



CITY OF EDGEWOOD

PLANNING COMMISSION MEETING AGENDA

Monday, September 8, 2025 – 6:00 PM ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

Zoom: <https://zoom.us/j/97065969184>

Zoom Meeting ID: 970 6596 9184

1. CALL TO ORDER

- a. Pledge of Allegiance & Roll Call

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

- a. Meeting Minutes of July 14, 2025
- b. Meeting Minutes of August 11, 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. DISCUSSION ITEMS

- a. West Valley Highway Land Use Overlay Study
- b. Interim Zoning Ordinance
- c. Critical Areas Ordinance Update
- d. Comp Plan Implementation: Title 18 Updates

5. STAFF COMMENTS/COMMISSIONER UPDATES

6. COMMISSIONER UPDATES

7. 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, July 14, 2025 – 6:00 PM ♦ City Hall – 10440 Dom Calata Way 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, Sarah Wagner

ABSENT: Carly Lenoir, Tom Greene

2 CONSENT AGENDA:

a. Meeting Minutes of June 9, 2025

Motion: As Read **Action:** Approved, **Moved by:** Commissioner Guillory **Seconded by:** Commissioner Church **Motion Passed 4-0**

3 CITIZEN COMMENT PERIOD

There were no citizen comments.

4 PUBLIC HEARINGS

a. Sewer Code Amendments

Chair Overfield called the public hearing to order at 6:05pm, followed by a staff presentation on the topic. With no public comment, the public hearing was adjourned at 6:06pm.

5 ACTION ITEMS

a. Chair/Vice Chair Appointments

Motion: Nomination of Joann Overfield and Carly Guillory as Chair and Vice Chair

Action: Approved, **Moved by:** Commissioner Overfield **Seconded by:** Commissioner Furey **Motion Passed 4-0**

6 DISCUSSION ITEMS

a. Sewer Code Amendments

The Planning Commission was asked to review and discuss the materials provided under Agenda Item 4.a

and request staff to prepare final edits for formal recommendation to City Council at the next meeting

b. Critical Areas Ordinance Update

Planning staff have been collecting and reviewing BAS related to critical areas, and prepared a BAS Annotated Review Memo to help identify gaps between existing code and current BAS.

c. Interim Zoning Ordinance

Commissioners were invited to review and discuss the attached Interim Zoning Ordinance, and request additional information or modifications from staff in preparation for further discussion at future meetings. With the ongoing WVH Overlay, staff suggested waiting for the results of that effort before scheduling a public hearing on this subject and considering any formal recommendation to City Council.

d. Debrief - Climate Planning/HB 1181

Staff brought this item forward explaining the Commerce 2023-2029 Climate Planning Grant Program offers the City of Edgewood the opportunity to apply for up to \$500,000 to support implementation of HB 1181 by 2029. In 2024, Commerce invited Edgewood to apply for initial funding to begin the planning process. As a result, the City was awarded \$105,000 to complete various deliverables, including the Draft Climate Impact Assessment, Comp plan Gap Analysis, and the Climate Planning Public Participation Plan.

7 STAFF/COMMISSIONER COMMENTS

There were no additional staff/commissioner comments.

8 ADJOURN

Chair Overfield adjourned the meeting at 6:53pm.



CITY OF EDGEWOOD

PLANNING COMMISSION MEETING AGENDA SUMMARY

Monday, August 11, 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, Leyla Church **Excused:** Carly Lenoir

2 CONSENT AGENDA:

a. Meeting Minutes of June 9, 2025

There was no vote as previously adopted minutes for June 9, 2025 were attached in error.

3 CITIZEN COMMENT PERIOD

There were no citizen comments.

4 PUBLIC HEARINGS

There was no public hearing.

5 ACTION ITEMS

a. Sanitary Sewer Code Amendments

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

6 DISCUSSION ITEMS

a. Critical Areas Ordinance Update

Staff explained 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. Staff then requested that Planning Commission review the amendments and BAS and prepare any questions, comments, or suggestions.

b. Intro – Comp Plan Implementation: Title 18 Updates

Staff asked the Planning Commission to 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?

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

Staff explained this item is meant to provide a brief status update and keep the topic on their 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.

d. Status Update - Interim Zoning Ordinance

Discussion on this topic included the need for the Planning Commission to consider

modifications to the attached interim zoning ordinance, conduct public hearings as needed, and prepare a recommendation to Council regarding the adoption of permanent regulations for their consideration and action no later than March 25, 2026, unless extended or modified by the Council.

7 STAFF COMMENTS/COMMISSIONER UPDATES

Planning Manager Kubitza discussed the Prologis Project.

8 ADJOURN

Chair Overfield adjourned the meeting at 7:07pm.



CITY OF EDGEWOOD STAFF REPORT PLANNING COMMISSION AGENDA ITEM

Date: September 8, 2025

Title: West Valley Highway Overlay Land Use Study

Attachments: Attachment A. West Valley Highway Draft Land Use Study

Submitted By: Josh Kubitza, AICP – Planning Manager

Background Information:

As recommended by the Planning Commission (PC) and authorized by the City Council in February, work on the Future Land Use Study and Map Amendment for the West Valley Highway Overlay Area (aka WVH Overlay) is underway. Staff has held initial conversations with the City of Sumner regarding water and sanitary sewer availability in this area, and Sumner's staff is working to determine the available capacity in their system. 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 (Completed)

September 8, 2025 – Planning Commission Discussion with WVH Overlay Draft Land Use Study

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:

The City's consultant, SCJ Alliance, has prepared the attached Draft Land Use Study for the WVH Overlay, identifying the most appropriate land use(s) along West Valley Highway, for review and initial discussion this evening.

The Draft Land Use Study finds that the study area is a strategic location near SR-167 that is severely limited in its development potential by the lack of non-vehicular and transit, utility availability, and environmental constraints (wetlands, steep slopes, etc.). In coordination with city staff, SCJ Alliance explored the following zoning scenarios that may better align with the study area reality:

- Scenario 1a: Rezone the West Valley Highway Overlay Area to Industrial
- Scenario 1b: Rezone the West Valley Highway Overlay Area to Business Park

- Scenario 2: Rezone the West Valley Highway Overlay Area to similar zoning as the adjacent jurisdictional zoning
- Scenario 3: No Action

Following the analysis of the existing conditions, study area constraints, and potential future zoning scenarios for the WVH Overlay, SCJ Alliance recommended that the city pursue a comprehensive rezone of the WVH Overlay Area to Industrial with the adoption of a supplemental low utility use-specific overlay.

Next Steps:

Staff requests that the Planning Commission review Attachment A and prepare any questions, comments, or suggestions for the Planning Commission Meeting. Following tonight's initial review and discussion, staff anticipates there will be more detailed discussion at the October meeting. If amenable, staff is prepared to schedule the required public hearing for October's PC Meeting. The PC's recommendation to the Council on this item is tentatively scheduled for November.

West Valley Highway Draft Land Use Study

Edgewood, Washington

Prepared For:

City of Edgewood

Prepared By:

SCJ Alliance

8730 Tallon Lane NE, Suite 200

Lacey, WA 98516

360.352.1465

September 2025



West Valley Highway Land Use Study

Project Information

Project: West Valley Highway Land Use Study

Prepared for: Jeremy Metzler, P.E., Community
Development Director

Josh Kubitza, AICP, Planning Manager

City of Edgewood
2224 104th Ave E.
Edgewood, WA 98372

Reviewing Agency

Jurisdiction: City of Edgewood

Project Representative

Prepared by: Zoë Tapert, Planner
Spencer Easton, Project Manager
SCJ Alliance
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Contact: Spencer Easton, Project Manager
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Project Reference: SCJ #25-000102

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1 Introduction

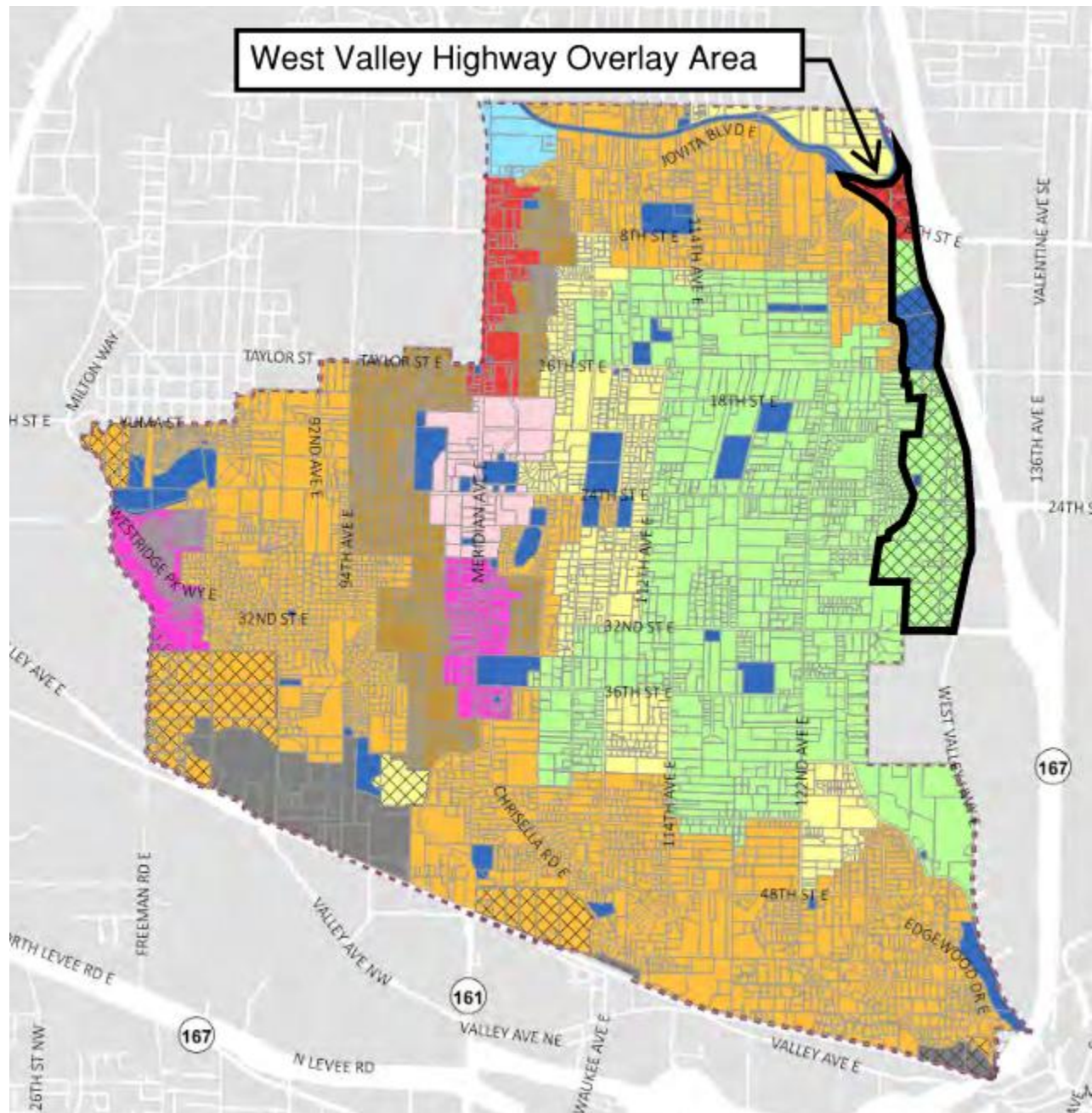
The City of Edgewood recently adopted its 2024 Comprehensive Plan, which identifies future study overlay areas targeted for evaluation of alternative land uses that may better align with terrain, location, and utility availability. One of these areas—the West Valley Highway Overlay Area—has been identified as a priority for review. To support this effort, the City has engaged SCJ Alliance to conduct a study that will inform whether changes to land use or zoning policy are warranted, consistent with the procedures outlined in the Edgewood Municipal Code (EMC).

Pursuant to EMC 18.60.220, any future Comprehensive Plan Amendment must demonstrate that proposed changes meet concurrency requirements for transportation and do not adversely impact the level of service for public facilities and services. Amendments must also avoid unmitigated significant adverse impacts to the City’s transportation network, capital facilities, utilities, parks, and environmental features, and must not place uncompensated burdens on existing or planned service capabilities.

1.1 Study Background

The geographical area this study covers is the West Valley Highway Overlay Area, also referred to as the ‘study area’ in this report. It is located in the northeast portion of the City of Edgewood along its border with the cities of Sumner and Pacific. Figure 1 shows the study area and its location within Edgewood.

Figure 1 West Valley Highway Overlay Area



This location has been prioritized for evaluation based on its existing land use patterns, infrastructure, and environmental context. Goal LU.1 in the Land Use Element of the Comprehensive Plan is to “Establish a future land use pattern that is consistent with the City’s vision.” Supporting policies to Goal LU.1 that are relevant to this Land Use Study include:

- LU.1b Use the Future Land Use Map that is adopted as part of this plan to guide land use and development regulations, and update it as needed.
 - *The City is planning to study the feasibility of changing land use designations in the Special Land Use Study Overlay shown on the Future Land Use Map. A number of factors*

have led to interest in possible redesignation of land uses (together with zoning and allowed uses) in the overlay areas.

- LU.1c Establish zoning overlays, where appropriate, to provide more specific regulation or standards in areas of special concern including, but not limited to, sub-areas or districts, special uses, or environmental protection.
- LU.1d Study the potential for new land use designations within the City on an as-needed basis, in response to changing community conditions or regulatory requirements. Consider the following as part of the study:
 - Potential for a master plan or small area plan
 - Potential for economic development, including recruitment of businesses that provide family-wage jobs and support for locally- owned businesses
 - Transportation access
 - Availability of public facilities and services
 - Environmental constraints
 - Compatibility with surrounding development
 - Community input
 - Property owner interests
 - Consistency with City plans and policies
 - Open space preservation, where appropriate
- LU.1.g Maintain communication with neighboring jurisdictions including Milton and regional partners to ensure coordination across boundaries.

2 Study Area Existing Conditions

2.1 Current Zoning and Land Uses

The following sections provide a detailed summary of the parcels within the study area, including current zoning designations, allowable uses, and key physical and regulatory characteristics.

2.1.1 Current Zoning

The West Valley Highway Overlay Area contains around 100 parcels. These parcels fall into three distinct zoning categories:

- ◆ **Commercial (C):** Located in the northern portion of the study area;
- ◆ **Public (P):** Two parcels situated centrally and one smaller parcel in the southern portion of the study area;
- ◆ **Residential 1 (R-1):** Covering the remaining portions of the study area.

Figure 2 below presents the City of Edgewood Zoning Map with the study area outlined in red. Figure 3 shows the Future Land Use designations in and around the study area.

Figure 2 West Valley Highway Overlay Area Zoning

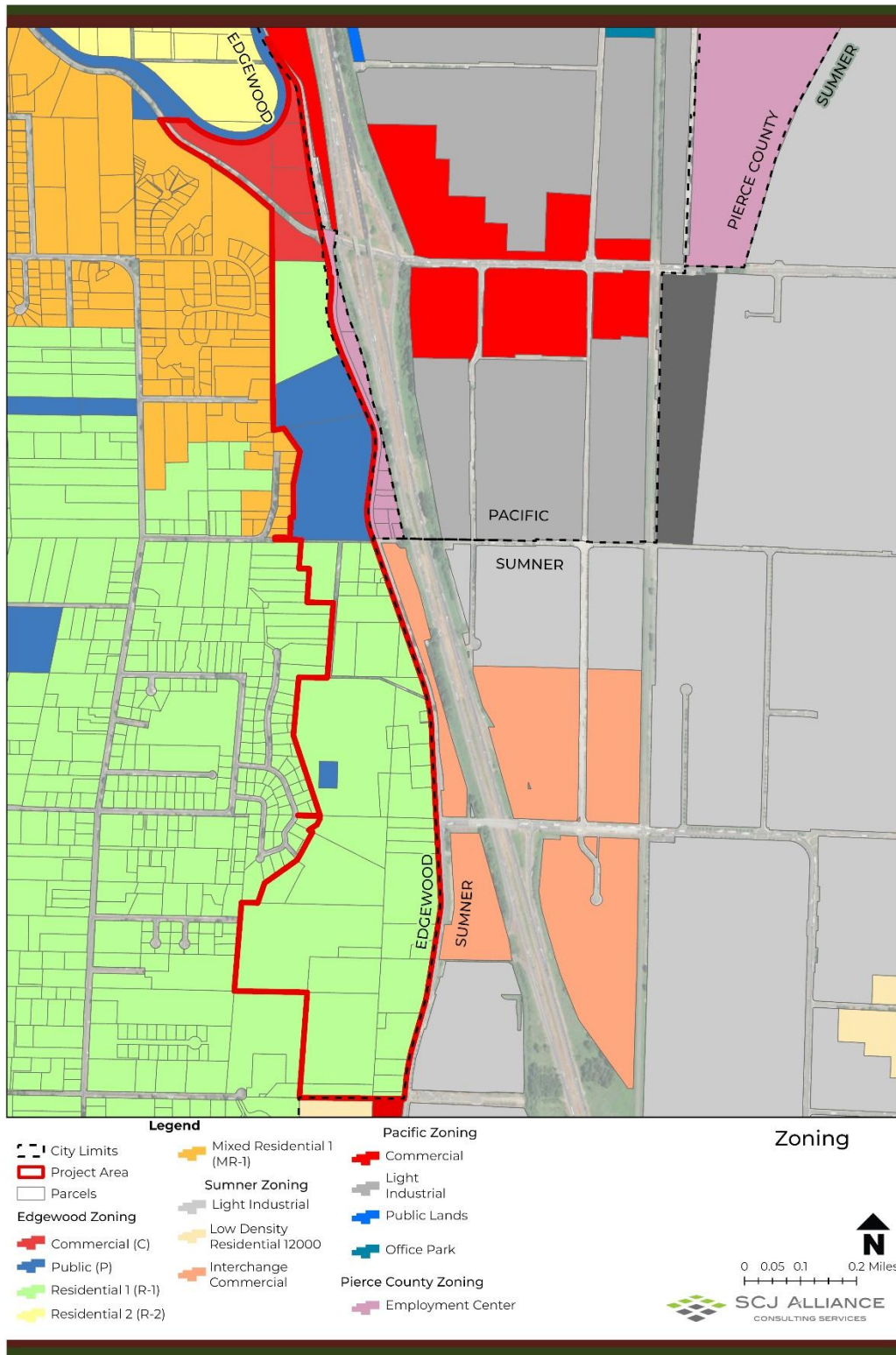
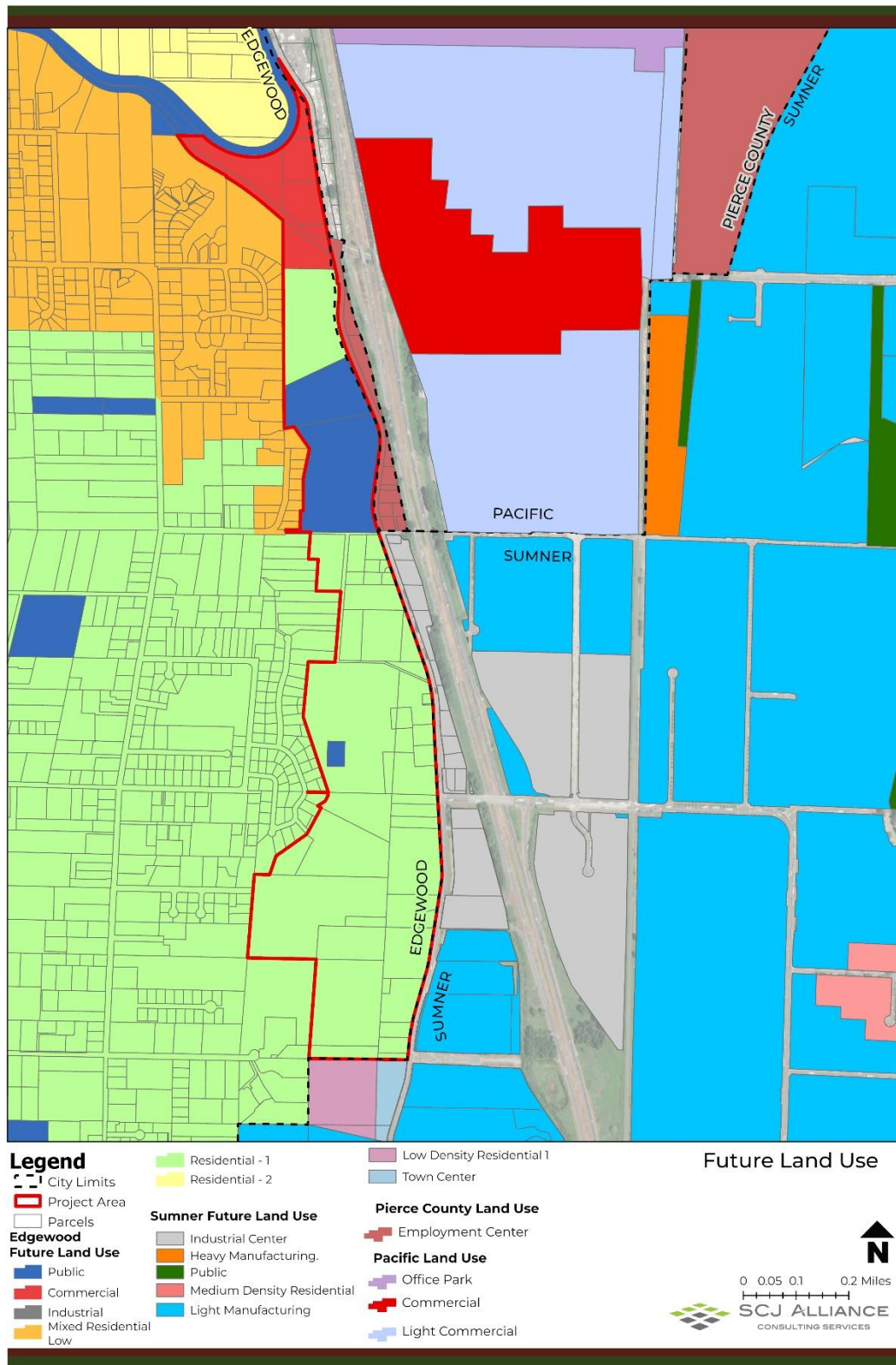


Figure 3 West Valley Highway Overlay Area Future Land Use Designations



2.1.2 Current Permitted Land Uses

The current zoning within the West Valley Highway Overlay Area establishes the framework for what types of development and use are permitted today. Each zoning category, Commercial (C), Public (P), and Residential 1 (R-1), includes its own set of permitted, conditional, and prohibited land uses, which are further shaped by the standards of the overlay zone.

Commercial

The City of Edgewood's *Commercial (C) zoning district*, as defined in EMC 18.80.080(B)(2), is intended for following purpose:

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 multifamily housing with a mix of uses.

Appendix 1 shows the range of diverse uses permitted in the Commercial Zone including residential (such as ADUs, townhouses, apartments, live/work units, supportive housing, and emergency housing), educational (from elementary through trade schools), healthcare and social services, commercial (retail, consumer services, restaurants, bars, lodging, and veterinary services), and recreational and cultural uses.

Despite the breadth of permitted land uses, much of the subject area remains largely undeveloped. The landscape is characterized by forested parcels, steep slopes, and minimal urban infrastructure. A road construction company currently operates at the corner of Jovita Boulevard E and W Valley Highway E. Just northeast of this is a site formerly occupied by a small restaurant, now permanently closed. The land immediately north of the Commercial-zoned parcels, up the hill, is developed with large-lot single-family homes, presenting a lower-intensity residential character.

Public

The City of Edgewood's *Public (P) zoning district*, as defined in EMC 18.80.110, is intended for the following purpose:

The Public (P) zoning district provides for moderate-scale and large-scale activities relating to the purpose of state and local governmental entities and semi-public institutions providing necessary public services. The designation allows for the specialized needs of providing public services to all areas of Edgewood.

As detailed in Appendix 1, the Public zone allows for permitted uses including agricultural activities (such as crop production, animal husbandry, and agricultural sales), civic and cultural facilities (like libraries

and museums), indoor and outdoor arts and recreation, mobile vendors, restaurants and beverage establishments, administrative public facilities, parks and open space, and outdoor displays.

Currently, the northern portion of the Public zoned area consists of undeveloped parcels owned by the City of Edgewood. These lots remain vacant but represent an important opportunity for future public facility siting—whether administrative, recreational, or utility-based. The southern Public-zoned parcel, which is smaller in size, is a decommissioned well with the City of Sumner.

Residential 1 (R-1)

The City of Edgewood’s *Residential 1 (R-1) zoning district*, as defined in EMC 18.80.040, is intended for the following purpose:

The Residential Low (R-1) zoning district provides for a continuation of large residential lots in specific areas where a pattern of large lots and extensive tree coverage exists. These zoning districts seek to preserve the identity of these residential areas, preserve significant tree stands, and reduce traffic volumes in the east-west arterial corridors.

Recent middle housing code amendments have slightly expanded housing options in the R-1 zone while preserving its fundamental character. Under these amendments, the R-1 zone now permits:

- Up to two principal dwelling units per lot, such as a duplex or two detached homes, or
- One principal dwelling unit with up to two accessory dwelling units (ADUs).

Within the West Valley Highway Overlay area, the R-1 designation encompasses the majority of the study area. Existing land uses within this zone reflect a mixture of developed single-family residential properties and vacant parcels. The bulk of the developed residential lots are concentrated to the western side of the overlay area. The portion of the R-1 zone within the overlay area remains fragmented and less developed, containing large, wooded parcels and open space areas, but still contains single family residential units in areas such as off 27th St Ct E and 17th St Ct E. A select few parcels in this area are further designated as forest land under RCW 84.33. While opportunities exist for additional residential development or infill within the R-1 zone, the maximum development potential of these parcels is likely constrained by critical areas (e.g., wetlands, steep slopes, habitat corridors) and the availability of urban services, including sewer, water, and transportation access.

2.1.3 Neighbor City Zoning Designations:

The West Valley Highway Overlay Area borders the cities of Sumner and Pacific as well as a portion of Pierce County, making it important to review land use designations across jurisdictional boundaries. Examining these adjacent areas provides context for regional land use patterns, and highlights key similarities and differences in existing uses and future possible development of the area.

The existing land uses in the adjacent parcels located in the City of Pacific are zoned Commercial while the parcels adjacent and located in the City of Sumner are mainly Light Industrial and Interchange Commercial.

2.1.3.1 Pacific

The northeast portion of the study area lies a commercially zoned area of the City of Pacific. Existing uses along this highway include used car lots, truck dealerships, and a fuel station, which collectively give the corridor a distinct auto-oriented commercial identity.

Commercial

Purpose: The Commercial (C) district is intended for those uses which serve a larger public than the immediate neighborhood, including manufacturing, light industrial, retail and office uses. These uses are intended to have access to major arterials and to SR-167, and can generate traffic on adjacent streets. Parking requirements are generally greater than for neighborhood uses. Uses found in this district include a wide range of retail sales, service and light industrial establishments. They serve both long-term and short-term needs in locations typically appropriate to commercial clusters near intersections or along major thoroughfares.

2.1.3.2 Unincorporated Pierce County

To the east of study area's Public zoned parcels lies a narrow strip of unincorporated Pierce County. This section of land acts as a jurisdictional buffer between Edgewood and the City of Pacific. This transitional area is currently developed with auto- and equipment-oriented commercial uses, including RV sales, equipment sales, and waste management services. Pierce County has designated this area as Employment Center on its zoning map, indicating a focus on economic activity, business services, and light industrial operations; however, a large portion of this site is designated as a wetland and will see limited development.

Employment Center

Under Pierce County Code: **18A.10.080(A)**

Purpose: To designate adequate industrial areas to meet the needs of a growing jobs-based economy.

Description:

An Employment Center (EC) is a concentration of low- to high-intensity office parks, manufacturing, other industrial development, or a combination of activities. It may also include commercial development as a part of the center if the commercial development is incidental to the employment activities of the center and supports and serves the needs of the workforce.

2.1.3.3 Sumner

The remaining portions of the study area are bordered by the City of Sumner and its Light Industrial and Interchange Commercial zoning.

Light Industrial/Light Manufacturing

M-1, light manufacturing district purpose:

The M-1 district is intended to provide areas for light manufacturing, general industrial activities, warehousing and limited service commercial uses that are complementary and are not detrimental to either existing or proposed industrial uses, or neighboring commercial and residential districts. Typical uses in this district include assembling and manufacturing of products from previously prepared

material, and may include planned industrial parks which are designed to ensure compatibility between the industrial operations therein and the existing activities and character of the community in which the park is located.

Interchange Commercial

IC, Interchange Commercial District. The IC district is intended to provide for retailing and other commercial services that are easily accessible from the freeway, yet are not located near residential districts. Such commercial developments primarily rely on the automobile as their principal source of access.

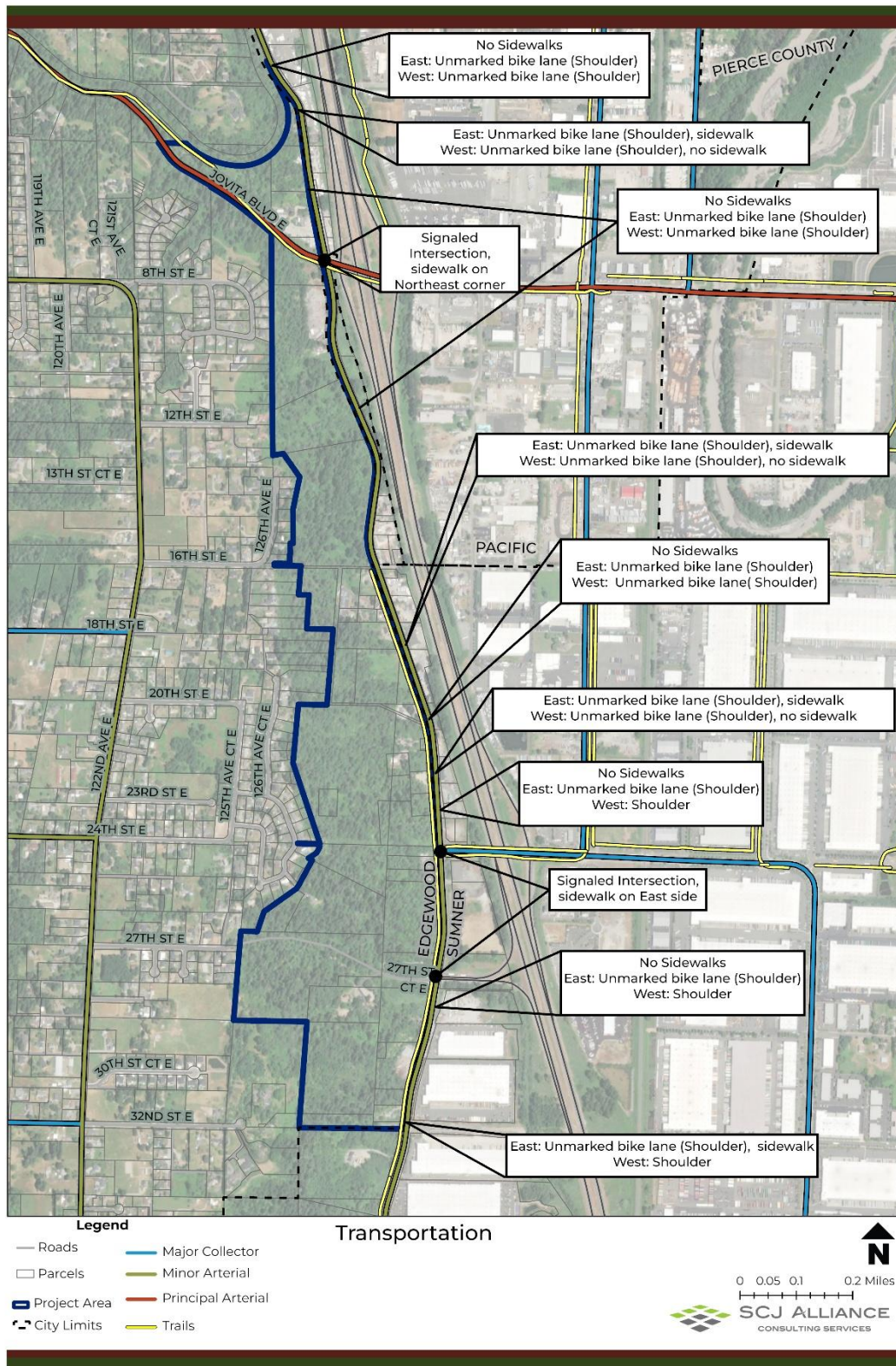
2.2 Summary of Existing Conditions

This section reviews key components of the existing transportation network, utility service availability, and critical areas within the study area, all of which play a crucial role in shaping land use feasibility and guiding future investment. By identifying existing deficiencies or limitations this analysis helps highlight the barriers to development and informs strategies for policy alignment, infrastructure improvement, and environmental protection within the West Valley Highway Overlay.

2.2.1 Transportation Network

Transportation access to the study area is primarily provided via West Valley Highway E, a regional north-south minor arterial that serves as the eastern edge of the Overlay. Jovita Boulevard E is a principal arterial connecting Edgewood to the City of Pacific and access onto State Route 167. There are a few local streets connecting to residential land uses such as 27th St Ct E or 17th St Ct E along the eastern side of the overlay area and 126th Ave Ct E along the western side of the overlay area. There are no internal local streets that connect W Valley Highway E to the top of the slope or areas within Edgewood to the west other than Jovita Boulevard E or south outside of the study area at Edgewood Dr E. While the arterial road network supports regional vehicle travel and goods movement, pedestrian and multimodal infrastructure is severely limited. Sidewalks, crossings, and transit amenities are largely not present, as seen in Figure 4 below, posing challenges to non-vehicular mobility and connectivity to nearby centers. In the neighboring City of Pacific, Jovita Blvd E transitions into Steward Rd SE where a portion of the interurban trail connects multimodal use from the City of Pacific up to the City of Tukwila. The City of Edgewood Comprehensive plan states that while their section of the Interurban Trail, parallel to Jovita Boulevard E, does not currently connect to the rest of the regional Interurban Trail system, there are plans to connect it.

Figure 4 Transportation Facilities



2.2.2 Utility Availability

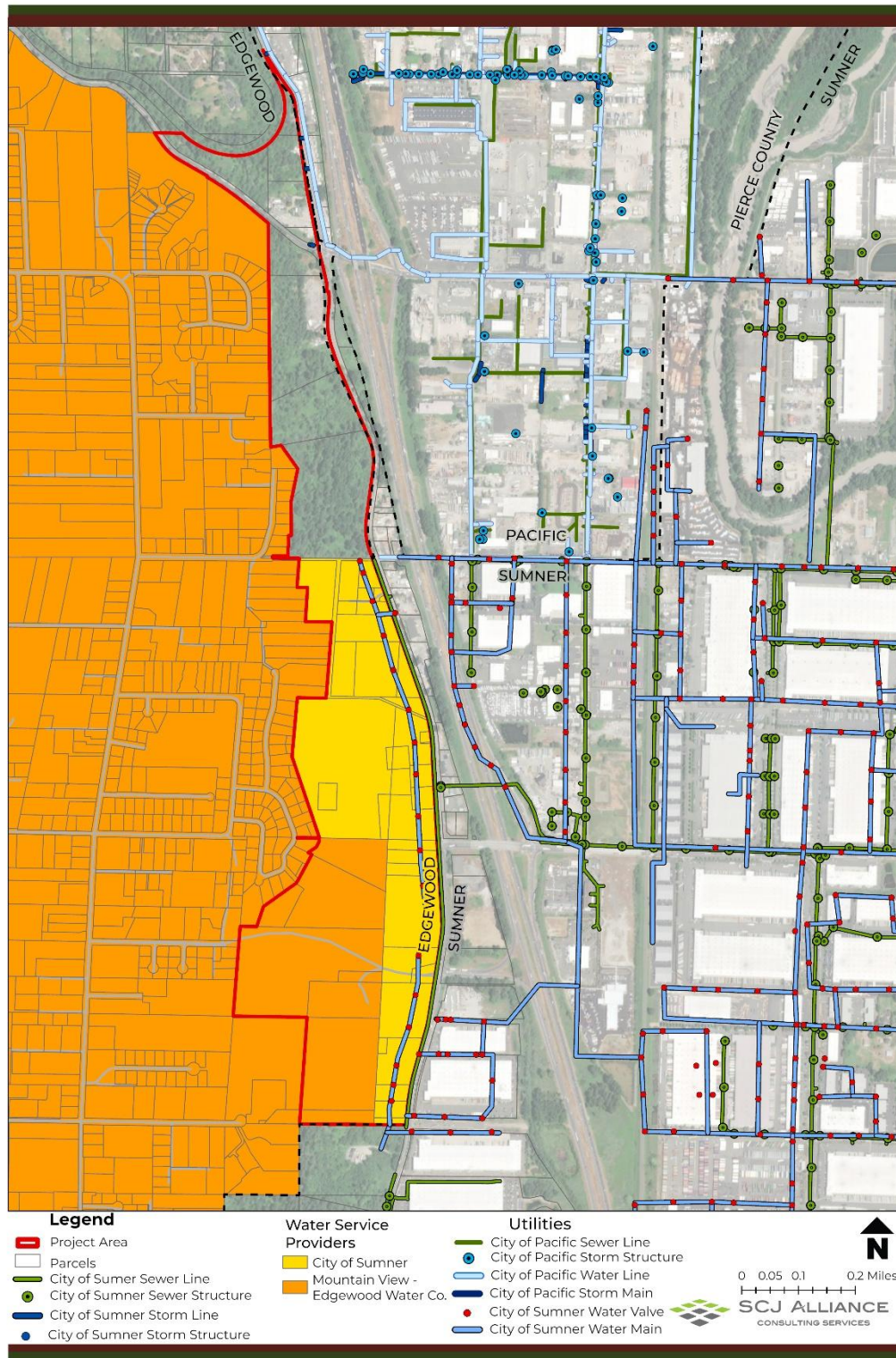
Utility infrastructure within the study area is partially developed, with inconsistent access to full urban services, particularly for undeveloped parcels. As shown in Figure 5, water and sewer service availability varies across the study area and is dependent on both parcel location and proximity to existing utility mains. In several locations, especially within larger lots or less developed zones, service connections may be limited or absent altogether.

Areas designated for higher-density development, such as those within the Mixed Residential 1 (MR-1) and Commercial zoning districts, may require infrastructure extensions or capacity upgrades to support their intended intensity of use. For instance, redevelopment or infill within the Commercial zone, currently characterized by minimal development and a mix of forested and industrial parcels, would likely necessitate substantial investment in water, sewer, and stormwater infrastructure, particularly if larger-scale commercial or mixed-use projects are pursued.

For the Residential 1 (R-1) zone, a full buildout under the current zoning allowances (i.e., two dwelling units per lot or one unit with two ADUs) would also create additional demands on utility services, especially in the more rural or forest-designated parcels. Notably, coordination with the City of Sumner would be required for several R-1 parcels in the southern portion of the study area, where utility provision crosses jurisdictional boundaries. Figure 5 highlights these parcels and their corresponding service providers.

Connecting to Sumner's water and sewer system would be beneficial. However, until a study is done and an agreement is in place, the utility demands that will be acceptable for the current system is unknown. It is recommended to continue working with the City of Sumner on an allowable flow rate for both water and sewer.

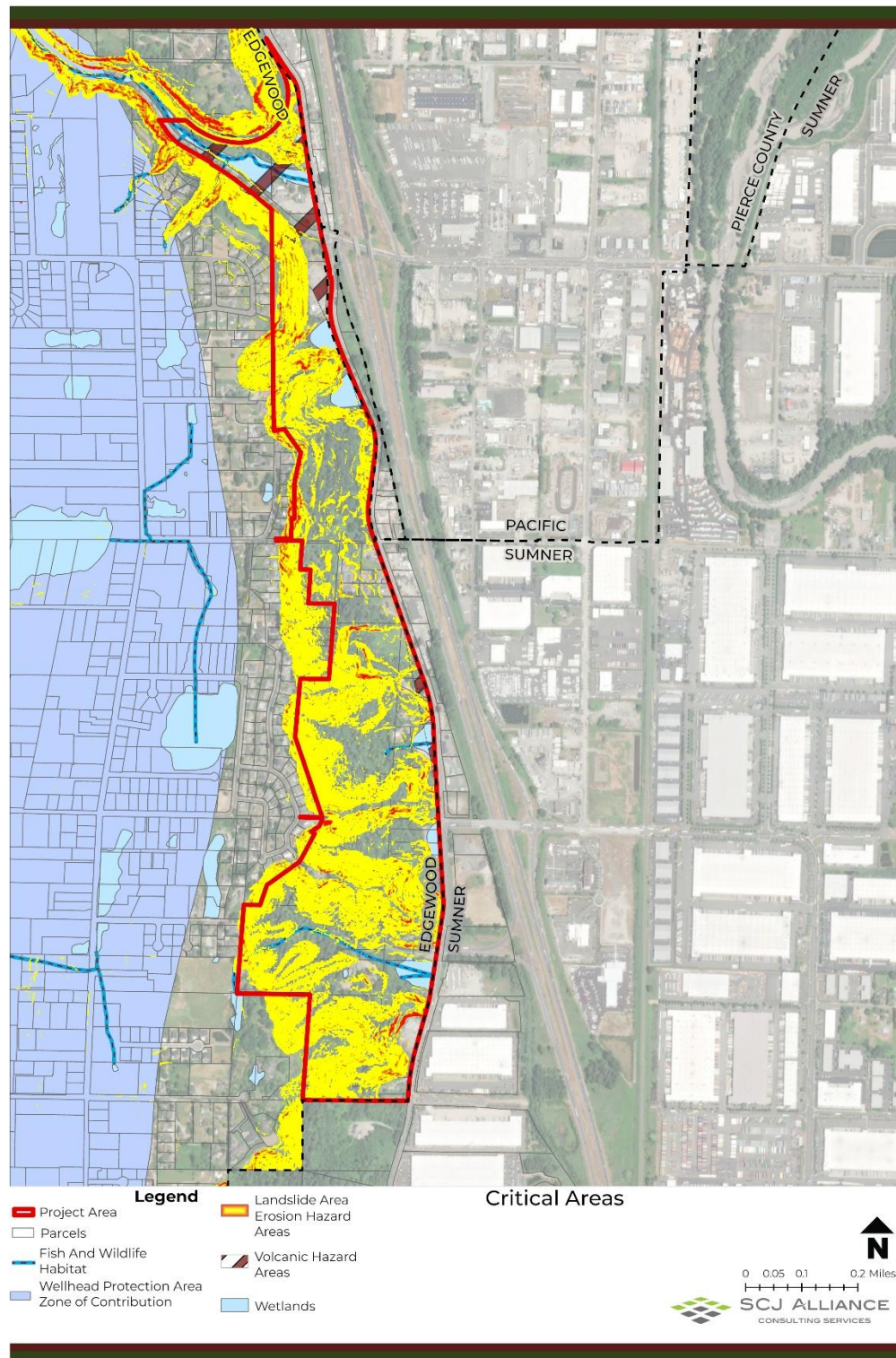
Figure 5 Utility Service Providers



2.2.3 Environmental Considerations

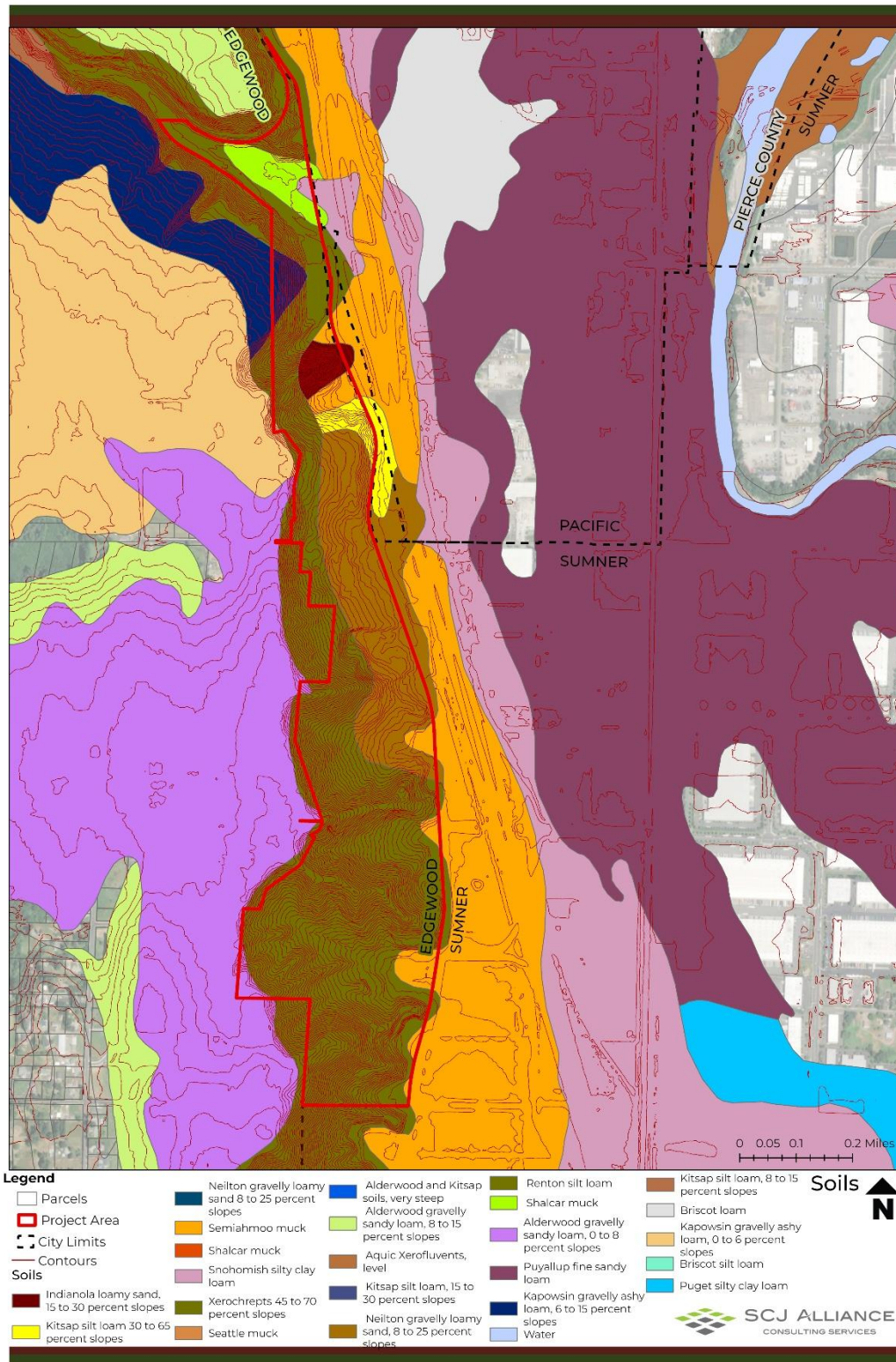
The presence of critical areas such as steep slopes, streams, and wetlands further influences the development feasibility within the study area. Figure 6 below shows that the topography of the West Valley Overlay area is quite steep with slopes as high as 65 to 70 percent in areas. There are also a few fish and wildlife habitat conservation areas as well as wetlands that would impact the feasibility of development. Figure 6 shows an offsite wetland to the east of the Commercial and Public zoned portions of the study area in Pierce County jurisdiction. The buffer for this offsite wetland could impact the developable area onsite, but the prevalence of this wetland would need further review by a wetland biologist to determine appropriate steps to take under EMC Chapter 14.40.

Figure 6 Critical Areas Map



Additionally, the topographical contours in Figure 6 above indicate significant slopes throughout this region. In reviewing the areas most impacted by this, the R-1-zoned portions are where there is the heaviest prevalence of steep slopes. According to the USDA Web Soil Survey, results of which are shown in Figure 7, most of the West Valley Overlay area is categorized by 47F. 47F is made up of Xerochrepts soil with slopes ranging from 45 to 70 percent slopes, such slopes would highly restrict development in this area.

Figure 7 Soil Types

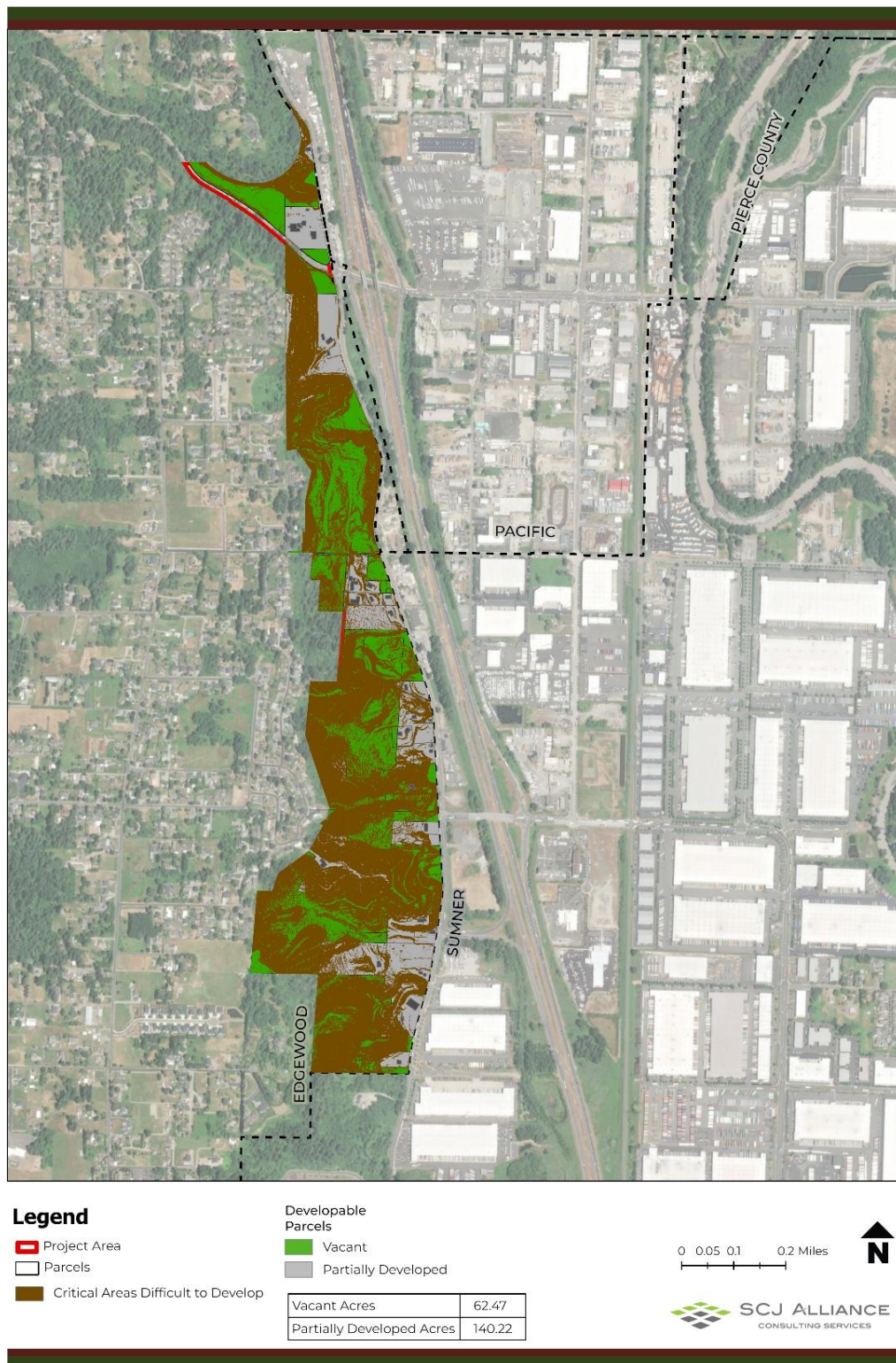


As a result, site-specific environmental constraints, including buffer requirements, stormwater management, and mitigation standards, will play a significant role in determining the feasibility of future development of this area.

2.2.4 Potential Development Limitations

As described above, development in the study area is constrained by steep slopes and critical areas. What can and cannot be developed will depend on specific development proposals. Figure 8 below shows information about development limitations and notes which parcels are already at least partially developed.

Figure 8 Development Limitations



3 Future Zoning Scenarios

The City of Edgewood is evaluating the West Valley Highway Overlay Area for alternative land uses that may better align with existing terrain, strategic location, and available utilities. This area was identified as a priority for review due to its development potential and proximity to key transportation corridors. The following scenarios explore the potential impacts and benefits of various zoning options, considering development feasibility, infrastructure capacity, and compatibility with surrounding land uses. These include:

- **Scenario 1a:** Rezone the West Valley Highway Overlay Area to Industrial
- **Scenario 1b:** Rezone the West Valley Highway Overlay Area to Business Park
- **Scenario 2:** Rezone the West Valley Highway Overlay Area to similar zoning as the adjacent jurisdictional zoning
- **Scenario 3:** No Action

The scenarios outlined above were developed in coordination with the City to evaluate potential rezones where alternative land use designations may better align with terrain and utility availability. Under all scenarios, the three parcels currently zoned for Public use retain that designation; all other parcels within the study area were evaluated according to the parameters of each scenario.

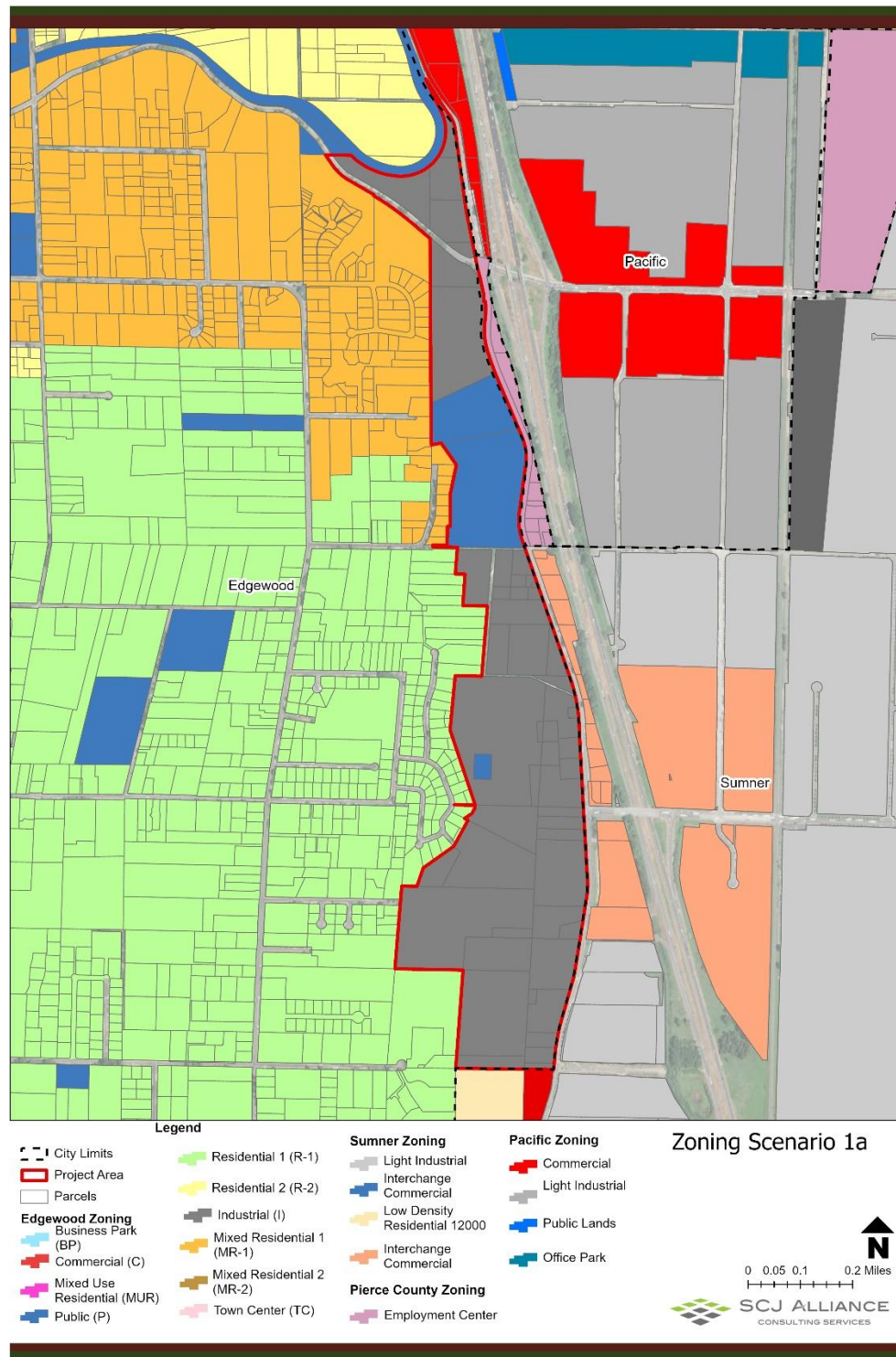
A complete list of permitted, conditional, and accessory uses for each zoning designation relevant to this study is available in Appendix A.

3.1 Scenario 1a: Rezone to Industrial

This scenario would rezone the study area to an Industrial designation, which supports a mix of production, distribution, repair, and service-oriented uses. The intent is to attract businesses that contribute to Edgewood's employment base while maintaining compatibility with surrounding land uses through appropriate siting, buffering, and development standards.

See Figure 9 below for zoning designations and boundaries under this scenario.

Figure 9 Scenario 1a: Rezone to Industrial



3.1.1 Zoning Categories and Allowed Uses

The Industrial (I) zoning designation permits a broad range of non-residential uses that are generally lower in intensity than heavy industry. The following groupings reflect the types of permitted uses allowed under this zoning, highlighting development potential based solely on the zoning designation (excluding other factors such as infrastructure, terrain, or parcel size).

Permitted uses include:

- **Agricultural and Production:** Agricultural sales, miscellaneous crop production, and animal production and aquaculture.
- **Manufacturing and Trade:** Craft manufacturing, light manufacturing, wholesale trade, solar electric power generation.
- **Storage and Warehousing:** Mini-warehouses, self-storage units, and other warehousing and storage operations.
- **Vehicle and Equipment Services:** Passenger and truck rental, automotive oil change/lube shops, car washes, other automotive and equipment repair services, gasoline stations, and alternative fuel dealers.
- **Retail and Commercial Services:** Pet supply stores, general retail, consumer goods rental, commercial and industrial equipment rental, mobile vendors, and personal care services.
- **Hospitality and Entertainment:** Wedding and special occasion venues, drinking establishments, full-service and limited-service restaurants, snack bars, and gambling industries.
- **Institutional and Community-Oriented:** Emergency housing and shelter, community care & walk-in clinics, religious institutions up to 10,000 sq. ft., administrative public facilities, funeral homes and services.
- **Recreation:** Zoos, aquariums, botanical gardens, golf courses, and country clubs.
- **Other:** Outside displays and drive-up windows.

Conditional Uses

The following uses may be permitted within the Industrial zone subject to the City's conditional use permit process, as defined in **EMC 18.50.040**. These uses typically require additional review due to their scale, potential external impacts, or specialized nature.

- **Intensive Agricultural, Manufacturing, and Utility Uses:** Cattle feedlots, electric power generation, potable water treatment, sewage collection/treatment, heavy manufacturing, wind electric power generation, fuel dealers and waste management and remediation services.
- **Institutional and Educational Uses:** Schools (K-12 and colleges), educational services (all other), hospitals, ambulatory health care, services for the elderly and persons with disabilities, vocational rehabilitation services, and social assistance facilities.
- **Other Services:** Crematoria, sexually oriented entertainment, and parking lots.

3.1.2 Analysis of Impacts

Transportation Network

Vehicle trips were generated for full build-out of each scenario considered. While full build-out is unlikely under any scenario given the topography of the study area, this approach was chosen because

1) it allows for an even comparison across scenarios and 2) it represents the maximum potential impact under each scenario.

Projected vehicle trip generation under Scenario 1a is lower than what would be expected with full buildout under existing zoning. At full buildout, this scenario is estimated to generate approximately 8,863 daily trips, representing a reduction of roughly 2,000 daily trips compared to what is possible with existing zoning. In addition, the peak PM trip generation would be 894 trips, which is lower than what is possible under existing zoning (1,157 trips). However, peak AM trip generation (also 894 trips) would be slightly higher than what is possible under existing zoning (781 trips).

Because the potential trip generation of a built-out study area under the scenario is lower than if zoning is not changed, this scenario is not anticipated to have adverse impacts on the transportation network.

Capital Facilities

Significant adverse impacts on police, fire protection, schools, and emergency medical services are not anticipated under this rezone scenario. Incremental increases in demand would occur for police, fire, and emergency medical services as development occurs; however, these impacts could likely be managed within the City's existing capital facility planning framework. Specific impacts associated with future development proposals, their uses, and any applicable mitigation fees, would be evaluated at the time of project review and permitting. Parcels zoned public, which could potentially be used for capital facilities in the future, would continue to be zoned public.

Utilities

As noted in Section 2.2, utility infrastructure within the study area is partially developed, with inconsistent access to full urban services, particularly for undeveloped parcels. Development in the study area could potentially connect to City of Sumner water and wastewater utilities. At the time of writing of this Report, the City of Edgewood is in discussion with Sumner about this possibility, but the capacity that Sumner could accommodate from the study area has not been determined.

While limited water service remains a consideration, many industrial uses are more compatible with and adaptable to these constraints, with feasibility often depending on property owner proposals at the time of application. Certain uses, such as zoos, aquariums, golf courses, country clubs, hotels and motels, car washes, aquaculture facilities, and restaurants, would continue to face development challenges without significant infrastructure investment. In contrast, lower-demand uses such as agricultural sales, self-storage, and mini-warehouses may be more readily accommodated.

Water use for industrial development can vary greatly by use, but 4,500 gallons per day per acre can be used as a rough average. Based on steep slopes and critical areas, a reasonable assumption of industrial buildout in the area would be 100 acres. If 100 acres of the study area were developed with industrial uses, that would require 0.45 million gallons per day (MGD) of capacity for water use. Whether this would cause an adverse significant impact cannot be determined without knowing how much capacity the City of Sumner could provide in its water system. If new industrial uses exceeded the capacity available within the current systems (both Edgewood's and Sumner's), Edgewood could be required to upgrade utility services. However, this could be avoided by implementing supplemental overlay that allows only those industrial uses that could be accommodated within the available capacity. Uses that

should be allowed within the overlay can be determined based on the available capacity once it is known.

Parks and Environmental Features

There are no parks within the study area. Industrial uses in the study area would not create any additional demand for existing parks, and they would not be located adjacent or near to parks. Public zoned parcels could be developed as parks in the future, and parcels currently zoned public would remain public under this scenario. Therefore, no adverse impacts on parks would be anticipated.

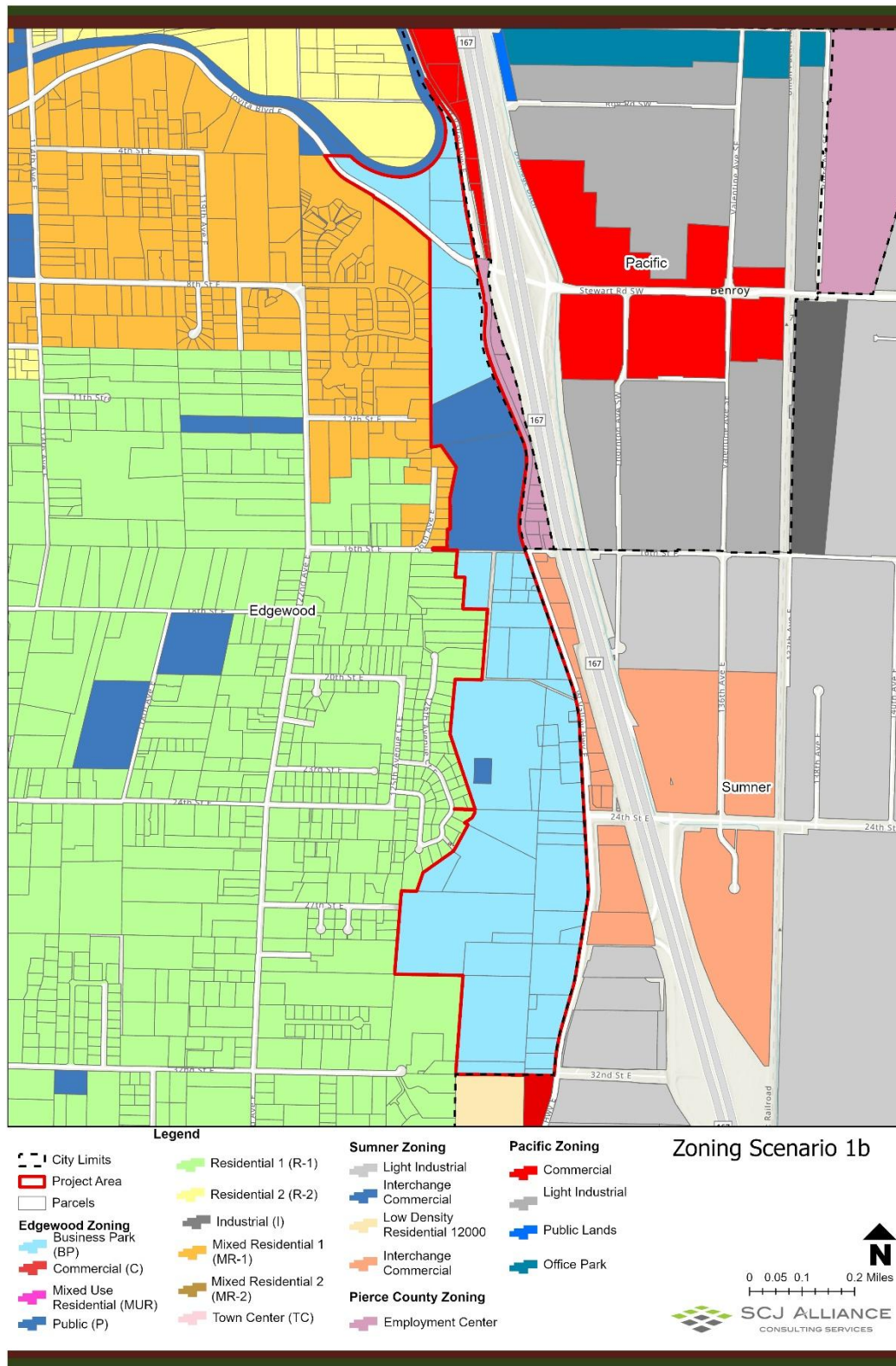
Environmental features in the study area include wetlands and fish and wildlife habitat conservation areas. Compared to currently allowed residential uses, industrial uses could have a greater impact on environmental features. However, environmental features would be protected by Edgewood's Critical Areas Ordinance (CAO), which restricts development in critical areas or their buffers. Some industrial uses could cause release emissions into the air or waste into water. However, local, state, and federal regulations would restrict remissions and waste, and individual development would be required to undergo site-specific State Environmental Policy Act (SEPA) review which would flag any issues and require identification of mitigation measures. If desired, Edgewood could create a supplemental overlay restricting specific utility uses in the area based on their potential to damage environmental features in the study area. Based on the CAO, SEPA, and other regulations, any adverse impacts to environmental features would not be significant and could be mitigated.

3.2 Scenario 1b: Rezone to Business Park

Scenario 1b is a variation on Scenario 1a which proposes rezoning the study area to a Business Park designation instead of Industrial. The Business Park zoning classification supports a range of institutional, commercial, and light industrial uses intended to promote employment opportunities and economic development while ensuring compatibility with adjacent land uses.

See Figure 10 below for zoning designations and boundaries under this scenario.

Figure 10 Scenario 1b: Rezone to Business Park



3.2.1 Zoning Categories and Allowed Uses

The Business Park zoning designation allows a broad mix of uses that promote job creation, access to services, and some supportive care options. The following groupings summarize permitted uses based solely on the zoning designation and do not account for site-specific development constraints such as infrastructure or topography. At the time of this Draft Report, Interim Zoning regulations under [Ordinance 25-0676](#) are in effect, prohibiting all new residential projects in the BP zoning district.

Permitted uses include:

- **Supportive Care Facilities:** Nursing and residential care facilities, assisted living facilities, permanent supportive housing, transitional housing, hospitals, community care & walk-in clinics, and social assistance services.
- **Institutional and Educational:** Schools (K-12, colleges, trade schools), libraries, and museums.
- **Commercial and Retail:** Agricultural sales, pet supply stores, gasoline stations, consumer goods rental, restaurants (full service, limited service, mobile vendors), personal care services, and car washes.
- **Recreation and Public Facilities:** Indoor entertainment, wedding and special event venues, golf and country clubs, parks, religious institutions, administrative public facilities, and outside displays.
- **Other:** Solar and wind electric power generation, craft manufacturing, alternative fueling stations, warehousing and storage up to 50,000 sq. ft.

Conditional Uses

The following uses may be permitted within the Business Park zone subject to the City's conditional use permit process, as defined in **EMC 18.50.040**. These uses generally require additional review to ensure compatibility with surrounding development.

- **Light Industrial:** Craft and light manufacturing, fuel dealers, outside storage, and waste management and remediation services.
- **Lodging and Services:** Hotels and motels.
- **Other:** Sexually oriented businesses, crematoria, and correctional institutions.

3.2.2 Analysis of Impacts

The Rezone to Business Park scenario is constrained by the limited availability of utilities in the study area and the potential for significant transportation impacts from increased trip generation.

Certain high-intensity land uses, such as schools, hospitals, nursing care facilities, car washes, and golf courses, would place significant demands on limited utility infrastructure and the transportation network. Without targeted infrastructure investments, these uses could negatively affect the level of service for both utilities and transportation systems. To mitigate such impacts, these uses would either require significant infrastructure upgrades or need to be restricted through an overlay or other regulatory tool applied to the study area in conjunction with this rezone.

Transportation Network

As noted above for Scenario 1a, vehicle trips were generated for full build-out of each scenario considered. Compared to industrial zoning (scenario 1a) or residential zoning (a large portion of the study area under existing zoning), the uses allowed in a business park zone generate a greater number of travel trips. At full buildout, this scenario is projected to generate approximately 32,717 daily trips, a substantial increase compared to the 11,975 daily trips possible under existing conditions. Projected trips under full buildout would also be substantially higher during peak AM and PM times than what is possible under existing conditions: an increase from 781 trips to 3,551 in the AM and from 1,157 trips to 3,209 in the PM. These increases would likely create adverse traffic impacts, though a more detailed technical assessment would be required to confirm the impact.

Capital Facilities

Under the rezone to Business Park scenario, there is a potential for minor adverse impacts on services including police, fire protection, and emergency medical services depending on the intensity of the use. For example, the supportive care facility uses listed, if developed in this area, would create more demand for emergency medical services; however, the extent of these impacts would be quantified with future development proposals, and any applicable mitigation fees, would be evaluated at the time of project review and permitting. Parcels zoned public, which could potentially be used for capital facilities in the future, would continue to be zoned public.

Utilities

As described for Scenario 1a, utility infrastructure within the study area is a constraint. Development in the study area could potentially connect to City of Sumner water and wastewater utilities. At the time of writing of this Draft Report, the City of Edgewood is in discussion with Sumner about this possibility, but the capacity that Sumner could accommodate from the study area has not been determined.

Water use for commercial development can vary greatly by use, but 3,000 gallons per day per acre can be used as a rough average. Based on steep slopes and critical areas, a reasonable assumption of commercial buildout in the area would be 100 acres. If 100 acres of the study area were developed with industrial uses, that would require 0.3 million gallons per day (MGD) of capacity for water use. This would be a lower amount of water use than would be required for Scenario 1a (if all industrial uses were allowed). Whether this would cause an adverse significant impact cannot be determined without knowing how much capacity the City of Sumner could provide in its water system. If new uses exceeded the capacity available within the current systems (both Edgewood's and Sumner's), Edgewood could be required to upgrade utility services.

Parks and Environmental Features

There are no parks within the study area. Industrial uses in the study area would not create any additional demand for existing parks, and they would not be located adjacent or near to parks. Public zoned parcels could be developed as parks in the future, and parcels currently zoned public would remain public under this scenario. Therefore, no adverse impacts on parks would be anticipated.

Environmental features in the study area include wetlands and fish and wildlife habitat conservation areas. Compared to currently allowed residential uses, business uses could have a greater impact on

environmental features. However, environmental features would be protected by Edgewood's Critical Areas Ordinance (CAO), which restricts development in critical areas or their buffers. Individual development would be required to undergo site-specific State Environmental Policy Act (SEPA) review which would flag any issues and require identification of mitigation measures. Based on the CAO, SEPA, and other regulations, any adverse impacts to environmental features would not be significant and could be mitigated.

3.3 Scenario 2: Similar to Adjacent Zoning

This scenario considers aligning the zoning of the study area with that of adjacent jurisdictions, including Pierce County and the cities of Pacific and Sumner. Doing so would promote consistency along shared boundaries, coordinate regional land uses, and potentially support joint infrastructure or economic development initiatives. The goal is to increase compatibility with existing development patterns and improve long-term inter-jurisdictional planning outcomes.

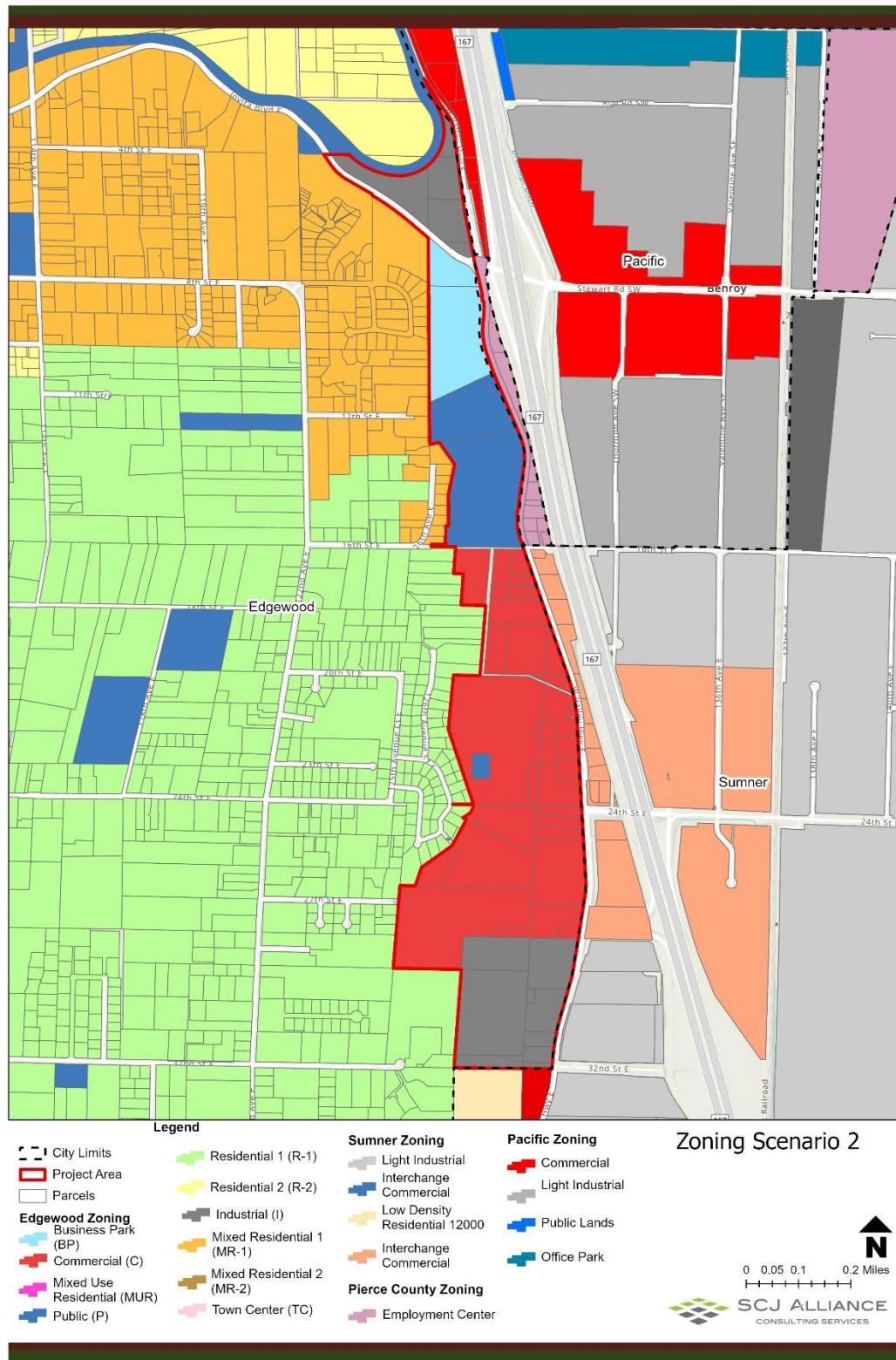
Zoning Application Summary

Under this scenario, zoning within the study area would be adjusted as follows:

- ◆ **Northern Commercial Area:** Rezoned to Industrial to better reflect current parcel uses and adjacent industrial/commercial development in the City of Pacific. While directly adjacent zoning in Pacific is Commercial, this scenario would rezone this area to industrial due to the following reasons:
 - 1) The adjacent Commercial zoning in Pacific is a small sliver of parcels;
 - 2) Pacific's Commercial zone allows for more light industrial uses than Edgewood's Commercial zone; and
 - 3) The City of Edgewood has noted that the current Commercial zoning in this area does not support desired uses.
- ◆ **Commercial and R-1 Parcels South of Jovita Blvd E:** Rezoned to Business Park, consistent with the nearby Employment Center zoning of Pierce County.
- ◆ **R-1 Parcels South of Public Parcels:** Rezoned to Commercial to complement Sumner's nearby commercial zoning.
- ◆ **Southern Residential Area:** Rezoned to Industrial to align with Sumner's Light Industrial zone.
- ◆ **Public Parcels:** Retain existing Public use designation.

See **Figure 11** below for zoning designations and boundaries under this scenario.

Figure 11 Scenario 2: Rezone to Adjacent Jurisdiction Zoning



3.3.1 Zoning Categories and Allowed Uses

Industrial (I) Zoning – EMC 18.80.100

Purpose: Provides for regional research, light manufacturing, warehousing, and other major regional employment uses. Industrial lands are limited to areas where regional transportation access is available.

Permitted Uses Include:

- *Agricultural & Production:* Agricultural sales, crop and animal production.
- *Manufacturing & Trade:* Light and craft manufacturing, wholesale trade, solar electric power generation.
- *Storage & Vehicle Services:* Warehousing, self-storage, auto repair, automotive oil change/lube shops, rentals, car washes, gasoline stations, and alternative fuel dealers.
- *Commercial & Retail:* Pet supplies, general retail, equipment rentals, mobile vendors, personal services.
- *Hospitality & Entertainment:* Wedding and special occasion venues, restaurants, bars, gambling industries.
- *Institutional:* Emergency housing/shelter, community care & walk-in clinics, religious institutions (<10,000 sq. ft.), public facilities, funeral homes and services.
- *Recreation & Other:* Zoos, golf courses, outside displays.

Business Park (BP) Zoning – EMC 18.80.080(4)

Purpose: To allow a wide range of employment and commercial uses, including offices, light industrial, and senior housing as a mixed use¹, with a focus on aesthetic appeal through development standards including an emphasis on significant landscaping.

Permitted Uses Include:

- *Supportive Care Facilities:* Nursing and residential care facilities, assisted living facilities, permanent supportive housing, transitional housing, hospitals, community care & walk-in clinics, and social assistance services.
- *Institutional & Educational:* Schools (K-12, colleges, trade schools), libraries, and museums.
- *Commercial:* Agricultural sales, pet supply stores, gasoline stations, consumer goods rental, restaurants (full service, limited service, mobile vendors), personal care services, and car washes.
- *Recreation & Civic:* Indoor entertainment, wedding and special event venues, golf and country clubs, parks, religious institutions, administrative public facilities, and outside displays.

¹ At the time of this Draft Report, Interim Zoning regulations under [Ordinance 25-0676](#) are in effect, prohibiting all new residential projects in the BP zoning district.

- *Other*: Solar and wind electric power generation, craft manufacturing, alternative fueling stations, warehousing and storage up to 50,000 sq. ft.

Commercial (C) Zoning – EMC 18.80.080(B)(2))

Purpose: To accommodate a wide range of commercial development, including large-scale and auto-oriented uses, while allowing mixed-use development that may combine commercial uses with multifamily housing. This zoning district includes development standards that seek to balance the needs of pedestrians with those of automobiles.

Permitted Uses Include:

- *Residential²*: Apartments, ADUs, townhomes, transitional/supportive housing, emergency housing, short term rentals, live/work.
- *Retail & Services*: Agricultural sales, pet stores, general retail, food services, restaurants, mobile vendors.
- *Hospitality & Vehicle Services*: Hotels, bed-and-breakfasts, wedding and event venues, vehicle rentals.
- *Institutional*: Schools, hospitals, walk-in clinics, daycares, vocational/social assistance.
- *Recreation & Civic*: Libraries, museums, golf courses, zoos, parks, religious institutions.
- *Other*: Wind electric power generation, craft manufacturing, alternative fueling, and drive up windows.

3.3.2 Analysis of Impacts

The Rezone to adjacent jurisdictional zoning scenario, while compatible with surrounding area, is limited by both utility constraints and varying levels of trip generation depending on use type. This scenario generates the highest daily trip generation of 34,076, largely due to the significant amount of area zoned Commercial and Business Park, both of which are tied to more trips generated than an industrial or residential scenario. This increase would likely create adverse traffic impacts, though a more detailed technical assessment would be required to confirm the impact.

Water infrastructure limitations remain a key consideration, particularly for the Commercial and Business Park components, which would require mitigation measures or infrastructure upgrades to maintain acceptable levels of service. High-demand uses (such as apartments, hotels and motels, and car washes) could place strain on both transportation and utility systems in these areas without such improvements. In contrast, the industrial component of the rezone is generally more compatible with existing utility capacity.

² At the time of this Draft Report, Interim Zoning regulations under [Ordinance 25-0676](#) are in effect, prohibiting single-use residential projects in the Commercial (C) zone.

Transportation Network

As noted above for Scenario 1a, vehicle trips were generated for full build-out of each scenario considered. This scenario generates the highest daily trip generation of 34,076, largely due to the significant amount of area zoned Commercial and Business Park, both of which are tied to more trips generated than an industrial or residential scenario. Projected trips under full buildout would also be higher during peak AM and PM times than what is possible under existing conditions: an increased from 781 trips to 1,409 in the AM and from 1,157 trips to 3,173 in the PM. These increases would likely create adverse traffic impacts, though a more detailed technical assessment would be required to confirm the impact.

Capital Facilities

Given the mixed use nature of the commercial zoning designation, this rezone scenario would have the highest potential for adverse impacts on capital facilities and public services—including police, fire protection, schools, and emergency medical services. Specific impacts associated with future development proposals, and any applicable mitigation fees, such as school impact fees under EMC Chapter 4.10, would be evaluated at the time of project review and permitting. Parcels zoned public, which could potentially be used for capital facilities in the future, would continue to be zoned public.

Utilities

As describe for Scenario 1a, utility infrastructure within the study area is a constraint. Development in the study area could potentially connect to City of Sumner water and wastewater utilities. At the time of writing of this Draft Report, the City of Edgewood is in discussion with Sumner about this possibility, but the capacity that Sumner could accommodate from the study area has not been determined.

Under this scenario, both commercial and industrial development would be allowed. As noted above for Scenarios 1a and 1b, a reasonable estimate of water use for industrial development is 4,500 gallons per day per acre, and a reasonable estimate for commercial development is 3,000 gallons per day per acre. Based on steep slopes and critical areas, a reasonable assumption of commercial buildout in the area would be 100 acres. If 100 acres of the study area were developed with a mix of industrial and commercial uses, that would require 0.3 million to 0.45 million gallons per day (MGD) of capacity for water use. This would fall between the use for Scenario 1a and Scenario 1b. Whether this would cause an adverse significant impact cannot be determined without knowing how much capacity the City of Sumner could provide in its water system. If new uses exceeded the capacity available within the current systems (both Edgewood's and Sumner's), Edgewood could be required to upgrade utility services.

Parks and Environmental Features

There are no parks within the study area. Industrial uses in the study area would not create any additional demand for existing parks, and they would not be located adjacent or near to parks. Public zoned parcels could be developed as parks in the future, and parcels currently zoned public would remain public under this scenario. Therefore, no adverse impacts on parks would be anticipated.

Environmental features in the study area include wetlands and fish and wildlife habitat conservation areas. Compared to currently allowed residential uses, business, commercial, and particularly industrial uses could have a greater impact on environmental features. However, environmental features would

be protected by Edgewood’s Critical Areas Ordinance (CAO), which restricts development in critical areas or their buffers. Some industrial uses could cause release emissions into the air or waste into water. However, local, state, and federal regulations would restrict remissions and waste, and individual development would be required to undergo site-specific State Environmental Policy Act (SEPA) review which would flag any issues and require identification of mitigation measures. If desired, Edgewood could create a supplemental overlay restricting specific utility uses in the area based on their potential to damage environmental features in the study area. Based on the CAO, SEPA, and other regulations, any adverse impacts to environmental features would not be significant and could be mitigated.

3.4 Scenario 3: No Action

Under the No Action scenario, the City would retain the current zoning and land use designations for the area. This approach maintains the status quo and allows development to proceed under existing regulations.

3.4.1 Zoning Categories and Allowed Uses

Residential 1 (R-1) Zoning – EMC 18.80.040

Purpose: To provide for a continuation of large residential lots in specific areas where a pattern of large lots and extensive tree coverage exists. These zoning districts seek to preserve the identity of these residential areas, preserve significant tree stands, and reduce traffic volumes in the east-west arterial corridors.

Permitted Uses Include:

Recent middle housing code amendments have slightly expanded housing options in the R-1 zone while preserving its fundamental character. Under these amendments, the R-1 zone now permits:

- Up to two principal dwelling units per lot, such as a duplex or two detached homes, or
- One principal dwelling unit with up to two accessory dwelling units (ADUs).

Additionally uses such as religious institutions, wind and solar energy production, childcare, open space, transitional housing, and crop production are allowed in the R-1 zone.

Commercial (C) Zoning – EMC 18.80.080(B)(2)

Purpose: To accommodate a wide range of commercial development, including large-scale and auto-oriented uses, while allowing mixed-use development that may combine commercial uses with multifamily housing. This zoning district includes development standards that seek to balance the needs of pedestrians with those of automobiles.

Permitted Uses Include:

- *Residential*³: Apartments, ADUs, townhomes, transitional/supportive housing, emergency housing, short term rentals, live/work.

³ At the time of this Draft Report, Interim Zoning regulations under [Ordinance 25-0676](#) are in effect, prohibiting single-use residential projects in the Commercial (C) zone.

- *Retail & Services:* Agricultural sales, pet stores, general retail, food services, restaurants, mobile vendors.
- *Hospitality & Vehicle Services:* Hotels, bed-and-breakfasts, wedding and event venues, vehicle rentals.
- *Institutional:* Schools, hospitals, walk-in clinics, daycares, vocational/social assistance.
- *Recreation & Civic:* Libraries, museums, golf courses, zoos, parks, religious institutions.
- *Other:* Wind electric power generation, craft manufacturing, alternative fueling, and drive up windows.

Public (P) Zoning – EMC 18.80.110

Purpose: To provide moderate-scale and large-scale activities relating to the purpose of state and local governmental entities and semi-public institutions providing necessary public services. The designation allows for the specialized needs of providing public services to all areas of Edgewood.

Permitted Uses Include:

- *Agricultural:* Crop production, animal production, agricultural sales.
- *Civic & Cultural:* Libraries, museums.
- *Housing:* Emergency housing and shelters
- *Recreation & Arts:* Indoor and outdoor arts and recreation, parks and open space.
- *Retail & Services:* Mobile vendors, restaurants, beverage establishments.
- *Public Facilities:* Administrative public facilities, outdoor displays, solar electric power generation, and alternative fueling stations.

3.4.2 Analysis of Impacts

Under the No Change scenario, the study area would retain its current zoning and land use designations. Significant physical and infrastructure constraints (including steep topography, limited water service, and other development limitations) continue to support the appropriateness of the Residential-1 designation for much of the area, aligning with its capacity for low-intensity development. Under this scenario, slow or limited development in this area would likely continue. This is not only due to the physical constraints, but also to the related economic factors. For most Residential-1 zoned lots, the costs of permitting, potential mitigation measures, and construction in this study area may outweigh the potential return on investment. In such cases, the financial margins may be too slim for developers or property owners to justify navigating the development process.

By contrast, commercial uses at times can offer stronger and more sustained revenue potential, both during the initial sale and ongoing income generation, making them more attractive options to develop. However, the Commercial designation, as currently outlined in the Comprehensive Plan, may be less suitable given potential water access issues and the physical constraints that could limit buildout; compatibility would depend on the type and scale of commercial use proposed.

Existing land use patterns also present potential cross-jurisdictional incompatibilities. In the southern portion of the study area, Residential-1 parcels within the City of Edgewood abut Light Industrial parcels in the City of Sumner. While steep slopes provide some natural buffering, separation may not be

sufficient where future Residential-1 development occurs on downhill slopes adjacent to heavier industrial uses. Similarly, Sumner's Interchange Commercial zoning specifies that commercial services should not be located near residential districts; however, adjacent parcels across the jurisdictional boundary in Edgewood are zoned Residential-1. These conditions highlight the potential for conflicting land use expectations and impacts between jurisdictions.

Transportation Network

Under this scenario, zoning would not change and therefore the transportation network would not be impacted. Under full buildout, project traffic trips could reach 11,975 trips daily, including 781 in the AM peak hours and 1,157 in the PM peak hours. This is higher than what is projected under full buildout for Scenario 1a, but substantially lower than Scenario 1b and Scenario 2.

Capital Facilities

Significant adverse impacts on capital facilities and public services—including police, fire protection, schools, and emergency medical services—are not anticipated under the no action scenario. Specific impacts associated with future development proposals, and any applicable mitigation fees, would be evaluated at the time of project review and permitting.

Utilities

As describe for Scenario 1a, utility infrastructure within the study area is a constraint. Development in the study area could potentially connect to City of Sumner water and wastewater utilities. At the time of writing of this Draft Report, the City of Edgewood is in discussion with Sumner about this possibility, but the capacity that Sumner could accommodate from the study area has not been determined.

Water use for residential development can vary greatly, commonly ranging from 500 to 1,300 gallons per day per acre for low density residential development. Using an average within that range and the same assumption of acres that could be built out as for other scenarios (100 acres), that would require 0.09 million gallons per day (MGD) of capacity for water use. This would be a lower amount of water use than for any other scenarios. However, some parts of the study area currently have commercial zoning, so the actual water requirement with full buildout would likely be higher than this estimate. Compared to other scenarios, it is not possible to create an overlay that would restrict specific uses based on their water use.

Parks and Environmental Features

There are no parks within the study area. Public zoned parcels could be developed as parks in the future, and parcels currently zoned public would remain public under this scenario. Additional buildout of the area with residential development would increase the population of the area and therefore would increase demand for parks nearby the study area. If development occurred at levels that would require additional investment in parks (either for maintenance or to increase capacity by expanding existing parks or building new parks), impacts could be mitigated with Park Impact Fees under Edgewood Municipal Code (EMC) Chapter 4.20 (see below). However, the impact of residential development in the study area on demand for parks in Edgewood is likely to be low because 1) residential development is limited by steep slopes and critical areas, and 2) given the topography of the area, residents of the study

area may visit parks in the cities of Sumner and Pacific. Therefore, no adverse impacts on parks would be anticipated.

Environmental features in the study area include wetlands and fish and wildlife habitat conservation areas. Compared to the business park and industrial uses allowed under other scenarios, residential uses under this alternative could have less of an impact on environmental features. However, residential development would still involve clearing of vegetation and could potentially encroach on critical areas. Environmental features would be protected by Edgewood's Critical Areas Ordinance (CAO), which restricts development in critical areas or their buffers. Unlike other scenarios, individual residential would likely be SEPA-exempt and therefore would not undergo site-specific SEPA review which would flag any issues and require identification of mitigation measures. However, based on the CAO and other regulations, any adverse impacts to environmental features would not be significant and could be mitigated.

4 Recommendation

Following the analysis of the existing conditions, constraints, and potential future zoning scenarios for the West Valley Highway Overlay Area, SCJ Alliance recommends the City of Edgewood pursues a comprehensive **rezone of the West Valley Highway Overlay Area to Industrial, with the potential addition of a supplemental overlay to address utility use constraints.**

Industrial zoning is the most appropriate designation for this area for several reasons. From a transportation perspective, industrial development generates relatively few daily trips, and the area currently lacks active transportation facilities. Industrial uses primarily depend on vehicle and truck traffic, making freeway access critical. The study area's proximity to SR-167 provides convenient access for goods movement and strong regional employment connections. With the planned completion of the SR-167 expansion project, the area will also be well connected to I-5. In terms of infrastructure, many industrial uses are less water- and sewer-intensive than commercial, residential, or institutional uses, making them more compatible with current and anticipated utility capacity.

This zoning choice also aligns with surrounding jurisdictions, including the cities of Pacific and Sumner and Pierce County, which have designated this corridor for employment-based and light industrial uses. Such alignment reinforces a coordinated regional land use strategy, minimizes cross-boundary conflicts, and positions Edgewood to capture its share of employment growth. Industrial zoning further supports the City's economic development goals by attracting businesses that provide family-wage jobs while avoiding the service burdens of higher-intensity commercial or institutional uses. Additionally, many of the listed industrial uses are more adaptable to the environmental constraints that characterize much of the study area.

However, shifting the study area from Residential to Industrial introduces a challenging dynamic for existing residents. Rezoning to industrial creates a potential displacement pressure, particularly where existing residential properties are interspersed with parcels targeted for industrial uses. If not carefully managed, these residents could face increasing development pressure or compatibility conflicts over time. To address this, the City should engage directly with property owners and residents in the study area to discuss the proposed changes, identify potential strategies to minimize potential adverse

impacts under the new zoning framework. The overlay may also include performance standards and buffering requirements to limit noise, traffic, and environmental impacts on existing residences, allowing for more compatible coexistence between current residential and future industrial uses.

While Industrial zoning provides the right overall framework, an overlay district is recommended to tailor land use regulations to the service limitations of the West Valley Highway Overlay Area. A customized overlay can restrict high impact uses that would exceed available utility or transportation capacity, such as car washes, golf courses, or hospitals. It can also establish performance standards to mitigate environmental, traffic, and noise impacts on current residential developments along the West Valley Highway. Finally, an overlay can include phasing provisions to ensure that development occurs only as infrastructure capacity is available, consistent with concurrency requirements under EMC 18.60.220.

Specific uses that should be allowed within the overlay cannot be determined until discussions with the City of Sumner land on what capacity Sumner's utility system could accommodate. However, the following uses allowed in the Industrial zone may not be appropriate in the study area based on the constraints discussed throughout this report:

- Miscellaneous crop production, animal production, and aquaculture
- Car washes
- Drinking establishments and full-service and limited-service restaurants
- Zoos, aquariums, botanical gardens, golf courses, and country clubs

Section 3.1.2 discusses the potential impacts of rezoning the study area to Industrial zoning on the transportation network, capital facilities, and environmental features and parks. As described in that section, there would not be significant adverse impacts that could not be mitigated.

In conclusion, rezoning the West Valley Highway Overlay Area to Industrial with the adoption of a supplemental low utility use-specific overlay represents the most balanced approach for the City of Edgewood. This strategy aligns zoning with infrastructure realities, minimizes transportation and utility impacts, supports regional compatibility, and advances the City's economic development goals while preserving neighborhood and environmental compatibility.

Appendix A. Permitted Use Table

A detailed breakdown of the specific land uses permitted in each of these zones are provided in Table 1 below. This table has removed the uses that are not permitted in any of the following zones. This information helps establish the regulatory baseline for what uses are permitted to check against the highest intensity use of this study area.

Table 1: Edgewood Residential 1, Commercial, and Public Permitted Uses

Legend (EMC 18.70.040(A)) ✓ Permitted Use – Prohibited Use A Requires AUP CUP Requires CUP		Residential 1	Commercial	Business Park	Industrial	Public	
Land Use Category	NAICS Code	R-1	C	BP	I	P	Notes
Detached Dwelling	Special	✓	–	–	–	–	All Uses Subject to Conditions 1 and 6
Accessory Dwelling Unit (ADU)	Special	✓	✓	–	–	–	See EMC 18.90.190 for ADU requirements. ADUs are allowed secondarily in TC and C zones only when paired with a townhouse use.
Cottage Housing	Special	✓	–	–	–	–	
Courtyard Apartments	Special	✓	–	–	–	–	
Duplex	Special	✓	–	–	–	–	
Stacked Flats	Special	✓	–	–	–	–	
Townhouse	Special	–	✓	–	–	–	
Apartment	Special	–	✓	–	–	–	

Legend (EMC 18.70.040(A)) ✓ Permitted Use – Prohibited Use A Requires AUP CUP Requires CUP		Residential 1	Commercial	Business Park	Industrial	Public	Notes
Land Use Category	NAICS Code	R-1	C	BP	I	P	All Uses Subject to Conditions 1 and 6
Adult Family Home	623990, part	✓	–	–	–	–	In accordance with RCW 70.128.010(1), as amended
Nursing and Residential Care Facilities	6231; 6232	–	✓	✓	–	–	
Assisted Living Facilities	6233	–	✓	✓	–	–	
Live/Work Unit	Special	–	✓	–	–	–	
Work/Live Unit	Special	–	✓	–	–	–	
Permanent Supportive Housing		✓	✓	✓	–	–	
Transitional Housing		✓	✓	✓	–	–	
Agricultural Sales	Special	✓	✓	✓	✓	✓	
Crop Production	111, part	A	–	A	A	–	
Crop Production, All Other	111, part	✓	–	–	✓	✓	
Animal Production, Personal	112, part	✓	–	–	–	✓	Only permitted as an accessory use to a primary residential use.
Cattle Feedlots	112112	–	–	–	CUP	–	

Legend (EMC 18.70.040(A)) ✓ Permitted Use – Prohibited Use A Requires AUP CUP Requires CUP		Residential 1	Commercial	Business Park	Industrial	Public	Notes
Land Use Category	NAICS Code	R-1	C	BP	I	P	All Uses Subject to Conditions 1 and 6
Animal Production and Aquaculture, All Other	112 except 112210; 112112; 112511, part	✓	–	–	✓	CUP	
Electric Power Generation	22111	CUP	–	–	CUP	CUP	Not applicable to small- scale, independent residential units or single- building power supply units
Solar Electric Power Generation		✓	A	✓	✓	✓	
Wind Electric Power Generation		✓	✓	✓	A	A	
Potable Water Treatment	221310, part	CUP	–	–	CUP	CUP	
Sewage Collection or Treatment Facility	221320, part	CUP	–	–	CUP	CUP	
Manufacturing, Craft	Special	–	✓	✓	✓	–	
Manufacturing, Light	23, part; 311 except 3116; 312; 313;	–	–	A	✓	–	

Legend (EMC 18.70.040(A)) ✓ Permitted Use – Prohibited Use A Requires AUP CUP Requires CUP		Residential 1	Commercial	Business Park	Industrial	Public	Notes
Land Use Category	NAICS Code	R-1	C	BP	I	P	All Uses Subject to Conditions 1 and 6
	314; 315; 316; 337						
Manufacturing, Heavy	23, part; 321; 322; 323; 324; 325; 326; 327; 331; 332; 333; 334; 335; 336; 339	–	–	–	CUP	–	
Wholesale Trade	423; 424; 425	–	–	A	✓	–	
Automobile and Other Motor Vehicle Dealers	4411; 4412	–	CUP	A	A	–	
Gasoline Stations	447	–	CUP	✓	✓	–	Use is limited to 25,000 square feet of total site area per zone in the MUR and C zones (total site area includes all accessory and ancillary uses)
Alternative Fueling Stations	Special	-	✓	✓	✓	✓	
Pet and Pet Supplies Stores	453910	–	✓	✓	✓	–	

Legend (EMC 18.70.040(A)) ✓ Permitted Use – Prohibited Use A Requires AUP CUP Requires CUP		Residential 1	Commercial	Business Park	Industrial	Public	Notes
Land Use Category	NAICS Code	R-1	C	BP	I	P	All Uses Subject to Conditions 1 and 6
Fuel Dealers	454310	–	–	CUP	CUP	–	
Sexually Oriented Retail Businesses	Special	–	A	A	A	–	Subject to standards provided in EMC 18.100.100
Retail Trade, All Other	All Other 44; 45	–	✓	✓	✓	CUP	
Mini-Warehouses and Self-Storage Units	53113	–	–	✓	✓	–	
Warehousing and Storage, All Other up to 50,000 sq. ft.		–	–	✓	✓	–	
Warehousing and Storage, All Other 50,001 sq. ft. and greater		–	–	–	✓	–	
General – Business and Professional Services	All Office Use, plus: 51 except 517; 52; 531; 533; 54 except 541940; 55; 561; 813	–	✓	✓	A	–	

Legend (EMC 18.70.040(A)) ✓ Permitted Use – Prohibited Use A Requires AUP CUP Requires CUP		Residential 1	Commercial	Business Park	Industrial	Public	Notes
Land Use Category	NAICS Code	R-1	C	BP	I	P	All Uses Subject to Conditions 1 and 6
Wedding and Special Occasion Venues and Events	Special	A	✓	A	A	A	
Passenger Car Rental and Leasing	53211	–	A	✓	✓	–	
Truck, Utility Trailer, and RV Rental and Leasing	53212	–	A	✓	✓	–	
Consumer Goods Rental	5322; 5323, part	–	✓	✓	✓	–	
Commercial and Industrial Equipment Rentals	5323, part; 5324	–	–	✓	✓	–	
Waste Management and Remediation Services, All Other	5622, part; 5629	–	–	CUP	CUP	CUP	
Elementary and Secondary Schools	6111	CUP	✓	✓	CUP	A	
Junior Colleges, Colleges, Universities, and Professional Schools	6112; 6113; 6114	–	✓	✓	CUP	A	

Legend (EMC 18.70.040(A)) ✓ Permitted Use – Prohibited Use A Requires AUP CUP Requires CUP		Residential 1	Commercial	Business Park	Industrial	Public	Notes
Land Use Category	NAICS Code	R-1	C	BP	I	P	All Uses Subject to Conditions 1 and 6
Technical and Trade Schools	6115	–	✓	✓	A	A	
Educational Services, All Other	6116; 6117	–	✓	✓	CUP	A	
Ambulatory Health Care Services, All Other	All Other 621	–	✓	✓	CUP	CUP	
Hospitals	622	–	✓	✓	CUP	–	
Community Care & Walk-in Clinics	Special	-	✓	✓	✓	✓	
Services for the Elderly and Persons with Disabilities	624120	–	✓	✓	CUP	✓	
Vocational Rehabilitation Services	624310	–	✓	✓	CUP	✓	
Child Daycare Services, Home- Based	624410, part	✓	✓	-	–	–	Subject to standards provided in EMC 18.100.040 and requires an applicable Home Business Permit.
Child Daycare Services, All Other	624410, part	–	✓	✓	A	✓	Subject to standards provided in EMC 18.100.040

Legend (EMC 18.70.040(A)) ✓ Permitted Use – Prohibited Use A Requires AUP CUP Requires CUP		Residential 1	Commercial	Business Park	Industrial	Public	Notes
Land Use Category	NAICS Code	R-1	C	BP	I	P	All Uses Subject to Conditions 1 and 6
Social Assistance, All Other	All Other 624	–	✓	✓	CUP	CUP	
Emergency Housing		–	✓	A	✓	✓	
Emergency Shelter		–	✓	A	✓	✓	
Libraries	Special	–	✓	✓	A	✓	
Museums and Art Galleries	712 except 712130	–	✓	✓	A	✓	
Zoos, Aquariums, and Botanical Gardens	712130	–	✓	✓	✓	A	
Golf Courses and Country Clubs	713910	A	✓	✓	✓	A	
Sexually Oriented Entertainment	Special	–	–	CUP	CUP	–	Subject to standards provided in EMC 18.100.100
Gambling Industries	7132	–	A	A	✓	–	
Indoor Arts, Entertainment, and Recreation Activities, Other	Special	–	✓	✓	A	✓	
Outdoor Arts, Entertainment, and	Special	A	A	A	–	✓	

Legend (EMC 18.70.040(A))		Residential 1	Commercial	Business Park	Industrial	Public	Notes
✓	Permitted Use						
–	Prohibited Use						
A	Requires AUP						
CUP	Requires CUP						
Land Use Category	NAICS Code	R-1	C	BP	I	P	All Uses Subject to Conditions 1 and 6
Recreation Activities, Other							
Hotels (except Casino Hotels) and Motels	721110	–	✓	CUP	–	–	
Bed-and-Breakfast Inns	721191	A	✓	A	–	–	
Short-term Rentals	Special	A	✓	–	–	–	
RV Parks and Recreational Camps	7212	A	–	–	A	–	
Special Food Services	7223 except 722330	–	✓	✓	✓	✓	Allowed as incidental use in residential districts
Mobile Vendors	722330	A	✓	✓	✓	✓	In R-1, R-2, and MR-1, only permitted within 600 feet of a street corner and fronting on a Collector or Arterial road.
Drinking Places for Alcoholic Beverages	722410	A	✓	✓	✓	✓	Subject to regulation and classification by the Washington State Liquor and Cannabis Board. In R- 1, R-2, and MR-1, only permitted within 600 feet of a street corner and fronting

Legend (EMC 18.70.040(A)) ✓ Permitted Use – Prohibited Use A Requires AUP CUP Requires CUP		Residential 1	Commercial	Business Park	Industrial	Public	Notes
Land Use Category	NAICS Code	R-1	C	BP	I	P	All Uses Subject to Conditions 1 and 6
							on a Collector or Arterial road.
Restaurants, Full Service	722511	A	✓	✓	✓	✓	In R-1, R-2, and MR-1, only permitted within 600 feet of a street corner and fronting on a Collector or Arterial road.
Restaurants, Limited Service	722513; 722514	A	✓	✓	✓	✓	Subject to compliance with drive-up windows (special) use, if also applicable. In R- 1, R-2, and MR-1, only permitted within 600 feet of a street corner and fronting on a Collector or Arterial road.
Snack and Nonalcoholic Beverage Bars	722515	A	✓	✓	✓	✓	Subject to compliance with drive-up windows (special) use, if also applicable. In R- 1, R-2, and MR-1, only permitted within 600 feet of a street corner and fronting on a Collector or Arterial road.
Personal Care Services	8121; 812310; 8123200	A	✓	✓	✓	–	In R-1, R-2, and MR-1, only permitted within 600 feet of a street corner and

Legend (EMC 18.70.040(A))		Residential 1	Commercial	Business Park	Industrial	Public	Notes
✓	Permitted Use						
–	Prohibited Use						
A	Requires AUP						
CUP	Requires CUP						
Land Use Category	NAICS Code	R-1	C	BP	I	P	All Uses Subject to Conditions 1 and 6
							fronting on a Collector or Arterial road.
Automotive Oil Change and Lubrication Shops	811191	–	A	A	✓	–	
Car Washes	811192	–	✓	✓	✓	–	
Automotive Repair and Maintenance, All Other	All Other 8111	–	A	A	✓	–	
Other Repair and Maintenance, Consumer	811 except 8111	–	A	A	✓	–	
Other Repair and Maintenance, Commercial/Industrial	811 except 8111	–	–	A	✓	–	
Funeral Homes and Funeral Services	812210	A	A	A	✓	–	In R-1, R-2, and MR-1, only permitted within 600 feet of a street corner and fronting on a Collector or Arterial road.
Crematoria	812220, part	–	–	CUP	CUP	–	
Kennels	Special	–	A	A	A	CUP	

Legend (EMC 18.70.040(A)) ✓ Permitted Use – Prohibited Use A Requires AUP CUP Requires CUP		Residential 1	Commercial	Business Park	Industrial	Public	Notes
Land Use Category	NAICS Code	R-1	C	BP	I	P	All Uses Subject to Conditions 1 and 6
Veterinary Services	541940	A	✓	✓	A	A	Only permitted in residential zones and MR-1 as an accessory use to a primary residential use.
Pet Care Services, All Other	812910, part	A	✓	✓	A	–	Only permitted in residential zones and MR-1 as an accessory use to a primary residential use.
Cemeteries	812220, part	A	–	–	–	CUP	
Religious Institution Up to 10,000 sq. ft.	813110, Assembly Only	✓	✓	✓	✓	✓	
Religious Institution 10,000 to 19,999 sq. ft.	813110, Assembly Only	✓	✓	✓	–	CUP	
Religious Institution 20,000 to 29,999 sq. ft.	813110, Assembly Only	A	✓	✓	–	CUP	
Religious Institution 30,000 to 39,999 sq. ft.	813110, Assembly Only	CUP	✓	✓	–	CUP	

Legend (EMC 18.70.040(A)) ✓ Permitted Use – Prohibited Use A Requires AUP CUP Requires CUP		Residential 1	Commercial	Business Park	Industrial	Public	Notes
Land Use Category	NAICS Code	R-1	C	BP	I	P	All Uses Subject to Conditions 1 and 6
Religious Institution 40,000 sq. ft. or greater	813110, Assembly Only	–	CUP	✓	–	CUP	
Correctional Institutions	922140	–	CUP	CUP	–	CUP	
Administrative Public Facility	92 except 922140	–	✓	✓	✓	✓	
Nonadministrative Public Facility	Special	–	–	–	–	A	Activities with Outside Storage also subject to EMC 18.90.120
Parks, Open Space, and Public Recreation	Special	✓	✓	✓	A	✓	
Parking Lots	812930, part	–	A	–	CUP	CUP	
Parking Structures	812930, part	–	A	–	A	A	
Drive-Up Windows	Special	–	✓	A	✓	-	Window shall not face a public ROW and facility must be screened from ROW
Outside Displays	Special	–	✓	✓	✓	✓	Activities also subject to EMC 18.95.030(I)

Legend (EMC 18.70.040(A)) ✓ Permitted Use – Prohibited Use A Requires AUP CUP Requires CUP		Residential 1	Commercial	Business Park	Industrial	Public	Notes
Land Use Category	NAICS Code	R-1	C	BP	I	P	All Uses Subject to Conditions 1 and 6
Outside Storage	Special	–	–	CUP	A	See Note	Allowed as incidental use in Public district. Activities also subject to EMC 18.90.120



CITY OF EDGEWOOD STAFF REPORT PLANNING COMMISSION AGENDA ITEM

Date: September 8, 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 4.b, the PC held their initial discussion regarding the WWH Overlay Draft Land Use Study tonight. Staff suggests waiting for the WWH Overlay recommendation(s) before acting further 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 (COMPLETE)

September 8, 2025 – Planning Commission Discussion with WWH Overlay Draft Land Use Study

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 the results of 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.

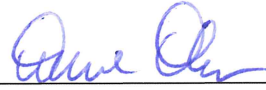
Section 6. Transmittal to Commerce. Pursuant to RCW 36.70A.106, the Community Development Director is hereby directed to transmit this ordinance to the Washington State Department of Commerce for review, as may be required or desired.

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.



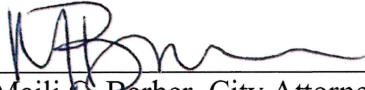
Dave Olson, Mayor

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).

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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 known or 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 a critical areas report pursuant to EMC 14.10.080 and any other ~~the materials as~~ 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. ~~A~~ Critical areas 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 including a critical areas report pursuant to EMC 14.10.080 and any other ~~es 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.~~

D.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.

~~EF~~. 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.

~~FG~~. 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.~~

~~GH~~. 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 or 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~~y~~ 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.

4~~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.

5. 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.

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

75. 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.

86. 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.~~

H1. Time Limitations.

~~1. Expiration of Approval.~~

1a. 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.

2b. The approval shall be considered null and void upon expiration, unless a time extension is requested and granted as set forth in ~~subsection (I)(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.~~

I. ~~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; from the edge of the critical area itself where no buffers are required, ~~the edge of the critical area~~ for the following critical areas: wetlands, fish and wildlife habitats, landslide, seismic and erosion 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 estimated~~ 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.~~

H. 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.~~

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

~~c~~d. 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~~e. 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. Unless otherwise excepted herein, t~~The~~ applicant shall submit a critical areas report for review and approval prior to activity as required per EMC 14.10.050~~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 any 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 the 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 and/or critical area are proposed, ~~the report shall provide~~ all the requirements listed in EMC 14.10.090, Mitigation Plans:

107. A statement specifying the accuracy of the report, and all assumptions made and relied upon;

118. A discussion of the performance standards applicable to ~~the~~each critical area and the proposed development;

129. A mitigation plan in accordance with EMC 14.10.090, if mitigation is required; and

130. Any additional report information required for the critical areas as specified herein and subsequent chapters of this Title.

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 , 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 , 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.~~

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

D. In lieu of the criteria stated in subsection B, 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.

E. In lieu of the criteria stated in subsection B, 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.

F~~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 pursuant to EMC 3.35 ~~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), third-party peer review(s) by qualified consultants, and other work prepared in support of or necessary to review the application, pursuant to EMC 3.35.030. ~~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 ~~shall~~ may be assessed pursuant to EMC 3.35.090 ~~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.~~

~~2~~3. 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.

~~Red Strikeout~~ = Text Removed

Blue Text = Text Added

**Chapter 14.20
DEFINITIONS
Draft Amendments**

Sections:

~~14.20.010 Definitions.~~

14.20.010 General Definitions.

A. This title relies on the definitions contained in Chapter 18.20 EMC, Definitions. Any word or phrase not contained in this chapter ~~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.~~

B1. For any word or term not defined in this chapter ~~herein~~, the city hereby adopts by reference the definitions stated in WAC 197-11-700 through 197-11-799, as now codified or hereafter amended, and the latest edition of Webster's Dictionary ~~shall be used.~~

C2. The director, or their designee, has the final authority to determine the interpretation or usage of terms used in this chapter.

14.20.020 Additional terms defined.

~~B.~~ Additional terms ~~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.

"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 "critical aquifer recharge area" definition

~~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 365-195-925WAC, 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.

“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.

“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

~~29-~~“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.

~~30-~~“DRASTIC” is an acronym for a computer model developed by the National Water Well Association and Environmental Protection Agency used to measure aquifer susceptibility.

~~31-~~“Earth material” means naturally occurring rock, soil, stone, sediment, or combination thereof.

~~32-~~“Earthflow” means a slow downslope movement of viscous, saturated sediments.

~~33-~~“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).

~~34-~~“Encroachment” means development or regulated activity conducted inside the boundaries of any critical areas or buffers.

~~35-~~“Engineer” -A is as defined by Chapter 18.43 RCW.

~~36-~~“Engineering geologist” means a geologist who has met the qualifications in engineering geology established under Chapter 18.220 RCW.

~~37-~~“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.

~~38-~~“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.

~~39-~~“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.

~~40-~~“Filling” means the act of placing fill or fill material on any surface, including temporary stockpiling of fill material.

~~41-~~“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.

~~42-~~“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.

~~43-~~“Flood hazard areas” means areas designated pursuant to the provisions contained in Chapter 14.80 EMC.

~~44-~~“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).

~~45-~~“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.

~~46~~–“Floodplain” or “flood-prone area” means any land area susceptible to being inundated by water from any source. See “flood” or “flooding.”

~~47~~–“Floodplain administrator” means the community official designated by title to administer and enforce the floodplain management regulations.

~~48~~–“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.

~~49~~–“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.”

~~50~~–“Fluvial processes” means the physical interaction of flowing water and the natural channels of rivers and streams.

~~51~~–“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.

~~52~~–“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.

~~53~~–“Geologist” means an engineering geologist or hydrogeologist that is registered in the state of Washington.

~~54~~–“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.

~~55~~–“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.

~~56~~–“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.

~~57~~–“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.

~~58.~~ “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.

~~59.~~ “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.

~~60.~~ “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;~~

~~c. 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.~~

~~61.~~ “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.

~~62.~~ “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.

~~63.~~ “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.

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

“Lakes” means impoundments of open water 20 acres or larger in size.

~~64.~~ “LiDAR” means an acronym that stands for light detection and ranging imaging.

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

~~65.~~ “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.

~~66.~~ “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).

~~67.~~ “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.

“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).

“Mitigation Sequence” means a prescribed order of steps taken to reduced impacts of activities on critical areas. Mitigation sequencing order is provided in EMC 14.10.070(B).

“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.

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

~~68.~~ “Mudflow” means a debris flow containing an abundance of fine particles.

~~69.~~ “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.

~~70.~~ “Natural resource lands” means agricultural and mineral resource lands, which have long-term commercial significance.

~~71.~~ “New construction” means structures for which the start of construction commenced on or after the effective date of the ordinance codified in this title.

“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.

“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.

“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.

“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).

“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).

~~72.~~ “Professional engineer” means an engineer currently licensed and registered in the state of Washington.

~~73.~~ “Regulated Activities” ~~See~~ means as defined under EMC 14.30.020.

~~74.~~ “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.

~~75.~~ “RCW” is an acronym that stands for Revised Code of Washington.

~~76.~~ “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.~~

“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.

~~77.~~ “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.

~~78.~~ “Sensitive areas” means agricultural lands and mineral resource lands and all associated buffers.

~~79.~~ “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.

~~80.~~ “Site” means a lot, parcel, tract, or combination of lots, parcels, or tracts on which a regulated activity is proposed.

“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.

~~81.~~ “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.

~~82.~~ “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.

~~83~~–“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.

~~84~~–“Species of local importance” means species that are of local concern due to their population status or their sensitivity to habitat manipulation.

~~85~~–“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.

“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.

~~86~~–“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.

~~87~~–“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.

~~88~~–“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.

~~89~~–“Toe of slope” means a distinct topographic break in slope at the lowermost limit of the landslide or erosion hazard area.

~~90~~–“TPCHD” is an acronym that stands for the Tacoma-Pierce County health department.

~~91~~–“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.

~~92~~–“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.

~~93-~~“View corridor” means an area which affords views of lakes, mountains, or other scenic amenities normally enjoyed by residential property owners.

~~94-~~“Violation” means a condition that is not compliant with this title. See Chapter 1.10 EMC for penalties.

~~95-~~“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.~~

~~96-~~“WAC” is an acronym that stands for the Washington Administrative Code.

“Water typing” or “water type” means a system for classifying water bodies according to their size and fish habitat characteristics. The Washington Department of Natural Resources Forest Practices Water Typing classification system (WAC 222-16-030) defines four water types:

1. Type “S”: Streams that are designated “shorelines of the state,” including marine shorelines.
2. Type “F”: Streams that are known to be used by fish or meet the physical criteria to be potentially used by fish.
3. Type “Np”: Nonfish Perennial streams.
4. Type “Ns”: Nonfish Seasonal streams.

“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.

~~97-~~“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.

~~98-~~“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 city. ~~;~~

~~99-~~“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).

~~100-~~“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.

~~101.~~ “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.

~~102.~~ “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.

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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 containing 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. Activities which result in adverse changes in water temperature or physical or chemical characteristics of wetland and stream water sources, including changes in quantity of water and pollutant level;

8. Application of pesticides, fertilizers, and/or other chemicals unless demonstrated not to be harmful to the regulated area and applied in compliance with labeled uses and restrictions;

97. The division or redivision of land pursuant to Title 16;

108. The creation of hard surfaces; and

119. 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.~~

~~c. 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 paths from a non-multifamily residential dwelling to a wetland or fish and wildlife habitat conservation area is allowed if the path is limited to 5 feet in width, no fill is placed within 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~~ 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.

~~14.3~~ 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).

~~15.4~~ 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 sStructures 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.

BE. 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.

CD. 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;~~
12. There is no other reasonable use with less impact on the critical area(s) and associated buffer(s); and
23. 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
34. Any alterations permitted to the critical area or its buffer shall be the minimum necessary to allow for reasonable use of the property; and
45. 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

56. 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.

67. 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.

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

89. 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.

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

C. 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.

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**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. [Additional resources include National Wetlands Inventory \(NWI\) from the United States Fish and Wildlife Inventory, the Priority Habitat and Species Map \(Washington Department of Fish and Wildlife\), FEMA Firm and Flood Insurance Maps, hydric soils identified in Soil Surveys, etc.](#)
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). Please note that wetlands located in closed depression basins as mapped by the city in the adopted Comprehensive Surface Water Management Plan are considered important for improving water quality for the purposes of Question D3.3.

E. Illegal Modifications. Wetland rating categories shall not change due to illegal modifications made by the applicant or with the applicant's knowledge.

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 wetland rating system identified in EMC 14.40.020(D). 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~~ all the following criteria are met:

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

i. A legally protected, relatively undisturbed and vegetated area (e.g., Priority Habitats, compensatory mitigation sites, wildlife areas/refuges, 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 legally protected area by a conservation easement, deed restriction, or other legal site protection mechanisms.

c. Presence or absence of the 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 become a 100-foot buffer without the wetland impact mitigation measures to ensure no net loss of wetland functions.

**Table 14.40.030.1
Buffer Standards – Wetlands**

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)			
	<u>Habitat Score 3-5</u>	<u>Habitat Score 6-7</u>	<u>Habitat Score 8-9</u>	<u>Buffer width based on special characteristics</u>
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. <u>N/A</u>	190 ft. <u>N/A</u>	190-225 ft.	225 ft. <u>190 ft.</u>
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. <u>N/A</u>
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. <u>N/A</u>

~~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	<u>Activities and Uses That Cause Disturbances</u>	Required Measures to Minimize Impacts
Lights	<u>Parking lots</u> <u>Commercial/industrial uses</u>	Direct lights away from any wetland

Disturbance	Activities and Uses That Cause Disturbances	Required Measures to Minimize Impacts
	• Residential uses • Recreation (e.g., athletic fields) • Agricultural buildings	• Only use lighting when necessary for public safety, and keep lights off when not needed • Use motion-activated lights where feasible • Use full cut-off filters to cover light bulbs and direct light only where needed • Limit use of blue-white colored lights in favor of red-amber hues • Use lower-intensity LED lighting • Dim light to the lowest acceptable intensity
Noise	• Commercial • Industrial • Recreation (e.g., athletic fields, bleachers, etc.) • Residential • Agriculture	• 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 wetland buffer • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source
Toxic runoff	• Parking lots • Roads • Commercial/industrial • Residential areas • Application of pesticides • Landscaping • Agriculture	• 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 <i>These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.</i>
Stormwater runoff	• Parking lots • Roads • Residential areas • Commercial/industrial • Recreation • Landscaping/lawns • Other impermeable surfaces, compacted soil, etc. • Retrofit storm water detention and treatment for roads and existing adjacent development	• Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • Infiltrate or treat, detain, and disperse new runoff from impervious surfaces and lawns • Use low impact development (LID) techniques (for more information refer to the drainage ordinance and manual) • Use low impact development techniques
Change in water regime		• Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	• Residential areas • Recreation	• 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 • Place signs around the wetland buffer every 50 feet and at the back of each residential lot in a subdivision
Dust	• Tilled fields • Roads	• 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 at the sole discretion of the Director.~~

1. Buffer Averaging. Buffer width averaging requests shall ~~Buffer width averaging~~ may be allowed only where the applicant demonstrates all of the following in the critical areas report required pursuant to EMC 14.10.080-
~~through the submittal of a wetland report that is prepared by a qualified professional:~~

- No feasible alternatives to the site design could be accomplished without buffer averaging. ~~Buffer encroachment is unavoidable;~~
- 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 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 (i.e. no net loss);

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;

f. 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

g. ~~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~~-director 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.

Wetland Category	Buffer Width (Wetland scores 3-4 habitat points)			
	Buffer Width (Wetland scores 5 habitat points)			
Category III (all)	Buffer Width (Wetland scores 6-7 habitat points)			
	Buffer Width (Wetland scores 8-9 habitat points)			
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 may be exempt from these regulations, as determined by the Department. Functionally and effectively disconnected means that the road or other significant development blocks the protective measures and support functions 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 areas report pursuant to EMC 14.10.080 to analyze and document the buffer functionality.

14.40.040 Wetland review procedures.

A. ~~Wetland Report Requirements~~ Standard Wetland Review. 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 pursuant to EMC 14.10.080,~~ prepared by a qualified wetland specialist and meeting the requirements of EMC 14.40.070. 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. One-Family Dwelling Wetland Review. ~~A~~ in lieu of the critical areas report required under EMC 14.10.080, an application for a one-family dwelling in which no encroachment into a regulated wetland or wetland buffer is proposed may utilize the following 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 one-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 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 300 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 one-family certification form may be used only to authorize one-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 one-family form may not be used to make a claim for exemption under EMC 14.30.030.

4. The one-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 one-family certification form and all associated mitigation imposed by the Department.

6. If wetlands or their associated buffers are determined to be on-site or within 300 feet of the project area, the one-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.

Upon submittal of a critical areas report pursuant to EMC 14.40.040(A), the following activities may be allowed:

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 64,000 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~~six or more points for habitat functions based on current version of the Washington State Wetland Rating System for Western Washington (Ecology, 2014), or as revised and approved by Ecology;

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.

~~23.~~ All Category III wetlands less than 2,000 square feet that meet the criteria specified in subsection (A)(1) of this section.

~~32.~~ Wetlands less than 1,000 square feet that meet the criteria specified in subsection (A)(1) of this section.

~~43.~~ 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 following 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.

4. Passive recreation facilities.

a. Walkways and trails, provided they are limited to minor crossings having no adverse impact on water quality. They should be generally parallel to the perimeter of the wetland, located only in the outer 25 percent of the wetland buffer area, and located to avoid removal of significant trees. They should be limited to pervious surfaces no more than 5 feet in width and designed for pedestrian use only. Raised boardwalks utilizing nontreated pilings shall be acceptable.

b. Wildlife-viewing structures.

14.40.060 Mitigation requirements.

A. Mitigation. Compensatory mitigation is required for all unavoidable alterations to wetlands and/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~~ and the mitigation sequencing in EMC 14.10.070. ~~(B) prior to development of compensatory mitigation plans.~~

B. Requirements for Compensatory Mitigation.

1. Compensatory mitigation for alterations to wetlands shall be used only for impacts that cannot be avoided or minimized and shall achieve equivalent or greater biologic functions. Compensatory mitigation plans shall be consistent with Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans – Version 1, (Ecology Publication No. 06-06-011b, Olympia, WA, March 2006, or as revised), and

Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington) (Publication No. 09-06-32, Olympia, WA, December 2009).

2. Mitigation ratios shall be consistent with subsection F of this section.

3. Mitigation requirements may also be determined using the credit/debit tool described in Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Final Report (Ecology Publication No. 10-06-011, Olympia, WA, March 2012, or as revised) consistent with subsection I of this section.

~~CB. Preference of Compensatory Mitigation-Actions. Mitigation for wetland and buffer impacts shall rely on a method listed below in order of preference. A lower-preference form of mitigation shall be used only if the applicant's qualified wetland professional demonstrates to the Director's satisfaction that all higher-ranked types of mitigation are not viable, consistent with the criteria in this section.~~
~~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~~ Examples activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland

2. Establishment (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 ~~area and functions~~ 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.

a. If a site is not available for wetland restoration to compensate for expected wetland and/or buffer impacts, the Director may authorize establishment of a wetland and buffer upon demonstration by the applicant's qualified wetland professional that:

i. The hydrology and soil conditions at the proposed mitigation site are conducive for sustaining the proposed wetland and that establishment of a wetland at the site will not likely cause hydrologic problems elsewhere;

ii. Adjacent land uses and site conditions do not jeopardize the viability of the proposed wetland and buffer (e.g., due to the presence of invasive plants or noxious weeds, storm water runoff, noise, light, or other impacts); and

iii. The proposed wetland and buffer will eventually be self-sustaining with little or no long-term maintenance.

iv. The proposed wetland would not be established at the cost of another high-functioning habitat (i.e., ecologically important uplands).

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.

Applicants proposing to enhance wetlands and/or associated buffers shall demonstrate how the proposed enhancement will increase the wetland and/or buffer functions, how this increase in function will adequately compensate for the impacts, and how existing wetland functions at the mitigation site will be protected.

4. Preservation (Protection/Maintenance). The removal of a threat to, or preventing the decline of, wetlands by an action in or near those wetlands. This term includes activities commonly associated with the protection and maintenance of wetlands through the implementation of appropriate legal and physical mechanisms such as recording conservation easements and providing structural protection like fences and signs. Preservation does not result in a gain of aquatic resource area or functions but may result in a gain in functions over the long term. Preservation of a wetland and associated buffer can be used only if:

- a. The Director determines that the proposed preservation is the best mitigation option;
- b. The proposed preservation site is under threat of undesirable ecological change due to permitted, planned, or likely actions that will not be adequately mitigated under existing regulations;
- c. The area proposed for preservation is of high quality or critical for the health and ecological sustainability of the watershed or sub-basin. Some of the following features may be indicative of high-quality sites:
 - i. Category I or II wetland rating.
 - ii. Rare or irreplaceable wetland type (e.g., peatlands, mature forested wetland, estuaries, vernal pools, alkali wetlands) or aquatic habitat that is rare or a limited resource in the area.
 - iii. The presence of habitat for threatened or endangered species (state, federal, or both).
 - iv. Provides biological and/or hydrological connectivity to other habitats.
 - v. Priority sites identified in an adopted watershed plan.
- d. Permanent preservation of the wetland and buffer shall be provided through a legal mechanism such as a conservation easement or tract held by an appropriate natural land resource manager/land trust.
- e. The Director may approve another legal and administrative mechanism in lieu of a conservation easement if it is determined to be adequate to protect the site.

D. Location of Compensatory Mitigation. Compensatory mitigation actions shall generally be conducted within the same sub-drainage basin and on the site of the alteration except when the applicant can demonstrate that off-site mitigation is ecologically preferable. When considering off-site mitigation, preference should be given to using alternative mitigation, such as a mitigation bank, an in-lieu fee program, or advance mitigation. The following criteria will be evaluated when determining whether the proposal is ecologically preferable.

1. There are no reasonable opportunities on site or within the sub-drainage basin, or opportunities on site or within the sub-drainage basin do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts. Considerations should include: anticipated replacement ratios for wetland mitigation, buffer conditions and required widths, available water to maintain anticipated hydrogeomorphic class(es) of wetlands when restored, proposed flood storage capacity, and potential to mitigate riparian fish and wildlife impacts (such as connectivity);
2. On-site mitigation would require elimination of high-quality upland habitat;
3. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the altered wetland;

4. Off-site locations shall be in the same sub-drainage basin unless:

a. Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the city and strongly justify location of mitigation at another site; or

c. Fees are paid to an approved in-lieu fee program to compensate for the impacts;

5. The design for the compensatory mitigation project needs to be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation, restoration, or enhancement of an atypical wetland.

~~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.~~

E. Timing of Compensatory Mitigation. It is preferred that compensatory mitigation projects be completed prior to activities that will impact wetlands. At the least, compensatory mitigation shall be completed immediately following disturbance and prior to use or occupancy of the action or development. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.

1. The director may authorize a one-time temporary delay in completing construction or installation of the compensatory mitigation when the applicant provides a written explanation from a qualified wetland professional as to the rationale for the delay. An appropriate rationale would include identification of the

environmental conditions that could produce a high probability of failure or significant construction difficulties (e.g., project delay lapses past a fisheries window, or installing plants should be delayed until the dormant season to ensure greater survival of installed materials). The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the delay shall not be injurious to the health, safety, or general welfare of the public. The request for the temporary delay must include a written justification that documents the environmental constraints that preclude implementation of the compensatory mitigation plan. The justification must be verified and approved by the city.

F. Wetland Mitigation Ratios. When regulated activities occur in wetlands, the applicant shall compensate for any loss of acreage or function. Equivalent areas shall be determined according to acreage, functional value, type, location, time factors, and projected success. No overall net losses shall occur in wetland acreage, functions and/or values, and any restored, created, or enhanced wetland shall be as persistent as the wetland it replaces.

1. When an applicant proposes to alter or eliminate wetland(s), compensation shall be provided based on the ~~The~~ mitigation 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/ <u>Preservation</u>
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

G. Impacts to buffers shall be mitigated at a minimum 1:1 ratio.

H. Credit/Debit Method. To more fully protect functions and values, and as an alternative to the mitigation ratios found in the joint guidance Wetland Mitigation in Washington State Part I (version 2) and II (Ecology Publication No. 21-06-003 and 06-06-011b, or as revised), the administrator may allow mitigation based on the “credit/debit” method developed by the Department of Ecology in Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Final Report (Ecology Publication No. 10-06-011, Olympia, WA, March 2012, or as revised).

I. In-lieu fee (ILF) mitigation. Credits from an approved in-lieu fee program may be approved for use as compensation for unavoidable impacts to wetlands when:

1. The Director determines that it would provide appropriate compensation for the proposed impacts and the ILF program bank has been locally approved for use/certified by the city.
2. The proposed use of credits is consistent with the terms and conditions of an ILF program approved by the Interagency Review Team.
3. Projects using ILF credits shall have debits associated with the proposed impacts calculated by the applicant’s qualified professional or using the credit assessment method specified in the approved ILF program

J. Protection of the Mitigation Site. The mitigation areas and associated buffer shall comply with EMC 14.70.010. This includes placing these areas into a separate tract or conservation easement.

K. Mitigation Monitoring. Mitigation monitoring shall be required for a period necessary to establish that performance standards have been met, but not for a period less than five years. If a scrub-shrub or forested vegetation community is proposed, monitoring may be required for 10 years or more. The mitigation plan shall include monitoring elements that ensure success for the wetland and buffer functions. If the mitigation goals are not attained within the initially established monitoring period, the applicant remains responsible for managing the mitigation project until the goals of the mitigation plan are achieved.

~~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).~~

14.40.070 ~~Appendices~~ Additional critical area report requirements.

~~A. Wetland Report.~~

~~B. Wetland Mitigation Plan.~~

~~APPENDIX A~~

~~WETLAND REPORT~~

~~A. A Wetland Report. In addition to the general critical areas report requirements contained in EMC 14.10.080, wetland critical areas report shall, at a minimum, include the following shall be included:~~

- ~~1. The general critical areas report requirements in EMC 14.10.080;~~

12. A site map setting forth all of the following:

- a. Surveyed wetland boundaries based upon a delineation by a wetland specialist;-
- b. Wetlands and buffers offsite, within 300 feet of the site boundaries, are also to be discussed and shown in as much detail as possible;-
- c. Site boundary property lines and roads;-
- d. A north arrow and scale;
- e. Internal property lines, rights-of-way, easements, etc.;
- f. Existing physical features of the site including buildings, fences, and other structures, roads, parking lots, utilities, water bodies, etc.;
- g. Contours at the smallest readily available intervals, preferably at 2-foot intervals;
- h. Hydrologic mapping showing patterns of surface water movement and known subsurface water movement into, through, and out of the site area; and
- i. Location of all test holes and vegetation sample sites, and wetland boundary flags numbered to correspond with flagging in the field and field data sheets.

~~2. Map showing the location of all wetlands and required buffers within 300 feet of the proposed development;~~

23. 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 the presence of threatened, endangered, candidate, or priority habitat and species; 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;~~

~~345.~~ A detailed discussion of the direct and/or indirect potential impacts on the wetland by the project; and

~~476.~~ The wetland mitigation plan requirements of subsection ~~Appendix~~ B of this section, if the activity will result in unavoidable impacts to wetlands or their buffers.

APPENDIX B

WETLAND MITIGATION PLAN

BA. Wetland Mitigation Plan. 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).

EDGEWOOD
Washington
Critical Areas
Wetland Map



Legend

Wetlands and Buffers

-  Potential
-  Confirmed
-  Wetland Buffer



0 0.5 1 2
Miles

Chapter 14.50

~~CRITICAL~~ FISH AND WILDLIFE HABITAT CONSERVATION AREAS

Sections:

- 14.50.010 Purpose.
- 14.50.020 ~~Fish and wildlife habitat conservation area identification and classification.~~ Designation of fish and wildlife habitat areas.
- 14.50.030 Buffer standards – Fish and wildlife habitat conservation areas.
- 14.50.040 Fish and wildlife habitat conservation area review procedures.
- 14.50.050 Allowed activities.
- 14.50.060 Alteration of watercourses.
- 14.50.070 Mitigation requirements.
- 14.50.080 Appendix.

14.50.010 Purpose.

Many land use activities can impact the habitats of fish and wildlife. Special care must be taken in the management of lands that support fish and wildlife species to ensure that development occurs in a manner that is sensitive to their habitat needs. The purpose of this chapter is to identify fish and wildlife habitat conservation areas and establish habitat protection procedures and mitigation measures that are designed to result in no net loss of habitat functions and values. These areas are necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-080(5).

14.50.020 Designation of fish and wildlife habitat areas~~Fish and wildlife habitat conservation area– identification and classification.~~

A. General. Fish and wildlife habitat conservation areas are defined in EMC 14.20.020.

~~B.~~A. Designation. Fish and wildlife habitat conservation areas include:

1. Designated critical habitat for federally or state-listed endangered, threatened, or sensitive species of fish, wildlife, or plants (specified in 50 CFR 17.11 and 17.12, WAC 220-610-010 and 220-610-110);
2. Areas containing priority habitat and species as identified by the Washington State Department of Fish and Wildlife (WDFW) Priority Habitat and Species (PHS) and Department of Natural Resources (DNR) Species Lists under the Natural Heritage program. These are also considered habitat and species of local importance.
3. Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish and wildlife habitat;
4. The portion of the special flood hazard area within 200 feet of the OHWM of any lake, river or stream;
5. Waters of the state, including all water bodies classified by the Washington State Department of Natural Resources water typing classification system as detailed in WAC 222-16-030, together with associated riparian areas;
6. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;
7. State natural area preserves and natural resource conservation areas and state wildlife areas as designated by either DNR or WDFW;

~~Waters of the State. Waters of the state include lakes, rivers, ponds, streams, and all other surface waters and watercourses within jurisdiction of the state of Washington, as classified in WAC 222-16-030.~~

~~2. Areas with which federally designated endangered, threatened, and sensitive species have a primary association. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted for current federal listing status.~~

~~3. Areas with which state designated endangered, threatened, and sensitive species have a primary association. The Washington Department of Fish and Wildlife should be consulted for current state listing status.~~

~~4. State priority habitats and areas associated with state priority species. The Washington Department of Fish and Wildlife should be consulted for current listing of priority habitats and species.~~

~~5. Habitats of and Species of Local Importance. The following fish and wildlife species and their associated habitat areas shall be regulated under this chapter:~~

~~a. Fish. Coho salmon (*Oncorhynchus kisutch*), pink salmon (*Oncorhynchus gorbuscha*), chum salmon (*Oncorhynchus keta*), cutthroat trout (*Oncorhynchus clarkia*), and steelhead (*Oncorhynchus mykiss*).~~

~~b. Birds. Great blue heron (*Ardea herodias*) and green heron (*Butorides virescens*).~~

~~c. Areas with which state listed monitor or candidate fish or wildlife species or federally listed candidate fish or wildlife species have a primary association, and which if altered may reduce the likelihood that the species will survive and reproduce over the long term.~~

~~d. Heron rookeries.~~

86. Areas Not Included. Fish and wildlife habitat conservation areas do 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.

~~B. Habitat Boundary Survey. If the department determines that a regulated habitat conservation area may be present within the project vicinity, the department may require the habitat area to be delineated and/or mapped by a qualified fisheries biologist or wildlife biologist who is knowledgeable of fish and wildlife habitat within western Washington, or by the Washington Department of Fish and Wildlife. The boundary of aquatic habitats shall be the ordinary high water mark of the water body. The management recommendations for Washington's priority habitats and species or federal equivalent should be used as a tool for identifying and delineating wildlife habitat boundaries. The city may waive this requirement if there is adequate information available on the area proposed for development to determine the impacts of the proposed development and appropriate mitigating measures.~~

C. Mapping. The approximate location and extent of waters of the state and fish presence within the city are shown on maps maintained by the city. The city shall update the maps periodically as new information becomes available. The approximate location and extent of other fish and wildlife habitat conservation areas are shown on maps maintained by ~~the Washington Department of Fish and Wildlife~~ [WDFW](#) and other state and federal agencies. These maps are to be used as a guide and do not provide definitive information about fish and wildlife habitat conservation area size or presence. Fish and wildlife habitat conservation areas may exist that do not appear on the maps.

~~D. Waters of the State Classification. The city hereby adopts the water typing system specified in WAC 222-16-030, as described below:~~

~~1. Type S. All waters, within their ordinary high water mark, meeting the criteria as "shorelines of the state" and "shorelines of statewide significance" under Chapter 90.58 RCW. As of the effective date of this title, there are no Type S streams within the city's jurisdiction.~~

~~2. Type F. Segments of natural waters other than Type S waters, which are within the bankfull widths of defined channels and periodically inundated area of their associated wetlands, or within lakes, ponds, or impoundments having a surface area of 0.5 acre or greater at seasonal low water and which in any case contain fish habitat.~~

~~3. Type Np. All segments of natural waters within the bankfull width of defined channels that are perennial non fish habitat stream. Perennial stream waters do not go dry any time of a year of normal rainfall. However,~~

~~for the purpose of water typing, Type Np waters include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow.~~

~~4. Type Ns. All segments of natural waters within the bankfull width of the defined channels that are not Type S, F, or Np waters. These are seasonal, non-fish-habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np water. Ns waters must be physically connected by an aboveground channel system to Type S, F, or Np waters.~~

14.50.030 Buffer standards – Fish and wildlife habitat conservation areas.

A. Determining Buffer Widths. Buffers shall be required as set forth and provided in the critical areas report pursuant to EMC 14.10.080: ~~for each habitat type. The required buffers shall be delineated, both on a site plan or plat, and on the property prior to approval of any regulated activity.~~

1. ~~Aquatic-Riparian~~ Habitat Conservation Areas ~~Buffers.~~

a. Riparian Buffers, consisting of undisturbed native vegetation, shall be required along all waterbodies, as classified by the DNR water typing classification system (WAC 222-16-030).

b. The standard riparian buffer based on water typing classification is provided in Table 14.40.030.

Table 14.50.030
Buffer Standards

<u>Water Type</u>	<u>Buffer Width</u>
<u>Type F</u>	<u>100 ft.</u>
<u>Type Np</u>	<u>100 ft</u>
<u>Type Ns</u>	<u>100 ft</u>

b. The riparian buffer shall extend landward from the ordinary high-water mark (OHWM) of the regulated water body.

~~Buffers for aquatic habitat conservation areas shall be based upon the water type classification of the water body as specified in WAC 22-16-030. Refer to Table 14.50.030 for the water types and the associated buffer requirements.~~

b. ~~The required buffer width shall be measured in all directions from the ordinary high-water mark.~~

c. The required riparian protection area or buffer shall be extended to include any adjacent or overlapping regulated wetland(s), landslide hazard areas, and required buffers.

~~The required buffer shall be extended to include any adjacent regulated wetland, landslide hazard area, or erosion hazard area and their respective buffers.~~

2. ~~Nonaquatic-Nonriparian~~ Buffers ~~Habitat Conservation Areas.~~

a. Appropriate buffers for critical habitat areas and species not listed in Table 14.50.030 shall be determined on a case-by-case basis, based upon the needs of specific species or habitat area of study. The applicant shall identify these habitats and species in the critical area report pursuant to EMC 14.10.080. The Department will coordinate with WDFW in these instances to determine an appropriate buffer width and, when available, shall rely upon buffer widths specified in WDFW Priority Habitats and Species management recommendations. ~~shall be determined by the Washington Department of Fish and Wildlife or by a qualified wildlife biologist and documented in an approved habitat management plan.~~

Table 14.50.030

Buffer Standards

Water Type	Buffer Width ¹
Type S	150 ft. ²
Type F	100 ft.
Type Np	60 ft.
Type Ns	35 ft.

¹ In the event that buffers for any habitat conservation area or other critical area are contiguous or overlapping, the landward-most edge of all such buffers shall apply.

² As of the effective date of this title, there are no Type S streams within the city's jurisdiction.

B. Modification to Riparian or Nonriparian Buffer ~~Width Requirements~~. The standard buffer widths of subsection (A) of this section may be modified as follows:

1. Riparian and Nonriparian Buffer Averaging: Buffer width averaging allows certain portions of the buffer to be decreased if other portions of the buffer are increased. Buffer averaging may be approved by the Director when the applicant demonstrates all of the following in the critical area report required pursuant to EMC 14.10.080:

- a. No feasible alternatives to the site design or magnitude of the regulated activity could be accomplished without buffer averaging;
- b. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer;
- c. The buffer averaging does not reduce the functions or values of the riparian or nonriparian habitat;
- d. The buffer averaging will not increase the risk of slope failure or downslope stormwater drainage impacts.
- e. The site contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation; and
- f. The buffer width is not reduced to less than 75 feet of the standard width.

2. Administrative Riparian and Nonriparian Buffer ~~Width Reductions~~. Administrative buffer width reduction allows for all or portions of the buffer to be reduced to 75-feet without an equal increase in buffer. If the buffer is requested to be reduced below 75-feet, the reduction request must be processed under EMC 14.10.100 . The administrative buffer reduction may be approved by the Director when the applicant demonstrates the following in the critical areas report pursuant to EMC 14.10.080:

- a. There are no feasible alternatives, including buffer averaging, to the site design or development that could be accomplished without buffer reduction.
- b. The buffer reduction has been minimized by limiting the degree or magnitude of the regulated activity as demonstrated through mitigation sequencing analysis that complies with EMC 14.10.070.
- c. The buffer is not reduced below 75 feet.
- e. The buffer reduction is consistent with other buffer requirements under this title and will not increase the risk of slope failure or downslope stormwater drainage impacts.

f. The applicant demonstrates that the buffer reduction will not adversely impact the functions and values of the fish, wildlife and plant habitat based on the proposed use and site development proposed;

g. All applicable measures to minimize the potential impacts of different land uses on habitat functions, as summarized in EMC 14.40.030 Table 14.40.030.2, are applied to the development; and

h. The project includes a buffer enhancement plan as part of the mitigation required by EMC 14.50.070. The buffer enhancement plan shall include but not limited to planting of native trees or shrubs, increasing the diversity of plant cover types, replacing exotic or invasive species with native species, and reestablishing riparian area adjacent to a stream where one does not exist.

~~A buffer width reduction may be proposed through submittal of a habitat management plan. Buffer reductions of up to a maximum of 25 percent may be allowed when the applicant demonstrates the following circumstances:~~

~~a. Buffer encroachment is unavoidable.~~

~~b. The existing buffer is predominately unvegetated, composed of nuisance species, or is in an otherwise highly disturbed condition.~~

~~c. Buffer reduction with enhancement will provide equal or greater protection of current habitat functions and values and will not adversely affect salmon habitat.~~

~~d. The buffer reduction will not increase the risk of slope failure or downslope stormwater drainage impacts.~~

~~e. The minimum width of the buffer at any given point shall be at least 75 percent of the standard width, or 25 feet, whichever is greater.~~

~~f. The project includes a buffer enhancement plan as part of the mitigation required by EMC 14.50.070. The buffer enhancement plan shall use native plant species.~~

23. Buffer Width Increases. The ~~department~~ director may require increased buffer width(s) on a base-by-base basis when a wider buffer is necessary to protect habitat 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 habitat. The documentation shall include but not be limited to the following criteria: ~~any of the following are identified:~~

a. A larger buffer is necessary to maintain viable populations of existing species or protect the existing functions of the habitat area;

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

c. The adjacent land has minimal vegetative cover or slopes greater than 20 percent; or

d. The habitat area is in an area of high tree blow-down potential. In these cases the habitat area may be expanded an additional 50 feet on the windward side.

4. Functionally Disconnected Buffer Area. Areas that are functionally and effectively disconnected from the habitat area by an existing public or private road or legally established development may be exempt from these regulations, as determined by the Department. Functionally and effectively disconnected means that the road or other significant development blocks the protective measures and support functions 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 areas report pursuant to EMC 14.10.080 to analyze and document the buffer functionality.

14.50.040 Fish and wildlife habitat conservation area review procedures.

A. ~~Habitat Management Plan.~~ If the department's maps, sources, or field investigations indicate that the proposed project area is located within ~~300-215~~ feet of a known or suspected fish or wildlife habitat conservation area, then the applicant shall submit a ~~habitat management plan~~ critical area report pursuant to EMC 14.10.080 prepared by a qualified fisheries biologist or wildlife biologist and meeting the requirements of EMC 14.50.080. The report requirement ~~to provide a habitat conservation plan for habitat conservation areas~~ may be waived if the department determines that there are no potential direct or indirect impacts on designated species or habitats that would result from the proposed development activity. ~~Habitat management plans shall comply with the requirements established in EMC 14.50.080, Appendix.~~

14.50.050 Allowed activities.

A. The following activities may be permitted in fish and wildlife habitat conservation areas and/or their buffers upon submittal of a critical areas report pursuant to EMC 14.50.040 demonstrating all ~~when all~~ reasonable measures have been taken to avoid and mitigate adverse effects on species and habitats and a net loss of habitat functions will not occur. ~~In order to verify the following conditions, a habitat management plan meeting the requirements of EMC 14.50.080, Appendix, must be submitted.~~

1. Clearing and Grading. Clearing and grading activities shall be prohibited within a buffer or riparian protection area unless it is part of an authorized regulated activity or as otherwise allowed in these standards, the following shall apply:

a. Grading is allowed only during the designated dry season, which is typically regarded as beginning on May 1st and ending on October 1st of each year; provided, that the city may extend or shorten the designated dry season on a caseby-case basis, determined on actual weather and/or site conditions;

b. The soil duff layer shall remain undisturbed to the maximum extent possible. Where feasible, any soil disturbed shall be redistributed to other areas of the site;

c. The moisture-holding capacity of the topsoil layer shall be maintained by minimizing soil compaction or reestablishing natural soil structure and infiltrative capacity on all areas of the project area not covered by impervious surfaces.; and (d) Erosion and sediment control that meets or exceeds the standards set forth in the adopted stormwater management and city standards (Chapter 21.10 PMC) shall be provided

d. Erosion and sediment control that meet or exceeds the standards set forth in the adopted stormwater management standards shall be provided.

2. Stream Erosion Control Measures. New or replacement stream erosion control measures shall be subject to the following standards:

a. The proposal complies with the provisions set forth in Chapter 14.110 EMC.

b. The required habitat management plan demonstrates the following:

i. Natural stream processes will be maintained. The project will not result in ~~increased beach erosion or~~ alterations to, or loss of, stream substrate within one-quarter mile of the site.

ii. The stream erosion control measure will not adversely impact fish or wildlife habitat conservation areas or associated wetlands.

iii. Adequate mitigation measures, as set forth in EMC 14.50.070, are provided that ensure no net loss of riparian habitat or function occurs due to the proposed erosion control measure.

2. Docks ~~and Launching Ramps~~. Construction, reconstruction, repair, and maintenance of docks ~~and public or private launching ramps~~ are subject to all of the following:

a. The dock ~~or ramp~~ is located and oriented and constructed in a manner that minimizes adverse effects on water quality, movement of aquatic and terrestrial life, ecological processes, spawning habitat, and wetlands.

b. Docks and ramps shall meet or exceed all relevant state and federal permit requirements.

3. Roads, Trails, Bridges, and Rights-of-Way. Construction of trails, roadways, ~~bridges, and culverts~~ and minor road bridging may be allowed subject to the following standards:

a. There is no other feasible alternative route with less impact on the environment or has been approved by the City Council as part of a nonmotorized public trail system.

b. The crossing minimizes interruption of downstream movement of wood, ~~ice~~ and gravel, ~~and the movement of all fish and wildlife.~~

c. Stream crossings, where necessary, shall only occur as near to the perpendicular with the stream as possible and be limited to the minimum width necessary.

d. Road bridges and culverts are designed according to the latest versions of the ~~Washington Department of Fish and Wildlife~~ WDFW Water Crossing Design Guidelines (~~Washington Department of Fish and Wildlife~~) and the National Oceanic and Atmospheric Administration (NOAA) Guidelines for Salmonid Passage at Stream Crossings in Oregon, Washington, and Idaho, 2022, or as amended and approved by NOAA. ~~Anadromous Salmonid Passage Facility Design guidelines (National Marine Fisheries Service).~~

e. Trails and associated viewing platforms shall be made of pervious materials.

f. mitigation, pursuant to EMC 14.50.070, for impacts is provided.

4. Utility Facilities. New utility lines and facilities are permitted to cross habitat conservation areas if they comply with the following standards:

a. Avoid fish and wildlife habitat conservation areas to the maximum extent possible.

b. Cross at an angle greater than 60 degrees to the centerline of the channel in streams or perpendicular to the channel centerline whenever boring under the channel is not feasible.

c. Crossings are contained within the footprint of an existing road or utility crossing where possible.

d. Avoid paralleling the stream or following a down-valley course near the channel.

~~e. Do not increase or decrease the natural rate of shore migration or channel migration.~~

~~f. Bore beneath the scour depth and hyporheic zone of the water body and channel migration zone (CMZ) where feasible.~~

5. Public Flood Protection Measures. New public flood protection measures and expansion of existing facilities may be approved, subject to the department's review and approval of a habitat management plan.

6. Instream Structures. New instream structures (such as, but not limited to, high flow bypass, sediment ponds, instream ponds, retention and detention facilities, dams, weirs, etc.) shall be allowed only as part of an approved mitigation or restoration project or watershed basin plan approved by the department and upon acquisition of any required state or federal permits. The structure shall be designed to avoid modifying flows

and water quality in ways that may adversely affect critical fish species. Proposals for placement of water quality, water quantity, or other instruments or structures within a stream to gather data, or as a mitigation measure, shall be exempt from the provisions of this title upon review and approval by the department.

7. Stormwater ~~Conveyance~~ Facilities. Stormwater facilities, limited to detention/treatment ponds or vaults, media filtration facilities, Conveyance structures whose sole purpose is to convey stormwater already treated for quality, or water bypassed around water quality treatment facilities pursuant to an approved stormwater plan, may be constructed ~~subject to the following~~ standards:

- a. No other feasible alternatives with less impact on the critical area or buffer exist;
- b. Mitigation for impacts is provided;
- c. Stormwater conveyance facilities shall incorporate fish habitat features;
- d. Vegetation shall be maintained and, if necessary, added adjacent to all open channels and ponds in order to retard erosion, filter out sediments, and shade the water.
- e. The stormwater facility is designed according to city standards.

7. Wells and necessary appurtenances, including a pump and appropriately sized pump house, but not including a storage tank, when all the following conditions are met:

- a. There is no viable alternative to the well site outside of the buffer;
- b. The well is either an individual well serving only one residence or a Class B well serving a maximum of 15 connections and no more than 25 people;
- c. The pump house is a building with a ground area of less than 200 square feet; and
- d. The new well complies with federal Safe Drinking Water Act and State Department of Health requirements.

8. On-Site Sewage Systems ~~and Wells~~.

- a. ~~New on-site sewage systems and individual wells are permitted if accessory to an approved structure.~~ New on-site sewage systems may be permitted in a riparian buffer only if it is accessory to an approved residential structure and it is not required by code to connect to a public sanitary sewer system. Such systems shall be located outside of the stream buffers to the maximum extent possible. All on-site sewage systems must comply with the Washington State Department of Health and WAC 246-272A.
- b. Repairs to failing on-site sewage systems ~~associated with an existing structure~~ shall be accomplished by utilizing one of the following methods that result in the least impact:
 - i. Connection to an available public sewer system;
 - ii. Replacement with a new on-site sewage system located in a portion of the site that has already been disturbed by development and is located landward as far as possible, provided the proposed sewage system is in compliance with the provisions in Chapter 14.80 EMC; or
 - iii. Repair to the existing on-site septic system.

B. The activities listed below are allowed in fish and wildlife habitat conservation areas and their buffers and ~~do-~~ would not require submission of a ~~habitat management plan~~ critical areas report, except where such activities would result in a loss of the functions and values of habitat conservation areas or buffers. The proponent shall notify the department of the activity and obtained any other required permits.

1. Vegetation Removal, Disturbance, and Introduction. Limited vegetation removal shall be allowed subject to EMC 18.90.180, Tree preservation, and the following standards:

a. Hazard trees may be cut; provided, that:

~~i. The applicant submits a report from a certified arborist, licensed architect, or professional forester that documents the hazard and provides a replanting schedule for the replacement trees and receives written approval from the city authorizing the tree removal;~~

ii. Tree cutting shall be limited to limbing and crown thinning, unless otherwise justified by the landowner's expert. Where limbing or crown thinning is not sufficient to address the hazard, trees should be topped to remove the hazard rather than cut at or near the base of the tree. All vegetation cuttings (tree stems, branches, tops, etc.) shall be left within the habitat area or buffer unless removal is warranted due to the potential for disease transmittal to other healthy vegetation;

iii. The landowner shall replace any trees that are felled or topped with new trees at a ratio of two replacement trees for each tree felled or topped. Tree species that are native and indigenous to the site shall be used;

~~iv. Hazard trees determined to pose an imminent threat or danger to public health or safety, or to public or private property, or serious environmental degradation may be removed or topped by the landowner prior to receiving written approval from the department; provided, that within 14 days following such action, the landowner shall submit the necessary report and replanting schedule demonstrating compliance with subsections (B)(1)(a)(i) through (iii) of this section.~~

b. 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 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.

2. Fencing. Fencing shall be placed in such a manner as to maintain wildlife movement corridors and not create any fish passage blockages. The department shall approve the location, type, and height of any proposed fencing.

14.50.060 Alteration of watercourses.

Any alteration of a watercourse shall comply with the following standards:

A. The city will notify adjacent communities, Washington State Department of Ecology, Washington State Department of Fish and Wildlife, Washington State Department of Natural Resources, and the Puyallup Tribe of Indians

~~The city will notify adjacent communities and the Washington State Department of Ecology prior to any alteration or relocation of a watercourse proposed by the applicant and submit evidence of such notification to the Federal Insurance Administration.~~

B. The city shall require that long term maintenance be provided within the altered or relocated portion of said watercourse, so that the flood-carrying capacity is not diminished. Therefore, if the maintenance program calls for future cutting of planted native vegetation used in performing the alteration, the system shall be oversized at the time of construction to compensate for said vegetation growth or any other natural factor that may need future maintenance.

C. Alterations and relocations, including stabilization projects, shall not degrade fish habitat and shall be subject to the following provisions:

1. Structures that cross all watercourses and water bodies shall meet fish habitat requirements of the ~~Washington Department of Fish and Wildlife~~ WDFW.

2. Any culverts that are used on fish-bearing watercourses shall be arch/bottomless culverts or equivalent that provide comparable fish protection, and must meet fish habitat requirements of the latest edition of [WDFW Washington Department of Fish and Wildlife's Design Manual for Culverts](#).

3. Bridges or other crossings shall allow for uninterrupted downstream movement of wood and gravel, be as close to perpendicular to the watercourse as possible, and be designed to minimize fill and to pass the base flood flows.

4. Watercourse alterations shall maintain natural meander patterns, channel complexity, and floodplain connectivity. Where feasible, such characteristics shall be restored as part of the watercourse alteration.

5. The applicant shall identify the channel migration zone for the watercourse at the project site and for a reasonable reach upstream and downstream of the site, and shall not undertake actions as part of the alteration that would in any way inhibit movement of the channel.

6. Existing culverts that do not meet fish habitat requirements shall be removed or replaced as part of the approved watercourse alteration project.

7. Watercourse alteration projects shall not result in a fish blockage of side channels. Known fish barriers into side channels shall be removed as part of the approved watercourse alteration project.

8. Watercourse alterations should provide a riparian buffer width in accordance with Table 14.50.030, where feasible. The riparian buffer shall be replanted with native vegetation that replicates the natural, undisturbed riparian condition in species, size, and densities.

~~9.~~ For any watercourse alteration of a Type S or F water ~~pursuant to EMC 14.50.020(D)~~ whose channel is subject to migration, bioengineered (soft) armoring of stream banks is required to allow for woody debris recruitment, gravels for spawning, and creation of side channels. The bioengineering technique used must be designed in accordance with the latest edition of Washington Department of Fish and Wildlife's Integrated Streambank Protection Guidelines.

D. The project engineer shall design the watercourse alteration so the activity does not increase the water surface elevation (zero-rise); decrease the capacity, storage, and conveyance of the watercourse; or cause an adverse impact to adjacent, cross-channel, or upstream or downstream properties.

14.50.070 Mitigation requirements.

A. Mitigation. Compensatory mitigation is required for all unavoidable alterations to fish and wildlife habitat conservation areas or their buffers. Mitigation of alteration to habitat areas shall achieve equivalent or greater biological functions. Mitigation shall address each functional attribute affected by the alteration to achieve functional equivalency or improvement on a per function basis. Mitigation elements to be addressed may include, but are not limited to: restoration of previously degraded areas and key habitat features, restoration of riparian vegetation communities to provide shade and large woody debris, addition of large woody debris, and installation of upland habitat features. All projects must first demonstrate compliance with EMC 14.10.070(B) prior to development of compensatory mitigation plans.

B. Type of Mitigation Required. In determining the extent and type of mitigation required, the department may consider all of the following:

1. The ecological processes that affect and influence habitat structure and function within the watershed or sub-basin;
2. The individual and cumulative effects of the action upon the functions of the critical area and associated watershed;
3. Observed or predicted trends regarding the gains or losses of specific habitats or species in the watershed, in light of natural and human processes;
4. The likely success of the proposed mitigation measures;

5. Effects of the mitigation actions on neighboring properties; and

6. Opportunities to implement restoration actions formally identified by an adopted shoreline restoration plan, watershed planning document prepared and adopted pursuant to Chapter 90.82 RCW, a salmonid recovery plan or project that has been identified on the Salmon Recovery Board habitat project list or by the Washington Department of Fish and Wildlife as essential for fish and wildlife habitat enhancement.

C. Location. Compensatory mitigation shall be provided on site or off site in the location that will provide the greatest ecological benefit to the species or habitats affected and have the greatest likelihood of success. Mitigation shall occur as close to the impact site as possible, within the same sub-basin, and in a similar habitat type as the permitted alteration. If the applicant submits a watershed- or landscape-based analysis that demonstrates mitigation within an alternative sub-basin of the same watershed would have greater ecological benefit, then the director may approve the demonstrated alternate mitigation.

D. Mitigation Plans. When required by this chapter, the applicant shall submit a fish and wildlife habitat conservation area mitigation plan meeting the requirements of this chapter.

14.50.080 ~~Appendix~~ Additional critical area report requirements.
APPENDIX A

HABITAT MANAGEMENT PLAN

A. Habitat Management Plan. In addition to the general critical areas report requirements contained in EMC 14.10.080, A habitat management plan shall, at a minimum, include the following shall be included:

~~1. The general critical areas report requirements;~~

~~2. Identification~~ Identify and describe any habitats and species regulated as a fish and wildlife habitat conservation areas as designated in EMC 14.50.020(B) within 300 feet of the project area;

~~of any endangered, threatened, sensitive, or candidate species that have a primary association with habitat on the project area;~~

~~3.~~ Map showing the location of the ordinary high water mark and locations of wildlife habitat conservation area(s) and their buffers;

~~4. The vegetative, faunal, topographic, and hydrologic characteristics of the habitat conservation area;~~

~~5.~~ A discussion of any federal, state, or local special management recommendations, including Washington Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitat located on or adjacent to the project area;

~~6.~~ A detailed discussion of the direct (remove or destroy habitat, displacement, etc.) and/or indirect (impacts that occur later in time) potential impacts on the fish and wildlife habitat conservation area by the project. Such discussion shall include a discussion of the ongoing management practices that will protect habitat after the project site has been developed;

B. ~~7. Habitat Management Mitigation plan. A habitat management mitigation plan shall, at a minimum include the general mitigation plan requirements in EMC 14.10.090 and the following information:~~

1. Adverse impacts to riparian and nonriparian habitats, as determined by the director, shall be fully mitigated in accordance with the standards set forth in EMC 14.10.070(B).

2. Mitigation for alterations to habitat areas shall achieve equivalent or greater biologic functions, and shall provide similar functions as those lost

3. An assessment of the habitat and species recommendations proposed by federal and state agencies and their applicability to the proposal

3. A discussion of any ongoing management practices that will protect the fish and wildlife conservation area after the site has been developed, including proposed monitoring and maintenance programs.

4. A bond estimate for the proposed mitigation installation, monitoring, and maintenance pursuant to EMC 14.50.070.

~~if the activity will result in unavoidable impacts to habitat conservation areas. Mitigation measures may include:~~

~~a. Prohibition or limitation of use and development activities within the habitat conservation area;~~

~~b. Retention of vegetation and/or revegetation of areas/habitats critically important to species;~~

~~c. Special construction techniques;~~

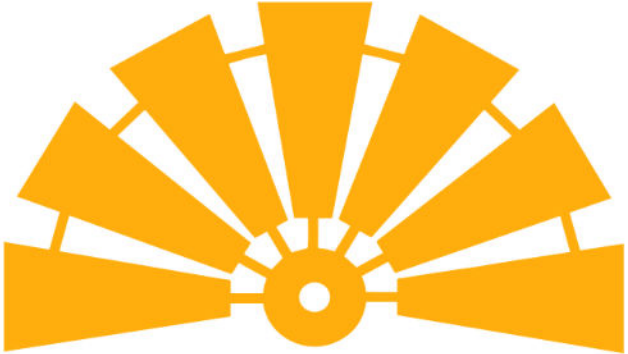
~~d. Implementation of erosion and sediment control measures;~~

~~e. Habitat restoration or enhancement, i.e., fish passage barrier removal;~~

~~f. Seasonal restrictions on construction activities on the subject property;~~

~~g. Clustering of development activities on the subject property; and/or~~

~~h. Any other requirements and/or recommendations from federal, state, or local special management recommendations, including the Washington Department of Fish and Wildlife's habitat management guidelines.~~



EDGEWOOD

Washington

Critical Areas

Stream Map



Legend

Stream Type & Buffer

F

N

U

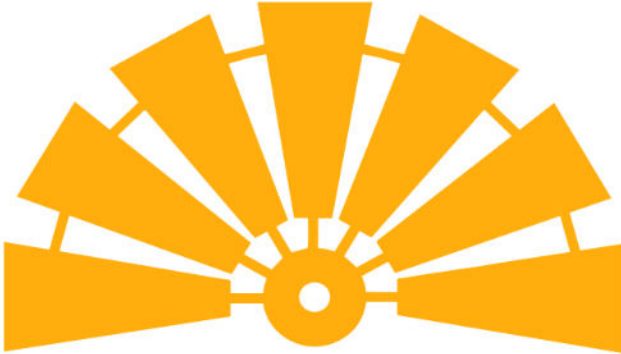
EMC Buffer

WDFW Water Type F 100ft Buffer

WDFW Water Type N 60ft Buffer

WDFW Water Type U 60ft Buffer

WaterType	BufferWidth
F	810658.4
N	436222.2
U	135091.4



EDGEWOOD

Washington

Critical Areas

Stream Map



Legend

Stream Type & Buffer

- F
- N
- U

Standard 100ft Buffer

- WaterCourseType F 100ft Buffer
- WaterCourseType N 100ft Buffer
- WaterCourseType U 100ft Buffer

WaterType	BufferWidth
F	810658.4
N	744852
U	59630.3





EDGEWOOD

Washington

Critical Areas

Site Potential Tree Height
(SPTH) Soil Map



Legend

WDFW Water Type

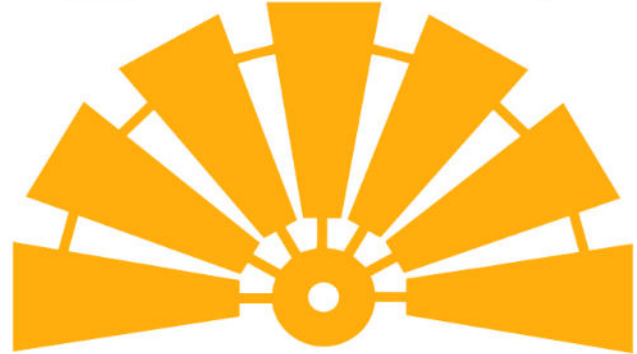
- F
- N
- U
- WDFW Water Type F 100ft Buffer
- WDFW Water Type N 60ft Buffer
- WDFW Water Type U 60ft Buffer

SPTH Soil Class

- 94 - 150
- 151 - 200
- 201 - 231



0 0.5 1 2 Miles

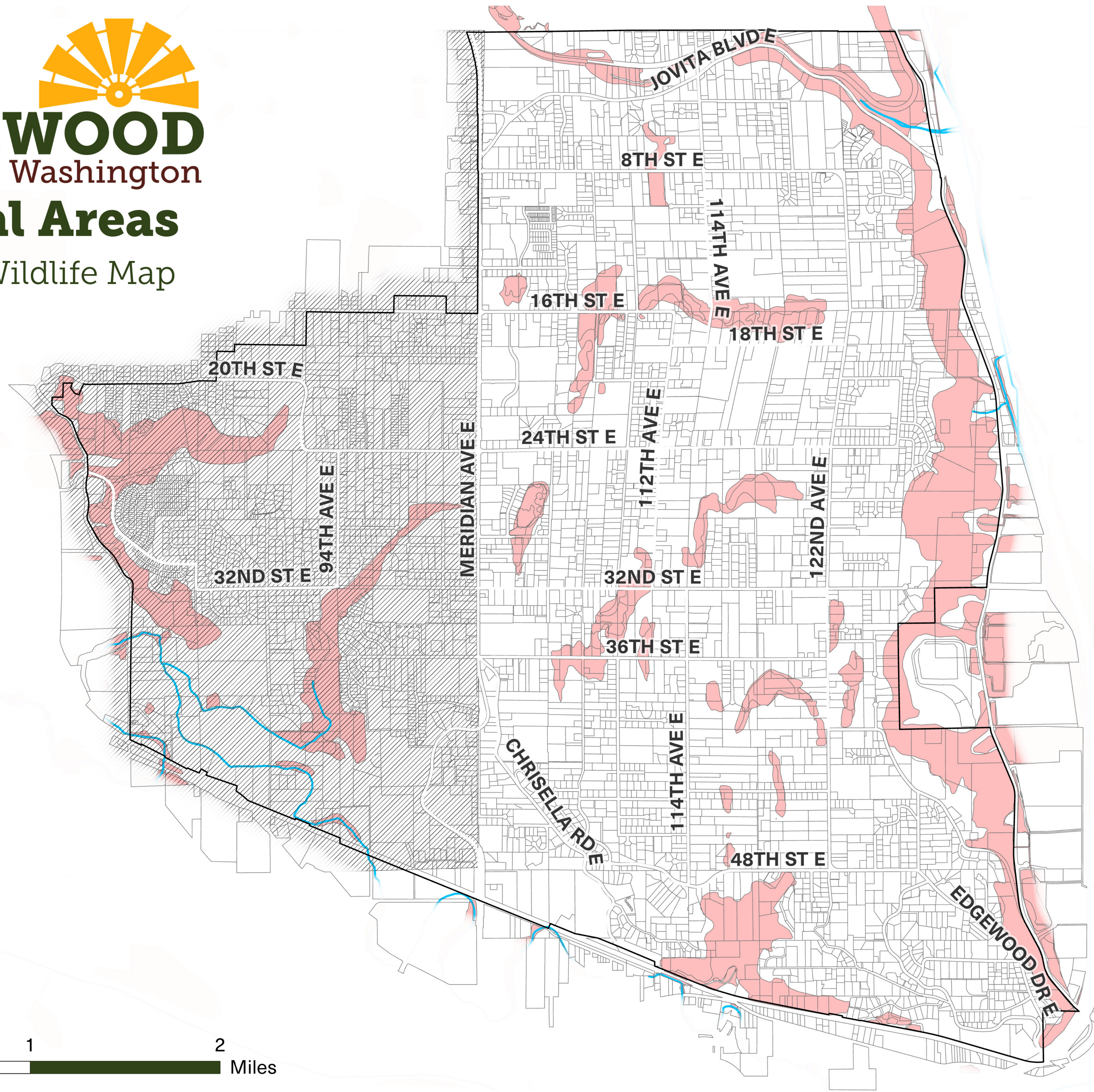


EDGEWOOD

Washington

Critical Areas

Fish and Wildlife Map



Legend

— Streams

■ Fish & Wildlife Habitat

Native Endangered Species

▨ Northwesten Pond Turtle



0 0.5 1 2 Miles

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 Additional critical area report requirements.

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); and
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 ~~d~~ 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 EMC 14.60.050, Appendix A- ~~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.~~

BC. Underground Storage Tank (UST) Permits. In addition to the requirements set forth in this title, the following ~~agencies also have the authorities 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 UST's, and all hazardous above-ground storage tanks, pursuant to the International Fire Code (Article 79) and this chapter.

2. The Washington State 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, as adopted by reference under EMC 8.05).

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 their appurtenances; and
2. Individual on-site domestic ~~sewage~~ septic 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 requirements.

~~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 critical aquifer recharge areas~~the city:~~

1. Landfills (other than inert and demolition landfills), including hazardous and dangerous waste.
2. Underground injections 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.

~~C.D.~~ 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 are 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 hydrogeologic assessment shall comply with EMC 14.60.050 and will be reviewed by the department and sent to TPCHD for concurrence~~review.~~

a. Animal containment areas;

b. Automobile washing facilities;

c. Below-ground storage tanks (UST's);

c. Hazardous substance processing or handling facilities;

d. Hazardous waste treatment, storage, or disposal facilities;

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; and

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 proposed 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.

~~G.E. 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 shall demonstrate compliance with health district TPCHD 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 UST's ~~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, pursuant to EMC 14.60.030(B).
2. Aboveground ~~Tanks.~~

a. No new above-ground 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.~~

eb. A new above-ground 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 installed / constructed with impervious materials to contain all of the material stored in the tank(s).

J. 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 any 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 Washington State Department of Ecology prior to commencement of the proposed activity.

14.60.050 Additional critical area report requirements.

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.

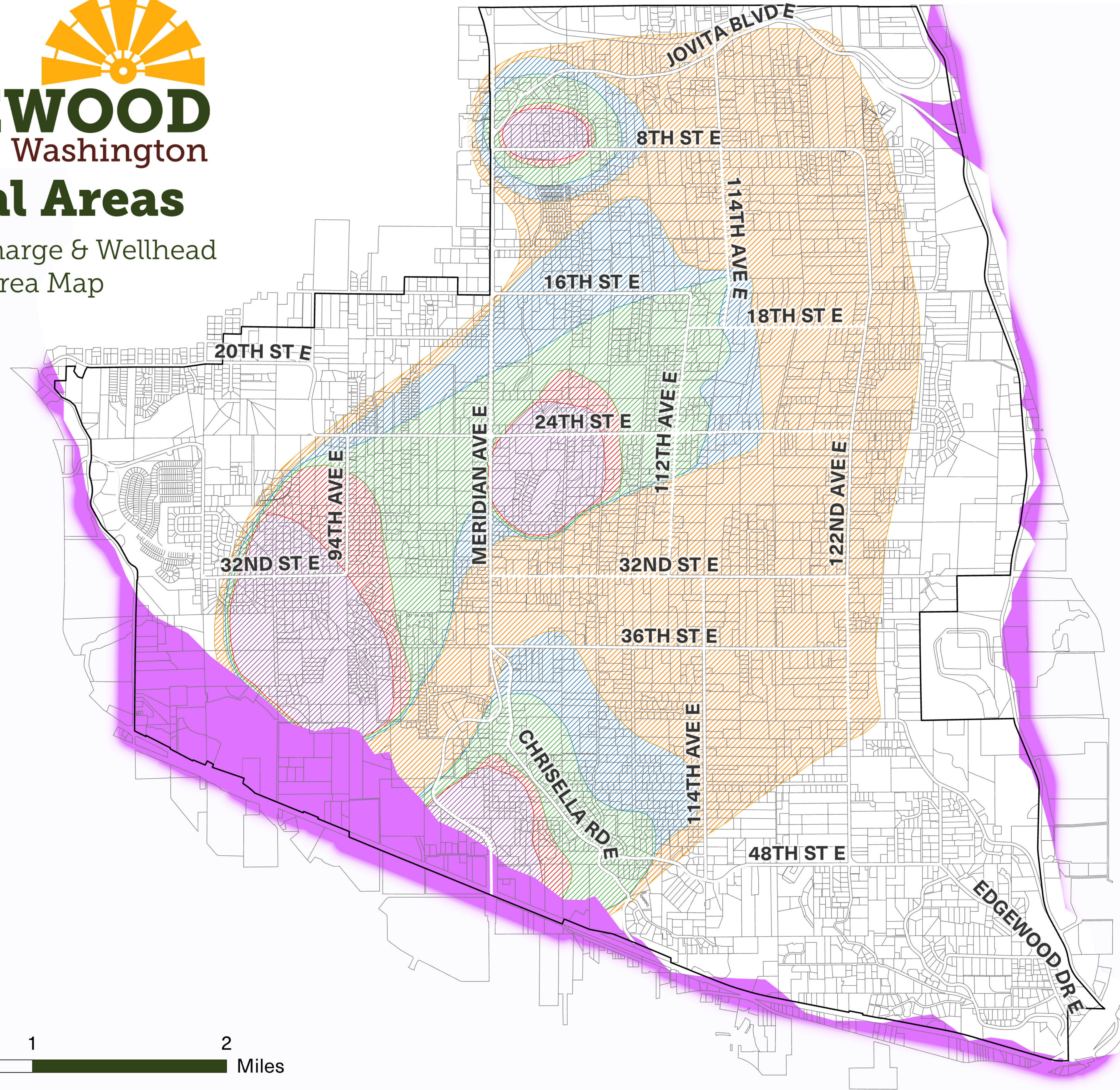


EDGEWOOD

Washington

Critical Areas

Aquifer Recharge & Wellhead
Protection Area Map



Legend

Vulnerable Aquifer Recharge Area

 Aquifer Recharge Area

Wellhead Protection Area

 1 Year

 10 Year

 5 Year

 6-Month

 Zone of Contribution

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 and the Cascade Mountain Range.

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 within the city 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 Pierce County 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, and II, ~~and III~~ lahars ~~and~~ within the city~~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.



EDGEWOOD

Washington

Critical Areas

Volcanic Hazard Map



Legend

Volcanic Hazard Type

 Lahars



0 0.5 1 2 Miles



**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.

.....

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 Additional critical area report requirements. ~~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 are 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 Additional critical area report requirements.

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

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

~~APPENDIX A~~

~~GEOLOGICAL ASSESSMENT—LANDSLIDE HAZARD GEOTECHNICAL VERIFICATION~~

A. Geological verification. A geotechnical verification shall include the following:

1. The general critical areas report requirements pursuant to EMC 14.10.080.

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.

~~B5.~~ The geotechnical professional who prepared the verification document shall stamp the verification with their license stamp or seal.

~~6C.~~ Geotechnical verifications shall be in conformance with a format that is pre-approved by the department.

~~APPENDIX B~~

~~GEOLOGICAL ASSESSMENT—LANDSLIDE HAZARD GEOTECHNICAL REPORT~~

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

1. The general critical areas report requirements pursuant to EMC 14.10.080...
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.

9B. 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.

10C. The geotechnical professional(s) who prepared the geotechnical report shall stamp the report with their license stamp or seal.

11D. 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.

12E. Geotechnical reports shall be in conformance with a format that is pre-approved by the department.

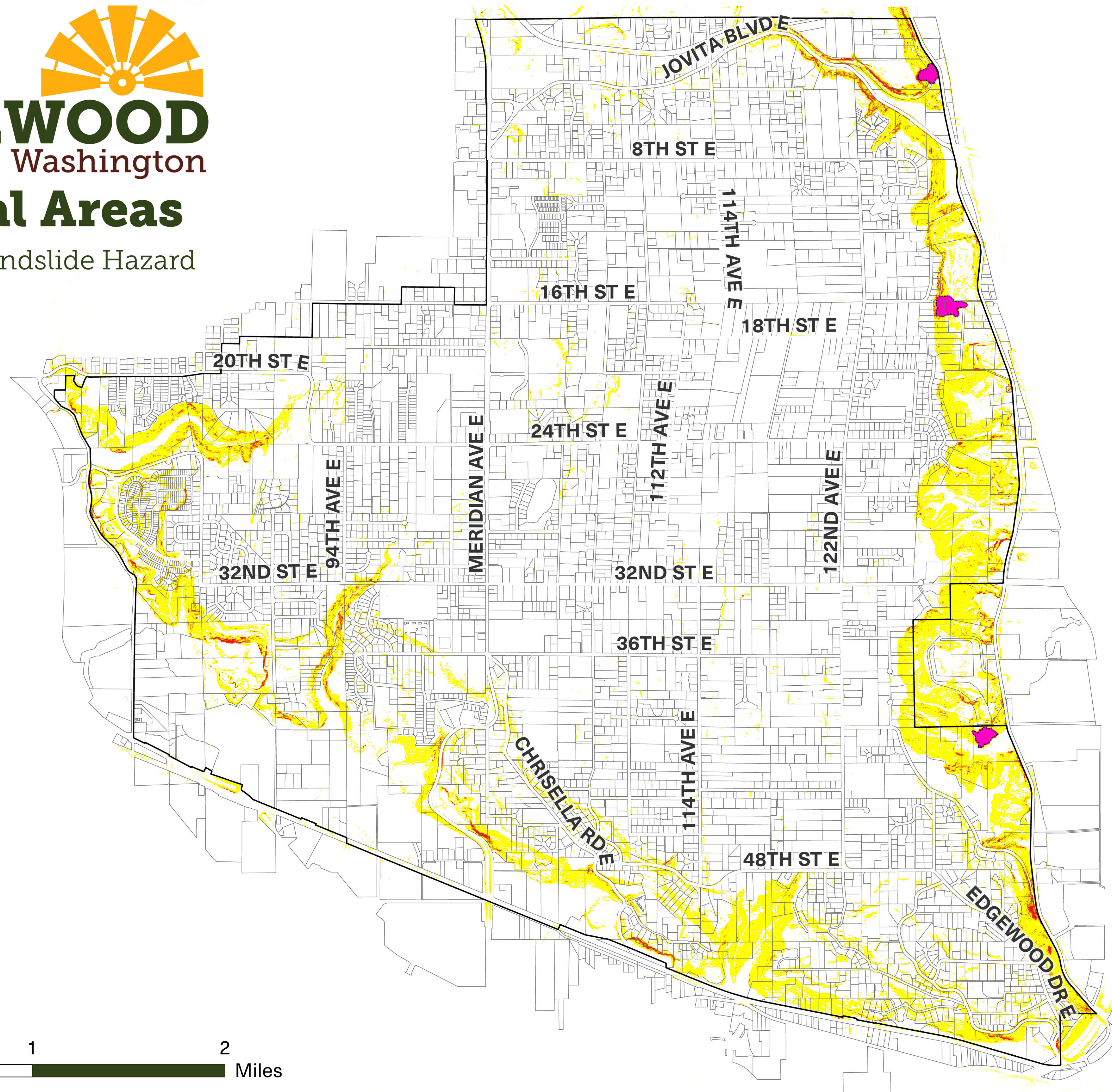


EDGEWOOD

Washington

Critical Areas

Erosion & Landslide Hazard
Area Map



Legend

Landslide Deposit

- High (30-40)
- Low (1-10)
- Moderate (11-29)

Slope L Slide

- 20% - 40%
- 40% +
- Landslide Hazard



0 0.5 1 2 Miles

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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 Additional critical area report requirements.~~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 Additional critical area report requirements.Appendices.

~~A. Geological Assessments—Liquefaction or Dynamic Settlement Hazard Areas.~~

~~B. Geological Assessments—Fault Rupture Hazard Area Geotechnical Report.~~

~~APPENDIX A~~

~~GEOLOGICAL ASSESSMENTS—LIQUEFACTION OR DYNAMIC SETTLEMENT HAZARD AREAS~~

~~Article I. Geotechnical Verification~~

A. Verification letter. 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.

~~5B.~~ The geotechnical professional(s) who prepared the geotechnical verification shall stamp the verification with their license stamp or seal.

~~6C.~~ Hold harmless clauses, disclaimers, and limitations are not allowed within a geotechnical verification.

~~Article II. Geotechnical Report~~

A. Geotechnical report. 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.

13B. The geotechnical professional(s) who prepared the geotechnical report shall stamp the report with their license stamp or seal.

14C. 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.~~

~~e. 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.~~

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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).~~

~~c. 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(B) 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.~~

~~c. 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.~~

~~c. 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.~~

~~c. 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~~ a 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 Additional critical area report requirements ~~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. Geotechnical letter. 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.

~~3B.~~ The geotechnical professional who prepared the geotechnical letter shall stamp the letter with his or her seal.

~~4C.~~ Hold harmless clauses, disclaimers, and limitations are not allowed within a geotechnical letter.

~~APPENDIX B~~

~~GEOLOGICAL ASSESSMENT—SHORELINE EROSION HAZARD GEOTECHNICAL VERIFICATION~~

~~AB.~~ Geotechnical verification. 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.
- ~~4B.~~ The geotechnical professional who prepared the geotechnical verification shall stamp the verification with their seal.
- 5C. Hold harmless clauses, disclaimers, and limitations are not allowed within a geotechnical verification.

~~APPENDIX C~~

~~GEOLOGICAL ASSESSMENT—SHORELINE EROSION HAZARD GEOTECHNICAL REPORT~~

CA. Geotechnical report. 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.
- ~~c. 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.

6B. 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.

7C. 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.

8D. Hold harmless clauses, disclaimers, and limitations are not allowed within a geotechnical report.

9E. 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 the 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 (The Watershed Company, 2022). 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, and 5.3 of these documents by reference into the best available science review after staff have determined that the information provided being considered generic and not specific to Pierce County.

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.

Closed Depression Water Quality Analysis:

The City of Edgewood City Council adopted the city Comprehensive Surface Water Management Plan on December 11, 2018. This plan identifies that the potholes wetlands are important to protect water in the pothole basins as the water flows from the smaller wetlands to the larger pothole wetlands. Question D3.3 in the 2014 Wetland Rating Form asks if the site has been identified in a watershed or local plan as important for maintaining water quality. City staff have noticed that Questions D3.3 is regularly interpreted wrong, which impacts the habitat rating for the wetland and the associated buffer width. To ensure better wetland rating and wetland protection, it is recommended that the city code is revised to clarify that if the subject wetland is in a closed depressions basin as shown in the Comprehensive Surface Water Management Plan (as updated) is considered important for improving water quality.

3. Required and Recommended Changes

- Update code to clarify that wetlands in closed depression basis are considered important for improving water quality for purposes of question D3.3 on the 2014 Wetland Rating form.
- Update wetland buffers to better align with Ecology's recommendations.

- Update wetland impact minimization measures to better align with Ecology's recommendations.
- Require that any buffer modification request include a report that demonstrates the proposal will not result in an adverse impact on priority species. This will additionally provide special consideration to anadromous fish.
- Clarify the one-family wetland review process and requirements to ensure appropriate wetland and associated buffer protection.
- Require mitigation sequencing with clear code references.
- Update mitigation ratios and requirements under EMC 14.40.060 to better align with Ecology's recommend mitigation requirements.

Fish and Wildlife Habitat Conservation Area (FWHCAs)

1. Definition:

The city does not currently define FWCHAs. However, the regulating chapter (EMC 14.50) provides a list of applicable areas that would be considered a FWCHAs that is generally consistent with WAC 3655-190-130. Fish and Wildlife Habitat Conservation Areas are defined in WAC 365-190-030(6) as follows:

(6)(a) "Fish and wildlife habitat conservation areas" 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. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. Counties and cities may also designate locally important habitats and species.

(b) "Habitats of local importance" designated as fish and wildlife habitat conservation areas include those areas found to be locally important by counties and cities.

(c) "Fish and wildlife habitat conservation areas" 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.

FHWCA's are further defined in WAC 365-190-130 where it details what shall be considered for classification and designation and the "sources and methods" used for identifying these habitats.

2. Best Available Science

The primary resource for developing the CAO relative to stream and river FHWCA's is the Washington Department of Fish and Wildlife Riparian Ecosystems, Vol. 1: Science Synthesis and Management Implications (Retnz et. Al. 2020), and Vol. 2: Management Recommendations (Quinn et al. 2020). These documents include the BAS on riparian ecosystem functions, management, and protection. It covers topics such as riparian buffer science, site potential tree height framework, and recommendations for common activities. Additional BAS resources for identifying FHWCA's include Washington Fish and Wildlife (WDFW) Priority Habitats and Species (PHS) lists for Pierce County, The U.S. Fish and Wildlife Service and National Marine Fisheries Service lists of federally designated endangered, threaten, and sensitive species, and the City of Edgewood environmental data from previous CAO updates (2018 CAO update).

Stream and Riparian Buffer Analysis:

The Department of Natural Resources and Forest Practices Board developed a water of the state typing system in 2006. Per WAC 365-190-130(4)(f), cities may use the stream classification established in WAC 222-16-030 to identify waters of the state. Since the waters of the state include riparian habitat and other waterbodies, it has been the best available science to utilize stream typing to assist in establishing aquatic habitat protection. WAC 222-16-030 provides four stream classes, Type S (water of the State), Type F (fish habitat present), Type Np (non-fish habitat stream with perennial flow), and Ns (non-fish habitat stream with seasonal flow). EMC 13.40.030 utilizes these water types to establish the aquatic habitat conservation (stream) buffers based on the water type classification which are provided below:

- Type S: 150-foot buffer
- Type F: 100-foot buffer
- Type Np: 60-foot buffer
- Type Ns: 35-foot buffer

The Washington Department of Fish and Wildlife (WDFW) published Vol. 1: Science Synthesis and Management Implications, (Retzn et. Al. 2020) and Vol. 2: Management Recommendations (Quinn et al. 2020) that establishes riparian ecosystems as a priority habitat for fish and wildlife and recommend that they are protected as a FWCHA. The riparian ecosystem boundaries are defined as the riparian management zone (RMZ), which is further defined as the riparian zone and the zone of influence. An example of the RMZ is shown in figure 1 below.

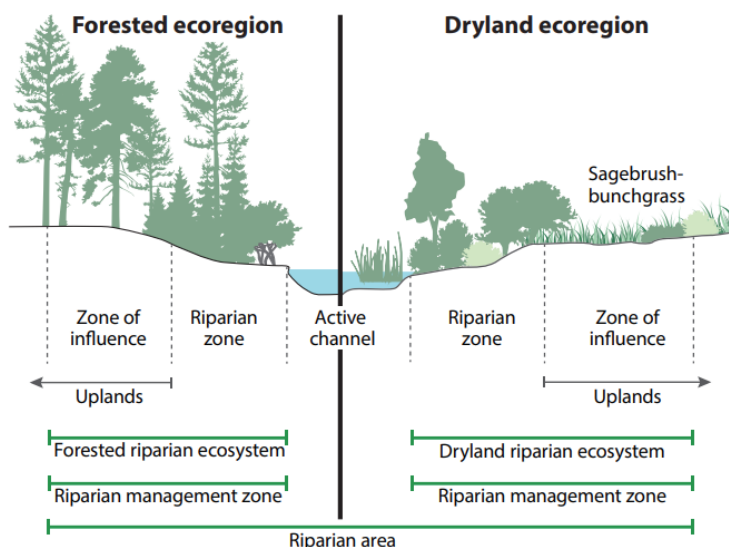


Figure 1. Riparian Management Zone (Quinn et al. 2020)

The WDFW guidance recommends that the RMZ be delineated on a site-specific basis and measured from the ordinary high-water mark or channel migration zone to a width established by site potential tree height (SPTH). The SPTH is defined as the average maximum height of the tallest dominant trees (200 years or older) for a given soil site class (Quinn et al. 2020). The guidance states the origin of SPTH comes from a model developed by the Ecosystem Management Assessment Team (FEMAT) under the "...assumption that old-growth forest conditions are needed for full riparian ecosystem functions" (Quinn et al. 2020). However, an SPTH measurement may result in an RMZ width that is less than 100 feet. In this case, WDFW recommends a minimum RMZ width of 100 feet to achieve 95% pollution removal for most pollutants (Quinn et al. 2020). Since the relationship between RMZ width and pollution removal is not linear, a smaller RMZ would result in far less pollution removal. Based on WDFW recommendations and utilizing the SPTH mapping tool, the City of Edgewood RMZ width ranges from 100 to 231 feet.

The WDFW guidance states that the RMZ is not necessarily the same as a stream buffer. The primary purpose of the RMZ is to provide an area capable of providing full riparian function (Quinn et al. 2020). The stream buffers established by stream typing are uniform recommendations based on the presence of fish but doesn't necessarily provide "full" riparian function (Retnz et. Al. 2020). However, the RMZ and stream buffer have similar functions of providing for bank stability, pollution removal, shade, woody debris and habitat, etc. While the WDFW guidance provides specific definitions for RMZ and stream buffers, the distinction is less clear to the public. This is also reflected by the neighboring jurisdictions that have completed their BAS review but continue to utilize "buffer" as the preferred terminology over "Riparian Management Zone". As such, it is recommended that the city continues to be consistent with neighboring jurisdiction and continue to use "buffer" terminology.

WDFW also recommends that site-scale regulations must be coordinated at a watershed-scale (Quinn et al. 2020). As indicated by WDFW BAS, stream headwaters shall have the same protection as fish-bearing streams. Edgewood streams are primarily tributaries/headwaters, often starting in ravines, that flow into larger streams located in neighboring jurisdictions. The streams flowing down the eastern city slopes enter the cities of Pacific and Sumner. The streams flowing down the city south and western slopes enter the cities of Fife and Puyallup. As these headwaters and early fish bearing streams enter the neighboring cities they are joined by other streams. If Edgewood considered a watershed approach, it would need to consider neighboring jurisdiction stream buffer approaches. City of Sumner has adopted a 100-foot buffer for all streams other than Type S streams. Cities of Puyallup, Fife, and Pacific are in the process of considering or adopting 100-foot buffers for all the streams (fish bearing or non-fish bearing) that receive flows from the Edgewood headwater streams.

As stated above, EMC 13.40.030 requires 100-foot buffer, 60-foot buffer, and 25-foot buffer for Type F, Type Np, and Type Ns streams, respectively. The majority of the stream segments (13 of 19 identified) are located within ravines with steep slopes. EMC 14.50.030 requires that stream buffers are extended to the landward-most edge, which effectively increases the stream buffer greater than 100-feet. All these segments are also surrounded by residential developments that provide significant buffer disruption and limited potential stream buffer grown. As a result, any expansion of the buffer would have limited conservation benefits. However, a minimum stream buffer width of 100-feet is needed to achieve 95% pollution removal and 100-feet is the minimum stream buffer width being established by neighboring jurisdictions receiving water from. If Edgewood

retained the 100-foot Type F stream buffer but increased all non-fish bearing stream buffers to 100-feet, it would result in approximately 308,630 square feet of additional functioning riparian habitat while also meeting GMA housing target requirements.

As a result of the above analysis, it is recommended that all stream types in Edgewood have a standard buffer of 100-feet.

Stream Buffer Reductions Analysis:

EMC 14.50.030(B) allows for stream buffer reductions up to a maximum 25% of the standard buffer provided certain criteria are met. Based on existing stream buffers, the minimum buffer width may be 25-feet. If the recommended buffers are adopted, the minimum allowable buffer width would become 75 feet. It is possible that increasing stream buffer width will result in stream buffers that does not provide any direct riparian function for the stream or salmonid habitat, including pollution removal. One example would be a stream buffer than extends downslope from the stream which result in water in that portion of the buffer not entering the stream. As such, it is may be reasonable to allow for a minimum buffer less than 75-feet if a qualified biologist demonstrates mitigation sequencing was followed, and no net loss of ecological function can be achieved. It is recommended that the city allows for this possibility, but only as a Process III permit that allows for public agency comments and requires a public hearing with the city's Hearing Examiner.

WDFW PHS and Habitat of Local Importance Analysis:

Fish and wildlife habitat conservation areas include Waters of the State, areas where state- or federally- designated endangered, threatened, and sensitive species have a primary association, WDFW state priority habitat and species; and habitats and/or local species of importance. Per, EMC 14.50.020(A)(5), the current species and habitats of local importance include the following species:

- Coho salmon (*Oncorhynchus kisutch*),
- pink salmon (*Oncorhynchus gorbuscha*),
- chum salmon (*Oncorhynchus keta*),
- cutthroat trout (*Oncorhynchus clarkia*),
- steelhead (*Oncorhynchus mykiss*),
- Great blue heron (*Ardea herodias*),
- Green heron (*Butorides virescens*).
- Heron rookeries, and

- Areas with which state-listed monitor or candidate fish or wildlife species or federally listed candidate fish or wildlife species have a primary association, and which if altered may reduce the likelihood that the species will survive and reproduce over the long term.

All the habitats and species listed in EMC 14.50.020(A)(5) are already covered under state or federally designated endangered, threatened, and sensitive species or WDFW Priority Habitat Species (PHS) lists, except for the green heron. Only state and federally listed and PHS listed species and habitat have management recommendations. While the green heron is listed as a species of local importance, there is no guidance for staff to ensure that protection of the species. Additionally, the city was unable to determine why green herons were previously listed as species of local importance and there is no mention of the species in the 2024 Comprehensive Plan. As such, it is recommended that EMC 14.50.020(A)(5) is replaced with a reference that PHS listed species are species of local importance.

3. Required and Recommended Changes

- Provide FWHCA's definition in EMC 14.20 that complies with WAC 365-190-030(6).
- Retain the "buffer" terminology instead of integrating RMZ terminology to match neighboring jurisdictions and to ensure ease of community understanding and implementation.
- Update EMC 14.50.020(A)(5) to specify that habitat and species of local importance are only those identified on the WDFW Priority and or Species List within the city limits.
- Remove references to Type S waterbodies since there are no Type S waterbodies within Edgewood that meet the state's criteria for shorelines of statewide significance as defined in RCW 90.58.030.
- Fish-bearing (Type F) stream buffers should remain 100-feet to be consistent with neighboring jurisdictions.
- Update Non-fish bearing (Type Np and Ns) stream buffers from 35-feet and 60-feet to a standard 100-feet.

- Provide a variance process to allow for buffer reductions of more than 25% of the standard buffer width when it is demonstrated by a qualified professional that there is a clear “no net loss” of ecological function because the buffer does not provide direct functional value.
- Replace EMC 14.50.020(A)(5) with a reference that PHS listed species are species of local importance.

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 parties for underground 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 FEMA FIS 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 mapped 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 Pycrolastic 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 a 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.

References

Associated Earth Sciences, Inc. June 2017. Geologic Hazard Code Update – Gap Analysis and Best Available Science Consistency Review Technical Memorandum. City of Edgewood, Washington.

Cascadia Region Earthquake Workgroup (CREW). 2008. Cascadia Deep Earthquakes. http://www.dnr.wa.gov/Publications/ger_ofr2008-1_cascadia_deep_eq.pdf

City of Edgewood. January 2025. 2024 City of Edgewood Comprehensive Plan

Environmental Science Associates. June 2017. Critical Areas Ordinance Update – Gap Analysis and Best Available Science Consistency Review Memorandum. City of Edgewood, Washington.

Hruby, T. 2014. Washington State Wetland Rating System for Western Washington. Washington State Department of Ecology Publication No. 14-06-029. Olympia, Washington.

Knight, K. 2009. Land Use Planning for Salmon, Steelhead and Trout. Washington Department of Fish and Wildlife. Olympia, Washington.

Quinn, T., G.F. Wilhere, and K.L. Krueger, technical editors. 2020. Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications. Habitat Program, Washington Department of Fish and Wildlife, Olympia.

RCW (Revised Code of Washington). June 2025. Washington State Legislature. Accessed: <http://apps.leg.wa.gov/rcw/>

Rentz, R., A. Windrope, K. Folkerts, and J. Azerrad. 2020. Riparian Ecosystems, Volume 2: Management Recommendations. Habitat Program, Washington Department of Fish and Wildlife, Olympia.

SR-530 Landslide Commission. 2014. The SR 530 Landslide Commission Final Report. Accessed: https://www.governor.wa.gov/sites/default/files/documents/SR530LC_Final_Report.pdf

The Watershed Company. December 2022. Best Available Science Review, Pierce County Critical Area Ordinance Update. Pierce County, Washington.

The Watershed Company. August 2023. WDFW RMC Guidance Review & Application in Pierce County Code Title 18E Update. Pierce County, Washington.

U.S. Army Corps of Engineers. 1987. Wetlands Delineation Manual. Technical Report Y-87-1.

U.S. Army Corps of Engineers. 2010. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region

United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS). n.d. Web Soil Survey.

United States Geological Survey (USGS). n.d. United States Quaternary Faults. Accessed June 2025.

WAC (Washington Administrative Code). June 2025. Washington State Legislature. Accessed: <http://apps.leg.wa.gov/WAC/default.aspx>

Washington Department of Fish and Wildlife (WDFW). 2025. PHS on the Web. Accessed: <https://geodataservices.wdfw.wa.gov/hp/phs/>

Washington Department of Natural Resources (DNR). No date. Geologic Hazards and the Environment. Accessed June 2025.

Washington Department of Natural Resources (DNR). No date. Geologic Information Portal. Accessed June 2025.

Washington State Department of Commerce (Commerce). 2023. Critical Areas Handbook.

Washington State Department of Ecology (ECY). 2003. A Framework for Delineating Channel Migration Zones.

Washington State Department of Ecology (ECY). 2014. A Methodology for Delineating Planning Level Channel Migration Zones.

Washington State Department of Ecology (ECY). 2014. Channel Migration Processes and Patterns in Western Washington.

Washington State Department of Ecology (ECY). 2021. Comprehensive Planning for Flood Hazard Management: A Guidebook.

Washington State Department of Ecology (ECY). 2021. Critical Aquifer Recharge Areas Guidance.

Washington State Department of Ecology (ECY). 2022. Wetland Guidance for Critical Areas Ordinance (CAO) Updates.

Washington State Department of Ecology (ECY). 2025. Washington State Well Report Review.

Washington State Department of Ecology (ECY). No date. Erosion and Sediment Control Plan webpage.

Washington State Department of Ecology (ECY). No date. Water Quality Assessment and 303(d) List.

Washington State Department of Health (DOH). No date. Division of Environmental Health Sentry Internet.

Washington State Department of Health (DOH). No date. Source Water Assessment Program (SWAP) Mapping.



CITY OF EDGEWOOD STAFF REPORT PLANNING COMMISSION AGENDA ITEM

Date: September 8, 2025

Title: 2024 Critical Areas Ordinance Update

Attachments:

- Attachment A. EMC 14.10 General Provision Draft Amendment
- Attachment B. EMC 14.20 Definitions Draft Amendment
- Attachment C. EMC 14.30 Use and Activity Draft Amendment
- Attachment D. EMC 14.40 Wetland Amendment
- Attachment D1. Wetland Map
- Attachment E. EMC 14.50 Fish and Wildlife Habitat Amendments
- Attachment E1. Current DNR Stream Map with current stream buffers
- Attachment E2. Current DNR Stream Map with proposed stream buffers
- Attachment E3. WDFW SPTH Range Map by Soil Class and WDNR Stream type
- Attachment E4. Fish and Wildlife Priority Habitat and Species Map
- Attachment F. EMC 14.60 CARA Amendment
- Attachment F1. Aquifer Recharge and Wellhead Protection Area Map
- Attachment G. EMC 14.70 Volcanic Area Amendment
- Attachment G1. Volcanic Hazard Area Map
- Attachment H. EMC 14.80 Flood Hazard Area Amendment
- Attachment I. EMC 14.90 Landslide Hazard Area Amendment
- Attachment I1. Erosion and Landslide Hazard Area Map
- Attachment J. EMC 14.100 Seismic Hazard Area Amendment
- Attachment K. EMC 14.110 Erosion Hazard Area Amendment
- Attachment L. 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 (COMPLETE)

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

September 22, 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 preliminary best available science review and analysis, which is provided in Attachment K. This preliminary document has been the primary driver of CAO updates provided in Attachments A-K.

The following are the current discussion topics:

1. Critical Area Maps

The Planning Commission requested critical area maps that could assist them in understanding the potential impacts on properties based on the proposed changes. Staff have provided the following maps, which staff will present to the commissioners:

- Wetland Map with 300-foot buffer.
- Current DNR Stream Map with current stream buffers
 - Type F: 100-foot buffer
 - Type Np: 60-foot buffer
 - Type Ns: 35-foot buffer (not shown)
 - Type U: 60-foot buffer (untyped stream)
- Proposed Stream Buffer Map
 - Type F: 100-foot buffer
 - Type N: 100-foot buffer
 - Type U: 100-foot buffer
- WDFW SPTH Range Map by Soil Class and WDNR Stream type
 - Staff set the ranges purely to assist in planning commission discussions.
- Fish and Wildlife Habitat Map – PHS Map
- Aquifer Recharge and Wellhead Protection Area Map
- Volcanic Hazard Map
- Erosion and Landslide Hazard Area Map

Next Steps:

Staff requests that the Planning Commission review the above-mentioned documents as they review the BAS memo and amendments and prepare any questions, comments, or suggestions.

2. Wetland Exemptions from the requirement to avoid impacts thresholds:

The current code allows all Category IV wetlands less than 4,000 square feet and All wetlands less than 1,000 square feet that meet specific criteria from having to meet the mitigation sequencing

requirement to avoid impacts to the wetlands. What this means is that these wetlands can be impacted if properly mitigated due to the existing wetland being low functioning, provided they still obtain state and or federal permits. The Ecology model wetland ordinance does currently allow for this. exemption However, Pierce County recently adopted CAO updates that increase the exemption for Category IV wetlands to 6,000 square feet or less and allowing the same exemption for Category III wetlands less than 2,000 square feet. Increasing the exemption thresholds to match Pierce County would continue the city's approach of trying to be consistent with neighboring jurisdictions and may allow property owners additional flexibility while also ensuring equal or better functioning wetland and wetland buffers.

Next Steps:

Would the Planning Commission support staff recommendation to increase the EMC14.40.050(A) thresholds to match Pierce County, dependent on staff review of the BAS?

3. Stream and Riparian Buffer Analysis:

Based on the The BAS Annotated Review analysis (Attachment K), staff recommend that Type F riparian buffers remain at 100-feet and Type Np and Type Ns riparian buffers be increased from 60-feet and 35-feet, respectively, up to 100-feet. This will meet the minimum recommended riparian width by WDFW to achieve 95% pollution removal, would be consistent with the neighboring jurisdictions stream buffer approaches for their streams receiving flows from Edgewood streams, and will bring the CAO more in line with the BAS by increasing the amount of functioning riparian buffer approximately 308,630 square feet or greater.

Next Steps:

Staff requests that the Planning Commission review the Draft 2025 Critical Areas Update Best Available Science Annotated Review Fish and Wildlife Habitat Conservation Areas Stream and Riparian Buffer Analysis, the attached maps, and prepare any questions, comments, or suggestions.

4. Amendments Updates Since Last meeting:

- Chapter 14.10 - General Provisions (Attachment A): Staff have made several minor text updates to be consistent with other chapters.
- Chapter 14.20 – Definitions (Attachment B): Staff has removed definition numbering and moved water typing definition from EMC 14.50.
- Chapter 14.30 Use and Activity Draft Amendment (Attachment C): Added regulated activities #7 and #8 to align with the BAS.
- Chapter 14.40 Wetland Amendment (Attachment D): Staff clarified mapping resources, increased Category IV wetland area required avoidance exemption from 4,000 square feet to 6,000 square feet inline with Pierce County, added exemption for Category III wetlands less than 2,000 square feed from

the requirement to avoid impacts if compliant with EMC 14.40.050(A)(1) inline with Pierce County, and completely revised all of EMC 14.40.060 Mitigation Requirements to be more consistent with the BAS.

- Chapter 14.50 Fish and Wildlife Habitat Amendments (Attachment E): Section revised to be consistent with the BAS analysis. The summary of the changes is provided below under the “summary of the proposed changes” section and the full proposed changes are provided in Attachment E.
- Chapter 14.60 CARA Amendment (Attachment F): Minor clarification edits.
- Chapter 14.70 Volcanic Area Amendment (Attachment G): No changes
- Chapter 14.80 Flood Hazard Area Amendment (Attachment H): No changes
- Chapter 14.90 Landslide Hazard Area Amendment (Attachment I): Minor changes to EMC 14.90.060.
- Chapter 14.100 Seismic Hazard Area Amendment (Attachment J): Minor changes to EMC 14.100.060.
- Chapter 14.110 Erosion Hazard Area Amendment (Attachment K): Minor changes to EMC 14.110.060.

Next Steps:

Staff requests that the Planning Commission review the above-mentioned amendments and BAS and prepare any questions, comments, or suggestions regarding the latest updates.

Summary of the Proposed 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)

- Removed definition numbering.
- 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 14.50 Fish and Wildlife Habitat Conservation (Attachment E)

Chapter renamed: from *Critical Fish and Wildlife Habitat Areas* to *Fish and Wildlife Habitat Conservation Areas*.

14.50.020 Fish and wildlife habitat conservation area

- Section renamed to “Designation of fish and wildlife habitat”
- Updated to expand categories of designated habitat areas to align with federal and state standards:
 - Critical habitat for federally or state-listed endangered, threatened, or sensitive species (cross-referencing federal CFR and state WAC codes).
 - Priority Habitats & Species (PHS) from WDFW, plus DNR's Natural Heritage Program species lists (explicitly recognized as “habitat and species of local importance”).
 - Small natural ponds (less than 20 acres) and associated aquatic beds.
 - Flood hazard areas: portions within 200 feet of OHWM of lakes, rivers, or streams.
 - Waters of the state: all waterbodies classified under WAC water typing system, plus riparian areas.
 - Stocked waterbodies: lakes, ponds, streams, and rivers planted with game fish by government or tribal entities.
 - Protected state lands: DNR/WDFW natural area preserves, conservation areas, and wildlife areas.

14.50.030 Buffer standards – Fish and wildlife habitat conservation areas.

- Updated section name to include Riparian Buffers and clarify buffer standards
 - Riparian Buffers required: must consist of undisturbed native vegetation along all waterbodies (using DNR water typing system, WAC 222-16-030).
 - Standard buffer widths of 100-feet (Table 14.50.030)
 - Extent of buffer: measured landward from the ordinary high-water mark (OHWM) of the regulated waterbody.
- Update to clarify critical habitat areas and species not listed in Table 14.50.030 shall be determined on a case-by-case basis, based upon the needs of specific species or habitat area of study.
- Updated to include:
 - Riparian and Nonriparian Buffer Averaging: Buffer averaging allows part of a buffer to be reduced if other parts are increased. The Director may approve averaging when the critical areas report (EMC 14.10.080) shows
 - No feasible alternative site design or activity size is possible without averaging.
 - The total buffer area after averaging is equal to or greater than the standard buffer.
 - Averaging does not reduce habitat functions or values.
 - Averaging does not increase the risk of slope failure or drainage impacts.
 - The site has varying sensitivity (e.g., slopes, soils, vegetation).
 - No portion of the buffer is reduced to less than 75 feet.

- **Administrative Buffer Reductions:** The Director may approve reducing a buffer to no less than 75 feet without increasing another portion of the buffer. Requests for buffers below 75 feet must follow EMC 14.10.100. To approve a reduction, the critical areas report (EMC 14.10.080) must show
 - No feasible alternatives, including averaging, are available.
 - The reduction is minimized by limiting the scale of the activity, consistent with EMC 14.10.070.
 - The buffer is not reduced to below 75 feet.
 - The reduction is consistent with other buffer requirements and does not increase slope failure or drainage risks.
 - The reduction will not harm habitat functions or values.
 - All applicable measures to reduce land use impacts (see EMC 14.40.030.2) are applied.
 - A buffer enhancement plan is included (e.g., planting native trees/shrubs, increasing plant diversity, removing invasives, restoring riparian vegetation where missing).
- Updated to define functionally disconnected buffer areas exempt from the above regulations.

14.50.040 Fish and wildlife habitat conservation area review procedures.

- Updated to require critical area report if project within 215 feet of habitat area.

14.50.050 Allow Activities

- Updated to clarify allowed activities upon submission of a critical areas report pursuant to EMC 14.50.040.
- Clearing, grading, and erosion control in fish and wildlife habitat areas or buffers are allowed only if a Critical Areas Report shows all reasonable measures to avoid or mitigate impacts and no net loss of habitat functions occurs.
 - Habitat Management Plan Required:
 - Any permitted activity must include a Habitat Management Plan per EMC 14.50.080.
 - Clearing & Grading Rules:
 - Only allowed during the designated dry season (May 1 – Oct 1, adjustable by the City).
 - Preserve soil duff and topsoil structure, minimize compaction, and redistribute disturbed soil where feasible.
 - Erosion and sediment control must meet or exceed adopted stormwater management standards.
 - Erosion Control & Mitigation:
 - Erosion control measures require adequate mitigation under EMC 14.50.070 to ensure no net loss of riparian habitat or function.

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

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 G)

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 I)

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 J)

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 K)

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.



CITY OF EDGEWOOD STAFF REPORT PLANNING COMMISSION AGENDA ITEM

Date: September 8, 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 – EMC 14.120 Natural Resource Lands
Attachment F - Commerce Supportive Housing Review Checklist – Draft

Submitted By: Josh Kubitza, 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 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](#)

Staff has reviewed the above listed documents and are proposing adding a new section to EMC 18.100 Development Standards – Use Specific (EMC 18.100.140), which is provided in Attachment D. This code includes the optional sleeping units and shared kitchen standards provided in Section 5 of the model ordinance and further described in the co-living model code user guide section 2.5.

Next Step: Staff requests that the Planning Commission review the above-mentioned documents and prepare any questions, comments, or suggestions for the Planning Commission Meeting. Specifically, does the Planning Commission have any thoughts on the optional performance standards provided in EMC 18.100.140(F).

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 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 Planning Commission Meeting.

Natural Resource Lands:

Development regulations are required to be consistent with the natural resource land designations in the comprehensive plan and conserves natural resource lands consistent with [RCW 36.70A.060\(3\)](#), [WAC 365-196-815](#) and [WAC 365-190-020\(6\)](#). As part of the required comprehensive plan periodic update, the city and consultants reviewed the natural environment conditions consistent with state requirements and commerce guidance. The adopted the 2024 Comprehensive Plan, effective January 1, 2025, found that there are no natural resource lands of long-term commercial significance within the city limits. As such, EMC 14.120 Natural Resource Lands is no longer required and could be removed to be consistent with the 2024 comprehensive plan periodic update.

If EMC 14.120 is no longer consistent with the city's adopted comprehensive plan, staff would recommend that EMC 14.120 gets repealed as part of this comprehensive plan consistency amendment. EMC 14.120 has been provided in Attachment E.

Next Step: Staff requests that the Planning Commission review the above-mentioned documents and prepare any questions, comments, or suggestions for the Planning Commission Meeting.

Attachment A
EMC 18.20 Definitions
Proposed Amendments
Blue = Added
~~Red Strikeout~~ = Removed

18.20.050 B definitions.

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“Business and Professional Services, General” means an office used as a place of business by licensed professionals, or persons in other generally recognized professions, which use training or knowledge of a technical, scientific or other academic discipline as opposed to manual skills, and which does not involve outside storage or fabrication, or on-site sale or transfer of commodities. Further described in NAICS 51 (except 517), 52, 531 (except 53113), 533, 54 (except 541940), 55, 561, and 813.

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18.20.060 C definitions.

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“Co-living” means a residential development with sleeping units that are independently rented or owned and lockable and provide living and sleeping space with residents sharing kitchen facilities with other sleeping units in the building.

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18.20.140 K definitions.

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“Kitchenette” means a room or part of a room which is used, intended, or designed to be used for basic food preparation, with a sink and at least one 120v electrical outlet.

~~“Kitchen” means any room or rooms, or portion of a room or rooms, used or intended or designed to be used for cooking or the preparation of food.~~

“Kitchen” means a room or part of a room which is used, intended, or designed to be used for preparing food. The kitchen includes facilities, or utility hookups for facilities, sufficient to prepare, cook, and store food, and wash dishes, including, at a minimum, countertops, a kitchen-style sink, space and utilities sufficient for a gas or 220/240v electric stove and oven, and a refrigerator.

“Shared kitchen” means a kitchen that is used, intended, or designed to be used by residents of multiple dwelling or sleeping units for preparing food simultaneously.

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18.20.180 O definitions.

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~~“Office, general” means an office used as a place of business by licensed professionals, or persons in other generally recognized professions, which use training or knowledge of a technical, scientific or other academic discipline as opposed to manual skills, and which does not involve outside storage or fabrication, or on-site sale or transfer of commodities. Further described in NAICS 51 (except 517) 52, 531, 533, 54 (except 541940), 55, 561, and 813.~~

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18.20.190 P definitions.

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“Personal care services” means businesses primarily engaged in providing services to meet individuals’ periodic personal needs. Examples include, but are not limited to, coin-operated laundries, dry cleaning drop-off/pick-up establishments, dry cleaners, beauty shops, barber shops, clothing alterations, tanning salons, travel agencies, payday loan establishments, photographic studios, carpet and upholstery cleaners, and personal improvement services. Further described in NAICS 8121, 812310, and 812320~~0~~.

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18.20.210 R definitions.

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["Religious organization" means the same as defined by RCW 36.01.290.](#)

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18.20.220 S definitions.

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[“Sleeping unit” means an independently rented and lockable unit that provides living and sleeping space.](#)

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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

Blue = Added

~~Red-Strikeout~~ = Removed

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.~~ 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.

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~~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
Blue = Added
~~Red Strikeout~~ = Removed

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

Zone	Permitted Density	Density Bonus	Maximum Density
All Other Zones	N/A	N/A	N/A

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 and RCW 36.70A.545.

~~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
Blue = Added
~~Red Strikeout~~ = Removed

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;~~

DG. A title elimination is required prior to building occupancy;

~~H. Be a new manufactured home.~~

.....

18.100.130 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 standards for residential use of existing buildings:

1. 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;

2. 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;

3. The addition of housing units in an existing building with ground floor commercial or retail that is along a roadway classified as an arterial is prohibited;

4. 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;

5. 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;

6. 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

7. Where an existing building cannot satisfy life safety standards, no housing units constructed entirely within the building's envelope will be allowed.

18.100.140 Co-Living.

A. The purpose of this section is to provide standards for which co-living is allowed on all lots zoned to allow at least six multifamily units in compliance with RCW 36.70A.535.

B. Conflicts. In the event of a conflict between this section and other development regulations applicable to co-living, the standards of this section shall control.

C. Applicability: This section applies to all zones which allow at least six units of multifamily or middle housing, including zones which allow six multifamily units as a component of mixed-use development.

D. Density: For the purpose of this section, sleeping units count as one quarter of a dwelling unit.

F. Multifamily: Three or more sleeping units shall be considered as a multifamily development.

E. Parking: Off-street parking for co-living shall be subject to the following:

1. No more than one off-street parking space per four sleeping units shall be required.

2. No off-street parking shall be required within one-half mile walking distance of a major transit stop as defined in RCW 36.70A.535.

F. The following are the performance standards for co-living uses:

1. Sleeping units shall be subject to the following standards:

a. All sleeping units shall be no more than 300 square feet.

b. Sleeping units may include kitchenettes, but shall not include kitchens.

c. Sleeping units must include a private bathroom, except as approved by the Director as part of a standalone church building conversion.

d. All sleeping units must have access by interior or covered exterior walkway to a shared kitchen.

2. Shared kitchens shall be subject to the following standards:

a. At least one shared kitchen shall be provided for every fifteen sleeping units.

b. At least one shared kitchen shall be provided on each floor that also contains sleeping units.

Chapter 14.120

NATURAL RESOURCE LANDS

Sections:

14.120.010	Purpose.
14.120.020	Intent.
14.120.030	Applicability.
14.120.040	Mineral resource lands designation.
14.120.050	Natural resource lands noticing requirements.
14.120.060	Current use assessment.
14.120.070	Variances and appeals.
14.120.080	Review process.
14.120.090	Title, plat, and regulated activities notification.
14.120.100	Permitted uses.
14.120.110	Appendices.

14.120.010 Purpose.

This chapter establishes requirements and regulations to protect natural resource lands and is established pursuant to WAC 197-11-908 and RCW 36.70A.170 and 36.70A.060. The city therefore designates agricultural lands and mineral resource lands, and all associated buffers as being critical areas and designated natural resource lands. By regulating development within 500 feet of natural resource lands, this chapter seeks to implement the following goals and policies to:

- A. Inform the public of the existence, location and potential incompatibility impacts of development on, or within 500 feet of, these critical areas within the city.
- B. Encourage the retention of open space, development of recreational opportunities, conserve priority habitat, increase access to natural resource lands and water, and develop parks.
- C. Assure the conservation of resource lands and related activities by limiting encroachment of incompatible development thereon.
- D. Promote the conservation of mineral resource lands through inclusion of known deposits of minerals and materials.
- E. Assure that undeveloped mineral and material resources will not be forever lost by prior development of the land for other purposes.
- F. Allow for the necessary mineral processing to convert such minerals and materials into marketable products.
- G. Protect the environment and enhance the state's high quality of life, including air and water quality and the availability of water.
- H. Maintain and enhance the biological and physical functions and values of wetlands. (Ord. 17-513 § 3 (Exh. A)).

14.120.020 Intent.

Resource lands are of special concern to the citizens, the city, and the state. The intent of this chapter is to conserve resource lands by establishing standards for development of sites which contain, or are within 500 feet of, resource lands to promote the public health, safety, and welfare by:

- A. Noticing of property on, or within, natural resource land areas;
- B. Mitigating unavoidable impacts by regulating development;
- C. Protecting from development impacts;

D. Protecting the public against losses from:

1. Costs of public emergency rescue and relief operations where the causes are avoidable;
2. Degradation of the natural environment and the expense associated with repair or replacement;

E. Preventing adverse impacts on water availability, water quality, wetlands, and streams;

F. Protecting unique, fragile, and valuable elements of the environment, including fish and wildlife habitat;

G. Providing sufficient information to show that critical areas are adequately protected prior to approving, conditioning, or denying public or private development activity;

H. Providing the public with sufficient information and notice of potential risks associated with development in any critical area or sensitive area;

I. Implementing the goals and requirements of the Growth Management Act (RCW 36.70A.060), the city's comprehensive plan, and all updates and amendments, functional plans, and other land use policies formally adopted or accepted by the city. (Ord. 17-513 § 3 (Exh. A)).

14.120.030 Applicability.

This chapter shall apply to all properties designated as resource lands, agricultural lands, mineral resource lands, or properties within 500 feet of designated resource lands within Edgewood. When the requirements of this title are more stringent than those of other local, state, or federal law, codes, or regulations, the requirements of this title shall apply.

A. Agricultural Lands. Lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products. Agricultural lands are those lands meeting all of the following criteria:

1. Lands in parcels which are 10 acres or larger in size;
2. Lands which are on prime or unique soils as identified in:
 - a. United States Department of Agriculture (USDA), Soil Conservation Service, February 1979, Soil Survey of Pierce County Area, Washington; or
 - b. USDA, Soil Conservation Service, June 1981, Important Farmlands of Pierce County, Washington;
 - c. Lands which are 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, or livestock, and which have long-term commercial significance for agricultural production; and
 - d. Lands which are not within 500 feet of lots of record of one acre or less on more than 50 percent of the perimeter of the parcel.

B. Mineral Resource Lands. Mineral resource lands shall be identified by the city using the criteria set forth in WAC 365-190-070, as now exists or as may hereafter be amended or modified.

C. Property Adjacent to Resource Lands. All plats, short plats, development permits, and building permits issued for development activities within 500 feet of lands designated as natural resource lands shall contain a notice that a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. (Ord. 17-513 § 3 (Exh. A)).

14.120.040 Mineral resource lands designation.

A. The city has classified the following areas as potential mineral resource lands.

1. Parcels: 0420164023, 0420164024, 0420164016 (commonly known as Olson); and
2. Parcels: 0420162047, 0420162048 (commonly known as Josties); and
3. Parcels: 0420084072, 0420084002, 0420084005, 0420084069, 0420084068, 0420171073, 0420171057, 0420171000, 0420171059 (commonly known as Fife Sand and Gravel).

B. The city staff shall study each area and prepare a written analysis of each area.

C. The city council shall review the staff analysis and recommendation(s) and shall, by ordinance, approve, deny, or modify the particular study area designation using the criteria in EMC 14.120.060. (Ord. 17-513 § 3 (Exh. A)).

14.120.050 Natural resource lands noticing requirements.

Pursuant to RCW 36.70A.060, the city shall require that all plats, development applications, or permits issued for development activities on, abutting, or within 500 feet of lands designated as natural resource lands contain a notice (see Appendices A through C of this chapter).

A. General. If more than one natural resource land subject to the provisions of this title intersects the subject parcel, then one notice addressing all of the natural resource areas shall be sufficient.

B. Title Notification.

1. When the city determines that activities not exempt from this title are proposed, the owner shall file a notice with the Pierce County auditor in accordance with Appendices A through C of this chapter. The notice shall provide a public record of the presence of any sensitive area; the application of this title to the property; and any limitations on activity in or affecting such sensitive area.

2. The notice shall be notarized and recorded with the Pierce County auditor before approval of any regulated use or activity on the site.

C. Plat Notification. For all proposals requiring a plat within any sensitive area, the applicant shall note the face of the plat consistent with the language set forth in Appendices A through C of this chapter.

D. Permit Notification. The department shall require that all permits issued for regulated activities on or within 500 feet of natural resource lands contain a notice as set forth in Appendices A through C of this chapter. (Ord. 17-513 § 3 (Exh. A)).

14.120.060 Current use assessment.

A. An owner of natural resource lands or open space desiring current use classification under Chapter 84.40 RCW may file for such current use classification.

B. An owner of undeveloped land with critical areas which has been placed in a separate tract or tracts, protective easement, public or private land trust dedication, or other similarly preserved area for the protection of these critical areas may have that portion of land reviewed for reassessment by the assessor-treasurer's office consistent with those restrictions to determine the fair market value of the land pursuant to RCW 84.40.030.

C. The owner shall notify the assessor-treasurer's office when restrictions on development occur on a particular site, and shall provide a plat map in addition to the following, or other special study documents as may be required by the department. (Ord. 17-513 § 3 (Exh. A)).

14.120.070 Variances and appeals.

Procedures for variances and appeals of an administrative decision issued pursuant to this chapter are set forth in Chapter 18.40 EMC. (Ord. 17-513 § 3 (Exh. A)).

14.120.080 Review process.

A. The department shall review any permit or application requested for any regulated activity, including, but not limited to, those set forth in this chapter, on a site which includes, or is within 500 feet of, one or more resource lands, unless otherwise provided in this title.

B. As part of all development applications, the department shall review the information submitted by the applicant to:

1. Confirm the nature and type of the resource land and evaluate any required title, plat, or regulated activity notification;
2. Determine whether the development proposal is consistent with this title; and
3. Determine whether any proposed alterations to the site containing resource lands are necessary.

C. The city may approve, approve with conditions, or deny any development proposal in order to comply with the requirements and carry out the goals, purposes, objectives, and requirements of this title.

D. Approval of a development proposal does not discharge the obligation of the applicant to comply with the provisions of this title. (Ord. 17-513 § 3 (Exh. A)).

14.120.090 Title, plat, and regulated activities notification.

A. If more than one resource land subject to the provisions of this title exists on the site, then one notice addressing all of the resource lands shall be sufficient.

B. Notification shall be approved by the department and shall be consistent with the forms set forth in EMC 14.120.110, Appendices A through C, as applicable.

C. Title notifications shall be notarized and recorded with the Pierce County auditor prior to approval of any regulated use or activity for the site. (Ord. 17-513 § 3 (Exh. A)).

14.120.100 Permitted uses.

Uses permitted on designated resource land sites shall be the same as those permitted in the zone classifications shown on the city zoning map. (Ord. 17-513 § 3 (Exh. A)).

14.120.110 Appendices.

A. Property Adjacent to Resource Lands.

B. Agriculture Lands Noticing.

C. Mineral Resource Lands Noticing.

APPENDIX A

PROPERTY ADJACENT TO RESOURCE LANDS

A. Title Notification.

Parcel Number: _____

Site Address: _____

NOTICE: This parcel lies within 500 feet of land designated resource lands by Edgewood. A variety of commercial and industrial activities occur in the area that may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals, or from spraying or extraction which occasionally generates dust, smoke, noise, and odor. The City has established resource uses as priority uses on productive resource lands, and residents of adjacent property should be prepared to accept such inconveniences or discomfort from normal, necessary commercial resource lands operations.

Signature of Owner

(NOTARY ACKNOWLEDGMENT)

B. Plat Notification. The owner of any site within 500 feet of land designated as resource lands on which a large lot, short subdivision, or formal subdivision is submitted shall record a notice on the face of the plat. Such notification shall be in the form as set forth below.

PROPERTY ADJACENT TO RESOURCE LANDS PLAT NOTIFICATION. This property lies within 500 feet of land designated resource lands by Edgewood. A variety of commercial and industrial activities occur in the area that may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals, or from spraying or extraction which occasionally generates dust, smoke, noise, and odor. The City has established resource uses as priority uses on productive resource lands, and residents of adjacent property should be prepared to accept such inconveniences or discomfort from normal, necessary commercial resource lands operations.

C. Regulated Activities Notification. The department shall require that permits issued for regulated activities, as defined in this chapter, within 500 feet of lands designated as resource lands, contain a notice as set forth below.

REGULATED ACTIVITIES NOTIFICATION. This property lies within 500 feet of land designated resource lands by Edgewood. A variety of commercial and industrial activities occur in the area that may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals, or from spraying or extraction which occasionally generates dust, smoke, noise, and odor. The City has established resource uses as priority uses on productive resource lands, and residents of adjacent property should be prepared to accept such inconveniences or discomfort from normal, necessary commercial resource lands operations.

APPENDIX B

AGRICULTURAL LANDS NOTICING

A. Title Notification.

Parcel Number: _____

Site Address: _____

NOTICE: This parcel lies within 500 feet of an area identified as Agricultural Lands by Edgewood. A variety of commercial Agricultural Activities occur in the area that may be inconvenient or cause discomfort to area residents. This may arise from the use of agricultural chemicals, including herbicides, pesticides, and fertilizers; or from spraying, pruning, and harvesting which occasionally generate dust, smoke, noise, and odor. Edgewood has established agriculture as a priority use on productive Agricultural Lands, and residents of adjacent property should be prepared to accept such inconveniences or discomfort from normal, necessary farm operations.

Signature of Owner

(NOTARY ACKNOWLEDGMENT)

B. Plat Notification. The owner of any site within this designation on which a large lot, short subdivision, or formal subdivision is submitted shall record a notice on the face of the plat. Such notification shall be in the form as set forth below.

AGRICULTURAL LANDS PLAT NOTIFICATION. This parcel lies within an area identified as Agricultural Lands by Edgewood. A variety of commercial Agricultural Activities occur in the area that may be inconvenient or cause discomfort to area residents. This may arise from the use of agricultural chemicals, including herbicides, pesticides, and fertilizers; or from spraying, pruning, and harvesting which occasionally generate dust, smoke, noise, and odor. The City has established agriculture as a priority use on productive Agricultural Lands, and residents of adjacent property should be prepared to accept such inconveniences or discomfort from normal, necessary farm operations.

C. Regulated Activities Notification. The department shall require that all permits issued for regulated activities, as defined in this chapter, within this zone classification contain a notice as set forth below.

REGULATED ACTIVITIES NOTIFICATION. This parcel lies within 500 feet of an area identified as Agricultural Lands by Edgewood. A variety of commercial Agricultural Activities occur in the area that may be inconvenient or cause discomfort to area residents. This may arise from the use of agricultural chemicals, including herbicides, pesticides, and fertilizers; or from spraying, pruning, and harvesting which occasionally generate dust, smoke, noise, and odor. The City has established agriculture as a priority use on productive Agricultural Lands, and residents of adjacent property should be prepared to accept such inconveniences or discomfort from normal, necessary farm operations.

APPENDIX C

MINERAL RESOURCE LANDS NOTICING

A. Title Notification.

Parcel Number: _____

Site Address: _____

NOTICE: This parcel lies within 500 feet of an area of land designated mineral resource lands by the City. A variety of commercial mineral extraction activities occur in the area that may be inconvenient or cause discomfort to area residents. This may arise from the use of heavy equipment, chemicals, and spraying which may generate dust, smoke, and noise associated with the extraction of mineral resources. Edgewood has established mineral resource extraction as a priority use on productive mineral resource lands, and residents of adjacent property should be prepared to accept such inconveniences or discomfort from normal, necessary mineral resource extraction operations.

Signature of Owner

(NOTARY ACKNOWLEDGMENT)

B. Plat Notification. The owner of any site within this overlay district on which a large lot, short subdivision, or formal subdivision is submitted shall record a notice on the face of the plat. Such notification shall be in the form as set forth below.

MINERAL RESOURCE LANDS PLAT NOTIFICATION. This property lies within 500 feet of an area of land designated mineral resource lands by the City of Edgewood. A variety of mineral resource extraction activities occur in the area that may be inconvenient or cause discomfort to area residents. This may arise from the use of heavy equipment, chemicals, and spraying which may generate dust, smoke, and noise associated with the extraction of mineral resources. Edgewood has established mineral resource extraction as a priority use on productive mineral resource lands, and residents of adjacent property should be prepared to

accept such inconveniences or discomfort from normal, necessary mineral resource extraction lands.

C. Regulated Activities Notification. The department shall require that all permits issued for regulated activities, as defined in this chapter, within this designation contain a notice as set forth below.

REGULATED ACTIVITIES NOTIFICATION. This property lies within 500 feet of an area of land designated mineral resource lands by Edgewood. A variety of mineral resource extraction activities occur in the area that may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals and extraction of minerals, which occasionally generates dust, smoke, noise, and odor. The City has established mineral resource extraction as a priority use on productive mineral resource lands, and residents of adjacent property should be prepared to accept such inconveniences or discomfort from normal, necessary mineral resource extraction lands.

(Ord. 17-513 § 3 (Exh. A)).

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](#).

Contents

Supportive Housing Types Checklist	1
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Definitions:	6
Zoning:	8
Other development regulations:	10
Religious organizations:	12

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
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)	Yes (Ord. 21-613)	N/A
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)	Yes (Ord. 21-613)	N/A

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.

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)	Yes (Ord. 21-613)	N/A
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)	No	Adding "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.
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)	No, wrong reference.	Revise definition to "Transitional housing" means the same as defined by RCW 84.36.043(3)(c).

Zoning: The zoning requirements listed in this table represent the minimum requirements necessary to meet state law.

Code requirement	Consistent Yes/No	Changes needed
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 <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>	Yes (Ord. 21-613)	N/A
City code must allow permanent supportive housing in areas where multifamily housing is permitted. RCW 35.21.689	Yes (Ord. 21-613)	N/A
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 <i>Commerce note: This includes traditional single-family detached housing zones.</i>	Yes (Ord. 21-613)	N/A

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
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 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 Moratoria may not be used to prevent the permitting or construction of supporting housing types. RCW 36.70A.390	Yes (Ord. 21-613)	
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 <i>Commerce note: Jurisdictions looking for assistance on this should consult their building official/applicable building codes.</i>	Yes	City code has no specific limit on number of unrelated persons in a welling.

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.

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)	Yes	
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	Yes	
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) <i>Commerce note: The permanent supportive housing definition states that services are voluntary.</i>	Yes	
City and county development regulations must not violate the Landlord-Tenant Act's legal causes for evictions. RCW 59.18.650 <i>Commerce note: Evictions in permanent supportive housing and transitional housing are regulated through the Landlord–Tenant Act</i>	Yes	

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
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 <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>	No	Revised EMC 18.90.080. to allow for density bonuses under RCW 36.70A.545.
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. For example, any religious organization hosting the homeless with a publicly funded managing agency must utilize HMIS. RCW 35.21.915(5)	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.