



CITY OF EDGEWOOD

PLANNING COMMISSION MEETING AGENDA

Monday, August 11, 2025 – 6:00 PM ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

Zoom Link - <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 June 9, 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

5. ACTION ITEMS

a. Sanitary Sewer Code Amendments

6. DISCUSSION ITEMS

a. Critical Areas Ordinance Update

b. Intro – Comp Plan Implementation: Title 18 Updates

c. Status Update – West Valley Highway Land Use Overlay Study

d. Status Update - Interim Zoning Ordinance

7. STAFF COMMENTS/COMMISSIONER UPDATES

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

1 CALL TO ORDER

a. Pledge of Allegiance & Roll Call

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

2 CONSENT AGENDA:

a. Meeting Minutes of May 12, 2025

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

3 CITIZEN COMMENT PERIOD

There were no citizen comments.

4 PUBLIC HEARINGS

a. Sign Code Amendments

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 6:04pm.

b. Unit Lot Subdivision Code

Commissioner Overfield called the public hearing to order at 6:04pm, followed by a staff presentation on the topic. With no public comment, the hearing was adjourned at 6:13pm.

5 ACTION ITEMS

a. Sign Code Amendments Recommendation

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

b. Unit Lot Subdivision Code Recommendation

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

c. Impact Fee Code Recommendation

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

d. Land Use Table Amendments Recommendation

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

6 DISCUSSION ITEMS

a. Interim Zoning Ordinance 25-0676

Staff presented the Interim Zoning Ordinance and accompanying discussion questions

for review. The Planning Commission was invited to provide input, request additional information, and suggest any modifications in preparation for continued discussion at the next meeting. Staff indicated that a public hearing and formal recommendation to City Council are anticipated at future meetings.

b. 2024 Critical Areas Ordinance Update

Staff explained that while some initial critical area ordinance discussion occurred with the 2024 Comp Plan update, staff is reviewing the critical areas BAS and conducting a gap analysis between the BAS and the existing code.

c. Sanitary Sewer Code Amendments

The Planning Commission was asked to review and discuss the attached draft amendments to EMC Title 11 and the Comprehensive Plan goals and policies outlined above. Commissioners may request additional information or suggest modifications for staff to address in preparation for further discussion at next month's meeting. If there are no significant concerns, staff propose scheduling a public hearing for July 14, 2025, with potential consideration of a formal recommendation to City Council at the August meeting.

7 STAFF COMMENTS

Staff briefed the commissioners on various updates.

8 COMMISSIONER UPDATES

Commissioner Wagner notified the Commission of her forthcoming departure.

9 ADJOURN

Chair Overfield adjourned the meeting at 7:21pm.



CITY OF EDGEWOOD
STAFF REPORT
PLANNING COMMISSION AGENDA ITEM

Date: August 11, 2025

Title: Sanitary Sewer Code Amendments – Recommendation

Attachments: DRAFT EMC Title 11 Redlines
Draft Planning Commission Recommendation

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 (please refer to the [June 9, 2025 meeting materials](#) for said goals and policies, under the "Current Discussion" heading).

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 the deletion of outdated policies, replacing them with references 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 reorganize Title 11 to be more similar to Title 13 (Surface Water / Site Development), making the utility 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

Current Discussion:

The Planning Commission held a public hearing at last month's meeting for this item. No public comments were received on the draft code redlines. Legal review has been completed and the attached redline code includes minor updates based on that feedback. Further discussion is pending regarding EMC 11.65, Violations and Enforcement, that will be completed prior to consideration by the City Council.

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 Edgewood's Sanitary Sewer Code, EMC Title 11, to enable the updated GSP and implement the updated goals and policies in the 2024 Comprehensive Plan. A draft recommendation has been prepared by staff, attached herein for consideration.

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~~

DRAFT

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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 development 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 General Sewer Plan.~~

~~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.~~

~~e. To assess support of the project, the petition must be signed by the owners of property aggregating a majority of the area within the proposed district.~~

~~d. The formation of a local improvement district shall be pursuant to Chapters 35.43 through 35.54 RCW and subject to approval by the city council.~~

~~C. Sewer System Improvements Made by the City.~~

~~1. When the city elects to make general improvements to the city's sanitary sewer system, such improvements shall be paid for with connection and/or rate charges collected from users of the system.~~

~~2. When the city elects to make improvements to the city's sanitary sewer system that create a special benefit to properties, the city shall require the owners of those properties to pay for such improvements as a part of and in addition to normal connection charges and/or rate surcharges.~~

~~D. Connection Required.~~

~~1. Property Adjacent to a Developer Extension. When a sanitary sewer is extended, by a developer, to or past property not owned by said developer, the owner of such property shall not be required to connect to the sewer so extended.~~

~~2. Property within an LID. Buildings on property within a local improvement district are required to be connected to the city's sewer system and the property owner shall be required to pay all charges associated with such connection.~~

~~3. Health Department Exception. An existing structure on property with sewer availability, fronted by the city's sanitary sewer system, whose on-site sewage disposal system has failed and cannot be acceptably corrected or repaired, as determined by the Tacoma Pierce County health department, shall be required to connect to said sewer system and the property owner shall be required to pay all charges associated with such connection.~~

~~E. Side Sewers— Responsibility to Construct. Except as otherwise provided by this title, a new side sewer, from the right of way line or easement to the sewer main or submain, shall be constructed and paid for by the owner of the property on which the structure is served by the side sewer.~~

~~F. Private Disposal System.~~

~~1. Residential structures may connect to a private sewage disposal system; provided, that both of the following conditions must be met:~~

~~a. A valid permit from the Tacoma Pierce County health department is obtained; and~~

~~b. The property is not located within the boundaries of a local improvement district.~~

~~2. A new commercial, industrial, institutional or multifamily structure may connect to a private sewage disposal system; provided, that all of the following conditions must be met:~~

~~a. A valid permit from the Tacoma Pierce County health department is obtained;~~

~~b. The property is not located within the boundaries of a local improvement district; and~~

~~e. The property owner must agree in writing, as a condition to the issuance of the building permit, to disconnect from and remove said private sewage disposal system and connect to the city sanitary sewer 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 the current edition of Criteria for Sewage Works Design, as published by the Washington
32 State Department of Ecology, ~~December 1998, 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 any combination of liquid and water-carried sewage and/or commercial/industrial wastes and
13 from any customer including residential dwellings, commercial buildings, industrial and manufacturing facilities,
14 and institutions, whether treated or untreated that has been used for domestic or industrial purposes and contains or
15 may contain suspended or dissolved solids from such use.

16 “Work” means the provision of all labor, materials, tools, equipment, and everything needed to successfully
17 complete a project according to the contract. (Ord. 15-447 § 1 (Exh. A); Ord. 10-333 § 8; Ord. 06-271 § 1).

18 **11.30.030 Authority.**

19 The city ~~of Edgewood~~ sanitary sewer utility is established by this title in accordance with RCW 35.21.210 and
20 35.67.030. Except as otherwise provided herein, the director ~~of public works of the city of Edgewood~~ shall
21 administer, implement and enforce the provisions of this title.

22 A. Applicability. This title shall apply to all persons and properties within the city ~~of Edgewood~~ and any person
23 using, discharging to, or damaging the city’s sewer system inside or outside the city.

24 B. Connection Charges and Rates. The authority to set and collect connection charges and monthly rates shall be in
25 accordance with RCW 35.67.190, 35.92.020 and 35.92.025 and other applicable laws and regulations.

26 C. Enforcement. The authority to lien property for delinquent and unpaid rates and other charges for sewer service
27 shall be in accordance with RCW 35.67.200. The authority to issue citations and levy penalties for civil infractions
28 or civil code violation shall be in accordance with EMC Chapter 1.10-~~EMC~~, General Penalty. The authority to adopt
29 ordinances and impose penalties for civil and criminal infractions thereof shall be in accordance with RCW
30 35A.11.020.

31 D. Discharge Permits. The receiving jurisdictions that convey and/or treat~~operates the wastewater treatment plant~~
32 ~~treating~~ the city’s sewage shall be authorized to regulate and enforce the provisions of Chapter 11.50 EMC, and,
33 pursuant to RCW 90.48.160, issue discharge permits within the city to operators of industrial and commercial
34 operations, monitor discharges, inspect said industrial and commercial operations, and enforce discharge regulations
35 promulgated by said jurisdiction.

36 E. Inspection. The receiving jurisdictions, city, and their~~its~~ inspectors, ~~and consultants~~ shall have free access to and
37 authority to observe, inspect, gather samples, and perform tests related to all city sewer system construction or other
38 activity or use located on city property, the public rights-of-way, and city easements within and outside the city.

39 Construction and all other activity or use, located on private property, authorized or regulated under this title shall be
40 conditioned upon the right of the city, its inspectors, and consultants to enter upon such private property and
41 authority to observe, inspect, gather samples, and perform tests related to all such construction or other activity or
42 use.

1 F. Stop Work. Pursuant to EMC Chapter 7.40, ~~the receiving jurisdictions, city, and their~~ inspectors, ~~and~~
2 ~~authorized consultants~~ shall have authority to stop work authorized or regulated under this title when such inspectors
3 or consultants shall find that stopping the work is necessary to ensure compliance with approved plans,
4 specifications, Design and Construction Standards, and Standard Specifications.

5 G. Uncover. The ~~receiving jurisdictions, city, and their~~ inspectors, ~~and authorized consultants~~ shall have authority
6 to require that improvements or parts thereof, authorized or regulated under this title, must be uncovered or dug up
7 and/or removed for inspection when:

8 1. Such improvements require inspection; and

9 2. No inspection has been made by the city; and

10 3. Inadequate notice has been given by the owner or contractor requesting the inspection.

11 H. Remove. The ~~receiving jurisdictions, city, and their~~ inspectors, ~~and authorized consultants~~ shall have authority
12 to require that improvements or parts thereof, authorized or regulated under this title, that do not comply with
13 approved plans, specifications, Design and Construction Standards, and Standard Specifications be removed from
14 the project and be replaced. (Ord. 06-271 § 1).

15 **11.30.040 General sewer plan.**

16 ~~As authorized by RCW 35.67.030, the council has adopted by ordinance (RCW 35.67.030) a general sewer plan-~~
17 ~~(GSP) that sets the boundaries of the city's sewer service area and guides the sewer utility as to the location and size~~
18 ~~of sewer mains, trunks, submains and pump stations. The GSP shall set forth a detailed capital improvement plan-~~
19 ~~(CIP) for 10 years and a general CIP for 20 years. The most recent edition of the Design and Construction Standards~~
20 ~~shall be included in the GSP by reference. DOE approval of the GSP is required subject to RCW 90.48.110(3),~~
21 ~~WAC 173-240-030, 173-240-040, and 173-240-050. The GSP is a stand-alone technical plan, referenced here for~~
22 ~~consistency with the comprehensive plan, and maintained by the public works director. The GSP general sewer plan~~
23 ~~will be updated in accordance with RCW 35.67.030 and, when required, modifications must be approved by the~~
24 ~~Department of Ecology. The planning commission shall provide recommendations on comprehensive plan policy~~
25 ~~updates consistent with the GSP general sewer plan and EMC city of Edgewood Municipal Code as needed for~~
26 ~~consistency. The GSP shall include those elements described in Section G1-2.4 of the Orange Book and WAC 173-~~
27 ~~240-050. (Ord. 08-310 § 7; Ord. 06-271 § 1).~~

28 **11.30.050 Levels of service.**

29 The director shall prepare and the council shall adopt levels of service for the operation and maintenance of the
30 sewer utility. The base level of service shall be in compliance with Washington State law and DOE regulations. The
31 adopted levels of service shall be used to set staffing requirements and budgets, and to evaluate the performance of
32 the sewer utility. (Ord. 06-271 § 1).

33 **11.30.060 Design and construction standards.**

34 The director shall prepare and the council shall adopt by resolution design and construction standards for the sewer
35 utility entitled Design and Construction Standards, which shall provide for administrative changes and variances.
36 (Ord. 06-271 § 1).

37 **11.30.070 Sewer availability.**

38 A. Sewer availability is ~~as defined in the EMC 11.30.020. The initial capacity of the sewer system, as determined by~~
39 ~~the method in EMC 11.30.080, is adequate only for build-out of Phase I properties. Expansion of sewer system~~
40 ~~capacity will be required before properties within Phase II will be provided sewer availability. Sewer availability for~~
41 ~~Phase II shall not occur until 20 years following adoption of the GSP. Sewer availability for Phase III properties~~
42 ~~shall not occur until 50 years following adoption of the GSP.~~

43 B. The city will not provide sewer service outside its municipal boundary. (Ord. 06-271 § 1).

44 **11.30.080 Sewer system capacity, record, and reservation.**

45 A. The capacity of the city's sewer system shall be determined as set forth in interlocal agreement(s) between the
46 city and ~~other receiving jurisdictions and as established in the GSP for wastewater conveyance and treatment or by-~~

1 ~~the design and construction of a wastewater treatment plant.~~ The capacity shall be established in ERUs. The value of
2 an ERU is as set forth in EMC 11.30.020. The sewer utility shall establish flow meters at ~~all~~ city discharge points
3 and, from time to time, shall evaluate the correlation between the ERUs issued and the actual quality and quantity of
4 sewage discharged. The value of an ERU and the number of remaining ERUs shall be adjusted, as necessary, to
5 reflect the actual values determined from said evaluation, by ordinance of the council and approval by the DOE, if
6 required.

7 B. The director shall keep a record of the sewer system capacity, and as connection permits are issued shall subtract
8 the number of ERUs assigned to each permit and keep a balance of available ERUs.

9 C. Sewer system capacity shall be reserved for properties within LIDs when the conditions set forth in subsection
10 (F) of this section have been met. The director shall determine the amount and timing of capacity that can be
11 reserved based on the capacity available at the time of the request, the scheduling of construction for expansion of
12 capacity, and the amount of capacity demand in current competing requests for capacity.

13 D. Sewer system capacity may be reserved for property whose owner is a contributing party to a system extension
14 agreement when the conditions set forth in subsection (F) of this section have been met.

15 E. Sewer system capacity may be reserved for new building construction, redevelopment, or changed use, when the
16 conditions set forth in subsection (F) of this section have been met.

17 F. Conditions for Sewer System Capacity Reservation.

18 1. The owner enters into a sewer system capacity reservation agreement with the city; and

19 2. A reservation charge, equal to one-half the current connection charge, has been paid; and

20 3. The project application has been deemed to be complete; or

21 4. If the property's owner is a contributing party to a system extension agreement, the project application will
22 be deemed complete, for the purposes of sewer system capacity, upon approval of the system extension
23 agreement by the council. The owner may reserve system capacity, up to his predetermined share of system
24 capacity, for that system extension project.

25 G. System capacity may be so reserved for a period of five years, at which time the reservation will be automatically
26 extinguished, unless the connection charge shall have been paid prior to the five-year anniversary date of the sewer
27 system capacity agreement. The connection charge shall be that which is in effect at the time of such payment, less
28 the reservation charge previously paid.

29 H. Upon the reservation being so extinguished, the reservation charges, paid to reserve sewer system capacity, shall
30 be forfeited and retained by the city.

31 I. As consideration for continued reservation of sewer system capacity, monthly reservation charges equal to
32 monthly sewer rates for that capacity shall commence upon full payment of the connection charge, and continue
33 until a physical connection is actually made, or the reserved connection is extinguished or relinquished by action of
34 the owner.

35 J. When all available ERUs have been assigned to connections or reserved, no additional connection permits or
36 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.~~

31 ~~When local conditions prevent the separations described above, the director may approve an alternative; provided,~~
32 ~~that no such alternative shall be less restrictive than that provided for in the Orange Book C1 9.1. (Ord. 06-271 § 1).~~

33 A separate connection to the sewer utility shall be required for each building with plumbing fixtures unless
34 otherwise approved by the director (see EMC 11.45.040(G) and (H)).

35 **11.35.030 City-owned sewage pump stations.**

36 Other than those proposed in the GSP, new Sewage pump stations shall be prohibited unless the director finds there
37 is no reasonable alternative. Pump stations shall be designed and constructed in conformance with the Design and
38 Construction Standards, this title, the Orange Book, and the Standard Specifications. Pump stations shall be
39 designed and constructed to minimize operation and maintenance costs and employee exposure to health and safety
40 hazards. Permanent on-site electric generators, with power generation adequate for full function of the pump station,
41 shall be installed at every city sewage pump station. A force main shall discharge into a manhole and not directly
42 into another force main or gravity sewer pipe. (Ord. 06-271 § 1).

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. 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 RCW 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, mailing address, email 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.~~ Pursuant to the fee schedule adopted under EMC 3.35, the following fees and charges shall be paid to the
17 city prior to approval of the system extension 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, transferring the improvements to the
24 City without cost in compliance with RCW 35.91.020.
- 25 11. Full payment of all fees and charges. (Ord. 15-447 § 1 (Exh. A); Ord. 06-271 § 1).

26 **11.35.100 Reimbursement agreements.**
27 *Repealed by Ord. 19-542. (Ord. 06-271 § 1).*

28 **11.35.110 Local improvement districts.**
29 *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 RCW 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 RCW 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 RCW Chapter 35.91 ~~RCW~~, the council shall approve the latecomer agreement. The council’s decision
24 on the method for determining the pro rata share used to calculate the latecomer fee and the latecomer fee shall be
25 final. The fair pro rata share of the cost of the sewer facilities attributable to the owner’s property shall be deducted
26 from 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.

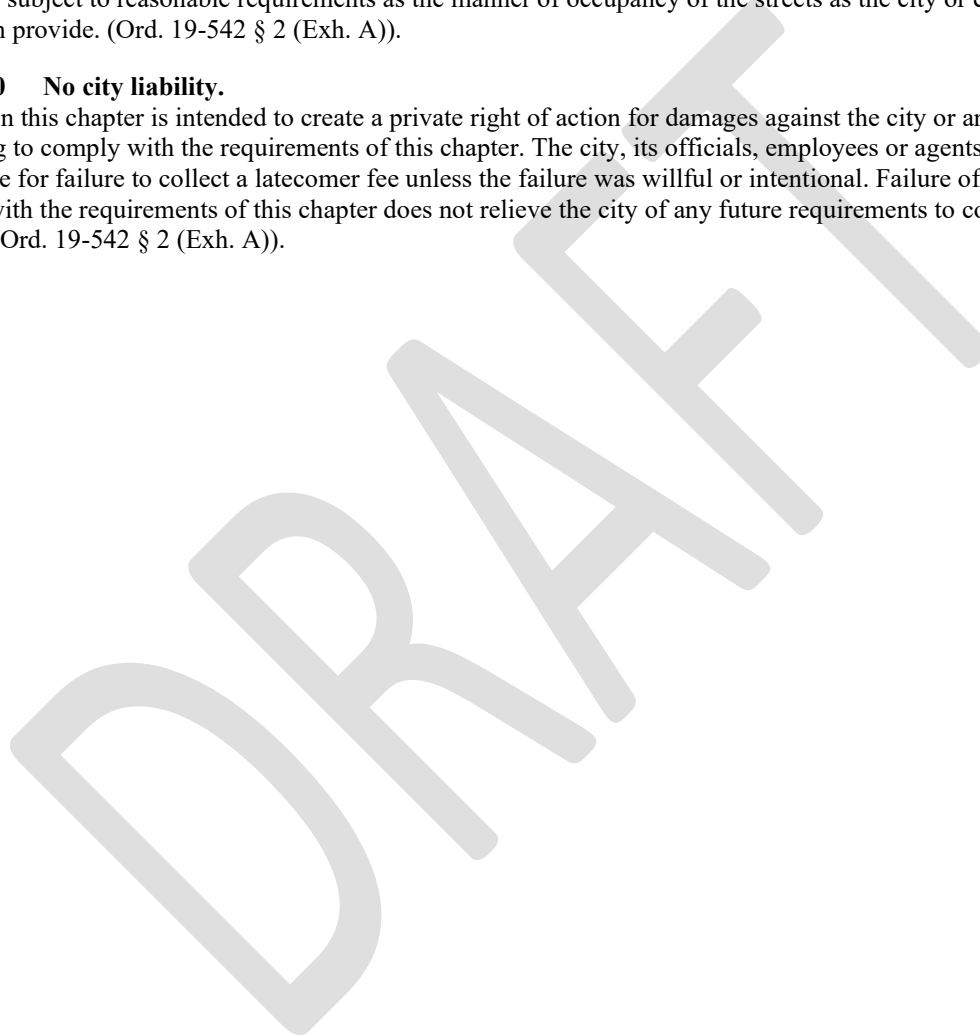
1 reimbursement area and assessment shall be included in an ordinance, which shall be final. The city shall record the
2 ordinance as required by EMC 11.36.080.

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 ~~B.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 ~~C.D.~~ Check Valves. A check valve shall be required at the connection of the building drain to the building sewer
39 when plumbing fixtures are located in the basement of a building or on any floor less than four feet above the crown
40 of the sewer to which its side sewer is connected, unless otherwise approved by the director.

41 ~~D.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 Receiving Jurisdiction on the basis that it has a reasonable potential for
24 adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.

25 “Standard Methods” means the current version of Standard Methods for the Examination of Water and Wastewater
26 (APHA, WEF, AWWA).

27 “User” means any person, business or entity that contributes, causes or permits the contribution of wastewater into
28 the City’s sanitary sewer system.

29 **11.50.020 General discharge standards and requirements.**

30 A. Any authorized officer or employee of the City may enter and inspect any part of the City’s sanitary sewer
31 system. The right of entry and inspection shall extend to public streets, easements, and property within which the
32 system is located. Moreover, the City shall be allowed to enter on private property to inspect waste discharge
33 facilities. The right of inspection shall include on-site inspection of pretreatment and sewer facilities, observation,
34 measurement, sampling testing and access to all compliance records located on the premises of the discharger. The
35 right of inspection shall include entry into the business premises during normal business hours (with or without prior
36 notification) to ensure that discharge standards, including but not limited to best management practices, are being
37 followed. Persons or occupants of premises where wastewater is produced or discharged must allow any authorized
38 representative of the City ready access at all reasonable times to all parts of the premises for the purpose of
39 inspection, sampling, or record examination. The City’s representative has the authority to set up, on the
40 discharge’s property, such devices as are necessary to conduct sampling, inspection, compliance monitoring or flow
41 metering operations.

42 B. General Prohibitions. No person shall introduce or cause to be introduced into POTW any pollutant, wastewater,
43 or other substance or flow which either alone or by interaction with other materials causes Pass Through or
44 Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to

1 Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Pretreatment
2 Requirements.

3 C. The following are prohibited and considered violations: filing false reports, denying access to premises or
4 records, discharging through unauthorized connections, tampering with sampling or metering devices, deliberately
5 circumventing pretreatment facilities, or continuing a prohibited discharge in violation of an order to cease and
6 desist.

7 D. Specific Prohibitions. No person shall introduce or cause to be introduced into the POTW any of the following
8 Pollutants, substances, or Wastewater:

9 1. Pollutants which either alone or by interaction may create a fire or explosive hazard in the POTW, a public
10 nuisance or hazard to life, or prevent entry into the sewers for their maintenance and repair or are in any way
11 injurious to the operation of the system or operating personnel. This includes waste streams with a closed cup
12 flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR Part 261.21,
13 and Wastewater causing any single reading over ten percent (10%) of the lower explosive limit based on an
14 explosivity meter reading at the point of discharge into the POTW or at any point in the POTW. Prohibited
15 materials include, but are not limited to, gasoline, kerosene, naphthalene, benzene, toluene, xylene, ethers,
16 alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromides, carbides, hydrides, sulfides, and any
17 other substance that the City, the State, or the EPA has notified the person is a fire hazard or hazard to the
18 POTW.

19 2. Wastewater having a pH less than 5.5 or more than 11.0, or otherwise having any other corrosive property
20 capable of causing damage or hazard to structures, equipment, or personnel. Discharges outside this pH range
21 may be authorized by a permit issued by the City pursuant to a finding that the system is specifically designed
22 to accommodate a Discharge of that pH.

23 3. Solid or viscous substances in amounts which may cause obstruction to the flow in the sanitary sewer or
24 other Interference with the operation of the sanitary sewer system or POTW. Specifically prohibited
25 substances in amounts that produce Interference include, but are not limited to: FOG, animal guts or tissues,
26 paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime,
27 stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper,
28 wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or
29 glass grinding or polishing wastes.

30 4. Pollutants, including oxygen demanding Pollutants (BOD, etc.), released in a Discharge at a flow rate and/or
31 Pollutant concentration which, either singly or by interaction with other Pollutants, will cause Interference with
32 the POTW.

33 5. Wastewater with concentrations of Total Suspended Solids or 5-day Biochemical Oxygen Demand
34 exceeding 600 mg/L, without prior authorization from the Receiving Jurisdiction.

35 6. Wastewater having a temperature which will interfere with the biological activity in the POTW, has
36 detrimental effects on the collection system, or prevents entry into the sanitary sewer. In no case shall
37 Wastewater be discharged to the City's collection system at a temperature exceeding 104 degrees Fahrenheit.

38 7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that
39 may cause acute worker health and safety problems or exceed the Receiving Jurisdiction screening levels
40 without prior authorization.

41 8. Septage, unless specifically and expressly approved by the City.

42 9. Trucked or hauled Pollutants, except at Discharge points designated by the City and when specifically and
43 expressly approved by the City.

1 10. The following are prohibited unless approved in writing by the City under extraordinary circumstances,
2 such as lack of direct Discharge alternatives due to combined sewer service or need to augment Sewage flows
3 due to 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 11. 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 12. 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 13. 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 14. 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 15. Sludges, screenings, or other residues from the Pretreatment of Industrial Wastes.

23 16. Medical Wastes, except as specifically authorized by the City.

24 17. Wastewater causing, alone or in conjunction with other sources, a downstream Treatment Plant's effluent to
25 fail a toxicity test.

26 18. Detergents, surface-active agents, or other substances in amounts that may cause excessive foaming in the
27 POTW.

28 19. 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 20. Any substance which will cause a downstream Treatment Plant to violate its NPDES and/or other disposal
33 system permit(s).

34 21. 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 22. Any persistent pesticide and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act
37 (FIFRA) as amended.

1 23. 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 24. 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 25. 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 26. Antifreeze or a coolant solution used in a vehicle or motorized equipment, except as specifically approved
10 by the City.

11 27. An enzyme, chemical, or other agent that emulsifies FOG.

12 28. 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 29. 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 interceptor 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/Service 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. 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 off~~front~~ the property ~~is 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).

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Chapter 11.60

RATES AND BILLING PROCEDURES

Sections:

- 11.60.010 Purpose.
- 11.60.020 ~~Lakehaven Utility District Receiving Jurisdiction~~ sewer rates – Adoption by reference.
- 11.60.030 ~~Lakehaven Utility District Receiving Jurisdiction~~ sewer charges – Adoption by reference.
- 11.60.040 City utility sewer rates.
- 11.60.050 Billing and collection.
- 11.60.060 City conveyance development charge.

11.60.010 Purpose.

The rates and charges set forth or otherwise adopted by reference in this chapter shall apply to the sanitary sewer utility established under this title. (Ord. 11-376 § 1; Ord. 11-364 § 1).

11.60.020 ~~Lakehaven Utility District Receiving Jurisdiction~~ sewer rates – Adoption by reference.

All sanitary sewer bills will be prepared by the city LUD and ~~will include~~ consist of two portions ~~charges~~: the city sewer charge and the Receiving Jurisdiction LUD sewer charge. ~~The rates for sanitary sewer service set forth in by each Receiving Jurisdiction Section 2 of Lakehaven Utility District Resolution No. 2009 1146, as the same now exists and as may subsequently be amended, revised or superseded, are hereby adopted by reference and incorporated herein as if set forth in full. For purposes of this chapter, any future amendments or revisions of said rates resolution shall be in full force automatically in the city upon the effective date thereof. A true and complete copy of said rates resolution, including any subsequent amendments or modifications thereof, shall be maintained at Edgewood City Hall and made available for public inspection and photocopying upon request. (Ord. 11-376 § 1; Ord. 11-364 § 1).~~

11.60.030 ~~Lakehaven Utility District Receiving Jurisdiction~~ sewer charges – Adoption by reference.

The charges and fees applicable to sanitary sewer service set forth by each Receiving Jurisdiction in Lakehaven Utility District Resolution No. 2010 1171, as ~~the same~~ now exists and as may subsequently be amended, revised or superseded, are hereby adopted by reference and incorporated herein as if set forth in full. For purposes of this chapter, any future amendments or revisions of said charges and fees resolution shall be in full force automatically in the city upon the effective date thereof. A true and complete copy of said charges and fees resolution, including any subsequent amendments or modifications thereof, shall be maintained at Edgewood City Hall and made available for public inspection and photocopying upon request. (Ord. 11-376 § 1; Ord. 11-364 § 1).

11.60.040 City utility sewer rates.

All sewer bills ~~will be prepared by LUD and~~ will include two portions: the city sewer charge and the Receiving Jurisdiction LUD sewer charge. ~~The city sewer charge includes a monthly base rate of \$5.00 for all customers, plus a usage rate of \$0.95 per 100 cubic feet of water usage. It is intended that LUD will compute water usage as defined in LUD Resolution No. 2009 1146, as the same now exists and as may subsequently be amended, revised or superseded. The residential (single and multifamily) bills use wet month average, all others use actual water usage. Rates for city usage are listed in the rate table below for the period 2012 through 2016 and are based on the recommendation within the report attached to the ordinance codified in this chapter, titled City of Edgewood Sewer Rate Study.~~

The city sewer charge rates are adopted by city resolution pursuant to EMC 3.35.010 and are based on recommendations within the GSP. The volume portion of the sewer charge for residential accounts is based upon the water meter readings for the months of January, February, March and April, and is recalculated each year. ~~New customers are assigned a usage amount of 800 cubic feet per month (1,600 per two-month cycle), which is an average usage for a typical household. New customers wishing not to use the above estimate can opt for the other alternatives within LUD Resolution No. 2009 1146, as the same now exists and as may subsequently be amended, 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 city 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 EMC 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 EMC Chapter 11.50-~~EMC~~, to the city
13 sewer system, and the owner of that property does not immediately stop such discharge following such notice, in
14 addition to penalties provided for above, the city shall block or disconnect the side sewer to the property of such
15 owner. _

16 Monthly charges for sewer service shall continue unless the owner voluntarily relinquishes his connection pursuant
17 to EMC 11.40.100. The owner shall pay the costs for such disconnection and reconnection, if any, as shall be set by
18 ordinance of the council. (Ord. 06-271 § 1).

19 **11.65.040 Criminal violations.**

20 A. It is unlawful and a misdemeanor to make or cause to be made or to maintain any sewer connection with any
21 sewer of the city, or with any sewer which is connected directly or indirectly with any sewer of the city, without
22 obtaining a permit and paying the connection charge (RCW 35.67.350).

23 B. Any person who commits civil infractions listed in EMC 11.65.010(B), (F), (H), (I), (J), (K), (P), (R), or (S) shall
24 also be guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine not to exceed \$~~5,000~~1,000 or
25 by imprisonment in the county jail for not more than ~~one year~~90, or by both fine and imprisonment. (Ord. 20-572 §
26 4 (Exh. D); Ord. 06-271 § 1. Formerly § 11.65.050).

27 **11.65.050 Other civil violations.**

28 Except as otherwise specified herein, violations of this title shall be deemed civil violations subject to enforcement
29 pursuant to EMC Title 7, Code Enforcement and EMC Chapter 1.10. (Ord. 20-572 § 4 (Exh. D)).

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).~~



CITY OF EDGEWOOD
PLANNING COMMISSION
RECOMMENDATION

The Planning Commission voted X-X to recommend that the City Council adopt the proposed amendments to Edgewood Municipal Code (EMC) Title 11 related to sanitary sewers as presented herewith, implementing the city's General Sewer Plan and updated goals and policies in the 2024 Comprehensive Plan, pending any outstanding coordination with and feedback from the receiving jurisdictions and final review with the City Attorney.

RECOMMENDED BY THE CITY OF EDGEWOOD PLANNING COMMISSION
ON THE 11TH DAY OF AUGUST 2025.

JoAnn Overfield
Planning Commission Chair

Attest by:

Jeremy Metzler, PE
Community Development Director



CITY OF EDGEWOOD
STAFF REPORT
PLANNING COMMISSION AGENDA ITEM

Date: August 11, 2025

Title: 2024 Critical Areas Ordinance Update

Attachments: 2025 DRAFT Best Available Science Annotated Review

Submitted By: Josh Kubitz, 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:

June 9, 2025 – Planning Commission Introduction (COMPLETE)

July 14, 2025 – Planning Commission Discussion (COMPLETE)

August 11, 2025 – Planning Commission Draft BAS and Draft Amendments Review

September 8, 2025 – Planning Commission Draft BAS and Draft Amendments Review

September 11, 2025 – SEPA Issuance and Comment Period

October 13, 2025 – Planning Commission Public Hearing and Final BAS and Draft Amendment Review

November 10, 2025 – Planning Commission Recommendation

November 18, 2025 – City Council Introduction

November 25, 2025 – City Council BAS and Amendment Public Hearing

December 2, 2025 – City Council BAS and Amendment Review

December 9, 2025 – City Council BAS and Amendment Adoption

Public Involvement:

Agencies – Ongoing

Public – Ongoing

Current Discussion:

City staff has conducted a preliminary best available science review, which is provided in Attachment K. The best available science memo is a draft document that hasn't been completed because it does not address the best available science for Fish and Wildlife Habitat Conservation Areas. After additional BAS review and analysis of nearby jurisdiction approaches, staff will be contacting a consultant to provide guidance on the Washington Department of Fish and Wildlife (WDFW) riparian management zone (streams) BAS.

Staff have drafted the attached amendments to the critical area code based on the best available science provided in attachment K for wetlands, aquifer recharge areas, frequently flooded areas, and geologically hazardous areas. The following summarizes these changes:

Chapter 14.10 - General Provisions (Attachment A)

14.10.020 Purpose:

- Clarified vocabulary of department name.

14.10.040 Applicability:

- Updated to clarify that development and related activities are prohibited unless they comply with this title, except where specifically exempted elsewhere in the code.

14.10.050 Administration:

- Added code title reference number EMC 18.40.150
- Updated to include critical areas permit application review type (type II).
- Updated to give applicants an option to request a critical area permit before applying for development if no other development permit is required.
- Updated to include requirements for a complete application under EMC 18.40.150.
- Updated to clarify the need for a third-party review if a project is complex or when application volumes exceed staff capacity.
- Clarify when a variance application is needed.
- Clarify right of entry requirements.
- Simplified process for recording.

14.10.070 Critical area protective measures.

- Clarified general critical area protective measures.
- Updated the applicability of the critical area building setback.
- Clarified the creation of critical area tracts and requirements.
- Clarified the posting of notices of application.

14.10.080 Critical areas reports:

- Clarification on requirements for critical area reports to include impacts of proposal, mitigation sequencing standards identified in 14.10.070(B) and mitigation plans.

14.10.090 Mitigation plans:

- Updated to include analysis and discussion regarding no net loss of critical area function or values in mitigation details.

14.10.100 Variances to critical areas:

- Updated to allow applicants to request a critical area variance to reduce certain buffer or hazard standards. Deviations up to 25% may be approved administratively; larger deviations shall require hearing examiner approval. Special criteria apply, separate from general variance standards.
- Updated to clarify that other federal and state permits may apply.
- Updated to include variance may be granted.
- Updated to provide an alternative to EMC 14.10.100 by demonstrating wetland buffer variance increases wetland function, will jeopardize endangered species and avoided impacts and provided mitigation, pursuant to EMC 14.10.070(B).

- Updated to provide an alternative to EMC 14.10.100 by demonstrating a fish and wildlife habitat buffer variance will not adversely impact receiving water quality or quantity, functions or impact endangered species.

14.10.150 Appendix:

- Updated to remove any redundant title notification requirements.

Chapter 14.20 – Definitions (Attachment B)

- Updated definitions section and section titles to be consistent with current BAS, state regulations, and to better address critical areas requirements from the state agency guidelines and best practices, such as:
 - Anadromous fish
 - Aquifer
 - Aquifer recharge area
 - Best available science
 - Critical Area
 - Cumulative Impacts
 - Department
 - Ditch
 - Director
 - Erosion Hazard
 - Fish and Wildlife Conservation Area
 - Group A water system
 - Historic Structure
 - Lahars
 - Lakes
 - Liquefaction
 - Mitigation
 - Mitigation Sequence
 - Monitoring
 - No Net Loss, Critical Areas
 - Ordinary high-water mark (OHWM)
 - Ponds
 - Priority habitat
 - Priority species
 - Riparian management zone
 - Slope
 - Stormwater conveyance facilities
 - Volcanic hazard areas
 - Waters of the State
 - Wellhead protection area (WHPA)

Chapter 14.30 – Use and Activity (Attachment C)

14.30.030 – Exemptions

- Updated to include requiring written city confirmation before starting any exempt activities. Exempt work must minimize impacts, and any unintended damage to critical areas must be restored at the applicant's expense.
- Updated language to differentiate detached single family and middle housing.
- Updated to clarify emergency actions necessary to prevent imminent threat to public health or safety, or to public or private property, or serious environmental degradation.
- Updated to clarify prohibiting soil compaction; allows alternative methods like mechanical excavation with Department approval and required permits.
- Updated to exempt wildlife viewing, education, and scientific research that does not involve the construction of trails.

- Updated to exempted unpaved residential access paths to wetlands or habitat areas if no wider than 4 feet, avoid flood hazard fill, and are as short as feasible this title.

14.30.040 Nonconforming uses and structures.

- Clarified that nonconforming structures in other Flood Hazard Areas must comply with EMC 14.80.

14.30.050 Reasonable use exceptions:

- Updated to include all items needed for complete application to request a reasonable use exception.
- Updated to clarify the hearing criteria may approve applications for reasonable use exceptions to ensure not net loss of critical are function.

Chapter 14.40 – Wetlands (Attachment D)

14.40.030 Buffer standards – Wetlands.

- Updated to clarify the implementation of buffer width determination table in EMC 14.40.030.1.
- Wetland ratings updated to better align with Department of Ecology’s 2014 Wetland Rating System.
- Replaced the wetland buffer table (EMC 14.40.030.2) to requiring a 33% to the buffers listed in EMC 14.40.030.1 if the project doesn’t incorporate the required mitigation measures. This change is to reduce the public confusion regarding the two tables.
- Wetland ratings (Category I–IV) retained, but with clarified tie-ins to buffer standards.
- Added Functionally Disconnected Buffer statement to allow site-specific reductions or exclusions of wetland buffers where the physical or ecological function of the buffer is already compromised. This is already a permitted concept under EMC 14.10.070.

14.40.040 Wetland review procedures

- This section clarifies the one-family dwelling wetland certification process. This is updated to provide clear guidance while also ensure wetland and wetland buffer protection.

Chapter 14.60 Aquifer Recharge and Wellhead Protection Areas (Attachment E)

14.60.020 Critical aquifer recharge areas identification

- Clarifies standards for land use in critical aquifer recharge areas (CARAs) and wellhead protection areas (WHPAs).
- Replaces general language with clear, enforceable restrictions and tiered regulation based on risk.
- Introduces explicit procedures, engineering requirements, and reporting obligations for potentially contaminating activities

14.60.030 Critical aquifer recharge areas review procedures.

- This section was updated to require hydrologic evaluation of how development may affect stream base flows and wetland groundwater support.
- Updated to clarify that city fire and building is responsible to regulate and authorize all permits for Underground storage tanks.

14.60.040 Critical aquifer recharge areas standards.

- Code updated to clearly outline additional exemption and prohibited uses.
- The update clarifies new agricultural allowing activities that do not involve hazardous substances within an aquifer recharge or wellhead protection area provided the met criteria in Pierce County Code 14.60.040.G.
- Code updates address criteria which public works shall conduct a review under and clarify the conditions the city department wave measures set in this chapter and best available science.
- Updated protection standards to be clearly defined. The updates identified requirements for all land use and development to demonstrate that the proposed activity will not cause contaminants to enter the aquifer and that the proposed activity will not adversely affect the recharging of the aquifer and comply with all federal and state laws.
- The updated section also addresses Protection Standards Hazardous Uses for Vehicle repair and servicing.

14.60.040 Appendix

- Moved Hydrogeologic Assessment requirements under appendix that is consistent with other chapters.

Chapter 14.70 - Volcanic Hazard Areas (Attachment F)

14.70.020 Volcanic hazard areas:

- Updated to clarify travel time zone applicable to the city of Edgewood.

Chapter 14.90 - Landslide hazard areas (Attachment G)

14.90.020 Landslide hazard areas.

- The section provides a structured classification system for landslide hazard areas. Updated to categorize these areas based on past landslide activity and the potential for future instability, ensuring land use decisions and development proposals are matched to actual hazard levels. This section also allows for landslide hazard areas to be stabilized by a qualified professional.

14.90.030 Landslide hazard area review procedures.

- Updated to clarify standards required for an investigation process to evaluate the on-site geology affecting a subject property.

14.90.040 Landslide hazardous area standards

- Updated to clarify performance standards apply to all landslide hazard area(s) or associated buffer(s):
- Updated to prohibit grading/removal during wet season (Nov 1–May 1) unless a Geotech report proves adequate erosion control.

14.90.050 Buffer areas

- Clarified required setbacks or buffer from the landslide hazard area and the determination through a geotechnical assessment.

Chapter 14.60 Seismic hazard areas (Attachment H)

14.100.020 Seismic hazard areas

- Updated to identify method of identification of identified as high and moderate liquefaction and dynamic settlement hazard areas on the Washington Department of Natural Resources

14.100.030 Seismic hazard area review procedures.

- Clarified to ensure that development within or near seismic hazard areas undergoes technical review by qualified geotechnical professionals.

Chapter 14.110 – Erosion Hazard Areas (Attachment I)

14.110.020 Erosion hazard area

- Updated to clearly identify the different type of erosion hazard with the city of Edgewood. Per BAS, the city doesn't have shorelines nor riverine with regulated channel migration zones.

14.110.030 Erosion hazard area review procedures.

- Identified required components to be included in a geological assessment

14.110.040 Erosion hazard area standards:

- Shoreline standards and riverine standards are not applicable to the City of Edgewood, section updated removed standard which applies to shorelines and riverine.

14.110.060 Appendices:

- Clarify minimum requirements for geotechnical verification.

Next Steps:

Staff requests that Planning Commission review the above-mentioned amendments and BAS and prepare any questions, comments, or suggestions. Staff will present some additional questions during the discussion.

Chapter 14.10
GENERAL PROVISIONS
Draft Amendments

Sections:

- 14.10.010 Authority.
- 14.10.020 Purpose.
- 14.10.030 Interpretation.
- 14.10.040 Applicability.
- 14.10.050 Administration.
- 14.10.060 Relationship to other regulations.
- 14.10.070 Critical area protective measures.
- 14.10.080 Critical areas reports.
- 14.10.090 Mitigation plans.
- 14.10.100 Variances to critical areas.
- 14.10.110 Reconsideration and appeal procedures.
- 14.10.120 Fees.
- 14.10.130 Compliance.
- 14.10.140 Warning and disclaimer of liability.
- 14.10.145 Enforcement.
- 14.10.150 Appendix.

14.10.010 Authority.

A. This title is established and adopted pursuant to the Growth Management Act (RCW 36.70A.060).

B. As provided herein, the director or their designee is given the authority to interpret, apply, and enforce this title.

14.10.020 Purpose.

A. The purpose of this title is to protect the critical areas of Edgewood from the impacts of development by establishing minimum standards for development activity on sites that contain or adjoin any critical area or its buffer(s). Further, the purpose of these regulations is to mitigate the potential hazard(s) to development in and near critical areas.

B. The purpose is further envisioned to promote the public health, safety, and welfare by:

1. Avoiding impacts to critical areas;
2. Mitigating unavoidable impacts of regulated activities;
3. Protecting critical areas from impacts of development;
4. Protecting the public against losses from:
 - a. Costs of public emergency rescue and relief operations where the causes are avoidable; and
 - b. Degradation of the natural environment and the expense associated with repair or replacement;
5. Preventing adverse impacts on water availability, water quality, wetlands, and streams;
6. Protecting unique, fragile, and valuable elements of the environment, including critical fish and wildlife habitat conservation areas;
7. Providing ~~community development~~ department (~~department~~) staff with sufficient information to adequately protect critical areas and proposed development activity when approving, conditioning, or denying public or private regulated activities;

8. Providing the public with sufficient information and notice of potential risks associated with development in critical areas; and

9. Implementing the goals and requirements of the Growth Management Act (RCW 36.70A.060), the State Environmental Policy Act (SEPA), the city's comprehensive plan, and all updates, amendments, functional plans, and other land use policies formally adopted or accepted by the city.

14.10.030 Interpretation.

A. In the interpretation and application of this title, all provisions shall be:

1. Considered the minimum necessary for compliance; and
2. Liberally construed to serve the purposes of this title.

B. Nothing contained herein shall be deemed to limit or repeal any other powers under state statute.

14.10.040 Applicability.

A. This title shall apply to all lands and waters within Edgewood designated, mapped, or identified as a critical area, critical area buffer, closed depression, erosion hazard area, flood hazard area, landslide hazard area, mineral resource land, natural resource land, seismic hazard area, sensitive area, volcanic hazard area, or wellhead protection area.

B. Unless otherwise excepted herein or under the chapters contained in this title, No development, development activity, or regulated activities shall hereafter take place without full compliance with this title.

C. When the requirements of this title are more stringent than those of other city codes and regulations, the requirements of this title shall apply.

D. Compliance with these regulations does not remove an applicant's obligation to comply with applicable provisions of any other federal, state, or local law or regulation.

E. Criteria for determining the presence of a critical area is contained within each chapter of this title.

F. When a site contains two or more critical areas, the site shall meet the minimum standards and requirements for each.

G. Critical areas, as defined in EMC 14.20.010, Definitions, and known potential critical areas shall be shown on the geographic coverage layers maintained as a part of the city's geographic information system (GIS) under the authorization of the director. No unauthorized person may alter or modify the critical areas GIS layers. This geographic coverage layer, as amended from time to time, shall constitute the official critical areas map and shall be incorporated into this title by reference as if fully set forth herein.

H. The boundary of each mapped area identified in subsection (A) of this section is approximate and is only intended to provide an indication of the presence of a critical area on a particular site. Additional critical areas that have not been mapped may also be present on a site. The actual presence of a critical area and the applicability of these regulations shall be determined based upon the classification or categorization criteria and review procedures established for each critical area. City staff or the city's consultant(s) may request the ability to perform an on-site inspection to assess the site in order to advise if additional studies or reports shall be included with any development application.

14.10.050 Administration.

A. Critical Areas Permit or Approval Required. In order to conduct any development activity or regulated activity on any property located within 300 feet of a potential critical area, as each critical area is defined in this title or as shown on the city's critical areas map(s), a critical areas permit or an approval must be obtained from the city.

B. Critical Areas Approval with underlying permit.

1. If the city requires that another permit application be submitted under a different code chapter in order to allow the proposed development activity or regulated activity, then a separate critical areas permit is not required. Instead, the city shall review the underlying application, together with the application materials required herein, to determine compliance or noncompliance with this title. The determination on such compliance or noncompliance shall be incorporated within the decision on the underlying application.

2. In addition to the materials required to make the underlying application complete as required by ~~the city's code outside of this title~~ EMC 18.40.150, the applicant shall also submit the materials set forth herein, where the subject property is within 300 feet of a critical area. ~~The city shall not issue a determination that the underlying application is complete until all materials have been submitted.~~

3. ~~A pre-application meeting is not required but is highly recommended. The critical areas materials shall be reviewed following the same process as the underlying application.~~

C. Critical Areas Permit.

1. If the city does not require any other permit in order to allow the proposed development activity or regulated activity, the applicant shall be required to obtain a separate critical areas permit in order for the proposed development activity to proceed. An applicant may also request a critical area permit for project sites prior to seeking an application for a development proposal. Unless there is a change in site conditions, or changes in mapping sources, the critical area permit will be valid for five years after the date of the issuance.

2. Critical area permit shall be reviewed as a Type II – Major administrative action as set forth in EMC 18.40.090.

3. Applications shall be reviewed for completeness in accordance with EMC 18.40.150 and includes all the items identified in this title that are necessary to complete the application for the specific critical area. A complete application for a critical areas permit shall consist of the materials set forth in subsection (D) of this section.

3. ~~A pre-application meeting is not required but is highly recommended. The process for review of a critical area permit where there is no underlying application is the Type II process, as set forth within EMC 18.40.090.~~

~~D. Elements of a Complete Permit Application. A complete application for approval of a critical areas permit under this title shall consist of the following materials:~~

~~1. A completed permit application form, which must be signed by the record owner of the property (the person(s) whose name is on the most recently recorded deed or contract purchaser with written permission from the record owner). An application form may be signed by an agent for the record owner, as long as the application is also accompanied by a verified statement signed by the record owner, which specifically authorizes the agent to submit the application on the record owner's behalf;~~

~~2. The subject site's street address, legal description, or both items if necessary for property identification;~~

~~3. A complete description of the proposed development activity;~~

~~4. All items identified in this title that are necessary to complete the application for the specific critical area; and~~

~~5. The required application fee.~~

E. Critical areas reports shall not be submitted without an accompanying permit application for an underlying action, such as, but not limited to, a building permit, subdivision or boundary line adjustment action, site development, TPCHD permit, or an administrative, conditional, or special use permit, with the exception of applications required by the department as a result of an enforcement action, reports required by TPCHD for septic design approval, or associated with a request under the Pierce County open space public benefit rating system tax program.

F. Modifications. The department may request an update of any required assessment, report, or delineation due to the potential for change in the existing environment that may have been caused by a natural event, e.g., seismic

event, landslides, or flooding- or human-induced activity that degraded the existing conditions after the original document was submitted.

G. Public Notice. Public notice provisions for notice of application, public hearing, if applicable, and final decision pursuant to this title are outlined in EMC 18.40-190, [Notice of public hearing](#).

H. Review.

1. Initial Review. The department shall conduct an initial review of any application in accordance with the provisions [outline in EMC 18.40](#), ~~outlined in EMC 18.40.150, Determination of completeness.~~

2. [Third Party Review. The department may require or determine independent third party review by a qualified professional is required due to the scale or complexity of the proposal.](#)

3. Review Responsibilities.

a. The department is responsible for administration, circulation, and review of any applications and approvals required by this title.

b. Any reasonable use exception applications shall follow EMC 14.30.050 [and any variance application shall follow EMC14.10.100](#).

c. Other [cities](#) or Pierce County departments and state agencies, as determined by the department, may review an application and forward their respective recommendations to the director or hearing examiner, as appropriate.

3. Review Process.

a. The department shall perform a critical area review for any building or land use application submitted for a regulated activity. Reviews for multiple critical areas shall occur concurrently.

b. The department shall, to the extent reasonable, consolidate the processing of related aspects of other city regulatory programs which affect activities in any regulated critical area.

c. As part of the initial review of all related permit applications, the department shall review the information to:

i. Confirm the nature and type of the critical area and evaluate whether any assessments, reports, or studies are required;

ii. Determine whether the development proposal is consistent with this title;

iii. Determine whether any proposed alterations to the site containing critical areas are necessary; and

iv. [Following mitigation sequency pursuant to EMC 14.10.070\(b\)](#), ~~D~~determine if the mitigation and monitoring plans submitted by the applicant are sufficient to protect the public health, safety, and welfare consistent with the goals, purposes, objectives, and requirements of this title.

d. Regulated activities subject to SEPA shall also be reviewed with consideration for impacts on critical areas as identified in this title. Regulated activities that pose a significant adverse impact which are not addressed by the standards and criteria established in this title may be subject to additional mitigation measures as determined through the SEPA process. A threshold determination issued pursuant to EMC Title 20, SEPA, may not be made prior to the department's review of any special studies or technical reports required by this title, except where the applicant requests a declaration of significance so that environmental review is required.

e. Critical areas applications required under this title shall be approved prior to approval of any underlying permit action.

f. The department may waive the requirement to submit a critical area report when the proposed project area for a regulated activity is located in an area that has been the subject of a previously submitted and approved assessment or report, if all of the following conditions have been met:

- i. The provisions of this title have been previously addressed as part of another approval;
- ii. There has been no material change in the potential impact to the critical area or required buffer since the prior review;
- iii. There is no new information available that is applicable to any critical review of the site or particular critical area;
- iv. The permit or approval has not expired, or, if there is no expiration date, no more than five years have elapsed since the issuance of that permit or approval; and
- v. Compliance with any standards or conditions placed upon the prior permit or approval has been achieved or secured.

4. Right of Entry.

a. When an application has been submitted, the city shall have a right of entry to verify the submitted information is correct; to ensure any applicable condition(s) of approval were satisfied; to confirm any required monitoring is being performed; or to attest that all outstanding items subject to a performance bond were completed.

b. The right of entry shall extend until the last condition in the permit has been satisfied.

54. Burden of Proof. The applicant has the burden of proving that a proposed application complies with the standards set forth in this title.

65. Final Decision.

a. The department may approve, approve with conditions, or deny any critical areas applications or underlying applications for development within any critical area. Approval of a development proposal does not discharge the obligation of the applicant to comply with the provisions of this title.

b. Applicants shall comply with the recommendations or mitigation measures contained in final approved assessments or reports and any final decision and conditions of approval.

c. Approval of an application required under this title must be given prior to the start of any development activity on a site.

76. Time Period for Final Decision. The provisions for issuing a notice of final decision on any application filed pursuant to this title is set forth in EMC 18.40.040200, ~~Coordination of development permit procedures.~~

I. Time Limitations.

1. Expiration of Approval.

a. Approvals granted under this title shall be valid for the same time period as the underlying permit. If the underlying permit does not contain a specified expiration date, then approvals granted under this title shall be valid for a period of three years from the date of issue, unless a longer or shorter period is specified in the final decision.

b. The approval shall be considered null and void upon expiration, unless a time extension is requested and granted as set forth in ~~subsection (1)(2) of this section~~ EMC 18.40.090 or 18.40.100, based on the approval process type.

~~2. Time Extensions.~~

- ~~a. The applicant or owner(s) may request in writing a one-time, one-year extension of the original approval. To receive the extension, the applicant must demonstrate that circumstances beyond their control dictated the need for the extension. The extension would set a new expiration date one year later than the initial expiration.~~
- ~~b. Knowledge of the expiration date and initiation of a request for a time extension is the responsibility of the applicant or owner(s).~~
- ~~c. A written request for a time extension shall be filed with the department at least 60 days prior to the expiration of the approval.~~
- ~~d. Upon filing of a written request for a time extension, a copy shall be sent to each party of record together with governmental departments or agencies that were involved in the original approval process. By letter, the department shall request written comments be delivered to the department within 30 days of the date of the letter.~~
- ~~e. Prior to the granting of a time extension, the department may require a new application(s), updated study(ies), and fee(s) if:
 - ~~i. The original intent of the approval is altered or enlarged by the renewal;~~
 - ~~ii. The circumstances relevant to the review and issuance of the original approval have changed substantially; or~~
 - ~~iii. The applicant failed to abide by the terms of the original approval.~~~~

J. Recording.

1. Approvals.

- ~~a. Except for work proposed within a recorded, existing utility easement, A~~ approvals to modify a critical area or which otherwise require mitigation and or monitoring shall be recorded on the title of the project parcel(s) at the Pierce County auditor's office by city of Edgewood staff prior to issuance of any permit authorizing the project to proceed and at the sole expense of applicant.
- b. EMC 14.10.070(F), Title and Land Division Notification, contains additional recording requirements.
- ~~c. Work within a recorded, existing utility easement is not required to meet subsection (J)(1)(a) of this section.~~

~~2. Right of Entry.~~

- ~~a. When an application has been submitted, the city shall have a right of entry to verify the submitted information is correct; to ensure any applicable condition(s) of approval were satisfied; to confirm any required monitoring is being performed; or to attest that all outstanding items subject to a performance bond were completed.~~
- ~~b. The right of entry shall extend until the last condition in the permit has been satisfied.~~

14.10.060 — Relationship to other regulations.

A. This title shall apply in addition to zoning and other regulations adopted by the city and concurrently with review conducted under SEPA.

B. Compliance with the provisions of this title does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required. The applicant is responsible for complying with all other requirements, apart from the process established in this title.

~~C. Regulated activities that may impact critical areas or their buffers, but do not require any other city permits or approvals, may be reviewed as a critical areas permit.~~

14.10.070 Critical area protective measures.

A. General. All critical area tracts, conservation easements, land trust dedications, and other similarly preserved areas shall remain undeveloped in perpetuity, except as they may be allowed to be altered pursuant to this title.

~~1. Conservation easements and other similarly preserved areas restrict both the current use as well as future uses of the land to some important conservation quality such as habitat preservation, open space, or scenic views.~~

~~2. A land trust or governmental entity that manages properties for long-term goals typically holds the conservation easement or other similarly preserved area.~~

B. Mitigation Sequence. Adverse impacts caused by new activities and developments shall be mitigated using the following action(s) in order of priority:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
6. Monitoring the impact and the compensation project and taking appropriate corrective measures.

C. Identification of Critical Areas and Required Buffers on Construction Plans. Critical areas and required buffers shall be clearly identified on all construction plans.

D. Building Setbacks.

1. Unless otherwise provided in this title, buildings and other structures shall be set back a minimum of 15 feet from the edge of ~~all~~ critical area buffers, or, the edge of the critical area where no buffers are required, ~~the edge of the critical area~~ for the following critical areas: wetlands, fish and wildlife habitats, and landslide hazards.

2. The following uses and activities may be allowed in the building setback area:

- a. Landscaping;
- b. Uncovered decks;
- c. Building overhangs extending 18 inches or less into the setback area;
- d. Impervious ground surfaces, such as driveways, parking lots, roads, walkways, and patios; provided, that such improvements conform to the water quality standards set forth in the city's adopted stormwater management manual and that construction equipment does not enter the buffer during the construction process;
- e. Clearing and grading; or
- f. Any combination of items in subsections (D)(2)(a) through (e) of this section.

~~3. All other uses and activities not listed in subsections (D)(2)(a) through (e) of this section are prohibited.~~

E. Financial Guarantees.

1. The city may require an applicant to submit one or more financial guarantees, ~~e.g., surety bond, cash escrow, cash set aside, assignment of funds, or letter of credit,~~ to the city to guarantee any performance, mitigation, maintenance, or monitoring required as a condition of permit approval. The approval for the project will not be granted until the financial guarantee is received by the department. Projects where the city or one of its departments is the applicant shall not be required to post a financial guarantee.
2. Financial guarantee instruments required under this title shall be:
 - a. In addition to any other site development guarantees required for project approval;
 - b. Submitted on financial guarantee forms approved by the city;
 - c. In the amount of 125 percent of the city engineer's estimate of the cost of mitigation or monitoring, plus an additional 5% for each year beyond 5 years of monitoring, to allow for inflation and administration should the city have to complete the mitigation or monitoring; and
 - d. Released by the city only when the applicant's appropriate technical professional has provided written confirmation that the performance, mitigation, or monitoring requirements have been met and the department or its agent inspected the site(s) for compliance.
3. Failure to complete any performance, mitigation, or monitoring may result in the forfeiture or release of the guarantee. Applicants who have previously defaulted will no longer be allowed to post a bond guarantee for improvements necessary for approval of a land use application. Applicants who have previously defaulted will be allowed to post cash guarantees for subsequent critical area mitigation work needed for approval of a land use application or permit, but the guarantee must be by cash guarantee only.

F. Title and Land Division Notification.

1. General.

- a. Title or land division notice(s) shall be required to be recorded with the Pierce County auditor on each site that contains a critical area at the time of approval of any regulated activity on a site.
- b. If more than one critical area subject to the provisions of this title exists on the site, then one notice which addresses all of the critical areas may be sufficient.
- c. Title or land division notifications and notes shall be approved by the department and shall be consistent with EMC 14.10.150, Appendix.
- d. Applicant shall be responsible for the recording costs of the notice.

~~e. Notice on title is not required for utility line easements on lands not owned by the jurisdiction conducting the regulated activity, e.g., gas pipelines.~~

2. Land Division Notification and Notes. As referenced in EMC 14.10.150, ~~Appendix,~~ there shall be notes included on the face of any final plat, final binding site plan, short plat, or boundary line adjustment that contain any critical areas or buffers. The critical area boundaries and the boundary of any associated buffers shall be identified on the face of these documents prior to submission to the city for approval.

G. Tracts and Conservation Easements. Prior to final approval of any final plat, final binding site plan, or short plat, the part of the critical area and required buffer, which is located on the site, shall be placed in a separate tract(s) or conservation easement(s). The following requirements apply:

1. Critical area tracts must adhere to the provisions in EMC 16.01.100, and the face of the plat shall include the requirement that the owners of all lots shall be required to preserve, protect, and maintain the critical areas.

2. Critical area tracts shall not be dedicated to the city without explicit written approval from the director.

3. A permanent conservation easement shall indicate allowable and prohibited uses within the critical area and required buffer.

Conservation Easements.

1. Prior to any final critical area approval, the part of the critical area and required buffer which is located on the site shall be protected with a conservation easement or other similar permanent deed restriction.

2. The conservation easement shall indicate allowable and prohibited uses within the critical area and required buffer.

H. Tracts. Critical area tracts created as part of a subdivision action must adhere to the provisions in EMC-16.01.100, and the face of the plat shall include the requirement that the owners of all lots shall be required to preserve, protect, and maintain the critical areas.

I. Homeowner's Covenants.

1. A description of the critical area and required buffer shall be placed in any required homeowner's covenants to provide notice to the homeowners of their responsibility to preserve, protect, and maintain the critical areas in perpetuity.

2. Such covenants shall contain a detailed description of the allowable uses within the critical area and, if applicable, associated buffer and long-term management and maintenance requirements of the critical area.

J. Markers, Fencing, and Signage.

1. Markers.

a. Prior to final approval of any critical areas application, the outer edge of the applicable onsite critical areas' boundaries, or required buffer boundaries where required, on the site shall be flagged by the qualified professional, as outlined in each chapter herein.

b. The boundaries of any required conservation easements and/or tracts shall then be identified with rebar and cap permanent markers and flagged by a licensed surveyor, unless otherwise stated in this title. The permanent markers shall be clearly visible, durable, and permanently affixed to the ground.

2. Fencing.

a. Temporary Construction Fencing.

i. Temporary fencing is required when ever land disturbing activity is proposed and vegetation is to be retained in an undisturbed condition within the critical area and required buffer.

ii. When temporary fencing is required, the applicant shall construct silt fencing, construction fencing, or other city-approved method of temporary fencing at the edge of the critical area or the edge of the required buffer prior to beginning construction on the site.

b. Permanent Fencing. Where deemed necessary by the department to provide permanent protection to the applicable critical area, the applicant will be required to construct permanent, wildlife-passable fencing (splitrail or similar design) along the buffer boundary.

3. Signage.

a. The department shall require permanent signage to be installed at the edge of the critical area or the edge of the required buffer for the following critical areas: wetlands, fish and wildlife habitats, and landslide hazards.

~~b. The sign shall indicate the type of critical area and if the area is to remain in a natural condition as permanent open space.~~

b. Exact sign ~~locations~~, wording, size, and design specifications shall be established by the department.

~~c. Signage shall be clearly visible, durable, and permanently affixed to the site, preferably on applicable permanent fencing ground, at an interval of one every 50 feet, or one per lot if the lot is less than 50 feet wide, and must be maintained by the property owner in perpetuity.~~

d. Prior to final inspection approval of any critical area permit application or associated underlying construction permit, the applicant shall submit an affidavit of posting to the department as proof that the required signs were posted on the site.

14.10.080 Critical areas reports.

A. The applicant shall submit a critical areas report as required per this title.

B. The critical areas report shall use scientifically valid methods and studies in the analysis of critical area data and field reconnaissance to evaluate the proposed development and all probable impacts to critical areas in accordance with the provisions of this title. The report shall reference the source(s) of science used in accordance with WAC 365-195-900 through 365-195-925.

C. At a minimum the report shall contain the following ~~10~~ items:

1. The name and contact information of the applicant;
2. A description of the proposal;
3. The site plan for the proposed development, including a map drawn to scale depicting critical areas, buffers, the proposed development, and any areas to be cleared or altered;
4. The date of the report and names and qualifications of the persons preparing the report;
5. Documentation of any fieldwork performed on the site;
6. Identification and characterization of all critical areas and buffers on and adjacent to the proposed development;
7. Assessment of the probable impact of the development proposal on critical areas;
8. Detailed explanation of how the project is consistent with each of the mitigation sequencing standards identified in EMC 14.10.070(B);
9. If impacts to the buffer or critical area are proposed the report shall provide the requirements listed in EMC 14.10.090 Mitigation Plans
97. A statement specifying the accuracy of the report, and all assumptions made and relied upon;
108. A discussion of the performance standards applicable to the critical area and proposed development;
119. A mitigation plan in accordance with EMC 14.10.090, if mitigation is required; and
120. Any additional report information required for the critical area as specified herein.

14.10.090 Mitigation plans.

A. When mitigation is required, the applicant shall submit a mitigation plan.

B. The mitigation plan shall include all of the following details outlined in subsections (B)(1) through (6) of this section:

1. Mitigation Sequencing. A description of reasonable efforts made to apply mitigation sequencing pursuant to EMC 14.10.070(B) to avoid, minimize, and mitigate impacts to critical areas and buffers.

2. Mitigation Details.

- a. A description of the anticipated impacts to the critical area and buffer, including impacts to critical area functions and values;
- b. The type of mitigation proposed, e.g., on-site or off-site; site selection criteria; identification of compensation goals; and identification of critical area functions;
- c. The environmental goals and objectives of the mitigation, together with specific measurable criteria and performance standards for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained;
- d. A review of the best available science supporting the proposed mitigation; and
- e. An analysis of the likelihood of success of the mitigation project.

[F. An analysis and discussion regarding no net loss of critical area function or values](#)

3. Construction Details. The mitigation plan shall include written specifications, descriptions, and drawings of the mitigation proposed, including:

- a. Construction sequence, timing, and duration;
- b. Grading and excavation details;
- c. Erosion and sediment control features; and
- d. Planting plan specifying plant species, quantities, locations, size, spacing, density, and measures to protect and maintain plants until established. All plant species must be native to the region.

4. Monitoring Details.

- a. A program for monitoring construction and assessing the outcome of the mitigation project, including the schedule for site monitoring, e.g., monitoring shall occur in year one, three, and five after site construction, and how the monitoring data will be evaluated to determine if the performance standards are being met. Monitoring reports shall be submitted to document milestones, successes, problems, and contingency actions of the compensation project. The mitigation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period of less than five years. For example, 10 years or more of monitoring are needed for forested and scrub-shrub communities. Mitigation monitoring shall be the responsibility of the applicant.
- b. A contingency plan with courses of action and corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.

5. Mitigation Cost Estimate. A mitigation cost estimate for the entire compensatory mitigation project, per the requirements of EMC 14.10.070(E).

6. Other Requirements. The mitigation plan shall address any additional mitigation requirements relevant to the specific critical area as specified in the following chapters.

14.10.100 Variances to critical areas.

A. General. [An applicant, who seeks to reduce wetland buffer, fish and wildlife habitat conservation area standards or buffer, landslide buffer requirements, or the flood hazard area standards may pursue a critical area variance.](#)

B. Process: Deviations of less than or equal to 25 percent of the standard will be considered an administrative variance and may be processed under EMC 18.40.090. All other deviations will be considered a general variance that requires a Hearing Examiner approval and shall be processed under EMC 18.40.100. The criteria for approval for critical area variances are contained herein, and are not subject to the criteria for general variances contained in EMC 18.50.080(D)(2). Variances are reviewed pursuant to the same permit process as a general variance, as outlined in Chapter 18.40 EMC and EMC 18.50.080. The criteria for approval for critical area variances are contained herein, and are not subject to the criteria for general variances contained in EMC 18.50.080(D)(2). Conditions may be attached to any critical area variance which will serve to meet the goals, objectives, and policies of this title. Other state and federal permits and approvals may still apply.

B. Variance Criteria. A variance may be granted from the requirements of this chapter only if the decision maker makes written findings that the applicant has demonstrated that the requested action conforms to all of the criteria set forth as follows:

1. There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to surrounding properties or that make it impossible to redesign the project to preclude the need for a variance; and Special conditions and circumstances exist that are peculiar to the land, the lot, or something inherent in the land, and that are not applicable to other lands in the same district; and
2. The special conditions described above is specifically related to the property and unique conditions and not from the applicant's own actions (including deed restrictions) and circumstances do not result from the actions of the applicant; and
3. The applicant has followed the steps of Mitigation Sequencing consistent with EMC 14.10.070(B) and provided mitigation to the maximum practical extent. A literal interpretation of the provisions of this title would deprive the applicant of all reasonable economic uses and privileges permitted to other properties in the vicinity and zone of the subject property under the terms of this title, and the variance requested is the minimum necessary to provide the applicant with such rights; and
4. That the variance authorized does not constitute a grant of special privilege not enjoyed by other properties in the area, and will be the minimum necessary to afford relief. Granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings under similar circumstances; and
5. The granting of the That the variance is consistent with the general purpose and intent of this title, and will not further degrade the functions or values of the associated critical areas or otherwise be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the subject property; and
6. The decision to grant the variance incorporates the best available science and gives special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish habitat; and
7. The granting of the variance is consistent with the general purpose and intent of the Edgewood comprehensive plan and adopted development regulations.

C. In lieu of criteria EMC 14.10.100, provided above, an applicant may pursue a wetland buffer variance through demonstration of all of the following criteria:

1. The variance results in an overall increase in the function of the wetland.
2. The variance will not jeopardize the continued existence of species listed by the Federal government or the State as endangered, threatened, sensitive, or documented priority species or priority habitats.
3. The applicant has avoided impacts and provided mitigation, pursuant to EMC 14.10.070(B), to the maximum practical extent.

D. In lieu of criteria EMC 14.10.100, provided above, an applicant may pursue a fish and wildlife habitat buffer variance through demonstration of all of the following criteria:

- [1. The variance will not adversely impact receiving water quality or quantity.](#)
- [2. The variance will not adversely impact any functional attribute of the habitat area.](#)
- [3. The variance will not jeopardize the continued existence of species listed by the Federal government or the State as endangered, threatened, sensitive, or documented priority species or priority habitats.](#)
- [4. The applicant has avoided impacts and provided mitigation, pursuant to EMC 14.10.070\(B\) to the maximum practical extent.](#)

DE. Additional Criteria for Flood Hazard Area Variances. Refer to Chapter 14.80 EMC, Flood Hazard Areas, for specific criteria.

D. Should a variance be denied, the applicant may submit a reasonable use exception application.

14.10.110 Reconsideration and appeal procedures.

Procedures for appeal of a final decision on a critical areas permit, a decision relating to critical areas in the underlying permit, a critical areas variance, or a critical areas flood hazard variance are set forth in Chapter 18.40 EMC.

14.10.120 Fees.

A. Fees for applications or reviews of reports, studies, or plans filed pursuant to this title are set forth in the adopted fee schedule and as identified herein.

B. Fee Establishment. The city, by resolution, shall establish fees for filing of critical area review processing and other services provided by the city as required by this title.

C. Applicant Responsibilities. Unless otherwise indicated in this title, the applicant shall be responsible for the initiation, preparation, submission, and expense of all required reports, assessment(s), studies, plans, reconnaissance(s), peer review(s) by qualified consultants, and other work prepared in support of or necessary to review the application. For those items initiated by the city, e.g., peer review(s), the applicant is responsible for the expense and both the preparation and submission of the application materials, and not initiation of the review or preparation of the package submitted to the respective peer reviewer.

D. Payment. Fees established in accordance with this title shall be paid upon submission of a signed application or petition for appeal, or as otherwise provided by any fee ordinance or resolution adopted by the city council.

E. Investigation Fee. To investigate violations of this title, all city fees associated with investigation of violations of this title may be assessed at the adopted billable staff hour rate in addition to any required consultant costs, legal costs, and other expenses necessary to complete the investigation of the violation. The payment of such investigation fees shall not exempt any person from compliance with all other provisions of this title, nor from penalties prescribed by law.

14.10.130 Compliance.

A. The regulations for compliance with the provisions of this title are set forth in EMC 18.30.040, Scope and compliance.

B. When a [verified or potential](#) critical area or its required buffer has been altered in violation of this title, the department shall require the property owner to bring the site into compliance. The property owner shall be required to submit the appropriate critical areas application(s), as applicable for each chapter of this title. In addition to any required site investigation, delineations, assessments, or reports, the property owner shall be required to submit a restoration plan that identifies the proposed mitigation to bring the subject property into compliance with the requirements of this title.

14.10.140 Warning and disclaimer of liability.

A. The degree of protection required through application of this title is deemed to be reasonable for regulatory purposes and is based on best available science; however, natural events that may exceed the geographic boundaries

regulated under this title can and will occur, e.g., flood heights that are higher than anticipated. This title does not imply that land outside designated hazard areas or uses permitted within such areas will be free from damages.

B. The express purpose of this title is to provide for the health, safety and welfare of the general public, and not to protect individuals or create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this title. The obligation of complying with the requirements of this title and the liability for failing to do so is hereby placed upon the property owner and/or persons responsible for the condition of the property, buildings or premises.

C. Nothing in this title is intended to be nor shall be construed to create or form the basis for any liability on the part of the city, its officers, officials, employees or agents for any injury or damage resulting from the failure of the owner of property or land to comply with the provisions of this title or by reason or in consequence of any inspection, notice, order, certificate, permission or approval, authorized or issued or done in connection with the implementation or enforcement of this title, or by reason of any action or inaction on the part of the city, related in any manner to the enforcement of the title by its officers, officials, employees or agents.

14.10.145 Enforcement.

Unless otherwise specified, violations of this title shall be deemed civil violations subject to enforcement pursuant to EMC Title 7, Code Enforcement.

14.10.150 Appendix.

A. Title and Plat Notification Forms.

APPENDIX A

TITLE AND PLAT NOTIFICATION FORMS

A. Notice for Title Notification.

1. Example:

Tax Parcel Number:

Address:

Legal Description:

Present Owner:

NOTICE: This property contains [identify Critical Area, e.g., Wetlands or Wetland Buffers] as defined by EMC Title 14. The site was the subject of a development proposal for application number [insert case file number] filed on [insert date]. Restrictions on use or alteration of the site may exist due to natural conditions of the property and resulting regulations. Review of such application has provided information on the location of the [identify Critical Area, e.g., Wetlands or Wetland Buffers] and any restriction on use.

Date _____

Signature of owner _____

Notary acknowledgment and notary seal

B. Additional Title Notification Statements.

1. Title notification for liquefaction and dynamic settlement hazard areas shall include a statement of the performance criteria, i.e., protection of life safety only, provision for minimal structural damage so that postearthquake functionality is substantially unchanged, no structural damage for the design earthquake.

~~2. Title notification for fault rupture hazard areas shall include a statement that a fault rupture hazard area or associated buffer exists on the site. The title notification shall include a site plan of the subject property with the fault rupture hazard area and associated buffer identified.~~

23. Properties that contain flood hazard areas pursuant to Chapter 14.80 EMC shall include the following statement:

Flood Elevation Certificates are kept on file by the Department.

C. Notice for Plat Notification/Plat Notes.

1. General. The following notice shall be placed on the face of the final plat, short plat, large lot, or binding site plan documents when said [subdivision application](#) contains any critical area or buffer:

Notice: This site lies within a [insert type of Critical Area] as defined in EMC Title 14. Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation.

2. Native Vegetation Preservation Areas. The following notice shall be placed on the face of the final plat, short plat, large lot, or binding site plan documents when said [subdivision application](#) contains any critical area or buffer and when said critical area or buffers have been identified as native or natural vegetation preservation areas:

Notice: The Critical Areas appearing on this [final site plan/preliminary plat/final plat/short plat/large lot/engineering drawing] contain areas of Native Vegetation intended to Buffer the Critical Area from the adverse effects of development. These Critical Areas shall remain and be maintained in a natural, undeveloped, open space state. There shall be no Clearing and Grading or construction within the Critical Areas, except as shown on plans or documents approved by the City of Edgewood and contained in the official files for this development. Each Critical Area shall remain undisturbed except for periodic watering and hand weeding of plants designated as noxious by the State of Washington.

3. Plat Notes for Flood Hazard Areas. The following notes shall be placed on the face of any final plat, short plat, large lot, or binding site plan documents which lie within a flood hazard area:

a. Clearing and Grading within the limits of the 100-year Floodplain is prohibited, except for watercourse related construction, repair, or maintenance work that is done by the City for management operations.

b. If a higher frequency event occurs or if existing conditions upon which the Flood Hazard Area boundaries were based were to change or occur differently than depicted, then the level of protection afforded by the existing levee, if applicable, and Flood Hazard Area standards may not be adequate to prevent the subject site from flooding.

c. All purchasers, developers, and their agents of property within the subject development area or parcel shall take notice of the above conditions and hereby agree to defend, indemnify, and hold harmless the City from any and all claims, losses, costs, liabilities, or damages of any nature imposed upon or asserted against Edgewood arising out of or caused by the City's issuance of approval or by issuance of any other permits arising out of this approval.

d. All occupants or owners of property in the subject area assume the risk of flooding which may occur and waive any claims against the City arising out of damage or injury to person or property resulting therefrom.

Chapter 14.20
DEFINITIONS
Draft Amendments

Sections:

14.20.010 Definitions.

14.20.010 Definitions.

A. This title relies on the definitions contained in Chapter 18.20 EMC, Definitions. Any word or phrase not contained herein shall be first referenced to Chapter 18.20 EMC for meaning. The city also adopts by reference the definitions stated in WAC 197-11-700 through 197-11-799, as now or hereafter amended.

1. For any word or term not defined herein, the latest edition of Webster's Dictionary shall be used.
2. The director, or their designee, has the final authority to determine the interpretation or usage of terms used in this chapter.

B. Additional definitions not contained in Chapter 18.20 EMC that apply to this title are:

1. "Addition" means an alteration to an existing structure that increases the floor area, either affixed to the structure's side or an upper story addition.
2. "Agricultural activities" means the production of crops or raising or keeping livestock, including operation and maintenance of farm and stock ponds, drainage ditches, irrigation systems, and normal operation, maintenance, and repair of existing serviceable agricultural structures, facilities, or improved areas, and the practice of aquaculture. Activities which bring an area into agricultural use are not part of an ongoing activity. An operation ceases to be ongoing when the area in which it was conducted is proposed for conversion to a nonagricultural use or has lain idle for a period of longer than five years, unless the idle land is registered in a federal or state soils conservation program. Forest practices regulated under Chapter 76.09 RCW or WAC Title 222 are not included in this definition.
3. "Agricultural land(s)" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

XX. "Anadromous fish" means fish species that spend most of their lifecycle in salt water but return to freshwater to reproduce.

4. "Animal containment area" means a site keeping at least 2,000 pounds of large animals per acre or 750 pounds of small animals per acre, or where a high volume of waste material is deposited in quantities capable of impacting groundwater resources.
5. "Animal, large" means an animal weighing 100 pounds or more.
6. "Animal, small" means an animal with an average weight of less than 100 pounds.

XX. "Aquifer" means a saturated geologic formation which will yield a sufficient quantity of water to serve as a private or public water supply pursuant to WAC 173-150-030.

XX. "Aquifer recharge area" see EMC 14.02.010(B)(XX)

7. "Application" means a request for a license.
8. "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the "100-year flood."
9. "Best available science" means information from research, inventory, monitoring, surveys, modeling and assessments that is used to designate, protect, or restore critical areas. As defined by described in chapter WAC

~~365-195-900 through 365-195-925 WAC, best available science is derived from a process that includes peer-reviewed literature, standard methods, quantitative analysis and documented references to produce reliable information means scientific information applicable to the critical area prepared by local, state, or federal natural resource agencies, a qualified scientific professional, or team of qualified scientific professionals that is consistent with criteria established in WAC 365-195-900 through 365-195-925.~~

10. “Best management practices (BMP)” means conservation practices or systems of practices and management measures that:

- a. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics and sediment;
- b. Minimize adverse impacts to surface water and groundwater flow and circulation patterns and to the chemical, physical, and biological characteristics of wetlands;
- c. Protect trees and vegetation designated to be retained during and following site construction and use native plant species appropriate to the site for revegetation of disturbed areas; and
- d. Provide standards for proper use of chemical herbicides within critical areas.

11. “Buffer” means areas contiguous with critical areas that are required for the integrity, maintenance, function, and structural stability of said critical areas.

12. “Building footprint” means the horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

13. “City” means the city of Edgewood municipal corporation.

14. “City council” means the Edgewood city council.

~~15. “Classification” means defining value and hazard categories to which critical areas and land resource lands will be assigned.~~

16. “Compensatory mitigation” means replacing project-induced losses or impacts to a critical area.

17. “Conservation easement” means a recorded deed restriction or covenant that runs in perpetuity on a parcel of land restricting the use of the property by preventing future real estate development such as residential, industrial, or commercial use that may allow for continued current uses, e.g., residential, recreational, agriculture, forestry, or ranching.

18. “Contaminant” means any chemical, physical, biological, or radiological substance that does not occur naturally or occurs at concentrations and durations as to be injurious to human health or welfare or shown to be ecologically damaging.

19. “Crawl space” means the shallow space beneath the bottom floor of a house with no basement; used for access and inspection of framing, electrical, plumbing, insulation, vapor barriers, or duct work. For purposes of the National Flood Insurance Program Elevation Certificate, this definition does not include spaces that have subgrade around all sides, which shall be considered a basement.

20. “Critical aquifer recharge areas” means areas with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge.

21. “Critical area” means land that contains any of the following area, areas, or ecosystems: aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, or wetlands as defined in Chapter 36.70A RCW, ~~as it now exists or may be hereinafter amended, and this chapter.~~

22. “Critical facilities” means those facilities occupied by populations or which handle dangerous substances including but not limited to hospitals, medical facilities, nursing homes; structures housing, supporting, or containing toxic or explosive substances; covered public assembly structures; school buildings through secondary, including daycare centers; buildings for colleges or adult education; police, fire, and emergency response installations; jails and detention facilities; and all structures with occupancy of greater than 5,000 people. These facilities are such that even a slight chance of flooding might be too great.

~~XX~~ “Cumulative impacts” are the combined, incremental effects of human activity on critical area functions and values. Cumulative impacts result when the effects of an action are added to or interact with the effects of other actions in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis and changes to policies and permitting decisions.

23. “Debris flow” means the rapid downslope movement of a viscous mass of water-saturated sediments.

24. “Degraded” means to have suffered a decrease in naturally occurring function or value.

25. “Delineation” ~~means identification of wetlands and their boundaries~~~~means a wetland study conducted~~ in accordance with the approved federal wetland delineation manual and applicable regional supplements.

26. “Department” means the Community Development Department, unless otherwise stated in the applicable chapter herein.

~~27.~~ “Depressional pothole” or “closed depression” means a relatively sunken or low-lying area of the earth’s surface, especially one having no natural outlet for surface drainage.

~~27. Development. See EMC 18.20.070.~~

~~28. Development Activity. See EMC 18.20.070.~~

(374) “Ditch” means any graded (manmade) channel installed to collect and convey runoff from fields and roadways. Ditches include irrigation ditches, wasteways, drains, outfalls, operational spillways, channels, storm waterstormwater runoff facilities or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse

~~289.~~ “Director” means the Community Development Director~~head of the city’s community development department~~ or their designee, unless otherwise stated in the applicable chapter herein.

~~2930.~~ “DRASTIC” is an acronym for a computer model developed by the National Water Well Association and Environmental Protection Agency used to measure aquifer susceptibility.

~~301.~~ “Earth material” means naturally occurring rock, soil, stone, sediment, or combination thereof.

~~312.~~ “Earthflow” means a slow downslope movement of viscous, saturated sediments.

~~323.~~ “Elevation certificate” means an administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a letter of map amendment (LOMA) or letter of map revision based on fill (LOMR-F).

~~334.~~ “Encroachment” means development or regulated activity conducted inside the boundaries of any critical areas or buffers.

~~345.~~ Engineer. As defined by Chapter 18.43 RCW.

~~356.~~ “Engineering geologist” means a geologist who has met the qualifications in engineering geology established under Chapter 18.220 RCW.

367. “Enhancement” means actions performed within existing critical areas or buffers to intentionally increase or augment one or more ecological functions or values of the existing area. Enhancement actions include, but are not limited to, increasing plant diversity and cover; increasing wildlife habitat and structural complexity with snags or woody debris; installing environmentally compatible erosion controls; removing nonnative plant or animal species; or removing human-made structures or fill that are degrading ecological functions or values.

378. “Erosion hazard areas” means those areas, pursuant to WAC 365-190, likely to become unstable such as steep slopes and areas with unconsolidated soils. These areas are slopes 20 percent or greater and classified as having severe or very severe erosion potential according to the United States Department of Agriculture, Natural Resource Conservation Soil Survey for Pierce County. Erosion hazard areas include riverine and channel migration zones. These areas due the ~~–that because of~~ natural characteristics, including vegetative cover, soil texture, slope, gradient, and rainfall patterns, or human-induced changes to such characteristics, are vulnerable to erosion.

389. “Facility” means all structures, contiguous land, appurtenances, and other improvements on the land used for recycling, reusing, reclaiming, transferring, storing, treating, disposing, or otherwise handling a hazardous substance. This term includes underground and aboveground tanks and operations, which handle, use, dispose of, or store hazardous substances.

3940. “Filling” means the act of placing fill or fill material on any surface, including temporary stockpiling of fill material.

401. “Finished floor” means the top of the next higher floor above the lowest floor. For purposes of the National Flood Insurance Program Elevation Certificate, the “finished floor” referenced in this regulation shall equal the top of the next higher floor.

XX. “Fish and wildlife habitat conservation areas” consistent with WAC 365-190-030(6), are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term.

A. These areas may include, but are not limited to, those areas identified as being of critical importance to maintenance of fish, wildlife, and plant species, including: areas with which endangered, threatened, and sensitive species have a primary association; habitats and species of local importance; naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat; waters of the state; lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity, or private organization; state natural area preserves and natural resource conservation areas.

B. These area does not include 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.

412. “Fisheries biologist” means a professional with a degree in fisheries or certification by the American Fisheries Society, or with five years of professional experience as a fisheries biologist.

423. “Flood hazard areas” means areas designated pursuant to the provisions contained in Chapter 14.80 EMC.

434. “Flood Insurance Rate Map (FIRM)” means the official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

445. “Flood fringe” means the area subject to inundation by the base flood, but outside the limits of the floodway, and which may provide needed temporary storage capacity for floodwaters.

456. “Floodplain” or “flood-prone area” means any land area susceptible to being inundated by water from any source. See “flood” or “flooding.”

467. "Floodplain administrator" means the community official designated by title to administer and enforce the floodplain management regulations.

478. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Floodproofed structures are those that have the structural integrity and design to be impervious to floodwater below the base flood elevation.

489. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to convey and discharge the base flood without cumulatively increasing the water surface elevation by more than one foot, and those areas designated as deep and/or fast-flowing water. Also referred to as "regulatory floodway."

4950. "Fluvial processes" means the physical interaction of flowing water and the natural channels of rivers and streams.

504. "Frequently flooded area" consistent with WAC 365-190-030(3), means lands in the floodplain subject to at least a one percent or greater chance of flooding in any given year, or within areas subject to flooding due to high groundwater. These areas include, but are not limited to, streams, rivers, lakes, wetlands, and areas where high groundwater forms ponds on the ground surface.

512. "Geologically hazardous areas" consistent with WAC 365-190-030(9), 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.

523. "Geologist" means an engineering geologist or hydrogeologist that is registered in the state of Washington.

534. "Geotechnical professional" means a person with experience and training in analyzing, evaluating, and mitigating landslide, erosion, or seismic hazards. A geotechnical professional shall be licensed in the state of Washington as a geologist or professional engineer, and must have five or more years' experience specializing in landslide, erosion, or seismic hazards, as applicable.

545. "Geotechnical ~~report~~assessment" means a report prepared by a geologist or professional engineer, licensed by the state of Washington with expertise in geotechnical engineering, evaluating the site conditions and mitigating measures necessary to reduce the risks associated with development in geologically hazardous areas.

556. "Grading" or "clearing and grading" means any excavating, filling, clearing, creating of impervious surfaces, or any combination of these items.

XX "Ground water management area" means a specific geographic area or subarea designated pursuant to Chapter 173-100 WAC for which a ground water management program is required.

XX "Ground water management program" means a comprehensive program designed to protect ground water quality, to assure ground water quantity, and to provide for efficient management of water resources while recognizing existing ground water rights and meeting future needs consistent with local and state objectives, policies and authorities within a designated ground water management area or subarea and developed pursuant to Chapter 173-100 WAC.

XX "Group A water system" means a water system: (1) With 15 or more service connections; or (2) Serving an average of 25 or more people per day for 60 or more days within a calendar year.

567. "Habitat management plan" means a report prepared by a professional wildlife biologist or fisheries biologist which discusses and evaluates the measures necessary to maintain fish and wildlife habitat conservation areas on a proposed development site.

578. "Habitat of local importance" means an area, range, or habitat within which a species has a primary association and which, if altered, may reduce the likelihood that the species will maintain and reproduce over

the long term. Examples include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. These areas may also include habitats that are of limited availability or high vulnerability to alteration. The Edgewood City Council may designate specific habitats of local importance by ordinance or resolution.

589. “Hard armoring” means the use of large rock or human-made materials to protect property from shoreline erosion. Such techniques include cement or concrete bulkheads, steel structures, rock wall revetments, and rock gabion structures. Hard armoring typically does not utilize or integrate any soft armoring or soil bioengineering methods.

5960. “Historic structure” means any structure that is:

a. Is listed on the National Register of Historic Places, the Washington Heritage Register, or the Washington Heritage Barn Register; or

b. Has been certified to contribute to the historical significance of a registered historic district.

Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

e. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

i. By an approved state program as determined by the Secretary of the Interior; or

ii. Directly by the Secretary of the Interior in states without approved programs.

601. “Holocene epoch” means that part of the geologic record that post-dates the youngest deposits associated with the late Pleistocene Age Fraser Glaciation and is typically considered to be the past 10,000 years.

612. “Hydrogeologic assessment” means a report detailing the subsurface conditions, the design of a proposed land use action, and the facilities operation which indicates the susceptibility and potential for contamination of groundwater supplies.

623. “Landslide hazard area” consistent with WAC 365-190-030(10), means any area subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

XX “Lahars” means mudflows and debris flows originating from the slopes of a volcano.

XX. "Lakes" means impoundments of open water 20 acres or larger in size.

634. “LiDAR” means an acronym that stands for light detection and ranging imaging.

XX “Liquefaction” means a process by which a water-saturated granular (sandy) soil layer loses strength because of ground shaking commonly caused by an earthquake.

645. “Long-term commercial significance” means the growing capacity, productivity, and soil composition of land, which makes it suitable for long-term commercial production, in consideration with the land’s proximity to population areas, and the possibility of more intense uses of land.

656. “Lowest floor” means the lowest floor of the lowest enclosed area (including basement and crawl space). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this title (i.e., provided there are adequate flood ventilation openings).

667. “Mineral resource lands” means those lands primarily devoted to the extraction of minerals or which have known or potential long-term commercial significance for the extraction of minerals.

XX “Mitigation” means actions taken to avoid impacts altogether by not taking certain actions or parts of actions; minimizing impacts by limiting the degree or magnitude of the action and its implementation; rectifying impacts by repairing, rehabilitating, or restoring the affected environment; reducing or eliminating impacts over time through preservation and maintenance operations; and compensating for impacts by replacing or providing substitute resources or environments, consistent with 40 CFR § 1508.1(s).

XX “Mitigation Sequence” means a prescribed order of steps taken to reduced impacts of activities on critical areas. Mitigation sequencing order is provided in EMC XX.XX.XXX

XX “Monitoring” means evaluating the impacts of development proposals over time on the biological, hydrological, pedological, and geological elements of such systems and/or assessing the performance of required mitigation measures throughout the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features and includes gathering baseline data.

XX “Minerals” means gravel, sand, and valuable metallic substances.

678. “Mudflow” means a debris flow containing an abundance of fine particles.

689. “Native vegetation” or “native plants” means a mix of plant species comprising herbs, grasses, grass-like plants, shrubs and trees indigenous to the Puget Sound region that reasonably could be expected to naturally occur on the site.

6970. “Natural resource lands” means agricultural and mineral resource lands, which have long-term commercial significance.

704. “New construction” means structures for which the start of construction commenced on or after the effective date of the ordinance codified in this title.

XX "No Net Loss, Critical Areas" refers to the actions taken to achieve and ensure no overall reduction in existing ecosystem functions and values or the natural systems constituting the protected critical areas including the impacted or lost critical areas pursuant to the Growth Management Act, WAC 365-196-830.

XX “Ordinary high water mark (OHWM)” consistent with WAC 173-22-030(5) and RCW 90.58.030, means on all lakes and streams that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: Provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining freshwater shall be the line of mean high water.

XX “Ponds” means naturally occurring open water areas less than 20 acres in size and larger than 2,500 square feet which maintain standing water throughout the year and lack rooted aquatic vegetation.

XX “Priority habitat” consistent with WAC 173-26-020(30), means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes: comparatively high wildlife density; comparatively high fish or wildlife species diversity; fish spawning habitat; important wildlife habitat; important fish or wildlife seasonal range and movement

corridor; rearing and foraging habitat; refugia habitat; limited availability; high vulnerability to habitat alteration; or unique or dependent species. Current information on priority habitats and species is provided in Washington State Department of Fish and Wildlife priority habitats and species list, including lists of habitats (2023 or subsequently updated).

XX “Priority species” means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed in WAC 173-26- 020. Current information on priority habitats and species is provided by the Washington Department of Fish and Wildlife. priority habitats and species program, including lists of habitats (2023 or subsequently updated).

712. “Professional engineer” means an engineer currently licensed and registered in the state of Washington.

723. Regulated Activities. See EMC 14.30.020.

734. “Restoration” means an action which returns habitat to a state in which its stability and functions approach its unaltered state as closely as possible. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive stream bank structures, and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the critical area to aboriginal or pre-European settlement conditions.

745. “RCW” is an acronym that stands for Revised Code of Washington.

756. “Riparian” means the area adjacent to aquatic systems with flowing water that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other. Riparian habitat begins at the ordinary high water mark and includes the entire extent of the floodplain and riparian areas of wetlands that are directly connected to the stream course.

XX “Riparian management zone” means a scientifically area adjacent to rivers and streams that has the potential to provide full function from the OHWM to a specified distance as measured horizontally in each direction.

767. “Seismic hazard areas” consistent with WAC 365-190-030(18), means areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, ~~or~~ soil liquefaction, debris flows, lahars, or tsunamis.

778. “Sensitive areas” means agricultural lands and mineral resource lands and all associated buffers.

789. “Shoreline” means the line where a body of water and the shore meet or the strip of land along the shoreline. There are no waters within the city meeting the criteria of shorelines of statewide significance as defined by RCW 90.58.030. City of Edgewood has no designated shorelines.

7980. “Site” means a lot, parcel, tract, or combination of lots, parcels, or tracts on which a regulated activity is proposed.

XX “Slope” means an inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance. In these regulations, slopes are generally expressed as a percentage.

804. “Sludge” means a semi-solid substance consisting of settled solids combined with varying amounts of water and dissolved materials generated from a wastewater treatment plant or system or other sources, including septage sludge, sewage sludge, and industrial sludge.

812. “Sludge land application site” means a site where stabilized sludge, septage, and other organic wastes are applied to the surface of the land in accordance with established agronomic rates for fertilization or soil conditioning.

823. “Special occupancy structures” means those structures that have the potential to provide capacity for large numbers of people or special groups of people or assemblies such as but not limited to schools, jails and detention facilities, and resident incapacitated patients.

834. “Species of local importance” means species that are of local concern due to their population status or their sensitivity to habitat manipulation.

845. “Soft armoring techniques” or “soil bioengineering methods” means the use of woody plants and limited structural-mechanical systems that are integrated in a structurally and environmentally sound manner to repair and protect slopes and shorelines against shallow mass wasting and surface erosion. Examples include, but are not limited to, live stake, live fascine, brushlayer, live cribwall, vegetated geogrid, branchpacking, live slope grading, beach berms, or earthen berms.

XX “Stormwater conveyance facilities” means man-made drainage facilities which collect, contain, and provide for the flow of surface and stormwater from the highest points on the land down to a receiving water. Man-made elements of the conveyance system include ditches, pipes, channels, connecting structures and retention/detention facilities.

856. “Stream” means a feature where surface waters produce a defined channel or bed. A defined channel or bed is an area that demonstrates clear evidence of the passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed need not contain water year-round. This definition is not intended to include artificially created irrigation ditches, canals, storm or surface water devices, or other entirely artificial watercourses, unless they are used by salmonids or created for the purposes of stream mitigation.

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

878. “Substantial improvement” means any repair, reconstruction, addition, rehabilitation, or other improvement of a structure, whereby the cost for the work exceeds 50 percent of the market value of the existing structure before the start of construction of the improvement. The cost and market value may be determined using the current permit valuation. The director shall determine the current permit valuation based on the cost per square foot values in effect at the time of permit application. Substantial improvement shall be accumulative from the effective date of the ordinance codified in this title. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a historic structure; provided, that the alteration will not preclude the structure’s continued designation as a historic structure.

889. “Toe of slope” means a distinct topographic break in slope at the lowermost limit of the landslide or erosion hazard area.

890. “TPCHD” is an acronym that stands for the Tacoma-Pierce County health department.

901. “Underground storage tank” or “UST” means one tank or a combination of multiple tanks, including the underground pipes connected thereto, which are used to contain or dispense an accumulation of hazardous substances or hazardous wastes, and the total volume of which is 10 percent or more beneath the surface of the ground.

912. “Urban growth” means growth that makes intensive use of the land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land

for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services.

923. “View corridor” means an area which affords views of lakes, mountains, or other scenic amenities normally enjoyed by residential property owners.

934. Violation. See Chapter 1.10 EMC for penalties.

945. “Volcanic hazard areas” consistent with WAC 365-190-030(21), means geologically hazardous areas that are subject to pyroclastic flows, lava flows, debris avalanche, or inundation by debris flows, mudflows, or related flooding resulting from volcanic activity, means those areas subject to pyroclastic flows, lava flows, and inundation by debris flows, mudflows, or related flooding resulting from geologic or volcanic events on Mount Rainier.

956. “WAC” is an acronym that stands for the Washington Administrative Code.

XX "Waters of the State" consistent with RCW 90.48.020, include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington.

967. “Wellhead protection area (WHPA)” means protective areas associated with public drinking water sources established by water systems and approved or assigned by the stated department of health. A WHPA is the area within the 10-year time-of-travel zone boundary or zone of contribution area of a Group A public water system well, as delineated on the critical aquifer recharge areas critical area map by the water system purveyor or its designee, pursuant to WAC 246-290-135.

978. “Wetland” consistent with WAC 365-190-030(24), means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands, if permitted by the county or city.s.

989. “Wetland category” means the numeric designation (I through IV) assigned to a wetland to indicate the wetland’s overall function and value. Wetland categories rank the city’s wetlands from highest (Category I) to lowest (Category IV) using the current version of the Washington State Wetland Rating System for Western Washington (Hruby, 2014).

99100. “Wetland mosaic” means a patchwork of wetlands that is considered one unit where each patch of wetland is less than one acre and the areas delineated as vegetated wetland are more than 50 percent of the total area of the wetlands and uplands together.

1004. “Wetland specialist” means a person that obtained professional wetland scientist (PWS) or wetland professional in training (WPIT) certification from the Society of Wetland Scientists or a qualified wetland professional with experience and training in wetlands issues and with experience in performing a delineation, analyzing wetland functions and values, analyzing wetland impacts, and recommending wetland mitigation and restoration. A qualified wetland professional is a person with experience and training that includes, at a minimum:

- a. A B.S., B.A., or equivalent degree in biology, botany, environmental studies, ecology, fisheries, hydrology, soil science, wildlife, agriculture, or related field; and
- b. Two years of related work experience; and

- c. One year's experience delineating wetlands using the Federal Delineation Manual and applicable regional supplements and preparing wetland reports and mitigation plans; or
- d. Four years of related work experience and training; and
- e. Two years of experience delineating wetlands using the Unified Federal Manual and preparing wetland reports and mitigation plans.

1012. "Wildlife biologist" means a professional with a degree in wildlife or related field, or certification by the Wildlife Society, or with five years of professional experience as a wildlife biologist.

Chapter 14.30
USE AND ACTIVITY REGULATIONS
Draft Amendments

Sections:

- 14.30.010 Permitted uses.
- 14.30.020 Regulated uses and activities.
- 14.30.030 Exemptions.
- 14.30.040 Nonconforming uses and structures.
- 14.30.050 Reasonable use exceptions.
- 14.30.060 Current use assessment program.

14.30.010 Permitted uses.

Uses permitted on properties designated as critical areas shall be the same as those permitted in the zone classification shown in the city's official zoning map unless specifically prohibited by this title.

14.30.020 Regulated uses and activities.

A. Unless the requirements of this title are met, the department shall not grant any approval or permission to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement regulated through the following: building permit, commercial or residential; binding site plan; franchise right-of-way construction permit; site development permit; right-of-way permit; short subdivision; large lots; use permits; subdivision; utility permits; or any subsequently adopted permit or required approval not expressly exempted by this chapter.

B. The following activities are regulated within any critical area and its buffer, unless exempted by EMC 14.30.030:

1. Removing, excavating, disturbing, or dredging soil, sand, gravel, minerals, organic matter, or materials of any kind;
2. Dumping, discharging, grading, or clearing and grading;
3. Draining, flooding, or disturbing the water level or water table. In addition, an activity which involves intentional draining, flooding, or disturbing the water level or water table in a wetland or stream in which the activity itself occurs outside the regulated area shall be considered a regulated activity;
4. Driving, piling, or placing obstructions, including placement of utilities;
5. Constructing, reconstructing, installing, demolishing, or altering the size of any structure or infrastructure, including manufactured and mobile homes;
6. Altering the character of a regulated area by destroying or altering vegetation through clearing, harvesting, cutting, intentional burning, shading, or planting;
7. The division or redivision of land;
8. The creation of hard surfaces; and
9. Any additional activities regulated in Chapter 14.80 EMC, Flood Hazard Areas.

14.30.030 Exemptions.

A. The Individuals, organizations, or associated parties shall obtain written confirmation from the city that the proposed activities meet the requirements for an exemption as defined by this section. Confirmation shall be obtained before the activity is initiated. All exempted activities shall use reasonable methods to avoid potential impacts to critical areas to the greatest degree feasible. Any incidental damage to, or alteration of, a critical area that

is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense.

~~Individuals, organizations, or associated parties shall avoid potential impacts to critical areas and their buffers to the greatest degree feasible. To be exempt from this title does not give permission to degrade a critical area or its buffer or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area or its buffer that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense.~~

B. The following activities are exempt from the provisions of this title:

1. Operation, maintenance, or repair of existing structures, infrastructure improvements, utilities, public or private roads, dikes, levees, or drainage systems that do not require construction permits, if the activity does not further alter or increase the impact to, or encroach further within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed operation, maintenance, or repair. "Operation and maintenance" includes vegetation management performed in accordance with BMPs that are a part of ongoing maintenance of structures, infrastructure, or utilities; provided, that such management actions are part of ongoing maintenance, do not expand further into the critical area or buffer, are not the result of an expansion of the structure or utility, and do not directly impact an endangered or threatened species.

2. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements within the past three years. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition including, but not limited to, its size, shape, configuration, location, and external appearance, within three years after decay or partial destruction, except where repair causes substantial adverse effects to critical areas or their buffers. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including, but not limited to, its size, shape, configuration, location, and external appearance and the replacement does not expand further into the critical area or buffer. Refer to EMC 14.30.040(A)(4) for requirements associated with repair of substantial damage of nonconforming structures.

3. Reconstruction, remodeling, or maintenance of existing detached residential, middle housing, and associated accessory structures ~~single-family residential structures and accessory structures~~ that are located outside a flood hazard area and active landslide hazard area; provided, that a one-time-only expansion of the building footprint does not increase by more than 25 percent and that the new construction or related activity does not further intrude into the critical area or related buffer. The exemption shall not apply to reconstruction which is proposed as a result of structural damage associated with a critical area.

4. Reconstruction, remodeling, or maintenance of structures ~~other than single-family structures and accessory structures~~ not covered under item 3, above, that are located outside a flood hazard area or active landslide hazard area; provided, that such reconstruction, remodeling, or maintenance does not increase the floor area nor extend beyond the existing ground coverage. The exemption shall not apply to reconstruction which is proposed as a result of site or structural damage associated with a critical area, such as slope failure in a landslide hazard area or flooding in a flood hazard area.

5. Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests, and other related activities. Critical area impacts shall be minimized and disturbed areas shall be immediately restored.

6. Emergency actions necessary to prevent imminent threat or danger to public health or safety, or to public or private property, or serious environmental degradation shall be allowed as follows:-

a. For a threat to be considered "imminent" there must be reasonable expectation that the threat will occur prior to the time period necessary to obtain necessary permits.

~~b. The person or agency is required to contact the Department detailing the threat and proposed action. The Department shall review and determine the existence of the emergency and reasonableness of the proposed action. However, the person or agency is still required to complete all applicable reviews after the fact and may be required to modify or remove any emergency repair work and provide mitigation for any impacts to regulated areas. Any city required application shall be submitted within 90-days or as agreed upon.~~

~~c. This exemption does not apply to erosion protection measures unless the landowner can demonstrate that there is an imminent threat to an existing residential, commercial, industrial, agriculture structure, operation, equipment, product, or associated utilities.~~

~~a. The department shall review all proposed emergency actions to determine the existence of the emergency and reasonableness of the proposed actions taken; however, post-emergency actions, such as submittal of permits, completion of city review, modification or removal of the emergency repair work, or mitigation shall be required by the department.~~

~~b. Erosion protection measures shall only be allowed as an emergency action when the owner can demonstrate that there is an imminent threat to an existing residential, commercial, industrial, or agricultural structure. The owner shall retain either city staff or an engineering geologist to conduct a site investigation and provide adequate documentation that the situation is actually an emergency. An emergency action is not warranted when the structure is located outside the active landslide area.~~

~~e. After the emergency, the person or agency undertaking the action shall fully fund and conduct necessary restoration or mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved critical area report and mitigation plan. The person or agency undertaking the action shall apply for review, and the alteration, critical area report, and mitigation shall be reviewed by the department in accordance with the review procedures contained herein. Restoration or mitigation activities must be initiated within 90 days of the date of the emergency activity and both must be fully completed within one year.~~

7. Installation, construction, replacement, repair, operation or alteration of natural gas, cable and telecommunication facilities, electric facilities and lines, water, sewer or storm lines, pipes, mains, equipment, or appurtenances in publicly owned right-of-way, which may be within or adjacent to any critical areas or buffers, subject to full review and approval of the department, including any mitigation or restoration requirements established by the department.

8. Removal by hand of manmade litter and control of noxious weeds that are included on the state noxious weed list (Chapter 16-750 WAC) or invasive plant species as identified by the city. Control may be conducted by clipping, pulling, or digging, or by an alternative nonmechanical method upon approval of a plan by the department. Soil compaction shall be avoided. Alternative methods such as mechanical excavation may be allowed upon approval by the Department and acquisition of any necessary permits.

9. Activities undertaken to comply with a United States Environmental Protection Agency superfund order, or a ~~Washington Department of Ecology~~ DOE order, pursuant to the Model Toxics Control Act, including the following activities:

- a. Remediation or removal of hazardous or toxic substances;
- b. Source control; and
- c. Natural resource damage restoration.

10. Activities within a portion of a wetland buffer or fish and wildlife habitat conservation area buffer located landward of an existing, substantially developed area, such as a paved area, dike, levee, or permanent structure, which eliminates or greatly reduces the impact of the proposed activities on the wetland or fish and wildlife habitat conservation area. The department shall review the proposal to determine the likelihood of associated impacts.

11. Passive recreation activities such as hunting, hiking, fishing, wildlife viewing, education, and scientific research that does not involve the construction of trails. ~~and wildlife viewing that does not involve the construction of trails.~~

12. Unpaved access path from a non-multifamily residential dwelling to the wetland or fish and wildlife habitat conservation area is allowed if the path is limited to 4 feet in width, no fill is placed in a flood hazard area, and the length is minimized to the greatest degree feasible.

13. Restoring and Enhancement ~~enhancement~~ actions that do not ~~involve clearing, grading or construction activities, e.g., revegetation with native plants and installation of nest boxes~~ not result in adverse impacts to any critical areas and are part of an approved restoration or enhancement plan. Enhancement activity proposals shall be reviewed by the department.

14. Forest practices conducted in accordance with the requirements of the Forest Practices Act (Chapter 76.09 RCW) and its rules, with the exception of the conversion of forest land to a use other than commercial forestry (Class IV conversions).

15. Existing and ongoing agricultural activities; provided, that they comply with the provisions of Chapter 14.80 EMC, Flood Hazard Areas, and implement the applicable BMP contained in the latest editions of the USDA Natural Resources Conservation Service Field Official Technical Guide; or develop a farm conservation plan in coordination with the local conservation district. The BMPs or farm plans should address potential impacts to critical areas from livestock, nutrient and farm chemicals, soil erosion and sediment control, and agricultural drainage infrastructure. The BMPs or farm plans should ensure that ongoing agricultural activities minimize their effects on water quality, riparian ecology, salmonid populations, and wildlife habitat.

14.30.040 Nonconforming uses and structures.

A. An established use or existing structure located in a wetland, fish and wildlife habitat conservation area, landslide or erosion hazard area, flood hazard area, and their associated buffers that was lawfully permitted prior to the effective date of this title, but which is not currently in compliance with this title, may continue subject to the following:

1. Nonconforming Use Expansion. Nonconforming uses shall not be expanded or changed in any way that increases the nonconformity without a permit issued pursuant to the provisions of this title.

2. Nonconforming Structure Expansion. Existing structures shall not be expanded or altered in any manner that will increase the nonconformity without a permit issued pursuant to the provisions of this title, except as provided in EMC 14.30.030(B).

3. Discontinued Uses. Activities or uses which are discontinued for 12 consecutive months shall be allowed to resume only if they are in compliance with this title.

4. Substantial Damage. Nonconforming structures, except for structures located in a flood hazard area or active landslide hazard area, which are damaged or destroyed by fire, explosion, flood, or other casualty may be restored or replaced if reconstruction is commenced within one year of such damage and is substantially completed within 18 months of the date such damage occurred. The reconstruction or restoration shall not serve to expand, enlarge, or increase the nonconformity except as allowed through the provisions in EMC 14.30.030(B). Nonconforming structures in a floodway or active landslide hazard area may be allowed to be restored only up to the limits of substantial improvement, as set forth in each chapter. Nonconforming structures in other Flood Hazard Areas must comply with EMC 14.80.

B. The provisions of EMC 18.90.110 may also apply to nonconformities not expressly described in this chapter.

14.30.050 Reasonable use exceptions.

A. If the application of this chapter would deny all reasonable use of the property, the applicant may apply for a reasonable use exception pursuant to this section.

C. Application. An applicant for a development proposal may file a request for a reasonable use exception which shall be processed and reviewed as a Process III permit pursuant to EMC 18.40.100. The application shall include the following information:

1. Contain all the items required under EMC 18.40.140.
2. A description of the areas of the site that contain a critical area(s) or within buffer(s) required under this title;
3. A description of the amount of the site that is within setbacks required by other standards of the zoning code;
4. A description of the proposed development, including a site plan;
5. An analysis of the impact that the amount of development described would have on the critical area(s);
6. An analysis of whether any other reasonable use with less impact on the critical area(s) and associated buffer(s) is possible;
7. A design of the proposal so that the amount of development proposed as reasonable use will have the least impact practicable on the critical area;
8. An analysis of the modifications needed to the standards of this title to accommodate the proposed development;
9. Demonstration of legal lot status
10. A description of any modifications needed to the required front, side, and rear setbacks, building height, and buffer widths to provide for a reasonable use while providing greater protection to the critical area;
11. Such other information the department determines is reasonably necessary to evaluate the issue of reasonable use as it relates to the proposed development, such as but not limited to a wetland analysis report, mitigation plan, habitat evaluation study, or a buffer enhancement plan.

D. The hearing examiner may approve alterations to a critical area or its buffers to allow a reasonable use not otherwise allowed by this chapter when the following criteria are met: the reasonable use exception, if the Examiner determines the following criteria are met:

1. The application of this chapter would deny all reasonable use of the property;
2. There is no other reasonable use with less impact on the critical area(s) and associated buffer(s); and
3. The proposed development does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site ~~and is consistent with the general purposes of this title and the public interest;~~
and
4. Any alterations permitted to the critical area or its buffer shall be the minimum necessary to allow for reasonable use of the property; and
5. The subject property is an existing legal lot as demonstrated in this section, and the inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant in subdividing the property

or adjusting a boundary line thereby creating the undevelopable condition after October 8, 1991 (the effective date of Pierce County Critical Areas Regulations); and

6. The proposal mitigates the impacts on the natural resource land(s) and/or critical area(s) to the maximum extent possible, while still allowing reasonable use of the site.

7. The proposed activities will not jeopardize the continued existence of species listed by the State and Federal government as endangered, threatened, sensitive, or documented priority species or priority habitats.

8. The proposed activities will not cause significant degradation of groundwater or surface water quality.

9. The mitigation sequencing per EMC 14.10.070(B) has been followed and documented.

~~any authorized alteration of a critical area under this subsection shall be subject to conditions established by the department including, but not limited to, mitigation under an approved mitigation plan.~~

~~B. Application Requirements. A complete application for a reasonable use exception shall include the following nine items:~~

~~1. A description of the areas of the site that contain a critical area, buffers, or are within setbacks required under this title;~~

~~2. A description of the amount of the site that is within setbacks required by other standards of the zoning code;~~

~~3. A description of the proposed development, including a site plan;~~

~~4. An analysis of the impact that the amount of development described in subsection (B)(3) of this section would have on the critical area;~~

~~5. An analysis of whether any other reasonable use with less impact on the critical area and associated buffer(s) is possible;~~

~~6. A design of the proposal so that the amount of development proposed as reasonable use will have the least impact practicable on the critical area;~~

~~7. An analysis of the modifications needed to the standards of this title to accommodate the proposed development;~~

~~8. A description of any modifications needed to the required front, side, and rear setbacks, building height, and buffer widths to provide for a reasonable use while providing greater protection to the critical area;~~

~~9. Such other information the department determines is reasonably necessary to evaluate the issue of reasonable use as it relates to the proposed development, such as but not limited to a wetland analysis report, mitigation plan, habitat evaluation study, or a buffer enhancement plan.~~

~~C. Review. A reasonable use exception shall be processed according to the procedures in EMC 18.40.080.~~

~~D. Findings and Determinations. A reasonable use exception may be approved if all of the findings are made in writing and are supported by the record.~~

14.30.060 Current use assessment program.

A. An owner of agricultural land, timberland, or open space desiring current use classification under Chapter 84.34 RCW may file for such current use classification with the Pierce County assessor-treasurer's office.

AB. The department shall notify the assessor-treasurer's office when restrictions on development occur on a particular site.

BC. The assessor-treasurer's office shall consider the critical areas and buffering requirements of this title in determining the fair market value of land. Any owner of an undeveloped buffer which has been placed in a separate tract or tracts, protective easement, public or private land trust dedication, or other similarly preserved area shall have that portion of land assessed consistent with those restrictions.

Chapter 14.40
WETLANDS
Draft Amendments

Sections:

- 14.40.010 Purpose.
- 14.40.020 Identification, delineation, mapping, and rating.
- 14.40.030 Buffer standards – Wetlands.
- 14.40.040 Wetland review procedures.
- 14.40.050 Allowed activities.
- 14.40.060 Mitigation requirements.
- 14.40.070 Appendices.

14.40.010 Purpose.

A. The purpose of this chapter is to avoid or, in appropriate circumstances, to minimize, rectify, reduce, or compensate for impacts arising from land development and other activities affecting wetlands, and to maintain and enhance the biological and physical functions and values of wetlands with respect to water quality maintenance, stormwater and floodwater storage and conveyance, fish and wildlife habitat, primary productivity, recreation, education, and historic and cultural preservation. When wetland impacts occur, mitigation will be required to achieve no net loss of wetlands in terms of acreage, function, and value.

B. This chapter is intended to be consistent with the requirements of Chapter 36.70A RCW and to implement the goals and policies of the city’s comprehensive plan for protecting wetlands.

14.40.020 Identification, delineation, mapping, and rating.

A. Designation. All areas within the city meeting the definition of “wetland” in Chapter 14.20 EMC are hereby designated as critical areas.

B. Identification and Delineation.

1. Wetlands shall be identified and delineated by a qualified wetland specialist in accordance with the approved federal wetland delineation manual and applicable regional supplements.
2. A wetland delineation is valid for five years, after which date the city shall require verification that the wetland boundaries and prior conditions have not changed to determine whether a revision or additional assessment is needed.

C. Mapping.

1. The approximate location and extent of wetlands are shown on maps maintained by the city.
2. These maps are useful as a guide for project applicants and property owners, but the maps do not provide a conclusive or definitive indication of a wetland presence or its extent.
3. Wetlands may exist that do not appear on the maps and some wetlands that appear on the maps may not meet all of the wetland designation criteria.

D. Rating. Wetlands shall be rated according to the Washington Department of Ecology Wetland Rating System, as set forth in the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication No. 14-06-029, or as revised and approved by the Department of Ecology).

E. Illegal Modifications. Wetland rating categories shall not change due to illegal modifications made by the applicant or with the applicant’s knowledge. (Ord. 17-513 § 3 (Exh. A)).

14.40.030 Buffer standards – Wetlands.

A. Determining Buffer Widths. The buffer widths in Table 14.40.030.1 have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication No. 14-06-029, or as revised and approved by Ecology). Unless otherwise noted, the level of impact from adjacent land use is assumed to be high. Buffer widths shall be measured horizontally from the perpendicular line established at the wetland edge as shown in Table 14.40.030.1. Note that Table 14.40.030.1 is reduced wetland buffers with minimization of impacts. See Table 14.40.030.3 for buffers that apply without minimization techniques.

B. Conditions for Implementing Table 14.40.030.1. The following buffer widths have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication No. 14-06-029, or as revised and approved by Ecology). The adjacent land use intensity is assumed to be high.

1. For wetlands that score ~~five~~ six points or more for habitat function, the buffers in Table 14.40.030.1 can be used if ~~both of the following criteria are met~~ the following criteria are met:

a. A relatively undisturbed, vegetated corridor at least 100 feet wide is protected better the wetland and:

ia. A legally protected, relatively undisturbed and vegetated area (e.g., Priority Habitats, compensatory mitigation sites, wildlife areas/refuges, national, county, and state parks where they have management plans with identified areas designated as Natural, Natural Forest, or Natural Area Preserve), or

ii. An area that is the site of a Watershed Project identified within, and fully consistent with, a Watershed Plan as defined by RCW 89-08-460, or

iii. An area with equivalent habitat quality that has conservation status in perpetuity, in consultation with WDFW

b. The corridor is permanently protected for the entire distance between the wetland and the shoreline or legally protected area by a conservation easement, deed restriction, or other legal site protection mechanisms.

c. Presence or absence of the shoreline or Priority Habitat must be confirmed by a qualified biologist.

d. The measures in Table 14.40.030.2 are implemented, where applicable, to minimize the impact of the adjacent land uses.

~~A relatively undisturbed, vegetated corridor at least 100 feet wide is protected between the wetland and any other priority habitats as defined by the Washington Department of Fish and Wildlife.~~

~~i. The latest definitions of priority habitats and their locations are available on the WDFW website at: <http://wdfw.wa.gov/hab/phshabs.htm>.~~

~~ii. The corridor must be protected for the entire distance between the wetland and the priority habitat by some type of legal protection such as a conservation easement.~~

~~iii. Presence or absence of a nearby habitat must be confirmed by a qualified biologist. If no option for providing a corridor is available, Table 14.40.030.1 may be used with the required measures in Table 14.40.030.2 alone.~~

~~b. The measures in Table 14.40.030.2 are implemented, where applicable, to minimize the impacts of the adjacent land uses.~~

2. For wetlands that score three to four five or fewer habitat points, only the measures in Table 14.40.030.2 are required for the use of Table 14.40.030.1.

3. The buffer widths in Table 14.40.030.1 assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer must either be planted to create the appropriate native plant community or the buffer widened to ensure that the buffer provides adequate functions of the buffer are provided.

3. If an applicant does not apply the mitigation measures in Table 14.40.030.2 or is unable to provide a protected corridor, then a 33 percent increase in the width of all buffers is required. The buffer width shall be rounded to the highest whole number. For example, a 75-foot buffer with mitigation measures would be 100-foot buffer without them to ensure no net loss of wetland functions.

**Table 14.40.030.1
Buffer Standards – Wetlands**

Wetland Category	Buffer Width Buffer Width (Wetland scores 3-4 habitat points) Buffer Width (Wetland scores 5 habitat points) Buffer Width (Wetland scores 6-7 habitat points) Buffer Width (Wetland scores 8-9 habitat points)			
	Habitat Score 3-5	Habitat Score 6-7	Habitat Score 8-9	Buffer width based on special characteristics
Category I: Based on total score	75 ft.	105-110 ft.	165-225 ft.	N/A 225 ft.
Category I: Bogs and wetlands of high conservation value	190 ft. N/A	190 ft. N/A	190-225 ft.	225 ft. 190 ft.
Category I: Forested	75 ft.	105-110 ft.	165-225 ft.	N/A 225 ft.
Category II : <u>Based on score(all)</u>	75 ft.	105-110 ft.	165-225 ft.	225 ft. N/A
Category III (all)	60 ft.	105-110 ft.	165-225 ft.	N/A 225 ft.
Category IV (all)	40 ft.	40 ft.	40 ft.	40 ft. N/A

C. Required Measures to Minimize Impacts to Wetlands. Measures to minimize the impacts of the land use adjacent to wetlands shall be applied as shown in Table 14.40.030.2.

**Table 14.40.030.2
Wetland Impact Minimization Measures**

Disturbance	Activities and Uses That Cause Disturbances	Required Measures to Minimize Impacts
Lights	<ul style="list-style-type: none"> • <u>Parking lots</u> • <u>Commercial/industrial uses</u> • <u>Residential uses</u> • <u>Recreation (e.g., athletic fields)</u> • <u>Agricultural buildings</u> 	<ul style="list-style-type: none"> • <u>Direct lights away from any wetland</u> • <u>Only use lighting when necessary for public safety, and keep lights off when not needed</u> • <u>Use motion-activated lights where feasible</u> • <u>Use full cut-off filters to cover light bulbs and direct light only where needed</u> • <u>Limit use of blue-white colored lights in favor of red-amber hues</u> • <u>Use lower-intensity LED lighting</u> • <u>Dim light to the lowest acceptable intensity</u>

Disturbance	<u>Activities and Uses That Cause Disturbances</u>	Required Measures to Minimize Impacts
Noise	<ul style="list-style-type: none"> • <u>Commercial</u> • <u>Industrial</u> • <u>Recreation (e.g., athletic fields, bleachers, etc.)</u> • <u>Residential</u> • <u>Agriculture</u> 	<ul style="list-style-type: none"> • Locate activity that generates noise away from any wetland • For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10-foot heavily vegetated buffer strip immediately adjacent to the outer <u>wetland</u> buffer • <u>If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source</u>
Toxic runoff	<ul style="list-style-type: none"> • <u>Parking lots</u> • <u>Roads</u> • <u>Commercial/industrial</u> • <u>Residential areas</u> • <u>Application of pesticides</u> • <u>Landscaping</u> • <u>Agriculture</u> 	<ul style="list-style-type: none"> • Route all new, untreated runoff away from any wetland while ensuring the wetland is not dewatered • Establish covenants limiting use of pesticides within 150 feet of wetlands • Apply integrated pest management • <u>These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.</u>
Stormwater runoff	<ul style="list-style-type: none"> • <u>Parking lots</u> • <u>Roads</u> • <u>Residential areas</u> • <u>Commercial/industrial</u> • <u>Recreation</u> • <u>Landscaping/lawns</u> • <u>Other impermeable surfaces, compacted soil, etc.</u> • <u>Retrofit storm water detention and treatment for roads and existing adjacent development</u> 	<ul style="list-style-type: none"> • Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • <u>Infiltrate or treat, detain, and disperse new runoff from impervious surfaces and lawns</u> • <u>Use low impact development (LID) techniques (for more information refer to the drainage ordinance and manual)</u> • <u>Use low impact development techniques</u>
Change in water regime		<ul style="list-style-type: none"> • <u>Infiltrate or treat, detain, and disperse new runoff from impervious surfaces and new lawns</u>
Pets and human disturbance	<ul style="list-style-type: none"> • <u>Residential areas</u> • <u>Recreation</u> 	<ul style="list-style-type: none"> • Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion • Place wetland and its buffer in a separate tract or protect with a conservation easement • <u>Place signs around the wetland buffer every 50 feet and at the back of each residential lot in a subdivision</u>
Dust	<ul style="list-style-type: none"> • <u>Tilled fields</u> • <u>Roads</u> 	<ul style="list-style-type: none"> • Use BMPs to control dust

~~CD.~~ Modification of Buffer Widths. The standard buffer widths of subsection (A) of this section may be modified by averaging or increasing. may be decreased through buffer averaging. The standard buffer may also be increased.

1. Buffer Averaging. Buffer width averaging requests shall Buffer width averaging may be allowed only where the applicant demonstrates all of the following ~~through the submittal of a wetland report that is prepared by a qualified professional:~~

- a. ~~No feasible alternatives to the site design could be accomplished without buffer averaging. Buffer encroachment is unavoidable;~~
- b. ~~A habitat assessment has been submitted which demonstrates that the site does not provide habitat for any endangered, threatened, or sensitive fish or animal species; or For wetlands and/or required buffers associated with documented habitat for endangered, threatened, or sensitive fish or wildlife species, a habitat assessment report has been submitted that demonstrates that the buffer modification will not result in an adverse impact to the species of study;~~
~~The wetland contains variations in sensitivity due to existing physical characteristics;~~
- c. ~~Width-The averaged buffer averaging- will not result in the degradation of the will provide equal or greater protection of current wetland functions and values;~~
- d. The wetland contains variations in sensitivity due to existing physical characteristics

- e. The total buffer area after averaging is no less than the buffer area prior to averaging;
- fe. The minimum buffer width of the buffer at any given point after averaging shall will be no smaller than 75 percent of the ~~standard~~-buffer width established in subsection A of this section; and
- gf. The averaging is accomplished within the project boundaries;~~;~~ and
- g. ~~Measures will be taken to ensure that there is no loss of wetland function due to the buffer averaging.~~

2. Buffer Increases.

a. The department may require increased buffer width(s) on a case-by-case basis when a wider buffer is necessary to protect wetland functions and values. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the wetland. The documentation shall include but not be limited to the following criteria: any of the following are identified:

- i. A larger buffer is necessary to maintain viable populations of existing species;
- ii. The wetland is used by, or associated with, species listed by the federal government or the state as endangered, threatened, sensitive, or as documented priority species or habitats, or essential or outstanding potential sites such as heron rookeries or raptor nesting areas;
- iii. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts;
- iv. The adjacent land has minimal vegetative cover, or slopes greater than 20 percent.

~~b. If an applicant chooses not to apply the wetland impact minimization measures identified in Table 14.40.030.2, then the wetland buffers applicable to the site shall be per Table 14.40.030.3.~~

**Table 14.40.030.3
Wetland Buffers without Minimization of Impacts**

Wetland Category	Buffer Width (Wetland scores 3-4 habitat points)			
	Buffer Width (Wetland scores 5 habitat points)		Buffer Width (Wetland scores 6-7 habitat points)	
	Buffer Width (Wetland scores 8-9 habitat points)			
Category I: Based on total score	100 ft.	140 ft.	220 ft.	300 ft.
Category I: Bogs and wetlands of high conservation value	250 ft.			300 ft.
Category I: Forested	100 ft.	140 ft.	220 ft.	300 ft.
Category II (all)	100 ft.	140 ft.	220 ft.	300 ft.
Category III (all)	80 ft.	140 ft.	220 ft.	300 ft.
Category IV (all)	50 ft.			

D. Functionally Disconnected Buffer Area. Areas that are functionally and effectively disconnected from the wetland by an existing public or private road or legally established development, as determined by the Department. Functionally and effectively disconnected means that the road or other significant development blocks the protective measures and support functions (provision of organic detritus, for example) provided by a buffer. Significant developments shall include built public infrastructure such as roads and railroads, and private developments such as homes or commercial structures. Department staff shall evaluate whether the interruption will affect the entirety of

the buffer. Individual structures may not fully interrupt buffer function. In such cases, the allowable buffer exclusion should be limited in scope to just the portion of the buffer that is affected. Where questions exist regarding whether a development functionally disconnects the buffer, or the extent of that impact, Department staff may require a critical area assessment or report to analyze and document the buffer functionality

14.40.040 Wetland review procedures.

A. Wetland Report Requirements. If the department's maps indicate that a proposed project may be located within 300 feet of a wetland, the applicant shall submit a wetland critical areas report prepared by a qualified wetland specialist. The report requirement may be waived if the department determines that there are no potential direct or indirect impacts on the wetland or its buffers that would result from the proposed development. Wetland critical areas reports shall comply with the requirements of this chapter.

B. SingleOne-Family Dwelling Wetland Review. An application for a one-family dwelling in which no encroachment into a regulated wetland or wetland buffer is proposed may utilize the following single-family wetland certification process:

1. Prior to issuance of a building permit, site development permit, or on-site sewage system permit, the applicant shall submit a single-family wetland certification form completed by a wetland specialist that certifies either:

a. No regulated wetlands are present within 315 feet of the project area; or

b. Wetlands are present within 315 feet of the project area, but all regulated activities associated with the dwelling (i.e., landscaped areas, septic facilities, outbuildings, etc.) will occur outside of the standard buffer of the identified wetland.

2. If regulated wetland buffers extend onto the site and are within 315 feet of the project area, the wetland specialist shall place permanent, clearly visible, wetland buffer signs at the edge of the buffer. A wetland buffer sign affidavit, signed by the wetland specialist, shall be submitted to the Department as verification that the wetland buffer signs have been placed on the site.

3. The single-family certification form may be used only to authorize single-family dwellings and associated homesite features such as one garage, driveways, gardens, fences, wells, lawns, and on-site septic systems. It may not be used for new agricultural activities, expansion of existing agricultural activities, forest practice activities, commercial projects, land divisions, buffer width modifications, or violations. The single-family form may not be used to make a claim for exemption under EMC 14.30.030.

4. The single-family certification process will be monitored by the Department for accuracy, and enforcement actions will be initiated should encroachment into a regulated wetland or buffer occur.

5. The applicant/property owner assumes responsibility for any and all errors of the single-family certification form and all associated mitigation imposed by the Department.

6. If wetlands or their associated buffer are determined to be on-site or within 315 feet near or adjacent to a Single-family certification forms shall be filed with the Pierce County Auditor's Office.

Construction of a single-family dwelling and regulated activities accessory to a single-family dwelling, such as driveways, gardens, fences, walls, lawns, or on-site septic systems, may utilize an alternative wetland review procedure, subject to the following:

1. Prior to issuance of a building permit, site development permit, or on-site sewage system permit, the applicant shall submit a single-family wetland certification form completed by a wetland specialist that certifies either:

a. No regulated wetlands are present within 300 feet of the project area; or

~~b. Wetlands are present within 300 feet of the project area, but the buffer does not extend onto the project site.~~

~~2. The single family certification form may be used only to authorize single family dwellings and accessory structures. It may not be used for new agricultural activities, expansion of existing agricultural activities, forest practices activities, commercial projects, land divisions, or buffer width modifications.~~

14.40.050 Allowed activities.

A. The three types of wetlands identified in subsections (A)(1) through (3) of this section are exempt from the requirement to avoid impacts in EMC 14.10.070(B) and may be altered if the impacts are fully mitigated based on the remaining mitigation sequencing actions in EMC 14.10.070(B). In order to verify the following conditions, a wetland critical areas report meeting the requirements of EMC 14.40.070, Appendices, must be submitted:

1. All isolated Category IV wetlands less than 4,000 square feet that:
 - a. Are not associated with riparian areas or their buffers;
 - b. Are not part of a wetland mosaic;
 - c. Are not associated with shorelines of the state or their associated buffers;
 - d. Do not score five or more points for habitat functions based on current version of the Washington State Wetland Rating System for Western Washington (Ecology, 2014);
 - e. Do not contain a priority habitat or a priority area for a priority species identified by the Washington Department of Fish and Wildlife, federally listed species or their critical habitat, or habitats of and species of local importance as identified in Chapter 14.50 EMC.
2. Wetlands less than 1,000 square feet that meet the criteria specified in subsection (A)(1) of this section.
3. Utility projects within the outer 25 percent of any wetland buffers which have minor or short-duration impacts, as determined by the department in accordance with the criteria below, and which do not significantly impact the function or values of wetlands; provided, that such projects are constructed with BMPs and additional restoration measures are provided. Minor activities shall not result in the transport of sediment or increased stormwater. Such allowed minor utility projects shall meet the following criteria:
 - a. There is no practical alternative to the proposed activity with less impact on wetlands;
 - b. The activity involves the placement of a utility pole, street signs, anchor, or vault or other small component of a utility facility; and
 - c. The activity involves disturbance of an area less than 75 square feet.

B. The activities listed below are allowed in wetlands and their buffers, except where such activities would result in a loss of the functions and values of a wetland or wetland buffer. A critical areas report must be submitted to the department to determine if function or value will be lost. These activities include:

1. Activities in wetlands in areas managed according to a special area management plan or other plan adopted by the department and specifically designed to protect wetland resources.
2. Trimming of vegetation for purposes of providing a view corridor will be allowed. The trimming is limited to a maximum 20-foot width and the benefit to fish and wildlife habitat may not be reduced. No more than 30 percent of the live crown of a tree may be removed. Trimming shall be limited to hand pruning of branches and vegetation and does not include felling, topping, or the removal of trees.
 - a. Trimming and limbing of vegetation for the creation and maintenance of view corridors shall occur in accordance with the pruning standards of the International Society of Arboriculture. (See articles

published by the International Society of Arboriculture, Consumer Information Program, updated July 2005.)

b. The activity will not increase the risk of landslide or erosion.

3. Drilling for utilities or utility corridors under a wetland, with an entrance or exit portal located completely outside of the wetland buffer; provided, that the drilling does not interrupt the groundwater connection to the wetland or percolation of surface water down through the soil column. Specified studies by a hydrologist are necessary to determine whether the groundwater connection to the wetland or percolation of surface water down through the soil column will be disturbed. (Ord. 17-513 § 3 (Exh. A)).

14.40.060 Mitigation requirements.

A. Mitigation. Compensatory mitigation is required for all unavoidable alterations to wetlands or their buffers, except for buffer averaging when done in accordance with this chapter. Compensatory mitigation actions shall replace functions affected by the alteration and shall provide equal or greater functions compared to the impacted wetland. All projects must first demonstrate compliance with EMC 14.10.070(B) prior to development of compensatory mitigation plans.

B. Preference of Mitigation Actions. Compensatory mitigation of wetland areas shall occur in the following order of preference:

1. Restoration. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into:

a. Reestablishment. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. The reestablishment must result in a gain in wetland acres and functions. Activities could include removing fill material, plugging ditches, or breaking drain tiles.

b. Rehabilitation. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland. The rehabilitation must result in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland

2. Creation. The manipulation of the physical, chemical, or biological characteristics of a site to develop a wetland on an upland or deep water site where a wetland did not previously exist. Creation results in a gain in wetland acres. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species.

3. Enhancement. The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, floodwater retention, or wildlife habitat. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling nonnative or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these activities.

C. Approaches to Compensatory Mitigation. Mitigation for alterations to wetland and their buffers shall rely on the approaches listed below:

1. Wetland Mitigation Banks. Credits from a certified wetland mitigation bank may be used to compensate for impacts within the service area specified in the mitigation bank instrument. Use of credits from a wetland mitigation bank certified under Chapter 173-700 WAC is allowed if:

a. The department determines that it would provide appropriate compensation for the proposed impacts;

b. The impact site is located in the service area of the bank;

- c. The proposed use of credits is consistent with the terms and conditions of the certified bank instrument; and
- d. Replacement ratios for projects using bank credits is consistent with replacement ratios specified in the certified mitigation bank instrument.

2. In-Lieu Fee Mitigation. Credits from an approved in-lieu fee program may be used when all the following apply:

- a. The approval authority determines that it would provide environmentally appropriate compensation for the proposed impacts.
- b. The proposed use of credits is consistent with the terms and conditions of the approved in-lieu fee program instrument.
- c. Projects using in-lieu fee credits shall have debits associated with the proposed impacts calculated by the applicant’s qualified wetland specialist using the credit assessment method specified in the approved instrument for the in-lieu fee program.
- d. The impacts are located within the service area specified in the approved in-lieu fee instrument.

3. Permittee-Responsible Mitigation. In this situation, the permittee performs the mitigation after the permit is issued and is ultimately responsible for implementation and success of the mitigation. Permittee-responsible mitigation may occur at the site of the permitted impacts or at an off-site location within the same watershed. If available, the use of wetland mitigation banks and in-lieu fee programs are preferable to permittee-responsible mitigation.

D. Wetland Mitigation Ratios. The ratios listed in Table 14.40.060 apply to permittee-responsible mitigation. The first number specifies the acreage of replacement wetlands required, and the second number specifies the acreage of wetlands altered or relocated.

**Table 14.40.060
 Wetland Mitigation Ratios**

Category and Type of Wetland	Creation or Reestablishment	Rehabilitation	Enhancement
Category I: High conservation value/bog	Not considered possible	Not considered possible	Not considered possible
Category I: Mature and old growth forest	6:1	12:1	24:1
Category I: Based on functions	4:1	8:1	16:1
Category II	3:1	6:1	12:1
Category III	2:1	4:1	8:1
Category IV	1.5:1	3:1	6:1

The director may increase the ratios under the following circumstances:

- 1. Uncertainty as to the probable success of the proposed restoration or creation;
- 2. Significant period of time between destruction and replication of wetland values;
- 3. Projected losses in functional value; or
- 4. The compensatory mitigation is off site.

E. Wetland Buffer Mitigation. To mitigate unavoidable impacts to functions and values of wetland buffers, a minimum buffer ratio of 1:1 (alteration area: mitigation area) is required. This ratio assumes that creation or restoration of a wetland buffer with appropriate native vegetation is sufficient to compensate for the wetland buffer functions and values affected by alteration of an existing wetland buffer. If enhancement of an existing buffer is proposed as mitigation, a higher mitigation ratio may be required. For any proposed buffer activities, the applicant must demonstrate that the functions and values of the altered buffer will be fully replaced by the proposed mitigation. The department may increase the buffer mitigation ratios under the following circumstances:

1. The replacement ratio needed to recover the lost functions and values of buffer area is greater than 1:1 based upon the existing type of vegetative cover of either the impact site or the proposed mitigation site;
2. Uncertainty exists as to the probable success of the proposed restoration or creation;
3. A significant period of time will elapse between impact and replication of wetland functions; or
4. The impact was an unauthorized impact.

F. Wetland and Buffer Mitigation Plans. Compensatory wetland mitigation plans shall be consistent with Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans (Ecology, 2006); and Selecting Wetland Mitigation Sites Using a Watershed Approach (Ecology, 2009), or as revised. Mitigation plans shall comply with the requirements established in EMC 14.40.070(B). (Ord. 17-513 § 3 (Exh. A)).

14.40.070 Appendices.

A. Wetland Report.

B. Wetland Mitigation Plan.

APPENDIX A

WETLAND REPORT

A. A wetland critical areas report shall, at a minimum, include the following:

1. The general critical areas report requirements in EMC 14.10.080;
2. Map showing the location of all wetlands and required buffers within 300 feet of the proposed development;
3. An analysis of the on-site wetland(s) include the following site- and proposal-related information:
 - a. Documentation of any fieldwork performed on the site, including, but not limited to, field delineation data sheets for delineations and wetland rating forms;
 - b. Wetland acreage;
 - c. Wetland category;
 - d. A discussion of the water sources supplying the wetland and documentation of hydrologic regime (locations of inlet and outlet features, water depths throughout the wetland, evidence of recharge or discharge);
 - e. A discussion of the functions of existing wetlands, including vegetative, faunal, and hydrologic conditions; and
 - f. A description of the methodologies used to conduct the wetland delineations;
4. A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing wetlands;
5. A detailed discussion of the direct and/or indirect potential impacts on the wetland by the project; and

6. The wetland mitigation plan requirements of Appendix B of this section, if the activity will result in unavoidable impacts to wetlands or their buffers.

APPENDIX B

WETLAND MITIGATION PLAN

A. A wetland mitigation plan shall, at a minimum, include the general mitigation plan requirements in EMC 14.10.090 and the following information:

1. Existing and proposed wetland acreage;
2. Vegetative and faunal conditions;
3. Surface and subsurface hydrologic conditions including an analysis of existing and future hydrologic regime and proposed hydrologic regime for enhanced, created, or restored mitigation areas;
4. Relationship within watershed and to existing water bodies;
5. Soils and substrate conditions, topographic elevations;
6. Existing and proposed adjacent site conditions;
7. Required wetland buffers (including any buffer reduction or averaging and mitigation proposed to enhance buffers);
8. Property ownership;
9. A discussion of ongoing management practices that will protect wetlands after the project site has been developed, including proposed monitoring and maintenance programs;
10. A bond estimate for the installation, site preparation, plant materials and installation, fertilizers, mulch, and the proposed monitoring and maintenance work for the required number of years, pursuant to EMC 14.10.070(E). (Ord. 17-513 § 3 (Exh. A)).

Chapter 14.60
AQUIFER RECHARGE AND WELLHEAD PROTECTION AREAS
Draft Amendments

Sections:

- 14.60.010 Purpose.
- 14.60.020 Critical aquifer recharge areas identification.
- 14.60.030 Critical aquifer recharge areas review procedures.
- 14.60.040 Critical aquifer recharge areas standards.
- 14.60.050 Appendices.

14.60.010 Purpose.

The purpose of this chapter is to protect critical aquifer recharge areas from degradation or depletion resulting from new or changed land use activities. Due to the exceptional susceptibility and vulnerability of groundwater underlying aquifer recharge areas to contamination and the importance of such groundwater as sources of public water supply, it is the intent of this chapter to safeguard groundwater resources and wellhead protection areas by mitigating or precluding future discharges of any contaminant from new land use activities.

14.60.020 Critical aquifer recharge areas identification.

A. General. Critical aquifer recharge areas are areas that have a critical recharging effect on groundwater used for potable water supplies and/or that demonstrate a high level of susceptibility or vulnerability to groundwater contamination from land use activities. These areas include the following:

1. Aquifer recharge areas, which are the boundaries of the two highest DRASTIC zones that are rated 180 and above on the DRASTIC index range, as identified in Map of Groundwater Pollution Potential, Edgewood, Washington, National Water Well Association, U.S. Environmental Protection Agency (EPA);
2. Wellhead protection areas, as defined in Chapter 14.20 EMC; and
- ~~3. Sole source aquifers, which are areas that have been designated by the EPA pursuant to the Federal Safe Drinking Water Act. As of the effective date of this title, there are no designated sole source aquifers within city limits.~~

14.60.030 Critical aquifer recharge areas review procedures.

A. General Requirements.

1. The city's ~~critical aquifer recharge areas map~~Critical Area GIS database provides an indication of where critical aquifer recharge areas are located within the city ~~and the map is updated as necessary.~~
- ~~2. The department will complete a review of the city's Critical Area GIS database for any development proposal to determine whether the proposed project area for a regulated activity falls within a critical aquifer recharge area.~~
2. Any ~~proposed development~~regulated activity located within critical aquifer recharge areas shall comply with the standards set forth in this chapter.
3. Any hazardous uses, as detailed in section 14.60.040(D), shall require the submittal of a hydrogeologic assessment, as set forth in subsection (B) of this section. Other uses do not require the submittal of a hydrogeologic assessment.
4. For the purposes of regulating this chapter, "director" means the Public Works Director or their designee.
- ~~5. The department may waive critical area protective measure provisions contained in Chapter EMC 14.10.070 EMC, as deemed appropriate by the director and can be shown to meet the requirements associated with best available science, if required.~~

~~B. Hydrogeologic Assessment. When required per subsection (A), above, the hydrogeologic assessment shall:~~

- ~~1. The hydrogeologic assessment shall be prepared, signed, and dated by a state licensed geologist or hydrogeologist.~~
- ~~2. The hydrogeologic assessment shall be submitted in the form of a report detailing the subsurface conditions, the design of a proposed land use action, and the facilities operation which indicates the susceptibility and potential for contamination of groundwater supplies. The hydrogeologic assessment shall, at a minimum, include the general critical area report requirements of Chapter 14.10 EMC in addition to the following 15 items:
 - ~~a. Information sources;~~
 - ~~b. Geologic setting—includes well logs or borings used to identify information;~~
 - ~~c. Background water quality;~~
 - ~~d. Groundwater elevations;~~
 - ~~e. Location and depth to perched water tables;~~
 - ~~f. Recharge potential of a facility site, i.e., the permeability and transmissivity;~~
 - ~~g. Groundwater flow direction and gradient;~~
 - ~~h. Current available data on wells located within one quarter mile of the site;~~
 - ~~i. Current available data on any spring within one quarter mile of the site;~~
 - ~~j. Surface water location and recharge potential;~~
 - ~~k. Water source supply to a facility, e.g., a high capacity well;~~
 - ~~l. Any sampling schedules necessary;~~
 - ~~m. Discussion of the effects of the proposed project on the groundwater resource;~~
 - ~~n. Discussion of potential mitigation measures, should it be determined that the proposed project will have an adverse impact on groundwater resources; and~~
 - ~~o. Any other information as required by the TPCHD, including information required under Washington Department of Ecology Publication No. 97-30.~~~~

C. Storage Tank Permits. In addition to the requirements set forth in this title, the following agencies also have the authority to regulate the installation, repair, replacement, or removal of any UST:

1. ~~The city's Building and Fire Official~~ ~~The Pierce County fire prevention bureau~~ regulates and authorizes permits for all ~~USTs~~ underground storage tanks, and all hazardous aboveground storage tanks pursuant to the International Fire Code (~~Article 79~~) and this chapter.
2. The Washington Department of Ecology regulates and authorizes permits for all USTs (Chapter 173-360 WAC).
3. The TPCHD regulates and authorizes permits for the removal of any UST (Pierce County Code, Chapter 8.34).

14.60.040 Critical aquifer recharge areas standards.

A. Exemptions. In addition to the general exemptions listed in EMC 14.30.030, the following uses or activities are exempt from the requirements of this chapter:

1. Sanitary sewer lines and appurtenances;
2. Individual on-site domestic sewage systems or unit lot short plat subdivision off-site community septic systems releasing less than 14,500 gallons of effluent per day, subject to TPCHD permit.

~~A. General. All regulated activities that are not exempt or prohibited under the provisions of this chapter shall ensure sufficient groundwater recharge. In order to achieve sufficient groundwater recharge, the applicant shall comply with the city's adopted stormwater manual, Chapter 13.05 EMC, and demonstrate to the director that the total post-development infiltration rate for the project area will be equal to or better than the predevelopment rate.~~

B. Prohibited Uses. Because of high potential for contamination, and low potential for remediation of ground waters used as potable water sources, the following uses of land shall be prohibited within the city:

1. Landfills (other than inert and demolition landfills), including hazardous and dangerous waste.
2. Underground injection wells, except as proposed by public agency for remediation of groundwater contamination or aquifer enhancement.
3. Metals mining
4. Wood treatment facilities.
5. Storage, transfer, processing, or disposal of radioactive substances
6. Pesticide/fertilizer manufacturing facilities.
6. Storage of more than 70,000 gallons of liquid petroleum or other hazardous substances.
7. Other uses or activities determined by the department have a significant impact on groundwater.

~~Landfills (other than inert and demolition landfills), Class I, III, and IV underground injection wells, metals mining, wood treatment facilities, pesticide manufacturing, petroleum refining facilities (including distilled petroleum facilities), the storage of large volumes of petroleum products, and other uses or activities determined by the department to have a significant adverse impact on groundwater are prohibited within critical aquifer recharge areas.~~

C. Exemptions. In addition to the general exemptions listed in EMC 14.30.030, the following uses or activities are exempt from the requirements of this chapter:

1. Sanitary sewer lines and appurtenances;
2. Biosolids and sludge land application sites; provided, that these activities comply with the requirements established in Chapters 173-200, 173-216, and 173-304 WAC; and
3. Single-family and two-family dwellings and associated accessory structures, including any non-hazardous uses appurtenant thereto, on existing lots of record. However, appurtenant storage tanks are not exempt and are subject to the standards under subsection (G), below.; and
4. Non-hazardous uses with an associated and approved Industrial Stormwater General Permit issued by the Washington State Department of Ecology.

CD. Agricultural Activities. New agricultural activities that do not involve hazardous substance handling or application are allowed within an aquifer recharge or wellhead protection area provided that the criteria in EMC 14.60.040.G is met, subject to the following:

~~1. The applicant is required to submit a farm management plan prepared by the USDA, NRCS, Pierce County Conservation District, or Washington State University Cooperative Extension Office, that certifies that water quality and quantity within the aquifer recharge area is maintained. The farm management plan shall at a minimum address the following:~~

- ~~a. The limits of the proposed agricultural activities.~~
- ~~b. The proposed scope of agricultural activities, including the use of any pesticides, fertilizers, or other chemicals.~~
- ~~c. The existing nitrate levels on the site and any proposed increases in nitrate levels.~~

~~2. Integrated pest management (IPM) practices for pest control and BMPs for the use of fertilizers, as described by the Washington State University Pierce County Cooperative Extension Office, shall be utilized.~~

~~3. Nitrate levels at down gradient property line shall not exceed 2.5 mg/L or, if the background nitrate concentration exceeds 2.5 mg/L, the concentration will not be increased more than 0.1 mg/L.~~

~~4. Additional protective measures may be required if deemed necessary by the department or TPCHD to protect public health or safety.~~

D. The following hazardous land uses may only be permitted after review and approval of a hydrogeological assessment demonstrating compliance with EMC 14.60.040. The hydrologic assessment shall comply with EMC 14.060.050 and will be reviewed by the department and sent to TPCHD for review.

- a. Animal containment area;
- b. Automobile washing facilities;
- c. Below-ground storage tank;
- c. Hazardous substance processing or handling;
- d. Hazardous waste treatment, storage, or disposal facility;
- e. Inert and demolition waste landfills;
- g. Significant diversion, alteration or reduction to the flow of ground water, or the impact on a regulated stream base flows or ability in sustaining regulated wetlands.
- h. Facilities with the potential to generate hazardous waste, including, but not limited to, boat repair facilities, biological research facilities, dry cleaners, furniture stripping, motor vehicle service garages, photographic processing, and printing shops.

E. General. All regulated activities that are not exempt or prohibited under the provisions of this chapter shall ensure sufficient groundwater recharge. In order to achieve sufficient groundwater recharge, the applicant shall comply with the city's adopted stormwater manual, Chapter 13.05 EMC, and demonstrate to the director that the total post-development infiltration rate for the project area will be equal to or better than the predevelopment rate.

F. The land use and development shall comply with the critical area protective measure provisions contained in EMC 14.10.070 unless the department waives these measures as deemed appropriate by the director and can be shown to meet the requirements associated with BAS.

GE. Protection Standards - Nonhazardous Uses. Subdivision of land as defined in EMC Title 16, ~~residential structures housing three or more units multi-family, and all commercial, and industrial sites or activities uses or development~~ that do not include or involve hazardous substance processing or handling in critical aquifer recharge areas are allowed subject to the following standards:

1. ~~Stormwater quality treatment and flow control shall be provided in conformance with the city's adopted stormwater management manual. The land use and development complies with EMC 14.60.040(D), above.~~
2. Floor drains shall not be allowed to drain to the stormwater system and must be designed and installed to meet the Uniform Plumbing Code (UPC) ~~Section 303~~.
3. If any roof venting carries a contaminant, then the portion of the roof draining from this area must go through pretreatment pursuant to UPC ~~Section 304(b)~~.
4. All nonresidential vehicle washing must be self-contained or be discharged to a sanitary sewer system, if approved by the sewer utility, and is subject to UPC ~~Sections 708 and 711~~.
5. ~~Application of household pesticides, herbicides, and fertilizers shall not exceed times and rates specified on the packaging. Integrated pest management (IPM) practices for pest control and BMPs for the use of fertilizers, as described by the Washington State University Pierce County Cooperative Extension Office, shall be utilized.~~
6. ~~On-site and off-site septic systems comply with health district requirements. For new or changes in regulated activities served by on-site sewage systems, the applicant must demonstrate to the TPCHD that nitrate levels at the down-gradient property line will not exceed 2.5 mg/L or that if the background nitrate concentration exceeds 2.5 mg/L the concentration will not be increased more than 0.1 mg/L.~~
7. Additional protective measures may be required if deemed necessary by the department ~~or TPCHD~~ to protect public health or safety.

~~HF. Protection Standards – General Hazardous Uses – General. Hazardous substance processing or handling, hazardous waste treatment and storage facilities, animal containment areas, and solid waste facilities that require a solid waste handling permit from the TPCHD, requiring approval from the city, shall be allowed only in critical aquifer recharge areas. The land use and development shall demonstrate that the proposed activity will not cause contaminants to enter the aquifer and that the proposed activity will not adversely affect the recharging of the aquifer and complies with all federal and state laws. Based on the available information, the director shall have discretion to impose conditions designed to prevent degradation of ground water quality or quantity. Such conditions may include a hydrologic site evaluation, determination of background water quality, quantity, and ground water levels prior to approval and development of ground water quality and/or quantity management plans. All conditions shall be based on all known, available, and reasonable methods of prevention, control, and treatment, subject to review and approval of a hydrogeologic assessment by the department and review by the TPCHD. The department has the authority to apply whatever standards deemed necessary to mitigate any negative impacts that may be associated with the proposed development and will consider comments by TPCHD.~~

~~iG. Protection Standards Hazardous Uses – Storage Tanks. In addition to the requirement to submit a hydrogeologic assessment, the following standards apply to storage tanks in critical aquifer recharge areas:~~

1. Underground Tanks. All new underground storage facilities used or to be used for the underground storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:
 - a. Prevent releases due to corrosion or structural failure for the operational life of the tank;
 - b. Be protected against corrosion, constructed of noncorrosive material, steel clad with a noncorrosive material, or designed to include a secondary containment system to prevent the release or threatened release of any stored substance;
 - c. Use material in the construction or lining of the tank which is compatible with the substance to be stored; and
 - d. The installation of any UST shall also be subject to other state and local permit requirements.
2. Aboveground Tanks.

a. No new aboveground storage facility or part thereof shall be fabricated, constructed, installed, used, or maintained in any manner which may allow the release of a hazardous substance to the ground, groundwater, or surface water within any critical aquifer recharge areas.

b. No new aboveground tank or part thereof, with the exception of tanks for potable water, shall be fabricated, constructed, installed, used, or maintained without having constructed around and under it an impervious containment area enclosing or underlying the tank or part thereof.

cb. A new aboveground tank that will contain a hazardous substance will require both a double-walled tank and a secondary containment system separate from the tank that will hold 110 percent of the tank's capacity. The secondary containment system or dike system must be designed and constructed to contain material stored in the tank(s).

i. Protection Standards Hazardous Uses – Vehicle Repair and Servicing.

1. Vehicle repair and servicing must be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment should leaks occur.

2. No dry wells shall be allowed in critical aquifer recharge areas on sites used for vehicle repair and servicing. Dry wells existing on the site prior to facility establishment must be abandoned using techniques approved by the State Department of Ecology prior to commencement of the proposed activity.

14.60.040 Appendix.
APPENDIX A

HYDROGEOLOGIC ASSESSMENT

A. Hydrogeologic Assessment shall, at a minimum, include the following:

1. Hydrological assessment shall include the general critical report requirements pursuant to EMC 14.10.080

2. Prepared, signed, and dated by a state licensed geologist or hydrogeologist.

3. Include, but no limited to:

a. Information sources;

b. Geologic setting – includes well logs or borings used to identify information;

c. Background water quality;

d. Groundwater elevations;

e. Location and depth to perched water tables;

f. Recharge potential of a facility site, i.e., the permeability and transmissivity;

g. Groundwater flow direction and gradient;

h. Currently available data on wells located within one-quarter mile of the site;

i. Currently available data on any spring within one-quarter mile of the site;

- j. Surface water location and recharge potential;
- k. Water source supply to a facility, e.g., a high capacity well;
- l. Any sampling schedules necessary;
- m. Discussion of the effects of the proposed project on the groundwater resource;
- n. Discussion of potential mitigation measures, should it be determined that the proposed project will have an adverse impact on groundwater resources; and
- o. Any other information as required by the TPCHD.

Chapter 14.70
VOLCANIC HAZARD AREAS
Draft Amendments

Sections:

- 14.70.010 Purpose.
- 14.70.020 Volcanic hazard areas.
- 14.70.030 Volcanic hazard area review procedures.
- 14.70.040 Volcanic hazard area standards.

14.70.010 Purpose.

At over 14,411 feet high, Mount Rainier dominates the skyline of the southern Puget Sound region. This glacier-clad mountain is a dormant volcano capable of generating large floods and lahars which have historically reached the floors of the lowlands south of the city of Seattle and out to Commencement Bay in the Port of Tacoma, spewing ash from pyroclastic eruptions. The purpose of this chapter is to promote the public health, safety, and general welfare of the ~~citizens~~residents of Edgewood by providing standards that minimize the loss of life that may occur as a result of volcanic events emanating from Mount Rainier.

14.70.020 Volcanic hazard areas.

A. General. Volcanic hazard areas are areas subject to pyroclastic flows, lava flows, and inundation by debris flows, mudflows, or related flooding resulting from geologic and volcanic events on Mount Rainier.

B. Volcanic Hazard Area Categories. Volcanic hazard areas are areas that have been historically inundated by Case I, Case II, or Case III lahars or other types of debris flow; affected by pyroclastic flows, pyroclastic surges, lava flows, or ballistic projectiles in future eruptions; or are located in other drainages expected to be inundated by a future Case I, Case II, or Case III debris flow. Volcanic hazard areas are classified into the following categories:

1. Inundation Zone for Case I Lahars. Areas that could be affected by cohesive lahars that originate as enormous avalanches of weak chemically altered rock from the volcano. Case I lahars can occur with or without eruptive activity. The average reoccurrence rate for Case I lahars on Mount Rainier is about 500 to 1,000 years.

2. Inundation Zone for Case II Lahars. Areas that could be affected by relatively large noncohesive lahars, which most commonly are caused by the melting of snow and glacier ice by hot rock fragments during an eruption, but which can also have a noneruptive origin. The average time interval between Case II lahars from Mount Rainier is near the lower end of the 100- to 500-year range, making these flows analogous to the so-called “100-year flood” commonly considered in engineering practice.

~~3. Inundation Zone for Case III Lahars. Areas that could be affected by moderately large debris avalanches or small noncohesive lahars, glacial outburst floods, or other types of debris flow, all of noneruptive origin. The average time interval between Case III lahars at Mount Rainier is about one to 100 years.~~

~~4. Pyroclastic Flow Hazard Zone. Areas that could be affected by pyroclastic flows, pyroclastic surges, lava flows, and ballistic projectiles in future eruptions. During any single eruption, some drainages may be unaffected by any of these phenomena, while other drainages are affected by some or all phenomena. The average time interval between eruptions of Mount Rainier is about 100 to 1,000 years.~~

C. Travel Time Zones. The ability to evacuate people from within a volcanic hazard area correlates to the distance from the source of an event, i.e., those areas closest to the event will have less time to evacuate than those areas farther away from the source of an event. The amount of time that is anticipated for a debris flow, lahar, flood, or avalanche to travel geographically has been classified into ~~the following~~ travel time zones. The city is within Time Travel Zone C and D identified on the Critical Area GIS database, which is based on the Bulletin of Volcanology, Vol. 60, pp. 98-109, titled: An Empirical Method for Estimating Travel Times for Wet Volcanic Mass Flows by T.C. Pierson, 1998. Time Travel Zone C and D are described as follows:

- ~~1. Time Zone A. Time Zone A is an estimated one hour travel distance from the source of the event.~~
- ~~2. Time Zone B. Time Zone B is an estimated one and one half hour travel distance from the source of the event.~~
- 13. Time Zone C. Time Zone C is an estimated two-hour travel distance from the source of the event.
- 24. Time Zone D. Time Zone D is an estimated two-hour or greater travel distance from the source of the event.

14.70.030 Volcanic hazard area review procedures.

A. The ~~city's Critical Areas Atlas—Volcanic Hazard Area~~ city's Critical Areas GIS database provides an indication of where volcanic hazard areas are located within the city.

B. The department will complete a review of the volcanic hazard area maps for any development proposal to determine whether the proposed project area for a regulated activity falls within a volcanic hazard area.

C. When the department's maps or sources indicate that the proposed project area for a regulated activity is located within a volcanic hazard area, the department shall apply the standards for regulated activities in volcanic hazard areas, as set forth in EMC 14.70.040.

14.70.040 Volcanic hazard area standards.

The following standards apply within the inundation zones for Case I, II, and III lahars and within the pyroclastic flow hazard zone (refer to Table 14.70.040):

- ~~A. Bonus densities, as set forth in EMC 18.90.080, Housing incentives program, shall be prohibited.~~
- ~~B. All critical facilities shall be prohibited, except sewer collection facilities and any other utilities that are located underground or not likely to cause harm to people or the environment if inundated by a lahar.~~
- ~~C. Special occupancy structures, as defined in Chapter 14.20 EMC, are subject to the following:~~
 - ~~1. Travel Time Zone A. Special occupancy structures located within the Travel Time Zone A area shall be limited to a maximum 100 person occupancy.~~
 - ~~2. Travel Time Zone B. Special occupancy structures located within the Travel Time Zone B area shall be limited to a maximum 500 person occupancy.~~
 - ~~3. Travel Time Zone C. Special occupancy structures located within the Travel Time Zone C area shall be limited to a maximum 1,000 person occupancy.~~
 - ~~4. Travel Time Zone D. Special occupancy structures located within the Travel Time Zone D area shall be limited to a maximum 5,000 person occupancy.~~

**Table 14.70.040
Volcanic Hazard Area Standards**

Facility/Occupancy List	Case I Lahar Inundation Zone	Case II Lahar Inundation Zone	Case III Lahar Inundation Zone	Pyroclastic Flow Hazard Zone
Bonus Densities ⁽¹⁾	Not Allowed	Not Allowed	Not Allowed	Not Allowed
Critical Facilities ⁽²⁾	Not Allowed	Not Allowed	Not Allowed	Not Allowed
Special Occupancies ⁽³⁾	In Time Travel Zone A—Limited to 100-person occupant load. In Time Travel Zone B—Limited to 500-person occupant load. In Time Travel Zone C - Limited to 1,000-person occupant load. In Time Travel Zone D - Limited to 5,000-person occupant load.			

Facility/Occupancy List	Case I Lahar Inundation Zone	Case II Lahar Inundation Zone	Case III Lahar Inundation Zone	Pyroclastic Flow Hazard Zone
Other Occupancies	No Limitation	No Limitation	No Limitation	No Limitation

- (1) Bonus density as set forth in EMC 18.90.080, Housing incentives program.
- (2) Critical facility as defined in Chapter 14.20 EMC, except sewer collection facilities and any other utilities that are located underground or not likely to cause harm to people or the environment if inundated by a lahar.
- (3) Special occupancy structures as defined in Chapter 14.20 EMC.

**Chapter 14.80
FLOOD HAZARD AREAS
Draft Amendments**

Sections:

- 14.80.010 Purpose and applicability.
- 14.80.011 Abrogation and greater restrictions.
- 14.80.012 Interpretation.
- 14.80.013 Methods of reducing flood losses.
- 14.80.014 Designation of the floodplain administrator.
- 14.80.015 Duties and responsibilities of the floodplain administrator.
- 14.80.020 Basis for establishing the areas of special flood hazard.
- 14.80.030 Definitions.
- 14.80.040 Additional special flood hazard areas.
- 14.80.045 Establishment of development permit.
- 14.80.050 Flood hazard area review procedures.
- 14.80.060 Provisions for flood hazard reduction.
- 14.80.070 Variances to flood hazard areas.
- 14.80.075 Penalties for noncompliance.
- 14.80.080 Appendices.

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14.80.012 Interpretation.

For the purposes of regulating this chapter, “director” means the Public Works Director or their designee, and “department” means the Public Works Department. In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 20-589 § 1 (Exh. A)).

14.80.013 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting development that is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that development vulnerable to floods be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, or other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas.

14.80.014 Designation of the floodplain administrator.

The ~~public works~~ director is hereby appointed as the Edgewood floodplain administrator to administer, implement, and enforce this chapter by granting or denying development permits in accordance with its provisions. The floodplain administrator may delegate authority to implement these provisions.

14.80.015 Duties and responsibilities of the floodplain administrator.

Duties of the floodplain administrator shall include, but not be limited to:

A. Permit Review. Review all development permits to determine that:

1. The permit requirements of this chapter have been satisfied;
2. All other required state and federal permits have been obtained;
3. The site is reasonably safe from flooding;
4. The proposed development is not located in the floodway. If located in the floodway, assure that the encroachment provisions of EMC 14.80.060(C) are met; and
5. Notify FEMA when annexations occur in the special flood hazard area.

B. Use of Other Base Flood Data (in A Zones). When base flood elevation data has not been provided (in A zones), the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer EMC 14.80.060(B), Specific Standards, and 14.80.060(C), Floodways.

C. Information to Be Obtained and Maintained.

1. Where base flood elevation data is provided through the FIS, FIRM, or as required in subsection (B) of this section, obtain and maintain a record of the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in subsection (B) of this section:
 - a. Obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was floodproofed.
 - b. Maintain the floodproofing certifications required in EMC 14.80.045(B)(3).
3. Certification required by EMC 14.80.050(E) or 14.80.060(C)(1).
4. Records of all variance actions, including justification for their issuance.
5. Improvement and damage calculations.
6. Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Alteration of Watercourse. Whenever a watercourse regulated under this chapter is to be altered or relocated:

1. Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means.
2. Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

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Chapter 14.90
LANDSLIDE HAZARD AREAS
Draft Amendments

Sections:

- 14.90.010 Purpose.
- 14.90.020 Landslide hazard areas.
- 14.90.030 Landslide hazard area review procedures.
- 14.90.040 Landslide and erosion hazard area standards.
- 14.90.050 Buffer requirements.
- 14.90.060 Appendices.

14.90.010 Purpose.

The purpose of this chapter is to:

- A. Protect human life and health.
- B. Regulate uses of land in order to avoid damage to structures and property being developed and damage to neighboring land and structures.
- C. Identify and map active landslide hazard areas.
- D. Minimize the ill effects on wetlands and critical fish and wildlife habitat that can result from landslides.
- E. Establish permit requirement and review procedures for development proposals in areas with potential landslides.

14.90.020 Landslide hazard areas.

A. Landslide Hazard Areas. Landslide hazard areas are areas potentially subject to mass movement due to a combination of geologic, seismic, topographic, hydrologic, or manmade factors. Landslide hazard areas are identified by the presence of any of the following five indicators.

- 1. Areas of historic failures, including areas of unstable, old and recent landslides or landslide debris within a head scarp.
- 2. Areas with all three of the following characteristics:
 - a. Slopes steeper than 15 percent with a vertical relief of 20 feet or more; and
 - b. Hillsides that intersect geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
 - c. Springs or groundwater seepage.
- 3. Areas exhibiting geomorphological features indicative of past slope failure within the last 10,000 years, such as hummocky ground, back-rotated benches on slopes, tension cracks, etc.
- 4. Any area with a slope of 40 percent or steeper and with a vertical relief of 15 or more feet.
 - a. Slopes may be exempted from the requirements of this section; provided, that it can be demonstrated by a qualified geotechnical professional that such an exemption does not result in an increased risk of landsliding or damage to the subject site, nearby properties, and existing structures. Any associated hazards to proposed structures must be suitably mitigated.
 - b. For the purposes of determining whether a slope is considered to be a landslide hazard area, the horizontal and vertical distance between the top of slope and toe of slope are utilized.
- 5. Areas that are at risk of mass movement due to seismic events.

6. Areas potentially unstable as a result of rapid stream incision, streambank erosion, including stream channel migration zones:

B. Potential Landslide Hazard Areas. Potential landslide hazard areas, as depicted on ~~the geologically hazardous areas map~~ city Critical Area GIS database, are those areas where the suspected risk of slope instability and landslide is sufficient to require a geological assessment to ~~assess-determine~~ the potential for active landslide activity. Potential landslide hazard areas are determined by using the following criteria:

1. Areas that possess one or more of the landslide hazard area indicators (stratigraphy, topography, emergent groundwater seepage, etc.) as set forth in subsection (A) of this section and any adjacent area within a distance of 65 feet. These areas include, but are not necessarily limited to, those areas designated on the city's ~~geologically hazardous areas~~ Critical Area GIS database map as moderate or steep slope areas.

2. Areas shown on the Washington Geological Information Portal as prepared and maintained by the Washington Department of Natural Resources (WDNR) that are shown under "WGS-Protocol Landslide Mapping".

C. Landslide Hazard Area Categories: Landslide hazard areas shall be classified into categories which reflect each landslide hazard areas past landslide activity and the potential for future landslide activity based on an analysis of slope instability. Landslide hazard areas shall be designated as follows:

1. Landslide Hazard Area. A composite of the active landslides and/or unstable areas, including that portion of the top of slope and slope face subject to failure and sliding as well as toe of slope areas subject to impact from down slope run-out, identified and mapped during a geological assessment of a site. An active landslide hazard area exhibits one or more of the following:

a. Areas of historical landslide movement on a site which have occurred in the past century including areas identified in EMC 14.90.020(B)(2) or other mapping sources.

b. Unstable areas that exhibit geological and geomorphologic evidence of past slope instability or landsliding or possess geological indicators (stratigraphy, ground water conditions, etc.), as set forth in EMC 14.90.02(A), that have been determined through a geological assessment process to be presently failing or may be subject to future landslide activity. The impact of the proposed development activities must be considered in defining the extent of the active areas.

c. Interim areas are located between areas identified through the geological assessment process as an active landslide hazard area. Interim areas will be considered part of the active landslide hazard area if the required top of slope or toe of slope landslide hazard area buffer encompasses the area.

2. Stable Areas. Areas that have been identified as potential landslide hazard areas, but, through the geological assessment process, meet one of the following conditions:

a. A geological assessment has been performed and the results of that assessment indicate that an area is not a landslide hazard area set forth in EMC 14.90.020(C)(1), above.

b. Areas that have been determined to be stable or are converted into a stable area by the implementation of engineering or structural measures are not considered a landslide hazard critical area.

c. Adequate engineering or structural measures have been provided in a geotechnical report that mitigates the potential for a future landslide to occur as a result of proposed, current, or past development activity that also complies with the following criteria:

i. The engineering or structural measures must provide a minimum factor of safety of 1.5 static conditions and 1.1 for dynamic conditions. Analysis of dynamic (seismic) conditions shall be based on a minimum horizontal acceleration as established by the current version of the International Building Code.

ii. Construction sequencing recommendations must be provided by the geotechnical professional when a proposed development will be constructed concurrently with the engineering or structural measures.

iii. Demonstrate how modification of the Landslide Hazard Area will not result in any adverse impacts on adjacent properties (within 100 feet).

iv. The proposed development and stabilization measures comply with EMC 14.90.040(A) and 14.90.040(B)(1)

v. The engineering or structural measures must be completed, inspected and accepted by the city for the area to be deemed stable.

14.90.030 Landslide hazard area review procedures.

A. General Requirements.

1. For the purposes of regulating this chapter, “director” means the Public Works Director or their designee, and “department” means the Public Works Department.

2. The city’s ~~geologically hazardous areas map~~Critical Area GIS Database provides an indication of where potential landslide hazard areas are located within the city. The actual presence or location of landslide hazard areas that have not been mapped, but may be present on or adjacent to a site, shall be determined using the geological assessment procedures established in this chapter.

23. The department will complete a review of the ~~geologically hazardous areas map~~available GIS data and other source documents for any proposed regulated activity to determine whether the site is, or may be, located within a landslide hazard area or potential landslide hazard area. Identification of a landslide hazard area or potential landslide hazard area may also occur as a result of field investigations conducted by department staff.

34. When the department’s maps or sources indicate that the site for a proposed regulated activity is or may be located within a landslide hazard area or potential landslide hazard area, the department shall require the submittal of a geological assessment as outlined in subsection (B) of this section.

45. Unless otherwise stated in this chapter, the critical area protective measure provisions contained in ~~Chapter-EMC 14.10.070-EMC~~ shall apply.

B. Geological Assessment. A geological assessment is a site investigation process to evaluate the on-site geology affecting a subject property. ~~The findings of the geological assessment shall be presented in a landslide hazard-geotechnical verification or geotechnical report.~~

1. A geotechnical professional shall complete a geological assessment to determine whether a landslide hazard area or potential landslide area exists on or within 65 feet of the site. The following are acceptable geological assessments:

a. Geotechnical Verification (EMC 14.90.060(A)): When a geotechnical professional finds that there is no landslide hazard area within or within 65 feet of the site.

b. Geotechnical Report (EMC 14.90.060(B)): When a geotechnical professional finds that a landslide hazard area exists on or within 65 feet of the proposed project area or when a geotechnical professional determines that mitigation measures are necessary to construct or develop within a potential landslide hazard area.

2. All geotechnical assessments shall include the following information:

b. All the required Critical Area Report requirements per EMC 14.10.080(C)

b. Shall be prepared, signed, and dated by a geotechnical professional.

- c. Shall include a field investigation and may also include review of public records and documentation, analysis of historical air photos, LiDAR mapping, published data and references, etc.
 - d. A determination of which areas on the site meet the criteria for an riverine erosion hazard area and soil erosion hazard area.
 - e. Provide all the required information pursuant to EMC 14.90.060.
 - f. The director may require that the geotechnical assessment include analysis of abutting properties to ensure no adverse impacts will occur as a result of t requested development.
 - g. The director may require a hydrogeologic assessment (EMC 14.60.040) to accompany the geotechnical assessment if adverse impacts are anticipated.
- ~~1. Geological assessments shall be submitted to the department for review and approval together with a landslide hazard area application and associated fee.~~
 - ~~2. A geological assessment shall include a field investigation and may include the use of historical air photo analysis, LiDAR mapping, review of regional geologic mapping, review of public records and documentation, and interviews with adjacent property owners, etc.~~
 - ~~3. The geological assessment shall include the following information and analysis:
 - ~~a. A determination of which areas on the site or within the vicinity of the site meet the criteria for a landslide hazard area as set forth herein.~~
 - ~~b. Consider the run-out hazard of landslide debris to the proposed development that starts upslope (whether part of the subject property or on a neighboring property) and/or the impacts of landslide run-out on downslope properties.~~
 - ~~c. The geological assessment shall include a detailed review of the field investigations, published data and references, data and conclusions from past geological assessments, or geotechnical investigations of the site, site-specific measurements, tests, investigations, or studies, as well as the methods of data analysis and calculations that support the results, conclusions, and recommendations.~~
 - ~~d. All of the information required per EMC 14.10.080(C).~~~~
 - ~~4. Geological assessments shall be prepared, signed, and dated by a geotechnical professional. The format shall be pre-approved by the department.~~
 - ~~5. A geotechnical professional shall complete a field investigation and geological assessment to determine whether or not a landslide hazard area is likely to exist within 300 feet of the site. Where access to off-site properties is not available to the geotechnical professional, evaluation of off-site landslide hazards must include review of regional geologic mapping and LiDAR-based topographic mapping.
 - ~~a. The geological assessment shall be submitted in the form of geotechnical verification when the geotechnical professional finds that no landslide hazard area exists within 300 feet of the project area.~~
 - ~~b. The geological assessment shall be submitted in the form of a geotechnical report when the geotechnical professional finds that a landslide hazard area exists within 300 feet of the proposed project area or when a geotechnical professional determines that mitigation measures are necessary in order to construct or develop within a potential landslide hazard area.~~~~
 - ~~6. Geological assessments that do not contain the required information will be returned to the geotechnical professional for revision.~~
3. A geological assessment of a specific site may be valid for a period of up to five years when the proposed land use activity and surrounding site conditions are unchanged. However, if any environmental conditions

associated with the site change during that five-year period, the director may require the applicant to submit an amendment to the geological assessment.

47. The department shall review the geological assessment and either:

- a. Accept the geological assessment; or
- b. Reject the geological assessment and require revisions or additional information.

~~8. A geological assessment for a specific site may be valid for a period of up to five years when the proposed land use activity and surrounding site conditions are unchanged. However, if any environmental conditions associated with the site change during that five-year period, the applicant director may be required the applicant to submit an amendment to the geological assessment.~~

14.90.040 Landslide ~~and erosion~~ hazard area performance standards.

A. General: The following performance standards apply to all landslide hazard area(s) or associated buffer(s):

1. The removal and disturbance of vegetation and grading activities shall be limited to the area of the approved development and shall not be allowed during the wet season from November 1st until May 1st unless adequate provisions for wet season erosion have been addressed in the geotechnical report and approved by the department.

2. Surface drainage from developed areas, including downspouts and runoff from paved or unpaved surfaces upslope, shall not be directed through a landslide hazard area or its associated buffer unless it is conveyed in conformance with the provisions in EMC 14.90.030 and EMC 14.90.020(C)(2)(c).

3. Stormwater retention facilities, including infiltration systems utilizing perforated pipe, are prohibited unless the development complies with EMC 14.90.020(C)(2)(c).

4. Subdivision, Short Plat, Binding Site Plans (Title 16):

- a. Land that is located wholly within a landslide hazard area or its buffer may not be subdivided.
- b. Land that is located partially within a landslide hazard area or its buffer may be divided; provided, that each resulting lot has sufficient buildable area outside of, and will not affect, the landslide hazard or its buffer.
- c. Subdivision access roads and utilities may be permitted within the landslide hazard area and associated buffers if the city determines that no other feasible alternative exists.
- d. The subdivision shall comply with EMC 14.10.070.

5. Landslide hazard areas that are directly adjacent to any riparian areas, or wetlands, may be subject to additional buffer requirements and standards. See Chapter 14.50 EMC, Critical Fish and Wildlife Habitat Areas, and Chapter 14.40 EMC, Wetlands, for additional details.

6. Prohibited Development. On-site sewage disposal systems, including drain fields, shall be prohibited within landslide hazard areas and related buffers unless compliant with EMC 14.90.040(B).

BA. Landslide Hazard Areas Alterations. Alterations of a landslide hazard area and/or buffer may only occur for the following activities and criteria:

~~Any development, encroachment, clearing and grading, building structures, impervious surfaces, or vegetation removal shall be prohibited within landslide hazard areas and associated buffers except as specified in the following standards:~~

1. The activities listed in EMC 14.90.040(B)(2) – (4) shall provide a geotechnical report that make the following findings:

a. Will not increase the threat of the geological hazard to adjacent properties beyond predevelopment conditions;

b. Will not increase the threat of the geological hazard to adjacent properties beyond predevelopment conditions;

c. Will not adversely impact other critical areas;

d. Are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than predevelopment conditions; and

e. Are certified as safe as designed and under anticipated conditions by a qualified professional, licensed in the state of Washington.

f. Critical facilities shall not be sited within geologically hazardous areas unless there is no other practical alternative.

42. Stormwater Conveyance. Stormwater conveyance shall be allowed when it is conveyed through a high-density polyethylene stormwater pipe with fuse-welded joints and when no other stormwater conveyance alternative is available. The pipe shall be located on the surface of the ground and be properly anchored so that it will continue to function in the event of an underlying slide.

32. Utility Lines. Utility lines will be permitted when no other conveyance alternative is available. The line shall be located above ground and properly anchored and/or designed so that it will continue to function in the event of an underlying slide.

43. Roads, Bridges, and Trails. Roads, bridges, and trails shall be allowed when all of the following conditions have been met:

a. Mitigation measures are provided that ensure the roadway prism and/or bridge structure will not be susceptible to damage from landslide-induced ground deformation or impact/coverage by landslide debris. Mitigation measures shall be designed for static and seismic loading conditions in accordance with the most recent version of the American Association of State Highway and Transportation Officials (AASHTO) Manual.

b. The road is not a sole access for a development.

~~e. The removal or disturbance of vegetation and grading activities shall be prohibited during the wet season from November 1st until May 1st.~~

c. Trails shall be designed and constructed using an engineered drainage system or other methods to prevent the trail surface from becoming a drainage course.

4. Other Site Development. If a project site contains an existing Landslide Hazard Area and said area can be mitigated using engineered site grading or stabilization methods, the Landslide Hazard Area can be modified as follows:

~~a. If the Landslide Hazard Area and associated buffers are entirely contained within the project site, then development of the Landslide Hazard Area may be allowed following the recommendations of the geotechnical professional contained in the required geotechnical report.~~

~~b. If the Landslide Hazard Area and/or associated buffers area only partially contained within the project site, then the geotechnical professional must demonstrate how modification of the Landslide Hazard Area will not result in any adverse impacts on adjacent property, meeting the factor of safety for landslide occurrence of 1.5 for static~~

~~conditions and 1.1 for dynamic conditions. Analysis of dynamic (seismic) conditions shall be based on a minimum horizontal acceleration as established by the current version of the International Building Code.~~

~~B. Landslide Hazard Management Areas. All regulated activities may be allowed in areas located within 300 feet of a landslide hazard area subject to the following standards:~~

- ~~1. The department reviews and approves a geological assessment—geotechnical report and determines that the potential landslide hazard area is stable.~~
- ~~2. The proposed development is located outside of a landslide hazard area and any required buffer.~~
- ~~3. The proposed recommendations and mitigation measures contained within the geotechnical report are adequate to reduce or mitigate risks to health and safety.~~
- ~~4. The proposed development shall not decrease the factor of safety for landslide occurrence below the limits of 1.5 for static conditions and 1.1 for dynamic conditions. Analysis of dynamic (seismic) conditions shall be based on a minimum horizontal acceleration as established by the current version of the International Building Code.~~
- ~~5. The removal and disturbance of vegetation and grading activities shall be limited to the area of the approved development and shall not be allowed during the wet season from November 1st until May 1st unless adequate provisions for wet season erosion have been addressed in the geotechnical report and approved by the department.~~
- ~~6. Surface drainage from developed areas, including downspouts and runoff from paved or unpaved surfaces upslope, shall not be directed through a landslide hazard area or its associated buffer unless it is conveyed in conformance with the provisions in EMC 14.90.030.~~
- ~~7. Stormwater retention facilities, including infiltration systems utilizing perforated pipe, are prohibited unless the slope stability impacts of such systems have been analyzed and mitigated by a geotechnical professional and the impacts have been determined to be negligible.~~
- ~~8. The proposed development shall not create a need for larger landslide hazard area buffers and setbacks on neighboring properties unless approved through a notarized written agreement with the affected property owner(s).~~
- ~~9. The proposed development shall be sited far enough from regressing slope faces to project 120 years of useful life for the proposed structure(s) or infrastructure.~~
- ~~10. Any proposed lots must be completely located outside any identified landslide hazard areas or their associated buffers.~~
- ~~11. Landslide hazard areas that are directly adjacent to any riparian areas, or wetlands, may be subject to additional buffer requirements and standards. See Chapter 14.50 EMC, Critical Fish and Wildlife Habitat Areas, and Chapter 14.40 EMC, Wetlands, for additional details.~~

14.90.050 Buffer requirements.

A. Determining Buffer Widths.

1. The buffer width shall be measured on a horizontal plane from a perpendicular line established at the edge of the landslide hazard area limits, both from the top and toe of the slope.
2. A buffer of undisturbed vegetation shall be required for a landslide hazard area. The required buffer width is the greater amount of the distances described in this chapter:
 - a. Fifty feet from all edges of the active landslide hazard area limits; or

b. The distance from edge of the active landslide hazard area as recommended by the geotechnical professional in a geotechnical assessment based on the site-specific conditions.

~~A distance of one-third the height of the slope at the top of the active landslide hazard area and a distance of one-half the height of the slope at the bottom of an active landslide hazard area.~~

B. Modification of Buffer Widths. The department may require a larger buffer width than the buffer distance, as determined in subsection (A) of this section, if any of the following are identified:

1. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts.

2. The area has a severe risk of slope failure or downslope stormwater drainage impacts.

3. Downslope stormwater drainage impacts.

14.90.060 Appendices.

A. Geological Assessment —~~Landslide Hazard~~ Geotechnical Verification.

B. Geological Assessment —~~Landslide Hazard~~ Geotechnical Report.

APPENDIX A

GEOLOGICAL ASSESSMENT —~~LANDSLIDE HAZARD~~ GEOTECHNICAL VERIFICATION

A. A geotechnical verification shall include the following:

1. The general critical areas report requirements.

2. A description of the surface and subsurface geology, hydrology, soils, and vegetation at the site and a list of the landslide hazard area indicators that were found on or in the vicinity of the site.

3. A summary of the results, conclusions, and recommendations resulting from the geological assessment of the landslide hazards on or in the vicinity of the site.

4. An accurate site plan drawn at a scale of one inch equals 20 feet, one inch equals 30 feet, one inch equals 50 feet (or other scale deemed appropriate by the department) is required. The department may require that the site plan information listed below be based on a field survey by a licensed surveyor. The site plan shall include:

a. The limits and location of any active landslide hazard area.

b. The limits and location of the required landslide hazard buffer.

c. The location of any existing and proposed structures, utilities, on-site septic systems, wells, and stormwater management facilities.

d. The full geographical limits of the proposed project area or area to be developed.

e. A dimension of the closest distance between the identified active landslide hazard area boundary and the project area.

f. Existing topography on the site presented in two-foot contours.

g. Property lines for the site.

h. North arrow and plan scale.

B. The geotechnical professional who prepared the verification document shall stamp the verification with their license stamp or seal.

C. Geotechnical verifications shall be in conformance with a format that is pre-approved by the department.

APPENDIX B

GEOLOGICAL ASSESSMENT – LANDSLIDE HAZARD GEOTECHNICAL REPORT

A. At a minimum, a geotechnical report shall include the following:

1. The general critical areas report requirements.
2. A description of the surface and subsurface geology, hydrology, soils, and vegetation of the site and a list of the landslide hazard area indicators that were found on or in the vicinity of the site.
3. A summary of the results, conclusions, and recommendations resulting from the geological assessment of the landslide hazards on or in the vicinity of the site.
4. An accurate site plan drawn at a scale of one inch equals 20 feet, one inch equals 30 feet, one inch equals 50 feet (or other scale deemed appropriate by the department) is required. The department may require that the site plan information listed below be based on a field survey by a licensed surveyor. The site plan shall include:
 - a. The limits and location of any landslide hazard area within the site. Delineation of the landslide hazard area limits shall identify any areas of historic landslide activity.
 - b. The limits and location of the required landslide hazard buffer.
 - c. The location of any existing and proposed structures, utilities, on-site septic systems, wells, and stormwater management facilities.
 - d. The full geographical limits of the proposed project area or area to be developed.
 - e. Location and unique identifier of geotechnical borings, CPT soundings, or other surveys or explorations used to characterize subsurface conditions.
 - f. Extent of cross-section(s) used to evaluate the three-dimensional subsurface geologic and groundwater conditions at the site.
 - g. Extent of cross-section(s) used in the evaluation of slope instability.
 - h. Existing topography on the site presented in two-foot contours.
 - i. Property lines for the site.
 - j. North arrow and plan scale.
5. Subsurface characterization data must be provided. The data shall be based on both existing and new information that may include soil borings, test pits, geophysical surveys, or other appropriate subsurface exploration methods, development of site-specific soil and/or rock stratigraphy, and measurement of groundwater levels including variability resulting from seasonal changes, alterations to the site, etc.
 - a. Geotechnical borings or CPT soundings will be advanced to a depth sufficient to characterize geologic conditions within and below the existing or potential landslide mass.
 - b. Other methods used for subsurface characterization shall be assigned a unique identifier, and the basic data presented in appropriate graphical and/or tabular format.
 - c. The three-dimensional subsurface conditions at the site shall be presented using one or more cross-sections showing location and depth penetration of geotechnical borings, CPT soundings, or other subsurface characterization methods, interpretation of the geometry of major soil units, and projected location of the static groundwater surface determined from the subsurface exploration. The cross-sections

shall be presented at a scale of one inch equals 20 feet, one inch equals 30 feet, one inch equals 50 feet (or other scale deemed appropriate by the department). Each cross-section shall have a legend with a description of the various major soil units.

6. A detailed description of any prior grading activity, soil instability, or slope failure.

7. Where deemed appropriate by the geotechnical professional, assessments and conclusions regarding slope stability for both the existing and developed conditions shall be presented and documented. These assessments and conclusions shall include the information provided below in this appendix. The project geotechnical professional must provide justification for not including a slope stability analysis if one is excluded. The city's geotechnical professional reserves the right to request a slope stability analysis based on site conditions. If a dispute arises between the project geotechnical professional and the city's geotechnical professional regarding the need for a slope stability analysis, then the city reserves the right to require an independent, third party review to be paid for by the applicant to resolve the dispute.

a. Determination of the potential type(s) of landslide failure mechanisms, debris flow, rotational slump, or translational slip that may affect the site.

b. Quantitative stability evaluation of slope conditions of the various failure mechanisms using state-of-the-practice modeling techniques. Limiting equilibrium methods of analysis shall state the stability conditions as a factor of safety. The most unstable failure geometry(ies) shall be presented in the form of a cross-section(s), with the least stable failure geometry for each failure mechanism clearly indicated. The stability evaluation shall also consider dynamic (earthquake) loading, and shall use a minimum horizontal acceleration as established by the current version of the International Building Code.

c. An analysis of slope regression rate shall be presented in those cases where stability is impacted or influenced by erosional processes (e.g., wave cutting, stream meandering, etc.) acting on the toe of the slope.

8. Mitigation recommendations using engineered measures to protect the proposed structure(s) and any adjacent structures, infrastructure, adjacent wetlands, or critical fish and wildlife habitat from damage or destruction as a result of proposed construction activities shall be designed by a professional engineer. Design plans and detailed geotechnical recommendations may be provided in a document separate from the geotechnical report. When appropriate, such recommendations/plans may include, but are not necessarily limited to:

a. Design plans and associated design calculations for engineered structures or drainage systems (e.g., structural foundation requirements, retaining wall design, etc.).

b. Recommendations and requirements pertaining to the handling of surface and subsurface runoff in the developed condition.

c. Identification of necessary geotechnical inspections to assure conformance with the report mitigation and recommendations.

d. Proposed angles of cut and fill slopes, site grading requirements, final site topography shown as two-foot contours, and the location of any proposed structures, on-site septic systems, wells, stormwater management features, or facilities associated with the development detailed within the body of the report and shown on a site map at the same scale as that required in subsection (A)(4) of this appendix.

e. Soil compaction criteria and compaction inspection requirements.

f. An analysis that indicates how the proposal meets the standards outlined in this chapter.

g. Structural foundation requirements and estimated foundation settlement shall be provided if structures are proposed.

h. Lateral earth pressures.

- i. Suitability of on-site soil for use as fill.
 - j. Mitigation measures for building construction on each lot for short plats, large lots, or formal plats such that additional geotechnical professional involvement is minimized during building construction.
- B. The geotechnical report shall be prepared by an engineering geologist and shall be co-written by both an engineering geologist and professional engineer where both geological interpretations and engineering analyses and designs are necessary or prudent in the mitigation of the landslide hazard.
- C. The geotechnical professional(s) who prepared the geotechnical report shall stamp the report with their license stamp or seal.
- D. The department may request a geotechnical professional to provide additional information in the geotechnical report based upon existing conditions, changed conditions, or unique circumstances occurring on a case-by-case basis.
- E. Geotechnical reports shall be in conformance with a format that is pre-approved by the department.

Chapter 14.100
SEISMIC (EARTHQUAKE) HAZARD AREAS
Draft Amendments

Sections:

- 14.100.010 Purpose.
- 14.100.020 Seismic hazard areas.
- 14.100.030 Seismic hazard area review procedures.
- 14.100.040 Seismic hazard area standards.
- 14.100.050 Buffer requirements.
- 14.100.060 Appendices.

14.100.010 Purpose.

~~Earthquakes have historically occurred throughout the Puget Sound region. Large earthquakes have caused loss of life and over a billion dollars in property damage.~~ The purpose of this chapter is to protect the public health, safety, and general welfare of the citizens of Edgewood from the damaging effects of earthquakes. ~~This chapter provides standards to ensure life safety and minimize public and private losses that may occur within a seismic hazard area.~~

14.100.020 Seismic hazard areas.

A. General. Seismic hazard areas are areas subject to severe risk of damage as a result of earthquake induced landsliding, seismic ground shaking, dynamic settlement, fault rupture, or soil liquefaction.

B. Potential Seismic Hazard Areas. Potential seismic hazard areas, as depicted on the city's Critical Area GIS database, are those areas where the suspected risk of earthquake induced landsliding, dynamic settlement, fault rupture, ground deformation caused by soil liquefaction, or flooding is sufficient to require a further seismic hazard area review. These potential seismic hazard areas are determined using the following criteria:

1. Earthquake Induced Landslide Hazard Areas. Areas identified as potential landslide hazard areas in EMC 14.90.020.
2. Liquefaction or Dynamic Settlement Hazard Areas. Areas identified as high and moderate liquefaction and dynamic settlement hazard areas on the Washington Department of Natural Resources, Division of Geology and Earth Resources liquefaction and dynamic settlement hazard area Geographic Map. ~~geologically hazardous areas map.~~
3. Fault rupture hazard areas.

C. Seismic Hazard Area Categories.

1. Earthquake Induced Landslide Hazard Areas. Earthquake induced landslide hazard areas include slopes that can become unstable as a result of strong ground shaking, even though these areas may be stable under nonseismic conditions.
2. Liquefaction and/or Dynamic Settlement Hazard Areas.
 - a. Liquefaction hazard areas are areas underlain by unconsolidated (corrected Standard Penetration Test blow counts, $[(N_1)_{60}]$ less than 30) sandy or silt soils (Unified Soil Classification System S or M soil types) and a shallow groundwater table (static groundwater depth less than 30 feet) capable of liquefying in response to earthquake shaking.
 - b. Dynamic settlement hazard areas are areas underlain by a significant thickness (more than 10 feet) of loose or soft soil not susceptible to liquefaction (e.g., peats or organic silts and clays, unsaturated loose sands or silts), but that could result in vertical settlement of the ground surface in response to earthquake shaking.

~~3. Fault Rupture Hazard Areas. Fault rupture hazard areas include:~~

- ~~a. Active fault rupture hazard areas are areas where displacement (movement up, down, or laterally) of the ground surface has occurred during past earthquake(s) in the Holocene epoch; and~~
- ~~b. Areas adjacent to the active fault rupture hazard area that may be potentially subject to ground surface displacement in a future earthquake.~~

14.100.030 Seismic hazard area review procedures.

A. General Requirements.

1. The city's ~~geologically hazardous areas map~~Critical Area GIS database provides an indication of where potential seismic hazard areas are located within the city.
2. The department will complete a review of the ~~Critical Areas Atlas—Seismic Hazard Area Map~~Critical Area GIS database for any regulated activity to determine whether the site for a proposed regulated activity is located within a seismic hazard area.
3. When the department's maps indicate that the site for a proposed regulated activity is located within a potential liquefaction or dynamic settlement hazard area, ~~the department~~the project proponent shall submit shall require the submittal of a geological assessment as outlined in subsection (B) of this section.
4. ~~When the department's maps indicate that the site for a proposed regulated activity is located within a potential fault rupture hazard area, the department shall require the submittal of a geological assessment as outlined in subsection (B) of this section. The requirement to submit a geological assessment may be waived at the department's discretion when it is determined that the proposed project area for the regulated activity is located outside the potential fault rupture hazard area.~~
5. When the department's maps indicate that the site for a proposed regulated activity is or may be located within a potential earthquake induced landslide hazard area, the department shall conduct a review pursuant to the requirements set forth in Chapter 14.90 EMC.
6. Unless otherwise stated in this chapter, the critical area protective measure provisions contained in Chapter 14.10 EMC shall apply.

B. Geological Assessments. ~~A geological assessment is a site investigation process to evaluate the on-site geology affecting a subject property and define the extent and severity of potential seismic hazards.~~

1. A geological assessment shall be required when the department's maps, sources, or field investigation indicate a site contains a potential ~~liquefaction, dynamic settlement, or fault rupture hazard area~~seismic hazard. ~~Geological assessments shall be submitted to the department for review and approval together with a seismic hazard area application. The following are acceptable geological assessments:~~
 - ~~a. Geotechnical Verification: When a geotechnical professional finds that no seismic hazard area exists within the proposed project area.~~
 - ~~c. Geotechnical Report: When a geotechnical professional finds that there is a seismic hazard area within the proposed project area.~~
2. All geotechnical assessments shall include the following information:
 - a. All the required Critical Area Report requirements per EMC 14.10.080(C)
 - b. Shall be prepared, signed, and dated by a geotechnical professional.
 - c. Shall include a field investigation and may also include review of public records and documentation, analysis of historical air photos, LiDAR mapping, published data and references, etc.

d. A determination of which areas on the site meet the criteria for a earthquake induced landslide hazard area and liquefaction and/or dynamic settlement hazard areas.

e. Provide all the required information pursuant to EMC 14.100.060.

~~2. A geotechnical professional(s) shall complete a field investigation and geological assessment to determine whether or not the site for a proposed regulated activity is located within a liquefaction or dynamic settlement hazard area.~~

~~a. The geological assessment shall be submitted in the form of a geotechnical verification when the geotechnical professional(s) finds that no liquefaction or dynamic settlement hazard area exists within the proposed project area.~~

~~b. The geological assessment shall be submitted in the form of a geotechnical report when the geotechnical professional(s) finds that a liquefaction or dynamic settlement hazard area exists within the proposed project area.~~

~~3. A geotechnical professional shall complete a field investigation and geological assessment presented in the form of a geotechnical report to determine whether or not the site for a proposed regulated activity is located within a fault rupture hazard area. Any structural recommendations proposed to mitigate the fault rupture hazard that are included in the geotechnical report shall be prepared by an engineer.~~

~~4. All geological assessments for seismic hazards submitted under this chapter shall include, at a minimum, the following items identified in subsections (B)(4)(a) through (i):~~

~~a. All of the items required per EMC 14.10.080(C).~~

~~b. The parcel number(s) of the subject property.~~

~~c. Site address, if the city has assigned one.~~

~~d. A brief description of the project (including the proposed land use) and the area to be developed.~~

~~e. A map showing the property lines for the site, existing two-foot contours of the existing site topography, and the location of any existing structures, utilities, wells, stormwater or septic systems, or other developments.~~

~~f. A site plan delineating the limits of the proposed development and the location of all areas of the site subject to potential seismic hazards based on the geologically hazardous areas map and, if applicable, limits of associated buffers.~~

~~g. A description of the surface and subsurface geology, hydrology, soils, and vegetation of the site.~~

~~h. A detailed overview of the field investigations, published data and references, data and conclusions from past geological assessments or geotechnical investigations of the site, site specific measurements, tests, investigations, or studies, as well as the methods of data analysis and calculations that support the determination regarding whether liquefaction and/or dynamic settlement hazards are present on the site.~~

~~i. The results, conclusions, and recommendations resulting from the geological assessment of the liquefaction and/or dynamic settlement hazards on the subject property as prepared by a geotechnical professional(s).~~

~~5. Geological assessments shall be prepared, signed, stamped, and dated by the appropriate geotechnical professional(s) and the format shall be pre-approved by the department.~~

8. A geological assessment for a specific site may be valid for a period of up to five years when the proposed land use activity and surrounding site conditions are unchanged. However, if any environmental conditions associated with the site change during that five-year period, the applicant may be required to submit an amendment to the geological assessment.

~~6. Geological assessments that do not contain the minimum required information will be returned to the geotechnical professional(s) for revision.~~

7. The department shall review the geological assessment and either:

- a. Accept the geological assessment and approve the application; or
- b. Reject the geological assessment and require revisions or additional information.

~~8. A geological assessment for a specific site may be valid for a period of up to five years when the proposed land use activity and surrounding site conditions are unchanged. However, if any environmental conditions associated with the site change during that five-year period, the applicant may be required to submit an amendment to the geological assessment.~~

14.100.040 Seismic hazard area standards.

A. Earthquake Induced Landslide Hazard Areas. All standards set forth in Chapter 14.90 EMC shall apply to earthquake induced landslide hazard areas.

B. Liquefaction or Dynamic Settlement Hazard Areas.

1. All building structures shall conform to the standards set forth in EMC Title 15, Buildings and Construction.
2. Utility Lines. Utility lines, except for gas pipelines, which are prohibited, will be permitted when no other conveyance alternative is available. The line shall be located above ground and properly anchored and/or designed so that it will continue to function in the event of seismically induced ground deformation. Provision for automatic shutoff of utilities in a ground-rupturing event will be required.
3. Roads, Bridges, and Trails. Roads, bridges, and trails shall be allowed when mitigation measures are provided that ensure the roadway prism or bridge structure will not be susceptible to damage from seismic induced ground deformation. Mitigation measures shall be designed for static and seismic loading conditions in accordance with the most recent version of the American Association of State Highway and Transportation Officials (AASHTO) Manual and also for an estimated range of ground surface offset presented in the geotechnical report.

~~C. Fault Rupture Hazard Areas. Any development, encroachment, clearing and grading, or building structures shall be prohibited within fault rupture hazard areas and associated buffers except as specified in the following standards:~~

~~1. Utility Lines. Utility lines, except for gas pipelines, which are prohibited, will be permitted when no other conveyance alternative is available. The line shall be located above ground and properly anchored and/or designed so that it will continue to function in the event of seismically induced ground deformation. Provision for automatic shutoff of utilities in a ground-rupturing event will be required.~~

~~2. Roads, Bridges, and Trails. Roads, bridges, and trails shall be allowed when all of the following conditions have been met:~~

- ~~a. Mitigation measures are provided that ensure the roadway prism and/or bridge structure will not be susceptible to damage from seismically induced ground deformation. Mitigation measures shall be designed for static and seismic loading conditions in accordance with the most recent version of the American Association of State Highway and Transportation Officials (AASHTO) Manual and also for an estimated range of ground surface offset presented in the geotechnical report.~~

- ~~b. The road is not a sole access for a development.~~

14.100.050 Buffer requirements.

A. Determining Buffer Widths.

1. The buffer width shall be measured on a horizontal plane from a perpendicular line established at the edge of the fault rupture hazard area limits.
2. A buffer is an area that is adjacent to a fault rupture hazard area that may be potentially subject to ground surface displacement in a future earthquake. No development shall be permitted within a fault rupture hazard area and its associated buffer. The required buffer width is the greater amount of the following distances:
 - a. Fifty feet from all edges of a fault rupture hazard area, except for high occupancy or essential facilities, where the minimum buffer distance shall be 100 feet; or
 - b. The required buffer width is the minimum distance recommended by the geotechnical professional(s).

B. Modification of Buffer Widths. The department may require a larger buffer width than the buffer distance, as determined in subsection (A) of this section, if the department determines the standard or proposed buffer is not adequate to protect the health, safety, or welfare of any proposed development.

14.100.060 Appendices.

A. Geological Assessments – ~~Seismic Hazard Area Verification Letter~~~~Liquefaction or Dynamic Settlement Hazard Areas.~~

B. Geological Assessments – ~~Seismic Hazard Area Geotechnical Report~~~~Fault Rupture Hazard Area Geotechnical Report.~~

APPENDIX A

~~GEOLOGICAL ASSESSMENTS – SEISMIC HAZARD AREA VERIFICATION LETTER LIQUEFACTION OR DYNAMIC SETTLEMENT HAZARD AREAS~~

~~Article I. Geotechnical Verification~~

A. A geotechnical verification shall, at a minimum, include the following:

1. The general critical areas report requirements.
2. The geotechnical verification shall include all mandatory items listed in this chapter.
3. The geological assessment must include a determination that no liquefaction or dynamic settlement hazard exists within the proposed project area.
4. The verification shall include an accurate site plan drawn at a scale of either one inch equals 20 feet, 30 feet, or 50 feet, unless otherwise approved by the department. The department may require that the site plan information be based on a field survey by a licensed surveyor. The site plan shall include:
 - a. Property lines for the site, and the location of any existing structures.
 - b. The full geographical limits of the proposed project area or conceptual project area (i.e., area to be developed) and the location of any proposed structures, on-site septic systems, wells, and stormwater management features or facilities associated with the development, if known.

B. The geotechnical professional(s) who prepared the geotechnical verification shall stamp the verification with their license stamp or seal.

C. Hold harmless clauses, disclaimers, and limitations are not allowed within a geotechnical verification.

APPENDIX B

GEOLOGICAL ASSESSMENTS – SEISMIC HAZARD AREA GEOTECHNICAL REPORT

Article II. Geotechnical Report

A. A geotechnical report shall, at a minimum, include the following:

1. The general critical areas report requirements.
2. The document shall include all mandatory items listed in this chapter. The report shall be prepared by an engineer and shall be co-written by an engineering geologist where geological interpretations and conclusions critical to the assessment of liquefaction and/or dynamic settlement hazard and potential effects are necessary or prudent. The report shall specify the desired performance level of the structures and other development facilities, e.g., safety to building occupants, minimal damage to structure, post-earthquake serviceability for pre-earthquake operations, or no damage.
3. The results, conclusions, and recommendations resulting from the geological assessment of the liquefaction or dynamic settlement hazards on the subject property as prepared by the geotechnical professional(s).
4. The geological assessment geotechnical report shall include:
 - a. A statement that the proposed project area falls within a liquefaction and/or dynamic settlement hazard area.
 - b. A detailed engineering evaluation of expected ground displacements or other liquefaction or dynamic settlement effects, e.g., bearing failures, flotation of buried tanks, or similar, and proposed mitigation measures to ensure an acceptable level of risk for the proposed structure type or other development facilities, as well as the proposed land use type or occupancy category. The minimum level of acceptable risk for any proposed structure or development facility shall ensure the life safety of any occupant. Where appropriate, a range of mitigation options should be considered depending on site conditions, the intended use of the structures, and acceptable levels of settlement.
5. The report shall include a site plan drawn to scale. The department may require that the site plan information be based on a field survey by a licensed surveyor. The site plan shall include:
 - a. Property lines for the site and the location of any existing structures.
 - b. The limits or location of any liquefaction or dynamic settlement hazard area(s).
 - c. The full geographical limits of the proposed project area or conceptual project area (i.e., area to be developed) and the location of any proposed structures, on-site septic systems, wells, and stormwater management features or facilities associated with the development, if known.
 - d. Location and unique identifier of geotechnical explorations used to characterize subsurface conditions.
6. The geotechnical study shall include field exploration sufficient to assess the potential for liquefaction or dynamic settlement hazards and options for mitigation of those hazards. Copies of the exploration logs shall be provided in the report. The geotechnical study shall include field exploration sufficient to assess the potential for liquefaction or dynamic settlement hazards and options for mitigation of those hazards. Copies of the exploration logs shall be included in the report. The project geotechnical professional must provide justification for the scope of the field exploration program. The city's geotechnical professional reserves the right to request additional exploration if deemed appropriate. If a dispute arises between the city's geotechnical professional and the project geotechnical professional regarding the scope of the field exploration, the city reserves the right to require an independent, third party review to be paid for by the applicant to resolve the dispute.
7. If beneficial to the assessment of seismic hazards for the project, the three-dimensional subsurface conditions at the site shall be presented using one or more cross-sections showing location and depth penetration of borings or CPT soundings, interpretation of the geometry of major soil units, and projected location of the static groundwater surface determined from the subsurface exploration. The cross-sections shall be presented at a

scale of one inch equals 20 feet, one inch equals 30 feet, one inch equals 50 feet (or other scale deemed appropriate by the department). Each cross-section shall have a legend with a description of the various major soil units. The city's geotechnical professional reserves the right to request inclusion of one or more cross-sections in the geotechnical report. If a dispute arises between the project geotechnical professional and the city's geotechnical professional regarding this issue, then the city reserves the right to require an independent, third party review to be paid for by the applicant to resolve the dispute.

8. All assessments of liquefaction or dynamic settlement hazards and effects will be based on a design earthquake using ground motion parameters consistent and equivalent to those specified in the most current version of the International Building Code. These assessments shall use the shallowest groundwater table observed during or inferred from subsurface exploration and characterization, e.g., the measured depth of static groundwater immediately prior to abandonment of borings, or observation of iron oxide mottling of soils samples.

9. Results of laboratory testing of samples retrieved during drilling and sampling shall be presented in order to support the values of fines contents used in subsequent analysis of liquefaction and/or dynamic settlement hazard. Where only CPT methods are used in site assessment, the correlation between fines content and CPT measurements will be discussed and documented. This documentation will require rigorous correlation of CPT and fines content measurements from similar geological deposits within the Puget Sound region.

10. The geotechnical report shall include a detailed assessment of the liquefaction and/or dynamic settlement hazard based on analysis of available subsurface data using state-of-the-practice methodologies. The results of the analysis shall be documented, and all results of intermediate and final calculations and results, including factors of safety, shall be included.

11. When appropriate, the geotechnical report shall include an assessment of the potential for large lateral spreads or flow failures, bearing failures, settlement, limited lateral displacement, and flotation of buried facilities. The methodologies used must be, at a minimum, state-of-the-practice, and the conclusions regarding the potential and severity of the possible liquefaction and/or dynamic settlement induced failure modes shall be presented.

12. Alternative mitigative measures including structural and foundation design options and/or soil improvement techniques shall be evaluated and compared for their effectiveness in reaching the level of performance specified in the report introduction. Effectiveness of soil improvement techniques shall be specified in terms of post-treatment densification or strength improvement as measured by appropriate subsurface investigation and testing. The extent of the post-treatment verification testing shall be provided on a site map at the same scale as the map presented in Article I. Geotechnical review of all final plans is required and the findings of the review shall be documented in writing.

B. The geotechnical professional(s) who prepared the geotechnical report shall stamp the report with their license stamp or seal.

C. Hold harmless clauses, disclaimers, and limitations are not allowed within a geotechnical report.

~~APPENDIX B~~

~~GEOLOGICAL ASSESSMENTS—FAULT RUPTURE HAZARD AREA GEOTECHNICAL REPORT~~

~~A. A geotechnical report shall, at a minimum, include the following:~~

~~1. The general critical areas report requirements contained herein.~~

~~2. The report shall be prepared by an engineer and shall be co-written by an engineering geologist where geological interpretations and conclusions critical to the assessment of liquefaction and/or dynamic settlement hazard and potential effects are necessary or prudent.~~

~~3. The following topics should be considered and addressed in detail where essential to support opinions, conclusions, and recommendations in any geologic report on faults. It is not expected that all the topics or~~

investigative methods would be necessary in a single investigation. In specific cases, it may be necessary to extend some of the investigative methods well beyond the site or property being investigated.

a. Purpose and scope of investigation; description of proposed development.

b. Geologic and tectonic setting. Include seismicity and earthquake history.

c. Site description and conditions, including dates of site visits and observations. Include information on geologic units, graded and filled areas, vegetation, existing structures, and other factors that may affect the choice of investigative methods and interpretation of data.

d. Methods of Investigation:

i. Review of published and unpublished literature, maps, and records concerning geologic units, faults, groundwater barriers, and other factors.

ii. Stereoscopic interpretation of aerial photographs, review of LiDAR-based topography, and other remotely sensed images to detect fault-related topography (geomorphic features), vegetation and soil contrasts, and other lineaments of possible fault origin. The area interpreted usually should extend beyond the site boundaries.

iii. Surface observations, including mapping of geologic and soil units, geologic structures, geomorphic features and surfaces, springs, deformation of engineered structures due to fault creep, both on and beyond the site.

iv. Subsurface Investigations:

(A) Trenching and other excavations to permit detailed and direct observation of continuously exposed geologic units, soils, and structures; must be of adequate depth and be carefully logged (Taylor & Cluff 1973, Hatheway & Leighton 1979, McCalpin 1996b).

(B) Borings and test pits to permit collection of data on geologic units and groundwater at specific locations. Data points must be sufficient in number and spaced adequately to permit valid correlations and interpretations.

(C) Cone penetrometer testing (CPT) (Grant et al., 1997, Edelman et al., 1996). CPT must be done in conjunction with continuously logged borings to correlate CPT results with on-site materials. The number of borings and spacing of CPT soundings should be sufficient to adequately image site stratigraphy. The existence and location of a fault based on CPT data are interpretative.

v. Geophysical Investigations. These are indirect methods that require a knowledge of specific geologic conditions for reliable interpretations. They should seldom, if ever, be employed alone without knowledge of the geology (Chase & Chapman 1976). Geophysical methods alone never prove the absence of a fault nor do they identify the recency of activity. The types of equipment and techniques used should be described and supporting data presented (California Board of Registration for Geologists and Geophysicists, 1993).

(A) High-resolution seismic reflection (Stephenson et al., 1995, McCalpin, 1996b).

(B) Ground penetrating radar (Cai et al., 1996).

(C) Other methods include: seismic refraction, magnetic profiling, electrical resistivity, and gravity (McCalpin, 1996b).

vi. Age-dating techniques are essential for determining the ages of geologic units, soils, and surfaces that bracket the time(s) of faulting (Pierce, 1986, Birkeland et al., 1991, Rutter & Catto, 1995, McCalpin, 1996a).

- ~~(A) Radiometric dating (especially ¹⁴C).~~
- ~~(B) Soil profile development.~~
- ~~(C) Rock and mineral weathering.~~
- ~~(D) Landform development.~~
- ~~(E) Stratigraphic correlation of rocks, minerals, and fossils.~~
- ~~(F) Other methods: artifacts, historical records, tephrochronology, fault scarp modeling, thermoluminescence, lichenometry, paleomagnetism, dendrochronology, etc.~~

~~vii. Other methods should be included when special conditions permit or requirements for critical structures demand a more intensive investigation.~~

- ~~(A) Aerial reconnaissance overflights.~~
- ~~(B) Geodetic and strain measurements.~~
- ~~(C) Microseismicity monitoring.~~

e. ~~Conclusions.~~

- ~~i. Location and existence (or absence) of hazardous faults on or adjacent to the site; ages of past rupture events.~~
- ~~ii. Type of faults and nature of anticipated offset, including sense and magnitude of displacement, if possible.~~
- ~~iii. Distribution of primary and secondary faulting (fault zone width) and fault-related deformation.~~
- ~~iv. Probability of, or relative potential for, future surface displacement. The likelihood of future ground rupture seldom can be stated mathematically, but may be stated in semiquantitative terms such as low, moderate, or high, or in terms of slip rates determined for specific fault segments.~~
- ~~v. Degree of confidence in, and limitations of data and conclusions.~~

f. ~~Recommendations.~~

- ~~i. The recommended increase from the standard buffer distance (50 feet) of proposed structures from fault rupture hazard areas. The recommended buffer distance generally will depend on the quality of data and type and complexity of fault(s) encountered at the site and the proposed land use type (i.e., occupancy). In order to establish an appropriate buffer distance from a fault located by indirect or interpretative methods (e.g., borings or cone penetrometer testing), the area between data points also should be considered underlain by a fault unless additional data are used to more precisely locate the fault. Additional measures (e.g., strengthened foundations, engineering design, and flexible utility connections) to accommodate warping and distributive deformation associated with faulting (Lazarte and others, 1994).~~
- ~~ii. Risk evaluation relative to the proposed development.~~
- ~~iii. Limitations of the investigation; need for additional studies.~~

g. ~~References.~~

- ~~i. Literature and records cited or reviewed; citations should be complete.~~
- ~~ii. Aerial photographs or images interpreted: list type, data, scale, source, and index numbers.~~

~~iii. Other sources of information, including well records, personal communications, and other data sources.~~

h. Illustrations. The following illustrations should be provided:

~~i. A location map that identifies site locality, significant faults, geographic features, regional geology, seismic epicenters, and other pertinent data; 1:24,000 scale is recommended.~~

~~ii. A site development map that shows site boundaries, existing and proposed structures and limits of the proposed project area, graded areas, streets, exploratory trenches, borings geophysical traverses, locations of faults, and other data; recommended scale is 1:2,400 (one inch equals 200 feet), or larger.~~

~~iii. A geologic map that shows the distribution of geologic units (if more than one), faults and other structures, geomorphic features, aerial photographic lineaments, and springs; on topographic map 1:24,000 scale or larger; can be combined with subsection (A)(3)(h)(i) or (ii) of this appendix.~~

~~iv. Geologic cross-sections, if needed, to provide three-dimensional picture.~~

~~v. Logs of exploratory trenches and borings that show details of observed features and conditions (note: these should not be generalized or diagrammatic). Trench logs should show topographic profile and geologic structure at a 1:1 horizontal to vertical scale; scale should be 1:60 (one inch equals five feet) or larger.~~

~~vi. Geophysical data and geologic interpretations.~~

~~i. Appendix. Attach any supporting data not included above, e.g., water well data, photographs, and aerial photographs.~~

~~4. The geotechnical professional who prepared the geotechnical report shall stamp the report with their license stamp or seal.~~

~~5. The department may request a geotechnical professional to provide additional information in the geotechnical report based upon existing conditions, changed conditions, or unique circumstances occurring on a case-by-case basis.~~

~~6. Hold harmless clauses, disclaimers, and limitations are not allowed to be included, neither expressly nor implied, within a geological assessment.~~

Chapter 14.110
EROSION HAZARD AREAS

Draft Amendments

Sections:

- 14.110.010 Purpose.
- 14.110.020 Erosion hazard area.
- 14.110.030 Erosion hazard area review procedures.
- 14.110.040 Erosion hazard area standards.
- 14.110.050 Buffer requirements.
- 14.110.060 Appendices.

14.110.010 Purpose.

The following statements describe the purpose of this chapter:

- A. Protect human life and health;
- B. Regulate uses of land in order to avoid damage to structures and property being developed and damage to neighboring land and structures;
- C. Identify and map any erosion hazard area;
- D. Minimize impacts on wetlands and critical fish and wildlife species and their associated habitat that can result from erosion;
- E. Establish a permit requirement and review procedures for development proposals in areas with potential erosion hazards;
- F. Strike a balance between the need to maintain natural ~~shoreline~~ erosion/regression processes and the need to protect existing and proposed development.

14.110.020 Erosion hazard area.

A. Erosion Hazard Area ~~Indicators~~. Erosion hazard areas are areas potentially subject to land regression or retreat due to a combination of geologic, seismic, hydrologic, or manmade factors. ~~Erosion hazard areas can be identified by indicators of active land retreat as a result of fluvial processes.~~ Erosion hazard areas within the city can be further defined in the following two categories:

1. Soil Erosion Hazard Areas. Soil erosion hazard areas are identified by the presence or absence of natural vegetative cover, soil texture condition, slope, and rainfall patterns, or man-induced changes to such characteristics that create site conditions which are vulnerable to erosion of the upper soil horizon. Soil erosion hazard areas include those areas with slopes of 20 percent or greater and that are classified as having severe or very severe erosion potential by the USDA Natural Resources Conservation Service

B. ~~Erosion Hazard Area Categories.~~

~~1-~~ Potential Erosion Hazard Areas. Potential erosion hazard areas, as depicted on the ~~geologically hazardous areas map~~ Critical Areas County GIS database, are those areas where the suspected risk of erosion through either loss of soil, slope instability, or land regression is sufficient to require additional review to assess the potential for active erosion activity or apply additional standards. ~~These potential erosion hazard areas are determined using the following criteria:~~

- ~~a. Shoreline Erosion Hazard Areas. Areas within 200 feet of a freshwater lake, pond, or shoreline. The distance shall be measured landward perpendicularly from the edge of the ordinary high water mark.~~

~~b. Riverine Erosion Hazard Areas. The rivers subject to regulation as a CMZ listed in EMC 14.80.040(B)(4).~~

~~e. Soil Erosion Hazard Areas. Areas identified as having slopes of 20 percent or greater and that are classified as having severe or very severe erosion potential by the Soil Conservation Service, United States Department of Agriculture (USDA).~~

~~2. Active Shoreline Erosion Hazard Areas. Land areas located directly adjacent to surface water bodies that, through the geological assessment process, are identified as regressing, retreating, or potentially unstable as a result of undercutting by wave action or bluff erosion. The limits of the active shoreline erosion hazard area shall extend landward to include that land area that is calculated, based on the rate of regression, to be subject to erosion processes within the next 10-year time period.~~

~~3. Riverine Erosion Hazard Areas or CMZs. Riverine erosion hazard areas are located within the lateral extent of likely watercourse channel movement due to bank destabilization and erosion, rapid incision, and shifts in location of watercourse channels. Rivers and streams subject to erosion are regulated as a CMZ.~~

~~4. Soil Erosion Hazard Areas. Soil erosion hazard areas are identified by the presence or absence of natural vegetative cover, soil texture condition, slope, and rainfall patterns, or man-induced changes to such characteristics that create site conditions which are vulnerable to erosion of the upper soil horizon. Soil erosion hazard areas include those areas with slopes of 20 percent or greater and that are classified as having severe or very severe erosion potential by the USDA Natural Resources Conservation Service.~~

14.110.030 Erosion hazard area review procedures.

A. General Requirements. No person may commence any development or regulated activity in the potential or verified critical area without first obtaining the applicable permits and approvals from the city. All project proponents shall perform critical area research due diligence prior to commencing any development or regulated activity at the site.

1. The city's ~~geologically hazardous areas map~~ Critical Areas GIS database provides an indication of where potential erosion hazard areas are located. The actual presence or location of an erosion hazard area or additional potential erosion hazard area that has not been mapped, but may be present on or adjacent to a site, shall be determined using the procedures and criteria established in this chapter.

2. The department will complete a review of the ~~geologically hazardous areas map~~ Critical Areas GIS database, and any other source documents for any proposed regulated activity, to determine whether the site for the regulated activity is located within a potential erosion hazard area.

~~3. When the department's maps, sources, or field investigations indicate that~~ the site for a proposed regulated activity is located within a potential ~~shoreline~~ erosion hazard area, the department shall require a geological assessment as outlined in subsection (B) of this section. _

~~34. When the department's maps, sources, or field investigations indicate that the~~ If the proposed project area for a regulated activity is located within a potential riverine erosion hazard area ~~or CMZ~~, the department shall conduct a review pursuant to Chapter 14.80 EMC.

~~45. When the department's maps, sources, or field investigations indicate that~~ If the proposed project area for a regulated activity is located within a potential ~~soil~~ erosion hazard area, the project proponent shall submit an ~~department shall require submittal of an~~ erosion control plan pursuant to the requirements set forth in EMC Title 15.

~~6. Applicants requesting to develop a bulkhead along a shoreline shall be required to submit a geotechnical report.~~

5. Unless otherwise stated in this Chapter the critical area protective measure provisions contained in EMC 14.10.070 shall apply.

B. Geological Assessment. ~~A geological assessment is a site investigation process to evaluate the on-site geology affecting a subject property and proposed development.~~

1. A geotechnical professional shall complete a geological assessment to determine whether an erosion hazard area exists within 200 feet of the site. The following are acceptable geological assessments:

a. Geotechnical Letter: When a geotechnical professional finds that there are no erosion hazard areas on or within 200 feet of the proposed project area.

b. Geotechnical Verification: When a geotechnical professional finds that an erosion hazard area exists but is located more than 200 feet away from the proposed project area.

c. Geotechnical Report: When a geotechnical professional finds that an erosion hazard area exists within 200 feet of the proposed project area or when a geotechnical professional determines that mitigation measures are necessary to construct or develop within a potential erosion hazard area.

24. All geotechnical assessments shall include the following information:

a. All the required Critical Area Report requirements per EMC 14.10.080(C)

b. Shall be prepared, signed, and dated by a geotechnical professional.

c. Shall include a field investigation and may also include review of public records and documentation, analysis of historical air photos, LiDAR mapping, published data and references, etc.

d. A determination of which areas on the site meet the criteria for an riverine erosion hazard area and soil erosion hazard area.

e. Provide all the required information pursuant to EMC 14.110.060.

~~Geological assessments shall be submitted to the department for review and approval together with a shoreline erosion hazard area application.~~

~~2. The geological assessment shall include a field investigation and may also include review of public records and documentation, analysis of historical air photos, LiDAR mapping, published data and references, etc.~~

~~3. The geological assessment shall include the following information and analysis:~~

~~a. An analysis of the shoreline erosion processes on and in the vicinity of the site including an evaluation of erosion and shoreline retreat that has occurred over the past decade and an estimated probable rate of erosion based upon the historic rate of erosion that has occurred on the site.~~

~~b. A determination of which areas on the site meet the criteria for an active shoreline erosion hazard area.~~

~~e. A determination of the area on the site or in the vicinity of the site that will experience regression in the next 120 years given natural processes.~~

~~d. All of the information required per EMC 14.10.080(C).~~

~~4. Geological assessments shall be prepared, signed, and dated by a geotechnical professional and the format shall be pre-approved by the department.~~

~~5. A geotechnical professional shall complete a field investigation and geological assessment to determine whether or not an active shoreline erosion hazard area exists within 200 feet of the site.~~

~~a. The geological assessment shall be submitted in the form of a geotechnical letter when the geotechnical professional finds that no active shoreline erosion hazard area exists within 200 feet of the site.~~

~~b. The geological assessment shall be submitted in the form of geotechnical verification when the geotechnical professional finds that an active shoreline erosion hazard area exists but is located more than 200 feet away from the proposed project area.~~

~~e. The geological assessment shall be submitted in the form of a geotechnical report when the geotechnical professional finds that an active shoreline erosion hazard area exists within 200 feet of the proposed project area or when a geotechnical professional determines that mitigation measures, such as a bulkhead, are necessary in order to construct or develop within a potential shoreline erosion hazard area.~~

3. A geological assessment of a specific site may be valid for a period of up to five years when the proposed land use activity and surrounding site conditions are unchanged. However, if any environmental conditions associated with the site change during that five-year period, the applicant may be required to submit an amendment to the geological assessment.

46. The department shall review the geological assessment and either:

- a. Accept the geological assessment and approve the application; or
- b. Reject the geological assessment and require revisions or additional information.

~~7. A geological assessment for a specific site may be valid for a period of up to five years when the proposed land use activity and surrounding site conditions are unchanged. However, if any environmental conditions associated with the site change during that five year period, the applicant may be required to submit an amendment to the geological assessment.~~

C. Riverine Erosion Hazard Area (Channel Migration Zones) Review. Riverine erosion hazard areas shall be reviewed pursuant to the requirements set forth in Chapter 14.80 EMC.

D. Soil Erosion Hazard Area Review. Soil erosion hazard areas shall be reviewed pursuant to the requirements set forth in EMC Title 15, Buildings and Construction.

14.110.040 Erosion hazard area standards.

A. ~~Active Shoreline Erosion Hazard Areas.~~ Any development, encroachment, clearing and grading, timber harvest, building structures, impervious surfaces, and vegetation removal shall be prohibited within ~~active shoreline~~ erosion hazard areas and associated buffers except as specified in the following standards:

~~1. Shoreline Erosion Protection Measures. Shoreline erosion protection measures located within or adjacent to freshwater or marine shorelines shall be allowed subject to the following:~~

~~a. The proposed shoreline protection measure shall comply with the standards set forth in Chapter 14.50-EMC, Critical Fish and Wildlife Habitat Areas.~~

~~b. A geological assessment geotechnical report that indicates that the shoreline is currently experiencing active erosion, i.e., land retreat or regression.~~

~~e. The use of the shoreline erosion protection measure will not cause a significant adverse impact on adjacent properties or critical fish and wildlife species and their associated habitat (i.e., increase erosion on adjacent properties).~~

~~d. The use of soft armoring techniques is the preferred method for shoreline protection.~~

~~e. Hard armoring shoreline erosion control measures shall be approved only when a geological assessment—shoreline erosion geotechnical report has been completed and indicates the following:~~

~~i. The regression has been monitored on a yearly interval for a period of at least five consecutive years prior to allowing a bulkhead to be constructed. This monitoring shall be conducted by field survey measurements of a licensed surveyor. The department may shorten or eliminate the monitoring period—~~

~~if there are indicators that the regression rate is rapid and an existing structure may be threatened prior to completion of the monitoring period;~~

~~ii. The use of beach nourishment alone or in combination with soft armoring techniques is not adequate to protect the property from shoreline erosion processes; and~~

~~iii. The property contains an existing structure(s) that will be threatened within the next 10 years or the buildability of an undeveloped site will be threatened within the next 10 years if a hard armoring method of shoreline erosion protection is not provided.~~

~~f. Hard armoring shoreline protection measures shall not be allowed when structures can be located landward of the 120 year rate of regression area.~~

12. Stormwater Conveyance. Surface drainage into an ~~active shoreline~~ erosion hazard area should be avoided. If there are no other alternatives for discharge, then drainage must be collected upland of the top of the active ~~shoreline~~ erosion hazard area and directed downhill in a high density polyethylene stormwater pipe with fuse welded joints that includes an energy dissipating device at the base of the active landslide hazard area. The pipe shall be located on the surface of the ground and be properly anchored so that it will continue to function in the event of an underlying slide. The number of these pipes should be minimized along the slope frontage.

3. Utility Lines. Utility lines will be permitted when no other conveyance alternative is available. The line shall be located above ground and properly anchored and/or designed so that it will continue to function in the event of an underlying slide.

4. Roads, Bridges, and Trails. Roads, bridges, and trails shall be allowed when all of the following conditions have been met:

a. Mitigation measures are provided that ensure the roadway prism and/or bridge structure will not be susceptible to damage from active erosion.

b. The road is not a sole access for a development.

B. ~~Shoreline Erosion Hazard Management Area~~ All regulated activities such as but not limited to building structures, impervious surfaces, vegetation removal, timber harvest, or grading activities may be allowed in areas located within 200 feet of an ~~active shoreline~~ erosion hazard area subject to the following standards:

1. The department reviews and approves a geological assessment ~~—shoreline erosion hazard geotechnical report~~ and determines that the proposed project area is located outside ~~an active shoreline~~ erosion hazard area and the required buffer.

2. The proposed recommendations and mitigation measures contained within the geotechnical ~~report~~ assessment are adequate to reduce or mitigate risks to the natural environment, health, and safety.

3. Surface drainage from the proposed project area, including downspouts, landscape irrigation systems, and runoff from paved or unpaved surfaces upland of the shoreline, shall not be directed through an ~~active shoreline~~ erosion hazard area or its associated buffer unless it is conveyed in conformance with the provisions in subsection (A)(2) of this section.

4. Stormwater retention and detention systems, such as dry wells and infiltration systems utilizing buried pipe or French drains, shall not be permitted unless such systems are designed by a professional engineer and the geotechnical ~~report~~ assessment indicates that such a system will not affect the stability of the shoreline.

~~5. Proposed developments, with the exception of shoreline erosion protection measures, shall be sited far enough from regressing shorelines to ensure 120 years of useful life for any proposed structures or infrastructure.~~

~~C. Riverine Erosion Hazard Area or CMZ Review. Riverine erosion hazard areas shall be reviewed pursuant to the requirements set forth in Chapter 14.80 EMC.~~

D. Soil Erosion Hazard Area Review. ~~Additionally, s~~Soil erosion hazard areas shall be ~~reviewed pursuant~~subject to the requirements set forth in EMC Title 15, Buildings and Construction.

14.110.050 Buffer requirements.

A. Determining Erosion Buffer Widths.

1. The buffer width shall be measured on a horizontal plane from a perpendicular line established at the edge of the ~~active shoreline~~ erosion hazard area limits.
2. An undisturbed buffer of existing vegetation shall be required for an ~~active shoreline~~ erosion hazard area. The required standard buffer width is either subsection (A)(2)(a) or (b) of this section, whichever is greater:
 - a. Fifty feet from all edges of the ~~active shoreline~~ erosion hazard area limits; or
 - b. A distance of one-third the height of the slope at the top of the slope and a distance of one-half the height at the bottom of the slope.
3. The buffer width may be reduced or eliminated upon the director's approval of a geotechnical ~~report~~assessment that demonstrates that such a reduction would not result in an increased risk of erosion either on or off of the subject property.

B. Modification of Buffer Widths. The department may require a larger buffer width than the standard buffer distance, as determined in subsection (A) of this section, if any of the following are identified through the geological assessment process:

1. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts.
2. The area has a severe risk of slope failure or downslope stormwater drainage impacts.

14.110.060 Appendices.

A. Geological Assessment —~~Shoreline~~Erosion Hazard Geotechnical Letter.

B. Geological Assessment —~~Shoreline~~Erosion Hazard Geotechnical Verification.

C. Geological Assessment —~~Shoreline~~Erosion Hazard Geotechnical Report.

APPENDIX A

GEOLOGICAL ASSESSMENT —~~SHORELINE~~ EROSION HAZARD GEOTECHNICAL LETTER

A. A geotechnical letter shall, at a minimum, include the following:

1. The general critical areas report requirements.
2. A summary of the findings of the site visit, a site plan, and a summary of the findings from the review of documents listed in EMC 14.110.030(B)(2). The appropriate professional preparing the geotechnical letter shall provide conclusions and recommendations as to shoreline stability for the proposed development.

B. The geotechnical professional who prepared the geotechnical letter shall stamp the letter with his or her seal.

C. Hold harmless clauses, disclaimers, and limitations are not allowed within a geotechnical letter.

APPENDIX B

GEOLOGICAL ASSESSMENT —~~SHORELINE~~ EROSION HAZARD GEOTECHNICAL VERIFICATION

A. A geotechnical verification shall, at a minimum, include the following:

1. The general critical areas report requirements.
2. A summary of the results, conclusions, and recommendations resulting from the geological assessment, as set forth in EMC 14.110.030(B). The verification will also include a summary of the findings of the site visit, a site plan, and a summary of the findings from the review of the documents listed in EMC 14.110.030(B)(2).
3. An accurate and scaled site plan ~~drawn at a scale of one inch equals 20 feet, one inch equals 30 feet, one inch equals 50 feet (or other scale deemed appropriate by the department)~~ is required. ~~The department may require that the site plan information listed below be based on a field survey by a licensed surveyor.~~ The site plan shall include:

- a. The limits and location of the ~~active shoreline~~ erosion hazard area(s) and associated buffer.
- ~~b. The limits of the required shoreline erosion hazard buffer.~~
- ~~c. The limits and location of the shoreline erosion hazard management area.~~
- ~~d. The limits and location of the 120-year regression area.~~
- b. Property lines for the site, and the location of any existing structures.
- c. The full geographical limits of the proposed project area or conceptual project area (i.e., area to be developed) and the location of any existing or proposed structures, on-site septic systems, wells, and stormwater management features or facilities associated with the development, if known.
- ~~e. The location of any existing structures, utilities, on-site septic systems, wells, and stormwater management facilities.~~
- ~~f. The location of any proposed structures, utilities, on-site septic systems, wells, and stormwater management facilities.~~
- ~~g. The full geographical limits of the proposed project area to be developed.~~
- d.h. Dimension of the closest distance between the identified ~~active shoreline~~ erosion hazard area boundary and the proposed project area.
- ~~i. Dimension of the closest distance between the 120-year regression line and the proposed project area.~~
- e.j. Existing contours on the site at two-foot intervals.
- ~~k. Property lines for the site.~~
- f.l. North arrow and scale.

B. The geotechnical professional who prepared the geotechnical verification shall stamp the verification with their seal.

C. Hold harmless clauses, disclaimers, and limitations are not allowed within a geotechnical verification.

APPENDIX C

GEOLOGICAL ASSESSMENT —~~SHORELINE~~ EROSION HAZARD GEOTECHNICAL REPORT

A. A geotechnical report shall, at a minimum, include the following:

1. The general critical areas report requirements.

2. A summary of the results, conclusions, and recommendations resulting from the geological assessment. The report will also include a summary of the findings of the site visit, a site plan, and a summary of the findings from the review of documents listed in EMC 14.110.030(B)(2). The summary shall specifically address:

- a. Whether it is possible given the physical constraints of the property (size, shape, building setbacks, utility requirements, etc.) to locate the proposed development outside of the 120-year area of regression based on natural shoreline processes.
- b. If it is not possible to locate the development outside of the 120-year area of regression (based on natural processes), determine whether beach nourishment, soft armoring techniques, or both can be used to slow the rate of regression such that the proposed development is no longer within the 120-year regression area.
- c. If it is not possible to locate the development outside of the 120-year area of regression, based on the use of beach nourishment or soft armoring techniques, outline the strategy to monitor the rate of regression on the site.
- d. Determine whether any proposed shoreline erosion protection measures will cause an increase in the rate of regression on neighboring properties.

3. An accurate and scaled site plan ~~drawn at a scale of one inch equals 20 feet, one inch equals 30 feet, one inch equals 50 feet (or other scale deemed appropriate by the department)~~ is required. ~~The department may require that the site plan information listed below be based on a field survey by a licensed surveyor.~~ The site plan shall include:

- a. The limits and location of the active ~~shoreline~~ erosion hazard area(s).
- b. The limits of the required ~~shoreline~~ erosion hazard buffer based upon the requirements.
- ~~e. The limits and location of the shoreline erosion hazard management area.~~
- ~~d. The limits and location of the 120-year regression area based on natural shoreline processes and, if applicable, based upon proposed shoreline protection measures.~~
- e. The location of any existing structures, utilities, on-site septic systems, wells, and stormwater management facilities.
- f. The location of any proposed structures, utilities, on-site septic systems, wells, and stormwater management facilities.
- g. The full geographical limits of the proposed project area to be developed.
- h. Dimension of the closest distance between the identified active shoreline erosion hazard area boundary and the proposed project area.
- ~~i. Dimension of the closest distance between the 120-year regression line and the proposed project area.~~
- j. Existing contours on the site at two-foot intervals.
- k. Property lines for the site.
- l. North arrow and scale.

4. A discussion of any proposed erosion hazard area ~~shoreline~~ protection measures including design and construction drawings is required.

5. A list of references utilized in preparation of the report.

- B. The geotechnical professional(s) who performed the geological assessment shall stamp the report with their license stamp or seal. The report must be co-authored by a licensed professional engineer when engineering designs or interpretations are necessary to address the report requirements. The engineer must also stamp the report with their license stamp or seal.
- C. The department may request a geotechnical professional to provide additional information in the geotechnical report based upon existing conditions, changed conditions, or unique circumstances occurring on a case-by-case basis.
- D. Hold harmless clauses, disclaimers, and limitations are not allowed within a geotechnical report.
- E. Geotechnical reports shall be in conformance with a format that is pre-approved by the department. .

DRAFT 2025 Critical Areas Update Best Available Science (BAS) Annotated Review

Introduction

This memo summarizes the review of best available science (BAS) to support the pending City of Edgewood (City) Critical Area Ordinance (CAO) update. The Growth Management Act (GMA) requires that cities include and consider BAS when developing policies and associated development regulations to protect the functions and values of critical areas and for demonstrating special considerations to preserve or enhance anadromous fisheries (WAC 365-195-900).

BAS includes reports and documentation prepared by qualified scientific experts following the scientific process outlined under WAC 365-195-905(5). This process includes reliable information and is generally characterized by peer review, standardized methods, logical conclusions and reasonable inferences, quantitative analysis, proper context, and references. Common sources of scientific information include research; monitoring, inventory, surveying, and modeling data; assessment, synthesis, and expert opinion (WAC 365-195-905).

The responsibility rests with the legislative authority to ensure BAS is included with the development of the policies and regulations. In compliance with WAC 365-195-905, city staff has compiled the BAS previously developed for the city (ESA 2017), current state and federal agency identified BAS, and the latest BAS identified by Pierce County. Staff have coordinated with all associated agencies to ensure the latest BAS and will continue to coordinate during the CAO update.

The next step in the CAO update will be a gap analysis, which will identify where the most current BAS can and should be incorporated into the City's critical area regulations.

Regulatory Framework

Per RCW 36.70A.030(11) and WAC 365-190-030(4), critical areas include the following areas and ecosystems:

- Wetlands;
- Critical aquifer recharge areas;
- Fish and wildlife habitat conservation areas;

- Frequently flooded areas; and
- Geologically hazardous areas.

The existing Edgewood Municipal Code (EMC) includes Title 14, Critical Areas, which is divided into separate chapters for the various critical areas identified above. EMC Title 14 defines, protects, and provides performance standards specific to the BAS associated with each critical area. This title is collectively referred to as the “critical area code” or CAO.

Pierce County Best Available Science

Pierce County completed their specific best available science review for the critical areas in December 2022 (reference). This document includes an analysis of the critical area functions, values, and key protection strategies for wetlands, fish and wildlife habitat conservation areas, critical aquifer recharge areas, frequently flooded areas, geological hazard areas. Additionally, this document was compiled by qualified experts and adopted through Pierce County Council Ordinance 2024-553S2. The City has included sections 2.2, 2.3 3.2, 3.3, 4.2, 4.3, 5.2, 5.3 of these documents by reference into the best available science review after staff has determined that the information provided being considered generic to the individual critical area and not being Pierce County jurisdiction specific.

Pierce County Best Available Science

Pierce County completed their specific best available science review for the critical areas in December 2022 (reference). This document includes an analysis of the critical area functions, values, and key protection strategies for wetlands, fish and wildlife habitat conservation areas, critical aquifer recharge areas, frequently flooded areas, geological hazard areas. Additionally, this document was compiled by qualified experts and adopted through Pierce County Council Ordinance 2024-553S2. The City has included sections 2.2, 2.3 3.2, 3.3, 4.2, 4.3, 5.2, 5.3 of these documents by reference into the best available science review after staff has determined that the information provided being considered generic to the individual critical area and not being Pierce County jurisdiction specific.

Wetlands

1. Definition:

The City has adopted the following definition under EMC 14.20.010(B)(98):

“Wetland” means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted

for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

This definition aligns with RCW 36.70A.030(48), WAC 365-190-030(24), and the guidance provided by the Washington State Department of Ecology.

2. Best Available Science

The primary resource for developing the CAO relative to wetlands will be the Department of Ecology's Wetland Guidance for Critical Areas Ordinance (CAO) Updates, Publication 22-06-01, along with the associated Errata. This document includes the BAS on wetland functions, management, and protection. It covers topics such as wetland buffer science, characterization, and mitigation strategies. The guidance also offers directions on wetland identification and provides sample regulations. The BAS resources developed by Ecology are all compliant with WAC 365-195-905(5).

Per EMC 14.10.040(G), wetlands and potential wetlands are provided on the city's geographic information system (GIS) which constitutes the city official critical areas map. This data regularly gets updated by City Staff once qualified professionals have verified the presence of wetlands. The GIS data includes links to the approved wetland delineation reports which comply with the BAS.

While a full gap analysis will be completed in a separate document, it is anticipated that apart from minor issues, such as outdated references, the current CAO will include the following areas for revisions:

- Minor update to wetland buffer width standards based on updated Errata.
- Clarification on "no net loss" analysis
- Clarification on existing nonconforming structure and interrupted buffers
- Updates to allowed uses through buffers

3. Required and Recommended Changes

- Update wetland buffers to better align with Ecology's recommendations.
- Update wetland impact minimization measures to better align with Ecology's recommendations.
- Require that buffer modification requires reports that demonstrate that the proposal will not result in an adverse impact on priority species. This will additionally provide special consideration to anadromous fish.
- Clarify single-family wetland review process and requirements to ensure wetland and associated buffer protection.
- Require mitigation sequencing with clear code references.

Fish and Wildlife Habitat Conservation Area (FWHCAs)

1. Definition:
2. Best Available Science
3. Required and Recommended Changes

This is under review

Critical Aquifer Recharge Areas

1. Definition:

The City has adopted the following definition under EMC 14.20.010(B)(20):

“Critical aquifer recharge areas” means areas with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge.

This definition aligns with RCW 36.70A.030(48), WAC 365-190-030(24), and the guidance provided by the Washington State Department of Ecology. This document includes the BAS.

2. Best Available Science

The primary resource for developing the CAO relative to critical aquifer recharge areas will be the Department of Ecology's Critical Aquifer Recharge Areas Guidance, Revised March 2021, Publication 05-10-028 (CARA Guidance). The key to protecting CARAs is identification and protection. The CARA Guidance recommends eight steps to characterize and protect CARAs in a local community.

The City currently identifies three types of CARAs: 1) aquifer recharge areas based on the boundaries of the two highest DRASTIC zones that are related 180 or above the Drastic index range, 2) wellhead protection areas, and 3) sole source aquifer as designated by the U.S. EPA. The city also reviewed Washington State Department of Health Source Water Assessment Program (SWAP) Mapping and Division of Environmental Health Office of Drinking Water Sentry database, the United States Geological Survey's National Water Dashboard, Department of Ecology Well Construction and Licensing maps, Department of Natural Resources water well maps, and additional information produced by Pierce County. Per EMC 14.10.040(G), CARAs are provided on the city's GIS which constitutes the city official critical areas map.

3. Required and Recommended Changes

- Update definition of CARAs to exactly match WAC 365-190-030(3)
- Update responsible part for storage tank permits.
- Expand uses prohibited in CARA to better protect groundwater quality
- Clearly require protective measures and mitigation sequencing.
- Add specific protection standards for vehicle repair and service uses to protect groundwater quality.

Frequently Flooded Areas

1. Definition:

The City has adopted the following definition under EMC 14.20.010(B)(51):

"Frequently flooded area" means lands in the floodplain subject to at least a one percent or greater chance of flooding in any given year, or within areas subject to flooding due to

high groundwater. These areas include, but are not limited to, streams, rivers, lakes, wetlands, and areas where high groundwater forms ponds on the ground surface.

This definition aligns with RCW 36.70A.030(11), WAC 365-190-030(8), and the guidance provided by the Washington State Department of Ecology.

2. Best Available Science

The primary resource for developing the CAO relative to frequently flood areas are the latest Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) for Pierce County published in 2017, the FEMA and Ecology 2019 revised model flood damage prevention ordinance for Washington cities, and the 2008 National Marine Fisheries Service (NMFS) Biological Opinion (BiOp) on the implementation of the National Flood Insurance Program in the Puget Sound.

The City adopted the latest FEMAFIS and FIRMs for Pierce County in 2017. The City last substantially updated the flood hazard area codes in 2020 in response to a new model flood damage prevention ordinance released by FEMA and the Washington State Department of Ecology on December 9, 2019. This mandatory update was required to continue participation in the National Flood Insurance Program (NFIP), which allows property owners within the city to obtain flood insurance and certain types of federal disaster aid.

In addition to the model code updates, the ordinance included updates to further incorporate the Comprehensive Surface Water Management Plan (CSWMP) which was adopted by the City Council under Ordinance 18-0527. The CSWMP identified potential flood hazard areas primarily located within closed-depression basins, also referred to as pothole basins. Due to these potholes primarily receiving shallow groundwater and stormwater runoff from their surrounding neighborhoods and having no outlet, properties nearest the lowest elevation in each pothole are more susceptible to heavy rain flooding than other parts of the City. This document established a conservative base flood elevation for each pothole basin based on previous studies, historical observations, and known issues identified by current and previous city floodplain administrators.

The revised code was adopted by the City Council under Ordinance 20-0589 and approved by both FEMA and Ecology. Per EMC 14.10.040(G), frequently flood areas are provided on the City's GIS which constitutes the city official critical areas map.

In general, the city reduces hazards associated with frequently flood areas by regulating development in mapped floodplains and has adopted requirements for zero-rise analysis, flood studies and hydraulic modeling, placing floodplains in protected tracts where appropriate, and requiring compensatory storage for any proposed grading activity. Additionally, the City requires habitat assessments for development within FEMA-established floodplains in order to comply with the 2008 NMFS BiOp on the implementation of the NFIP in the Puget Sound.

While a full gap analysis will be completed in a separate document, it is anticipated that only minor updates are required for the CAO. However, the city may decide to complete a reorganization of the chapter to improve readability.

3. Required and Recommended Changes

- Clarify that the Public Works Director is the reviewing authority for Flood Hazard Areas.

Geologically Hazardous Areas

1. Definition:

The City has adopted the following definitions under EMC 14.20.010(B):

“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.

“Erosion hazard areas” means those areas that because of natural characteristics, including vegetative cover, soil texture, slope, gradient, and rainfall patterns, or human-induced changes to such characteristics, are vulnerable to erosion.

“Landslide hazard area” means any area subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

“Seismic hazard areas” means areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.

“Volcanic hazard areas” means those areas subject to pyroclastic flows, lava flows, and inundation by debris flows, mudflows, or related flooding resulting from geologic or volcanic events on Mount Rainier.

These definitions align with RCW 36.70A.030(11) and WAC 365-190-030(8).

2. Best Available Science

The city regulates geological hazards areas within the following Edgewood Municipal Code chapters:

- EMC Chapter 14.70 Volcanic Hazard Areas
- EMC Chapter 14.90 Landslide Hazard Areas
- EMC Chapter 14.100 Seismic (Earthquake) Hazard Areas
- EMC Chapter 14.110 Erosion Hazard Areas

The primary guidance documents on earthquake and seismic risk, volcanic, landslide, tsunami, and other geologic hazards include the Commerce 2023 Critical Area Handbook, the 2014 SR 530 Landslide Commission Report, and information provided by United States Geological Survey (USGS), the Washington Department of Natural Resources (DNR), and the Natural Resources Conservation Service (NRCS). Additionally, the City consulted the 2017 Geological Hazard Code Update – Gap Analysis and Best Available Science Consistency Review which was prepared for the 2018 CAO update by a professional licensed geotechnical engineer at Environmental Science Associates (ESA).

The following provides specific identification, designation, and specific BAS for each of the individual geological hazard areas:

Volcanic Hazard Areas

The [U.S. Geological Survey \(USGS\) Volcanic Hazards at Mount Rainier](#) (2023) identifies the valley portions of the city (along the south and east edges) as within the Mount Rainier Lahar Zone. The greatest risk to Edgewood is the potential for Mount Rainier generating lahars that could be triggered by magma movement and/or landslides, causing water and/or ice to interact with unstable soils and rush towards the Puget Sound.

Landslide Hazard Areas

The 2017 Geological Hazard Code Update – Gap Analysis and Best Available Science Consistency Review incorporates the identification of historic and existing landslides using Puget Sound Light Detection and Ranging (LiDAR), identifying potential landslide areas along the flanks of the City's plateau with moderate (20% to 40%) to steep

(40.1%+) slopes. The development in these potentially hazardous areas requires a geotechnical report by qualified professionals to review for landslide hazard areas.

Seismic (Earthquake) Hazard Areas

The 2017 Geological Hazard Code Update – Gap Analysis and Best Available Science Consistency Review incorporates regional seismic issues (primary hazard) and area-specific conditions (secondary hazard). The primary hazard is an earthquake caused by the Cascadia Subduction Zone and/or Seattle Fault, either of which are not specifically located within the city. The secondary hazard is liquefaction of susceptible soils as mapped by the Washington Department of Natural Resources (WDNR). The valleys along the southern and eastern edges of the city are identified as having moderate to high susceptibility to liquefaction (WDNR GeologyPortal).

Erosion Hazard Areas

The U.S Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) provides soil survey data that includes erosion hazard ratings for each mapped soil. This mapping is provided in <https://websoilsurvey.nrcs.usda.gov/app/>.

Tsunami Hazard Area

WDNR provides mapping for Tsunami hazard areas. There are no Tsunami hazard areas within city limits (WDNR GeologyPortal).

Mine Hazard Area

WDNR provides various mapping that identify potential mineral resource lands and potential mine hazard areas that include historical mining districts, coal mines, inactive and abandoned mines, and active mines. WDNR identifies one active mine but no inactive or historical mines (WDNR GeologyPortal). There is one active sand and gravel mine and no other historical mining information which is regulated under the mineral resource land regulations (EMC 14.120.030(B), 14.120.040). Additionally, the 2017 Geological Hazard Code Update – Gap Analysis and Best Available Science Consistency Review didn't identify any historic mine hazard areas.

3. Required and Recommended Changes

- Remove Class III Lahars and Pycroclastic Zone references because they are not located within city limits.
- Remove Time Zone A and B references because they are not located within city limits.

- Update landslide hazard areas, seismic hazard, and erosion hazard areas to include areas identified in WDNR geological information portal mapping.
- Add landslide hazard categories separating landslide hazard areas from stable areas to outline clear requirements to ensure protection to property and health while also clarifying ability to develop stable areas.
- Clarify when geotechnical verification and a geotechnical report are required.
- Limit the subdivision of land located wholly within a landslide hazard area.
- Remove fault rupture hazard area regulations as there are none located in the city limits as verified through WDNR geological information portal mapping.
- Remove active shoreline erosion hazard areas and riverine erosion hazard areas as these are carryover from Pierce County code and there are no shoreline or riverine with regulated channel migration zones within city limits.

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

Date: August 11, 2025

Title: 2024 Comprehensive Plan Implementation Amendments

Attachments: Attachment A – EMC 18.20 Definitions Draft Amendments
Attachment B – EMC 18.50.070 TUP Draft Amendments
Attachment C – EMC 18.90.080 Housing Incentives Program Draft Amendments
Attachment D – EMC 18.100 Development Standards – Use Specific Draft Amendments
Attachment E – Commerce Supportive Housing Review Checklist - Draft

Submitted By: Josh Kubitz, AICP – Planning Manager

Background Information:

Cities fully planning under the Growth Management Act (GMA) are required to conduct a “periodic review and update” of their Comprehensive Plan and development regulations in accordance with RCW 36.70A.130(5). The city's 2024 Comprehensive Plan periodic update took effect on January 1, 2025. However, the city is still in the process of completing its review and update of development regulations to ensure compliance with legislative changes enacted since the last periodic update in 2015. Since January 1, 2025, the city has adopted or revised regulations to address requirements related to SB 5290, accessory dwelling units (ADUs), impact fees, and middle housing.

The proposed amendments represent development regulation amendments intended to address all remaining required regulation changes to comply with RCW 36.40A.130(5).

Current Discussion:

Manufacturing Housing Regulations:

The following manufacture housing related RCWs were amended in 2019:

- RCW 35.21.684
- RCW 35.63.160
- RCW 35A.21.312
- RCW 36.01.225

Manufacture Housing is regulated under EMC 18.100.090 and was last updated in 2005. To comply with the amended RCW requirements staff are proposing amendments to EMC 18.100.090, which are provided in Attachment D.

Next Step: Staff requests that the Planning Commission review the attached documents and prepare any questions, comments, or suggestions for the September Planning Commission Meeting.

Co-Living Amendments (HB 1998) Regulations:

Co-living must be permitted on any lot within an Urban Growth Area (UGA) that allows at least six multifamily residential units, including lots zoned for mixed-use development. HB 1998, enacted in 2024, establishes specific standards related to unit size, density calculations, connection fees, and parking requirements. Local governments are required to adopt co-living regulations by December 31, 2025.

The city of Edgewood participated in a Low-Income Housing Planning (LIHP) Grant that was awarded to SSHA³P which supports the implementation of HB 1998. As part of the grant, the city received the following resources to assist staff in implementing HB 1998:

- [About Co-Living, One Pager](#)
- [About HB 1998, One Pager](#)
- [City of Edgewood Co-Living Mapping](#)
- [Model Ordinance](#)
- [Co-Living Massing Models](#)
- [Co-Living Model Code User Guide](#)

While planning staff participated throughout the creation of these documents, staff are still in the process of reviewing the documents.

Next Step: Staff requests that the Planning Commission review the above-mentioned documents and prepare any questions, comments, or suggestions for the September Planning Commission Meeting.

Various Religious Organization Regulations:

The following are legislative updates that need to be included in the city regulations:

- [HB 1377](#) (2019) requires that cities allow an increased density bonus consistent with local needs for any affordable housing development of any single-family or multi-family residence located on real property owned or controlled by a religious organization.
- [ESHB 1754](#) (2020) establishes Limitations on regulating outdoor encampments, safe parking efforts, indoor overnight shelters and temporary small houses on property owned or controlled by a religious organization. This legislation does provide specific regulations and restrictions.

Most of the above legislation requirements were previously incorporated with Ordinance 21-613. However, commerce has provided additional guidance and direction that requires city action. The proposed amendments include adding “religious organization” definition, revising “transitional housing”

definition, allow for density bonus under EMC 18.90.080, and allow for the hosting of homeless by a religious organization subject to RCW 35.21.915 and RCW 36.01.290 restrictions. The proposed amendments are provided in Attachment A, B, and C

Next Step: Staff requests that the Planning Commission review the attached documents and prepare any questions, comments, or suggestions for the September Planning Commission Meeting. Specifically, Does the Planning Commission agree with setting the 25% density bonuses for religious organizations or should the bonus be higher or lower?

Use of Existing Buildings for Residential Purposes

[HB 1042](#) (2023) requires cities to ease restrictions on the addition of housing units within existing commercial, mixed-use, and multifamily buildings. Specifically, it mandates exemptions from density limits, parking requirements, and other regulatory barriers for these added units.

Currently, the City's code does not regulate residential conversions within existing buildings as outlined in HB 1042. To comply with this legislation, staff have proposed a new section, EMC 18.100.200. The draft amendment is included in Attachment D.

Important note: in 2025, the State Legislature passed [SSHB 1183](#) and [HB 1757](#), which amended RCW 35A.21.440 and RCW 35.21.990. These changes were not reviewed by staff prior to drafting the proposed amendments. Staff plans on reviewing these changes and updating the draft amendment as needed.

Next Step: Staff requests that the Planning Commission review the above-mentioned documents and prepare any questions, comments, or suggestions for the September Planning Commission Meeting.

Attachment A
EMC 18.20 Definitions
Proposed Amendments

18.20.210 R definitions.

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“Religious assembly” means establishments in which the principal purpose is religious worship and for which the principal building or other structure contains the sanctuary or principal place of worship, which may include accessory uses in the main building or in separate buildings or structures such as religious educational classrooms, assembly rooms, library or reading room, recreation hall, and a single dwelling unit for caretaker or clergy and his/her immediate family. Further described in NAICS 813110, assembly only.

"Religious organization" means the same as defined by RCW 36.01.290.

“Remote switching unit” means a device or group of devices in a telephone system having the necessary equipment for terminating and interconnecting subscribers’ lines, farmer lines, toll lines and inter-facilities trunks, normally dependent on one or more central office switching units for full operability.

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18.20.230 T definitions.

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“Transitional housing” means the same as defined by RCW 84.36.043~~(2)~~(e).

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Attachment B
EMC 18.50 Discretionary Permits and Administrative Decisions – Review Criteria
Proposed Amendments

18.50.070 Temporary use permits.
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B. The following types of temporary uses, activities and associated structures may be authorized, subject to specific limitations in this section and such additional conditions as may be established by the community development director or designee:

1. Model homes or apartments and related real estate sales and display activities located within the subdivision or residential development to which they pertain.
2. Contractor’s office, storage yard and equipment parking and servicing on the site of an active construction project.
3. Circuses, carnivals, rodeos, fairs or similar transient amusement or recreational activities.
4. Indoor or outdoor art and craft shows and exhibits.
5. Christmas tree sales lots limited to location on nonresidential lots in Commercial, Business Park or Industrial zoning districts.
6. Mobile home residences used for occupancy by supervisory and security personnel on the site of an active construction project.
7. Indoor or outdoor special sales, including swap meets, flea markets, parking lot and sidewalk sales, warehouse sales or similar activities, limited to locations on nonresidential lots in commercial or industrial districts, and when operated not more than 10 days in the same month, unless otherwise permitted by the city.
8. Temporary use of mobile trailer units or similar portable structures for nonresidential purposes, located in districts where the intended use is permitted.
9. Seasonal retail sales of agricultural or horticultural products raised or produced on individual farms.
10. Neighborhood or community garage sales, moving sales and similar activities for the sale of personal belongings when operated not more than three days in the same week or more than twice in the same calendar year.
11. The community development director or designee may authorize additional temporary uses not listed in this subsection when it is found that the proposed uses are in compliance with the requirements and findings of this section.
12. Temporary Housing Unit. A temporary housing unit may be placed on a lot or tract of land in any zone for occupancy during the period of time necessary to construct a permanent use or structure on the same lot or tract or abutting property leased or owned by the applicant. Existing dwelling units may be converted to a temporary housing unit. A temporary housing unit is subject to the following:
 - a. The unit shall be removed from the site within 60 days after final inspection of the project, or within one year from the date the unit is first moved to the site, whichever may occur sooner. The unit is not located in any required yard.

b. A temporary permit shall be issued by the building division prior to occupancy of the unit on the construction site.

13. Temporary Housing Units – ~~Mother in Law~~Relatives. Temporary housing units are permitted in all zones as follows:

a. A temporary housing permit for a temporary housing unit may be issued by the building division if the applicant can satisfy the criteria set forth in subsection (B)(13)(b) of this section and attests by affidavit that:

i. The information furnished with the application is true and correct.

ii. The standards and conditions set forth in the permit will remain satisfied as long as the temporary housing unit remains on the site.

b. The following are the minimum standards applicable to temporary housing units:

i. The temporary housing unit shall be occupied by ~~the parent or parents a relative of the occupants of the dwelling, or~~ not more than ~~one~~two individuals who ~~is~~are a close relatives of the occupants of the principal dwelling.

ii. An occupant of the temporary housing unit because of age, disability, prolonged infirmity, or other similar incapacitation is unable to independently maintain a separate type of residence without human assistance.

iii. The temporary housing unit must bear the Housing and Urban Development (HUD) 3280 seal.

iv. In the event the health department requires the installation of separate water supply and/or sewerage disposal systems, said requirements shall not at a later time constitute grounds for the continuance or permanent location of a temporary housing unit beyond the length of time authorized in the permit or renewal of said permit.

v. Prior to the issuance of a temporary housing permit, the city shall review the application and may require the installation of such fire protection/detection equipment as may be deemed necessary as a condition to the issuance of the temporary housing permit.

vi. The temporary housing unit shall be removed from the lot or tract of land not more than 60 days from the date the temporary permit expires or occupancy ceases.

c. Renewals. Temporary housing permits shall be valid for the period of time the parent or close relative resides in the temporary housing unit; provided, that after obtaining initial approval, annual renewals of the temporary housing permit must be obtained from the building code official or designee. When obtaining a renewal, the building code official or designee shall confirm by affidavit from the applicant that the requirements specified herein are satisfied. Application for renewals must be made 60 days before the expiration of the current permit. Renewals of said permits shall be automatically granted if the applicant is in compliance with the provisions herein and no notice of such renewal is required.

14. Hosting the homeless by a religious organization is permitted for a total of six (6) months during a year, with a three (3) month separation required between continuous hosting terms of a maximum of four (4) months at any one (1) time in compliance with RCW 35.21.915 and RCW 36.01.290.

C. Application and Authorization.

1. A temporary use permit is a Process I application type and subject to all the procedural requirements ~~applicable to this application type~~provided in EMC 18.40.080.

~~2. Temporary use applications shall be on a form prescribed by the community development department and shall include all of the information and materials required by the application form and the application fee, as set forth in the city of Edgewood fee schedule. An applicant shall provide sufficient facts and evidence to enable the community development director or designee to make a decision.~~

~~32.~~ 32. A Complete applications for temporary use permits shall be filed with the community development department. Application shall be made at least 15 days prior to the requested date for commencement of the temporary use.

~~4. The community development director or designee shall provide the applicant with a written decision approving, denying, or approving the application with modifications and/or conditions of approval, within 10 days after the date of submission of a complete application.~~

~~53.~~ 53. A temporary use authorized pursuant to this section shall be subject to all of the applicable standards of subsection (D) of this section, and shall not be exempted or relieved from compliance with any other ordinance, law, permit or license applicable to such use, except where specifically noted.

D. Standards for Temporary Use.

1. Each site occupied by a temporary use shall be left free of debris, litter or other evidence of temporary use upon completion or removal of the use.
2. A temporary use conducted in a parking facility shall not occupy or remove from availability more than 20 percent of the spaces required for the permanent use.
3. Each site occupied by a temporary use must provide or have available sufficient off-street parking and vehicular maneuvering area for customers. Such parking need not comply with the development requirements of EMC 18.90.130, Parking, but must provide safe and efficient interior circulation and ingress and egress from the public right-of-way.
4. No temporary use shall occupy or use public rights-of-way, parks or other public lands in any manner unless specifically approved by the city council.
5. No temporary use shall occupy a site or operate within the city for more than 90 days within any calendar year, except as follows:
 - a. When authorized by the community development director or designee, a temporary use may operate an additional 90 days if it is found that such an extension will be consistent with the requirements of Chapter 18.80 EMC, Land Use Zones, and this subsection (D).
 - b. A temporary use may be given an additional extension if unique circumstances exist that necessitate a longer use such as construction office or security housing for an active construction site and such an extension will be consistent with the requirements of Chapter 18.80 EMC, Land Use Zones, and this subsection (D), or can be consistent, subject to conditions of approval.
6. All signs shall comply with the requirements of Chapter 18.97 EMC, Sign Code, except as otherwise specified in this section.
7. All temporary uses shall obtain all required city permits, licenses or other approvals, prior to occupancy of the site.
8. The community development director or designee may establish such additional conditions as may be deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses. These include, but are not limited to, time and frequency of operation, setbacks, special yards, and spaces; control of points of vehicular ingress and egress, temporary arrangements for parking, loading and traffic circulation, requirements for screening or enclosure, site maintenance during use, and guarantees for site restoration and cleanup following temporary use.

E. A temporary use permit shall only be granted when the community development director or designee, after consultation and coordination with all other applicable city departments and other agencies, has determined that:

1. The temporary use will be compatible with uses in the general vicinity and on adjacent properties.
2. The temporary use will not create a material adverse effect on the livability or appropriate development of abutting properties and the surrounding community.
3. The temporary use will not impair the normal, safe and effective operation of a permanent use on the same site.
4. The temporary use will comply with the requirements of the zone within which it is proposed.
5. The temporary use shall comply with all applicable standards of the Pierce County health department.
6. In applying temporary use criteria and determination of appropriate conditions, consideration shall be given, but not limited to:
 - a. The harmony and scale, bulk, coverage, and density;
 - b. The availability of public facilities and utilities;
 - c. The harmful effect, if any, upon a desirable neighborhood character;
 - d. The generation of traffic and the capacity of surrounding streets and roads;
 - e. The creation of noise, vibration, odors, or other similar nuisances; and
 - f. Any other relevant impact on the peace, quiet, comfort, and enjoyment by and of the abutting properties and the surrounding community.

....

~~F. The community development director or designee shall provide the applicant with a written decision approving, denying, or approving the application with modifications and/or conditions of approval, within 10 days after the date of submission of a complete application.~~

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Attachment C
EMC 18.90 Development Standards – Citywide Applicability
Proposed Amendments

18.90.080 Housing incentives program.

A. The city is responsible for establishing regulations that will result in a variety of housing opportunities. To that end, the city’s comprehensive plan contains policies designed to encourage affordable and special needs housing. Not only are a number of regulatory tools available to help stimulate the development of desired housing in the city, but some of these tools offer an additional benefit to the city as a whole in dispersing “qualified” housing such as affordable units throughout the city.

B. A preapplication conference is recommended, although not required.

C. Review Procedures: Density bonus requests shall be requested in writing and reviewed and approved concurrently with the related land use application or building permit application, whichever is first, and shall follow the established procedures for review and appeal, if necessary, of the permit type. ~~This section applies, at the developer’s option, to land use applications for housing in identified zones below, except the construction of a single family dwelling on one lot that can accommodate only one dwelling based upon the underlying zoning designation. This section shall not apply to adult family homes, nursing and residential care facilities, assisted living facilities and all group homes.~~

~~D~~C. All housing developed under these standards shall meet all applicable federal, local, and state guidelines and requirements for limiting occupancy to identified qualified groups.

~~E~~D. Inclusionary Density Bonuses.

1. This subsection applies, at the developer’s option, to land use applications for housing in identified zones below, except the construction of a ~~single family~~ detached dwelling on one lot that can accommodate only one dwelling based upon the underlying zoning designation. This section shall not apply to adult family homes, nursing and residential care facilities, assisted living facilities and all group homes.

2. In return for the inclusion of a number of on-site units dedicated to serving low-income and/or below market rate persons, one-half additional, on-site market-rate unit is permitted as a bonus for each qualified unit, to the extent that no more than a maximum total of 150 units are provided throughout the city. This must not exceed the prescribed density above the maximum density permitted in the underlying zoning district as shown below; provided, that only one-half bonus unit may be awarded per qualified unit, no matter how many qualifying categories it serves as shown in the table below.

Table 4 Density Bonus

Zone	Permitted Density	Density Bonus	Maximum Density
Mixed Residential 1	4 dua	2 dua	6 dua
Mixed Residential 2	8 dua	4 dua	12 dua
Mixed Use Residential	6 dua	3 dua	9 dua
Commercial	8 dua	4 dua	12 dua
Town Center	10 dua	5 dua	15 dua
<u>All Other Zones</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

For the purpose of this section only, fractions of 0.5 or greater shall be rounded up to the nearest whole number when calculating the number of dwelling units or residential building lots that are permitted to be constructed.

2. Prior to the final approval of any land use application for which density bonuses are being sought, the owner of the affected parcel shall deliver to the city a duly executed covenant running with the land, in a form approved by the city attorney. The owner/applicant shall be responsible for the cost of preparing and recording the covenant and the owner/applicant or subsequent owner or operator shall be responsible for administering the covenant. The commencement date shall be the date that the first lease agreement with a renter within an applicable qualification group becomes effective.

3. The qualified units constructed under these provisions shall be integrated and dispersed within the development for which the density bonus is granted. The physical segregation of qualified housing units from unqualified market-rate housing units, or the congregation of qualified housing units into a single physical portion of the development, is prohibited.

4. The size of the qualified units constructed under the provisions of this chapter shall be proportionate to the size of the units contained in the entire project (i.e., if 50 percent of the units in the project are one-bedroom units and 50 percent are two-bedroom units, then the qualified units shall be divided equally between one- and two-bedroom units).

5. If a project is to be phased, the proportion of qualified units to be completed with each phase shall be determined as part of the phasing plan approved by the community development director or designee.

6. The community development department shall maintain a list of all qualified units created under this program

~~F.E.~~ Religious organizations, as defined by EMC 18.20.210, may qualify for 25% bonus dwelling units per lot as outlined in RCW 35A.63.300.

~~A preapplication conference is recommended, although not required, and may be requested by the applicant or city staff, for any land use application that includes a proposal for a density bonus under this program. Density bonus proposals shall be reviewed and approved concurrently with the related primary land use application and shall follow the established procedures for review and appeal, if necessary, of the permit type.~~

~~F. The community development department shall maintain a list of all qualified units created under this program. In conjunction with comprehensive plan review and amendment processes, the level and type of unit production and other factors relating to this program shall be evaluated to gauge how effectively these regulations are functioning and to direct necessary adjustments in the program.~~

Attachment D
EMC 18.100 Development Standards – Use Specific
Proposed Amendments

18.100.070 Home business.

The purpose of this section is to provide standards which allow residents of single- or multifamily dwellings to operate businesses or conduct commercial activity from their principal residence or from a permitted accessory structure while achieving the goals of retaining the residential character of the dwelling and the neighborhood.

.....

B. The following uses are exempt from the regulations of this section:

1. Child daycare services, home-based (624410, part), ~~are exempt from the regulation of this section but still require~~ except a home business permit is still required to ensure compliance with EMC 18.100.040.

~~which are subject to EMC 18.100.040.~~

2. Accommodation (Sector 721) – bed-and-breakfast inns (721191).

3. Garage sales, yard sales, bake sales, temporary home bazaars for hand-crafted items or parties for the display of clothing, gifts and household products, and other similar uses shall not be subject to regulation pursuant to this section; provided, that:

a. Any such use shall not be in existence for more than four times in any one calendar year, and is not in violation of any other section of the title or other city ordinances; and

b. Any such garage sales and yard sales involve only the sale of household goods, none of which were purchased for the purpose of resale.

4. For the profit sale of produce or other food products is limited to the temporary seasonal sale of produce grown on the premises.

5. Hobbies which do not result in payment to those engaged in such activity.

.....

18.100.080 Limited home businesses.

A. The purpose of this section is to provide standards which allow residents of single- or multifamily dwellings to operate businesses or conduct commercial activity from their principal residence or from a permitted accessory structure while achieving the goals of retaining the residential character of the dwelling and the neighborhood.

B. Limited home businesses are permitted as an accessory use in conjunction with single-family detached dwelling, single-family attached dwelling, and multifamily attached dwelling use types.

C. The ~~following same~~ uses are exempt from the regulations of this section ~~exempted under EMC 18.100.070(B); are exempt from the regulations of this section.;~~

~~1. Child daycare services, home-based (624410, part), which are subject to EMC 18.100.040.~~

~~2. Accommodation (Sector 721) – bed and breakfast inns (721191).~~

~~3. Garage sales, yard sales, bake sales, temporary home bazaars for hand-crafted items or parties for the display of clothing, gifts and household products, and other similar uses shall not be subject to regulation pursuant to this section; provided, that:~~

~~a. Any such use shall not be in existence for more than four times in any one calendar year and is not in violation of any other section of the title or other city ordinances; and~~

~~b. Any such garage sales and yard sales involve only the sale of household goods, none of which were purchased for the purpose of resale.~~

~~4. For the profit sale of produce or other food products is limited to the temporary seasonal sale of produce grown on the premises.~~

~~5. Hobbies, which do not result in payment to those engaged in such activity.~~

.....

18.100.090 Manufactured homes on individual lots.

A manufactured home that is placed on an individual lot shall be considered a single-family detached dwelling. The manufactured home shall:

A. Be placed on a permanent ~~conventional~~ foundation as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load bearing or decorative. ~~and set up in accordance with building code requirements;~~

B. Meets all requirements for a designated manufactured home as defined in RCW 35.63.160. ~~Be oriented on the lot so that the longest facade is parallel or predominately parallel to the public or private street;~~

C. Complies with the residential design standards pursuant to EMC 18.95.050.

~~Be comprised of at least two fully enclosed parallel sections each not less than 12 feet wide by 36 feet long;~~

~~D. Have exterior siding similar in appearance to siding material commonly used on conventionally built housing;~~

~~E. Include either an attached or detached carport or garage;~~

~~F. Include a finished porch or deck for each entrance door;~~

~~D~~G. A title elimination is required prior to building occupancy;

~~H. Be a new manufactured home.~~

.....

18.100.200 Residential use of existing buildings.

A. the purpose of this section is to provide standards for which the use of existing buildings for residential purposes is allowed in commercial, mixed-use, and residential zones in compliance with RCW 35A.21.440 and RCW 35.21.990.

B. For the purpose of this section, "existing building" means a building that received a certificate of occupancy at least three years prior to the permit application to add housing units.

C. Applicability: This section applies to all residential, mixed-use, and commercial zones.

D. The following are the performance stands for residential use of existing buildings:

a. The addition of housing units at a density up to fifty (50) percent more than what is allowed in the underlying zone may be permitted if constructed entirely within an existing building envelope; provided, that generally applicable health and safety standards, including but not limited to building code standards and fire and life safety standards, can be met within the building;

b. Sufficient existing parking must be retained to satisfy the number required for existing residential units and nonresidential uses that remain after the new residential units are added;

c. The addition of housing units in an existing building with ground floor commercial or retail that is along a major pedestrian corridor (Meridian Avenue East and 24th Street East) is prohibited;

e. Unchanged portions of an existing building used for residential purposes do not need to meet the current energy code; however, if any portion of an existing building is converted to new dwelling units, each of those new units must meet the requirements of the current energy code;

f. Unless the director and/or the building official makes written findings that a nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation is causing a significant detriment to the surrounding area, the City shall not deny a building permit application for the addition of housing units within the existing building;

g. A transportation concurrency study under RCW 36.70A.070 or an environmental study under Chapter 43.21C RCW (SEPA) based on the addition of residential units within an existing building shall not be required; and

h. Where an existing building cannot satisfy life safety standards, no housing units constructed entirely within the building's envelope will be allowed.

Supportive Housing Types Checklist

This checklist is intended to help local governments review and prepare codes that plan for, accommodate and regulate the supportive housing types listed in [HB 1220](#) (laws of 2021). These supportive housing types include: indoor emergency shelter, indoor emergency housing, transitional housing, and permanent supportive housing. [HB 1220](#) substantially amended where these supportive housing types must be allowed in cities and amended housing-related provisions of the GMA in [RCW 36.70A.070\(2\)](#).

There are many other types of housing that have specific regulations, such as group homes, secure community transition facilities and behavior health facilities that may have other requirements. This guidance focuses on the housing types added to the Growth Management Act in 2021 by HB 1220.

Questions: For more help on supportive housing types and their regulations, please contact the Growth Management Services' Housing Team and view available resources listed on the [Updating GMA Housing Elements webpage](#).

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Supportive housing and land use topics:

This section provides a brief discussion of topics that should be considered while reviewing or writing a code to regulate supportive housing types. More resources on topics are included through links and footnotes.

Allocation of housing need: Based on a county's selected population target from their state-provided population projection range,¹ Commerce's Housing for All Planning Tool (HAPT) provides countywide projected housing needs by income bracket. These countywide housing needs are to be allocated to each jurisdiction in the county in order to plan for and accommodate housing for all economic segments of the population. These needs are broken out by income bracket (0-30% of area median income (AMI), 30-50% AMI, 50-80% AMI, 80-100% AMI, 100-120% AMI, and 120% AMI and above). In addition, the projections include needs for permanent supportive housing and emergency housing beds.² Each jurisdiction should document their share of the countywide housing need by income bracket in their comprehensive plan. *Resources for projected housing needs are in [Book 1 of Commerce's Housing Element Guidance](#). Projecting housing needs by income level begins on page 34. Information on how to allocate the countywide housing needs from the countywide projections to individual jurisdictions begins on page 60.*

Community protection zones: State law establishes an 880-foot community protection zone around parks, schools, and daycares, which regulates where level two and three sex offenders may not live. It is not necessary, nor advised, to add local regulations to create a community protection zone. [RCW 9.94A.020\(6\)](#)

Conditional use process: Commerce cautions against the blanket use of the conditional use process and/or public hearings for decision making for all supportive housing type permit applications. Conditional uses and/or public hearings add uncertainty for the applicant, and therefore time and money, to projects that, in the case of supportive housing types, are often consistent with community needs and vision. If an application meets all administrative review requirements and cannot be denied, it should be subject to administrative review rather than a public hearing so that it is not misleading to community members.

Emergency Shelter and Emergency Housing special considerations: Emergency housing needs may be met through a number of different housing types. Emergency housing may include, but is not limited to, traditional shelter arrangements, hotel rooms, tiny home villages or

¹ [Growth Management Act county projections | Office of Financial Management \(wa.gov\)](#)

² [Updating GMA Housing Elements - Washington State Department of Commerce](#)

short-term apartments. Regardless of the housing type that a jurisdiction is implementing for emergency housing, the facility must be indoors and allow for access to bathrooms and showers, meeting the requirements for shelter or other facility types based on current [Washington Shelter Guidelines](#) developed by the Department of Commerce for Washington state shelter program grant funds.

Fair housing: State and federal fair housing laws prohibit enforcing a “neutral” rule or policy that has a disproportionately adverse effect on a protected class, unless there is a valid business reason for the rule or policy, and the housing provider can show that there is no less discriminatory means of achieving the same result. [See this publication from HUD for more information.](#) It is well established that people who are homeless or at imminent risk of becoming homeless³ are disproportionately members of several protected classes under the Washington Law Against Discrimination, the federal Fair Housing Act, and the Americans with Disabilities Act, including but not limited to people with disabilities and people of color⁴. Federal fair housing protected classes are: race, color, national origin, religion, sex (including gender identity and sexual orientation), familial status, and disability. [Housing Discrimination and Protected Classes](#)

Homeless Management Information System (HMIS): The Homeless Management Information System, or HMIS, is a generic term for an electronic record system that enables information-gathering about and continuous case management of homeless persons across agencies in a particular jurisdiction (city, county, and/or state). Homeless service providers collect information about their clients and input it in an HMIS so that it can be matched with information from other providers in the state to get accurate counts of homeless clients and the services they need. In order to be eligible for federal homeless assistance funding, agencies must participate in an HMIS that allows them to collect and report on the specific data elements outlined in the [HMIS Data and Technical Standards](#). As mandated by the Homelessness Housing and Assistance Act ([ESSHB 2163 - 2005](#)), the Department of Commerce is responsible for operating an HMIS for counties that do not operate their own compliant system.

Land capacity: Jurisdictions need to demonstrate that any regulations they are adopting to regulate occupancy, spacing, and intensity of use do not prevent the siting of enough supportive housing to meet their allocated need. RCW [36.70A.070\(2\)\(c\)](#) requires that the housing element identify sufficient capacity of land for all housing needs, including emergency housing, emergency shelters, and permanent supportive housing. *Resources for land capacity for supportive housing needs are in [Book 2 of Commerce’s Housing Element Guidance](#), beginning on page 41.*

³ See U.S. Interagency Council on Homelessness, [Homelessness in America: Focus on Chronic Homelessness Among People with Disabilities](#), at 1 (Aug. 2018) (“People with disabilities are disproportionately represented among all people experiencing homelessness”).

⁴ See Jeffrey Olivet et al., [Racial Inequity & Homelessness: Findings from the SPARC Study](#), 693 *Annals Am. Acad. of Political & Soc. Sci.* 82, 82-83 (Jan. 2021) (noting “substantial racial disparities” of people experiencing homelessness).

Reasonable: Any regulations on supportive housing types must be reasonable, meaning that rules must be reasonable in both aim and scope and are appropriate for government regulation. The regulation must be for a legitimate public purpose, appropriate to accomplish the purpose, reasonable, and clear and easy to apply. At a minimum, this means the codes must not prohibit the siting of enough supportive housing to meet the jurisdictions' allocation of housing need. This also means that the requirements cannot be so restrictive that they make the development economically unfeasible by increasing permitting costs and permitting timelines to an extent they become unreasonable compared to permitting of other allowed housing types. [RCW 35A.21.430, RCW 35.21.683](#)

Residential Landlord-Tenant Act: The review and writing of residential codes should incorporate a general understanding of landlord/tenant law and adopted development codes must be consistent with the law. Examples of specific violations may include 24/7 access to a rental unit for inspection (landlords must give at least 2 days' written notice before entering a rental to make repairs or inspect) and violations of the good cause clause which lists the legal reasons for eviction ([RCW 59.18.650](#)). [Chapter 59.18 RCW: The Landlord-Tenant Act](#)

Washington Law Against Discrimination (WLAD): Jurisdictions may not discriminate against protected classes. Protected classes include race, creed, color, national origin, citizenship or immigration status, sex, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability. [RCW 49.60.030](#)

Recommendations for permitting supportive housing facilities:

The topics in this section are not typically including in adopted development regulations but impact permitting and planning practices.

- As a portion of permitting, the code should require documentation that the affordable housing provider has informed the Consolidated Homeless Grant (CHG) lead agency of their intent to develop. The documentation should include whether or not Homeless Management Information System participation will be required and that any data requested by the CHG lead agency has been provided, such as a description of services provided and the number of housing units or shelter beds intended to be developed. [Homeless Management Information System Webpage](#).
- Any requirements for documentation of safety plans, training plans, etc., should consider the requirements of a licensor as applicable and may provide a sample document to create predictability and reduce the staff time needed to review applications. Permit requirements should be as objective as possible to ensure permit decisions are legally defensible.
- Jurisdictions should include their staff report with their PlanView submittal to Commerce for 60-day review. Commerce's review will include looking for staff report documentation of:
 - Connections between reasonable spacing, intensity, and occupancy regulations and public health and safety.

- Documentation of sufficient land capacity for housing needs allocated from the county, if the jurisdiction enacts spacing, intensity, and/or occupancy restrictions. This applies to both county and city jurisdictions.
- “Majority of zones” if the jurisdiction uses the alternative approach to allowing emergency housing and emergency shelter.

Requirements

Definitions: The definitions in this section are necessary to implement the code changes needed to comply with HB 1220. The local code should include the definitions for supportive housing types exactly as defined in state law.

Code requirement	Consistent Yes/No	Changes needed
<p>Emergency housing (EH) is defined as temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement. RCW 36.70A.030(14)</p>	<p>Yes (Ord. 21-613)</p>	<p>N/A</p>
<p>Emergency shelter (ES) is defined as a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations. RCW 36.70A.030(15)</p>	<p>Yes (Ord. 21-613)</p>	<p>N/A</p>

Definitions: The definitions in this section are necessary to implement the code changes needed to comply with HB 1220. The local code should include the definitions for supportive housing types exactly as defined in state law.

<p>Permanent supportive housing (PSH) is defined as subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident’s health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW. RCW 36.70A.030(31)</p>	<p>Yes (Ord. 21-613)</p>	<p>N/A</p>
<p>Religious organization means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property. RCW 36.01.290(6)(c)</p>	<p>No</p>	<p>Adding "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.</p>
<p>Transitional housing (TH) is defined as a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living. RCW 84.36.043(3)(c)</p>	<p>No, wrong reference.</p>	<p>Revise definition to "Transitional housing" means the same as defined by RCW 84.36.043(3)(c).</p>

Zoning: The zoning requirements listed in this table represent the minimum requirements necessary to meet state law.

Code requirement	Consistent Yes/No	Changes needed
<p>City code must allow indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed. A city may choose the alternative option to allow indoor emergency shelter and indoor emergency housing in a majority of zones within one-mile of transit. RCW 35A.21.430, RCW 35.21.683</p> <p><i>Commerce note: Even if a jurisdiction does not allow hotels in any zone, they must allow the siting of a sufficient number of indoor emergency shelter beds and/or emergency housing units to meet their allocation.</i></p>	<p>Yes (Ord. 21-613)</p>	<p>N/A</p>
<p>City code must allow permanent supportive housing in areas where multifamily housing is permitted. RCW 35.21.689</p>	<p>Yes (Ord. 21-613)</p>	<p>N/A</p>
<p>Code must allow permanent supportive and transitional housing in any zones which residential dwelling units or hotels are allowed. RCW 35A.21.430, RCW 35.21.683</p> <p><i>Commerce note: This includes traditional single-family detached housing zones.</i></p>	<p>Yes (Ord. 21-613)</p>	<p>N/A</p>

Zoning: The zoning requirements listed in this table represent the minimum requirements necessary to meet state law.

City and county codes must not discriminate against the siting of housing for persons with disabilities or any reasonable accommodations. Some individuals with disabilities may live together in congregate living arrangements, often referred to as "group homes." The Fair Housing Act prohibits jurisdictions from making zoning or land use decisions or implementing land use policies that exclude or discriminate against individuals with disabilities. [Fair Housing Act and 1988 Amendments](#)

Commerce note: Reasonable accommodations include a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with disabilities to have an equal opportunity to use and enjoy a dwelling. The Americans with Disability Act often refers to these types of accommodations as "modifications."

Yes
(Ord. 21-613)

Other development regulations: some jurisdictions adopt other siting, intensity, and occupancy regulations for supportive housing types. These regulations may be in design, parking, and safety standards of codes.

Code requirement	Consistent Yes/No	Changes needed
<p>Cities may only impose reasonable occupancy, spacing and intensity of use limits on permanent supportive housing, transitional housing, indoor emergency housing and indoor emergency shelters to protect public health and safety. RCW 35.21.683</p> <p>Any such limits must allow the siting of a sufficient number of PSH, TH, indoor EH and ES units and beds necessary to accommodate projected needs as required for the housing element. Documentation of land use capacity for these housing types is needed for both counties and cities. RCW 36.70A.070(2)(c). Guidance for Updating your Housing Element Book 2, see pages 41-48</p> <p>Moratoria may not be used to prevent the permitting or construction of supporting housing types. RCW 36.70A.390</p>	<p>Yes (Ord. 21-613)</p>	
<p>City and county regulations may not limit the number of unrelated persons that may occupy a household or dwelling unit except for lawful limits on occupant load per square foot or building code limits. RCW 35.21.682, RCW 35A.21.314, RCW 36.01.227</p> <p><i>Commerce note: Jurisdictions looking for assistance on this should consult their building official/applicable building codes.</i></p>	<p>Yes</p>	<p>City code has no specific limit on number of unrelated persons in a welling.</p>

Other development regulations: Some jurisdictions adopt other siting, intensity, and occupancy regulations for supportive housing types. These regulations may be in design, parking, and safety standards of codes.

<p>Any restrictions and requirements imposed on the siting and operations of supportive housing facilities must not violate civil rights protections provided by the Washington Law Against Discrimination (WLAD), as well as the federal Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA). RCW 49.60.222 specifically (1)(f) and (2)(a), (b), and (c)</p>	<p>Yes</p>	
<p>City and county code provision must not adopt, impose, or enforce requirements on an affordable housing development that are different than the requirements imposed on housing developments generally. RCW 36.130.020</p>	<p>Yes</p>	
<p>City and county development regulations must not make on-site or off-site service participation mandatory for residents of permanent supportive housing. RCW 36.70A.030 (31)</p> <p><i>Commerce note: The permanent supportive housing definition states that services are voluntary.</i></p>	<p>Yes</p>	
<p>City and county development regulations must not violate the Landlord-Tenant Act's legal causes for evictions. RCW 59.18.650</p> <p><i>Commerce note: Evictions in permanent supportive housing and transitional housing are regulated through the Landlord-Tenant Act</i></p>	<p>Yes</p>	

Religious organizations: state law creates specific requirements and regulatory restrictions for supportive housing activities on land owned or controlled by religious organizations and when religious organizations host people experiencing homelessness.

Code requirement	Consistent Yes/No	Comments
<p>City and county development regulations must allow an increased density bonus consistent with local needs for any affordable housing development of any single-family or multifamily residence located on real property owned or controlled by a religious organization. RCW 36.70A.545</p> <p><i>Commerce note: Communities may choose to increase zoning on those properties, or determine a certain bonus density, such as 50% for those properties, should they apply for a development.</i></p>	No	Revised EMC 18.90.080. to allow for density bonuses under RCW 36.70A.545.
<p>Regulatory limits on outdoor encampments, safe parking efforts, indoor overnight shelters, and temporary small houses on property owned or controlled by a religious organization must be consistent with RCW 35.21.915 and RCW 36.01.290, which are very rigorous lists of potential items.</p> <p>For example, any religious organization hosting the homeless with a publicly funded managing agency must utilize HMIS. RCW 35.21.915(5)</p>	No	Add the following as an temporary use: Hosting the homeless by a religious organization is permitted for a total of six (6) months during a year, with a three (3) month separation required between continuous hosting terms of a maximum of four (4) months at anyone (1) time in compliance with RCW 35.21.915 and RCW 36.01.290.



CITY OF EDGEWOOD
STAFF REPORT
PLANNING COMMISSION AGENDA ITEM

Date: August 11, 2025

Title: West Valley Highway Overlay Land Use Study

Attachments: N/A

Submitted By: Jeremy Metzler, PE – Community Development Director

Background Information:

As recommended by the Planning Commission (PC) and authorized by the City Council in February, work has begun on the Future Land Use Study and Map Amendment for the West Valley Highway Overlay Area (aka WVH Overlay). The City's consultant, SCJ Alliance, is working to identify the most appropriate land use(s) along West Valley Highway. Staff has also held initial conversations with the City of Sumner regarding water and sanitary sewer availability in this area. The WVH Overlay work must be completed by the end of 2025 to remain compliant with the City's annual comprehensive plan amendment process.

Tentative Schedule:

August 11, 2025 – Planning Commission Introduction

September 8, 2025 – Anticipated Planning Commission Discussion with West Valley Highway Land Use Overlay Study Draft Report

September 25, 2025 – SEPA Issuance and Comment Period (*for November action*)

October 13, 2025 – Planning Commission Discussion and Draft Amendments Review

November 10, 2025 – Planning Commission Recommendation

November 18, 2025 – City Council Study Session Introduction

November 25, 2025 – City Council Regular Meeting and Potential Action

Current Discussion:

Tonight's item is meant to provide a brief status update and keep this topic on the PC's agenda. Staff is scheduled to meet on August 14 to review SCJ's initial findings and future scenario data, with a draft report expected by the end of this month.

Staff Recommendation:

While the draft report is anticipated at the September meeting, detailed discussion regarding this item is not anticipated until the October meeting. Staff is hopeful to schedule the required public hearing for October, but that may be delayed until November. The PC's recommendation to the Council on this item is tentatively scheduled for November.



CITY OF EDGEWOOD
STAFF REPORT
PLANNING COMMISSION AGENDA ITEM

Date: August 11, 2025

Title: Interim Zoning Ordinance 25-0676

Attachments: Interim Zoning Ordinance 25-0676

Submitted By: Jeremy Metzler, PE – Community Development Director

Background Information:

As introduced at the [June 9, 2025 Planning Commission \(PC\) Meeting](#), the City Council adopted Interim Zoning Ordinance 25-0676 on March 25, 2025 (attached). This ordinance:

- 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
- Retains both 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)

The City Council held their public hearing on May 13, 2025 ([link to presentation](#)), where no comments were received. Staff also met with the Economic Development Advisory Board (EDAB) at their June 2, 2025 meeting, and a summary of that discussion was included in the [June 9, 2025 PC meeting materials](#). The [July 14, 2025 PC meeting materials](#) include a summary of the June 9, 2025 PC meeting discussion.

Summarizing the July 14, 2025 PC meeting discussion:

- Interest in gathering information and research was expressed by some of the commissioners
- Commissioners support prohibiting single-use residential in TC and C zones
- Commissioners recommend aligning the remainder EMC 18.80.080 with the recently adopted Comprehensive Plan Goals and Policies

The PC 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. Per Agenda Item 6.c, we anticipate having an initial recommendation on the WWH Overlay at next month's PC meeting. Staff suggests waiting for the WWH Overlay recommendation(s) before acting on this subject.

Tentative Schedule:

June 9, 2025 – Planning Commission Introduction (COMPLETE)

July 14, 2025 – Planning Commission Discussion (COMPLETE)

August 11, 2025 – Planning Commission Discussion

September 8, 2025 – Planning Commission Discussion with West Valley Highway Land Use Overlay Study
Draft Report

October 13, 2025 – Planning Commission Discussion and Draft Amendments Review

October 26, 2025 – SEPA Issuance and Comment Period

November 10, 2025 – Planning Commission Public Hearing

December 8, 2025 – Planning Commission Recommendation

December 16, 2025 – City Council Study Session Introduction

December 23, 2025 – City Council Regular Meeting and Potential Action

Current Discussion:

Tonight's item is meant to provide a brief status update and keep this topic on the PC's agenda. Again, staff has yet to complete any of the research requested in June, but we welcome discussion on any information gathered by the commissioners since last month's meeting.

Staff Recommendation:

Further discussion regarding the Interim Zoning Ordinance may resume at the October meeting. Also, with the ongoing WWH Overlay, staff suggests waiting for initial results from that effort before scheduling a joint meeting with the EDAB, a public hearing on this subject, or considering any formal recommendation to City Council.

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.

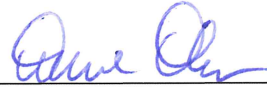
Section 6. Transmittal to Commerce. Pursuant to RCW 36.70A.106, the Community Development Director is hereby directed to transmit this ordinance to the Washington State Department of Commerce for review, as may be required or desired.

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.



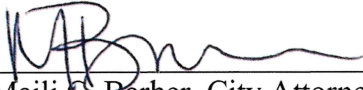
Dave Olson, Mayor

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).