopment, or changed use, when the
14 conditions set forth in subsection (F) of this section have been met.

15 F. Conditions for Sewer System Capacity Reservation.

16 1. The owner enters into a sewer system capacity reservation agreement with the city; and

17 2. A reservation charge, equal to one-half the current connection charge, has been paid; and

18 3. The project application has been deemed to be complete; or

19 4. If the property's owner is a contributing party to a system extension agreement, the project application will
20 be deemed complete, for the purposes of sewer system capacity, upon approval of the system extension
21 agreement by the council. The owner may reserve system capacity, up to his predetermined share of system
22 capacity, for that system extension project.

23 G. System capacity may be so reserved for a period of five years, at which time the reservation will be automatically
24 extinguished, unless the connection charge shall have been paid prior to the five-year anniversary date of the sewer
25 system capacity agreement. The connection charge shall be that which is in effect at the time of such payment, less
26 the reservation charge previously paid.

27 H. Upon the reservation being so extinguished, the reservation charges, paid to reserve sewer system capacity, shall
28 be forfeited and retained by the city.

29 I. As consideration for continued reservation of sewer system capacity, monthly reservation charges equal to
30 monthly sewer rates for that capacity shall commence upon full payment of the connection charge, and continue
31 until a physical connection is actually made, or the reserved connection is extinguished or relinquished by action of
32 the owner.

33 J. When all available ERUs have been assigned to connections or reserved, no additional connection permits or
34 reservations shall be issued. (Ord. 06-271 § 1).

1 Chapter 11.35

2 SEWER SYSTEM EXTENSIONS AND CONNECTIONS

3 Sections:

- 4 11.35.010 ~~Design~~Extensions and connections – When required.
5 11.35.020 Separate ~~connection required~~ion from water lines.
6 11.35.030 City-owned sewage pump stations.
7 11.35.040 Cross-connection control.
8 11.35.050 ~~P~~Design plans and specifications.
9 11.35.060 Easements.
10 11.35.070 Construction.
11 11.35.080 City projects.
12 11.35.090 System extension agreements.
13 11.35.100 *Repealed.*
14 11.35.110 *Repealed.*

15 **11.35.010 ~~Design~~Extensions and connections – When required.**

16 A. All new / proposed structures and uses that are located on property within 300 feet of an existing sanitary sewer
17 main (measured along the applicable service route as identified in the GSP) and generate wastewater shall be
18 required to extend the sanitary sewer main and connect to the sanitary sewer utility in a manner consistent with the
19 GSP. The horizontal distance shall be measured along a straight line from the existing sanitary sewer to the subject
20 structure’s closest property line. If the subject property is not fully fronted by a sewer, the owner, as a condition of
21 sewer service, shall be required to extend the city’s sewer to and across one full side of the property in accordance
22 with the GSP. Nonrectangular and corner lots may be required to extend the sewer along two or more full sides as
23 determined by the director.

24 B. All existing structures that are located within 300 feet of an existing sanitary sewer main served by an OSS that
25 has failed (as defined by TPCHD), or requires a permit from the TPCHD to repair the OSS for continued operations,
26 shall be required to extend the sanitary sewer main and connect to the sanitary sewer utility in a manner consistent
27 with the GSP. The horizontal distance shall be measured along the applicable service route as identified in the GSP
28 from the existing sanitary sewer to the subject structure’s closest property line.

29 C. Private Developer Extensions. If a new sanitary sewer main is installed by a private developer, and it is fronting a
30 parcel with an existing structure served by an OSS, then the existing structure shall be required to connect to said
31 sanitary sewer main:

32 1. prior to any City permit approval that would result in increased use of the existing OSS beyond its currently
33 approved capacity,

34 2. prior to any City permit approval for any reclassification of use for the existing structure (ex., from
35 residential to non-residential),

36 3. if the existing OSS requires a permit from the TPCHD for repair to maintain its function, or

37 4. if the existing OSS is failing as defined by the TPCHD.

38 D. City Capital Improvement Extensions. If a new sanitary sewer main is proposed for installation by the City, and it
39 is fronting any parcels with existing structures served by an OSS, then the City must conduct a public noticing and
40 engagement process with impacted property owners prior to any construction. Upon installation, the existing
41 structures shall be required to connect to said sanitary sewer main as follows:

42 1. The existing OSS shall be assigned an age based on the date of the last permitted activity in TPCHD records,
43 such as evidence of a completed installation or repair permit.

1 2. The existing structure served by said OSS will not be required to connect to the new sanitary sewer main
2 until the OSS's age is at least fifteen (15) years.

3 3. Once the age of said OSS reaches fifteen (15) years, existing structures must connect to the sanitary sewer
4 within 180 days.

5 4. Regardless of the conditions above, existing structures must connect to the new sanitary sewer if the
6 conditions listed under subsection B, above, are met.

7 E. Dry Sewer Requirements. Any proposed subdivision located more than 300 feet from the nearest existing sanitary
8 sewer must install dry sanitary sewer facilities, following current City of Edgewood Public Works Standards and
9 Design Details. The horizontal distance shall be measured along the applicable service route as identified in the GSP
10 from the existing sanitary sewer to the subject subdivision's closest property line. Once the sanitary sewer utility is
11 extended to the subject subdivision, the dry sanitary sewer facilities must be connected and all existing structures in
12 the subject subdivision shall be connected to the utility consistent with subsection C above. Extensions to the sewer
13 system shall be made in conformance with the GSP.

14 ~~All sewer system extensions shall be designed by a civil engineer licensed to practice engineering in the state of~~
15 ~~Washington. The design shall be in accordance with the Design and Construction Standards established pursuant to~~
16 ~~EMC 11.30.060, this title, the GSP, the Orange Book, and the Standard Specifications.~~

17 ~~In general, sewers shall be located below all other utilities in rights of way to provide the greatest opportunity for~~
18 ~~adjacent properties to connect thereto by gravity building sewer and side sewer, and minimize the opportunity for~~
19 ~~contaminating other utilities from leaks. Consideration for adequate cover and separation, potential sizing for water~~
20 ~~and storm drains, required slopes for side sewers, and adequate clearance for workers results in a minimum depth for~~
21 ~~gravity sewers, located in public rights of way, of 10 feet as measured from finished grade to sewer crown. This~~
22 ~~necessary depth shall be maintained unless the director finds, in writing, that after taking into consideration all the~~
23 ~~above, a shallower depth is justified.~~

24 ~~Manhole lids, located in the traveled way, shall be placed at lane lines or in the center of left turn lanes. (Ord. 06-~~
25 ~~271 § 1).~~

26 **11.35.020 Separate connection required from water lines.**

27 ~~A minimum horizontal separation of 10 feet between sanitary sewers and any potable water lines, and a minimum~~
28 ~~vertical separation of 18 inches between the bottom of the water line and the crown of the sewer, shall be~~
29 ~~maintained. The distances shall be measured outside edge to outside edge.~~

30 ~~When local conditions prevent the separations described above, the director may approve an alternative; provided,~~
31 ~~that no such alternative shall be less restrictive than that provided for in the Orange Book C1 9.1. (Ord. 06-271 § 1).~~

32 A separate connection to the sewer utility shall be required for each building with plumbing fixtures unless
33 otherwise approved by the director (see EMC 11.45.040(G) and (H)).

34 **11.35.030 City-owned sewage pump stations.**

35 Other than those proposed in the GSP, new ~~S~~ sewage pump stations shall be prohibited unless the director finds there
36 is no reasonable alternative. Pump stations shall be designed and constructed in conformance with the Design and
37 Construction Standards, this title, the Orange Book, and the Standard Specifications. Pump stations shall be
38 designed and constructed to minimize operation and maintenance costs and employee exposure to health and safety
39 hazards. Permanent on-site electric generators, with power generation adequate for full function of the pump station,
40 shall be installed at every city sewage pump station. A force main shall discharge into a manhole and not directly
41 into another force main or gravity sewer pipe. (Ord. 06-271 § 1).
42

1 **11.35.040 Cross-connection control.**

2 Sewage pump stations and all other sewer system elements with water service shall be required to meet the
3 requirements of the water purveyor, the Cross-Connection Control Manual, and WAC 246-290-490. (Ord. 06-271 §
4 1).

5 **11.35.050 Design Plans and specifications.**

6 The design plans and specifications for sewer system extensions and connections shall be prepared in accordance
7 with the Design and Construction Standards, this title, the GSP, the Orange Book, and the Standard Specifications.–
8 ~~(Ord. 06 271 § 1).~~ All sewer system extensions shall be designed by a civil engineer licensed to practice engineering
9 in the state of Washington.

10 In general, sewers shall be located below all other utilities in rights-of-way to provide the greatest opportunity for
11 adjacent properties to connect thereto using gravity building sewers and side sewers, minimizing the opportunity for
12 contaminating other utilities from leaks. Consideration must be taken in design to ensure adequate cover and
13 separation, sizing for water mains and storm drains, required slopes for side sewers, and adequate clearance for
14 workers. Manhole lids located in the traveled way shall not be placed in vehicle wheel paths wherever practicable.

15 **11.35.060 Easements.**

16 All sewer system easements shall be in a form as provided and approved by the city, ~~or as approved by the city prior~~
17 ~~to negotiation.~~ The city must be reviewed and approved all easements prior to execution, and ~~shall require~~ written
18 acceptance by the city is required prior to recording the easement. The director may, in ~~his/their~~ sole discretion, ~~by~~
19 ~~written approval~~ waive any of the easement requirements set forth in this section upon the director's written
20 determination that such waiver would not adversely affect the city's interests.

21 A. Permanent Easements.

22 1. The purpose(s) for the easement and the permitted activities shall be stated in the easement document.

23 2. All sewers shall be located in dedicated rights-of-way or easements. The minimum width of an easement
24 shall be 20 feet plus two feet for every foot of sewer depth over 10 feet, unless otherwise approved by the
25 director.

26 ~~3. All weather access improvements, capable of being negotiated by a fully loaded vector truck (H 20 load),~~
27 ~~shall be provided to every manhole, air vac relief station, pigging port or other appurtenance requiring~~
28 ~~maintenance access.~~

29 ~~4. City access to and across the easement shall be unrestricted. Buildings, trees, parked vehicles, and all other~~
30 ~~structures, except as otherwise provided herein, shall be prohibited within easements. Private driveways may be~~
31 ~~located within city easements. In the event the director determines that private fencing across an easement is~~
32 ~~necessary and reasonable, such fencing may be permitted; provided, that double leaf gates with a nominal~~
33 ~~width of 20 feet are provided at fence crossings. The owner may install only landscaping improvements that~~
34 ~~have been approved by the city.~~

35 ~~5. Easements shall be maintained by the city to city standards. Landscaping improvements installed by the~~
36 ~~owner shall be maintained by the owner. The city may cut back or remove landscaping improvements, as it~~
37 ~~deems necessary. The city shall have no obligation to repair or replace landscaping improvements that have~~
38 ~~been damaged or removed.~~

39 ~~6. The city shall have the right to issue permits to third parties to operate and maintain side sewers within the~~
40 ~~easement.~~

41 ~~7.~~ 73. Pump stations shall be located only on city-owned property ~~that has been deeded to the city~~ unless
42 otherwise approved by the director. Easements for pump stations shall be unrestricted and exclusive.

43 B. Temporary Easements. Temporary easements obtained for construction, staging, storage, or temporary access
44 shall:

45 1. Identify use or uses in the easement document;

- 1 2. Set the term and provide for extensions thereto;
- 2 3. Contain specific conditions for restoration and a one-year warranty for such restoration;
- 3 4. Contain provision for the owner to inspect the condition of the easement property following completion of
- 4 restoration; and
- 5 5. Provide for the owner's release following such inspection. (Ord. 09-317 § 2; Ord. 06-271 § 1).

6 **11.35.070 Construction.**

7 All construction shall be in conformance with the Design and Construction Standards, this title, the GSP, the Orange
8 Book, and the Standard Specifications. Contractors shall have a current and valid state of Washington contractor's
9 license and a city ~~of Edgewood~~ business license. Construction shall not commence until a preconstruction
10 conference, meeting the requirements set forth in the Design and Construction Standards, has occurred and
11 applicable permit(s) have been issued. (Ord. 06-271 § 1).

12 **11.35.080 City projects.**

13 Nonemergency sewer system extension projects constructed with city-public funds shall first be identified in the
14 GSP and included in the city's CIP. Such projects shall be paid for with connection and/or rate charges from users of
15 the sewer system together with any grants and loans that may be obtained.

16 ~~All city sewer system extension projects must meet the bidding requirements of the city's purchasing policy and~~
17 ~~RCW 35.23.352. All city sewer system extension projects are public works projects and are subject to prevailing~~
18 ~~wage requirements as set forth in Standard Specifications 1-07.9.~~

19 ~~The following are additional requirements of all city sewer system extension projects:~~

20 ~~A. Contract Bond. The contractor shall provide the city with a contract bond in conformance with Standard~~
21 ~~Specifications 1-03.4 as amended by Chapter 1-99. The contract bond shall remain in full force and effect until~~
22 ~~released in writing by the city.~~

23 ~~B. Insurance. The contractor shall obtain and maintain in full force and effect from the date of approval of the~~
24 ~~contract to the date of city acceptance, public liability and property damage insurance in accordance with Standard~~
25 ~~Specifications, Section 1-07.18, as amended by Chapter 1-99. A certificate of insurance shall be supplied to the city~~
26 ~~that shall include all subcontractors, the city, and engineer as additional insured.~~

27 ~~C. Indemnification. The contractor shall defend, indemnify and hold the city harmless from all claims, demands,~~
28 ~~losses, and liabilities to or by the contractor or third parties arising from, related to, or connected with services~~
29 ~~performed, or to be performed, under or associated with the contract, the contractor, or other third parties, regardless~~
30 ~~of whether such claim or suit alleges or another entity contends that the contractor or third party was independently~~
31 ~~or concurrently negligent. Said defense and indemnity obligations shall arise specifically, but not exclusively, with~~
32 ~~respect to any claim or suit arising out of circumstances where any employee or agent of the contractor suffers~~
33 ~~personal injuries during the performance of the work by the contractor or third parties.~~

34 ~~D. Retainage. Five percent of progress payments shall be retained in accordance with Standard Specifications 1-~~
35 ~~9.9(1).~~

36 ~~E. Inspection. Inspection and control of the work shall be as set forth in Chapter 1-05, Standard Specifications, as~~
37 ~~amended by Chapter 1-99.~~

38 ~~F. Substantial Completion. The director shall establish the substantial completion date as may be required by the~~
39 ~~contract.~~

40 ~~G. Physical Completion. The contractor shall notify the city and request final inspection in writing when the~~
41 ~~contractor considers the work, including final cleanup and all extra work, physically complete. The city's inspector~~
42 ~~will prepare a punch list of required corrections that must be completed prior to final inspection. If the inspector~~
43 ~~finds that the work has not been completed, the contractor will be so notified and no punch list will be prepared until~~

~~1 the work is complete. When all punch list corrections have been made, the city's inspector will make the final-~~
~~2 inspection and establish a written date of completion.~~

~~3 All documentation required by the project and required by law does not necessarily need to be furnished by the-~~
~~4 contractor for physical completion.~~

~~5 H. Completion. Following physical completion and receipt of all required documentation, the director shall make a-~~
~~6 dated finding of completion confirming that all the following have been received by the director:-~~

~~7 1. Final contract voucher as described in Standard Specifications 1-09.9.~~

~~8 2. Complete test and video records demonstrating acceptable results.~~

~~9 3. Final inspection report, completed and signed by the inspector.~~

~~10 4. Complete and legible as-built information recorded in indelible pencil or ink on a fresh set of city approved-~~
~~11 improvement plans. The content and form of such recorded as-built information is subject to approval by the-~~
~~12 director.~~

~~13 5. Five complete sets of manufacturer's operation and maintenance manuals for all mechanical equipment.~~

~~14 6. Copies of all temporary easement restoration releases.~~

~~15 7. Copies of all Labor and Industries approved affidavits of prevailing wages paid forms in conformance with-~~
~~16 Standard Specifications 1-07.9(5) for the contractor and all subcontractors.~~

~~17 8. Washington State Department of Revenue certificate showing that all contract related taxes have been paid-~~
~~18 (RCW 60.28.050).~~

~~19 9. A copy of the Department of Labor and Industries release with respect to the payment of industrial insurance-~~
~~20 and medical aid premiums (see Standard Specifications 1-07.10).~~

~~21 10. A certificate of payment, signed by the contractor and notarized, that all project employees, suppliers and-~~
~~22 subcontractors have been paid in full and that the project is free of liens. In the event that a lien or liens have-~~
~~23 been filed, copies of the lien releases shall be attached to the certificate of payment.~~

~~24 11. The contractor shall provide a written warranty guaranteeing all equipment, materials, and workmanship to-~~
~~25 be free of defects for a period of two years from the date of completion.~~

~~26 I. Maintenance Bond. Following completion of work and prior to city acceptance of the system extension, the-~~
~~27 contractor shall provide the city with a maintenance bond warranting the system extension improvements as set forth~~
~~28 in the Design and Construction Standards. The amount of the bond shall be 20 percent of the cost of construction,~~
~~29 but not less than \$5,000.~~

~~30 The maintenance bond shall also guarantee that the surety shall indemnify, defend and protect the city against any-~~
~~31 claim of direct or indirect loss resulting from the failure of the contractor or any of the employees, contractors,-~~
~~32 subcontractors, or lower tier subcontractors of the contractor to pay all laborers, mechanics, contractors,-~~
~~33 subcontractors, material person, or any person who provides labor, supplies, or provisions for carrying out the work.~~

~~34 The maintenance bond shall remain in effect until released by the city. Two years following acceptance, the city will~~
~~35 inspect the improvements, upon request by the contractor, and issue a correction notice, as required. Following-~~
~~36 acceptable correction of all deficiencies, if any, the city will release the maintenance bond in writing.~~

~~37 J. Acceptance. Acceptance of the improvements shall be by resolution of the council. The dated finding of-~~
~~38 completion shall be attached to said resolution, together with a copy of the maintenance bond.~~

~~K. Record Drawings. The director shall cause the design engineer to prepare record drawings which shall consist of a compilation of all the as-built information from the contractor and the inspector on one set of Mylar plans together with an electronic copy of medium and format, as defined in the Design and Construction Standards.~~

~~L. Retainage Release. Retainage shall be released 60 days after the date of completion. (Ord. 06-271 § 1).~~

11.35.090 System extension agreements.

The city may contract with owners of real estate in the city for the construction of sewer facilities as provided in Chapter 35.91 RCW. Permission to extend the city's sewer system is subject to council approval. The system extension agreement shall be subject to all of the following:

A. Application and Contract. The application and contract shall contain, at a minimum, all of the following:

1. Name, address and telephone number of the owner.
2. Legal description of owner's property as well as the street address, if any, and the tax account number.
3. The project location shall be given in words and shown on a map.
4. The project description in words.
5. Duties of the owner.
6. Duties of the city.
7. Sewer capacity reservation.
8. The term of the system extension agreement.
9. Conditions of acceptance.
10. Signatures of the owner and mayor.
11. Reference to the council resolution authorizing the contract.
12. Notary forms.
13. Attachments:
 - a. Legal description(s).
 - b. The plans and specifications.
 - c. Copies of fully executed third party easements.
 - d. A completed calculation sheet for fees and charges.
 - e. Proof of signature authority.
 - f. A reimbursement agreement, if approved by the council.

B. Owner. Only an owner of real estate within the city may enter into a system extension agreement with the city.

C. Plans and Specifications. The plans and specifications, as approved by the director, shall be a part of and incorporated into the system extension agreement by reference. Plans and specifications may be prepared and submitted for approval after the system extension agreement is approved.

1 D. Easements. When sewer system improvements are planned on or across property of the owner, and outside of
2 dedicated rights-of-way or other city sewer easements, the owner shall grant easements, meeting the requirements of
3 EMC 11.35.060, for such improvements in favor of the city.

4 E. Third Party Easements. When sewer system improvements are planned on or across property other than that of
5 the owner, and outside of dedicated rights-of-way or other city sewer easements, the owner shall obtain easements
6 for such improvements in favor of the city. Such easements shall meet the requirements set forth in EMC 11.35.060
7 and be obtained prior to city execution of the agreement.

8 F. Term. The term for a system extension agreement shall be one year. The term may be extended for one additional
9 year upon written application by the owner. Further extensions of six months each may be granted by the director
10 upon a showing of reasonable progress of the project.

11 G. Sewer System Capacity. A system extension agreement will be approved only if there is adequate reserve
12 capacity available for the project. Sewer system capacity will be reserved, as set forth in EMC 11.30.080, only upon
13 a complete project application. The project application will be deemed complete for the purposes of sewer system
14 capacity, relative to a system extension, upon approval of the system extension agreement by the council.

15 H. Fees and Charges. The amount of all fees and charges for system extensions shall be set by resolution of the
16 council. The following fees and charges shall be paid to the city prior to approval of the system extension
17 agreement:

18 1. Application Fee. The application fee shall cover the cost of administrative processing.

19 2. Plan Check Costs. The owner shall be required to pay the full costs of the city's consultant plus 10 percent
20 for administration costs. The initial plan check costs shall be the estimated consultant costs plus 10 percent. In
21 the event the plan check is performed by city staff, the plan check costs shall be the fee set by the council.

22 3. Inspection Costs. The owner shall be required to pay the full costs of the city's consultant plus 10 percent for
23 administration costs. The initial inspection deposit shall be the estimated consultant costs plus 10 percent. In
24 the event the inspection is performed by city staff, the inspection costs shall be the fee set by the council.

25 4. Mapping Fee. The mapping fee shall cover the costs of updating the city's GIS maps and maps for the
26 reimbursement agreement record drawings.

27 5. Maintenance Bond Release Inspection Fee. Prior to releasing the maintenance bond, the city will inspect the
28 improvements and restoration of the system extension. This inspection fee shall cover those costs.

29 6. Sewer Capacity Reservation Charge. The sewer capacity reservation charge provided for in EMC 11.30.080
30 shall be a nonrefundable incremental payment toward connection charges.

31 I. Performance Bond. The owner shall provide the city with a performance bond, in the amount of 150 percent of the
32 engineer's estimate, for faithful completion of the improvements set forth in the system extension agreement within
33 the prescribed time. The performance bond shall be delivered to the city prior to the preconstruction conference.

34 The performance bond shall:

35 1. Be on a city-furnished form.

36 2. Be signed by an approved surety (or sureties) that:

37 a. Is registered with the Washington State Insurance Commissioner; and

38 b. Appears on the current Authorized Insurance List in the state of Washington published by the Office of
39 the Insurance Commissioner.

40 3. Guarantee that the surety shall indemnify, defend and protect the city against any claim of direct or indirect
41 loss resulting from the failure:

- 1 a. Of the owner, or any of the employees, contractors, subcontractors, or lower tier subcontractors of the
2 owner to faithfully perform the system extension agreement; or
- 3 b. Of the owner or any of the employees, contractors, subcontractors, or lower tier subcontractors of the
4 owner to pay all laborers, mechanics, contractors, subcontractors, material person, or any person who
5 provides labor, supplies, or provisions for carrying out the work.
- 6 4. Reimburse the city for the costs of completing the work in the event the owner or the owner's contractor fails
7 to do so within the terms of the system extension agreement.
- 8 5. Remain in full force and effect until released in writing by the city.
- 9 J. Insurance. The owner shall obtain and maintain in full force and effect, from the date of approval of the system
10 extension agreement to the date of city acceptance, public liability and property damage insurance in accordance
11 with Standard Specifications, Section 1-07.18, as amended by Chapter 1-99. A certificate of insurance shall be
12 supplied to the city that shall include the city, contractor, and engineer as additional insured and be submitted with
13 the system extension application and agreement prior to city approval.
- 14 K. Indemnification. The owner shall defend, indemnify and hold the city harmless from all claims, demands, losses,
15 and liabilities to or by the contractor or other third parties arising from, related to, or connected with services
16 performed, or to be performed, under or associated with this agreement by the owner, the contractor, or other third
17 parties, regardless of whether such claim or suit alleges, or another entity contends, that the contractor or other third
18 party was independently or concurrently negligent. Said defense and indemnity obligations shall arise specifically,
19 but not exclusively, with respect to any claim or suit arising out of circumstances where any employee or agent of
20 the contractor suffers personal injuries during the performance of the work by the contractor, owner, or other third
21 parties.
- 22 L. Inspection. Quality control is the responsibility of the owner. The city shall not be responsible to the owner nor
23 assume any special duty for materials, workmanship or construction method used or incorporated into the project.
- 24 The construction shall be subject to observation and inspection by city staff or its consultant. When work or
25 materials are observed that do not meet the requirements of the plans and specifications, as approved by the city, the
26 inspector shall issue a correction notice in writing to the owner's field representative. Failure to take appropriate
27 corrective action may result in a stop work order. Failure to correct faulty materials or workmanship may result in
28 refusal by the city to accept the improvements or the city may stop work permanently and complete the work with
29 its own contractor under the terms of the performance bond.
- 30 M. Completion of Work. Following establishment of substantial completion, the contractor shall notify the city and
31 request final inspection in writing when the contractor considers the work physically complete. The city's inspector
32 will prepare a punch list of required corrections that must be completed prior to physical completion. If the inspector
33 finds that the work is not substantially complete, the contractor will be so notified and no punch list will be prepared
34 until the work is substantially complete.
- 35 N. Maintenance Bond. Following completion of work and prior to city acceptance of the system extension, the
36 owner shall provide the city with a maintenance bond warranting the system extension improvements in accordance
37 with the Design and Construction Standards. The amount of the bond shall be 20 percent of the cost of construction,
38 but not less than \$5,000.
- 39 The maintenance bond shall also guarantee that the surety shall indemnify, defend and protect the city against any
40 claim of direct or indirect loss resulting from the failure of the owner or any of the employees, contractors,
41 subcontractors, or lower tier subcontractors of the owner to pay all laborers, mechanics, contractors, subcontractors,
42 material person, or any person who provides labor, supplies, or provisions for carrying out the work.
- 43 The maintenance bond shall remain in effect until released by the city. Two years following acceptance, the city will
44 inspect the improvements upon request by the owner and issue a correction notice, if necessary. Following
45 acceptable correction of all deficiencies, if any, the city will release the maintenance bond in writing.

- 1 O. Acceptance. Acceptance of the improvements shall be by resolution of the council. It shall be the responsibility
2 of the owner to deliver all of the following documents to the director. The director shall make a dated finding of
3 completion, which shall be entered on said resolution, confirming that all the following have been received by the
4 director. The council will not accept the system extension until the finding of completion has been made.
- 5 1. Complete test and video records demonstrating acceptable results.
- 6 2. Final inspection report, completed and signed by the inspector.
- 7 3. The owner shall cause the design engineer to prepare record drawings, which shall consist of a compilation
8 of all the as-built information from the contractor and the inspector. One set of Mylar record drawings together
9 with an electronic copy of medium and format, as defined in the Design and Construction Standards, shall be
10 delivered to the director.
- 11 4. Five complete sets of operation and maintenance manuals as may be defined and required in the special
12 provisions of the approved construction documents.
- 13 5. All required easements, fully executed and recorded, and copies of all temporary easement restoration
14 releases.
- 15 6. Washington State Department of Revenue certificate showing that all contract-related taxes have been paid
16 (RCW 60.28.050).
- 17 7. A certificate of payment, signed by the contractor and notarized, that all project employees, suppliers and
18 subcontractors have been paid in full, and that the project is free of liens. In the event that a lien or liens have
19 been filed, copies of the lien releases shall be attached to the certificate of payment.
- 20 8. The owner shall provide a written warranty guaranteeing all equipment, materials, and workmanship to be
21 free of defects for a period of two years from the date of completion.
- 22 9. Maintenance bond.
- 23 10. Bill of sale, as described in the Design and Construction Standards.
- 24 11. Full payment of all fees and charges. (Ord. 15-447 § 1 (Exh. A); Ord. 06-271 § 1).

25 **11.35.100 Reimbursement agreements.**
26 *Repealed by Ord. 19-542. (Ord. 06-271 § 1).*

27 **11.35.110 Local improvement districts.**
28 *Repealed by Ord. 14-421. (Ord. 14-411 § 1; Ord. 06-271 § 1).*

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Chapter 11.36

SEWER LATECOMER AGREEMENTS

Sections:

- 11.36.010 Purpose.
- 11.36.020 Definitions.
- 11.36.030 Mandatory requirements for latecomer agreements.
- 11.36.040 Conditions imposed on and included in latecomer agreements.
- 11.36.050 Procedure for processing request.
- 11.36.060 Notice – Hearing – Consideration by city council.
- 11.36.070 Approval and acceptance of facilities.
- 11.36.080 Recording required.
- 11.36.090 Duration of agreement, extensions.
- 11.36.100 Reimbursement to owner.
- 11.36.110 Prohibition on unauthorized connections, enforcement.
- 11.36.120 City or county participation in latecomer agreements.
- 11.36.130 No city liability.

11.36.010 Purpose.

The purpose of this chapter is to implement Chapter 35.91 RCW and to describe the process for a developer/property owner, or the city ~~of Edgewood~~, to fund the construction of certain sewer facilities, and then to be reimbursed by property owners who subsequently connect to or use the sewer facilities. (Ord. 19-542 § 2 (Exh. A)).

11.36.020 Definitions.

The definitions set forth in this section shall apply throughout this chapter:

- A. “Cost of construction” means the cost incurred by the owner/developer for design, acquisition of right-of-way and/or easements, permit and plan review fees, construction (including materials and installation), as required in order to install/construct the sewer facilities in accordance with all applicable laws, ordinances and standards, including the city’s public works standards. The cost of construction shall be documented in writing by the owner/developer on final invoices or other documents showing the amounts actually paid by the owner/developer.
- B. “Developer” or “owner” means a property owner or authorized agent of the property owner who may construct a sewer facility, and desires a latecomer agreement under the terms and conditions set forth in this chapter. The city of Edgewood may be a “developer” or “owner” under this chapter.
- C. “Latecomer agreement” means a written contract between the city and an owner/developer providing for the partial reimbursement of the cost of constructing the sewer facilities (the “fair pro rata share” as provided in RCW 35.91.050). The latecomer agreement shall be a contract approved as to form by the city attorney. Where the city constructs sewer facilities under a latecomer agreement, the agreement may provide for the total reimbursement of the cost of construction of the sewer facilities.
- D. “Latecomer fee” means a charge collected by the city, whether separately stated or as part of a connection fee for providing access to the city’s sewer system, against a real property owner who connects to or uses a sewer facility subject to a latecomer agreement created under this chapter and Chapter 35.91 RCW.
- E. “Latecomer” means a property owner not a party to a duly executed and recorded latecomer agreement, who did not contribute to the original cost of the facilities, and who: (1) owns property in the area benefited by such agreement; (2) seeks to connect to the sewer facilities constructed under the latecomer agreement within the time frame established in the agreement; and (3) may only do so by making payment to the city of his/her pro rata share of the cost of construction.
- F. “Sewer facilities” means storm, sanitary, or combination sewers, pumping stations and disposal plants, reservoirs or appurtenances. (Ord. 19-542 § 2 (Exh. A)).

1 **11.36.030 Mandatory requirements for latecomer agreements.**

2 A. Requirements. At the owner/developer’s request, the city must contract with the owner of real estate for the
3 construction or improvement of sewer facilities that the owner elects to install solely at the owner’s expense, as long
4 as such contract is consistent with this chapter and all of the following conditions are satisfied:

5 1. The latecomer agreement must be for the construction of sewer facilities in locations where the city’s
6 ordinances require such facilities to be improved or constructed as a prerequisite to further property
7 development; and

8 2. The sewer facilities must be consistent with all applicable comprehensive plans and development regulations
9 of the municipalities through which the facilities will be constructed or will serve; and

10 3. The sewer facilities to be constructed or improved must be included in the city ~~of Edgewood’s~~
11 ~~GSP~~comprehensive plan. ~~Unless the city provides written notice to the owner of its intent to request~~
12 ~~comprehensive plan approval for the facilities, the owner must request comprehensive plan approval for the~~
13 ~~sewer facility~~; and

14 4. The sewer facilities to be constructed may not be located outside the city’s corporate limits¹. If Pierce
15 County is a party to the latecomer agreement, the sewer facilities may not be located outside Pierce County;
16 and

17 5. The latecomer agreement shall meet all of the conditions required by the city under this chapter, and shall be
18 filed and recorded against the affected properties with the county auditor and as provided in EMC 11.36.080;
19 and

20 6. The owner/developer’s request shall be submitted within 120 days of the completion of the sewer facility and
21 prior to approval and acceptance of the sewer facility by the city for ownership and maintenance; and

22 7. The total cost of the construction of the sewer facility must be submitted to city by the owner/developer no
23 more than 120 days of the completion of the sewer facility.

24 B. Rejection of Requests Not in Compliance. The city shall reject requests made by developer/owners that are not in
25 compliance with this section. Such requests are not subject to project permit processing, under RCW 36.70B.140.
26 (Ord. 19-542 § 2 (Exh. A)).

27 **11.36.040 Conditions imposed on and included in latecomer agreements.**

28 Every latecomer agreement shall include the following conditions:

29 A. The sewer facility shall be constructed by the developer/owner according to plans and specifications approved by
30 the city;

31 B. The sewer facility shall be inspected and approved for ownership and maintenance by the city;

32 C. The developer/owner shall transfer the sewer facility to the city with a bill of sale, without cost to the city, at the
33 time the city approves the facility for ownership and maintenance;

34 D. The developer/owner shall fully comply with all of the owner’s obligations under the latecomer agreement and
35 the applicable city rules and regulations;

36 E. The developer/owner shall provide sufficient security to the city to ensure completion of the sewer facility and
37 compliance with other performance measures under the contract;

¹ The language from RCW 35.91.020 regarding facilities being located “within ten miles of the municipality’s corporate limits” is not included herein, as the city of Edgewood does not currently have an urban growth area and all areas abutting the city’s corporate limits are served by other agencies.

- 1 F. The developer/owner shall pay all of the city’s costs associated with the sewer facility including, but not limited
2 to, engineering, legal and administrative costs;
- 3 G. The city shall verify and approve all contracts and cost of construction related to the sewer facility;
- 4 H. The agreement shall provide that the owner and/or the owner’s assigns shall be entitled to a pro rata share of the
5 fees received by the city from property owners who did not contribute to the original cost of the facilities but who
6 subsequently connect to the facilities, as reimbursement for the costs of the sewer facilities constructed and installed
7 in accordance with the agreement;
- 8 I. The agreement shall include a provision requiring that, every two years from the date the agreement was executed,
9 the developer/owner entitled to reimbursement shall provide the municipality with information regarding the current
10 contact name, address and telephone number of the person, company, or partnership that originally entered into the
11 latecomer agreement. If the owner fails to comply with the notification requirements of this subsection within 60
12 days of the specified time, then the contracting municipality may collect any reimbursement funds owed to the
13 property owner under the agreement. The funds collected under this subsection must be deposited in the capital fund
14 of the municipality; and
- 15 J. The agreement shall provide that all latecomer fees received by the city for sewer facilities constructed by a
16 developer/owner shall be paid to the developer/owner or his/her assigns within 60 days of the receipt of such fees.
17 (Ord. 19-542 § 2 (Exh. A)).

18 **11.36.050 Procedure for processing request.**

19 A. Owner’s Responsibilities.

20 1. Deadline for Submission of Request. Within 120 days of the completion of the sewer facilities, the owners of
21 the real estate must provide the city with the total cost of construction of the sewer facility actually paid by the
22 owner. The city will not accept written estimates in determining the cost of construction. In the event of a
23 disagreement between the city and the developer/owner concerning the cost of the construction of the sewer
24 facilities, the ~~city public works~~ director’s decision shall be final. This information on the cost of construction
25 shall be used by the city as the basis for determining reimbursements by future users who benefit from the
26 sewer facility, but who did not contribute to the original cost of the sewer facilities.

27 2. Recommendation by Owner of Pro Rata Share. The amount of the pro rata share to be paid under the
28 latecomer agreement shall be recommended by the owner, so that each property within the latecomer
29 assessment reimbursement area (including the property owned by the developer/owner) will be assessed a share
30 of the costs of the improvements proportional to the benefits which accrue to the property. The methodology
31 utilized in calculating the amount of the pro rata share shall be the responsibility of the owner. For example, the
32 method of assessment permitted for local improvement district assessment, including, but not limited to, the
33 front-foot method, the zone and termini method, and square footage method, may be proposed.

34 B. ~~City Public Works~~ Director’s Responsibilities.

35 1. Recommendation to City Council. The ~~city public works~~ director shall determine whether a request for a
36 latecomer agreement satisfies the requirements in EMC 11.36.030 and this chapter. The director’s
37 recommendation to the city council shall include, but not be limited to, his/her analysis on the following
38 factors:

- 39 a. Whether the sewer facilities are consistent with the applicable comprehensive plan(s) and development
40 regulations; and
- 41 b. Whether the preliminary determination of the boundaries of the latecomer assessment reimbursement
42 area, based upon the identification of parcels who may subsequently connect to or use the facilities,
43 including through laterals and branches connecting thereto; and

1 c. Whether the developer/owner’s receipts and invoices relating to the cost of construction of the sewer
2 facilities are reasonable and accurate and have been verified by the ~~public works~~ director in the
3 “Engineer’s Estimate,” which shall include separate itemizations of costs; and

4 d. Whether the pro rata share calculated by the developer/owner ensures that each property subject to the
5 latecomer fee will pay a fair pro rata share of the costs of the improvements as determined by any
6 appropriate method, including but not limited to determining the total capacity of the sewer improvements
7 expressed in equivalent residential units (ERUs) and dividing the total cost by the number of ERUs
8 created by construction or added by improvement of the sewer facility. (Ord. 19-542 § 2 (Exh. A)).

9 **11.36.060 Notice – Hearing – Consideration by city council.**

10 A. Upon receipt of the ~~public works~~ director’s recommendation as provided in EMC 11.36.050(B), the city shall
11 prepare a latecomer agreement (based on EMC 11.36.030) for inclusion in the council agenda.

12 B. At least 10 days prior to the city council public hearing, individual notice shall be sent to the owners of property
13 located within the preliminary boundaries of the latecomer assessment reimbursement area, as these property owners
14 are identified in the records of the county assessor. This notice shall state that the city council will be holding a
15 public hearing for the purpose of allowing public testimony and submission of evidence in order to consider the
16 execution of the latecomer agreement with the developer/owner, establish the final boundaries of the latecomer
17 reimbursement area, and establish the proposed pro rata share. The notice shall reference this chapter, include the
18 date and time scheduled for the public hearing before the city council, and shall be forwarded by certified mail to the
19 property owners of record within the proposed latecomer reimbursement area.

20 C. The city council shall consider the request for a latecomer agreement in a public hearing, together with the ~~public~~
21 ~~works~~ director’s recommendation, all application materials, all submitted evidence and public testimony. The city
22 council shall make the final determination whether the request satisfies the criteria set forth in this chapter and, as
23 specified in Chapter 35.91 RCW, the council shall approve the latecomer agreement. The council’s decision on the
24 method for determining the pro rata share used to calculate the latecomer fee and the latecomer fee shall be final.
25 The fair pro rata share of the cost of the sewer facilities attributable to the owner’s property shall be deducted from
26 the cost of construction.

27 D. If approved, the final determination of the boundaries of the latecomer reimbursement area and pro rata share
28 shall be included in an ordinance, which shall authorize the mayor to sign the latecomer agreement. The ordinance
29 and all attachments shall be recorded against the affected properties as provided in EMC 11.36.080. (Ord. 19-542 §
30 2 (Exh. A)).

31 **11.36.070 Approval and acceptance of facilities.**

32 Upon the completion of sewer facilities pursuant to a latecomer agreement and all applicable codes and development
33 regulations, the city council shall be authorized to approve their construction and accept the sewer facilities for
34 ownership and maintenance. The city may then charge for their use such sewer rates that the city is authorized by
35 law to establish. All further maintenance and operation costs shall be borne by the city. (Ord. 19-542 § 2 (Exh. A)).

36 **11.36.080 Recording required.**

37 After the final latecomer reimbursement pro rata fee has been established as provided in EMC 11.36.060, the
38 agreement shall be recorded with the Pierce County auditor. The provisions of the latecomer agreement may not be
39 effective as to any owner of real estate not a party thereto unless the latecomer agreement has been recorded against
40 the affected property in the office of the county auditor of the county in which the real estate of the owner is located,
41 prior to the time the owner taps into or connects to the sewer facilities. It shall be the sole responsibility of the
42 developer/owner (or the city, if the city is the beneficiary of the latecomer fee) to record the latecomer agreement.
43 Within 30 days after receipt of evidence that the latecomer agreement has been recorded, the ~~public works~~ director
44 shall ensure that a notice of additional sewer connection charges has been recorded with the Pierce County auditor’s
45 office, as required by RCW 65.08.170. (Ord. 19-542 § 2 (Exh. A)).

46 **11.36.090 Duration of agreement, extensions.**

47 The latecomer agreement shall provide for the pro rata reimbursement to the owner or the owner’s assigns for 20
48 years. The agreement may provide for an extension of the 20-year reimbursement period for a time not to exceed the
49 effective date of any moratorium, phasing ordinance, concurrency designation or other governmental action that

1 prevents making applications for, or obtaining approval of, any new development within the benefit area for a period
2 of six months or more. If the latecomer agreement is extended pursuant to this section, the amended latecomer
3 agreement must specify the duration of the extension and must be filed and recorded as provided in EMC 11.36.080
4 in order to be effective. Property owners who are subject to the reimbursement obligations in the latecomer
5 agreement shall be notified by the city of any extension filed under this section. (Ord. 19-542 § 2 (Exh. A)).

6 **11.36.100 Reimbursement to owner.**

7 Where a developer/owner has constructed the sewer facilities, all latecomer fees received by the city shall be paid
8 out by the city under the terms of the latecomer agreement to the developer/owner within 60 days after the receipt
9 thereof. Where the city has constructed the sewer facilities under this chapter, the city shall retain the latecomer fees
10 as provided in the approving ordinance. (Ord. 19-542 § 2 (Exh. A)).

11 **11.36.110 Prohibition on unauthorized connections, enforcement.**

12 A. Unauthorized Connections. A person, firm or corporation may not be granted a permit or be authorized to tap
13 into, connect or use any such sewer facilities or extensions subject to a latecomer agreement during the period of
14 time prescribed in the latecomer agreement without first paying to the city, in addition to any and all other costs and
15 charges made or assessed for such tap or use, or for the sewers constructed in connection therewith, the amount
16 required by the provisions of the applicable latecomer agreement.

17 B. Enforcement. Whenever any tap or connection is made into any sewer facilities subject to a latecomer agreement
18 without such payment having first been made, the city may authorize the removal of, or cause to be removed, such
19 unauthorized tap or connection and all connecting tile or pipe located in the facility right-of-way, and dispose of
20 unauthorized material so removed, without any liability whatsoever. (Ord. 19-542 § 2 (Exh. A)).

21 **11.36.120 City or county participation in latecomer agreements.**

22 A. City as Beneficiary of Latecomer Fee. The city may create an assessment reimbursement area on its own
23 initiative, without the participation of a private property owner, finance all of the costs associated with the
24 construction of the sewer facilities and become the sole beneficiary of the facilities. Unless otherwise provided by
25 ordinance or contract, the city or the county participating in the financing of sewer facilities improved or constructed
26 under this section:

27 1. Shall have the same rights to reimbursement as owners of real estate who make contributions as authorized
28 under this chapter; and

29 2. Are entitled to a pro rata share of the reimbursement based on the respective contributions of the owner and
30 the city/county.

31 B. Authorized Locations for Construction Sewer Facilities. The sewer facilities must be consistent with the city's
32 GSP, comprehensive plan(s) and development regulations. The boundaries of the assessment reimbursement must be
33 formulated by the city based upon a determination of which parcels in the proposed area would require construction
34 or improvement of sewer facilities upon development or redevelopment, or would be allowed connection to or usage
35 of constructed or improved sewer facilities. The sewer facilities to be constructed or improved may not be located
36 outside the city's corporate limits². If Pierce County is a party to the latecomer agreement, the sewer facilities may
37 not be located outside Pierce County.

38 C. ~~Public Works~~ Director Recommendation. The ~~public works~~ director shall prepare a recommendation to the city
39 council as provided in EMC 11.36.050(B).

40 D. Notice of the Public Hearing. Notice of the public hearing shall be provided consistent with EMC 11.36.060.

41 E. Public Hearing. The city shall hold a public hearing on the proposed assessment reimbursement area and
42 assessment (pro rata share), as provided in EMC 11.36.060. The city council's final determination of the assessment

² The language from RCW 35.91.020 regarding facilities being located "within ten miles of the municipality's corporate limits" is not included herein, as the city of Edgewood does not currently have an urban growth area and all areas abutting the city's corporate limits are served by other agencies.

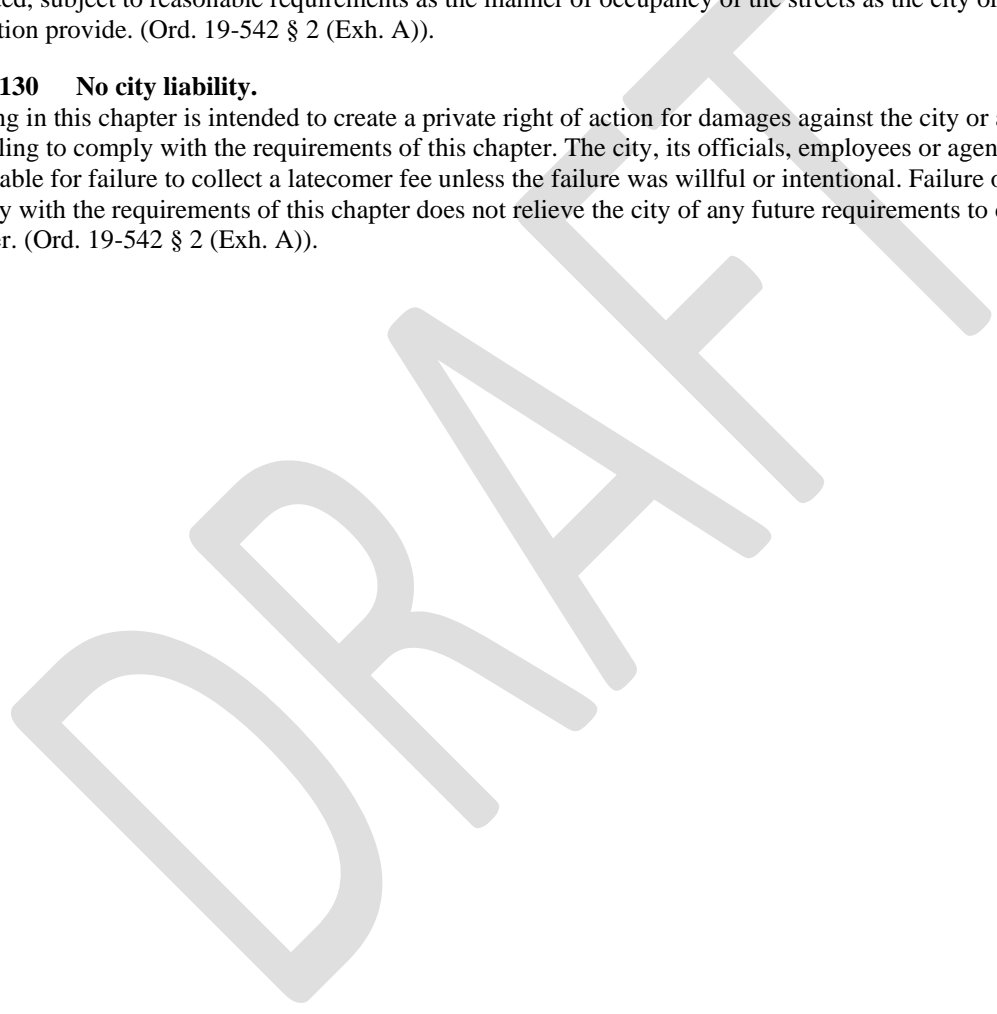
1 reimbursement area and assessment shall be included in an ordinance, which shall be final. The city shall record the
2 ordinance as required by EMC 11.36.080.

3 F. Limit on Reimbursement. Except as otherwise provided in this chapter, the city or county seeking reimbursement
4 from an owner of real estate subsequently connecting to the sewer facilities constructed under this section is limited
5 to the dollar amount authorized in the ordinance contemplated in subsection (E) of this section. This does not
6 prevent the city or county from collecting amounts for services or infrastructure that are additional expenditures not
7 subject to the ordinance, contract or agreement, nor does it prevent the collection of fees that are reasonable and
8 proportionate to the total expenses incurred by the city or county in complying with this section.

9 G. Installation. To the extent that it may require in the performance of the latecomer agreement, the city or county
10 may install the sewer facilities in and along the city or county streets in the area to be served as hereinabove
11 provided, subject to reasonable requirements as the manner of occupancy of the streets as the city or county may by
12 resolution provide. (Ord. 19-542 § 2 (Exh. A)).

13 **11.36.130 No city liability.**

14 Nothing in this chapter is intended to create a private right of action for damages against the city or any municipality
15 for failing to comply with the requirements of this chapter. The city, its officials, employees or agents may not be
16 held liable for failure to collect a latecomer fee unless the failure was willful or intentional. Failure of the city to
17 comply with the requirements of this chapter does not relieve the city of any future requirements to comply with this
18 chapter. (Ord. 19-542 § 2 (Exh. A)).
19



1 **Chapter 11.40**

2 **CONNECTION PERMITS AND CHARGES**

3 Sections:

4 ~~11.40.010 — Connection — When required.~~

5 ~~11.40.020 — Connection — When not required.~~

6 ~~11.40.030 — Separate connection required.~~

7 11.40.040 Owner responsible.

8 11.40.050 Connection permit and agreement required – Building permit conditioned.

9 11.40.060 Application.

10 11.40.070 Basis of connection and charge.

11 11.40.080 Water records.

12 11.40.090 Status of connection right.

13 11.40.100 Transfer and relinquishment of connection right.

14 11.40.110 Connection charges.

15 11.40.120 Hearing.

16 11.40.130 System extension required.

17 ~~**11.40.010 — Connection — When required.**~~

18 ~~Only Phase I properties will be permitted to connect to the city's sewer system. The following Phase I properties are~~
19 ~~required to connect to the sewer:~~

20 ~~A. All existing buildings, intended for human occupation, on property within a local improvement district and~~
21 ~~fronted by a sewer shall be required to connect to the city sewer within 60 days of city acceptance of said sewer.~~

22 ~~B. All existing buildings, intended for human occupation, on property fronted by a sewer, funded by special~~
23 ~~indebtedness bonds or warrants issued against revenues, shall be required to connect to the city sewer within 60 days~~
24 ~~of city acceptance of said sewer.~~

25 ~~C. All new buildings, intended for human occupation, located on properties fronted by an existing sewer shall be~~
26 ~~required to connect to the city sewer prior to occupancy.~~

27 ~~D. An existing building on property, fronted by a city sewer, whose on-site sewage disposal system has failed and~~
28 ~~cannot be acceptably corrected or repaired, as determined by the Tacoma Pierce County health department, shall be~~
29 ~~required to connect to said sewer. (Ord. 06 271 § 1).~~

30 ~~**11.40.020 — Connection — When not required.**~~

31 ~~Non Phase I properties are prohibited from connecting to the city's sewer. The following Phase I properties are not~~
32 ~~required to connect to the city's sewer:~~

33 ~~A. Existing buildings fronted by a sewer constructed pursuant to a private system extension agreement.~~

34 ~~B. Existing buildings fronted by a sewer constructed by the city and not within an LID or funded by bonds or~~
35 ~~warrants issued against revenues (RCW 35.67.190 and 35.92.025). (Ord. 06 271 § 1).~~

36 ~~**11.40.030 — Separate connection required.**~~

37 ~~A separate connection shall be required for each building with plumbing fixtures unless otherwise approved by the~~
38 ~~director (see EMC 11.45.040(G) and (H)). (Ord. 06 271 § 1).~~

39 **11.40.040 Owner responsible.**

40 Only the owner of the real property served by the sewer connection may enter into an agreement with the city for
41 sewer service. A successor(s) of interest in the property shall be required to enter into a new agreement(s) with the
42 city as a condition of continued sewer service.

43 The owner shall be responsible for meeting all the applicable requirements of this title. (Ord. 06-271 § 1).

1 **11.40.050 Connection permit and agreement required – Building permit conditioned.**

2 A. A connection permit and agreement shall be required before connection to the city’s sewer system. The
3 connection permit and agreement shall be made on a standard form that shall be approved by the ~~mayor or~~ director.

4 B. No building permit shall be issued for a building intended for human occupation, or in which plumbing fixtures
5 are installed, unless:

6 1. A connection permit and agreement shall have been issued for the building pursuant to EMC 11.40.060; or

7 2. Sewer capacity has been reserved for the building, pursuant to EMC 11.30.080; or

8 3. An application and plans for a private disposal system have been approved by the ~~TPCHD Tacoma Pierce~~
9 ~~County health department~~ and supplied to the city pursuant to Chapter 11.55 EMC.

10 C. All fees and charges must be paid before the connection permit and agreement is issued.

11 ~~D. The connection permit and agreement shall be recorded in the office of the Pierce County auditor.~~ (Ord. 15-447 §
12 1 (Exh. A); Ord. 06-271 § 1).

13

14 **11.40.060 Application.**

15 Application shall be made by the owner on the connection permit and agreement standard form, which shall contain,
16 at a minimum, all of the following:

17 A. The owner’s name, address and telephone number.

18 B. Legal description of owner’s property as well as the street address, if any, and the tax account number.

19 C. The contractor’s name, address, telephone number, contractor’s license number, and city business license
20 number.

21 D. ERUs required.

22 E. Sewer capacity analysis, together with a copy of a sewer capacity reservation, if any has been issued for the
23 property, pursuant to EMC 11.30.080.

24 F. Discharge permit determination.

25 G. Side sewer and connection requirements and details.

26 H. Status of existing side sewer.

27 I. Condition of existing building sewer.

28 J. Conditions for service, including payment of monthly charges.

29 K. Required demolition and abandonment of existing private disposal system in conformance with EMC 11.55.020.

30 L. Conditions for maintaining a private side sewer in the public right-of-way, including permission for city to test
31 the side sewer and private sewers on the owner’s property for inflow and infiltration.

32 M. List of connection charges and fees.

33 N. A statement that all fees and charges must be paid before the connection permit and agreement is issued.

34 O. Signature of the owner.

35 ~~P. A statement that the connection permit and agreement shall be recorded in the office of the Pierce County auditor.~~

1 Q. Notary forms.

2 R. Attachments.

3 1. Discharge permit, if applicable, by the jurisdiction that operates the wastewater treatment plant treating the
4 city's sewage.

5 2. Copy of executed agreement between owner and water purveyor authorizing release and agreement to submit
6 owner's monthly water bills to the city, as required by EMC 11.40.080.

7 3. Right-of-way ~~use~~ permit for construction of the side sewer.

8 ~~4. Right of way use permit for operation and maintenance of the side sewer.~~

9 ~~54.~~ The record drawing of the side sewer, as required under EMC 11.45.120, shall be attached to the permit
10 following completion of the side sewer.

11 ~~65.~~ Copy(ies) of executed and recorded easement(s), if any, if side sewer crosses other's property. (Ord. 06-271
12 § 1).

13 **11.40.070 Basis of connection and charge.**

14 A. Each connection permit and agreement shall be issued to an owner for a specific property, its use, and the number
15 of ERUs of sewer system capacity required by that property. A new connection permit and agreement must be
16 obtained by the owner, reflecting any change in the use and/or number of ERUs required for the property.

17 B. All units of residential use, including single, accessory, and multifamily, shall be deemed to require one ERU per
18 unit.

19 C. The initial calculation for the number of ERUs required for a nonresidential property shall be determined from
20 Table G2-1, Orange Book. If necessity for a more accurate method is indicated, the director may require a discharge
21 analysis by an engineer, or other appropriate professional, to determine the number of ERUs generated by a
22 proposed project.

23 D. Nonresidential accounts shall be compared to water usage from water purveyor billing accounts. If, after
24 connection, the property's use changes or is expanded, or its requirement for sewer system capacity is otherwise
25 found to have been increased, the new required capacity shall be calculated based on the greatest of the following
26 ERU analyses:

27 1. The Table G2-1, Orange Book analysis; or

28 2. The maximum month water usage determined from water billing records; or

29 3. The maximum day sewage discharge based on records from a sewage meter; or

30 4. The quality of the discharge based on chemical and/or biological analysis.

31 E. In the event sewer system capacity is available, as determined in EMC 11.30.080, the city shall issue a new
32 connection permit and agreement and the owner shall pay to the city an additional connection charge based upon the
33 new or expanded requirement for sewer system capacity and the connection charge, based on the schedule in effect
34 at the time the new connection permit and agreement is issued.

35 F. If sewer system capacity is not available, the number of ERUs will not be increased and the owner shall be
36 required to reduce the wastewater discharge from the property to fall within the limits of the connection permit and
37 agreement.

38 G. All commercial and industrial connections shall be reviewed and co-regulated by the jurisdiction that operates the
39 wastewater treatment plant treating the city's sewage as set forth in Chapter 11.50 EMC. (Ord. 06-271 § 1).

1 **11.40.080 Water records.**

2 A standard form release and agreement shall be prepared for the purpose of making owner’s water usage records
3 available to the city in order to determine equitable connection and monthly charges. The owner and water purveyor
4 shall be required to execute and deliver one original of such release and agreement, as a condition of sewer service,
5 providing the city with copies of the owner’s monthly water bills, at each billing period. (Ord. 06-271 § 1).

6 **11.40.090 Status of connection right.**

7 Upon establishment of a connection right (see EMC 11.30.020), such connection right shall run with the land and
8 not be unilaterally extinguishable by the city except as may be provided in Chapter 11.65 EMC. The connection
9 right shall be subject to current laws and regulations affecting the sewer system and connections thereto. (Ord. 06-
10 271 § 1).

11 **11.40.100 Transfer and relinquishment of connection right.**

12 The connection right is transferable to another property if the property for which it was established is combined with
13 other adjacent property into one ownership in a project and/or subdivided. The subdivision or project will receive
14 full credit at current value for the ERUs of the preexisting connection permit and agreement when determining the
15 connection charges for such subdivision or project.

16 An owner may relinquish the connection right to his property, or any excess portion of the ERUs associated
17 therewith, to the city; provided, that in no event shall the number of ERUs be reduced below the number required for
18 existing buildings on the property as determined by the city. The city shall not be required to reimburse the owner
19 for such relinquishment. Such owner may request transfer of his relinquished capacity to another property within the
20 city, whether or not owned by the owner, subject to the following:

21 A. Approval by the city.

22 B. The property receiving the transfer must be fronted by a city sewer or be party to an approved system extension
23 agreement with a sewer fronting said property.

24 C. Such transfer request must occur prior to relinquishment.

25 D. The owner of the property receiving the transfer shall pay to the city applicable connection charges, if any, and a
26 connection processing fee for the transfer.

27 E. Monthly charges shall continue throughout the transfer process and shall be paid by the owner of the property
28 receiving the transfer from the date of such transfer.

29 F. Both the revised connection permit and agreement and the new connection permit and agreement shall be
30 recorded in the office of the Pierce County auditor. (Ord. 06-271 § 1).

31 **11.40.110 Connection charges.**

32 A connection charge shall be assessed for each new sewer connection made to the city’s sewer system. Connection
33 charges and fees shall be set by ordinance of the city council following a hearing on the proposed connection
34 charges. A connection charge shall be comprised of the following elements:

35 A. Processing Fee. A fee to cover the costs of processing the application, evaluating the requirement for sewer
36 system capacity, recording the connection permit and agreement, and issuing the permit.

37 B. Existing Facilities Charge. Pursuant to RCW 35.92.025, the city shall charge each connecting property an
38 equitable share, proportional to the number of ERUs required, of the cost of the existing sewer system not otherwise
39 paid for through an LID, system extension agreement, or grant, except as provided below. Said equitable share may
40 include interest from the date of construction until the date of connection, or for a period not to exceed 10 years.

41 The existing facilities charge shall include pass-through existing facilities charges from other cities, sewer districts,
42 or counties, as may be applicable.

43 C. Conveyance Development Charge. Following completion of an LID that provides conveyance, all non-LID
44 properties that connect to, or to sewers that connect to, improvements constructed by such LID shall be charged a

1 conveyance development charge. The conveyance development charge shall be equal to the design and construction
2 costs of said LID improvements, together with interest from the date of completion, for a period of 10 years, at the
3 rate of interest applicable to such LID; divided by the capacity of such LID improvements in ERUs; and multiplied
4 by the number of ERUs required.

5 D. Future Facilities Charge. The city shall prepare a 10-year CIP for the sewer utility and revise it each year. The
6 city shall charge each connecting property an equitable share, proportional to the number of ERUs required, of the
7 cost of future sewer utility improvements, as set forth in the 10-year CIP, as contained in the GSP.

8 E. Collection System Charge. The owner of each property shall have a duty to pay for its proportionate share of the
9 city sewer fronting such property. In the event that a property is connected to an existing sewer, fronting the
10 property, the cost of which no owner of said property has contributed, a general collection system charge shall be
11 made equal to one-half of the actual cost of each foot of existing sewer frontage.

12 F. Inspection Charges. The council shall set a fee to cover the costs of plan review and inspection of the side sewer.

13 G. Existing Side Sewer Charges. If a side sewer and partial building sewer, if any, has been installed as part of a
14 city-funded project, in anticipation of development of the property, the council shall set a value for such side sewer
15 which shall be paid for by the owner as part of the connection charge.

16 H. Latecomer Agreements. No owner shall be granted a permit to connect directly or indirectly to sewer facilities,
17 for which exists a contract providing for reimbursement to other owners of real estate who constructed and paid for
18 such sewer facilities, without first paying a fair pro rata share of the cost of same, as provided for in Chapter 11.36
19 EMC.

20 I. Credit for ERU Reservation. In the event the owner has reserved sewer system capacity for the property, the value
21 of such reservation, less the processing fee, shall be deducted from the connection charge.

22 J. Transfer Fee. If the connection includes the transfer of relinquished sewer system capacity from another property,
23 as provided for in EMC 11.40.100, the owner of the property receiving the relinquished capacity shall pay a
24 processing fee for such transfer.

25 K. Treatment Charges. Owners of commercial and industrial buildings may be required to pay separate and
26 additional connection charges and/or fees and install monitoring equipment by the jurisdiction that operates the
27 wastewater treatment plant treating the city's sewage as set forth in Chapter 11.50 EMC. (Ord. 19-542 § 4; Ord. 10-
28 333 § 7; Ord. 06-271 § 1).

29 **11.40.120 Hearing.**

30 Prior to adoption of an ordinance setting connection charges and fees for sewer service, the council shall hold a
31 public hearing on the proposed charges and fees and shall consider all objections thereto and may correct, revise, or
32 modify said connection charges and fees.

33 A notice of the hearing on the proposed connection charges and fees shall be published at least once a week for two
34 consecutive weeks in the official newspaper of the city. The last publication shall be at least 15 days before the date
35 fixed for the hearing.

36 The notice shall contain the time and place fixed for the hearing and a copy of the proposed connection charges and
37 fees. Persons who may desire to object shall be advised to make their objections in writing and to file them with the
38 city clerk at or prior to the date fixed for the hearing.

39 Regulations for hearings and setting connection charges for the jurisdiction that operates the wastewater treatment
40 plant treating the city's sewage shall be as set forth in its municipal code. (Ord. 06-271 § 1).

41 ~~**11.40.130 System extension required.**~~

42 ~~When a property is not fully fronted by a sewer, the owner, as a condition of sewer service, shall be required to~~
43 ~~extend the city's sewer to and across one full side of the property in accordance with the GSP. Nonrectangular and~~
44 ~~corner lots may be required to extend the sewer along two or more full sides as determined by the director.~~
45 ~~Extensions shall be made in conformance with Chapter 11.35 EMC. (Ord. 06-271 § 1).~~

1 **Chapter 11.45**
2 **SIDE SEWERS**

3 Sections:

- 4 11.45.010 Responsibility and ownership.
- 5 11.45.020 Side sewer – New – Existing – Abandoned.
- 6 11.45.030 Operation and maintenance requirements – Permission to test.
- 7 11.45.040 Design.
- 8 11.45.050 Private sewage pumps.
- 9 11.45.060 Permits required.
- 10 11.45.070 Side sewer contractor.
- 11 11.45.080 Bond and insurance required.
- 12 11.45.090 Construction.
- 13 11.45.100 Inspection.
- 14 11.45.110 Restoration.
- 15 11.45.120 Record drawings.
- 16 11.45.130 Building sewers.

17 **11.45.010 Responsibility and ownership.**

18 A. The owner of the property served by the side sewer shall construct and pay for the side sewer. Upon the city's
19 approval and acceptance of a constructed side sewer, the owner shall transfer the side sewer to the city through an
20 agreement and bill of sale in a form approved by the city attorney. The city shall thereafter own, operate, maintain,
21 and retain full rights of access to the side sewer for inspection and maintenance purposes.

22 B. Notwithstanding subsection (A) of this section, the city may construct and fund the installation of any side sewer
23 as part of an ~~LID or other~~ city-sponsored sewer installation project; provided, that nothing herein shall be construed
24 as requiring the city to initiate any such project, and the city shall retain sole discretion regarding the same to the
25 fullest extent allowed by law.

26 C. When a side sewer is constructed prior to the building sewer for a particular property, the director may authorize
27 concurrent construction of the side sewer and a portion of building sewer where necessary in order to avoid damage
28 to or interference with improvements in the right-of-way. (Ord. 10-333 § 3; Ord. 06-271 § 1).

29 **11.45.020 Side sewer – New – Existing – Abandoned.**

30 A new side sewer and building sewer, constructed with new materials, as approved by the city, shall be required for
31 new connections and when modifications are made to an existing side sewer or building sewer; except, that such
32 connection may be made to an existing side sewer and/or building sewer; provided, that said existing side sewer is
33 examined by video camera and shown to be sound and the building sewer, if any, successfully passes a pressure test.

34 If a side sewer is temporarily abandoned, the building sewer shall be disconnected from the cleanout at the right-of-
35 way line and replaced with an ~~eight inch~~ nipple and cap. The joints shall be gasketed, the cap blocked, and the
36 cleanout in good condition or replaced.

37 If a side sewer is permanently abandoned, the side sewer shall be removed and replaced at the sewer main, submain,
38 or lateral tee with a ~~12 inch~~ nipple and cap. The joints shall be gasketed and the cap blocked. (Ord. 06-271 § 1).

39 **11.45.030 Operation and maintenance requirements – Permission to test.**

40 A. Operation. The owner shall be permitted to construct a side sewer in the right-of-way or other easement in
41 conformance with all applicable conditions of the right-of-way ~~use~~ permit and any applicable terms and conditions
42 of such easement. Only wastewater meeting the requirements of Chapter 11.50 EMC shall be permitted to be
43 discharged through a side sewer. Violation of the conditions of a permit or easement hereunder may result in its
44 revocation, termination of sewer service, and disconnection of the side sewer as provided in EMC 11.65.030.

1 B. Maintenance. The city or its designee shall be responsible for the maintenance of the side sewer and shall also
2 keep an as-built record of its location. In the event the side sewer becomes restricted or blocked, it shall be the
3 owner's responsibility to promptly notify the city.

4 C. Inflow and Infiltration. The owner shall take no action nor allow any action or condition that would jeopardize
5 the integrity of the side sewer and shall permit no connections thereto other than pipes carrying wastewater meeting
6 the requirements of Chapter 11.50 EMC. If the city determines that an unacceptable quantity of ground or surface
7 water is being discharged into the city's sewer system from the owner's building sewer, the owner shall be required
8 to eliminate such inflow and/or infiltration.

9 D. Testing. The city may test the side sewer at any time in its sole discretion, consistent with the terms and
10 conditions of any applicable easement. The techniques that may be used for such testing shall be as provided in the
11 connection permit and agreement, the Design and Construction Standards and the Orange Book. (Ord. 10-333 § 4;
12 Ord. 06-271 § 1).

13 **11.45.040 Design.**

14 A. All side sewers shall be designed in accordance with the Design and Construction Standards, this title, and the
15 Standard Specifications.

16 ~~B. The separation between side sewers and water lines shall be as set forth in EMC 11.35.020.~~

17 ~~C. The minimum diameter of a side sewer shall be six inches.~~

18 ~~D. The six inch side sewer shall connect to the sewer in a tee in new construction and a saddle if connecting to an
19 existing sewer. The leg of the tee or saddle shall be set at an angle of 45 degrees up from a horizontal plane. The
20 minimum slope of a side sewer shall be one percent.~~

21 ~~E. A cleanout shall be installed at the street side of the right of way line, at which point the building sewer shall be
22 connected to the side sewer.~~

23 **FB.** Only one building shall be connected to a side sewer. If there is more than one building on a single lot and it is
24 impracticable to connect both side sewers to the sewer in the street, a sewer lateral shall be extended onto the private
25 property within an easement. The sewer lateral shall terminate in a manhole, except that a cleanout may be used if
26 the lateral is 50 feet or less in length. The sewer lateral must connect to the sewer main or submain at a manhole.

27 **GC.** Buildings that are accessory to a single-family residence on a single-family lot may share a common
28 connection. If ownership of such buildings is segregated by any action, such as subdivision or condominium,
29 separate connections shall be required for each building so segregated.

30 **HD.** A side sewer, eight inches or greater in diameter, must connect to the sewer system at a manhole. (Ord. 10-333
31 § 5; Ord. 06-271 § 1).

32 **11.45.050 Private sewage pumps.**

33 A. Each private pump station shall discharge through its own private, dedicated force main. The private force main
34 shall discharge into a private manhole, located on the owner's property, which shall discharge into the city's sewer
35 in a standard gravity side sewer.

36 B. A private force main shall be permitted to discharge into a city manhole only when the director finds there is no
37 reasonable alternative. A force main shall not discharge directly into ~~another force main or~~ gravity sewer pipe.

38 ~~C. When upper floors of a building can drain to the city's sewer in a standard gravity building sewer and side sewer,
39 only plumbing fixtures in those parts of the building that cannot be so drained shall be connected to the private
40 pump station. (Ord. 06-271 § 1).~~

41 **11.45.060 Permits required.**

42 Side sewer construction and/or connection to the side sewer shall not begin until all of the following permits have
43 been obtained:

1 A. Connection permit and agreement as described in EMC 11.40.050.

2 B. Right-of-way ~~use~~ permit for construction. (Ord. 10-333 § 6; Ord. 06-271 § 1).

3 **11.45.070 Side sewer contractor.**

4 The side sewer contractor shall be required to have a current and valid Washington State contractor's license and a
5 city of ~~Edgewood~~ business license, and shall supply the city with copies of both and provide the city with
6 documented proof of experience in underground utility construction. A right-of-way ~~use~~ permit shall not be issued
7 for construction of a side sewer unless the contractor can demonstrate such experience and is approved by the
8 director. (Ord. 06-271 § 1).

9 **11.45.080 Bond and insurance required.**

10 A performance bond, insurance, indemnification, and maintenance bond, meeting the requirements as set forth in
11 Chapter 12.06 EMC, shall be required as a condition of issuance of the right-of-way ~~use~~ permit. (Ord. 06-271 § 1).

12 **11.45.090 Construction.**

13 All construction shall be in conformance with the Design and Construction Standards, this title, and the Standard
14 Specifications. (Ord. 06-271 § 1).

15 **11.45.100 Inspection.**

16 Inspection and testing of the side sewer shall be as described in the Design and Construction Standards, and payment
17 for same as set forth in EMC 11.40.110. (Ord. 06-271 § 1).

18 **11.45.110 Restoration.**

19 No connection shall be made until the street, curb, gutter, sidewalk, and landscaping in the right-of-way have been
20 restored as set forth in the Design and Construction Standards, this title, and the Standard Specifications. (Ord. 06-
21 271 § 1).

22 **11.45.120 Record drawings.**

23 The owner shall submit a record drawing, meeting the requirements of the Design and Construction Standards and
24 this title, to the city when construction of the side sewer is complete. The record drawing shall be subject to review
25 and approval of the director. (Ord. 06-271 § 1).

26 **11.45.130 Building sewers.**

27 A. Responsibility. The owner of the property served by a building sewer shall construct, pay for, own, operate and
28 maintain the building sewer. In the event that a building sewer becomes restricted or blocked, it shall be the owner's
29 responsibility to restore service.

30 B. Record Drawings. The owner shall keep an as-built record of the location of the building sewer and shall provide
31 a copy to the city upon request.

32 C. Inflow and Infiltration. The owner shall maintain the integrity of the building sewer and shall permit no
33 connections thereto other than pipes carrying wastewater meeting the requirements of Chapter 11.50 EMC. Pipes
34 that become broken or joints that permit infiltration of groundwater or surface water shall be replaced or repaired by
35 the owner. If the city determines that an unacceptable quantity of ground or surface water is being discharged into
36 the city's sewer system from the owner's building sewer, the owner shall be required to immediately eliminate such
37 inflow and/or infiltration.

38 D. Check Valves. A check valve shall be required at the connection of the building drain to the building sewer when
39 plumbing fixtures are located in the basement of a building or on any floor less than four feet above the crown of the
40 sewer to which its side sewer is connected, unless otherwise approved by the director.

41 E. Testing. The owner, as a condition of the connection permit and agreement, shall authorize but not require the
42 city to enter the property for the purpose of testing all sewers for inflow and infiltration, during normal business
43 hours, seven days following notification. The techniques that may be used for such testing shall be provided in the
44 connection permit and agreement, the Design and Construction Standards and the Orange Book; provided, that

- 1 nothing in this subsection shall be construed as imposing any duty of care upon the city, or as limiting in any manner
- 2 the owner's responsibility for maintaining the building sewer. (Ord. 10-333 § 9.)

DRAFT

1 **Chapter 11.50**

2 **DISCHARGES TO THE SEWER**

3 ~~(Reserved)~~

4 Sections:

5 11.50.010 Definitions.

6 11.50.020 General discharge standards and requirements.

7 11.50.030 Commercial / Industrial dischargers.

8 11.50.040 Fats, oils and greases (FOG) regulations.

9
10 **11.50.010 Definitions**

11 The following words, terms, and phrases, when used in this chapter, shall have the following meanings, except
12 where the context clearly indicates a different meaning or where otherwise defined:

13 “Best Management Practices (BMPs)” means schedules of activities, prohibitions of practices, maintenance
14 procedures, and other management practices to support the requirements in these Regulations and 40 CFR Part
15 403.5(a)(1) and (b). BMPs may also include treatment requirements, operating procedures, and practices to control
16 plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

17 “Categorical Pretreatment Standard” means any regulation containing Pollutant Discharge limits promulgated by
18 EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) which apply to a specific
19 category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405 471.

20 “Domestic User” means any customer who contributes, causes, or allows the contribution of Domestic Wastewater
21 to the City. This generally includes but is not limited to the Residential and Multifamily customer classes, as
22 defined by the City, along with commercial customers that discharge only domestic wastewater.

23 “Domestic Wastewater” means wastewater that the City determines is of similar volume and/or chemical make-up to
24 that of a residential dwelling unit. Domestic wastewater typically include kitchen wastes, human wastes, and
25 housekeeping cleaning materials in volumes and/or concentrations normally discharged from these classes of Users
26 and typically include up to 100 gallons per capita per day, 300 mg/L of BOD, and 300 mg/L of TSS.

27 “Commercial User” means all nonresidential customers receiving water and sewer service or discharging domestic
28 flows to the City’s sewer system without one or more dwelling units. Commercial users can be for-profit or not-for-
29 profit customers, including but not limited to schools, churches, public agencies, retail stores, restaurants, office
30 buildings, gyms/fitness facilities, hotels, motels and parks.

31 “Fats, Oils and Grease (FOG)” means those components of wastewater amenable to measurement by methods for
32 the determination of Oil and Grease described in the current method of Standard Methods or methods identified in
33 40 CFR Part 136. The term “fats, oils and grease” shall include polar and nonpolar fats, oils, and grease and other
34 components extracted from wastewater by these methods.

35 “FOG removal device” means a device designed to separate fats, oils and grease from liquid waste prior to the
36 wastewater entering the sanitary sewer system, typically either a Grease Interceptor, Grease Trap or Oil/Water
37 Separator.

38 “Food” means any raw, cooked, or processed edible substance, ice, or ingredient used or intended for use or sale in
39 whole or in part for consumption.

40 “Food processing establishment” means an establishment in which food is prepared, manufactured or packaged for
41 consumption off site.

42 “Food sales establishment” means retail and wholesale grocery stores, retail seafood stores, food processing plants,
43 bakeries, confectioneries, fruit, nuts and vegetable stores and places of business and similar establishments, mobile
44 or permanent, engaged in the sale of food primarily for consumption off premises.

1 “Food service establishment” means any establishment for the preparation and/or serving of food, or other edible
2 products and/or are required to have a food business permit issued by the TPCHD. The term “food service
3 establishment” includes but is not limited to restaurants, coffee shops, cafeterias, breweries, wineries and distilleries,
4 short order cafes, grocery store delis, luncheonettes, taverns, lunchrooms, places which manufacture retail
5 sandwiches, church kitchens, soda fountains, institutional cafeterias, catering establishments, food vending vehicles,
6 and operations connected therewith, and similar facilities by whatever name called.

7 “Grease” means rendered animal fat, vegetable shortening, and other such oily matter used for the purposes of and
8 resulting from preparing and/or cooking food.

9 “Gravity grease interceptor (GGI)” means an interceptor of at least 1,000 gallons to serve one or more fixtures and
10 which is remotely located underground and outside of a food service establishment. It is designed to collect, contain
11 or remove food wastes and FOG from the waste stream while allowing the balance of the liquid waste (“gray
12 water”) to discharge to the wastewater collection system by gravity.

13 “Grease interceptor (GI)” means a pretreatment device provided external to the premise designed to separate and
14 collect fats, oils, grease, and solids and prevent these pollutants from entering the sanitary sewer. Grease
15 interceptors may be either hydromechanical grease interceptors (HGIs) or gravity grease interceptors (GGIs).

16 “Grease trap” means a device designed to retain FOG from one to a maximum of four fixtures, with a maximum
17 capacity of 50 gpm/100 pounds, and a minimum of 20 gpm/40 pounds.

18 “Hydromechanical grease interceptor (HGI)” means a device located inside a food service establishment designed to
19 retain FOG from fixtures whose total capacity in gallons (gal) (L) shall not exceed 2½ times the certified gallons per
20 minute (gpm) (L/s) flow rate of the interceptor in accordance with the Uniform Plumbing Code (UPC). It is designed
21 to collect, contain or remove food wastes and FOG from the waste stream while allowing the balance of the liquid
22 waste to discharge to the wastewater collection system by gravity or mechanical means.

23 “Interference” means a discharge that alone, or in conjunction with a discharge or discharges from other sources,
24 either: (1) inhibits or disrupts the wastewater collection system, its treatment processes or operations; (2) inhibits or
25 disrupts its biosolids (sludge) processes, use or disposal; or (3) is a cause of a violation of any permit or that
26 prevents the use or disposal of sewage sludge in compliance with any of the following statutory/regulatory
27 provisions or permits issued thereunder: Section 405 of the Clean Water Act; the Solid Waste Disposal Act
28 (SWDA), including Title II, commonly referred to as the Resource Conservation and Recovery Act (RCRA); any
29 state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the
30 Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

31 “Non-domestic Wastewater” means wastewater that is not Domestic Wastewater.

32 “Non-polar (petroleum or mineral origin) FOG” means FOG in water or waste from a petroleum or mineral source
33 as measured using analytical procedures established in 40 CFR 136.

34 “Oil/water separator (OWS)” means a large capacity underground vault installed between a drain serving a non-
35 polar FOG discharger and the connecting sewer pipe. These vaults are designed with baffles or coalescing plates to
36 trap sediments and retain floating oils. The large capacity of the vault slows down the wastewater, allowing oil to
37 float to the surface and solid material to settle out. Any customer that is a potential discharger of petroleum-based
38 and/or non-polar FOG is required to have an OWS. Businesses and facilities that require oil/water separators
39 include, but are not limited to, car washes, quick-lube stations, loading docks/trash compactors, auto detail shops,
40 parking garages, gas stations, fuel pumps, automotive and equipment repair, service shops and any businesses using
41 steam or pressure washers.

42 “Pass Through” means a discharge which exits the POTW into waters of the United States in quantities or
43 concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a
44 violation of any requirement of an NPDES permit(s), including an increase in the magnitude or duration of a
45 violation.

1 “Polar (animal and vegetable origin) FOG” means FOG in water or waste from an animal or vegetable source as
2 measured using analytical procedures established in 40 CFR 136.

3 “Pollutant” means a contaminant, or other cause of alteration of the physical, chemical, or biological properties, of
4 any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such
5 discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely
6 to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare,
7 or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock,
8 wild animals, birds, fish, or other aquatic life.

9 “POTW” means a publicly owned treatment works as defined by Section 212 of the Act (33 U.S.C. Section 1292),
10 which is owned by the City or other Receiving Jurisdiction, to which wastewater from the City is conveyed. This
11 definition includes any devices or systems used in the collection, conveyance, storage, treatment, recycling, and
12 reclamation of sewage or Industrial Wastes of a liquid nature and any conveyances which convey wastewater to a
13 Treatment Plant.

14 “Rendering/disposal company” means a business that possesses the necessary license and certification for the
15 collection, acceptance and disposal or reuse of FOG.

16 “Significant Industrial User” (or SIU) is a User that meets any of the following:

17 A. A User subject to Categorical Pretreatment Standards; or

18 B. A User that:

19 1. Discharges an average of twenty-five thousand (25,000) gpd or more of process Wastewater to the POTW
20 (excluding sanitary, non-contact cooling, and boiler blowdown Wastewater);

21 2. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather
22 hydraulic or organic capacity of the Treatment Plant; or

23 3. Is designated as such by the delegated pretreatment Control Authority (City of Everett or Pierce County) on
24 the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any
25 pretreatment standard or requirement.

26 “Standard Methods” means the current version of Standard Methods for the Examination of Water and Wastewater
27 (APHA, WEF, AWWA).

28 “User” means any person, business or entity that contributes, causes or permits the contribution of wastewater into
29 the City’s sanitary sewer system.

30 “Wastewater” means any combination of liquid and water-carried sewage and/or commercial/industrial wastes and
31 from any customer including residential dwellings, commercial buildings, industrial and manufacturing facilities,
32 and institutions, whether treated or untreated, which are contributed to the POTW.

33 **11.50.020 General discharge standards and requirements.**

34 A. Any authorized officer or employee of the City may enter and inspect any part of the City’s sanitary sewer
35 system. The right of entry and inspection shall extend to public streets, easements, and property within which the
36 system is located. Moreover, the City shall be allowed to enter on private property to inspect waste discharge
37 facilities. The right of inspection shall include on-site inspection of pretreatment and sewer facilities, observation,
38 measurement, sampling testing and access to all compliance records located on the premises of the discharger. The
39 right of inspection shall include entry into the business premises during normal business hours (with or without prior
40 notification) to ensure that discharge standards, including but not limited to best management practices, are being
41 followed. Persons or occupants of premises where wastewater is produced or discharged must allow any authorized
42 representative of the City ready access at all reasonable times to all parts of the premises for the purpose of
43 inspection, sampling, or record examination. The City’s representative has the authority to set up, on the
44 discharge’s property, such devices as are necessary to conduct sampling, inspection, compliance monitoring or flow
45 metering operations.

1 B. General Prohibitions. No person shall introduce or cause to be introduced into POTW any pollutant, wastewater,
2 or other substance or flow which either alone or by interaction with other materials causes Pass Through or
3 Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to
4 Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Pretreatment
5 Requirements.

6 C. The following are prohibited and consider violations: filing false reports, denying access to premises or records,
7 discharging through unauthorized connections, tampering with sampling or metering devices, deliberately
8 circumventing pretreatment facilities, or continuing a prohibited discharge in violation of an order to cease and
9 desist.

10 D. Specific Prohibitions. No person shall introduce or cause to be introduced into the POTW any of the following
11 Pollutants, substances, or Wastewater:

12 1. Pollutants which either alone or by interaction may create a fire or explosive hazard in the POTW, a public
13 nuisance or hazard to life, or prevent entry into the sewers for their maintenance and repair or are in any way
14 injurious to the operation of the system or operating personnel. This includes waste streams with a closed cup
15 flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR Part 261.21,
16 and Wastewater causing any single reading over ten percent (10%) of the lower explosive limit based on an
17 explosivity meter reading at the point of discharge into the POTW or at any point in the POTW. Prohibited
18 materials include, but are not limited to, gasoline, kerosene, naphthalene, benzene, toluene, xylene, ethers,
19 alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromides, carbides, hydrides, sulfides, and any
20 other substance that the City, the State, or the EPA has notified the Userperson is a fire hazard or hazard to the
21 POTW.

22 2. Wastewater having a pH less than 5.5 or more than 10.0, or otherwise having any other corrosive property
23 capable of causing damage or hazard to structures, equipment, or personnel. Discharges outside this pH range
24 may be authorized by a permit issued by the City pursuant to a finding that the system is specifically designed
25 to accommodate a Discharge of that pH.

26 3. Solid or viscous substances in amounts which may cause obstruction to the flow in the sanitary sewer or
27 other Interference with the operation of the sanitary sewer system or POTW. Specifically prohibited
28 substances in amounts that produce Interference include, but are not limited to: FOG, animal guts or tissues,
29 paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime,
30 stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper,
31 wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or
32 glass grinding or polishing wastes.

33 4. Pollutants, including oxygen demanding Pollutants (BOD, etc.), released in a Discharge at a flow rate and/or
34 Pollutant concentration which, either singly or by interaction with other Pollutants, will cause Interference with
35 the POTW.

36 5. Wastewater with concentrations of Total Suspended Solids or 5-day Biochemical Oxygen Demand
37 exceeding 600 mg/L, without prior authorization from the Receiving Jurisdiction.

38 6. Wastewater having a temperature which will interfere with the biological activity in the POTW, has
39 detrimental effects on the collection system, or prevents entry into the sanitary sewer. In no case shall
40 Wastewater be discharged to the City's collection system at a temperature exceeding 140 degrees Fahrenheit.

41 Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may
42 cause acute worker health and safety problems or exceed the Receiving Jurisdiction screening levels without
43 prior authorization.

44 7. Septage, unless specifically and expressly approved by the City.

45 8. Trucked or hauled Pollutants, except at Discharge points designated by the City and when specifically and
46 expressly approved by the City.

1 9. The following are prohibited unless approved in writing by the City under extraordinary circumstances, such
2 as lack of direct Discharge alternatives due to combined sewer service or need to augment Sewage flows due to
3 septic conditions (as required under WAC 173-216-060):

4 a. Non-Contact Cooling Water in significant volumes;

5 b. Storm Water, or other direct inflow sources;

6 c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment or would
7 not be afforded a significant degree of treatment by the POTW; and

8 d. Surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized
9 water, and other sources of unpolluted water, unless specifically authorized by the City.

10 e. Swimming pool drainage, unless dechlorinated and specifically authorized by the City.

11 f. Construction dewatering and TESC (Temporary Erosion and Sediment Control) discharges

12 10. Noxious or malodorous liquids, gases, solids, or other Wastewater which, either singly or by interaction
13 with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the
14 sanitary sewers for maintenance or repair.

15 11. Chlorine, bleach or other oxidants in quantities that cause Interference to the POTW. All oxidants must be
16 neutralized to less than 0.1 mg/L before discharge.

17 12. Wastewater which imparts color which cannot be removed by treatment processes, such as, but not limited
18 to, dye wastes and vegetable tanning solutions, which consequently imparts color to the downstream Treatment
19 Plant's effluent.

20 13. Wastewater containing any radioactive wastes or isotopes except as specifically approved by the City, and
21 in compliance with applicable federal or State regulations.

22 14. Sludges, screenings, or other residues from the Pretreatment of Industrial Wastes.

23 15. Medical Wastes, except as specifically authorized by the City.

24 16. Wastewater causing, alone or in conjunction with other sources, a downstream Treatment Plant's effluent to
25 fail a toxicity test.

26 17. Detergents, surface-active agents, or other substances in amounts that may cause excessive foaming in the
27 POTW.

28 18. Any fats, oils, or greases, including but not limited to petroleum oil, nonbiodegradable cutting oil, or
29 products of mineral oil, animal or vegetable origin in amounts that may cause obstructions or maintenance
30 problems in the sanitary sewer system or in the POTW, or in concentrations (combined polar and non-polar oil
31 and grease) that exceed one hundred (100) mg/L.

32 19. Any substance which will cause a downstream Treatment Plant to violate its NPDES and/or other disposal
33 system permit(s).

34 20. Any dangerous, extremely hazardous, or hazardous wastes as defined in rules or regulations published by
35 Ecology or by EPA, except as specifically approved by the City.

36 21. Any persistent pesticide and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act
37 (FIFRA) as amended.

1 22. Any Wastewater containing toxic Pollutants in sufficient quantity, either singly or by interaction, to injure
2 or create Interference with any Wastewater treatment process, constitute a hazard to humans or animals, or to
3 exceed the limitation set forth in Categorical Pretreatment Standards, or State or local Pretreatment Standards.

4 23. Any substance which may cause a downstream Treatment Plant’s effluent or treatment residues, sludges, or
5 scums, to be unsuitable for reclamation and reuse.

6 24. Any Slug Load, or any Pollutant, including oxygen demanding Pollutants, released in a single extraordinary
7 discharge episode or in such volume or strength as to cause Interference to the POTW ; or released with a flow
8 rate causing an exceedance of the capacity of the available trunk sewer.

9 25. Antifreeze or a coolant solution used in a vehicle or motorized equipment, except as specifically approved
10 by the City.

11 26. An enzyme, chemical, or other agent that emulsifies FOG.

12 27. Wastewater that contains, or has contained, glutaraldehyde or ortho-phthalaldehyde unless it has been
13 completely de-activated with sodium bisulfite or sodium hydroxide, has a pH of between 5.5 and 10 standard
14 units, and does not contain any drain clogging solids. The User shall contact the City for review and obtain
15 approval prior to Discharge.

16 28. The City may establish and require BMPs for any category of User or type of commercial/industrial
17 customer which creates a non-domestic waste stream.

18 **11.50.030 Commercial / Industrial dischargers.**

19 A. Applicability. The more stringent of the provisions in this Chapter 11.50 EMC and the provisions of the
20 applicable Receiving Jurisdiction shall apply to all commercial / industrial discharges. Industrial facilities which
21 discharge wastewater that ultimately is conveyed into a Receiving Jurisdiction’s POTW shall be considered part of
22 the City’s sanitary sewer system, for the purposes of compliance with their standards.

23 B. Permits – Reports – Enforcement. All industrial dischargers within the City which discharge into the Receiving
24 Jurisdiction’s POTW shall apply directly to the Receiving Jurisdiction for applicable pretreatment permits. Reports
25 from industrial dischargers shall be made directly to the Receiving Jurisdiction. All enforcement actions for
26 industrial dischargers shall be undertaken by the Receiving Jurisdiction. City staff shall cooperate with Receiving
27 Jurisdiction staff as necessary in said application and enforcement procedures.

28 C. Categorical industry determination. The Receiving Jurisdiction shall make the final determination, subject to 40
29 CFR 403.6, Federal or State Review, as to whether a particular industrial user is a categorical industry. The
30 Receiving Jurisdiction and/or the City will collect and assimilate the necessary information to make this
31 determination.

32 D. Significant industrial user determination. Using the definitions contained in the Receiving Jurisdiction’s
33 ordinance, the Receiving Jurisdiction shall make the final determination as to whether a particular industrial user is a
34 significant industrial user. The Receiving Jurisdiction and/or the City will collect and assimilate the necessary
35 information to make this determination.

36 E. Inspection. Any authorized officer and employee of the Receiving Jurisdiction may enter and inspect any part of
37 the sewer system of the City served by the Receiving Jurisdiction’s treatment system. The right of entry and
38 inspection shall extend to public streets, easements, and property within which the system is located. Moreover, the
39 Receiving Jurisdiction shall be allowed, as appropriate under City regulations, to enter on private property to inspect
40 industrial waste discharges. The right of inspection shall include on-site inspection of pretreatment and sewer
41 facilities, observation, measurement, sampling testing and access to all 40 CFR 403.12 compliance records located
42 on the premises of the industrial user.

43 **11.50.040 Fats, oils and greases (FOG) regulations.**

44 A. Applicability. The requirements specified herein apply to all new commercial facilities and any existing or new
45 customer with a reasonable potential to discharge excessive levels of FOG (as solely determined by the City) into

1 the City's sanitary sewer system. Excessive levels of FOG are levels are defined as those that exceed 100 mg/L
2 total FOG, have a visible sheen or cause build-up or obstructions in sewer systems.

3 B. FOG Standard. The discharge of more than 100 mg/L (combined polar and non-polar FOG concentrations, EPA
4 Method 1664) is prohibited. The discharge of FOG in amounts that cause a visible sheen on the discharge or in the
5 public sewer system, a build-up of FOG in any public sewer facility, which accumulates either alone or in
6 combination with other discharges to cause obstruction of the public sewer system is also prohibited.

7 C. Variances from FOG Regulations. The City has the authority to approve any variances to the discretionary
8 standards and/or other conditions of the requirements specified herein.

9 D. Requirements for new and existing facilities.

10 1. New facilities. All new commercial facilities are required to install grease interceptors and/or oil/water
11 separators unless the facilities will exclusively generate Domestic Wastewater and are provided a written
12 exemption by the City. Constructed facilities with the potential to discharge FOG shall be required to
13 continuously operate and maintain an approved type and adequately sized grease interceptor and/or oil/water
14 separator designed to meet the requirements of this chapter within 180 calendar days from notification by the
15 City. New facilities must be designed in accordance with this Chapter and the current Uniform Plumbing
16 Code (UPC).

17 2. Existing facilities with FOG removal. Existing facilities with FOG removal devices shall be permitted to
18 operate and maintain existing FOG removal devices, provided that the equipment is in good operating
19 condition and meets the effluent requirements. Any facilities that will be expanded or renovated (e.g. tenant
20 improvements), or are known to cause violations of the FOG removal device effluent standards or FOG-related
21 cleaning activities in the sanitary sewer, shall be required to install, operate, and maintain an approved type and
22 adequately sized grease interceptor and/or oil/water separator designed to meet the City's current FOG control
23 requirements within 120 calendar days from notification by the City.

24 3. Existing facilities without FOG removal. Existing facilities without FOG removal devices that will be
25 expanded or renovated (e.g. tenant improvements), or are determined by the City to cause violations of the
26 FOG removal device effluent standards or FOG-related cleaning activities in the sanitary sewer, shall be
27 required to install, operate, and maintain an approved type and adequately sized grease interceptor and/or
28 oil/water separator designed to meet the City's current FOG control requirements within 180 calendar days
29 from notification by the City.

30 E. Requirements for FOG removal devices.

31 1. Responsibility. The owner of each facility is solely responsible for the cost of FOG removal, device
32 installation, inspection, cleaning, and maintenance.

33 2. General Design Requirements.

34 a. No sanitary waste shall be conveyed to a FOG removal device.

35 b. A downstream monitoring manhole or sampling port shall be included on all GI and OWS installations,
36 unless a variance is approved by the City.

37 c. Grease interceptors and/or oil/water separators shall be installed at an exterior underground location
38 where they are easily accessible for sample collection, inspection, cleaning, and removal of retained FOG,
39 unless a variance is provided by the City. The location of the grease interceptor and/or oil/water separator
40 must be approved by the City and may not be installed in any interior part of a building.

41 d. Grease interceptors and/or oil/water separators shall be located on the facility's side sewer downstream
42 of all fixtures which may introduce FOG into the sanitary sewer and upstream of the connection to the
43 sanitary sewer collection system.

3. Grease Interceptors. Grease interceptors (GIs) shall be designed, sized, constructed, and installed in accordance with City standards and the Uniform Plumbing Code (UPC), whichever is more stringent. For FSEs, the type (Grease Trap or GI) and size of the FOG Removal Device shall be based on the “Sizing of GIs” formula as defined in the currently adopted UPC or the table below, whichever is more stringent. All fixtures, equipment, and drain lines located in a facility’s food preparation and cleanup areas shall be connected to a GI, unless specifically approved by the City. The following types of equipment or fixtures have been identified as potential sources of fats, oils and grease and shall be connected to a GI per City or manufacturer’s instructions: pre-rinse and/or pre-wash sinks or sinks in dishwashing areas; two or three compartment sinks; wok stoves; self-cleaning stove ventilation/exhaust hood; kitchen floor drains; floor drains; floor sinks; mop sinks; food prep sinks; and hand sinks.

Minimum Grease Interceptor Sizing Requirements

<u>Meter Size</u>	<u>Gallons per Minute ¹ (GPM)</u>	<u>Drainage Fixture Units ² (DFUs)</u>	<u>Grease Interceptor Size ³</u>
<u>5/8”</u>	<u>25</u>	<u>50</u>	<u>1,000</u>
<u>1”</u>	<u>70</u>	<u>140</u>	<u>1,250</u>
<u>1-1/2”</u>	<u>120</u>	<u>240</u>	<u>2,000</u>
<u>2”</u>	<u>170</u>	<u>340</u>	<u>2,500</u>
<u>3”</u>	<u>320</u>	<u>640</u>	<u>5,000</u>
<u>4”</u>	<u>500</u>	<u>1,000</u>	<u>7,500</u>
<u>6”</u>	<u>1,000</u>	<u>2,000</u>	<u>7,500</u>
<u>> 6”</u>	<u>DISCUSS WITH CITY</u>		

1 Source: AWWA Standards: Displacement C700-09 and Compound Class I C702-10.

2 1 gpm of flow is approximately equivalent to 2 DFUs.

3 Source: Uniform Plumbing Code: Table 1014.3.6 Gravity Grease Interceptor Sizing.

Grease traps and hydromechanical grease interceptors are not allowed unless a variance is granted if grease interceptors are not feasible due to space or other considerations. Hydromechanical grease interceptors, if allowed, must be sized, installed and maintained per the more stringent of UPC and the Plumbing and Drainage Institute (PDI) Standard PDI-G 101. For grease traps, if allowed, manufacturer certifications, and sizing calculations utilizing the more stringent of IAPMO, UPC and City guidance must be provided for review and approval by the City. The minimum size for an in-ground gravity grease interceptor shall be 1,000 gallons.

Dishwashers may only be directed to GIs per City or manufacturer instructions. City kitchen BMPs must be followed to minimize solids and grease from entering the dishwashers. Dishwashers or other fixtures discharging emulsifying agents, such as detergents, shall be located such that their potential to adversely impact the GI operation is minimized. All drain lines shall have permanently fixed screens with maximum 1/4-inch openings to prevent the pass-through of larger solids.

A grease interceptor shall only serve one building unless otherwise approved by the City. The City reserve the right to require more than one grease interceptpror for large buildings or buildings with more than one significant FOG discharger.

Commercial food grinders and garbage disposals are not allowed.

4. Oil/Water Separators. Oil-water separators are required for all customers that are potential dischargers of petroleum-based and/or non-polar FOG, including automotive-related businesses (including but not limited to service facilities, vehicle washing facilities and parking garages) and covered fueling stations. Vehicle service areas must be served by an oil/water separator and the area covered with a canopy or roof unless a variance is granted by the City.

1 Outside areas served by oil/water separators must be designed to meet City standards.

2 Indoor areas served by oil/water separators must be sized based on the table below, based on the UPC.

<u>Service Area Drained to Separator (ft²)</u>	<u># of Vehicles Stored/Serviced in Service Area</u>	<u>Oil/Water Separator Capacity (gal)</u>
<u>< 600</u>	<u>< 3</u>	<u>45</u>
<u>601 – 700</u>	<u>4</u>	<u>55</u>
<u>701 – 800</u>	<u>5</u>	<u>60</u>
<u>801 – 900</u>	<u>6</u>	<u>70</u>
<u>901 – 1,000</u>	<u>7</u>	<u>75</u>
<u>1,001 – 1,100</u>	<u>8</u>	<u>85</u>
<u>1,101 – 1,200</u>	<u>9</u>	<u>90</u>
<u>1,201 – 1,300</u>	<u>10</u>	<u>100</u>
<u>≥ 1,301</u>	<u>≥ 11</u>	<u>DISCUSS WITH CITY</u>

3 Source: Uniform Plumbing Code: Section 1017.2 Design of Interceptors. Find the row corresponding
4 to the Service Area and # of Vehicles for the facility. If these are different rows, then choose the row
5 with the larger Oil/Water Separator Capacity.

6 Or use the formula in Uniform Plumbing Code: Section 1017.2 Design of Interceptors. Supporting sizing
7 calculations shall be submitted to the City for review and approval.

8 F. Maintenance Requirements.

9 1. 25 Percent Rule and FOG Disposal. Grease interceptors and/or oil/water separators shall be considered out of
10 compliance if the total volume of FOG and solids displaces more than 25 percent of the effective volume of the
11 final chamber of the interceptor “25 Percent Rule”. Grease interceptors and/or oil/water separator must be
12 serviced and emptied of accumulated waste content as required to maintain the accumulated grease and solids
13 to less than 25% of the volume of the interceptor, but not less than once every 180 calendar days.

14 2. If a facility determines that cleaning every 180 calendar days is unnecessary in order to remain in compliance
15 with the City's requirements, the facility may make a written application for a variance from the standard
16 cleaning schedule. If a grease interceptor, oil/water separator, or other grease removal device requires repairs,
17 they shall be performed within a minimum of 14 calendar days, or sooner for severe issues, as determined by
18 the City.

19 3. Any facility that has a gravity grease interceptor and/or oil/water separator shall utilize a licensed rendering
20 and/or disposal company for maintenance and provide a copy of an executed maintenance contract to the City.

21 4. Wastes removed from a gravity grease interceptor and/or oil/water separator shall be disposed of at a facility
22 permitted to receive such waste. FOG, solids or liquids removed from the gravity grease interceptors and/or
23 oil/water separators shall not be returned to any gravity grease interceptor, oil/water separator, private sanitary
24 sewer line, any portion of the sanitary sewer collection system, or any portion of the stormwater system.

25 5. It is the facility owner's responsibility to inspect, monitor, maintain and report on all FOG facilities. The
26 FOG removal device must be kept in intact condition and without leaking and/or lids that do not seal.
27 Elements of the FOG removal device such as baffles shall not be allowed to be broken or missing. Other issues
28 that impair the device's ability to separate FOG from wastewater must be prevented.

29 6. All facilities that have a reasonable potential to discharge FOG as determined by the City must follow City
30 food service establishment or automotive service BMPs to ensure that excess concentrations of FOG are not
31 discharged to the sewer system.

1 7. Facilities must retain maintenance records, covering at minimum the previous 12 months, for each FOG
2 removal device located on the premises.

3 G. Enzymes, emulsifiers, bacteria, and other agents. The direct addition into the building plumbing, grease
4 interceptor, or oil/water separator of enzymes, chemicals, or other agents designed to biodegrade or emulsify the
5 FOG compounds are prohibited. Any attempt to modify the interceptor into a biological reactor by adding bacterial
6 or microbial agents is also prohibited.

7 H. Inspection, monitoring, and reporting.

8 1. Inspection. Authorized personnel from the City and/or Receiving Jurisdiction may inspect the FOG removal
9 devices and other wastewater facilities and equipment of any User at any time during normal business hours to
10 ascertain whether the applicable City pretreatment standards are being met. All facilities shall maintain a
11 written record of inspection and maintenance activities and the rendering/disposal company manifest (including
12 date of activity). A copy of such records shall be submitted to the City within 15 calendar days following the
13 inspection and maintenance activity, and the records shall be made available for on-site inspection during all
14 operating hours.

15 2. Monitoring. Authorized personnel from the City and/or Receiving Jurisdiction shall have the right and access
16 to set up on any User's property devices necessary for conducting wastewater sampling inspection, compliance
17 monitoring, and/or metering operations.

18 3. Reporting. Facilities shall retain maintenance records, covering at minimum the previous 12 months, for each
19 FOG removal device located on the premises. These records shall include the date, time, amount of waste
20 emptied, hauler, and disposal site. Copies of all maintenance records (including cleaning receipts) shall be
21 forwarded to the City using the form or portal designated by the City. Facilities shall also report compliance
22 with maintenance requirements in a form or portal designated by the City and retain records of employee
23 education/training and documentation of any BMPs. Facilities which properly report records and are compliant
24 may receive City approval for fewer inspections.

25 I. Enforcement.

26 1. Actions. In the event that a facility has a FOG removal device that fails a visual or effluent sample analysis
27 inspection, the User shall be given written notice of the non-compliant condition and must take immediate steps
28 to bring the FOG removal device into compliance. The User is responsible for all associated costs.

29 Failure on the part of any User to maintain continued compliance with any requirements set forth in these
30 regulations may result in the initiation of enforcement action. Such enforcement action may include, but is not
31 limited to, a warning letter and/or administrative fine.

32 If an obstruction of the sanitary sewer collection system occurs that causes a sanitary sewer backup and/or
33 overflow and such overflow can be attributed in part or in whole to an accumulation of FOG in the sanitary
34 sewer main line, the City may take appropriate enforcement actions against the generator or contributor of such
35 FOG. Pursuant to EMC Title 7, these actions may include recovery of all costs associated with cleanup
36 activities, fines, civil penalties, or a discontinuance of water service.

37 2. Fines. Fines for any violation of the requirements specified herein are set forth as below. Compliance issues
38 resulting in fines must be addressed within 14 calendar days of notification or escalating additional fines may
39 be assessed. The fines presented below may be tripled if the violations are determined by the City to be
40 deliberate. (The City may, at its own discretion, issue a Notice of Correction or Report of Non-Compliance,
41 without an accompanying fine, for the first violation. The Notice of Correction specifies required compliance
42 activities and schedules to bring the discharger into compliance.)

43 a. First violation. A fine of \$500.00 shall be given to the User with reference to the type of violation in
44 accordance with the requirements specified herein. The fine shall be assessed to the User's utility service
45 account, and any User being notified of such violation shall pay such fine, which will be included in the
46 User's next regular billing for sewer service by the City.

1 b. Second violation. A fine of \$1,500.00 shall be assessed to the User's utility service account for a second
2 violation, and any User being notified of such violation shall pay such fine, which will be included in the
3 User's next regular billing for sewer service by the City.

4 c. Third violation. A fine of \$2,500.00 shall be assessed to the User's utility service account for a third
5 violation (and for each subsequent violation thereafter), and/or service may be suspended, and any User
6 being notified of such violation shall pay such fine, which will be included in the User's next regular billing
7 for sewer service by the City.

8 d. In addition to the above fines, the City will bill the User causing the violation for recovery of any costs
9 (including all labor and materials) for investigation, cleanup and remediation associated with the violation.
10 The charges assessed will recover all costs incurred, and such costs may include, but not be limited to:

- 11 • Fines levied against the City or Receiving Jurisdiction by any regulatory agency as a result of the
12 violation
- 13 • Costs of litigation and/or settlement of any third-party lawsuits brought against the City or Receiving
14 Jurisdiction as a result of the violation
- 15 • Costs of time and materials to remediate any environmental damage or other problems caused by the
16 violation

17 e. Any fines imposed by the City against a User shall be due within 30 calendar days of the date of the City
18 sewer service billing including such fine. If the fine is not paid within 30 calendar days, the fine shall then
19 be delinquent, and the City shall enforce the collection of such fine in the manner provided by City policies
20 or other applicable law.

21 3. Appeals. In the event a User against whom a fine for violation of the requirements specified herein has been
22 imposed contests the amount of such fine or related City enforcement action, such User may submit an appeal
23 pursuant to EMC Chapter 7.80.

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Chapter 11.55

PRIVATE DISPOSAL SYSTEMS

Sections:

- 11.55.010 Private disposal systems permitted – Permit required.
- 11.55.020 Abandonment.
- 11.55.030 Operation and maintenance.
- 11.55.040 Connecting discharge line to sewer system prohibited.
- 11.55.050 Holding tanks.
- 11.55.060 Privies and cesspools prohibited.
- 11.55.070 Temporary portable toilets.

11.55.010 Private disposal systems permitted – Permit required.

~~A. The owner of a Phase II or III property may connect an existing or new building to a structure may only connect to an OSS when not required to connect to the city’s sewer utility pursuant to EMC 11.35.010 on-site sanitary sewage disposal system; provided, that an application and plans for a private disposal system have been approved by the TPCHD/Tacoma Pierce County health department and supplied to the city prior to connecting to the OSS.~~

B. Private disposal systems must be located on the same lot as the building they are designed to serve except as provided within EMC 16.01.120(B) and 16.01.125. No offsite septic tank, drainfield or related easements shall be permitted; provided, that the extension of this public health regulation shall not apply to single-family residences that are under order from the health department to replace a failed system, a replacement OSS is permissible under EMC 11.35.010, and there are not on-site alternatives available to do so.

C. Conflicting Easements. A private disposal system permit application shall provide for certification from the Pierce County auditor that overlapping or conflicting easements will not result at the time a private disposal systems drainfield easement is recorded on a parcel.

~~D. Community OSS. In order to support the growth and development of the sewer utility in accordance with the GSP, new and proposed community OSS’s are hereby prohibited in the city. Existing community OSS’s may continue to operate in accordance with TPCHD regulations, subject to the sewer utility connection requirements in EMC 11.35.010.~~

~~The owner of a Phase I property that is not fronted by a city sewer may connect an existing or new building to a private disposal system; provided, that:~~

- ~~1. A utility local improvement district has not been formed for the purpose of providing sanitary sewer service to the property upon which the building is to be located; and~~
- ~~2. An application and plans for a private disposal system have been approved by the Tacoma Pierce County health department and supplied to the city; and~~
- ~~3. The owner shall be required to disconnect the property building sewer from the private disposal system, abandon the private disposal system as provided in EMC 11.55.020, and connect to the city sewer system within 90 days after the property is fronted by a city sewer. Connection to the city sewer system shall be subject to the requirements of Chapter 11.40 EMC. (Ord. 14-415 § 2 (Exh. A); Ord. 12-385 § 3; Ord. 06-271 § 1).~~

11.55.020 Abandonment.

When a building is disconnected from a private disposal system and connected to the city’s sewer, no such connection may be made until the private disposal system first has been abandoned as required in WAC 246-272-18501. (Ord. 06-271 § 1).

11.55.030 Operation and maintenance.

The owner shall operate and maintain the private disposal system in compliance with ~~TPCHD/Tacoma Pierce County health department~~ regulations (see WAC 246-272-15501). (Ord. 06-271 § 1).

1 **11.55.040 Connecting discharge line to sewer system prohibited.**

2 Connecting a septic tank or drain field discharge line to the sewer system is prohibited. (Ord. 06-271 § 1).

3 **11.55.050 Holding tanks.**

4 A. Holding tanks shall be prohibited for permanent use except when:

5 1. The ~~TPCHD Tacoma Pierce County health department~~ has determined that an existing private disposal
6 system for an existing building has failed and cannot be repaired or replaced; and

7 2. The requirements of WAC 246-272-12501(3) are met; and

8 3. A city sewer does not exist within 300 feet of~~front~~ the property ~~;~~~~or~~

9 ~~4. The property is not a Phase I property.~~

10 B. A holding tank may be approved for interim use and repairs pursuant to WAC 246-272-12501.

11 C. None of the pumped wastewater shall be discharged into the city sewer system. (Ord. 06-271 § 1).

12 **11.55.060 Privies and cesspools prohibited.**

13 It is unlawful to construct, maintain or discharge wastewater into any privy, privy vault, or cesspool. (Ord. 06-271 §
14 1).

15 **11.55.070 Temporary portable toilets.**

16 Installation and use of temporary portable toilets shall be prohibited except for the following:

17 A. Construction Project. When the number of permanent sanitary facilities meeting the requirements of WAC 296-
18 155-140(4)(b) and (c) is not available, temporary portable toilets shall be provided and maintained in conformance
19 with WAC 296-155-140(4).

20 B. Special Events. When permanent sanitary facilities meeting the requirements of subsection (B)(2) of this section
21 are not available, temporary portable toilets shall be provided.

22 1. Construction and Maintenance. Construction and maintenance shall be as provided in WAC 296-155-140(4).

23 2. Number of Units. The minimum number of toilets (permanent water closets and temporary portable toilets)
24 required shall be as required for assembly places where fixture use is not limited to intermissions, as set forth in
25 Table 2902.1 of the IBC. A 50/50 distribution of the sexes shall be assumed.

26 3. Unisex. Separate toilets shall not be required for each sex.

27 4. Accessibility. The first temporary portable toilet shall be wheelchair accessible. One additional accessible
28 temporary portable toilet shall be required for each additional 50 temporary portable toilets.

29 5. Hand Washing Facilities. Hand washing facilities shall be provided when temporary portable toilets are used
30 as set forth in Table 2902.1 of the IBC. Hand washing facilities shall provide wash water between 70 and 100
31 degrees Fahrenheit. Hand towels shall be provided in a sanitary container and a receptacle shall be provided for
32 used towels. Hand soap shall be provided.

33 6. Construction and Maintenance. Temporary portable toilets shall be constructed and maintained as provided
34 in WAC 296-155-140(4).

35 C. A permit may be issued for temporary private use when the director finds that such use is necessary because of
36 mitigating circumstances. Construction and maintenance shall be as provided in WAC 296-155-140(4). (Ord. 06-
37 271 § 1).

1 Chapter 11.60

2 RATES AND BILLING PROCEDURES

3 Sections:

- 4 11.60.010 Purpose.
5 11.60.020 ~~Lakehaven Utility District Receiving Jurisdiction~~ sewer rates – Adoption by reference.
6 11.60.030 ~~Lakehaven Utility District Receiving Jurisdiction~~ sewer charges – Adoption by reference.
7 11.60.040 City utility sewer rates.
8 11.60.050 Billing and collection.
9 11.60.060 City conveyance development charge.

10 **11.60.010 Purpose.**

11 The rates and charges set forth or otherwise adopted by reference in this chapter shall apply to the sanitary sewer
12 utility established under this title. (Ord. 11-376 § 1; Ord. 11-364 § 1).

13 **11.60.020 ~~Lakehaven Utility District Receiving Jurisdiction~~ sewer rates – Adoption by reference.**

14 All sanitary sewer bills will be prepared by the city LUD and will include consist of two portions charges: the city
15 sewer charge and the Receiving Jurisdiction LUD sewer charge. ~~The rates for sanitary sewer service set forth in by~~
16 ~~each Receiving Jurisdiction Section 2 of Lakehaven Utility District Resolution No. 2009 1146, as the same now~~
17 ~~exists and as may subsequently be amended, revised or superseded, are hereby adopted by reference and~~
18 ~~incorporated herein as if set forth in full. For purposes of this chapter, any future amendments or revisions of said~~
19 ~~rates resolution shall be in full force automatically in the city upon the effective date thereof. A true and complete~~
20 ~~copy of said rates resolution, including any subsequent amendments or modifications thereof, shall be maintained at~~
21 ~~Edgewood City Hall and made available for public inspection and photocopying upon request. (Ord. 11-376 § 1;~~
22 ~~Ord. 11-364 § 1).~~

23 **11.60.030 ~~Lakehaven Utility District Receiving Jurisdiction~~ sewer charges – Adoption by reference.**

24 The charges and fees applicable to sanitary sewer service set forth by each Receiving Jurisdiction in Lakehaven
25 ~~Utility District Resolution No. 2010 1171, as the same now exists and as may subsequently be amended, revised or~~
26 ~~superseded, are hereby adopted by reference and incorporated herein as if set forth in full. For purposes of this~~
27 ~~chapter, any future amendments or revisions of said charges and fees resolution shall be in full force automatically in~~
28 ~~the city upon the effective date thereof. A true and complete copy of said charges and fees resolution, including any~~
29 ~~subsequent amendments or modifications thereof, shall be maintained at Edgewood City Hall and made available for~~
30 ~~public inspection and photocopying upon request. (Ord. 11-376 § 1; Ord. 11-364 § 1).~~

31 **11.60.040 City utility sewer rates.**

32 All sewer bills ~~will be prepared by LUD and~~ will include two portions: the city sewer charge and the Receiving
33 Jurisdiction LUD sewer charge. ~~The city sewer charge includes a monthly base rate of \$5.00 for all customers, plus a~~
34 ~~usage rate of \$0.95 per 100 cubic feet of water usage. It is intended that LUD will compute water usage as defined~~
35 ~~in LUD Resolution No. 2009 1146, as the same now exists and as may subsequently be amended, revised or~~
36 ~~superseded. The residential (single and multifamily) bills use wet month average, all others use actual water usage.~~
37 ~~Rates for city usage are listed in the rate table below for the period 2012 through 2016 and are based on the~~
38 ~~recommendation within the report attached to the ordinance codified in this chapter, titled City of Edgewood Sewer~~
39 ~~Rate Study.~~

40 The city sewer charge rates are adopted by city resolution pursuant to EMC 3.35.010 and are based on
41 recommendations within the GSP. The volume portion of the sewer charge for residential accounts is based upon the
42 water meter readings for the months of January, February, March and April, and is recalculated each year. ~~New~~
43 ~~customers are assigned a usage amount of 800 cubic feet per month (1,600 per two-month cycle), which is an~~
44 ~~average usage for a typical household. New customers wishing not to use the above estimate can opt for the other~~
45 ~~alternatives within LUD Resolution No. 2009 1146, as the same now exists and as may subsequently be amended,~~
46 ~~revised or superseded.~~

Rate Table	
City of Edgewood Sewer Rate for the Period 2012–2016	
Base rate per month	\$5.00–
Usage rate per 100 cubic feet*	\$0.95–

*—Wet month average for residential per LUD definition.
(Ord. 11-376 § 1; Ord. 11-364 § 1).

11.60.050 Billing and collection.

Unless otherwise specified by city ordinance, ~~the city, or the Receiving Jurisdiction Lakehaven Utility District shall,~~ on the city’s behalf, shall directly bill sanitary sewer utility customers on a bi-monthly basis. ~~If the Receiving Jurisdiction is billing on the city’s behalf, they and~~ shall remit collections therefrom to the city in accordance with applicable interlocal agreement(s) between the city and ~~the Receiving Jurisdiction Lakehaven Utility District.~~ All delinquent and unpaid rates and charges for sanitary sewer services, including interest thereon, shall be a lien upon the property to which the sanitary sewer is furnished superior to all other liens and encumbrances whatsoever, except those for general taxes and local and special assessments. Pursuant to RCW 35.67.215, the city’s sewerage lien shall be effective for a total not to exceed one year’s delinquent service charges without the necessity of any writing or recording of the lien with the county auditor. (Ord. 11-376 § 1; Ord. 11-364 § 1).

11.60.060 City conveyance development charge.

The city shall collect charges for the capital cost of conveyance development, EMC 11.40.110(C), from all properties ~~not within the city’s local improvement district, LID No. 1, and shall be designated the in the form of a~~ conveyance development charge, (CDC). The city shall collect the CDC, adopted by city resolution pursuant to EMC 3.35.010, which equitably and fairly distributes the capital costs of the conveyance system to all newly served properties within the city Phase I sewer system boundary which did not participate in the city’s LID No. 1.

The CDC shall be collected in a manner which relates the actual usage a property may place on the sewer system to its proportionate share of the cost of the above-described conveyance system. The CDC shall include the proportionate cost of construction of the existing conveyance development, designated per equivalent residential unit, ERU, as determined by the ~~GSP report attached to the ordinance codified in this chapter titled, City of Edgewood Conveyance Charge Calculation.~~

Upon request for a new sewer connection, ~~for properties within the Phase I sewer service area,~~ as described within the city’s ~~GSP general sewer plan, LUD~~ the city shall make a determination of the ERU usage applicable to the property. For purposes of this determination an ERU for service shall consist of a projected usage of ~~150220~~ gallons per day of sewage flow. A single-family dwelling unit shall be assigned one ERU as a conveyance development charge. Each multifamily dwelling unit and each mobile home situated in a mobile home park shall be assigned 0.67 ERU. Each accessory dwelling unit, approved for occupancy by the city, shall be assigned 0.34 ERU.

All nonresidential connections shall pay the sewer system conveyance development charge determined by ~~the city LUD~~ the to reflect anticipated demand on the sewer system for the planned use of the property. The minimum estimated demand for the property shall not be less than one ERU.

~~The conveyance development charge for each ERU of sewer service for the year 2012 shall be \$4,700. For each year thereafter for a period not to exceed 10 years, a cumulative interest rate of 4.625 percent per year shall be added to the conveyance development charge to reflect the financing charge placed on the LID participant.~~ The conveyance development charge shall be collected prior to connection. Unless otherwise specified by city ordinance, the city Lakehaven Utility District shall, ~~on the city’s behalf,~~ collect the appropriate conveyance development charge from the customer ~~and shall remit collections therefrom to the city in accordance with applicable interlocal agreement(s) between the city and Lakehaven Utility District.~~

Edgewood Conveyance Development Charge	
Ten-Year Charges with Interest	-4.625%
2012	\$4,700
2013	\$4,917
2014	\$5,145
2015	\$5,383
2016	\$5,632
2017	\$5,892
2018	\$6,165
2019	\$6,450
2020	\$6,748
2021	\$7,060

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(Ord. 11-376 § 1).

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Chapter 11.65

VIOLATIONS AND ENFORCEMENT

Sections:

- 11.65.010 Civil infractions.
- 11.65.020 Failure to connect.
- 11.65.030 Disconnection of side sewer.
- 11.65.040 Criminal violations.
- 11.65.050 Other civil violations.

11.65.010 Civil infractions.

The following actions shall be separate civil infractions of this code, which shall be enforceable pursuant to Chapter 1.10 EMC, General Penalty:

- A. Violation of any of the conditions of the connection permit and agreement.
- B. Tampering with, disturbing, removing, damaging, or destroying any part of the city’s sewer system.
- C. Connecting more than one building to a side sewer without written approval from the director.
- D. Connecting pipes carrying surface water or groundwater to a side sewer or a plumbing system that drains to the side sewer.
- E. Failure to meet the requirements of EMC 11.45.020 before connecting to an existing side sewer.
- F. Connecting a septic tank or drain field discharge line to the sewer system.
- G. Failure to connect to the sewer when required under regulations contained in this title. The penalty shall be as provided in EMC 11.65.020.
- H. Discharging any material into a manhole or cleanout without a written permit from the director.
- I. Discharging prohibited materials into the sewer system.
- J. Discharging wastewater to other than a sewer or septic tank or other device that has been approved by the Tacoma-Pierce County Health Department.
- K. Discharging wastewater or septic tank effluent to any storm drain, natural outlet, or upon the land within the city.
- L. Installing a sewer line within 10 feet of a water line, except as provided in EMC 11.35.020.
- M. Construction or planting within an easement in violation of EMC 11.35.060.
- N. Obstruction of city access to or within an easement.
- O. Incorporating materials or equipment in a public works or system extension project not meeting the requirements of the agreement, project specifications, or design and construction standards.
- P. Providing false information in application for a sewer system connection, system extension, record drawing, or on any other document or application related to the sewer utility.
- Q. Failure to install and maintain a grease, oil, and sand interceptor when so required by this title.
- R. Adding, injecting or placing emulsifiers, enzymes, or other additives to the sewer system or to wastewater that will be discharged into the sewer system that have not been approved in writing by the director.

1 S. Failure to permit access for inspections during normal business hours or obstructing a city inspector while
2 attempting to make an inspection.

3 T. Constructing, maintaining, or discharging wastewater into a privy, privy vault, or cesspool.

4 U. Failure to meet the requirements of EMC 11.55.070 when providing or being required to provide temporary
5 portable toilets. (Ord. 20-572 § 4 (Exh. D); Ord. 06-271 § 1).

6 **11.65.020 Failure to connect.**

7 If a property is required and fails to connect to the sewer system pursuant to EMC 11.40.010(A) or (B), the owner
8 shall be required to pay a penalty equal to normal monthly charges pursuant to RCW 35.67.190. All other properties
9 failing to connect, as required, shall be subject to penalties as otherwise may be set by the council. (Ord. 06-271 §
10 1).

11 **11.65.030 Disconnection of side sewer.**

12 If a side sewer to a property is discharging prohibited materials, as defined in Chapter 11.50 EMC, to the city sewer
13 system, and the owner of that property does not immediately stop such discharge following such notice, in addition
14 to penalties provided for above, the city shall block or disconnect the side sewer to the property of such owner.

15 Monthly charges for sewer service shall continue unless the owner voluntarily relinquishes his connection pursuant
16 to EMC 11.40.100. The owner shall pay the costs for such disconnection and reconnection, if any, as shall be set by
17 ordinance of the council. (Ord. 06-271 § 1).

18 **11.65.040 Criminal violations.**

19 A. It is unlawful and a misdemeanor to make or cause to be made or to maintain any sewer connection with any
20 sewer of the city, or with any sewer which is connected directly or indirectly with any sewer of the city, without
21 obtaining a permit and paying the connection charge (RCW 35.67.350).

22 B. Any person who commits civil infractions listed in EMC 11.65.010(B), (F), (H), (I), (J), (K), (P), (R), or (S) shall
23 also be guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine not to exceed \$5,000 or by
24 imprisonment in the county jail for not more than one year, or by both fine and imprisonment. (Ord. 20-572 § 4
25 (Exh. D); Ord. 06-271 § 1. Formerly § 11.65.050).

26 **11.65.050 Other civil violations.**

27 Except as otherwise specified herein, violations of this title shall be deemed civil violations subject to enforcement
28 pursuant to EMC Title 7, Code Enforcement. (Ord. 20-572 § 4 (Exh. D)).

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Chapter 11.70

NON-CORE WEST PHASE I SEWER AREA

Sections:

~~11.70.010 Purpose Applicability.~~

~~11.70.020 City of Fife sanitary sewer regulations adopted Enforcement authority.~~

~~11.70.030 Sewer works design standards.~~

11.70.010 Purpose Applicability.

~~The purpose of this chapter is to authorize and effectuate the city of Fife’s provision of sanitary sewer service to the Non Core West Phase I sewer area in accordance with the November 5, 2013, interlocal agreement between the city of Fife and the city of Edgewood regarding sanitary sewer service (“interlocal agreement”). The provisions of this chapter shall govern and apply exclusively to the Non Core West Phase I sewer area as defined by the city’s general sewer plan and depicted in Appendix A. (Ord. 15 439 § 1).~~

11.70.020 City of Fife sanitary sewer regulations adopted Enforcement authority.

~~Chapters 13.08, 13.09, 13.12 and 13.14 of the Fife Municipal Code, including any future amendments or additions thereto, are hereby adopted by reference and shall govern and apply to the Non Core West Phase I sewer area. Pursuant to RCW 35A.12.140, a complete copy of said regulations shall be filed with and maintained in the office of the city clerk for use and examination by the public. Subject to and in accordance with the interlocal agreement, the city of Fife shall have the authority and responsibility to enforce said regulations, to collect rates and charges from sewer customers, and to collect delinquent sewer customer accounts within the Non Core West Phase I sewer area. (Ord. 15 439 § 1).~~

11.70.030 Sewer works design standards.

~~All sewage works constructed within the Non Core West Phase I sewer area shall be designed in accordance with the latest edition of the Washington State Department of Ecology’s “Criteria for Sewage Works Design”; provided, if another section of this chapter imposes a more stringent standard, then the sewage works shall be designed to the more stringent standard. (Ord. 15 439 § 1).~~