CITY OF EDGEWOOD
COUNCIL STUDY SESSION AGENDA
Tues., July 18, 2017 – 7:00 PM ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

1. **CALL TO ORDER**
   Pledge of Allegiance & Roll Call

2. **COUNCIL BUSINESS**
   - ***A. Review/Discussion*** *(pg. 2)* - Conservation Futures Grant Opportunity Update
   - ***B. Review/Discussion*** *(pg. 7)* - Comp. Plan and Code Amendments
   - ***C. Review/Discussion*** *(pg. 20)* - Noise Pollution Ordinance
   - ***D. Discussion*** *(no material)* - School Zone Cameras
   - ***E. Discussion*** *(pg. 49)* - Budget Retreat Dates
   - ***F. Discussion*** *(no material)* - Council Highlight article for Fall edition of Edgewood Magazine

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
STAFF REPORT
STUDY SESSION AGENDA ITEM

Date: July 18, 2017

Title: Pierce County Conservation Futures Grant Application – Status Update

Attachments:
1) Council Resolution 17-0362
2) Email from Nicole Hill dated July 3, 2017
3) Citizen's Advisory Board Summary Sheet
4) Technical Advisory Committee Summary Sheet

Submitted By: Jeremy Metzler, PE – Senior Engineer / SW Program Manager

Approved For Agenda By: Daryl Eidinger, Mayor

Discussion: Staff became aware of the Pierce County Conservation Futures grant program in February 2017, administered by their Parks & Recreation Department, which provides agencies with acquisition funding for the purpose of protecting existing open space, recreation, timber lands, wetland, and priority habitat areas. Pinedale Pond (*a.k.a. the 114th Ave Pothole Basin*) was identified by Staff as a viable candidate for this program, and three property owners have agreed to participate in the process. To date, we have submitted the application, met with the Technical Advisory Committee (TAC) at the site, presented to the Citizens' Advisory Board (CAB), and received their project rankings and recommendations to the County Council. Our application is currently ranked #9 of 13, which puts us in a good position for full funding during FY 2019, and the County Council is expected to take action on the CAB's recommendations in August or September. A conceptual sketch for this project was shared with the City's Park and Recreation Advisory Board Meeting on June 1, 2017, as a matter of introduction and to solicit input on passive recreation opportunities. While somewhat reserved on investment, there was excitement regarding pedestrian connectivity and boardwalk opportunities.

Recommendation: We encourage Council members to reach out to the County Council, backing this grant application and the CAB's recommendations. Letters or memorandums of support may be helpful as they consider the proposed ranking and funding prioritization. For reference, the only City of Edgewood Conservation Futures Grant award was $55,400 for land acquisition along the Interurban Trail in 2006. There were also two awards given prior to cityhood for the Nelson parks in 1994, totaling $601,852.

Fiscal Impact: This application is asking for up to $490,000 from the grant program, and $100,000 has been committed from the Strategic Reserve Fund through Resolution 17-0362 (attached). As a condition of acquisition through this grant program, the City must ensure public access and implement a Property Management Plan within one year of completion, and we are prepared to implement this with Surface Water Utility funds. The full fiscal impact is yet to be determined, as it depends on the level of surface water management and / or recreation opportunities desired on this property.

RESOLUTION NO. 17-0362

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, PIERCE COUNTY, WASHINGTON AUTHORIZING THE MAYOR TO APPLY FOR AND COMMIT THE CITY TO THE PIERCE COUNTY CONSERVATION FUTURES PROGRAM, INCLUDING AUTHORIZED MATCHING FUND PAYMENTS.

WHEREAS, the City has determined it is in the public interest to purchase private land for the purpose of protecting existing open space, recreation, timber lands, wetland and priority habitat areas, within its boundaries; and

WHEREAS, the Pierce County Conservation Futures program is an opportunity for the City to cooperate with Pierce County, utilizing County and City matching funding to purchase private land for public use; and

WHEREAS, the City has existing funding for this acquisition and recognizes the buying power from participating in the Pierce County Conservation Futures program greatly increases the City's ability to purchase private land for public use;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The Mayor is authorized to commit the City, to the acquisition of real property, as defined and stipulated in the Pierce County Conservation Futures Program, with a City matching expenditure of up to 25% of the total cost, from the Strategic Reserve Fund, not to exceed $100,000 dollars. The Mayor will present the final City funding request to the City Council, should the Pierce County Conservation Futures program commit to the purchase of private land within the City, for final Council review and purchase agreement authorization.

PASSED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 28TH DAY OF MARCH, 2017.

Daryl Eidinger, Mayor

ATTEST:

Rachel Pitzel, City Clerk

Jeremy Metzler

From: Nicole Hill <nhill1@co.pierce.wa.us>
Sent: Monday, July 03, 2017 3:24 PM
To: Jeremy Metzler
Subject: Conservation Futures Ranking and Council Recommendations
Attachments: 9 114th ST E Pothole Wetland CAB Sum.pdf

Categories: Red Category

Jeremy - Below is the CAB's final ranking and scoring for the 2017 Conservation Futures round.

1	Busy Wild, Phase II	87
2	S Oro Bay	83
3	Upper Ohop, Phase II	75
4	Springbrook Addition, Phase II	75
5	Taylor Bay, Phase II	73
6	Mountain View Dairy	70
7	Fennel Creek Knoblauch	69
8	East Rocky Creek Acquisition	69
9	114th Pothole Wetlands	64
10	Franz Farm	62
11	52nd Street Wetlands	60
12	Snowshoe Evergreen	52
13	Victor Falls Park Addition	43

I've attached the CAB's summary of project and conditions for purchase associated with the 114th Street Pothole Wetlands project. Give a call if you have questions.

The 114th Street Pothole Wetlands project should be funded in 2019 if the Council adopts the list, as is. Council will take the ranked list up for consideration sometime in August or September. You are included in the notification list for these discussions.

Enjoy your holiday.
Best,
Nicole

Nicole Hill
Conservation Future Program Coordinator
Pierce County Parks and Recreation
9112 Lakewood Drive SW, Lakewood, WA 98499
Office: (253)798-4252 | Cell: (253)306-1320 | nhill1@co.pierce.wa.us

CITZENS' ADVISORY BOARD RECOMMENDATION 2017	
Project Name: 114th Ave Pothole Wetland	Findings and Conclusions
Type of Purchase	Fee
Sponsor (property held by same)	City of Edgewood
Parcel size	18.5 acres
Location	Edgewood, WA
Funding Request	$ 464,000
Matching Funds	$ 100,000
Links to Open Space	Adjoins 7.5 acres of protected wooded area
Conservation Priorities	Open Space Passive Wooded Areas Fish and Wildlife
Technical Advisory Committee Comments	<u>Conservation Elements:</u> Quality open space in urban area; no detailed access plan Wooded area is >20 acres including existing protected area; mixed coniferous forest Seasonal wetlands benefit common species; size and diversity is unique for urbanizing environment <u>Threat:</u> Moderate to low threat of development of uplands <u>Other:</u> Opportunity to create trails between neighborhoods and schools is valuable educational opportunity
Conditions for Purchase or Use	The Restrictive Covenant should: (1) prohibit commercial timber harvest; and, (2) require the submission of a trail and recreation plan within 3 years of acquisition.

TECHNICAL ADVISORY COMMITTEE RECOMMENDATION 2017	
Project Name: 114th Ave E Pothole Wetland	Findings and Conclusions
Type of Purchase	Fee
Sponsor (property to be held by same)	City of Edgewood
Parcel size	18.5 acres
Location	Edgewood, WA
Funding Request	$ 464,000
Matching Funds	$ 100,000
Links to Open Space	Adjoins 7.5 acres of protected wooded area
Conservation Priorities	Open Space Passive Wooded Areas Fish and Wildlife
Technical Advisory Committee Comments	Conservation Elements: Quality open space in urban area; no detailed access plan Wooded area is >20 acres including existing protected area; mixed coniferous forest Seasonal wetlands benefit common species; size and diversity is unique for urbanizing environment Threat: Moderate to low threat of development of uplands Other: Opportunity to create trails between neighborhoods and schools is valuable educational opportunity
Conditions for Purchase or Use	Prohibit commercial harvest of trees and submit a forest management plan
Additional Questions for Sponsor	$10,000 of match comes from a stormwater utility fund. Will the property be managed as a storm water facility (with additional inputs? With treatment?) Or as an open space habitat area? Please differentiate their management? Can you clarify access to and through the site?

CITY OF EDGEWOOD
STAFF REPORT
PLANNING COMMISSION AGENDA ITEM: Comp Plan and Dev Regs Updates (EMC 18.60)

Date: June 5, 2017

Title: Comprehensive Plan and Development Regulation Code Update to EMC 18.60

Attachments: DRAFT Ordinance dated April 17, 2017

Submitted By: Kevin Stender, Community Development Director

Approved For Agenda By: Daryl Eidinger, Mayor

Discussion: The City continues to update our codes and regulations to be consistent with newer State and Federal laws. At the recommendation of Legal Counsel, the City has undertaken the update of the regulations as shown in the DRAFT ordinance presented with this Public Hearing for EMC 18.60, regarding Legislative Actions. Legislative Actions primarily include Comprehensive Plan and Land Use Map amendments as well Development Regulation updates. The code updates clarify and simplify the process for undertaking these actions.

Recommendation: Assuming majority vote, prepare a formal recommendation to the City Council to move the process forward for their review and approval.

Fiscal Impact: None known.

CHAPTER ~~2.1~~18.60
AMENDMENTS TO THE COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS

Sections:

~~2.1~~18.60.010 Purpose and Types of Amendments.
~~2.1~~18.60.020 Administration of Legislative Amendments to Development Regulations.
~~2.1~~18.60.030 Procedure for Amendments to Development Regulations.
~~2.1~~18.60.040 Submission of Applications for Amendments to Development Regulations.
~~2.1~~18.60.050 Requirements for a Complete Application.
~~2.1~~18.60.060 SEPA Compliance and Transmittal to State.
~~2.1~~18.60.070 Public Notice.
~~2.1~~18.60.080 Planning Commission Public Hearing.
~~2.1~~18.60.090 City Council Action.
~~2.1~~18.60.100 Final Decision, Transmittal to State and Appeals.
~~2.1~~18.60.110 Appeal of Amendments to Development Regulations.
~~2.1~~18.60.120 Administration of Annual Comprehensive Plan Amendments.
~~2.1~~18.60.130 Submission of Applications.
~~2.1~~18.60.140 Preliminary Docket.
~~2.1~~18.60.150 Optional City Council/Planning Commission Workshop on Preliminary Docket.
~~2.1~~18.60.160 Planning Commission Hearing on Preliminary Docket.
~~2.1~~18.60.170 City Council Decision – Adoption of Final Docket.
~~2.1~~18.60.180 Final Docket – Contents.
~~2.1~~18.60.190 Effect of Final Docket.
~~2.1~~18.60.200 SEPA on Final Docket.
~~2.1~~18.60.210 Planning Commission Public Hearing on Final Docket.
~~2.1~~18.60.220 Evaluation Criteria for Proposed Amendments.
~~2.1~~18.60.230 City Council Action.
~~2.1~~18.60.240 Final Decision, Transmittal to State and Appeals.
~~2.1~~18.60.250 Planning Commission Periodic Assessment – Recommendations on Amendments.

~~2.1~~18.60.010 Purpose and Types of Amendments.

A. Purpose. The purpose of this chapter is to establish procedures for amendment of the City's Comprehensive Plan map/text and the Development Regulations. In addition, this chapter will describe the City's Public Participation process, which is intended to solicit comments and suggested amendments to the City's Comprehensive Plan and Development Regulations for consideration. The Public Participation process described herein is supplemented by a booklet[1] that provides additional detail.

[1] Attached hereto as Exhibit A.

B. Comprehensive Land Use Plan and Development Regulations. The Comprehensive Land Use Plan is defined as the generalized, coordinated land use policy statement of the City, and the accompanying map, adopted under the Growth Management Act (chapter 36.70A RCW).[2] The Development Regulations are the controls placed on development or land use activities by the City, including, but not limited to, the City's codes on zoning, critical areas, official controls, planned unit developments, subdivisions, binding site plans and the Shoreline Master Program.[3]

C. Types of Amendments.[4] The applications that will be processed under this Chapter as legislative amendments are Comprehensive Plan Amendments to the Comprehensive Plan Map or Policies and Development Regulation Amendments (to the text of the Development Regulations) which do not implement the existing Comprehensive Plan.[5]

~~2.1~~18.60.020 Administration of Legislative Amendments to Development Regulations. The Director is authorized to administer the provisions of this Chapter. The Planning Commission shall have the authority to hold the public hearing on any proposed legislative amendments to the development regulations, and to provide a recommendation to the City Council. The City Council shall consider the Planning Commission's recommendation during a public meeting or a public hearing and shall make a final decision.[6]

~~2.1~~18.60.030 Procedure for Amendments to Development Regulations. The following steps shall be followed in the processing of applications for Amendments to Development Regulations. [Hyperlink will be set to each procedure so the reader will be directed to the appropriate section of the code.]

A. ~~2.1~~18.60.050.__: Director's Determination that the Application is Complete;[7]
B. ~~2.1~~18.60.060.__: SEPA;
C. ~~2.1.__:~~18.60.080 Notice of Public Hearing;
D. ~~2.1~~18.60.210.__: Public Hearing before the Planning Commission;
F. 2~~.1.__:~~18.60.230: City Council considers application;
G. 18.60.240~~2.1.__:~~ Final Decision, transmittal to state;
H. ~~2.1.__:~~18.60.240 Appeal to Growth Management Hearings Board (if any).

~~2.1~~18.60.040 Submission of Applications for Amendments to Development Regulations (Who May Submit and When).[8]

[2] RCW 36.70A.030(4).
[3] RCW 36.70A.030(7).
[4] There is no bright line rule to distinguish between quasi-judicial and legislative rezones. However, there are general rules established in case law to be used in individual situations. *See*, *Raynes v. City of Leavenworth*, 118 Wash.2d 237, 248, 821 P2d 1204 (1992).
[5] *Kittitas County v. Kittitas County Conservation*, 176 Wn.App. 38, 308 P.3d 745 (2013) (a site specific rezone is a project permit approval appealable under LUPA if it is authorized by a then-existing comprehensive plan. A site specific rezone is an amendment to a development regulation under GMA if it implements a comprehensive plan amendment).
[6] *See*, RCW 36.70A.035(2)(a).
[7] This is an informal process because an application for an amendment to a development regulation is not for a "project permit," and therefore is not subject to RCW 36.70B.070 which describes the process for determining whether a project permit is complete.

A. Who May Submit Applications. Any interested person,[9] including citizens, Hearing Examiners, staff of other agencies, Planning Commission and City Council members, may submit an application for an amendment of a development regulation.

B. When Applications May Be Submitted. The text of the City's adopted development regulations may be amended at any time, provided that the amendment is consistent with the City's Comprehensive Plan and Land Use Map. When inconsistent with the Comprehensive Plan and Land Use Map, the amendment shall be processed concurrent with any necessary Plan amendments using the process and timelines for Comprehensive Plan Amendments in Sections ~~2.1~~18.60.120 through .240 of this chapter. Applications that do not include the information required in Section ~~2.1~~18.60.050 shall not be processed.

~~2.1~~18.60.050 Requirements for a Complete Application. The following materials shall be submitted to the City for a complete application for a Development Regulation Amendment:

A. An application form provided by the City;
B. Name, address, phone number and e-mail of the applicant and if the applicant is not the property owner, proof of the property owner's consent to the submission of the application;
C. Name, address, phone number and e-mail of the owner of the property identified in the application (if applicable);
D. A legal description of the property, if applicable;
E. A description of the proposed Amendment and any associated development proposals, if applicable. Formal site-specific or project-related amendments shall include plans, information and/or studies that accurately depict existing and proposed uses(s) and improvements. Proposed site-specific or project related Amendments that do not specify propose use(s) and potential impacts will be assumed to have maximum impact to the environment, public facilities and services;
F. Proposed amendatory language, preferably shown in "bill" format (*i.e.*, new language underlined; language proposed for deletion in strikeouts);
G. An explanation of the rationale for the proposed Amendment;
H. An explanation of how the proposed Amendment and associated development proposal(s) if any, conform to, conflict with, or relate to the criteria set forth in Section 18.60~~2.1~~.220;
I. A completed SEPA checklist including the supplement sheet for nonproject actions (if applicable);
J. Application fee as set forth in the City's resolution adopted for this purpose; and
K. Any additional information reasonably deemed necessary by the Planning Director to evaluate the proposed amendment.

~~2.1~~18.60.060 SEPA Compliance and Transmittal to State. If an application for an Amendment to the Development Regulations is submitted outside of the annual Comprehensive

[8] Processing of legislative approvals is not subject to "project permit processing," pursuant to RCW 36.70B.020(4), definition of "project permit application," which excludes legislative action.
[9] *See*, RCW 36.70A.470(2).

Plan Amendment process, SEPA shall be performed on the application as set forth in chapter ___ (City's SEPA ordinance). If applicable, the City shall notify the State Department of Commerce of its intent to adopt the proposed amendment(s) to the Development Regulations at least sixty (60) days prior to final adoption.[10]

~~2.1~~18.60.070 Public Notice.[11]

A. Notice of any public hearing on an application for an Amendment to a Development Regulation submitted outside of the annual Comprehensive Plan Amendment process set forth in Sections ~~2.1~~18.60.120 through .240 of this chapter, shall be given by one publication in the official newspaper of the City at least 10 days prior to the date of the hearing and by posting a copy of the notice of public hearing in City Hall and on the City's website. Additional notice may be required by state or local law (*e.g.*, statutory notice requirements for amendments to the Shoreline Master Program), or additional notice may be provided as deemed appropriate by the Director.

B. The public notice shall include the following:

1. The purpose(s) of the Amendment;
2. The deadline for submitting comments on the Amendment;
3. A tentative hearing schedule; continued hearings may be held by the Planning Commission but no additional notices need be published.

~~2.1~~18.60.080 Planning Commission Public Hearing. The Planning Commission shall hold a public hearing on an application for an Amendments to a Development Regulation and shall make a recommendation to the City Council, using the criteria set forth in Section ~~2.1~~18.60.220, as applicable. There is no limit on the number of public hearings or continuation of public hearings that the Commission (or City Council) may hold on a proposed Amendment.[12]

~~2.1~~18.60.090 City Council Action. The City Council shall consider the proposed Amendment to the Development Regulations and the Planning Commission's recommendation at a regularly scheduled meeting. The City Council shall also apply the criteria set forth in Section ~~2.1~~18.60.220, as applicable, in order to make a final decision.

1. If the City Council concludes that no change in the recommendation of the Planning Commission is necessary, the City Council may make a final determination on the proposed amendment(s) without holding another public hearing, and make a final decision.

2. If the City Council concludes that a change in the recommendation of the Planning Commission is necessary, the City Council shall consider whether another opportunity

[10] RCW 36.70A.106(1).
[11] *See, Holbrook v. Clark County*, 112 Wn. App. 354, 49 P.3d 142 (2002) (Due process did not require that county give individual notice to property owner whose property was subject to an area-wide, legislative redesignation under the GMA comprehensive plan amendment process).
[12] Legislative actions are not subject to the project permit processing limit of no more than one open record hearing and one closed record appeal in RCW 36.70B.060(6).

for public review and comment is needed under RCW 36.70A.035(2)(a) and if so, it shall hold another public hearing before making a final decision.

~~2.1~~18.60.100 Final Decision, Transmittal to State and Appeals. If the City Council decides not to adopt the proposed Amendment to the Development Regulations, it shall pass a resolution with the associated findings and conclusions to support its decision. If the City Council decides to adopt the proposed Amendment to the Development Regulations, it shall adopt an ordinance with the associated findings and conclusions to support its decision. A copy of this ordinance shall be sent to the State Department of Commerce within ten days after final adoption.[13]

~~2.1~~18.60.110 Appeal of Legislative Amendments to Development Regulations. Appeals of the City's final decision may be filed with the Growth Management Hearings Board, pursuant to RCW 36.70A.290.

~~2.1~~18.60.120 Administration of Annual Comprehensive Plan Amendments.

A. Legislative Amendments to the Comprehensive Plan. The Director is authorized to administer the provisions of this Chapter. The Planning Commission shall have the authority to hold the public hearing on any proposed Comprehensive Plan amendment(s), and to provide a recommendation to the City Council. The City Council shall consider the Planning Commission's recommendation during a public meeting or a public hearing and make a final decision.

B. Development Agreement. A Legislative Amendment to the Comprehensive Plan that is site-specific may be approved subject to the execution, delivery and recording of a Development Agreement between the City Council and the property owner of the subject property (or the legal owner of a beneficial interest in the subject property). The Development Agreement may impose conditions to address the criteria set forth in Section ~~2.1~~18.60.220, and approval of the Comprehensive Plan Amendment shall be conditioned upon performance or compliance with the terms and conditions of the Development Agreement. The City may revoke (or take other action allowed by law) a Comprehensive Plan Amendment executed with a Development Agreement for failure to comply with the Development Agreement. An applicant proposing a Comprehensive Plan Amendment with a Development Agreement shall submit the proposed Development Agreement with the application materials described in Section ~~2.1~~18.60.050. The City will evaluate the proposed Development Agreement together with the proposed Comprehensive Plan Amendment (*see* Chapter ~~—~~18.55 on Development Agreements), to determine whether the Amendment should be approved.

~~2.1~~18.60.130 Submission of Applications (Who May Submit and When).

A. Who May Submit Applications for Amendments Related to a Site-Specific Development Proposals. Proponents of land development projects and/or property owner(s) or their authorized representative(s), may file an application for an Amendment to the Comprehensive Plan relating to a site-specific proposal. The complete application shall consist of the materials described in Section 2.1.050. The application filing fee as set forth in the City's

[13] RCW 36.70A.106(2).

fee resolution shall accompany the application, which shall also require the applicant to pay for the applicant's portion of the SEPA review attributable to the application.

B. Who May Suggest Amendments. Any interested person,[14] including citizens, Hearing Examiners, staff of other agencies, Planning Commission and City Council members, may suggest an Amendment to the Comprehensive Plan. Generally, suggested Amendments should be limited to proposals that broadly apply to the goals, policies and implementation strategies of the Comprehensive Plan rather than amendments designed to address site-specific issues of limited applicability. If an application is not submitted for the suggested Amendment by an interested person, the Planning Director shall include the suggested Amendment on a Docket that is maintained each year for this purpose. The process described in Sections ~~2.1~~18.60.160 through .170 of this chapter shall resolve the question whether such suggested Amendments will be considered during the annual review process.

C. Amendments Considered Once a Year. Applications for Amendments to the City's Comprehensive Plan may not be considered more frequently than once every year, except: (1) under the circumstances described in RCW 36.70A.130(2)(i) through (v); (2) when needed to resolve an emergency condition or situation that involves public health, safety or welfare and when adherence to the Amendment process set forth in this chapter would be detrimental to the public health, safety and welfare. Situations involving official legal or administrative action affecting the City will be reviewed by the City Council with advice from the City Attorney to determine whether an emergency exists warranting an emergency Comprehensive Plan Amendment. Except as otherwise provided in RCW 36.70A.130(2)(a), all Comprehensive Plan Amendments shall be considered concurrently so that the cumulative effect of the various proposals may be ascertained.

D. Deadline for Application Submittal. All applications for Comprehensive Plan Amendments shall be submitted to the Planning Director by ~~March~~ December 31~~1~~st of the current calendar year (or be included in the Director's docket of suggested amendments by this date) in order to be considered during ~~that~~ the following year's amendment process; except that City-sponsored proposals to amend the Capital Facilities Element of the Comprehensive Plan may be accepted later than other proposed amendments because of their relationship to the City's annual budget process. Applications that do not include the information required under subsection ~~2.1~~18.60.150 for a complete application, or which are not received by the deadline set forth in this subsection, shall not be processed.

~~2.1~~18.60.140 Preliminary Docket.

A. Contents. A preliminary docket shall be maintained by the Planning Director, which shall consist of the following:

1. All applications submitted before the ~~March~~ December 31st ~~1~~st deadline to amend the Comprehensive Plan;

2. All amendments suggested during the year by citizens, the Planning Commission, City Council, staff, departments or other agencies.

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[14] *See*, RCW 36.70A.470(2).

B. Planning Director Responsibilities. After compiling the preliminary docket, the Planning Director shall review the suggested amendments and prepare a report concerning which suggested amendments that the Planning Director believes should be placed on the final docket for consideration during the annual amendment process. In addition to addressing the need, urgency and appropriateness of each suggested amendment, the staff report shall include, but not be limited to, a consideration of the following:

1. The availability of sufficient planning staff to substantively review the suggested amendments and manage the public review process with available staff; and
2. Anticipated planning costs and budget for processing the suggested amendments.

~~2.1~~18.60.150 Optional City Council/Planning Commission Workshop on Preliminary Docket. The City Council and Planning Commission may, but are not required to, hold a noticed joint workshop meeting to gather information regarding the items on the preliminary docket and the administrator's report and recommendation. If held, notice of the joint workshop meeting shall be given by publication in the City's official newspaper at least one time, ten (10) days prior to the date of the meeting and by posting a copy of the meeting notice at City Hall and the City's website, which shall include a statement of the purpose of the joint workshop.

~~2.1~~18.60.160 Planning Commission Hearing on Preliminary Docket. The Planning Commission shall hold a noticed public hearing to accept public comment regarding the suggested amendments on the preliminary docket. Following the hearing, the Planning Commission shall prepare a report and recommendation identifying those suggested amendments that it is recommending for consideration by the City Council during the annual amendment process. The Planning Commission's recommendation shall be based upon the perceived need, urgency and appropriateness of each suggested amendment. The Planning Commission's report and recommendation shall also include those proposed amendments resulting from its periodic assessment set forth in Section ~~2.1~~18.60.250, as applicable. Notice of the Planning Commission's hearing shall be given as set forth in Section ~~2.1~~18.60.070.

~~2.1~~18.60.170 City Council Decision – Adoption of Final Docket. The City Council shall review and consider the Planning Commission's report and recommended final docket at a regularly scheduled Council meeting. The City Council may adopt the Planning Commission's recommended final docket without a public hearing; however, in the event that a majority of the City Council decides to add or subtract suggested amendments, it shall first hold a public hearing, noticed as set forth in Section 18.60~~2.1~~.070.

~~2.1~~18.60.180 Final Docket -- Contents. The final docket adopted by the City Council shall include the following:

1. All applications for Comprehensive Plan Amendments for site-specific amendments timely submitted under Section ~~2.1~~18.60.130; and
2. Any proposals for suggested amendments which the City Council elects to consider during the annual amendment process.

~~2.1~~18.60.190 **Effect of Final Docket**. The City Council's decision to adopt the final docket does not constitute a decision or recommendation that the substance of any site-specific amendment or suggested amendment be adopted. No additional amendment proposals shall be considered by the City after adoption of the final docket for that year, except for those identified in RCW 36.70A.130(2)(i) through (v), and City-sponsored proposals to amend the capital facilities element of the Comprehensive Plan as set forth in RCW 36.70A.130(2)(a)(iv).

~~2.1~~18.60.200 **SEPA on Final Docket.** The final docket as adopted by the City Council shall first be reviewed and assessed by the Planning Director, who shall prepare a staff report and recommendation on each proposed amendment. The Planning Director shall also be responsible for conducting SEPA review of all items on the final docket, as required by ~~[reference City's SEPA Chapter here.]~~ EMC 20.05. As appropriate, the Planning Director shall solicit comments regarding the proposed amendments from the public and/or government agencies. The Planning Director shall also be responsible for providing notice and opportunity for public comment as deemed appropriate, given the nature of the proposed amendments and consistent with RCW 36.70A.140. and SEPA (chapter 43.21C RCW and chapter 197-11 WAC). Issuance of the SEPA threshold decision on the proposed Comprehensive Plan Amendments shall be coordinated such that if an appeal of the SEPA threshold decision is filed, the appeal can be considered ~~[consult your SEPA chapter for the identity of the decisionmaker on the appeal.]~~[15] by the Hearing Examiner as outlined in EMC Chapter 17.

~~2.1~~18.60.210 **Planning Commission Public Hearing on Final Docket.**

A. All proposed amendments on the final docket shall be reviewed and assessed by the Planning Commission, which shall make a recommendation to the City Council after holding at least one public hearing.

B. After the public hearing(s), the Planning Commission shall develop findings and conclusions to support its recommendation to the City Council that the proposed amendment(s) be denied, approved, or approved with conditions or modifications.

~~2.1~~18.60.220 **Evaluation Criteria for Proposed Amendments**. The Planning Commission shall review the proposed Amendments to the Comprehensive Plan and Development Regulations under the following criteria to develop findings and conclusions to support a recommendation:

A. All Amendments. All of the Comprehensive Plan Amendments shall be reviewed under the following criteria:

1. Whether the proposed amendment(s) conform to the Growth Management Act (chapter 36.70A RCW);[16]

[15] ~~There must be an open record public hearing on the SEPA appeal. Does the City's SEPA ordinance require that the City Council handle the SEPA appeal? There can only be one SEPA appeal. So, if the City Council wants to handle the SEPA appeal, this must be addressed.~~

[16] RCW 36.70A.130(1)(d).

2. Whether the proposed amendment(s) are consistent with and implement the City's Comprehensive Plan, including the goals, policies and implementation strategies of the various elements of the Plan;

3. Whether circumstances related to the proposed amendment(s) and/or the area in which it is located have substantially changed since the adoption of the City's Comprehensive Plan;

4. Whether the assumptions upon which the City's Comprehensive Plan is based are no longer valid, or whether new information is available which was not considered during the adoption process or any annual amendments of the City's Comprehensive Plan; and

5. Whether the proposed amendment(s) reflects current, widely held values of the residents of the City.

B. Amendments for Site-Specific Proposals. In addition to the above, any proposal for a site-specific development or amendment shall be reviewed under the following criteria:

1. Whether the proposed site-specific amendment(s) meets concurrency requirements for transportation and does not adversely affect adopted level of service standards for other public facilities and services (*e.g.*, police, fire and emergency medical services, parks, fire flow and general governmental services);

2. Any proposed site-specific amendment(s) will not result in probable significant adverse impacts to the City's transportation network, capital facilities, utilities, parks and environmental features that cannot be mitigated, and will not place uncompensated burdens upon existing or planned service capabilities;

3. In the case of a site-specific amendment(s) to the Comprehensive Plan's Land Use Map, that the subject parcels are physically suitable for the requested land use designation and the anticipated land use development, including, but not limited to, the following: (i) access; (ii) provision of utilities; and (iii) compatibility with existing and planned surrounding land uses;

4. The proposed site-specific amendment(s) will not create pressure to change the land use designation of other properties, unless the change of land use designation for other properties is in the long-term best interests of the City as a whole;

5. The proposed site specific amendment(s) does not materially affect the land use and population growth projections that are the bases of the Comprehensive Plan;

6. If within an incorporated urban growth area (UGA), the proposed site-specific amendment(s) does not materially affect the adequacy or availability of urban facilities and services to the immediate area and the overall UGA;

7. The proposed amendment(s) is consistent with any applicable County-Wide Policies for the City and any other applicable inter-jurisdictional policies or agreements, and any other local, state or federal laws.

2.1.230 City Council Action. The City Council shall consider the proposed Comprehensive Plan Amendments and the Planning Commission's recommendation at a regularly scheduled meeting. The City Council shall also apply the criteria set forth in Section 2.1.220, as applicable, in order to make a final decision.

1. If the City Council concludes that no change in the recommendation of the Planning Commission is necessary, the City Council may make a final determination on the proposed amendment(s) without holding another public hearing, and make a final decision.

2. If the City Council concludes that a change in the recommendation of the Planning Commission is necessary, the City Council shall consider whether another opportunity for public review and comment is needed under RCW 36.70A.035(2)(a) and if so, it shall hold another public hearing before making a final decision.

~~2.1~~18.60.240 Final Decision, Transmittal to State and Appeals. The Council's final action on the docket must be taken by the second regular Council meeting in December of each year. If the City Council decides not to adopt the proposed Comprehensive Plan Amendments, it shall pass a resolution with the associated findings and conclusions to support its decision. If the City Council decides to adopt the proposed development regulations, it shall adopt an ordinance with the associated findings and conclusions to support its decision. A copy of this ordinance shall be sent to the State Department of Commerce within ten days after final adoption.[17] All appeals to the adoption of an amendment(s) to the City's Comprehensive Plan or development regulations shall be filed with the Growth Management Hearings Board in accordance with the provisions of RCW 36.70A.290 and Chapter 36.70A RCW.

~~2.1~~18.60.250 Planning Commission Periodic Assessment – Recommendations on Amendments.

A. Timelines. The Planning Commission shall review, and if necessary, recommend revisions to the Comprehensive Plan during a periodic assessment performed in accordance with RCW 36.70A.130. The Planning Commission shall complete its assessment of the Comprehensive Plan by November 1st of the year prior to the assessment. Any amendments recommended by a majority vote of the Planning Commission shall be forwarded to the Planning Director by March 1st of the year in which the periodic assessment is conducted. The Planning Director shall place all such recommended amendments on the preliminary docket to be considered during the final docket selection process set forth in Sections ~~2.1~~18.60.140 through .170 of this chapter.

B. Criteria Governing Planning Commission Assessment. The Planning Commission's periodic assessment and recommendation shall be based upon, but shall not be limited to, an inquiry into the following growth management indicators:

1. Whether growth and development as envisioned in the Comprehensive Plan is occurring faster or slower than anticipated, or is failing to materialize;
2. Whether the capacity of the City to provide adequate services has diminished or increased;
3. Whether sufficient urban land is designated and zoned to meet projected demand and need;
4. Whether any of the assumptions upon which the plan is based are no longer found to be valid;

[17] RCW 36.70A.106(2).

5. Whether changes in county-wide attitudes necessitate amendments to the goals of the plan and the basic values embodied within the Comprehensive Plan;
6. Whether changes in circumstances dictate a need for amendments; and
7. Whether inconsistencies exist between the Comprehensive Plan and the GMA or the Comprehensive Plan and any County-wide Planning Policies for the City.

EDGEWOOD PLANNING COMMISSION RECOMMENDATION:

RECOMMENDATION OF THE CITY OF EDGEWOOD PLANNING COMMISSION RELATING TO LAND USE AND ZONING, AMENDING THE CITY'S COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS, CHAPTER 18.60 OF THE EDGEWOOD MUNICIPAL CODE, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Edgewood adopted a development regulations, Title 18, in 2003; and

WHEREAS, the City of Edgewood legal counsel recommended updating and clarifying the comprehensive plan and development regulation processes in chapter 18.60 of the Edgewood Municipal Code; and

WHEREAS, the Planning Commission met on March 20, 2017 and again on April 17, 2017 to discuss the DRAFT Comprehensive Plan and Development Regulations; and

WHEREAS, the Planning Commission held a public hearing to review and gather public comment on June 5, 2017, providing recommendations on the proposed amendments; and

NOW, THEREFORE SHALL IT BE ADVISED by the Planning Commission that it hereby makes the following recommendations:

The Planning Commission recommends approval of the Draft Ordinance amending the City's Comprehensive Plan and Development Regulations, as presented following the Public Hearing and additional discussion prior to taking action.

THIS RECOMMENDATION WAS UNANIMOUSLY APPROVED BY THE CITY OF EDGEWOOD PLANNING COMMISSION ON THE 5st DAY OF JUNE 2017.

JoAnn Overfield, Planning Commission Chair

Attest by: _____

Kevin Stender, Community Development Director

CITY OF EDGEWOOD
STAFF REPORT
STUDY SESSION AGENDA ITEM: Noise Ordinance

Date: July 18, 2017

Title: DRAFT Noise Ordinance

Attachments: Draft Noise Pollution and Abatement Code, noise statutes, decibel level chart and current Pierce County referenced code.

Submitted By: Aaron C. Nix, ACA Municipal Services

Approved For Agenda By: Daryl Eidinger, Mayor

Discussion: As mentioned to the City Council, Staff has been working on drafting revised code as it pertains to noise within the City of Edgewood. Staff have received significant feedback from members of the Public in regard to noise and the impacts associated these types of disturbances in and around Edgewood. The City Attorney has offered her own thoughts on that matter, of which her thoughts are included within the attached email correspondence for the Council's consideration, as well as the existing Pierce County code that the City has adopted by reference.

Recommendation: Move forward to Planning Commission, as time allows, in order to vet and receive a recommendation from the PC on new code language as it pertains to Noise. (90-Day Ecology notice, SEPA and Department of Commerce review required prior to adoption.)

Fiscal Impact: N/A

CHAPTER 9.15
NOISE POLLUTION AND ABATEMENT

Sections:

9.15.010 Purpose.
9.15.020 Definitions.
9.15.030 Exemptions.
9.15.040 Identification of zoning districts for EDNA designations.
9.15.050 Maximum permissible environmental noise levels.
9.15.060 Noise disturbances.
9.15.070 Sound amplification permits.
9.15.080 Nightlife disturbances.
9.15.090 Public disturbance noise.
9.15.100 Enforcement.
9.15.110 Abatement of Public Nuisance or Public Noise
9.15.120 Violation; penalties.

9.15.010 Purpose.

The purpose of this chapter is to minimize the exposure of citizens to the harmful physiological and psychological effects of excessive noise in the City of Edgewood. The intent of the City council is: to control the level of noise pollution in a manner which promotes commerce, the use, value, and enjoyment of property, sleep and repose, and preserves the quality of the environment by establishing maximum environmental noise levels applicable within designated areas or zones of the City. Appropriate exemptions to the provisions of this chapter are provided in order to allow for the functioning of commercial business and the operation of construction and emergency equipment. A further purpose of this chapter is to declare certain noise-producing activities to be noise disturbances.

9.15.020 Definitions.

"Amplified noise" means noise that is increased by electronic means.

"Background sound level" means the level of all sounds in a given environment, independent of the specific source being measured.

"dBA" means the sound pressure level in decibels measured using the "A" weighting network on a sound level meter. The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base of 10 of the ratio of the pressure of the sound to a reference pressure of 20 micropascals.

"Construction" means any site preparation (including blasting), assembly, erection, demolition, substantial repair, alteration, or similar action for or of public or private

rights-of-way, structures, utilities, or similar property.

"EDNA" means the environmental designation for noise abatement, which is an area or zone within which maximum permissible noise levels are established.

"Emergency work" means work required to restore property to a safe condition following a public calamity, work required to protect persons or property from imminent exposure to danger, or work by private or public utilities to provide or restore immediately necessary utility service.

"Existing" means a process, event, or activity in an established area, producing sound subject to, or exempt from this chapter, prior to the effective date of this ordinance.

"Generator, portable" means an electricity-generating device that is not permanently mounted and uses temporary wiring to supply electrical service.

"Generator, stationary" means an electricity-generating device with noise attenuation that is permanently mounted and uses permanent wiring to supply electrical service.

"Heavy equipment" means backhoes, concrete mixing and pumping trucks, compactors/rollers, cranes, dozers, dump trucks, excavators, forklifts, graders, jackhammers, loaders, pavement breakers, pile drivers, portable crushers, tractors, trailer-mounted wood chippers, trenchers, or other pieces of equipment that generate similar levels of noise.

"Impulse sound" means either a single pressure peak or a single burst of multiple pressure peaks which occur for a duration of less than one second as measured on a peak unweighted sound level meter.

"Legal holiday" means legal holidays as observed; by the City of Edgewood.

"Noise" means the intensity, duration, and character of sounds, from any and all sources.

"Noise disturbance" means any sound, which unreasonably disturbs or interferes with the comfort, peace, and repose of persons with normal sensitivities and is not otherwise authorized.

"Person responsible for the violation" means any person who commits any act or omission which is a violation of this code or who causes or permits a violation to occur or remain upon property in the town, and includes but is not limited to: owner(s), lessor(s), tenant(s), or other person(s) entitled to control, use and/or occupy property wherein a violation occurs.

"Property boundary" means the surveyed line a ground surface, which separates the real property owned, rented, or leased by one or more persons, from that owned, rented, or leased by one or more other persons, and its vertical extension.

"Public nuisance noise" means any unreasonable sound, which either annoys, injures, interferes with or endangers the comfort, repose, health or safety of an entire community or neighborhood, although the extent of damage may be unequal.

"Receiving property" means real property within which the maximum permissible noise levels specified herein shall not be exceeded from sources outside the receiving property's boundary.

"Sound amplification equipment" means any machine or device for the amplification of the human voice, music or any other noise or sound.

"Sound level" means a weighted sound pressure level measured by the use of a sound level meter using an A- weighted network and reported as decibels (dBA).

"Sound level meter" means a device or combination of devices which measures sound pressure levels and conforms to Type 1, Type 2, or Type 3 standards as specified in the American National Standards Institute Specification S1.4-1971. An impulse sound level meter shall be a peak or impulse, unweighted sound level meter which is capable of measuring impulse sound in conformance with the Type 1 or Type 2 specifications of ANSI S1.4- 1971.

"Warning device" means any device intended to provide public warning of potentially hazardous, emergency or illegal activities, including but not limited to a burglar alarm or vehicle backup signal.

"Weekday" means any day Monday through Friday, which is not a legal holiday.

"Weekend" means Saturday, and Sunday.

9.15.030 Exemptions.

The following sounds are exempt from the provisions of this chapter:

(1) Sounds caused by natural phenomena or wildlife; and

(2) Sounds created by or for purposes of emergency work or work necessary for law enforcement or for the health, welfare and safety of the community; and

(3) Sounds created by portable generators during periods when there is no electrical service available from the primary supplier due to natural disaster or power outage; and

(4) Sounds created by stationary generators that do not exceed a sound level of 75 dBA at any property line during periods when there is no electrical service available from the primary supplier due to natural disaster or power outage; and

(5) Sounds originating from aircraft in flight; and

(6) Sounds created by motor vehicles operating on public highways as regulated by Chapter 173-62 WAC; and

(7) Sounds created by surface carriers engaged in interstate commerce by railroad;

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and

(8) Sounds created by safety and protective warning devices where noise suppression would render the device ineffective; and

(9) Sounds created by electrical substations and existing stationary equipment used to convey water, wastewater, or natural gas by a utility; and

(10) Sounds from existing industrial installations which exceed standards contained in these regulations and which, over the previous three years, have consistently operated in excess of 15 hours per day as a consequence of normal necessity and/or demonstrated routine normal operation.

(11) Sounds, including sounds created by sound amplification equipment, emanating from any event or activity, for which a permit has been issued pursuant to the Edgewood Municipal Code; provided, that sound created by sound amplification equipment from such event shall be exempt only if the permit issued pursuant to the Edgewood Municipal Code authorized the use of sound amplification equipment and such use was in compliance with all terms and conditions of the permit; and

(12) Sounds originating from officially sanctioned parades and other public events.

(b) The following sounds are exempt from the provisions of this chapter if the receiving property is in a Class B EDNAs, and between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and 9:00 a.m. and 10:00 p.m. on weekends if the receiving property is located in a Class A EDNA:

(1) Sounds created by bells, chimes and carillons not operating continuously for more than five minutes in any one hour; and

(2) Sounds created by the repair or installation of essential utility services and streets; and

(3) Sounds relating to temporary repair, addition or maintenance projects on existing single-family homes, grounds and appurtenances (except that sounds created by heavy equipment will be regulated pursuant to the construction noise exemption contained in subsection C of this section); and

(4) Sounds created by repairing, rebuilding, modifying, operating or testing any motor vehicle or internal combustion engine (except for portable and stationary generators located in a Class A EDNA which are exempt only during the hours of 9:00 a.m. to 6:00 p.m. daily when electrical service is primary supplier and except for heavy equipment, which will be regulated pursuant to the construction noise exemption contained in subsection c of this section); and

(5) Sounds created by commercial business activity including, but not

limited to: handling containers and materials; or sweeping parking lots and streets (except the sweeping of parking lots of businesses engaged in retail trade, as defined in the Standard Industrial Classification Manual, is exempt until 12:00 midnight).

(c) Sounds created by construction and emanating from construction sites are exempt from the provisions of this chapter between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, which are not legal holidays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays, which are not legal holidays. Sounds emanating from construction sites on Sundays or legal holidays or outside of the exempt work hours are prohibited pursuant to this chapter unless expanded hours of operation are authorized by the City of Edgewood. Approval of expanded exempt hours may be authorized if:

(1) Necessary to accommodate transportation mitigation such as evening haul routes; construction on schools and essential government facilities which cannot be undertaken during exempt hours; and for construction activities and site stabilization in the fall prior to the onset of winter weather; and for emergency work; or

(2) Sounds created by construction during the expanded exempt hours will not exceed the maximum permissible environmental noise levels contained in EMC 9.15.050 as verified by sound level monitoring conducted before and during construction by a qualified acoustic consultant.

{d) Sounds originating from public parks, playgrounds, and recreation areas are exempt from the provisions of this chapter during the hours the parks, playgrounds or recreation areas are open for public use.

(e) The sounds in subsections (b), and (d) of this section are subject to the maximum permissible environmental sound levels in EMC 9.15.050 and the noise disturbance provisions in EMC 9.15.060 at all times other than when they are specifically exempt or otherwise authorized.

(f) Nothing in these exemptions is intended to preclude the City of Edgewood, through the authority of the State Environmental Policy Act, from requiring installation of the best available noise abatement technology consistent with feasibility.

(g) Nothing in these exemptions is intended to preclude the City of Edgewood from requiring and enforcing any permit that is otherwise required by the Edgewood Municipal Code, or state or federal law.

9.15.040 Identification of zoning districts for EDNA designations.

(a) Environmental designations (zoning districts) for noise abatement are as follows:

(1) Single Family Residential districts (SF-2, SF-3 and SF-5): Class A EDNA;

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(2) Mixed Residential Zoning districts (MR-1 and MR-2): Class A EDNA;

(3) Town Center, Commercial, Mixed Unit Residential, Business Park and Public districts (TC, C, MUR, BP and P): Class B EDNA;

(b) The zoning districts listed in the City of Edgewood Zoning Code, EMC Title 18 are classified for the purposes of this chapter as follows:

(1) Single Family Residential districts (SF-2, SF-3 and SF-5 zones);

(2) Mixed Residential Zoning districts (MR-1 and MR-2);

(3) Town Center, Commercial, Mixed Unit Residential, Business Park, and Public districts (TC, C, MUR, BP, and P).

9.15.050 Maximum permissible environmental noise levels.

(a) No person shall cause or permit sound to intrude onto the real property of another person, which exceeds the maximum permissible sound levels established by this chapter. The point of measurement shall be at the property boundary of the receiving property or anywhere within.

(b) For sound sources located within the Town, the maximum permissible sound sources are as follows:

Environmental Designation of Noise Abatement Source (Sending Property)	Class A Environmental Designation Maximum Noise Level (Receiving Property)	Class B Environmental Designation Maximum Noise Level (Receiving Property)
	(dBA)	(dBA)
Class A	55	57
Class B	57	60

(c) Modifications to maximum permissible sound levels are as follows:

(1) Reduce by 10 dBA between the hours of 10:00 p.m. to 7:00 a.m. for receiving property in Class A EDNAs; and

(2) At any hour of the day or night the applicable noise limitations in (b), above, may be exceeded for any receiving property by no more than:

(A) 5 dBA for a total of fifteen (15) minutes in any one-hour period; or

(B) 10 dBA for a total of five (5) minutes in any one-hour period; or

(C) 15 dBA for a total of one and a half (1.5) minutes in any one-hour period.

(d) If the measurements of sound are made with a sound level meter, the instrument shall be in good operating condition and shall meet the requirements set forth in Section 9.15.020. If the measurements are made with other instruments, or assemblages of instruments, the procedure must be carried out in such manner that the overall accuracy shall be at least that called for in the American National Standards Institute Specifications.

(e) Where a receiving property lies within more than one EDNA, the maximum permissible sound level shall be determined by the most noise sensitive EDNA.

9.15.060 Noise disturbances.

(a) It is unlawful for any person knowingly to cause or make, or for any person in possession of property knowingly to allow or originate from the property, unreasonable noise which disturbs another, and to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a police officer. The content of the speech or sound shall not be considered in determining whether there is a violation of this section. "Unreasonable noise" shall include the following sounds or combinations of sounds:

(1) Loud and raucous, and frequent, repetitive, or continuous sounds made by any animal, except sounds made in animal shelters, commercial kennels, veterinary hospitals, pet shops or pet kennels with current permits issued by the Town;

(2) Loud and raucous, frequent, repetitive or continuous sounds created by the operation or playing of, any audio equipment, television set, musical instrument, sound amplification device, and similar devices, whether portable or stationary or mounted on or within a motor vehicle;

(3) Loud and raucous, and frequent, repetitive or continuous sounds made by the amplified or unamplified human voice between the hours of 10:00 p.m. and 7:00 a.m.;

(4) Intentional sounding or permitting the sounding outdoors of any emergency warning device where an actual emergency does not exist; provided that sounds created during maintenance or testing of such emergency warning devices does not constitute a noise disturbance, and further providing that the maintenance and testing of such devices does not occur at unreasonable times;

(5) Sounds created by construction and emanating from construction sites between the hours of 6:01 p.m. and 6:59 a.m. on all weekdays, which are not legal holidays, and between the hours of 6:01 p.m. and 8:59 a.m. on Saturday, which are not legal holidays. Sounds emanating from

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construction sites on Sundays or legal holidays or outside of the exempt work hours are prohibited pursuant to this chapter unless expanded hours of operation are authorized by the City of Edgewood according to EMC subsection 9.15.030(c);

(6) The loud and raucous, frequent, repetitive or continuous sounds made by any horn or siren attached to a motor vehicle, except sounds that are made to warn of danger or that are specifically permitted or required by law;

(7) The loud and raucous, frequent, repetitive or continuous sounds created in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle, or internal combustion engine within a residential or multi-family district.

(8) The foregoing enumeration of acts shall not be considered as excluding other acts, which may constitute noise disturbances.

a. Sounds which do not exceed the maximum environmental noise levels set forth in EMC 9.15.050 may constitute noise disturbances.

9.15.070 Sound amplification permits.

(a) Any person desiring to operate sound amplification equipment and the owner of property on which such equipment is proposed to be operated shall jointly file with the Chief of Police an application for a permit at least one week in advance of the date on which sound amplification equipment is proposed to be operated and shall provide the following information:

(1) The name and address of the sound amplification equipment operator, and a phone number where the operator can be reached during the time when the sound amplification equipment is proposed to be in use;

(2) The name and address of the property owner for the location described in subsection (a)(1) of this section if different from the operator, and a phone number where the property owner can be reached during the time when the sound amplification equipment is proposed to be in use;

(3) A statement describing the address and location at which the sound amplification equipment will be in operation;

(4) A general description of the sound amplification equipment and the purposes for which it is to be used; and

(5) A statement designating the proposed time during which the sound amplification equipment will be in operation.

(b) Use of sound amplification equipment may be authorized by the Mayor subject to the following criteria:

(1) The use of sound amplification equipment shall not be allowed on Sundays unless that day is also a legal holiday;

(2) The use of amplified sound equipment shall not be allowed at the same location or on the same property on more than two days in any calendar week;

(3) Amplified sound shall be subject to the maximum permissible noise levels for amplified sound set forth in EMC 9.15.050;

(4) No person shall operate or cause to be operated within the City of Edgewood any sound amplification equipment, the sound from which is plainly audible to occupants of a school being operated as a school, during school hours or a hospital at any time; provided, that this section does not apply to the operation of sound amplification equipment on school or hospital grounds.

9.15.080 Night life disturbances.

It is unlawful for any person in possession of real property located in any zoning district other than residential or mixed residential zone, to allow to originate from that property between the hours of 10:00 p.m. and 7:00 a.m., amplified noise that is plainly audible within a residential or mixed residential zone to a person of normal hearing from any location within the boundaries of the receiving residential or mixed residential property.

9.15.090 Public disturbance noise.

(a) While in park areas or residential zones, or any area where residences, schools, hospitals or human service facilities are in obvious proximity to the source of the sound, it is unlawful for any person to cause, make or allow to be made from audio equipment under such person's control or ownership the following:

(1) Sounds from a motor vehicle audio system, including, but not limited to, a radio, tape player, compact disc player or MP3 player, which is operated at such a volume that it would be clearly heard by a person of normal hearing at a distance of 75 feet or more from the vehicle itself;

(2) Sound from portable or stationary audio equipment, including, but not limited to, a radio, tape player, compact disc player or MP3 player or amplifier(s), which is operated at such a volume that it could be clearly heard by a person of normal hearing at a distance of 75 feet or more from the source of the sound.

(b) This section shall not apply to persons operating portable or stationary audio equipment upon their own premises, such as an owner or tenant, in which event the provisions of [EMC Sections] 9.15.060 and 9.15.080 shall apply.

(c) This section shall not apply to persons operating portable audio equipment

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within a public park pursuant to an event issued a permit under EMC Section 9.19.070.

9.15.100 Enforcement.

Enforcement of Chapter 9.15 EMC. The Edgewood Police Department has the authority to enforce this chapter under the procedure set forth in Chapter 7.80 RCW.

(a) Notice of Infraction. For any violation of this chapter, the police officer may issue and serve a notice of infraction under the procedures set forth in RCW 7.80.050. The notice of civil infraction shall include the elements set forth in RCW 7.80.070(2).

(b) Notice of Infraction Final Unless Contested. A notice of civil infraction represents a determination that a civil infraction has been committed and is final unless contested as provided in chapter 7.80 RCW.

(c) Response to Notice of Infraction. Any person who receives a notice of civil infraction shall respond to the notice as provided in RCW 7.80.080 within 15-days of the date of the notice. If the person who receives the notice of civil infraction wishes to contest the infraction, he or she shall complete the portion of the notice of civil infraction requesting a hearing and submitting it as provided in the notice and RCW 7.80.080. If the person who receives the notice of civil infraction wishes to explain mitigating circumstances surrounding the commission of the civil infraction, he or she shall complete the portion of the notice of civil infraction requesting a hearing and submitting it as provided in the notice and RCW 7.80.080.

(d) If a hearing is requested, the municipal court's hearing on the notice of infraction shall be without a jury, under the procedures set forth in RCW 7.80.090 and 7.80.100.

(e) If the court determines that the civil infraction was committed, an appropriate order shall be entered into the court records. If the court determines that the civil infraction was not committed, the case shall be dismissed. An appeal of the court's order shall be as provided in RCW 7.80.100(5).

(f) If a hearing is held for the purpose of allowing a person to explain mitigating circumstances, the hearing shall follow the procedures in RCW 7.80.110. There is no appeal from the court's determination or order, as provided in RCW 7.80.110(3).

9.15.110 Abatement of Public Nuisance or Public Noise

The City of Edgewood Council finds that a property, at which three or more violations of EMC Section 9.15.080 (Night Life Disturbances) have occurred in any 12-month period,

constitutes a public nuisance and is subject to an action for abatement pursuant to RCW 7.48.220; provided that the owner of the premises has not changed in the 12- month period.

(a) As a courtesy only, the Community Development Director may notify the owner (and/or tenant when the tenant or other person has been found to be in violation of EMC Section 9.15.080) in writing that the property is subject to abatement as a public nuisance. Such notice(s) may include notification that an action for abatement may be commenced if three or more violations of Section 9.15.080 occur at the property within a 12-month period and that owner of the premises has not changed during this period.

(b) The City's abatement of the property under RCW 7.48.220 and other statutes shall be in addition to any other remedies provided by this chapter or any other law.

9.15.110 Violation; penalties.

A violation of this chapter shall be considered a Class 1 civil infraction. A person found to have committed a civil infraction under this chapter shall be subject to a monetary penalty for a Class 1 civil infraction as set forth in RCW 7.80.120 or as amended hereafter. The court may assess additional costs and attorney's fees as set forth in RCW 7.80.140.

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Chapter 8.76
NOISE POLLUTION CONTROL

Sections:

8.76.010 Scope and Authority.

8.76.020 Definitions.

8.76.030 Noise Control Officer – Creation.

8.76.040 Noise Control Officer – Powers and Duties.

8.76.050 Identification of Environments.

8.76.060 Maximum Permissible Environmental Noise Levels.

8.76.070 Exemptions.

8.76.080 Noise Control Hearings Board.

8.76.090 Variances and Implementation Schedules.

8.76.100 Enforcement Policy.

8.76.110 Appeals.

8.76.120 Violation – Penalty.

8.76.130 Other Rights, Remedies, Powers, Duties and Functions.

8.76.010 Scope and Authority.

This Chapter shall apply to the control of all sound originating within the unincorporated areas of Pierce County and is adopted pursuant to RCW Chapter 70.107, the Noise Control Act of 1974, in order to establish maximum noise levels permissible in identified environments, and to provide use standards relating to the reception of noise within such environments. (Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.010)

8.76.020 Definitions.

As used in this Chapter, unless the context or subject matter clearly requires otherwise, the following words or phrases shall have the following meanings:

A. "Background sound level" means the level of all sounds in a given environment, independent of the specific source being measured.

B. "dBA" means the sound pressure level, in decibels measured using the "A" weighting network on a sound level meter. The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base 10 of the ratio of the pressure of sound to a reference pressure of 20 micropascals.

C. "EDNA" means the environmental designation for noise abatement, being an area of zone (environment) within which maximum permissible noise levels are established.

D. "Health Department" means the Tacoma-Pierce County Health Department.

E. "Health Officer" means the Director of the Tacoma-Pierce County Health Department, or his authorized representative.

F. "Multi-family units" includes, but is not limited to, duplexes, triplexes, apartment houses and condominiums. The property lines of such units shall include the wall, ceilings and floors of each unit.

G. "Noise" means the intensity, duration and character of sounds, from any and all sources.

H. "Noise Control Hearing Board" means a Board which is designated by the Health Department to hear and decide noise variance cases.

I. "Noise Control Office" means that division of the Health Department which has the duties and powers established by this Chapter.

J. "Owner" includes the owner or owners of the premises or lesser estate therein, a mortgage or vendee in possession, an assignee for rents, receiver, executor, trustee or other person, firm or corporation in control of a building or property.

K. "Person" means any individual, corporation, partnership or association and the agents, employees, servants and legal successors thereof; or agency of state, county or municipal government; or agency of the federal government which is subject to the jurisdiction of the State of Washington.

L. "Property boundary" means the surveyed line at ground surface, which separates the real property owned, rented, or leased by one or more persons, from that owned, rented, or leased by one or more other persons, and its vertical extension.

M. "Racing event" means any motor vehicle competition conducted under a permit issued by a governmental authority having jurisdiction or, if such permit is not required, then under the auspices of a recognized sanctioning body.

N. "Receiving property" means real property within which the maximum permissible noise levels specified herein shall not be exceeded from sources outside such property.

O. "Shoreline" means the existing intersection of water with the ground surface or with any permanent shore connected facility.

P. "Sound level meter" means a device which measures sound pressure levels and conforms to Type 1, S1A, 2 or S2A as specified in the American national Standards Institute Specifications.

(Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.020)

8.76.030 Noise Control Officer – Creation.

There is created a position of Noise Control Officer within the Health Department. (Ord. 81-52§ 1 (part), 1981; prior Code § 66.10.030)

8.76.040 Noise Control Officer – Powers and Duties.

In order to implement this Chapter, the Noise Control Officer or his designee shall:

A. Conduct, or cause to be conducted, research, monitoring and other studies related to sound;

B. Conduct programs or public education related to causes, effects and methods to abate and control noise;

C. Encourage the participation of public interest groups in such public information efforts;

D. Coordinate with the noise control activities of all County departments;

E. Cooperate with all appropriate state and federal agencies;

F. Draft needed noise control regulations;

G. Enter into contracts with the approval of the Health Officer and the County Executive for providing technical and enforcement services;

H. Review public and private projects and advise whether such projects are likely to cause violations of this Chapter;

I. Require the owner or operator of any commercial or industrial activity to establish and maintain records regarding noise emissions and make such reports as the Noise Control Officer may reasonably prescribe;

J. Require the owner or operator of any commercial or industrial activity to measure the sound level from any source in accordance with the methods and procedures and at such locations and times as the Noise Control Officer may reasonably prescribe and to furnish reports of the results of such measurements to the Noise Control Officer. The Noise Control Officer may require the measurements to be conducted in the presence of his enforcement officials;

K. Delegate functions, where appropriate under this Chapter, to personnel within the Health Department and to other agencies or departments, subject to approval of the Health Officer;

L. Administer noise program grants and other funds and gifts from public and private sources;

M. Evaluate and report to the Health Officer every year following the effective date of this Chapter on the effectiveness of the County Noise Control Program and make recommendations for any legislative or budgetary changes necessary to improve the program.

(Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.040)

8.76.050 Identification of Environments.

A. The EDNA of any property shall be based on the following typical uses:

1. Class A EDNA. Lands where human beings reside and sleep. Typically, Class EDNA will be the following types of property used for human habitation:

a. Residential;

b. Multiple-family living accommodations;

c. Recreational and entertainment (e.g., camps, parks, camping facilities and resorts);

d. Community service (e.g., orphanages, homes for the aged, hospitals, health and correctional facilities);

2. Class B EDNA. Lands involving uses requiring protection against noise interference with speech. Typically, Class B EDNA will be the following types of property:

a. Commercial living accommodations;

b. Commercial dining establishments;

c. Motor vehicle services;

d. Retail services;

e. Banks and office buildings;

f. Miscellaneous commercial services;

g. Recreation and entertainment; property not used for human habitation (e.g., theaters, stadiums, fairgrounds and amusement parks);

h. Community services; property not used for human habitation (e.g., educational, religious, governmental, cultural and recreational facilities).

3. Class C EDNA. Lands involving economic activities of such a nature that higher noise levels than experienced in other areas are to be anticipated. Persons working in these areas are normally covered by noise control regulations or the Department of Labor and Industries. Uses typical of Class A EDNA are generally not permitted within such areas. Typically, Class C EDNA will be the following types of property:

a. Storage, warehouse and distribution facilities;

b. Industrial property used for the production and fabrication of durable and nondurable manmade goods;

c. Agricultural and silvicultural property used for the production of crops, wood products or livestock.

B. Subject to subsection D. of this Section, EDNA land classification shall conform with the County zoning codes as follows:

1. Zones primarily utilized for residential purposes in the County include: RE, SR, ST, RR, RML, RM, RMH, RMP and SA – Class A EDNA. Any future zoning change will also control the EDNA classification, i.e., if zoned R-2 is changed to M-1, the M-1 EDNA would apply.

2. Zones primarily utilized for commercial purposes in the County include: C-1, C 2, C-3, PS-1, PS-2, PSC, FS, HAS and PE – Class B EDNA.

3. Zones primarily utilized or potentially utilized for industrial purposes in the County include: M-1, M 2, MP, A – Class C EDNA. EDNA designations shall be amended as necessary to conform to zone changes under the zoning ordinance.

4. The general use zone in the County shall be governed on the basis of current use; therefore, if a residential area abuts an industrial or commercial use, it will be considered a Class A EDNA.

C. Subject to subsection D. of this Section, in areas not covered by a local zoning ordinance but within the coverage of an adopted Pierce County comprehensive plan, EDNA's shall conform with the comprehensive plan as follows:

1. Primarily residential areas – Class A EDNA;
2. Primarily commercial areas – Class B EDNA;
3. Primarily industrial areas – Class C EDNA. EDNA designations shall be amended as necessary to conform to changes in the comprehensive plan.

D. Where in the County there is neither a zoning ordinance in effect nor an adopted comprehensive plan, the Health Department shall designate EDNA's which conform to the criteria in subsections A.1., 2. and 3. of this Section.

E. Where no specific prior designation of EDNA's has been made, the appropriate EDNA for properties involved in any enforcement activity will be made by the Noise Control Officer on the basis of the criteria of subsections A.1., 2. and 3. of this Section.

F. The Health Department may make special designations of lands where serenity, tranquility or quiet are essential to the quality of the environment and serves an important public need. If so approved, such designation will not be effective until approved by the County Executive and the Washington State Department of Ecology and until maps of such designations are available for public inspection in the Health Department.

(Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.050)

8.76.060 Maximum Permissible Environmental Noise Levels.

A. No person shall cause or permit noise to intrude into the property of another person which noise exceeds the maximum permissible noise levels set forth in subsection B. of this Section.

B. 1. The noise limitations established are as set forth in the following table after any applicable adjustments provided for in this Chapter are applied.

EDNA of Noise Source	EDNA of Receiving Property		
	Class A	Class B	Class C
Class A	55 dBA	57 dBA	60 dBA
Class B	57 dBA	60 dBA	65 dBA
Class C	60 dBA	65 dBA	70 dBA

2. Between the hours of 10 p.m. and 7 a.m., the noise limitations of the foregoing table shall be reduced by 10 dBA for receiving property within Class A EDNA's.

3. At any hour of the day or night the applicable noise limitations in subsections B.1. and 2. of this Section may be exceeded for any receiving property by no more than:

a. 5 dBA for a total of 15 minutes in any 1-hour period; or

b. 10 dBA for a total of 5 minutes in any 1-hour period; or

c. 15 dBA for a total of 1.5 minutes in any 1-hour period.

(Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.060)

8.76.070 Exemptions.

A. The following shall be exempt from Section 8.76.060 between the hours of 7 a.m. and 10 p.m.:

1. Sounds originating from residential property relating to temporary projects for the construction, maintenance or repair of homes, grounds and appurtenances;

2. Sounds created by the discharge of firearms on authorized shooting or firing ranges;

3. Sounds created by blasting;

4. Sounds created by aircraft engine testing and maintenance not related to flight operations, provided that aircraft testing and maintenance shall be conducted at remote sites whenever possible;

5. Sounds created by the installation or repair of essential utility services.

B. The following shall be exempt from subsection B.2. of Section 8.76.060:

1. Noise from electrical substations and existing stationary equipment used in the conveyance of water or wastewater by a utility;

2. Noise from existing industrial installations which exceed the standards contained in these regulations and which, over the previous three years, have consistently operated in excess of 15 hours per day as a consequence of process necessity and/or demonstrated routine normal operation. Changes in working hours which would effect exemptions under this regulation require approval of the Noise Control Officer.

C. The following shall be exempt from Section 8.76.060, except insofar as such provisions relate to the reception of noise within Class A EDNA's between the hours of 10 p.m. and 7 a.m.:

1. Sounds originating from temporary construction sites as a result of construction activity;

2. Sounds originating from forest harvesting and silvicultural activity.

D. The following shall be exempt from Section 8.76.060:

1. Sounds created by motor vehicles when regulated by WAC Chapter 173-62;

2. Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations;

3. Sounds created by surface carriers engaged in interstate commerce by railroad;

4. Sounds created by warning devices not operated continuously for more than five minutes or bells, chimes and carillons;

5. Sounds created by safety and protective devices where noise suppression could defeat the intent of the device, or is not economically feasible;

6. Sounds created by emergency equipment and work necessary in the interests of law enforcement or for health, safety or welfare of the community;

7. Sounds originating from motor vehicle or motorcycle racing events at existing authorized facilities, or being sanctioned by a responsible authority;

8. Sounds originating from officially sanctioned parades and other public events;

9. Sounds emitted from petroleum refinery boilers during startup of said boilers; provided, that the startup operation is performed during daytime hours whenever possible;

10. Sounds created by the discharge of firearms in the course of hunting;

11. Sounds caused by natural phenomena and unamplified human voices;

12. Animal noises which are already regulated;

13. Sounds created by motor vehicles, licensed or unlicensed, when operated off public highways except when such sounds are received in Class A EDNA's;

14. Sounds created by watercraft are excluded from this Chapter when regulated by Chapter 8.88 of this Code.

(Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.070)

8.76.080 Noise Control Hearings Board. The Board of Health shall designate an Appeal Board which shall hear and decide requests for noise variance cases. The Appeal Board may also hear appeals from rulings of the Noise Control Officer. Subject to approval of the Health Officer, the Board shall adopt such rules and regulations as may be necessary to administer its responsibility. (Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.100)

8.76.090 Variances and Implementation Schedules.

A. Variances may be granted to any person from any other particular requirement of this Chapter if findings are made by the Appeal Board that immediate compliance with such requirements cannot be achieved because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors, encroachment upon an existing noise source, or because of nonavailability of feasible technology or control methods. Any such variance or renewal thereof shall be granted only for the minimum time period found to be necessary under the facts and circumstances.

B. An implementation schedule for achieving compliance with this Chapter shall be incorporated into any variance issued.

C. Variances shall be issued only upon application in writing and after providing such information as may be requested. No variance shall be issued for a period of more than 30 days except upon due notice to the public with opportunity to comment.

D. Sources of noise, subject to this Chapter, upon which construction begins after the effective date of the ordinance codified in this Chapter, shall immediately comply with the requirements of this Chapter,

except in extraordinary circumstances where overriding considerations of public interest dictate the issuance of a variance.
(Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.110)

8.76.100 Enforcement Policy.

Noise measurement for the purposes of enforcing the provisions of Section 8.76.060 shall be measured in dBA with a sound level meter with the point of measurement being at any point within the receiving property. Such enforcement shall be undertaken only upon receipt of a complaint made by a person who resides, owns property, or is employed in the area affected by the noise complained of, except for parks, recreational areas and wildlife sanctuaries. (Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.120)

8.76.110 Appeals.

Any person aggrieved by any decision of the Noise Control Officer in relation to the enforcement of the maximum permissible noise levels provided for in this Chapter or the granting or denial of a variance may appeal to the Appeals Board. (Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.130)

8.76.120 Violation – Penalty.

For enforcement purposes, each day is defined as the 24-hour period beginning at 12:01 a.m., in which violation of this Chapter occurs, and shall constitute a separate violation. Any violation of this Chapter shall be punishable by a fine not to exceed $500.00 for each violation. (Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.140)

8.76.130 Other Rights, Remedies, Powers, Duties and Functions.

A. Nothing in this Chapter shall be construed to deny, abridge or alter alternative right of action or remedies in equity or under common law or statutory law, criminal or civil.

B. Nothing in this Chapter shall deny, abridge or alter any powers, duties and functions relating to noise abatement and control now or hereafter vested in any State agency, nor shall this Chapter be construed as granting jurisdiction over the industrial safety and health of employees in work places, as now or hereafter vested in the Department of Labor and industries.

(Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.150)

Decibel Level Comparison Chart

Environmental Noise	*dBA*
Jet engine at 100’	140
Pain Begins	*125*
Pneumatic chipper at ear	120
Chain saw at 3’	110
Power mower	107
Subway train at 200’	95
Walkman on 5/10	94
Level at which sustained exposure may result in hearing loss	*80-90*
City Traffic	85
Telephone dial tone	80
Chamber music, in a small auditorium	75-85
Vacuum cleaner	75
Normal conversation	60-70
Business Office	60-65
Household refrigerator	55
Suburban area at night	40
Whisper	25
Quiet natural area with no wind	20
Threshold of hearing	0

Note: dBA = Decibels, A weighted

RCW 70.107.030

Powers and duties of department.

The department is empowered as follows:

(1) The department, after consultation with state agencies expressing an interest therein, shall adopt, by rule, maximum noise levels permissible in identified environments in order to protect against adverse affects of noise on the health, safety and welfare of the people, the value of property, and the quality of environment: PROVIDED, That in so doing the department shall take also into account the economic and practical benefits to be derived from the use of various products in each such environment, whether the source of the noise or the use of such products in each environment is permanent or temporary in nature, and the state of technology relative to the control of noise generated by all such sources of the noise or the products.

(2) At any time after the adoption of maximum noise levels under subsection (1) of this section the department shall, in consultation with state agencies and local governments expressing an interest therein, adopt rules, consistent with the Federal Noise Control Act of 1972 (86 Stat. 1234; 42 U.S.C. Sec. 4901-4918 and 49 U.S.C. Sec. 1431), for noise abatement and control in the state designed to achieve compliance with the noise level adopted in subsection (1) of this section, including reasonable implementation schedules where appropriate, to insure that the maximum noise levels are not exceeded and that application of the best practicable noise control technology and practice is provided. These rules may include, but shall not be limited to:

(a) Performance standards setting allowable noise limits for the operation of products which produce noise;

(b) Use standards regulating, as to time and place, the operation of individual products which produce noise above specified levels considering frequency spectrum and duration: PROVIDED, The rules shall provide for temporarily exceeding those standards for stated purposes; and

(c) Public information requirements dealing with disclosure of levels and characteristics of noise produced by products.

(3) The department may, as desirable in the performance of its duties under this chapter, conduct surveys, studies and public education programs, and enter into contracts.

(4) The department is authorized to apply for and accept moneys from the federal government and other sources to assist in the implementation of this chapter.

(5) The legislature recognizes that the operation of motor vehicles on public highways as defined in RCW **46.09.310** contributes significantly to environmental noise levels and directs the department, in exercising the rule-making authority under the provisions of this section, to give first priority to the adoption of motor vehicle noise performance standards.

(6) Noise levels and rules adopted by the department pursuant to this chapter shall not be effective prior to March 31, 1975.

[2011 c 171 § 107; 1974 ex.s. c 183 § 3.]

NOTES:

Intent—Effective date—2011 c 171: See notes following RCW **4.24.210**.

WAC 173-60-030

Identification of environments.

(1) Except when included within specific prior designations as provided in subsections (2), (3), and (4) of this section, the EDNA of any property shall be based on the following typical uses, taking into consideration the present, future, and historical usage, as well as the usage of adjacent and other lands in the vicinity.

(a) Class A EDNA - Lands where human beings reside and sleep. Typically, Class A EDNA will be the following types of property used for human habitation:

(i) Residential

(ii) Multiple family living accommodations

(iii) Recreational and entertainment, (e.g., camps, parks, camping facilities, and resorts)

(iv) Community service, (e.g., orphanages, homes for the aged, hospitals, health and correctional facilities)

(b) Class B EDNA - Lands involving uses requiring protection against noise interference with speech. Typically, Class B EDNA will be the following types of property:

(i) Commercial living accommodations

(ii) Commercial dining establishments

(iii) Motor vehicle services

(iv) Retail services

(v) Banks and office buildings

(vi) Miscellaneous commercial services, property not used for human habitation

(vii) Recreation and entertainment, property not used for human habitation (e.g., theaters, stadiums, fairgrounds, and amusement parks)

(viii) Community services, property not used for human habitation (e.g., educational, religious, governmental, cultural and recreational facilities).

(c) Class C EDNA - Lands involving economic activities of such a nature that higher noise levels than experienced in other areas is normally to be anticipated. Persons working in these areas are normally covered by noise control regulations of the department of labor and industries. Uses typical of Class A EDNA are generally not permitted within such areas. Typically, Class C EDNA will be the following types of property:

(i) Storage, warehouse, and distribution facilities.

(ii) Industrial property used for the production and fabrication of durable and nondurable man-made goods

(iii) Agricultural and silvicultural property used for the production of crops, wood products, or livestock.

(d) Where there is neither a zoning ordinance in effect nor an adopted comprehensive plan, the legislative authority of local government may, by ordinance or resolution, designate specifically described EDNAs which conform to the above use criteria and, upon departmental approval, EDNAs so designated shall be as set forth in such local determination.

(e) Where no specific prior designation of EDNAs has been made, the appropriate EDNA for properties involved in any enforcement activity will be determined by the investigating official on the basis of the criteria of (a), (b), and (c) of this subsection.

(2) In areas covered by a local zoning ordinance, the legislative authority of the local government may, by ordinance or resolution designate EDNAs to conform with the zoning ordinance as follows:

(a) Residential zones - Class A EDNA

(b) Commercial zones - Class B EDNA

(c) Industrial zones - Class C EDNA

Upon approval by the department, EDNAs so designated shall be as set forth in such local determination. EDNA designations shall be amended as necessary to conform to zone changes under the zoning ordinance.

(3) In areas not covered by a local zoning ordinance but within the coverage of an adopted comprehensive plan the legislative authority of the local government may, by ordinance or resolution designate EDNAs to conform with the comprehensive plan as follows:

(a) Residential areas - Class A EDNA

(b) Commercial areas - Class B EDNA

(c) Industrial areas - Class C EDNA

Upon approval by the department EDNAs so designated shall be as set forth in such local determination. EDNA designations shall be amended as necessary to conform to changes in the comprehensive plan.

(4) The department recognizes that on certain lands, serenity, tranquillity, or quiet are an essential part of the quality of the environment and serve an important public need. Special designation of such lands with appropriate noise level standards by local government may be adopted subject to approval by the department. The director may make such special designation pursuant to the procedures of the Administrative Procedure Act, chapter **34.04** RCW.

[Order 74-32, § 173-60-030, filed 4/22/75, effective 9/1/75.]

WAC 173-60-040

Maximum permissible environmental noise levels.

(1) No person shall cause or permit noise to intrude into the property of another person which noise exceeds the maximum permissible noise levels set forth below in this section.

(2)(a) The noise limitations established are as set forth in the following table after any applicable adjustments provided for herein are applied.

EDNA OF NOISE SOURCE	EDNA OF RECEIVING PROPERTY		
	Class A	Class B	Class C
CLASS A	55 dBA	57 dBA	60 dBA
CLASS B	57	60	65
CLASS C	60	65	70

(b) Between the hours of 10:00 p.m. and 7:00 a.m. the noise limitations of the foregoing table shall be reduced by 10 dBA for receiving property within Class A EDNAs.

(c) At any hour of the day or night the applicable noise limitations in (a) and (b) above may be exceeded for any receiving property by no more than:

(i) 5 dBA for a total of 15 minutes in any one-hour period; or

(ii) 10 dBA for a total of 5 minutes in any one-hour period; or

(iii) 15 dBA for a total of 1.5 minutes in any one-hour period.

[Order 74-32, § 173-60-040, filed 4/22/75, effective 9/1/75.]

WAC 173-60-050

Exemptions.

(1) The following shall be exempt from the provisions of WAC **173-60-040** between the hours of 7:00 a.m. and 10:00 p.m.:

(a) Sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds and appurtenances.

(b) Sounds created by the discharge of firearms on authorized shooting ranges.

(c) Sounds created by blasting.

(d) Sounds created by aircraft engine testing and maintenance not related to flight operations: Provided, That aircraft testing and maintenance shall be conducted at remote sites whenever possible.

(e) Sounds created by the installation or repair of essential utility services.

(2) The following shall be exempt from the provisions of WAC **173-60-040** (2)(b):

(a) Noise from electrical substations and existing stationary equipment used in the conveyance of water, waste water, and natural gas by a utility.

(b) Noise from existing industrial installations which exceed the standards contained in these regulations and which, over the previous three years, have consistently operated in excess of 15 hours per day as a consequence of process necessity and/or demonstrated routine normal operation. Changes in working hours, which would affect exemptions under this regulation, require approval of the department.

(3) The following shall be exempt from the provisions of WAC **173-60-040**, except insofar as such provisions relate to the reception of noise within Class A EDNAs between the hours of 10:00 p.m. and 7:00 a.m.

(a) Sounds originating from temporary construction sites as a result of construction activity.

(b) Sounds originating from forest harvesting and silvicultural activity.

(4) The following shall be exempt from all provisions of WAC **173-60-040**:

(a) Sounds created by motor vehicles when regulated by chapter **173-62** WAC.

(b) Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations.

(c) Sounds created by surface carriers engaged in interstate commerce by railroad.

(d) Sounds created by warning devices not operating continuously for more than five minutes, or bells, chimes, and carillons.

(e) Sounds created by safety and protective devices where noise suppression would defeat the intent of the device or is not economically feasible.

(f) Sounds created by emergency equipment and work necessary in the interests of law enforcement or for health safety or welfare of the community.

(g) Sounds originating from motor vehicle racing events at existing authorized facilities.

(h) Sounds originating from officially sanctioned parades and other public events.

(i) Sounds emitted from petroleum refinery boilers during startup of said boilers: Provided, That the startup operation is performed during daytime hours whenever possible.

(j) Sounds created by the discharge of firearms in the course of hunting.

(k) Sounds caused by natural phenomena and unamplified human voices.

(l) Sounds created by motor vehicles, licensed or unlicensed, when operated off public highways EXCEPT when such sounds are received in Class A EDNAs.

(m) Sounds originating from existing natural gas transmission and distribution facilities. However, in circumstances where such sounds impact EDNA Class A environments and complaints are received, the director or his designee may take action to abate by application of EDNA Class C source limits to the facility under the requirements of WAC 173-60-050(5).

(6) Nothing in these exemptions is intended to preclude the department from requiring installation of the best available noise abatement technology consistent with economic feasibility. The establishment of

any such requirement shall be subject to the provisions of the Administrative Procedure Act, chapter **34.04** RCW.

[Statutory Authority: Chapter **70.107** RCW. WSR 94-12-001 (Order 92-41), § 173-60-050, filed 5/18/94, effective 6/18/94; WSR 83-15-046 (Order DE 82-42), § 173-60-050, filed 7/19/83; Order DE 77-1, § 173-60-050, filed 6/2/77; Order 75-18, § 173-60-050, filed 8/1/75; Order 74-32, § 173-60-050, filed 4/22/75, effective 9/1/75.]

WAC 173-60-060

Nuisance regulations not prohibited.

Nothing in this chapter or the exemptions provided herein, shall be construed as preventing local government from regulating noise from any source as a nuisance. Local resolutions, ordinances, rules or regulations regulating noise on such a basis shall not be deemed inconsistent with this chapter by the department.

[Order 74-32, § 173-60-060, filed 4/22/75, effective 9/1/75.]

WAC 173-60-110

Cooperation with local government.

(1) The department conceives the function of noise abatement and control to be primarily the role of local government and intends actively to encourage local government to adopt measures for noise abatement and control. Wherever such measures are made effective and are being actively enforced, the department does not intend to engage directly in enforcement activities.

(2) No ordinance or resolution of any local government which imposes noise control requirements differing from those adopted by the department shall be effective unless and until approved by the director. If approval is denied, the department, following submission of such local ordinance or resolution to the department, shall deliver its statement or order of denial, designating in detail the specific provision(s) found to be objectionable and the precise grounds upon which the denial is based, and shall submit to the local government, the department's suggested modification.

(3) The department shall encourage all local governments enforcing noise ordinances pursuant to this chapter to consider noise criteria and land use planning and zoning.

[Statutory Authority: Chapter **70.107** RCW. WSR 87-06-056 (Order 86-40), § 173-60-110, filed 3/4/87; Order 74-32, § 173-60-110, filed 4/22/75, effective 9/1/75.]

CITY OF EDGEWOOD
STAFF REPORT
STUDY SESSION AGENDA ITEM: Budget Retreat

Date: July 18, 2017

Title: 2018 Budget Retreat

Attachments: None

Submitted By: Dave Gray, ACA/Finance Director

Approved For Agenda By: Daryl Eidinger, Mayor

Discussion: 2018 Budget Retreat Dates:

a) Do we need a full day retreat (that incorporates a discussion on new revenue sources)
b) A study session if no new revenue source discussion.

Week End Full Day Session Dates:

August 26-27; September 9 – 10; September 16 – 17

Study Session Dates:

August 29th; September 5th; September 19th.

Recommendation: N/A

Fiscal Impact: N/A