CITY OF EDGEWOOD
COUNCIL STUDY SESSION AGENDA

Tuesday, December 16, 2025 – 7:00 PM ♦ City Hall – 10440 Dom Calata Way E ♦ Edgewood, WA
Meeting Link: https://cityofedgewood-org.zoom.us/s/86916509308

1. **CALL TO ORDER**
   Roll Call, Pledge of Allegiance
2. **COUNCIL BUSINESS**
   - **A.** Equity, Diversity, and Inclusion Council Sub-Committee Update
   - **B.** Adding Alternate Membership Positions to Internal City of Edgewood Boards and Commissions
   - **C.** Economic Development Advisory Board Updates
   - **D.** 2025 Annual Comprehensive Plan Amendments
   - **E.** Critical Areas Ordinance Update
   - **F.** 2024 Comprehensive Plan Process Closeout and Implementation Code Amendments
   - **G.** Car Tab Fees
3. **OTHER COUNCIL ITEMS**
4. **ADJOURN**

Study Sessions are meetings for Council to review upcoming and pertinent business of the City, no action is taken by the City Council. Study Sessions are open to the public, but public input is reserved for the regular Council meetings

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
Council Agenda Summary Sheet

Subject: Equity, Diversity, and Inclusion Council Sub-Committee Update	**Agenda Item #:** **2.A** **For Agenda of:** **12/16/2025** **Prepared by: Jill Schwerzler-Herrera**
Attachments (list):	

Approval of Materials:		**Expenditure Required:**
Jill Schwerzler-Herrera		**Amount Budgeted:**
Rachel Pitzel, Assistant City Administrator	12/08/2025	**Timeline:** Topic to be added to all future Study Sessions (see item history below)
Dave Olson, Mayor	12/08/2025	

Summary Statement:

Item History:
The council has asked that this topic be discussed at all study sessions for the foreseeable future. As such, this has been a reoccurring agenda item since September of 2020.

Recommended Action:
N/A

Fiscal Note/Consideration:
N/A

City Of Edgewood
Council Agenda Summary Sheet

Subject: Adding Alternate Membership Positions to Internal City of Edgewood Boards and Commissions	**Agenda Item #:** **2.B** **For Agenda of:** **12/16/2025** **Prepared by: Rachel Pitzel**
Attachments (list): 1. Ordinance No. 25-0xxx, Amending EMC Chapters 2.30; 2.31; and 2.32	
Approval of Materials: Rachel Pitzel Rachel Pitzel, Assistant City Administrator 12/10/2025 Dave Olson, Mayor 12/10/2025	**Expenditure Required:** N/A **Amount Budgeted:** N/A **Timeline:** 12/16/2025 Study Session Discussion 12/23/2025 Regular Council Meeting Action

Summary Statement:

The City Council has expressed interest in allowing alternate members to serve on the City's internal Boards and Commissions.

The proposed ordinance amends the following chapters of the Edgewood Municipal Code:
EMC 2.30 – Planning Commission
EMC 2.31 – Parks and Recreation Advisory Board
EMC 2.32 – Economic Development Advisory Board

The amendments authorize the City Council to appoint up to two alternate members to each board or commission. No changes are proposed to the number of regular members, their duties, or their appointment processes. This ordinance simply adds the *authority* to appoint alternates.

Staff notes that while this amendment allows alternates to exist, it does not yet define their roles, expectations, voting rights, or operational procedures. Additional work will be needed to clarify how alternating participation will function for each Board/Commission.

If the Council adopts this ordinance at the next regular council meeting, staff will begin preparing a subsequent set of amendments and/or administrative guidance in 2026 to fully define alternate-member roles. This phased approach provides staff the necessary time to research best practices, coordinate with the City Attorney, obtain input from existing Boards and Commissions, and return to Council with a comprehensive framework.

Item History:

Recommended Action:
Hold a discussion and provide staff guidance regarding Adding Alternate Membership Positions to Internal City of Edgewood Boards and Commissions

Fiscal Note/Consideration:
None. Members and alternates serve without compensation.

ORDINANCE NO. 25-0xxx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, PIERCE COUNTY, WASHINGTON, AMENDING EDGEWOOD MUNICPAL CODE CHAPTERS 2.30; 2.31; AND 2.32; RELATED TO BOARD AND COMMISSION MEMBERSHIP, ADDING UP TO TWO ALTERNATE MEMBER POSITIONS FOR EACH BOARD AND COMMISSION, PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Edgewood values the input and participation of its Boards and Commissions in advising the City Council on matters of public concern; and

WHEREAS, from time-to-time vacancies, absences, or scheduling conflicts may limit the number of appointed members available to participate; and

WHEREAS, the City Council desires to add up to two alternate memberships for each Board and Commission to support continuity of service, broaden participation, and ensure that advisory work may proceed without interruption; and

WHEREAS, amendments to the Edgewood Municipal Code are necessary to authorize and establish such alternate positions;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Edgewood Municipal Code Amendments.

A. Amendment to EMC 2.30.020 – Planning Commission Membership.

EMC 2.30.020 is amended to add a new subsection I, to read as follows:

> **I. Alternate Members.** In addition to the seven regular voting members of the planning commission, the city council may appoint up to two alternate members. Alternate members shall be appointed in the same manner as regular members and shall serve terms consistent with those established for planning commission positions. Alternat members shall be subject to the same attendance, removal, ethics, and vacancy provisions applicable to regular members unless otherwise provided by ordinance.

All other provisions of EMC 2.30.020 remain unchanged.

B. Amendment to EMC 2.31.010 – Parks and Recreation Advisory Board – Created; Membership.

EMC 2.31.010 is amended to add the following sentence at the end of the section:

> Up to two alternate members may also be appointed to the board by the city council. Alternate members shall be appointed in the same manner as regular members and shall serve terms consistent with those established in EMC 2.31.020.

All other provisions of EMC 2.31.010 remain unchanged.

C. Amendment to EMC 2.32.010 – Economic Development Advisory Board – Created; Membership.

EMC 2.32.010 is amended to add the following paragraph at the end of the section:

> **Alternate Members.** In addition to the seven regular voting members of the Economic Development Advisory Board, the city council may appoint up to two alternate members. Alternate members shall be appointed in the same manner as regular members and shall serve terms consistent with those established in EMC 2.32.020. Alternate members shall be subject to the same residency, removal, and vacancy requirements applicable to regular members unless otherwise provided by ordinance.

All other provisions of EMC 2.32.010 remain unchanged.

Section 2. Corrections. Upon the approval of the city attorney and/or the city clerk, the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after publication as provided by law.

PASSED BY THE CITY COUNCIL ON THE XTH DAY OF XXXXXXXXXXXXXX, 2025

____
Dave Olson, Mayor

ATTEST/AUTHENTICATED:

____
Jill Schwerzler-Herrera, CMC
City Clerk

APPROVED AS TO FORM:

____
Maili C. Barber, City Attorney

Date of Publication: Friday
Effective Date: Following Wednesday

City Of Edgewood
Council Agenda Summary Sheet

Subject: Economic Development Advisory Board Updates	**Agenda Item #:** **2.C** **For Agenda of:** **12/16/2025** **Prepared by: Jeremy Metzler**
Attachments (list):	

Approval of Materials:		
Jeremy Metzler		**Expenditure Required:** N/A
Rachel Pitzel, Assistant City Administrator	12/10/2025	**Amount Budgeted:** N/A
Dave Olson, Mayor	12/10/2025	**Timeline:** Monthly Report to Council, 2nd Study Session

Summary Statement:
The EDAB's study session scheduled for December 5, 2025, was canceled due to lack of quorum. The EDAB last met yesterday, December 15, 2025. A written summary was not available for this agenda bill, so a verbal summary will be provided by the EDAB Chair this evening. Their next meeting is currently planned for Monday, January 5th, 2026 at 6pm, returning to their original schedule of meeting only on the first Monday of each month.

Item History:
This is a reoccurring agenda item every second study session of the month.

Recommended Action:
Hold a discussion regarding Economic Development Advisory Board Updates

Fiscal Note/Consideration:
N/A

EDGEWOOD
Washington

City Of Edgewood
Council Agenda Summary Sheet

Subject: 2025 Annual Comprehensive Plan Amendments	**Agenda Item #: 2.D** **For Agenda of: 12/16/2025** **Prepared by: Jeremy Metzler**

Attachments (list):
1. SIGNED PC Recommendation - 2025 Annual Comp Plan Amendment Action
2. DRAFT 2025 Update Adopting Ordinance 25-0xxx
3. ExA - 2024 Comprehensive Plan Amendments
4. ExB - Current Zoning Map

Approval of Materials:		
Jeremy Metzler		**Expenditure Required:** N/A
Rachel Pitzel, Assistant City Administrator	12/11/2025	**Amount Budgeted:** N/A
Dave Olson, Mayor	12/11/2025	**Timeline:** 12/16/2025 SS 12/23/2025 RCM

Summary Statement:
In accordance with RCW 36.70A.130 of the Growth Management Act (GMA), cities may consider amendments to their comprehensive plans no more than once annually. The City of Edgewood City Council has established a process and criteria for making amendments to the City's Comprehensive Plan under EMC Chapter 18.60.

On February 25, 2025, the City Council approved the final annual docket via Resolution no. 25-0768. The resolution directed the Planning Commission (PC) to review the Future Land Use Study and Map Amendment for the West Valley Highway (WVH) Overlay Area and make a recommendation on whether the proposal, or some modification thereof, should be adopted or denied. The PC was also directed to review the 2024 Comprehensive Plan and Zoning Map for scrivener's errors and inconsistencies and make a recommendation for adjustments as appropriate. The PC was directed to complete its review, to conduct such public hearings as may be required, and to forward its recommendation to the City Council.

As a result of public and agency comments provided before or at the October 13, 2025 Public Hearing, the PC recommended that the City Council remove the West Valley Highway Overlay Area future land use map and zoning map amendment from the annual docket to allow staff the time necessary to review and address the environmental concerns. On October 14, 2025, the City Council voted to remove the West Valley Highway Overlay Area amendments from the annual docket.

In summary, city staff have reviewed the 2024 Comprehensive Plan and identified 32 text errors and three future land use and zoning map errors requiring correction. These issues and recommended updates were recommended by the PC for Council's adoption at their November 10, 2025 meeting (attached), and are further detailed in the attached draft adopting ordinance and its exhibits for Council's review and consideration.

Item History:
Planning Commission Meetings: October 13, 2025, November 10, 2025

Recommended Action:
Hold a discussion and provide staff guidance regarding 2025 Annual Comprehensive Plan Amendments

Fiscal Note/Consideration:
N/A

CITY OF EDGEWOOD PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5-0 to recommend that the City Council adopt the proposed annual Comprehensive Plan amendments to the 2024 Comprehensive Plan, as presented herewith, pertaining to 2024 Comprehensive Plan text and future land use and zoning map scriveners errors.

RECOMMENDED BY THE CITY OF EDGEWOOD PLANNING COMMISSION
ON THE 10TH DAY OF NOVEMBER 2025.

JoAnn Overfield, Chair

JoAnn Overfield
Planning Commission Chair

Attest by:

Jeremy Metzler, PE
Community Development Director

ORDINANCE NO. 25-0xxx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, PIERCE COUNTY, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING FINDINGS AND CONCLUSIONS; AMENDING THE COMPREHENSIVE PLAN IN ACCORDANCE WITH CHAPTER 18.60 OF THE EDGEWOOD MUNICIPAL CODE AND RCW 36.70A.130;

WHEREAS, RCW 36.70A.130 of the Growth Management Act (GMA) generally allows cities and counties to consider comprehensive plan amendments no more no more than once each calendar year; and

WHEREAS, except in special circumstances (RCW 36.70A.130(2)(a)), the City may consider amendments to the City's Comprehensive Plan once a year; and

WHEREAS, the City of Edgewood City Council has established a process and criteria for making modifications to the City's Comprehensive Plan in EMC Chapter 18.60, including text and map amendments in accordance with the Growth Management Act and State Law; and

WHEREAS, the City proposed two (2) comprehensive plan amendments for 2025, related to (1) the Future Land Use Study and Map Amendment for the West Valley Highway Overlay Area, and (2) review of the 2024 Comprehensive Plan and Zoning Map for scrivener's errors and inconsistencies (City file number 25-011-CODE); and

WHEREAS, in accordance with Edgewood Municipal Code (EMC) Section 18.60.140, the City's Community Development Director ("Director") maintained a preliminary docket and prepared a report concerning which suggested amendments the director believed should be placed on the Final Docket for consideration during the annual amendment process; and

WHEREAS, the Director suggested both the West Valley Highway Overlay Area Future Land Use Study and Map Amendment and the 2024 Comprehensive Plan and Zoning Map scrivener's errors and inconsistency review be included in the Final Docket; and

WHEREAS, on February 10, 2025, the Planning Commission held a public hearing on the Director's suggested amendments and made the recommendation to City Council that said amendments should be placed on the Final Docket; and

WHEREAS, on February 18, 2025, the City Council considered the proposed Final Docket during their regularly scheduled study session; and

WHEREAS, on February 25, 2025, the City Council approved Resolution 25-0768, which adopted the City's 2025 Comprehensive Plan Amendment Final Docket; and

WHEREAS, in accordance with the State Environmental Policy Act (SEPA), the City's responsible SEPA Official issued a Determination of Nonsignificance (DNS) on September 25, 2025, and this threshold determination was not appealed; and

WHEREAS, pursuant to RCW 36.70A.106, the City sent its notice of intent to adopt the proposed comprehensive plan amendments to the Department of Commerce on September 25, 2025, which is at least sixty (60) days prior to the adoption date of this Ordinance; and

WHEREAS, on October 13, 2025, the Planning Commission held a public hearing on the proposed comprehensive plan amendments and received public comment; and

WHEREAS, following receipt of agency comments regarding the West Valley Highway Land Use Study and Rezone and in order to allow staff adequate time to review, analyze and respond, the Planning Commission voted 6-0 to recommend removing that item from the 2025 Comprehensive Plan Amendment Final Docket for consideration by to the City Council; and

WHEREAS, the City Council considered the Planning Commission's recommendation regarding the West Valley Highway Land Use Study and Rezone at their October 14, 2025 regular meeting and voted 6-0 to remove the Future Land Use Study and Map Amendment for the West Valley Highway Overlay area from the 2025 Final Docket for Annual Amendments to Edgewood's Comprehensive Plan, and to instead include that item for consideration during the 2026 Annual Amendment docket process; and

WHEREAS, the City's responsible SEPA Official issued a Revised DNS on October 17, 2025, removing the Future Land Use Study and Map Amendment for the West Valley Highway Overlay area, and this revised threshold determination was not appealed; and

WHEREAS, on November 10, 2025, the Planning Commission voted 5-0 to recommend approval of the updated Final Docket to the City Council; and

WHEREAS, the City Council considered the proposed comprehensive plan amendments in their regular study session meeting held on December 16, 2025; and

WHEREAS, the proposed amendments to the Edgewood Comprehensive Plan and Zoning Map are consistent with the City's planning goals and objectives;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Adoption of Findings and Conclusions in Support of Comprehensive Plan Amendments. The City Council hereby adopts the findings and conclusions of the Planning Commission in their November 10, 2025, recommendation, as supplemental by the recitals set forth above, and incorporates the Planning Commission recommendation by reference.

Section 2. Amendments to the City of Edgewood Comprehensive Plan. The City Council hereby amends the City of Edgewood Comprehensive Plan as shown in Exhibit A, attached hereto and incorporated herein by this reference.

Section 3. Amendments to the City of Edgewood Current Zoning Map. The City Council hereby replaces the City of Edgewood Current Zoning Map with the map shown in Exhibit B, attached hereto and incorporated herein by this reference.

Section 4. Directing Submission to the Department of Commerce. Pursuant to RCW 36.70A.106, the Director or designee shall transmit a complete and accurate copy of this Ordinance and any attachments to the Washington State Department of Commerce within ten (10) calendar days of the date of passage.

Section 5. Corrections. Upon the approval of the city attorney and/or the city clerk, the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after publication as provided by law.

PASSED BY THE CITY COUNCIL ON THE 23RD DAY OF DECEMBER, 2025

____
Dave Olson, Mayor

ATTEST/AUTHENTICATED:

____
Jill Schwerzler-Herrera, CMC
City Clerk

APPROVED AS TO FORM:

____
Maili C. Barber, City Attorney

Date of Publication: *12/26/2025*
Effective Date: *12/31/2025*

Exhibit A
City of Edgewood Comprehensive Plan Amendments

Exhibit A – 2024 Comprehensive Plan Scrivener's Errors and Inconsistencies
Ordinance 25-0xxx, 2025 Comprehensive Plan Amendments
December 16, 2025

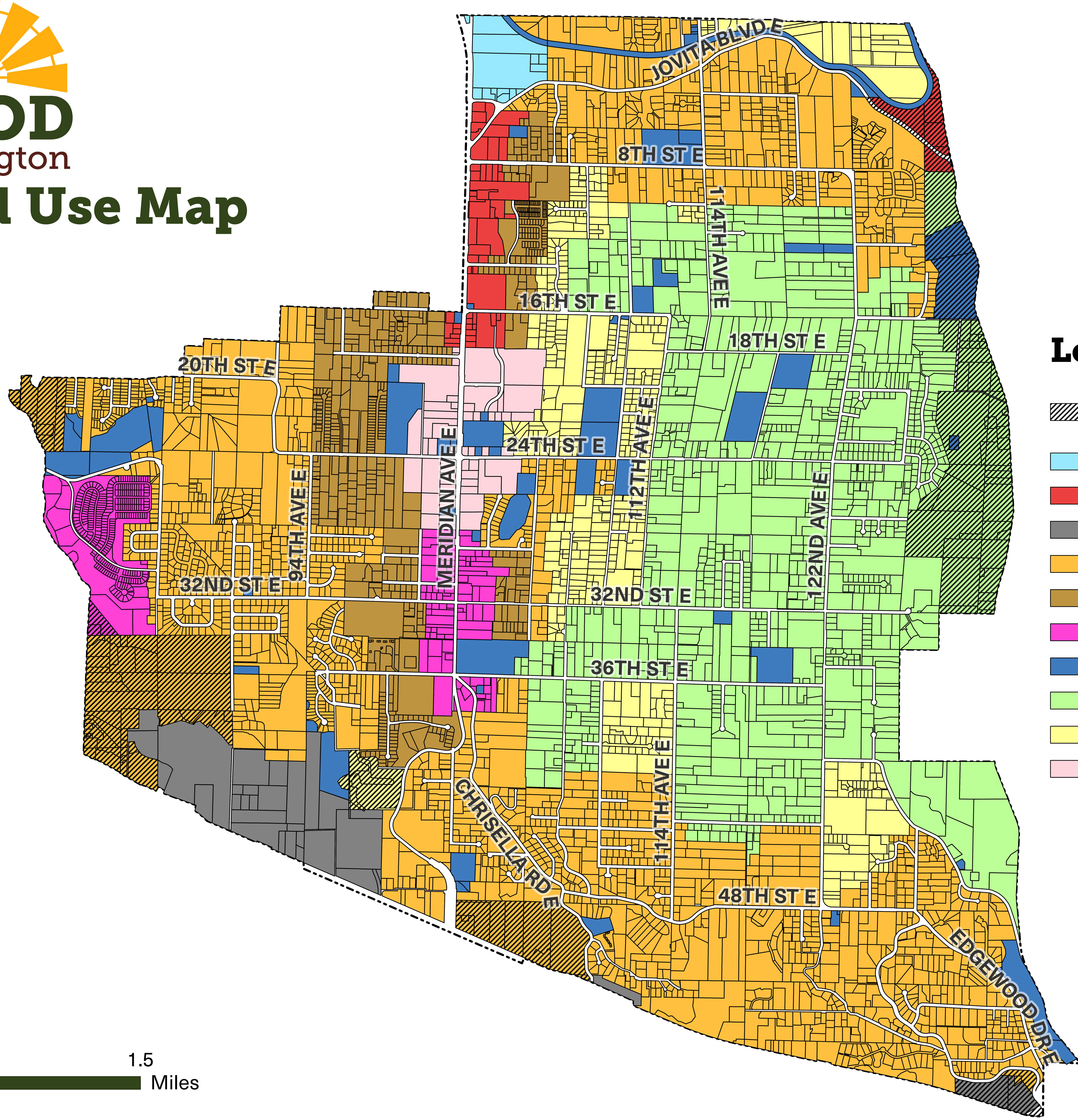
2015 Comp Plan	***2024 Comp Plan***	***Staff Recommendation***
Not applicable	Cover Page	Add Amendment Date and Adopting Ordinance Reference upon completion
Not applicable	Figure I-1 (page 3 of 222) and Figure TC-1 (page 47 of 222)	Revise Town Center outline to include entire TC zone and any P-zoned parcels within it.
Not applicable	Figure T-9 (page 101 of 222), Figure T-10 (page 103 of 222)	Non-existing routes are shown on these figures, but they should be removed
Not applicable	Figure T-16 (page 118 of 222): Project Trail-09	Project not necessary, delete from map.
Figure 11 (page 133 of 174): Project R5	Omitted	Add Project R-08 to Figure T-16 (page 118 of 222), following route shown on Figures T-13, T-14 and T-15 between Valley Ave and Meridian Ave E
Not applicable	Figure T-17 (page 119 of 222): Project labels	Revise to be consistent with Table T-10 IDs (add hyphens)
Not applicable	Figure T-17 (page 119 of 222): Project E3	Not mapped correctly – needs to be shown between the Emerald / Jovita RAB and 105th Ave E / 8th St E
Not applicable	Table T-10 (pages 120 through 124 of 222): ID's	Revise R, I, PED, and TRAIL IDs to be consistent with Figure T-16 labeling
Not applicable	Table T-10 (page 120 of 222): ID R-2	Add asterisk to end of PROJECT NAME
Table 31 (page 135 of 174): ID R-5	Omitted	Add ID R-08 to Table T-10 (page 120 of 222), PROJECT NAME "Southwest Freight Connector", PROJECT LIMITS "Valley Ave to Meridian Ave E", PROJECT DESCRIPTION "Construct new roadway through industrial zoning district to eliminate need for several at-grade railroad crossings", PROJECT COST (THOUSANDS) "$10,000"
Not applicable	Table T-10 (page 120 of 222): ID E-3	Remove asterisk from end of PROJECT NAME
Table 31 (page 135 of 174): ID E-4	Table T-10 (page 121 of 222): ID E-4	Revise PROJECT NAME from "12th St E" to "13th St Ct E"
Table 31 (page 135 of 174): ID E-10	Table T-10 (page 121 of 222): ID E-10	Revise PROJECT NAME from "22nd St E" to "Dom Calata Way E"
Table 31 (page 136 of 174): ID E-14	Table T-10 (page 121 of 222): ID E-14	Revise PROJECT NAME from "103rd Ave E" to "106th Ave E"
Not applicable	Table T-10 (page 121 of 222): ID W-4	Add asterisk to end of PROJECT NAME
Not applicable	Table T-10 (page 121 of 222): ID PED-7	Revise PROJECT NAME from "16th Ave" to "Taylor St"
Table 31 (page 136 of 174): ID A-2	Table T-10 (page 122 of 222): ID A-2	Change PROJECT NAME to "Citywide Road Preservation Program*"

2015 Comp Plan	*2024 Comp Plan*	*Staff Recommendation*
Not applicable	Table T-10 (page 124 of 222): ID TRAIL-2	Change PROJECT NAME to "Interurban Connector" and change PROJECT LIMITS to "Sewer Lift Station E-1 to Jovita Blvd E"
Not applicable	Table T-10 (page 124 of 222): ID TRAIL-3	Change PROJECT NAME to "Litowitz Property" and change PROJECT LIMITS to "16th St E to West Valley Hwy"
Not applicable	Table T-10 (page 124 of 222): ID TRAIL-4	Change PROJECT NAME to "Surprise Lake Tributary" and change PROJECT LIMITS to "Mortensen Farm to 18th St Ct E"
Not applicable	Table T-10 (page 124 of 222): ID TRAIL-6	Change PROJECT NAME to "106th Ave E Corridor" and change PROJECT LIMITS to "16th St E to The Arbors"
Not applicable	Table T-10 (page 124 of 222): ID TRAIL-7	Change PROJECT NAME to "20th St E Corridor" and change PROJECT LIMITS to "104th Ave E to 106th Ave E Corridor"
Not applicable	Table T-10 (page 124 of 222): ID TRAIL-8	Change PROJECT NAME to "Nelson Farm Park" and change PROJECT LIMITS to "18th St E to Nelson Nature Park North"
Not applicable	Table T-10 (page 124 of 222): ID TRAIL-9	Project not necessary, delete entire row.
Not applicable	Table T-10 (page 124 of 222): ID TRAIL-10	Change PROJECT NAME to "Nelson Nature Park" and change PROJECT LIMITS to "24th St E to SW Corner"
Not applicable	Table T-10 (page 124 of 222): ID TRAIL-11	Change PROJECT NAME to "Lake Chalet North" and change PROJECT LIMITS to "103rd Ave Ct E to 106th Ave E"
Not applicable	Table T-10 (page 124 of 222): ID TRAIL-12	Change PROJECT NAME to "Pinedale Pond" and change PROJECT LIMITS to "Pascolo Estates to 24th St E"
Not applicable	Table T-10 (page 125 of 222): ID TRAIL-13	Change PROJECT NAME to "Simons Creek" and change PROJECT LIMITS to "Meridian Ave E to ProLogis Industrial Park"
Not applicable	Table T-10 (page 125 of 222): ID TRAIL-14	Change PROJECT NAME to "32nd St E Corridor" and change PROJECT LIMITS to "94th Ave E to 100th Ave E"
Not applicable	Table T-10 (page 125 of 222): ID TRAIL-15	Change PROJECT NAME to "Mt. View Elementary Connector" and change PROJECT LIMITS to "32nd St E to 36th St E"
Not applicable	Table T-10 (page 125 of 222): ID TRAIL-16	Change PROJECT NAME to "Wolf Point Trail" and change PROJECT LIMITS to "36th St E to valley floor"
Not applicable	Table T-10 (page 125 of 222): ID TRAIL-17	Change PROJECT NAME to "Wolf Point Connector" and change PROJECT LIMITS to "Wolf Point Trail to Puyallup C/L"

EDGEWOOD
Washington

Future Land Use Map

EFFECTIVE DECEMBER 31, 2025



Legend

- Special Land Use Overlay Districts
- Business Park
- Commercial
- Industrial
- Mixed Residential Low
- Mixed Residential Moderate
- Mixed Use Residential
- Public
- Residential 1
- Residential 2
- Town Center

N

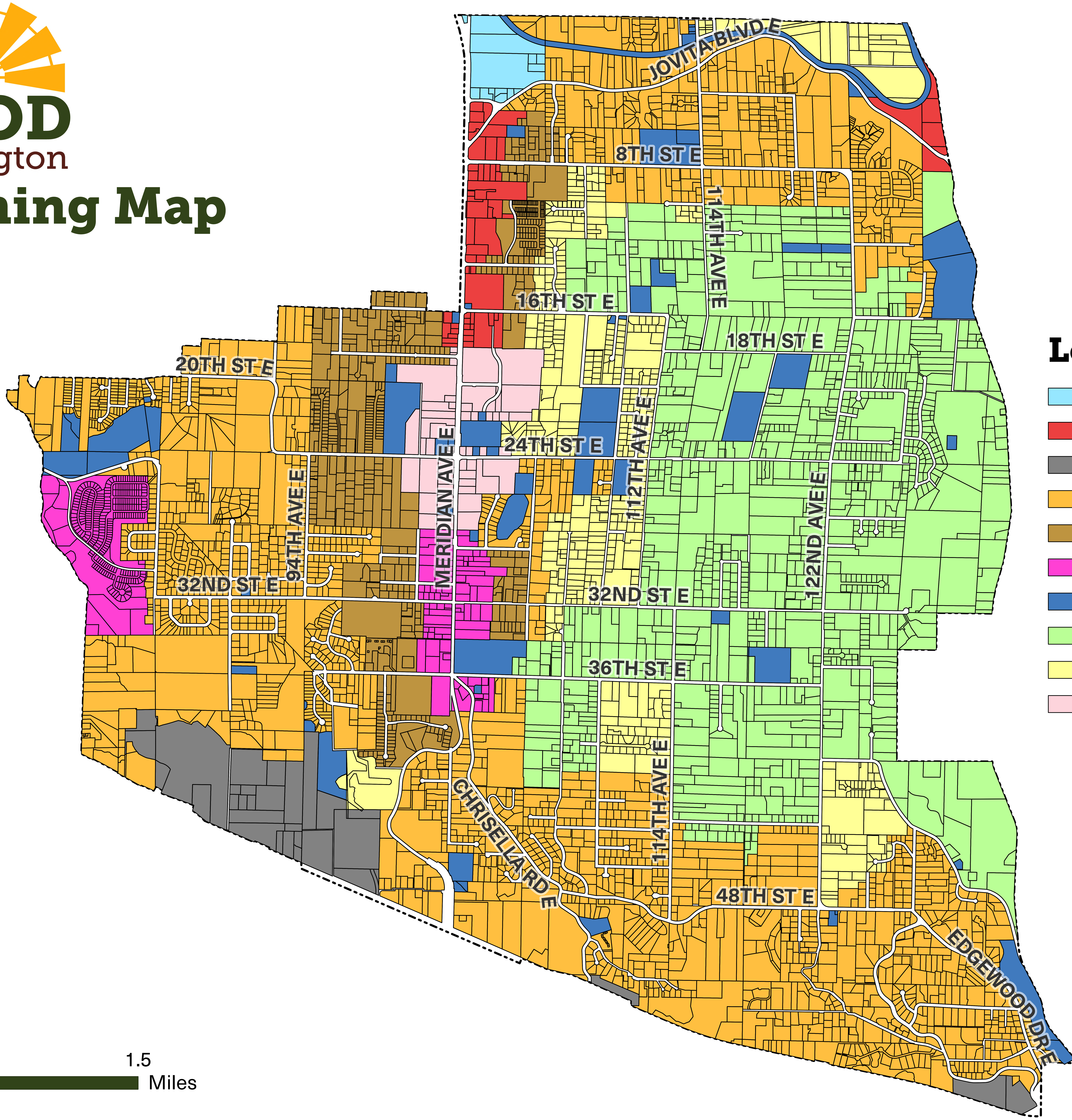
0 0.38 0.75 1.5 Miles

Data Sources: City of Edgewood, Pierce County
Disclaimer: The City of Edgewood makes no claims concerning the accuracy of this map nor assumes any liability from the use of the information herein.

EDGEWOOD
Washington

Current Zoning Map

EFFECTIVE DECEMBER 31, 2025



Legend

- Business Park (BP)
- Commercial (C)
- Industrial (I)
- Mixed Residential 1 (MR-1)
- Mixed Residential 2 (MR-2)
- Mixed Use Residential (MUR)
- Public (P)
- Residential - 1 (R-1)
- Residential - 2 (R-2)
- Town Center (TC)

N

0 0.38 0.75 1.5 Miles

Data Sources: City of Edgewood, Pierce County

Disclaimer: The City of Edgewood makes no claims concerning the accuracy of this map nor assumes any liability from the use of the information herein.

City Of Edgewood
Council Agenda Summary Sheet

Subject: Critical Areas Ordinance Update	**Agenda Item #:** 2.E **For Agenda of:** 12/16/2025 **Prepared by:** CED Planning - Josh

Attachments (list):

1. 2025 Best Available Science Annotated Review
2. Type F Stream Buffer Analysis Memo
3. SIGNED PC Recommendation - 2025 CAO Update
4. Draft ORDINANCE 25.XXXXX RELATING TO ADOPTING AMENDMENTS TO TITLE 14 CRITICAL AREAS
5. ExA - EMC 14.10 General Provision Draft Amendment
6. ExB - EMC 14.20 Definitions Draft Amendment
7. ExC - EMC 14.30 Use and Activity Draft Amendment
8. ExD - EMC 14.40 Wetland Draft Amendment
9. ExE - EMC 14.50 Fish and Wildlife Habitat Draft Amendments
10. ExF - EMC 14.60 CARA Draft Amendment
11. ExG - EMC 14.70 Volcanic Area Draft Amendment
12. ExH - EMC 14.80 Flood Hazard Area Dracft Amendment
13. ExI - EMC 14.90 Landslide Hazard Area Draft Amendment
14. ExJ - EMC 14.100 Seismic Hazard Area Draft Amendment
15. ExK - EMC 14.110 Erosion Hazard Area Draft Amendment

Approval of Materials:		
CED Planning - Josh		**Expenditure Required:** N/A
Rachel Pitzel, Assistant City Administrator	12/11/2025	**Amount Budgeted:** N/A
Dave Olson, Mayor	12/11/2025	**Timeline:** 12/16/2025 SS 12/23/2025 RCM

Summary Statement: 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 (EMC 14.80)
- 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.

The Planning Commission has met every month since June 2025 discussing the critical area ordinance update and best available science. On October 13, 2025, the Planning Commission held a Public Hearing on the proposed code amendments. The following describes the planning meeting date, the topic, the link to the meeting materials, and the meeting recording link:

- June 9: Introduction Presentation Materials – Video Link
- July 14: BAS Review (non-stream) Materials – Video Link
- August 11: BAS Review (Streams) and Draft Amendments Discussion Materials – Video Link
- September 8: Draft Amendment Discussion Materials – Video Link
- October 13: Public Hearing: Materials – Video Link
- October 14: City Council Introduction Presentation Materials – Video Link
- November 10: Planning Commission Action Materials – Video Link

Attached for the Council's consideration are the BAS Review, a Memo regarding Type F Stream Buffers, the Planning Commission's recommendation, and a draft adopting ordinance with 11 exhibits reflecting the proposed redline code amendments. The redlined exhibits will be cleaned up for presentation with the adopting ordinance for potential action at next week's regular meeting.

Other Documents:
Agency Comment Response Matrix

Additional Resources**:**
Washington State Department of Commerce Critical Area Protection

Item History:
See Summary Statement

Recommended Action:
Hold a discussion and provide staff guidance regarding Critical Areas Ordinance Update

Fiscal Note/Consideration:
N/A

Edgewood City Hall
10440 Dom Calata Way E | Edgewood, WA 98372
(253) 952-3299 | cityhall@cityofedgewood.org
www.cityofedgewood.org

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.

FHWCAs are further defined in WAC 365-190-130 were 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 FHWCAs 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 heigh framework, and recommendations for common activities. Additional BAS resources for identifying FHWCAs 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, (Retnz 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.

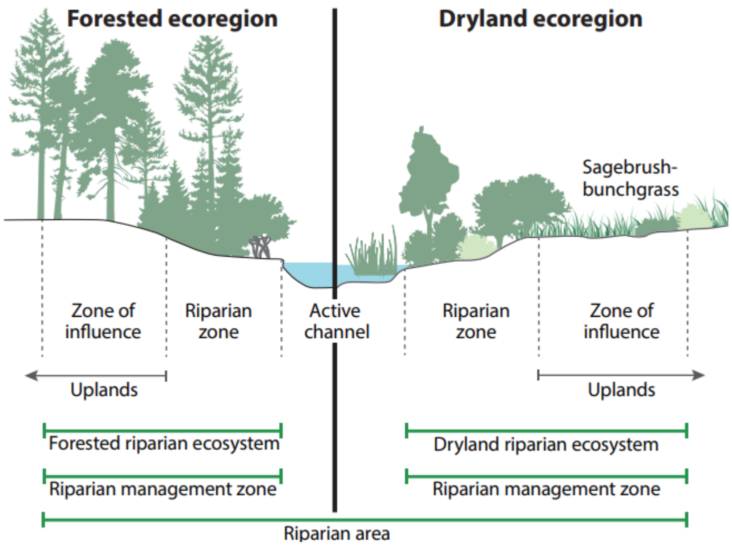


Figure 1. Riparian Management Zone (Quinn et al. 2020)

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. City of Fife requires applicants to demonstrate buffers based on the best available science, or in other words no specific buffer width. Cities of Puyallup 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.

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 FWHCAs 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.
- Review feasibility of retaining a 100-foot Fish-bearing (Type F) stream buffer which appears to 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.
- Review the allowance for stream buffer reductions and buffer averaging.
- 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 suspectable 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 liquification 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 liquification (WDNR GeologyPortal).

Erosion Hazard Areas

The U.S Department of Agriculture (USDA) Natural Resource Conservation Sevice (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.

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To: City Council
From: Jeremy Metzler, PE, Community Development Director
Josh Kubitza AICP, Planning Manager
Date: November 10, 2025
Subject: Type F Stream Buffer Analysis Memo

SECTION I. Purpose:

In response to agency comments and in addition to the 2025 Best Available Science Annotated Review , staff conducted a detailed analysis of mapped fish-bearing water bodies. This analysis focused on their proximity to steep slopes, other critical areas, and their alignment with the WDFW-recommended SPTH 200 mapping (see Type F Stream Buffer Analysis Map).

This analysis was provided to the Planning Commission in the November 10, 2025 Planning Commission Meeting 2025 Critical Areas Ordinance Update Staff Report. Staff pulled this analysis into a separate memorandum for City Council consideration.

SECTION II. Riparian Buffer Analysis & Discussion:

As identified in the 2025 Best Available Science Annotated Review, the SPTH (Site Potential Tree Height) site class groups are what Washington Department of Fish and Wildlife (WDFW) recommends using in determining the foot distance from the stream boundary. To complete this analysis, staff consolidated the more than 30 SPTH site class groups within the city into three categories based on the following buffer distances: 94 – 111 feet, 112 – 204 feet, and the 205 – 231 feet. In the WDFW comments to the city, WDFW recommended a 150-foot buffer where the 200SPTH cannot be achieved. However, WDFW also recommends no smaller than 100-foot buffer to ensure 95% pollution capture.

To better understand the implications of buffer recommendations, staff separated the analysis into the following two distinct stream areas.

- Stream Area 1: Wapato Creek and Simons Creek, located in the southwest portion of the city within the valley floor.

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City of Edgewood
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Phone: 253-952-3299
comdev@cityofedgewood.org

- Stream Area 2: Simons Creek (outside the lower valley), Jovita Creek, and several unverified Type F streams along the southern and eastern city boundaries.

Generally speaking, Stream Area 1 is primarily within flatter terrain, whereas Stream Area 2 is adjacent to steep slopes and other critical areas.

In Stream Area 1, over 95% of Wapato and Simons Creeks, and their existing 100-foot riparian buffers, fall within the 94–111-foot SPTH site class, with minimal overlap into larger site classes. Since WDFW recommends no buffer smaller than 100 feet, the appropriate buffer for this area would range between 100 and 111 feet. This area's stream buffers are also significantly reduced and impaired, in some cases only a few feet wide, due to historical agriculture practices and older development. The proposed language code would require that future developments enhance the 100-foot buffer to a more naturally functioning condition, which would significantly increase the critical area health versus requiring a larger buffer that would encourage property owners to maintain agriculture uses that would result in further degradation of the critical area or maintain the existing impairments.

In Stream Area 2, the streams are located in ravines and near steep slopes or other critical areas. According to existing and proposed code, when riparian buffers overlap with other critical area buffers (e.g., steep slopes, landslide zones, wetlands), the required buffer is either the standard stream buffer width or to the outer edge of the overlapping buffer, whichever is greater. As shown in the Type F Stream Buffer Analysis Map, these streams are likely to require buffers exceeding 100 feet, potentially surpassing WDFW SPTH 200 recommendations. For example, staff identified one Type F stream would end up having a 230-foot riparian buffer when the SPTH 00 site class would require a 194-foot riparian buffer. However, in response to WDFW comments, staff is proposing a 150-foot-minimum buffer for Type F streams where they abut wetland and geologic hazard areas and their buffers to ensure predictability and slope stabilization.

It's important to note that SPTH site classes are based on soil types and do not align neatly with property boundaries or stream pathways. For example, some streams run between properties with site classes ranging from 105 to 194 feet, while others traverse parcels with classifications spanning 94 to 215 feet. These wide variations can be confusing for property owners and difficult for the city enforce. A standardized buffer approach would likely reduce confusion and code violations and better protect critical areas that are not part of a larger development.

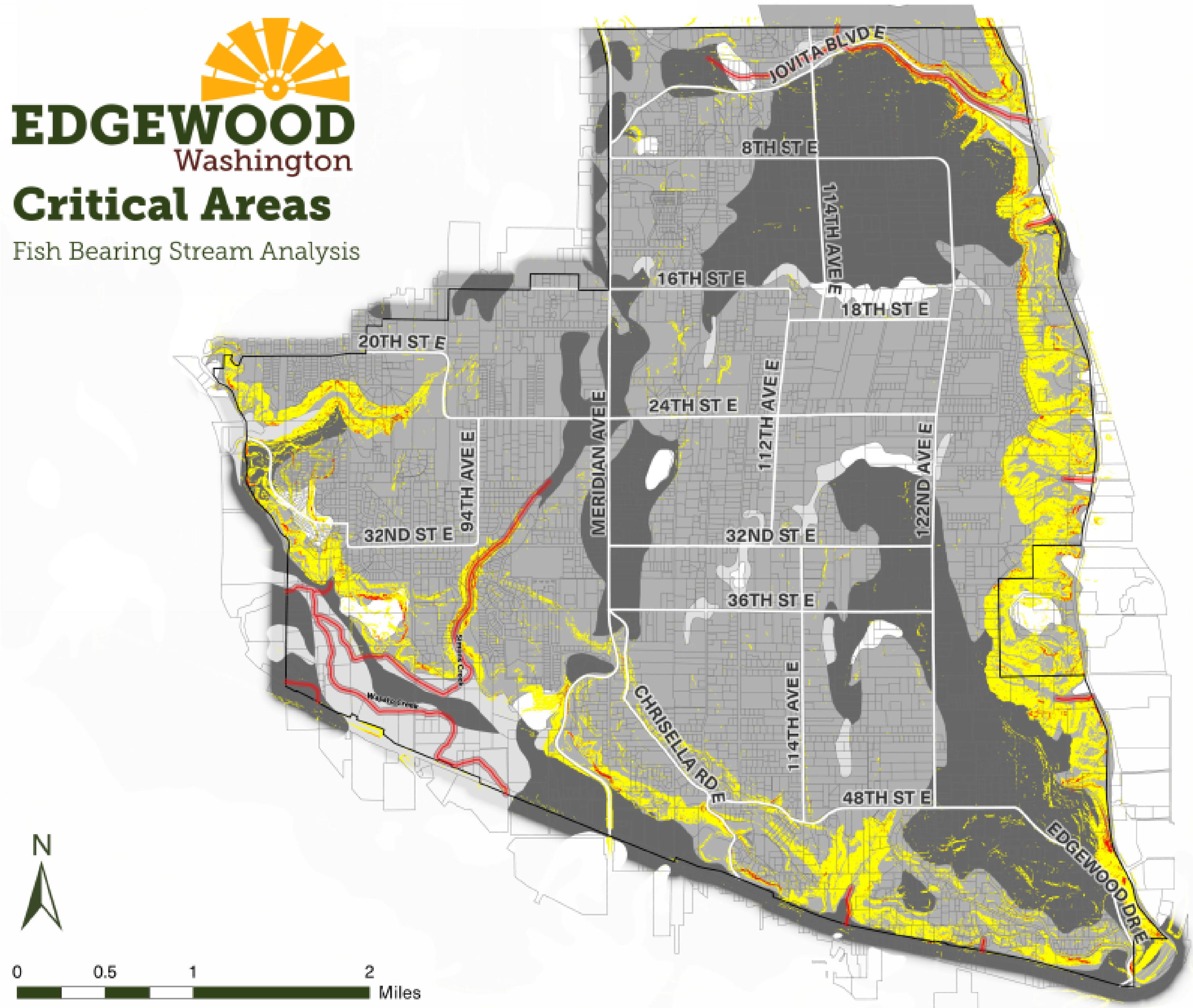
SECTION III. Staff Recommendation:

Based on the findings of the 2025 Best Available Science Annotated Review and this Type F Stream Buffer Analysis, staff recommends that the city maintain a consistent 100-foot buffer for all water types, except when abutting wetland and geologic hazards as described earlier. In addition, staff proposes eliminating the option for administrative riparian and non-riparian buffer reductions and limiting buffer averaging to no more than 20% of the stream length on any individual property. These measures exceed the standards adopted by neighboring communities and are intended to promote greater consistency, reduce regulatory confusion, and enhance protection of riparian areas.

EDGEWOOD
Washington

Critical Areas

Fish Bearing Stream Analysis



Legend

WDFW Water Type

- F
- Type F 100ft Buffer

SPTH Soil Class (ft)

- 94 - 111
- 112 - 204
- 205 - 231

Slopes

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

Source: City of Edgewood GIS Data; Washington Department of Fish and Wildlife (WDFW) (https://geodataservices.wdfw.wa.gov/arcgis)

CITY OF EDGEWOOD PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5-0 to recommend that the City Council adopt the proposed amendments to Edgewood Municipal Code (EMC) Title 14, updating the critical areas ordinance to be consistent with the best available science as presented herewith, pending final review with the City Attorney.

RECOMMENDED BY THE CITY OF EDGEWOOD PLANNING COMMISSION
ON THE 10TH DAY OF NOVEMBER 2025.

JoAnn Overfield
Planning Commission Chair

Attest by:

Jeremy Metzler, PE
Community Development Director

ORDINANCE NO. 25-XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, PIERCE COUNTY, WASHINGTON, RELATED TO CRITICAL AREAS; ADOPTING AMENDMENTS TO EMC TITLE 14 TO UPDATE THE CITY'S CRITICAL AREA REGULATIONS USING THE BEST AVAILABLE SCIENCE CONSISTENT WITH THE GROWTH MANAGEMENT ACT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Growth Management Act (GMA), Chapter 36.70A Revised Code of Washington (RCW), requires GMA jurisdictions to conduct a periodic review of its Comprehensive Plan every 10 years, and make updates as necessary; and

WHEREAS, the City of Edgewood adopted the 2024 Comprehensive Plan under Ordinance 24-0669 on December 10, 2024 with an effective date of January 1, 2025; and

WHEREAS, the GMA requires the adoption of development regulations that designate and protect Critical Areas in accordance with RCW 36.70A.060 and RCW 36.70A.170 as part of the Comprehensive Plan Periodic Update; and

WHEREAS, critical areas, as defined in RCW 36.70A.030, include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas; and

WHEREAS, the City is required to review the critical area policies and implement development regulations using Best Available Science (BAS) pursuant to Washington Administrative Code (WAC) Chapter 365-195; and

WHEREAS, under WAC 365-196-830, critical area regulation must protect the existing functions and values of designated critical areas and development regulations may not permit a net loss of the functions and values of criminal areas; and

WHEREAS, as required by WAC 365-196-830 and WAC 365-195-915, the City's development regulations must preserve the existing functions and values of critical areas and align with current BAS requirements; and

WHEREAS, RCW 36.70A.172 requires the city to give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries; and

WHEREAS, the City conducted an annotated review of the BAS in preparation of the critical areas regulations update process utilizing guidance from The Department of Commerce, Department of Ecology, Department of Natural Resources, and Department of Fish and Wildlife; and

WHEREAS, the city's official critical area maps are located and maintained in the city's Critical Area GIS Database; and

WHEREAS, the proposed amendments to the critical area regulations and definitions within Title 14 EMC were prepared in alignment with current BAS and are associated with the

City's 2024 Comprehensive Plan Periodic Update and implementing development regulations in accordance with the requirements of the GMA; and

WHEREAS, in accordance with the State Environmental Policy Act (SEPA), the City issued a Determination of Nonsignificance (DNS) on September 25, 2025 under File No. 25-012-CODE with a public comment period ending on October 13, 2025, and this threshold determination was not appealed; and

WHEREAS, pursuant to RCW 36.70A.106, the City sent its notice of intent to adopt the proposed comprehensive plan amendments to the Department of Commerce on September 25, 2025, which is at least sixty (60) days prior to the adoption date of this Ordinance; and

WHEREAS, the Planning Commission held a public hearing on October 13, 2025, and made recommendation to the City Council on the proposed critical area regulation amendments at its November 10, 2025 meeting; and

WHEREAS, the City Council reviewed the proposed code amendments at their study session held on December 16, 2025; and

WHEREAS, the proposed amendments to the critical area regulations are consistent with the City's planning goals and objectives;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. EMC Chapter 14.10 Amended. Amendments to EMC Chapter 14.10 relating to critical area general regulations are attached hereto as Exhibit A, incorporated by reference.

Section 2. EMC Chapter 14.20 Amended. Amendments to EMC Chapter 14.20 relating to critical area definitions are attached hereto as Exhibit B, incorporated by reference.

Section 3. EMC Chapter 14.30 Amended. Amendments to EMC Chapter 14.30 relating to critical area use and activities regulations are attached hereto as Exhibit C, incorporated by reference.

Section 4. EMC Chapter 14.40 Amended. Amendments to EMC Chapter 14.40 relating to wetland regulations attached hereto as Exhibit D, incorporated by reference.

Section 5. EMC Chapter 14.50 Amended. Amendments to EMC Chapter 14.50 relating to fish and wildlife habitat conservation area regulations attached hereto as Exhibit E, incorporated by reference.

Section 6. EMC Chapter 14.60 Amended. Amendments to EMC Chapter 14.60 relating to critical aquifer recharge areas are attached hereto as Exhibit F, incorporated by reference.

Section 7. EMC Chapter 14.70 Amended. Amendments to EMC Chapter 14.70 relating to volcanic hazard area regulations are attached hereto as Exhibit G, incorporated by reference.

Section 8. EMC Chapter 14.80 Amended. Amendments to EMC Chapter 14.80 relating to flood hazard regulations are attached hereto as Exhibit H, incorporated by reference.

Section 9. EMC Chapter 14.90 Amended. Amendments to EMC Chapter 14.90 relating to landslide hazard areas regulations are attached hereto as Exhibit I, incorporated by reference.

Section 10. EMC Chapter 14.100 Amended. Amendments to EMC Chapter 14.100 relating to seismic hazard area regulations are attached hereto as Exhibit J, incorporated by reference.

Section 11. EMC Chapter 14.110 Amended. Amendments to EMC Chapter 14.110 relating to erosion hazard area regulations are attached hereto as Exhibit K, incorporated by reference.

Section 12. Adoption of Findings and Conclusions in Support of Critical Area Regulation Update. The City Council hereby adopts the findings and conclusions of the Planning Commission in their November 10, 2025, recommendation and incorporates the Planning Commission recommendation by reference.

Section 13. Corrections. Upon the approval of the city attorney and/or the city clerk, the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 14. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 15. Effective Date. A summary of this Ordinance, consisting of its title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after publication as provided by law.

PASSED BY THE CITY COUNCIL ON THE 23RD DAY OF DECEMBER, 2025

____
Dave Olson, Mayor

ATTEST/AUTHENTICATED:

____
Jill Schwerzler-Herrera, CMC
City Clerk

APPROVED AS TO FORM:

____

Maili C. Barber, City Attorney

Date of Publication: *December 26, 2025*
Effective Date: *December 31, 2025*

~~Red Strikeout~~ = Text Removed
Blue Text = Text Added
Highlighted = Revised After Public Hearing
Highlighted = Revised After Planning Commission Recommendation based on Legal review.

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. This chapter contains general provisions that apply throughout this title. Unless otherwise excepted herein or under the chapters contained in this title, ~~N~~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. Approval must be obtained from the Department when the Department determines that the site or project area may contain a critical area or its buffer, as set forth in each

Chapter. No person may commence any development or regulated activity in a critical area and its applicable buffers or potential critical area and its potential applicable buffers without first obtaining the applicable permits and/or approvals from the city~~ In order to conduct any development activity or regulated activity on any property located within 300 feet of a 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~~ may not be 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 ~~C~~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~~as 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.~~

4~~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 critical area permit, 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.

E~~F~~. Modifications. The department may request an update of any required assessment, report, or delineation due to the potential for change in the existing environment that may have been caused by a natural event~~,~~ (e.g., seismic event, landslides, or flooding)~~-~~ or human-induced activity, ~~that occurred after the original document was initially submitted~~ either of which taking place after initial submittal but prior to the Department granting approval or issuance ~~of the permit or approval.~~ ~~that degraded the existing conditions after the original document was submitted.~~

F~~G~~. Public Notice. Public notice provisions for notice of application, public hearing, if applicable, and final decision pursuant to this title are outlined in EMC 18.40.~~190, Notice of public hearing~~.

G~~H~~. Review.

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

2. Third Party Review. The department may require or determine independent third-party review by a qualified professional is required due to the scale or complexity 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 cit~~y~~ies, ~~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~~for any 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 ~~activitie~~activities, such as subdivision or site development,~~s~~ in any regulated critical area.

c. As part of the initial review of all related permit applications, the department shall review the information ~~to~~submitted by the applicant 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 sequencing 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~~ review and approval 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, voluntarily as a condition of the application, 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.

6~~4~~. Burden of Proof. The applicant has the burden of proving that a proposed application complies with the standards set forth in this title.

7~~5~~. Final Decision. 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.

a. ~~The department may approve, approve with conditions, or deny any critical areas applications or underlying applications for development within any critical area~~. The decision shall be based on the Department's or Examiner's, as applicable, evaluation that the proposal is able to comply with the requirements and carry out the goals, purposes, objectives, and requirements of this title. ~~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~~ and/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.

8~~6~~. 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.~~040, Coordination of development permit procedures.~~

H~~I~~. Time Limitations.

~~1. Expiration of Approval.~~

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

2~~b~~. 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 Sequencing~~e~~. Adverse impacts ~~caused by new activities and developments~~ shall be mitigated using the following action(s) in order of priority, ~~and may only apply~~with the lower priority measures only being applied when the higher priority measures are determined to be infeasible or inapplicable:

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 mitigation and taking remedial action when necessary. ~~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 areafor~~required, for the following critical areas: wetlands, fish and wildlife habitats, landslide, seismic and erosion hazards.

2. ~~T~~Only 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; or

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. Approval notice, title notice, ~~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, or 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~~I~~. Homeowner's Covenants.

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

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

I~~J~~. Markers, Fencing, and Signage.

1. Markers.

a. Prior to final approval of any critical areas application, the department may require 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 made of rebar and cap~~and flagged~~ located and placed 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 whenever 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 (split rail 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~~c~~. 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~~T~~he 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 (direct, indirect, and cumulative), 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, a mitigation plan in accordance with EMC 14.10.090 is required. ~~the report shall provide all ,;~~

10. List of all applicable local, state, and federal permits that would be required.

11~~07~~. A statement specifying the accuracy of the report, and all assumptions made and relied upon;

12~~18~~. A discussion of the performance standards applicable to ~~the~~each critical area and the proposed development;

~~29. A mitigation plan in accordance with EMC 14.10.090, if mitigation is required; and~~

13~~0~~. 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 (direct, indirect, and cumulative) 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.~~f~~ An analysis and discussion regarding no net loss of critical area function or values

~~3~~.

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 buffers below the provisions of EMC 14.40, ~~or~~ fish and wildlife habitat conservation area buffers or riparian buffers below the provisions in EMC 14.50, landslide hazard buffer requirements of EMC 14.90, or the flood hazard area standards of EMC 14.80 may pursue a critical area variance.

B. Process: Deviations of less than or equal to 25 percent of the standard critical area buffer will be considered an administrative variance and may be processed under EMC 18.40.070 and 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 18.40.070 and 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
Highlighted = Revised After Public Hearing
Highlighted = Revised After Planning Commission Recommendation based on Legal review.

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.~~

B~~1~~. 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~~.

C~~2~~. 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. For the purposes of this definition, large animals are those weighing 100 pounds or more, and small animals are those weighing less than 100 pounds.

~~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 365-195-925, 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 water 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 are vulnerable to erosion due to 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. 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. 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, 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.

"Geological Assessment" means a site investigation process to evaluate the on-site geology affecting a subject property provided in a written report.

~~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, seismic hazards, or hydrogeology and fluvial geomorphology. ~~landslide, erosion, or seismic hazards~~. A geotechnical professional shall meet the qualification established under RCW 18.220 and be licensed in the state of Washington as a geologist, hydrogeologist, or professional engineer. ~~, and must have five or more years' experience specializing in landslide, erosion, or seismic hazards, as applicable.~~

~~55.~~ "Geotechnical report" 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 landslide, erosion, or seismic hazards ~~geologically hazardous~~ areas.

"Geotechnical verification" means a geologic assessment prepared by a geologist or professional engineer, licensed by the State of Washington that verifies no landslide, erosion, or seismic hazard 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.~~(1) ~~Is~~ listed on the National Register of Historic Places, the Washington Heritage Register, or the Washington Heritage Barn Register~~;~~, or

~~b.~~(2) ~~H~~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" 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 buffer": See "buffer" definition.

"Riparian management zone" means the area that has the potential to provide full riparian functions. In many forested regions of the state, this area occurs within the 200-year site-potential tree height measured from the edge of the stream channel. In non-forest areas, the riparian management zone is defined by the greater of the outermost point of the riparian vegetative community or the pollution removal function, at 100 feet. It is often synonymous with riparian buffer. (Riparian Ecosystems, Volume 2: Management Recommendations. WDFW 2020)~~.~~

~~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.~~(1) ~~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.~~(2) ~~A~~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~~. T~~, consistent with 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, 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.~~s.~~

~~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 Delineation 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.

~~Red Strikeout~~ = Text Removed
Blue Text = Text Added
Highlighted = Revised After Public Hearing

Chapter 14.30
USE AND ACTIVITY REGULATIONS
Draft Amendments

Sections:

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;

9~~7~~. The division or redivision of land pursuant to Title 16;

10~~8~~. The creation of hard surfaces; and

11~~9~~. Any additional activities regulated in Chapter 14.80 EMC, Flood Hazard Areas.

14.30.030 Exemptions.

A. This Section defines activities that are exempt from the provisions of all or part of this Title. Additional exceptions from the requirements of this Title may be contained in the subsequent chapters. Prior to project initiation, the project proponent shall obtain written confirmation from the director that the proposed activities meet the requirements for an exemption as defined by this section. The burden is on the project proponent to demonstrate to the City that the proposed project is fully exempt.

B. 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. Exemption from the critical areas code does not exempt an applicant from obtaining all other required permits from the City and/or state agencies.

C~~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.

d. Any required restoration shall be initiated within one year of the date of emergency and completed in a timely manner.

~~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 is located only in a critical area buffer.~~ and wildlife viewing that does not involve the construction of trails.~~

~~sawith~~

12~~2~~. 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.

13~~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).

14~~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 s~~S~~tructures 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.

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

1. Contain all the items required under EMC 18.40.140.

2. A description of the areas of the site that contain a critical area(s) or within buffer(s) required under this title;

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

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

5. An analysis of the impact that the amount of development described would have on the critical area(s);

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

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

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

9. Demonstration of legal lot status

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

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

C~~D~~ .The hearing examiner may approve ~~alteration 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;~~

1~~2~~. There is no other reasonable use with less impact on the critical area(s) and associated buffer(s); and

2~~3~~. The proposed development does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site ~~and is consistent with the general purposes of this title and the public interest~~; and

3~~4~~. Any alterations permitted to the critical area or its buffer shall be the minimum necessary to allow for reasonable use of the property; and

4~~5~~. The subject property is an existing legal lot as demonstrated in this section, and the inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant in subdividing the property or adjusting a boundary line thereby creating the undevelopable condition after October 8, 1991 (the effective date of City Edgewood Critical Areas Regulations); and

5~~6~~. The proposal mitigates the impacts on the natural resource land(s) and/or critical area(s) to the maximum extent possible, while still allowing reasonable use of the site.

6~~7~~. The proposed activities will not jeopardize the continued existence of species listed by the State and Federal government as endangered, threatened, sensitive, or documented priority species or priority habitats.

7~~8~~. The proposed activities will not cause significant degradation of groundwater or surface water quality.

8~~9~~. The mitigation sequencing per EMC 14.10.070(B) has been followed and documented.

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

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

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

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

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

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

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

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

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

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

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

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

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

14.30.060 Current use assessment program.

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

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.

~~Red Strikeout~~ = Text Removed
Blue Text = Text Added
Highlighted = Revised After Public Hearing

Chapter 14.40
WETLANDS
Draft Amendments

Sections:

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 verified and potential wetlands are ~~shown on maps maintained by the city~~provided and maintained within the city's Critical Area GIS Database. This database utilized the mapping resources provided in subsection 2 of this section to establish the potential wetland areas. The Critical Area GIS Database is periodically updated as new information become available. ~~.~~

2. ~~These~~ The Critical Area GIS Database ~~maps are~~is useful as a guide for project applicants and property owners, but ~~the maps do~~may 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. This chapter applies to all wetlands whether they are mapped or not.

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, Version 2.0 (Ecology Publication No. ~~14-06-029~~23-06-009, 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 answering Question D3.3 on the Wetland Rating Form.

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 14.040.030.2 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.

4. 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 ~~Buffer Width (Wetland scores 3-4 habitat points)~~ ~~Buffer Width (Wetland scores 5 habitat points)~~ ~~Buffer Width (Wetland scores 6-7 habitat points)~~ ~~Buffer Width (Wetland scores 8-9 habitat points)~~**			
	Habitat Score 3-5	**Habitat Score 6-7**	**Habitat Score 8-9**	**Buffer width based on special characteristics**
Category I: Based on total score and Forested	75 ft.	~~105~~ 110 ft.	~~165~~ 225 ft.	N/A~~225 ft.~~
Category I: Bogs and wetlands of high conservation value	~~190 ft.~~N/A	~~190 ft.~~N/A	~~190~~ 225 ft.	~~225 ft.~~190 ft.
~~Category I: Forested~~	~~75 ft.~~	~~105 110 ft.~~	~~165 225 ft.~~	~~N/A225 ft.~~
Category II~~–~~ (all) ~~:— Based on score(all)~~	75 ft.	~~105~~ 110 ft.	~~165~~ 225 ft.	~~225 ft.~~N/A
Category III (all)	60 ft.	~~105~~ 110 ft.	~~165~~ 225 ft.	N/A~~225 ft.~~
Category IV (all)	40 ft.	40 ft.	40 ft.	~~40 ft.~~N/A

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

Table 14.40.030.2
Wetland Impact Minimization Measures

Disturbance	**Activities and Uses That Cause Disturbances**	**Required Measures to Minimize Impacts**
Lights	• Parking lots • Commercial/industrial uses • Residential uses	• Direct lights away from any wetland • Only use lighting when necessary for public safety, and keep lights off when not needed

Disturbance	Activities and Uses That Cause Disturbances	Required Measures to Minimize Impacts
	• Recreation (e.g., athletic fields) • Agricultural buildings	• 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 *These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.*
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

C~~D~~. 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 shole discretion of the Director..

1. Buffer Averaging. Buffer width averaging requests ~~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 and EMC 14.40.070 ~~through the submittal of a wetland report that is prepared by a qualified professional~~:

a. No feasible alternatives to the site design could be accomplished without buffer averaging.~~Buffer encroachment is unavoidable~~;

b. A habitat assessment has been submitted which demonstrates that the site does not provide habitat for any endangered, threatened, or sensitive fish or animal species; or for wetlands and/or required buffers associated with documented habitat for endangered, threatened, or sensitive fish or wildlife species, a habitat assessment 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~~e~~. 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~~f~~. 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)~~	~~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, as described below, by an existing public or private road or legally established significant development may have the standard buffer width modified, as determined by the Department. 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. A critical areas report shall be submitted pursuant to EMC 14.10.080 that evaluates whether a development functionally disconnects the buffer, or the extent of that impact, and analyze and document the buffer functionality. For the purpose of this provision:

1. “functionally and effectively disconnected” means that the road or other significant development effectively prevents the protective measures and support functions provided by a buffer, and the isolated portion of the standard buffer would provide insignificant biological, geological, or hydrological functions for the wetland; and

2. “significant development” includes built public infrastructure, such as roads and railroads, and private developments such as homes or commercial structures.

14.40.040 Wetland review procedures.

A. ~~Wetland Report Requirements~~Standard Wetland Review. If the department’s ~~maps~~ critical area database ~~indicate~~indicates that a proposed project may be located within 300 feet of a potential or verified 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, or cumulative 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 Principal ~~Family~~ Dwelling Unit Wetland Review. ~~A~~in lieu of the standard wetland review and critical areas report required under EMC 14.10.080, an application for a one principal dwelling or those items listed in subsection 3 of this section 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 or site development 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 principal dwelling unit certification form may be used only to authorize one principal dwelling 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 principal dwelling unit form may not be used to make a claim for exemption under EMC 14.30.030.

4. The one principal dwelling 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 principal dwelling 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 principal dwelling ~~family~~ certification form~~s~~ 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 4,000 square feet that:

a. Are not associated with riparian areas or their buffers;

b. Are not part of a wetland mosaic;

~~c. Are not associated with shorelines of the state or their associated buffers;~~

d. Do not score ~~five~~ 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.

2. Category IV Wetlands less than 1,000 square feet that meet the criteria specified in subsection (A)(l) of this section.

3. Utility projects within the outer 25 percent of any wetland buffers which have minor or short-duration impacts, as determined by the department in accordance with the criteria below, and which do not significantly

impact the function or values of wetlands; provided, that such projects are constructed with BMPs and additional restoration measures are provided. Minor activities shall not result in the transport of sediment or increased stormwater. Such allowed minor utility projects shall meet the following criteria:

a. There is no practical alternative to the proposed activity with less impact on wetlands;

b. The activity involves the placement of a utility pole, street signs, anchor, or vault or other small component of a utility facility; and

c. The activity involves disturbance of an area less than 75 square feet.

B. The 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.

5. 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.

C. Subdivisions. The subdivision, short plat, or binding site plan applications where wetlands and/or associated buffers are present are subject to the following:

1. Land that is wholly within a wetland and/or wetland buffer may not be subdivided.

2. Land that is located partially within a wetland and/or wetland buffer may be subdivided provided that an accessible and contiguous portion of each new lot is:

a. Located outside of the wetland and wetland buffer; and

b. All proposed lots meet the minimum requirements provided in EMC 18.80 for zoning district the property is located within.

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.

C~~B~~. 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~~3~~.~~. 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.

4. 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.

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

b. 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~~D~~. 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 / Preservation
~~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 feel 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 the 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;~~

1~~2~~. 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;~~

2~~3~~. An analysis of the on-site wetland(s) include the following site- and proposal-related information:

a. Documentation of any fieldwork performed on the site, including, but not limited to, field delineation data sheets for delineations and wetland rating forms;

b. Wetland acreage;

c. Wetland category;

d. A discussion of the water sources supplying the wetland and documentation of hydrologic regime (locations of inlet and outlet features, water depths throughout the wetland, evidence of recharge or discharge);

e. A discussion of the functions of existing wetlands, including vegetative, faunal, and hydrologic conditions, and 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;~~

3~~45~~. A detailed discussion of the direct,~~ and/or~~ indirect, and cumulative ~~potential~~ impacts on the wetland by the project; and

4~~76~~. 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~~

B~~A~~. 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).

~~Red Strikeout~~ = Text Removed
Blue Text = Text Added
Highlighted = Revised After Public Hearing

Chapter 14.50
~~CRITICAL~~ FISH AND WILDLIFE HABITAT CONSERVATION AREAS

Sections:

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 and habitat connectivity using conservation area designations, buffers, and open space corridors 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 conservation 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, WDFW PHS Program, WDFW Site Potential Tree Height mapping tool, and Ecology's Washington State Hydrography Program 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.~~

8~~6~~. 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~~ provided and maintained within the city's Critical Area GIS database~~on maps maintained by the city~~. The city shall update the ~~maps~~ database 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 PHS Program, WDFW Site Potential Tree Height mapping tool, WDFW Nongame Database, WDFW SalmonScape, WDFW Water Resource Index Areas, Ecology's Washington State Hydrography Program, WDNR Water Type Reference Maps, WDNR Natural Heritage Database, and other state and federal agencies mapping that becomes available. 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 and EMC 14.50.080: ~~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 that are classified based on 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

Water Type	Buffer Width
Type F	100 ft.
Type Np	100 ft
Type Ns	100 ft

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 buffer shall be extended to include any adjacent or overlapping regulated wetland(s), landslide hazard areas, and their required buffers. Where this occurs along a Type F water, the minimum buffer width shall be 150 ft unless otherwise modified pursuant to this chapter.

~~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 Buffers~~ 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, on a base-by-case basis, 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, this shall include demonstrating efforts to limit the degree or magnitude of the regulated activity.

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 adversely reduce the riparian or nonriparian habitat functions or values. Special attention shall be given to anadromous fish and may require habitat protections measures for stream flows, water quality, temperature, substrates, and others based on the best available science;

d. The portion of the buffer subject to buffer averaging is less than 20 percent of the total buffer length on an individual project site.

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.

~~. Buffer Width Reductions. 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.~~

~~2~~3. 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, as described below, by an existing public or private road or legally established significant development may have the standard buffer width modified, as determined by the Director. 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. A critical areas report shall be submitted pursuant to EMC 14.10.080 that evaluates whether a development functionally disconnects the buffer, or the extent of that impact, and analyze and document the buffer functionality. For the purposes of this provision:

a. “functionally and effectively disconnected” means that the road or other significant development effectively prevents the protective measures and support functions provided by a buffer, and the isolated portion of the standard buffer would provide insignificant biological, geological, or hydrological functions for the habitat area and/or stream; and

b. “significant development” includes built public infrastructure such as roads and railroads, and private developments such as homes or commercial structures.

14.50.040 Fish and wildlife habitat conservation area review procedures.

A~~A~~. ~~Habitat Management Plan.~~ If the department’s maps, sources, or field investigations indicate that the proposed project area is located within ~~300~~ 150 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 adverse ~~direct or indirect~~direct, indirect, or cumulative 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 riparian or nonriparian buffer 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 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 and shall consider bioengineered methods consistent with Integrated Streambank Protection Guidelines (SPG) 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.

3~~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~~4. 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 and incorporate WDFW climate-change resilient culvert design as appropriate..~~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.

5~~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.~~

6~~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.

7~~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~~ all fish species at all life stages. 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.

8~~7~~. Stormwater ~~Conveyance~~ Facilities. Stormwater facilities, limited to open detention/retention and/or treatment ponds~~ or vaults~~, bioretention and/or media filtration treatment facilities,~~Conveyance structures~~ or open-channels whose sole purpose is to convey stormwater either already treated for quality~~,~~ or ~~water~~ bypassed around ~~water quality~~ treatment facilities pursuant to an approved stormwater plan, may be constructed if~~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 c~~Conveyance facilities ~~shall~~ incorporate fish habitat features;

d. Vegetation ~~shall be~~ is maintained and, if necessary, added adjacent to all open channels and ponds in order to retard erosion, filter out sediments, and shade the water; and~~.~~

e. The stormwater facility is designed according to city standards.

9. 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 a single principal dwelling unit structure on the subject property 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;~~

~~i~~i. 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;

~~i~~ii. 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 and incorporate WDFW climate-change resilient culvert design as appropriate.

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~~8~~. 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;~~

1~~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;~~

2~~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;~~

4~~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;

5~~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.~~

~~Red Strikeout~~ = Text Removed
Blue Text = Text Added
Highlighted = Revised After Public Hearing
Highlighted = Revised After Planning Commission Recommendation based on Legal review.

Chapter 14.60
CRITICAL AQUIFER RECHARGE ~~AND WELLHEAD PROTECTION~~ AREAS
Draft Amendments

Sections:

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~~. This database utilizes the resources identified in EMC 14.60.020 and is periodically updated as new information become available.

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.~~

B~~C~~. Underground Storage Tank (UST) Permits. In addition to the requirements set forth in this title, the following ~~agencies also have the~~ authorities~~y 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~~y~~;

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), as adopted in Title 15 EMC.

3. If any roof venting carries a contaminant, then the portion of the roof draining from this area must go through pretreatment pursuant to the UPC, as adopted in Title 15.

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 the UPC, as adopted in Title 15 EMC.

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 complianc~~y~~e 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.

H~~F~~. 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.~~

I~~G~~. 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.~~

~~c~~b. 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 geotechnical professional.

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 Director.

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Chapter 14.70
VOLCANIC HAZARD AREAS
Draft Amendments

Sections:

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 ev~~1~~3~~. Time Zone C. Time Zone C is an estimated two-hour travel distance from the source of the event.

2~~4~~. 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. This database utilizes the volcanic hazard areas indicated in the Washington Geological Information Portal as prepared and maintained by the Washington Department of Natural Resources (WDNR), U.S. Department of Interior Geological Survey documents, and the Pierce County Critical Area GIS database.

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
Bonus Densities[(1)]	Not Allowed	Not Allowed

Facility/Occupancy List	Case I Lahar Inundation Zone	Case II Lahar Inundation Zone
Critical Facilities(2)	~~Not Allowed~~Requires Reasonable Use Permit	Requires Reasonable Use Permit~~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.	
Other Occupancies	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.

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Chapter 14.80
FLOOD HAZARD AREAS
Draft Amendments

Sections:

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

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes.

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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Highlighted = Revised After Planning Commission Recommendation based on Legal review.

Chapter 14.90
LANDSLIDE HAZARD AREAS
Draft Amendments

Sections:

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 14.90.020(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.

~~2~~3. 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.

~~3~~4. 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.

~~4~~5. 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 the 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.

4~~7~~. 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).

B~~A~~. 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 geotechnical 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.

~~1~~2. 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.

3~~2~~. 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~~3~~. 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.

~~c. The removal or disturbance of vegetation and grading activities shall be prohibited during the wet season from November 1st until May 1st.~~c. Trails shall be designed and constructed using an engineered drainage system or other methods to prevent the trail surface from becoming a drainage course.

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

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

~~b. If the Landslide Hazard Area and/or associated buffers area only partially contained within the project site, then the geotechnical professional must demonstrate how modification of the Landslide Hazard Area will not result in any adverse impacts on adjacent property, meeting the factor of safety for landslide occurrence of 1.5 for static conditions and 1.1 for dynamic conditions. Analysis of dynamic (seismic) conditions shall be based on a minimum horizontal acceleration as established by the current version of the International Building Code.~~

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

~~1. The department reviews and approves a geological assessment geotechnical report and determines that the potential landslide hazard area is stable.~~

~~2. The proposed development is located outside of a landslide hazard area and any required buffer.~~

~~3. The proposed recommendations and mitigation measures contained within the geotechnical report are adequate to reduce or mitigate risks to health and safety.~~

~~4. The proposed development shall not decrease the factor of safety for landslide occurrence below the limits of 1.5 for static conditions and 1.1 for dynamic conditions. Analysis of dynamic (seismic) conditions shall be based on a minimum horizontal acceleration as established by the current version of the International Building Code.~~

~~5. The removal and disturbance of vegetation and grading activities shall be limited to the area of the approved development and shall not be allowed during the wet season from November 1st until May 1st unless adequate provisions for wet season erosion have been addressed in the geotechnical report and approved by the department.~~

~~6. Surface drainage from developed areas, including downspouts and runoff from paved or unpaved surfaces upslope, shall not be directed through a landslide hazard area or its associated buffer unless it is conveyed in conformance with the provisions in EMC 14.90.030.~~

~~7. Stormwater retention facilities, including infiltration systems utilizing perforated pipe, are prohibited unless the slope stability impacts of such systems have been analyzed and mitigated by a geotechnical professional and the impacts have been determined to be negligible.~~

~~8. The proposed development shall not create a need for larger landslide hazard area buffers and setbacks on neighboring properties unless approved through a notarized written agreement with the affected property owner(s).~~

~~9. The proposed development shall be sited far enough from regressing slope faces to project 120 years of useful life for the proposed structure(s) or infrastructure.~~

~~10. Any proposed lots must be completely located outside any identified landslide hazard areas or their associated buffers.~~

~~11. Landslide hazard areas that are directly adjacent to any riparian areas, or wetlands, may be subject to additional buffer requirements and standards. See Chapter 14.50 EMC, Critical Fish and Wildlife Habitat Areas, and Chapter 14.40 EMC, Wetlands, for additional details.~~

14.90.050 Buffer requirements.

A. Determining Buffer Widths.

1. The buffer width shall be measured on a horizontal plane from a perpendicular line established at the edge of the landslide hazard area limits, both from the top and toe of the slope.

2. A buffer of undisturbed vegetation shall be required for a landslide hazard area. The required buffer width is the greater amount of the distances described in this chapter:

a. Fifty feet from all edges of the active landslide hazard area limits; or

b. The distance from edge of the landslide hazard area as recommended by the geotechnical processional 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. Geotechnical 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.

~~B~~5. The geotechnical verification shall be prepared under the responsible charge of an appropriately licensed geotechnical professional(s) and signed, sealed and dated by the geotechnical professional who prepared the geotechnical verification.

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

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

~~APPENDIX B~~

~~GEOLOGICAL ASSESSMENT – LANDSLIDE HAZARD GEOTECHNICAL REPORT~~

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-ofthe-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 conservation area 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.

9~~B~~. The geotechnical report shall be prepared under the responsible charge of an appropriately licensed geotechnical professional(s) and be signed, sealed and dated by the geotechnical professional who prepared the geotechnical report.

~~by an engineering geologist and shall be co-written by both an engineering geologist and professional engineer where both geological interpretations and engineering analyses and designs are necessary or prudent in the mitigation of the landslide hazard.~~

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

10~~D~~. The department may request a geotechnical professional to provide additional information in the geotechnical report based upon existing conditions, changed conditions, or unique circumstances occurring on a case-by-case basis.

11~~2E~~. Geotechnical reports shall be in conformance with a format that is pre-approved by the department.

~~Red Strikeout~~ = Text Removed
Blue Text = Text Added
Highlighted = Revised After Public Hearing

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 indicated in the Washington Geological Information Portal as prepared and maintained by the Washington Department of Natural Resources (WDNR). 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 Assessment~~s. 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.

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

6~~C~~. 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.

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

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

~~APPENDIX B~~

~~GEOLOGICAL ASSESSMENTS – FAULT RUPTURE HAZARD AREA GEOTECHNICAL REPORT~~

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

~~1. The general critical areas report requirements contained herein.~~

~~2. The report shall be prepared by an engineer and shall be co-written by an engineering geologist where geological interpretations and conclusions critical to the assessment of liquefaction and/or dynamic settlement hazard and potential effects are necessary or prudent.~~

~~3. The following topics should be considered and addressed in detail where essential to support opinions, conclusions, and recommendations in any geologic report on faults. It is not expected that all the topics or investigative methods would be necessary in a single investigation. In specific cases, it may be necessary to extend some of the investigative methods well beyond the site or property being investigated.~~

~~a. Purpose and scope of investigation; description of proposed development.~~

~~b. Geologic and tectonic setting. Include seismicity and earthquake history.~~

~~c. Site description and conditions, including dates of site visits and observations. Include information on geologic units, graded and filled areas, vegetation, existing structures, and other factors that may affect the choice of investigative methods and interpretation of data.~~

~~d. Methods of Investigation.~~

~~i. Review of published and unpublished literature, maps, and records concerning geologic units, faults, groundwater barriers, and other factors.~~

~~ii. Stereoscopic interpretation of aerial photographs, review of LiDAR based topography, and other remotely sensed images to detect fault-related topography (geomorphic features), vegetation and soil contrasts, and other lineaments of possible fault origin. The area interpreted usually should extend beyond the site boundaries.~~

~~iii. Surface observations, including mapping of geologic and soil units, geologic structures, geomorphic features and surfaces, springs, deformation of engineered structures due to fault creep, both on and beyond the site.~~

~~iv. Subsurface Investigations.~~

~~(A) Trenching and other excavations to permit detailed and direct observation of continuously exposed geologic units, soils, and structures; must be of adequate depth and be carefully logged (Taylor & Cluff 1973, Hatheway & Leighton 1979, McCalpin 1996b).~~

~~(B) Borings and test pits to permit collection of data on geologic units and groundwater at specific locations. Data points must be sufficient in number and spaced adequately to permit valid correlations and interpretations.~~

~~(C) Cone penetrometer testing (CPT) (Grant et al., 1997, Edelman et al., 1996). CPT must be done in conjunction with continuously logged borings to correlate CPT results with on-site materials. The number of borings and spacing of CPT soundings should be sufficient to adequately image site stratigraphy. The existence and location of a fault based on CPT data are interpretative.~~

~~v. Geophysical Investigations. These are indirect methods that require a knowledge of specific geologic conditions for reliable interpretations. They should seldom, if ever, be employed alone without knowledge of the geology (Chase & Chapman 1976). Geophysical methods alone never prove the absence of a fault nor do they identify the recency of activity. The types of equipment and techniques used should be described and supporting data presented (California Board of Registration for Geologists and Geophysicists, 1993).~~

~~(A) High-resolution seismic reflection (Stephenson et al., 1995, McCalpin, 1996b).~~

~~(B) Ground penetrating radar (Cai et al., 1996).~~

~~(C) Other methods include: seismic refraction, magnetic profiling, electrical resistivity, and gravity (McCalpin, 1996b).~~

~~vi. Age-dating techniques are essential for determining the ages of geologic units, soils, and surfaces that bracket the time(s) of faulting (Pierce, 1986, Birkeland et al., 1991, Rutter & Catto, 1995, McCalpin, 1996a).~~

~~(A) Radiometric dating (especially 14C).~~

~~(B) Soil profile development.~~

~~(C) Rock and mineral weathering.~~

~~(D) Landform development.~~

~~(E) Stratigraphic correlation of rocks, minerals, and fossils.~~

~~(F) Other methods: artifacts, historical records, tephrochronology, fault scarp modeling, thermoluminescence, lichenometery, 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.~~

~~Red Strikeout~~ = Text Removed
Blue Text = Text Added
Highlighted = Revised After Public Hearing

Chapter 14.110
EROSION HAZARD AREAS
Draft Amendments

Sections:

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 based topography and USDA soil mapping. ~~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 based on EMC 14.110.020. 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.

3~~4~~. ~~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 erosion hazard area~~ or CMZ~~, the department shall conduct a review pursuant to Chapter 14.80 EMC.

4~~5~~. ~~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 Chapter 13.05 EMC, Stormwater Manual – Site Development Regulations.

~~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 65 feet of the site. The following are acceptable geological assessments:

b. Geotechnical Verification: When a geotechnical professional finds that there are no erosion hazard areas on or within 65 feet of the proposed project area.

c. Geotechnical Report: When a geotechnical professional finds that an erosion 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 erosion hazard area.

2~~1~~. 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 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.

4~~6~~. 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 Chapter 13.05 EMC, Stormwater Manual – Site Development Regulations.

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~~ regulated within active ~~shoreline~~ erosion hazard areas and associated buffers ~~except~~ as specified in EMC 14.90.040. For the purposes of this chapter, the term “landslide” shall be replaced with “erosion”.~~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.~~

~~2. 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.~~

~~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.~~

~~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 hazard area and the required buffer.~~

~~2. The proposed recommendations and mitigation measures contained within the geotechnical report 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 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.~~

B~~D~~. Soil Erosion Hazard Area Review. Additionally, s~~S~~oil erosion hazard areas shall be ~~reviewed pursuant~~subject to the requirements set forth in Chapter 13.05 EMC, Stormwater Manual – Site Development Regulations.

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 verification. 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.

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

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

~~APPENDIX B~~

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

~~A. A geotechnical verification shall, at a minimum, include the following:~~

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

~~2. A summary of the results, conclusions, and recommendations resulting from the geological assessment, as set forth in EMC 14.110.030(B). The verification will also include a summary of the findings of the site visit, a site plan, and a summary of the findings from the review of the documents listed in EMC 14.110.030(B)(2).~~

~~3. An accurate 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.~~

~~c. The limits and location of the shoreline erosion hazard management area.~~

~~d. The limits and location of the 120-year regression area.~~

~~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 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.~~

~~B. The geotechnical professional who prepared the geotechnical verification shall stamp the verification with their seal.~~

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

~~APPENDIX C~~

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

B~~A~~. 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 or conceptual 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.

6~~B~~. The geotechnical professional(s) who performed the geological assessment shall stamp the report with their license stamp or seal. The report must be co-authored by a licensed professional engineer when engineering designs or interpretations are necessary to address the report requirements. The engineer must also stamp the report with their license stamp or seal.

7~~C~~. The department may request a geotechnical professional to provide additional information in the geotechnical report based upon existing conditions, changed conditions, or unique circumstances occurring on a case-by-case basis.

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

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

City Of Edgewood
Council Agenda Summary Sheet

Subject: 2024 Comprehensive Plan Process Closeout and Implementation Code Amendments	**Agenda Item #:** 2.F **For Agenda of:** 12/16/2025 **Prepared by:** Jeremy Metzler

Attachments (list):
1. State Environmental Policy Act (SEPA) Determination
2. SIGNED PC Recommendation - Comp Plan Implementation
3. DRAFT Ordinance 25-0xxx
4. ExA - EMC Title 18 Amendments

Approval of Materials:		
Jeremy Metzler		**Expenditure Required:** N/A
Rachel Pitzel, Assistant City Administrator	12/11/2025	**Amount Budgeted:** N/A
Dave Olson, Mayor	12/12/2025	**Timeline:** 12/16/2025 SS 12/23/2025 RCM

Summary Statement:
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 needs to amend its 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, middle housing, and short plat unit lot subdivisions.

To fully implement the 2024 Comprehensive Plan and ensure compliance with the remaining legislative changes, staff prepared draft amendments to Edgewood Municipal Code (EMC) Title 18 and recommended repealing EMC 14.120, Natural Resource Lands, as presented at the October 13, 2025 Planning Commission (PC) Meeting. The draft Title 18 amendments include updates relating to manufactured housing, co-living, religious organizations, natural resource lands, the use of existing buildings for residential purposes, and clarity on residential design review.

Staff issued a SEPA Determination of Nonsignifigance (DNS) on September 26, 2025 (attached), with the SEPA public comment period ending with last month’s public hearing. No public comments were received. Also attached for Council's consideration are the Planning Commission's recommendation, a draft adopting ordinance and exhibit with redline code amendments. The ordinance includes a housekeeping clause regarding Ordinance 07-0279, as it was never properly repealed following the adoption of the 2015 Comprehensive Plan. The redlined exhibit will be cleaned up for presentation with the adopting ordinance for potential action at next week's regular meeting.

The Washington State Department of Commerce provided minor comment within the 60-day agency comment period. Commerce requested clarity regarding the "use of existing buildings for residential purposes" conversions. This comment was received after the Planning Commission took action on November 10, 2025. Staff has revised the Title 18 amendments to address this issue and has highlighted the text blue to clearly identify which text was revised after the Planning Commission's action.

Following action on the Critical Areas Ordinance update, the Council may take final action on this item and officially close the 2024 Comprehensive Plan Periodic Cycle in compliance with the GMA.

Item History: Planning Commission Meetings:

- August 12: Introduction Materials - Video Link
- September 8: Discussion Materials - Video Link
- October 13: Public Hearing Materials - Video Link
- November 10: Action materials - Video Link

Recommended Action:
Hold a discussion and provide staff guidance regarding 2024 Comprehensive Plan Process Closeout and Implementation Code Amendments

Fiscal Note/Consideration:
N/A

State Environmental Policy Act (SEPA) Determination of Nonsignificance (DNS)

EDGEWOOD Washington

City of Edgewood ■ 2224 104th Ave East ■ Edgewood, Washington 98372-1513 ■ 253-952-3299

Issued:	September 26, 2025
File:	#25-010-CODE: 2024 2024 Comprehensive Plan Development Regulation Consistency Amendments
Lead Agency:	City of Edgewood
Staff Contact:	Josh Kubitza, Planning Manager 253-952-3299 | comdev@cityofedgewood.org
Proponent:	City of Edgewood | 253-952-3299 | cityhall@cityofedgewood.org
Location:	Non-Project Action (Citywide). See project map in application documents.
Proposal:	Updates to Title 18 to comply with ESSB 5183 Manufactured Housing Regulations, HB 1998 Co-Living, HB 1377 and ESHB 1754 Religious Organization Regulations, HB 1042 Use of Existing building for Residential Purposes, and EMC 14.120 Natural Resource Lands repeal, and other minor amendments to close the 2024 Comprehensive Plan consistency cycle.
Existing Documents:	All existing environmental documents and studies associated with this proposal are available on the City of Edgewood Permit Portal via portal.cityofedgewood.org by searching the File No. 25-010-CODE.
SEPA:	The City of Edgewood has determined that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of an Environmental Checklist and other information on file with the City. This DNS is issued under WAC 197-11-340(2). A final decision will not be made on this proposal until after October 28, 2025. SEPA Responsible Official: [signature] 9/25/2025 Signature Date Jeremy Metzler, PE, Community Development Director
Comment Period:	Written comments may be submitted until **October 13, 2025 by 5:00 PM** via email, mail, or in-person via comdev@cityofedgewood.org or City of Edgewood, 2224 104th Avenue East, Edgewood, WA 98372. Verbal comments may be submitted during the Planning Commission public hearing.
Public Hearing:	The City of Edgewood Planning Commission will convene a hybrid public hearing on the matter at **6:00pm on October 13, 2025**. Members of the public can attend and participate in person at Edgewood City Hall, Council Chambers, 2224 104th Ave East, Edgewood, WA 98372 or virtually via Zoom by visiting zoom.us/join using Meeting ID: 970 6596 9184. Meeting information is available at cityofedgewood.org/calendar.
Appeals:	Appeals for this threshold determination must be made to the City of Edgewood pursuant to EMC 20.05.250(J). Per EMC 20.05.250(E) appeals will be accepted until 5:00 PM on October 28, 2025. Appeals must be submitted in writing along with the appeal fee via the City's permit portal: portal.cityofedgewood.org.

Please call (253) 952-3299 if you have any questions.
Any interested person/party has the right to comment on the proposal, review file materials, request a copy of the decision, and appeal the decision subject to requirements outlined in Edgewood Municipal Code Chapter 18 and the applicable regulations as adopted by the City.

CITY OF EDGEWOOD PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5-0 to recommend that the City Council adopt the proposed draft amendments to EMC Title 18 related to implementing the 2024 Comprehensive Plan and associated development regulations, presented herein, including repealing EMC 14.120, Natural Resource Lands.

RECOMMENDED BY THE CITY OF EDGEWOOD PLANNING COMMISSION
ON THE 10TH DAY OF NOVEMBER 2025.

JoAnn Overfield, Chair

JoAnn Overfield
Planning Commission Chair

Attest by:

Jeremy Metzler, PE
Community Development Director

ORDINANCE NO. 25-0xxx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, PIERCE COUNTY, WASHINGTON, REGARDING DEVELOPMENT REGULATION UPDATES TO REMAIN CONSISTENT WITH THE 2024 COMPREHENSIVE PLAN AND COMPLIANT WITH THE GROWTH MANAGEMENT ACT; DECLARING THE 2024 PERIODIC UPDATE PROCESS COMPLETE UNDER RCW 36.70A.130; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, 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); and

WHEREAS, the 2024 Comprehensive Plan Periodic Update was officially initiated by the City Council on September 12, 2023 with the adoption of Resolution 23-0684; and

WHEREAS, the city adopted its 2024 Comprehensive Plan under Ordinance 24-0669 on December 10, 2024, which became effective on January 1, 2025; and

WHEREAS, while several development regulations have been updated since January 1, 2025 to remain compliant with the GMA, Edgewood Municipal Code (EMC) Titles 14 and 18 require additional updates relating to manufactured housing, co-living, religious organizations, natural resource lands, and the use of existing buildings for residential purposes to remain compliant with state law and consistent with the 2024 Comprehensive Plan; and

WHEREAS, the Planning Commission met to review suggested amendments to EMC Title 18 and consider repealing EMC Chapter 14.120 on August 11, 2025, September 8, 2025, October 13, 2025, and November 10, 2025; and

WHEREAS, the procedures for amendments to development regulations as provided in EMC 18.60 were followed as documented in the Planning Commission staff reports dated August 11, 2025, September 8, 2025, October 13, 2025, and November 10, 2025; and

WHEREAS, this Ordinance was submitted to the Department of Commerce for 60-day expedited review on September 26, 2025; and

WHEREAS, in accordance with the State Environmental Policy Act (SEPA), the City issued a Determination of Nonsignificance (DNS) on September 26, 2025 under File No. 25-010-CODE with a public comment period ending on October 13, 2025 and appeal period ending on October 28, 2025, where no appeals were received; and

WHEREAS, in accordance with EMC 18.60.070, on September 26, 2025 the City issued a Notice of a Public Hearing on the proposed code amendments, setting the Planning Commission public hearing for October 13, 2025 at 6:00 PM; and

WHEREAS, on November 10, 2025, the Planning Commission voted 5-0 to recommend the City Council adopt the proposed amendments to EMC Title 18 related to implementing the 2024 Comprehensive Plan and associated development regulations, and repeal EMC Chapter 14.120, Natural Resource Lands, to maintain consistency with the 2024 Comprehensive Plan; and

WHEREAS, in the process of reviewing past ordinances for consistency with the 2024 Comprehensive Plan, staff noted that the components of Ordinance 07-0279 regarding the Meridian Corridor Roadway Network had been incorporated into the comprehensive plan without any action by the City Council to sunset the prior ordinance; and

WHEREAS, the City Council reviewed this ordinance and the proposed code amendments at their study session held on December 16, 2025; and

WHEREAS, the City Council considered this ordinance at their regular meeting held on December 23, 2025; and

WHEREAS, upon the adoption of this Ordinance, the 2024 Comprehensive Plan Periodic Update and all requirements under RCW 36.70A.130 have been completed;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. EMC Title 18 Amended. Amendments to EMC Title 18 relating to manufactured housing, co-living, religious organizations, and the use of existing buildings for residential purposes, including clarifications and other updates to maintain consistency with state law, are attached hereto as Exhibit A, incorporated by reference.

Section 2. EMC Chapter 14.120 Repealed. EMC Chapter 14.120 relating to natural resource lands is hereby repealed.

Section 3. Ordinance 07-0279 Repealed. The City Council hereby repeals Ordinance 27-0279, recognizing the components therein have been included in the City's Comprehensive Plan since its adoption.

Section 4. 2024 Comprehensive Plan Periodic Update Complete. The City Council hereby declares that all the requirements of the 2024 Comprehensive Plan Periodic Update under RCW 36.70A.130 are complete.

Section 5. Corrections. Upon the approval of the city attorney and/or the city clerk, the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after publication as provided by law.

PASSED BY THE CITY COUNCIL ON THE 23RD DAY OF DECEMBER, 2025

Dave Olson, Mayor

ATTEST/AUTHENTICATED:

Jill Schwerzler-Herrera, CMC
City Clerk

APPROVED AS TO FORM:

Maili C. Barber, City Attorney

Date of Publication: *12/26/2025*
Effective Date: *12/31/2025*

~~Red Strikeout~~ = Text Removed
Blue Text = Text Added
Highlighted = Revised After Planning Commission Action

Chapter 18.20 Definitions

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18.20.050 B definitions.

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“Blank Walls”~~. W~~ include any walls ~~subject to "blank wall" requirements~~ meeting the following criteria:

1. Any wall or portion of a wall that has a surface area of 400 square feet of vertical surface without a window, door, or building modulation as defined below or other architectural feature.

2. Any ground level wall surface or section of a wall over four feet in height at ground level that is longer than 15 feet as measured horizontally without having a ground level window or door lying wholly or in part within that 15-foot section.

……

“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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“Change of Use” means~~. A change of use shall be determined to have occurred when~~ it is found that the general character of the use in question has been modified. This determination shall include review of, but not be limited to:

1. Hours of operation;

2. Materials processed or sold;

3. Required parking;

4. Traffic generation;

5. Impact on public utilities;

6. Clientele;

7. General appearance and location; and

8. Change in use type.

……

“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.

……

18.20.070 D definitions.

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“Design Details” means~~. Architectural or building "design details" refer to~~ the minor building elements that contribute to the character or architectural style of the structure. Design details may include moldings, mullions, rooftop features, the style of the windows and doors, and other decorative features.

……

“Design review” means an administrative process for the purpose of reviewing multifamily development applications for compliance with specific site design, landscape design and building design criteria.

……

18.20.120 I definitions.

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“Impervious surface” means a hard surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions preexistent to development, or that hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow under natural conditions preexistent to development. Common impervious surfaces include, but are not limited to, rooftops, concrete or asphalt paving, paved walkways, patios, driveways, parking lots or storage areas~~, grasscrete~~, and oiled, macadam or other surfaces which similarly impede the natural infiltration of surface water. Open, uncovered retention/detention facilities shall not be considered impervious surfaces. When applied as a development standard, it is expressed as a percentage of the lot area.

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

……

18.20.150 L definitions.

……

“Lot line, front” means, normally, the property line separating the lot from the street, other than an alley, from which access is provided to the lot. For the purpose of establishing setback requirements, orientation of the dwelling unit shall be independent of access to the parcel. ~~In the case of a corner lot, the front lot line shall be the property line with the narrow dimension adjacent to the street.~~

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18.20.180 O definitions.

……

~~“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.~~

……

18.20.160 M definitions.

……

“Multifamily design review” means “design review”. ~~an administrative process for the purpose of reviewing multifamily development applications for compliance with specific site design, landscape design and building design criteria.~~

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18.20.190 P definitions.

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“Pedestrian-Oriented Facades” are ~~. T~~the ground floor facades facing pedestrian-oriented streets and public parks which shall feature ~~"pedestrian-friendly" street front facades which consist of~~ one or more of the following "pedestrian-friendly" characteristics:

1. Transparent window area or window displays along the majority of the ground floor facade.

2. Sculptural, mosaic or bas-relief artwork over the majority of the ground floor facade.

3. Pedestrian-Oriented Space. As defined below, at least 500 square feet must be located along the sidewalk for every 100 linear feet of facade as measured along the property line adjacent to the street right-of-way. The pedestrian-oriented space shall also include at least 200 square feet of landscaping for every 100 linear feet of building facade as measured along the property line adjacent to the street right-of-way. The landscaping must conform to the planting standards contained in Edgewood city ordinances.

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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~~.

……

“Project permit” means any land use or environmental permit or license required from the city of Edgewood for a project action, including but not limited to site development permits, fill and grade permits, subdivisions, binding site plans, planned unit developments, conditional uses~~, site plan(s)~~, shoreline substantial development permits, ~~development plan~~design review, site-specific rezones which do not require a comprehensive plan amendment; but excluding adoption or amendment of a comprehensive plan, subarea plan or development regulations except as otherwise specifically included in this subsection.

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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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“Site Plan Design Review” means “design review”.

……

“Sleeping unit” means an independently rented and lockable unit that provides living and sleeping space.

…..

~~Square Foot. See "Gross square feet (gsf)."~~

…..

“Substantial Change” ~~. A modification substantially changes the physical dimensions of~~ for an “eligible support structure” as defined in this chapter means any modification of physical dimensions that ~~if it~~ meets any of the following criteria:

1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10 percent or more than 10 feet, whichever is greater;

    a. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act;

2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure;

4. It entails any excavation or deployment outside of the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site;

5. It would defeat the concealment elements of the eligible support structure; or

6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in 47 CFR Sections 1.40001(b)(7)(i) through (iv), or as hereafter amended.

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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)(c)~~.

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Chapter 18.50 Discretionary Permits and Administrative Decisions – Review Criteria

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18.50.070 Temporary use permits.

……

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:

……

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.~~

~~3~~2.. ~~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.~~

~~5~~3. 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.

….

~~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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EMC 18.90 Development Standards – Citywide Applicability

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18.90.080 Housing incentives program.

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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 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
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.~~

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EMC 18.95 Design Standards

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18.95.050 Residential design

A. Purpose. The purpose of these standards is to:

1. Promote housing compatibility.

2. De-emphasize garages and driveways as major visual elements along the street.

3. Provide clear and accessible pedestrian routes between buildings and streets.

4. Ensure consistency with state law regarding design regulations for housing.

B. Applicability. In addition to the development standards required elsewhere in this title and the Edgewood Municipal Code (EMC), this chapter shall apply to:

1. All new detached dwellings, duplexes, stacked flats, cottage housing, courtyard apartments, ~~and~~ ADUs, and associated detached garages.

2. The expansion, remodel, or alteration of any structure listed in EMC 18.95.050(B)(1) by more than fifty (50) percent of its existing net floor area.

3. The conversion of an existing permitted structure to a middle housing type that does not include net floor area expansion is exempt from this section

……

EMC 18.100 Development Standards – Use Specific

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18.100.070 Home business.
The purpose of this section is to provide standards which allow residents of single- or multifamily dwellings to operate businesses or conduct commercial activity from their principal residence or from a permitted accessory structure while achieving the goals of retaining the residential character of the dwelling and the neighborhood.

……

B. The following uses are exempt from the regulations of this section:

1. Child daycare services, home-based (624410, part), ~~are exempt from the regulation of this section but still require~~except a home business permit is still required to ensure compliance with EMC 18.100.040.

~~which are subject to EMC 18.100.040.~~

2. Accommodation (Sector 721) – bed-and-breakfast inns (721191).

3. Garage sales, yard sales, bake sales, temporary home bazaars for hand-crafted items or parties for the display of clothing, gifts and household products, and other similar uses shall not be subject to regulation pursuant to this section; provided, that:

a. Any such use shall not be in existence for more than four times in any one calendar year, and is not in violation of any other section of the title or other city ordinances; and

b. Any such garage sales and yard sales involve only the sale of household goods, none of which were purchased for the purpose of resale.

4. For the profit sale of produce or other food products is limited to the temporary seasonal sale of produce grown on the premises.

5. Hobbies which do not result in payment to those engaged in such activity.

…….

18.100.080 Limited home businesses.
A. The purpose of this section is to provide standards which allow residents of single- or multifamily dwellings to operate businesses or conduct commercial activity from their principal residence or from a permitted accessory structure while achieving the goals of retaining the residential character of the dwelling and the neighborhood.

B. Limited home businesses are permitted as an accessory use in conjunction with single-family detached dwelling, single-family attached dwelling, and multifamily attached dwelling use types.

C. The ~~following~~ same uses ~~are exempt from the regulations of this section~~exempted under EMC 18.100.070(B)~~,~~ are exempt from the regulations of this section.~~:~~

~~1. Child daycare services, home-based (624410, part), which are subject to EMC 18.100.040.~~

~~2. Accommodation (Sector 721) – bed-and-breakfast inns (721191).~~

~~3. Garage sales, yard sales, bake sales, temporary home bazaars for hand-crafted items or parties for the display of clothing, gifts and household products, and other similar uses shall not be subject to regulation pursuant to this section; provided, that:~~

~~a. Any such use shall not be in existence for more than four times in any one calendar year and is not in violation of any other section of the title or other city ordinances; and~~

~~b. Any such garage sales and yard sales involve only the sale of household goods, none of which were purchased for the purpose of resale.~~

~~4. For the profit sale of produce or other food products is limited to the temporary seasonal sale of produce grown on the premises.~~

~~5. Hobbies, which do not result in payment to those engaged in such activity.~~

……

18.100.090 Manufactured homes on individual lots.

A manufactured home that is placed on an individual lot shall be considered a single-family detached dwelling. The manufactured home shall:

A. Be placed on a permanent ~~conventional~~ foundation as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load bearing or decorative. ~~and set up in accordance with building code requirements;~~

B. Meets all requirements for a designated manufactured home as defined in RCW 35.63.160. ~~Be oriented on the lot so that the longest facade is parallel or predominately parallel to the public or private street;~~

C. Complies with the residential design standards pursuant to EMC 18.95.050.

~~Be comprised of at least two fully enclosed parallel sections each not less than 12 feet wide by 36 feet long;~~

~~D. Have exterior siding similar in appearance to siding material commonly used on conventionally built housing;~~

~~E. Include either an attached or detached carport or garage;~~

~~F. Include a finished porch or deck for each entrance door;~~

D~~G~~. A title elimination is required prior to building occupancy;

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

……

18.100.130 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 shall not convert required ground floor commercial or retail space that is along a roadway classified as an arterial. For the purpose of this section, arterials are defined as major pedestrian corridors.

4. Unchanged portions of an existing building that have been used for residential purposes or previously permit-approved conditioned space 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, except if as allowed by RCW 35A.21.440.

5. Unless the director and/or the building official makes written findings that a nonconformity regarding design standards, 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 pr 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.

City Of Edgewood
Council Agenda Summary Sheet

Subject: Car Tab Fees	**Agenda Item #:** 2.G **For Agenda of:** 12/16/2025 **Prepared by:** Hardeep Goraya

Attachments (list):
1. RESOLUTION 25-0783
2. Car Tab Fee - Presentation 12162025

Approval of Materials:		**Expenditure Required:**
Hardeep Goraya		**Amount Budgeted:**
Rachel Pitzel, Assistant City Administrator	12/11/2025	**Timeline:** ~~Study Session Oct 07, 2025~~ ~~Public Hearing Oct 14,2025~~ ~~Study Session Oct 21, 2025~~ Study Session Dec 16, 2025
Dave Olson, Mayor	12/11/2025	

Summary Statement:
This is a recurring discussion regarding the city's Transportation Benefit District charges, aka Car Tab fee. We want to acknowledge the critical need for a sustainable revenue source to meet the rising costs of street operations and maintenance. This is becoming more urgent due to several factors: inflation-adjusted expenses, declining real estate tax collections, and stagnant fuel tax distributions from the state.

Item History:
Previously discussed during study sessions on October 7th and October 21st, it was brought forward for a vote on October 28th, but was pulled from the agenda to discuss other revenue streams and expenditure reduction options. Those alternative options were presented and discussed on November 18th.

Recommended Action:
Hold a discussion and provide staff guidance regarding Car tab fees

Fiscal Note/Consideration:
N/A

RESOLUTION NO. 25-0783

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, RE-ESTABLISHING THE TWENTY DOLLAR PER VEHICLE TRANSPORTATION BENEFIT CHARGE (TBC-CAR TAB FEE) AND ESTABLISHING THE EFFECTIVE DATE OF COLLECTION.

WHEREAS, on November 26, 2013, the City Council of the City of Edgewood created a Transportation Benefit District (the "District") with the adoption of Ordinance 013-0408 and imposed a twenty-dollar ($20) Transportation Benefit Charge ("TBC") for each vehicle registered in the City; and

WHEREAS, on September 27, 2016, the City Council assumed the Edgewood Transportation Benefit District with Ordinance 16-0480, assuming all assets, liabilities, authority and responsibility of the district, including the district work plan; and

WHEREAS, on April 28, 2020, the City Council rescinded the TBC with Resolution 20-0500, due to the impacts of potential utility tax revenue, I-976 pending legislation, impact of ST3, and the physical and economic health of the City's residents caused by the coronavirus (COVID-19) pandemic; and

WHEREAS, after assuming the district in 2016, the City collected the TBC until April 2020, channeling all funding to the City Street Fund for expenditure in the Capital Roads Preservation Plan commonly known as "Chip Sealing"; and

WHEREAS, the City Council held recurring discussions in the study sessions regarding re-establishing the Transportation Benefit Charge (TBC) on Mar 4, Oct 7, Oct 21, and Dec 16, 2025; and

WHEREAS, on Oct 14, 2025, the City Council held a public hearing to hear objections from any person to the Transportation Benefit Charge (TBC); and

WHEREAS, the City Council finds it is in the best interest of the city to establish an annual vehicle fee for the purpose of making transportation improvements that preserve, maintain and improve existing transportation infrastructure in the City of Edgewood pursuant to RCW 36.73.065(4)(a)(i) and RCW 82.80.140(2)(a);

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Establishment of Annual Vehicle Fee. An annual vehicle fee in the amount of $20.00 is hereby re-established, consistent with RCW 36.73.065(4)(a)(i), to be collected by the Washington Department of Licensing on qualifying vehicles as set forth in RCW 82.80.140.

Section 2. Revenue Restriction. The revenues received from the twenty-dollar ($20.00) vehicle license fee shall be collected in the City Street Fund for expenditures to preserve, maintain and improve existing transportation infrastructure.

Section 3. Effective Date of the Collection. The vehicle fee shall take effect for notices mailed in 2026 for vehicle license renewals due on or after July 1, 2026.

Section 4. Notification to Department of Licensing. The City Council directs the City Clerk to notify the Washington Department of Licensing (DOL) of the vehicle license fee established in section 1 of this resolution and to request that DOL take all steps necessary to implement collection of the fee in accordance with RCW 82.80.140.

Section 5. Severability. If any section, sentence, clause or phrase of this resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this resolution.

Section 6. Effective Date. This resolution will take effect immediately upon passage by the City Council.

ADOPTED THIS 23RD DAY OF DEC, 2025

____
Dave Olson, Mayor

ATTEST:

____
Jill Schwerzler-Herrera, CMC
City Clerk

CAR TAB FEE

City of Edgewood – Dec 16, 2025

EDGEWOOD
Washington

AGENDA

- Street Fund Funding
- Real Estate Excise Tax Collection
- General Fund Projections
- Car Tab Fee Revenue
- Questions

STREET FUND FUNDING

Street Fund Funding										
	2019	2020	2021	2022	2023	2024	2025B	2025E	2026B	Comments
Fund Balance	328,636	52,107	82,486	58,374	345,105	-	-	-	-	
Revenue										
Vehicle Tab Fee	193,812	130,830	396	-	-	-	-	-	-	
Fuel tax	246,913	225,586	246,851	263,346	267,895	257,969	280,679	282,000	262,631	
Street Pemit Fees & Misc.	11,506	1,151	5,337	-	11,224	21,369	1,000	7,000	-	Misc. Lights & other Demages
Total Street Fund Revenue	**452,231**	**357,567**	**252,584**	**263,346**	**279,119**	**279,338**	**281,679**	**289,000**	**262,631**	
Expenditure										
Salaries & Wages	162,007	211,920	234,925	216,915	238,647	157,421	165,568	154,709	187,682	PW Director, Engineer, MW super & MW
Benefits	69,259	83,446	89,395	80,872	84,520	59,515	70,711	58,876	68,770	
Operating Supplies	9,880	66,425	33,126	28,250	43,939	13,370	23,290	18,605	21,810	Traffic Control Devices
Professional Services	747,614	575,397	474,251	870,577	920,780	506,985	632,110	393,810	615,700	Snow&Ice, ROW Veg Main, Road Main
Total Street Fund Expenditures	**988,760**	**937,188**	**831,696**	**1,196,615**	**1,287,886**	**737,291**	**891,679**	**626,000**	**893,962**	
Revenue less Expenditure	**(536,529)**	**(579,621)**	**(579,112)**	**(933,269)**	**(1,008,767)**	**(457,953)**	**(610,000)**	**(337,000)**	**(631,331)**	
Help from Other Fund										
General Fund	-	610,000	555,000	770,000	320,000	290,719	365,000	215,000	381,331	
Real Estate Excise Tax	260,000	-	-	450,000	343,662	167,234	245,000	122,000	250,000	Restricted
Ending Fund Balance	**52,107**	**82,486**	**58,374**	**345,105**	**-**	**-**	**-**	**-**	**-**	

REET REVENUE

City of Edgewood - REET							
	2019	**2020**	**2021**	**2022**	**2023**	**2024**	**2025E**
Fund Balance	493,792	171,705	591,324	1,176,090	1,860,276	1,831,105	1,485,617
Revenue	**798,087**	**1,339,619**	**1,583,766**	**1,821,704**	**708,671**	**692,977**	**600,000**
Expenditures							
Street Repair	-	610,000	555,000	770,000	320,000	290,719	122,000
Capital Roads	150,170	-	-	-	48,950	167,467	167,649
Capital Parks	-	-	83,000	-	-	210,000	70,000
Sewer	170,000	-	-	-	-	-	-
Civic Center Bond Payment	390,004	310,000	361,000	367,518	368,892	370,279	370,700
Facilities	410,000	-	-	-	-	-	400,000
Total Operating	**1,120,174**	**920,000**	**999,000**	**1,137,518**	**737,842**	**1,038,465**	**1,130,349**
Ending Fund Balance	**171,705**	**591,324**	**1,176,090**	**1,860,276**	**1,831,105**	**1,485,617**	**955,268**

GENERAL FUND PROJECTIONS

General Fund					
General Fund	**Projection**				
	2026	**2027**	**2028**	**2029**	**2030**
Fund Balance	5,525,000	6,134,000	6,715,000	6,362,000	5,865,000
Revenue	9,793,336	9,886,579	9,301,362	9,523,897	9,701,253
Expenditures	9,184,071	9,305,635	9,654,807	10,020,695	10,405,406
Revenue less Expenditure	**609,000**	**581,000**	**(353,000)**	**(497,000)**	**(704,000)**
Ending Fund Balance	**6,134,000**	**6,715,000**	**6,362,000**	**5,865,000**	**5,161,000**
End. Balance % of Exp.	*67%*	*72%*	*66%*	*59%*	*50%*

CAR TAB FEE

CAR TAB FEE				
Year	Population	Population Increase	Tab Fee (RCW 82.80.140 & 36.73.040(3))	Tab Fee Collection
2017	10,420		20	193,465
2018	11,108	6.60%	20	204,568
2019	11,589	4.33%	20	193,812
2020	12,070	4.15%	20	130,830
2021-2025	12-14K	-	-	-
2026	14,250	1.00%	20	128,000
2027	14,393	1.00%	20	259,000
2028	14,536	1.00%	20	262,000
2029	14,682	1.00%	20	264,000
2030	14,829	1.00%	20	267,000

PIERCE COUNTY CITIES WITH CAR TAB FEE

TBD	Fee	Effective date
Buckley	$20	1-Feb-14
Carbonado	$20	1-Nov-13
DuPont	$20	1-Sep-13
Eatonville	$20	1-Mar-13
Fife	$20	1-Jan-17
Lakewood	$20	1-Apr-15
Roy	$20	1-Jan-15
Tacoma	$20	1-Jun-13
University Place	$10	1-Jun-21
Wilkeson	$20	1-Jan-15

CAR TAB FEE

Selected Vehicle

2018 HOND PILOT

VIN: XXXXXX

Current expiration date: Mar 10, 2026

Fee detail: $278.25

Hide fee details

Renewal Fee Details

Registration License - Renewal	$30.00
Additional Vehicle Weight Fee	$10.00
Vehicle Weight	$45.00
Registration Filing	$4.50
Registration Service Fee	$8.00
License Plate Technology	$0.25
Department of Licensing Service	$0.50
RTA Excise Tax	$175.00

Optional Fees & Donations

WA state parks: $5.00

QUESTIONS?

Hardeep Goraya, Finance Director

hardeep@cityofedgewood.org

253-300-5645