



CITY OF EDGEWOOD COUNCIL STUDY SESSION AGENDA

November 6, 2018 – 7:00 PM ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

1. CALL TO ORDER

Pledge of Allegiance & Roll Call

2. COUNCIL BUSINESS

- A.  **Discussion** - Development Review
- B.  **Review/Discussion** - Perceived Density Code Amendments
- C.  **Review/Discussion** - ADU Code Amendment
- D.  **Review/Discussion** - Sign Code Ordinance (Model Code to Planning Commission)
- E.  **Review/Discussion** - Hall Street Vacation
- F.  **Review/Discussion** - Proposed 2019 Property Tax
- G. **Review/Discussion** - **(No material)** Proposed 2019 Preliminary Budget
- H.  **Review/Discussion** - Carrera Holdings Segregation
- I. **Review/Discussion** - **(No material)** Hiring Process

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



City Of Edgewood Council Agenda Summary Sheet

SUBJECT: Monthly Update Regarding Community Development Project and Permit Statuses.		Agenda Item #:		2A
		For Agenda of:		November 6, 2018
		Prepared by:		Kristin Moerler
ATTACHMENTS (list): ☒ October 2018 Monthly Permit Tally ☒ Ongoing Land Disturbing Projects ☒ Permit and Project Activity Map ☒ Permit Activity Recap Report ☒ Trader Joe Demographic Data (from Buxton's Scout Platform)				
Review of Materials:				
Mayor, Daryl Eidinger	☐	Expenditure Required:	<u>\$0</u>	
Asst. City Administrator, Dave Gray	☐	Amount Budgeted:	<u>\$0</u>	
City Attorney, Carol Morris	☐	Appropriation Required:	<u>\$0</u>	
City Clerk, Rachel Pitzel	☐	Timeline: N/A		
Community Development Director, Darren Groth	☒			
Public Works, Jeremy Metzler	☐	BARS:		
Fiscal Note/Consideration: N/A				
SUMMARY STATEMENT:				
The City's Community Development Department (CDD) is entrusted by City Council, Edgewood citizens, and the State of Washington to provide growth management and development review, neighborhood preservation and revitalization, property inspection and maintenance, and other programs and business development services necessary to ensure the healthy, safety, and quality of life of Edgewood residents. To carry out these responsibilities, the CDD staff members perform numerous customer interactions, code interpretations, permitting functions, project reviews, on-site inspections, and multiple other functions. Several of these functions are easily presented to demonstrate development activity levels in Edgewood. This monthly agenda item was added to City Council's first Study Session meeting of each month to provide regular updates on land development actions occurring in Edgewood. Each month, the City Council will receive an update on the latest information regarding the Buxton Company's assistance efforts to recruit and retain business developments in Edgewood. In addition, a permit and project activity map that shows a pin for each active permit engaged in some stage of the development process and a status report for ongoing land disturbing projects that will give details regarding the various land construction sites around the city will both also be provided. The included permit report will update the City Council on the permitting activity for the previous month.				
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: N/A				
RECOMMENDED ACTION: Receive a briefing, hold a discussion, and provide any direction to staff regarding the reporting of community development project and permit statuses.				

October 2018

Number of Applications Received and Issued

Department	Received	Issued	YTD RECEIVED	YTD ISSUED
# of Building Permits	37	27	344	331
# of Planning Permits	5	1	54	16
# of Public Works Permits	9	9	101	68

Inspections Completed

Department	# of Stops Made	# of Inspections	YTD # of Inspections
Public Works Inspections	54	129	1213
Building Inspections	192	395	4490

Number of Inspections By Inspector

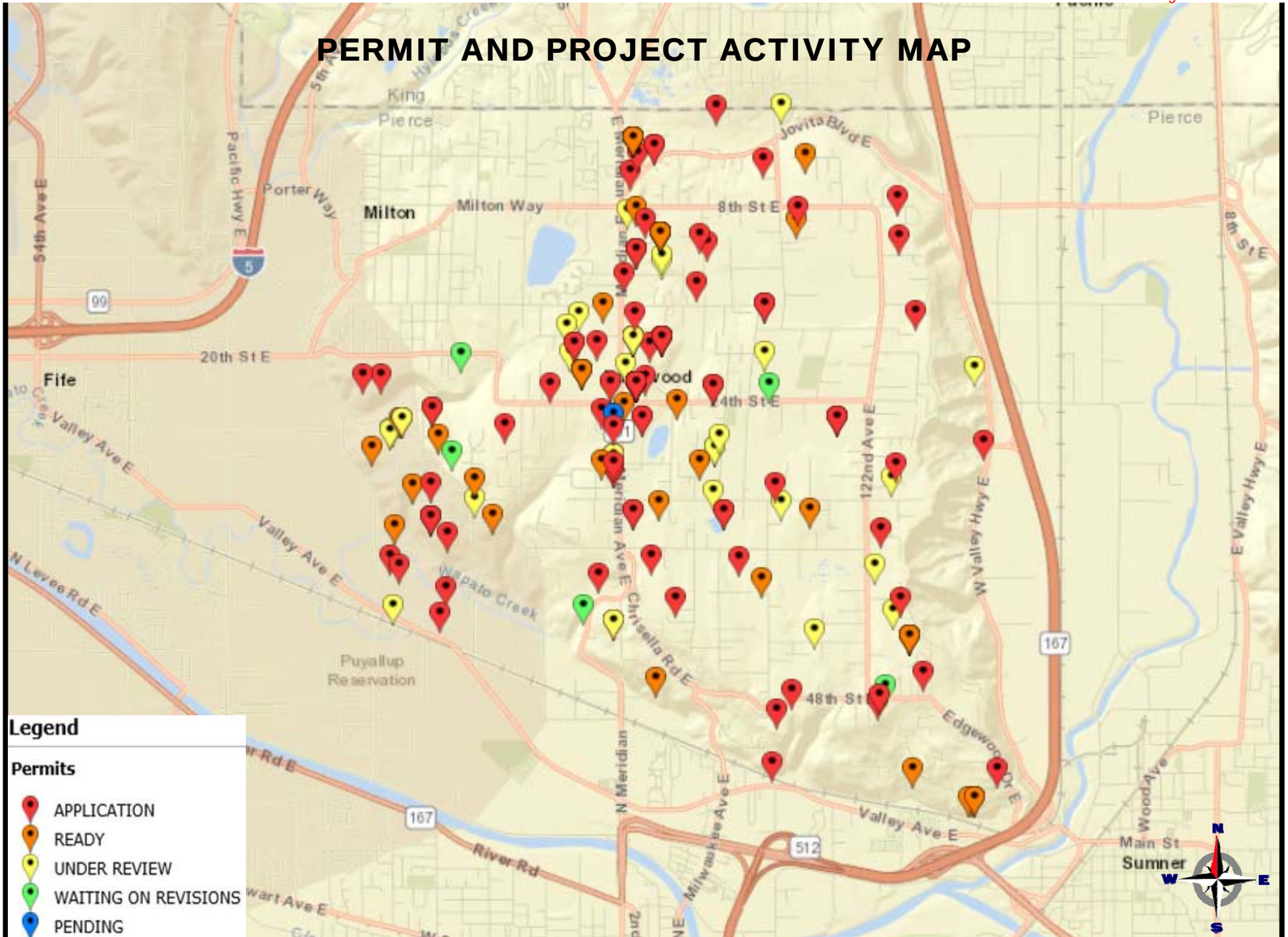
Inspector	# of Inspections
Dean	49
Gene	0
Cory	346
Taylor	109
Jeremy	20

Ongoing Land Disturbing Projects

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File Number	Project Name	General Location	Type	Status
18-1268	Hall Street Vacation	11416 County Line Road	ROW	PENDING
18-1305	Krachko Paving	2712 11TH AV E	Site Dev	PENDING
18-1310	Rainier Ridge (Vista)	9810 Taylor St	Final Plat	PENDING
18-1312	Dressler SFR	5411 132nd Ave E	SFR	PENDING
18-1342	Edgewood View Estates	8224 20th Street	Site Dev	PENDING
18-1343	Chamberlin SFR	11723 43rd ST CT	SFR	PENDING
18-1378	Curran Estates SFR (Lot 5)	412 114TH AV E	SFR	PENDING
18-1378	View Pointe SFRs (Lots 26,44)	12th St Ct E	SFR	PENDING
18-1401+	Westridge SFRs (Lot 100,110)	83RD Ave Ct and 27th St Ct	SFR	PENDING
18-1405	T Garrett Short Plat (36th St)	36TH ST	Pre-Plat	PENDING
18-1408	Opfer Driveway	4016 CALDWELL RD E	PW	PENDING
18-1409	Caldwell Crest SFR (Lot 4)	41ST STCT E	SFR	PENDING
4532	Northwood Estates	24th Near Meridian	Site Dev	PENDING
4678	The Arbors	Meridian and 11th	Site Dev	PENDING
17-1435	Volente Subdivision	33rd and 87th	Site Dev	DEFICIENT
18-1041	Curran Estates	4120 114th Ave E	Final Plat	DEFICIENT
17-1488	The Learning Center	Meridian near Jovita	Site Dev	DEFICIENT
18-1040	View Pointe RV Storage	10315 12TH STCT E	Site Dev	DEFICIENT
18-1237	Docken Storage	2920 MERIDIAN AV E	CUP	DEFICIENT
18-1259	Maksimchuk Short Plat	24th and 112th	Pre-Plat	DEFICIENT
18-1130	Heart & Soul SP	9725 18TH STCT E	Pre-Plat	DEFICIENT
18-1316	Chumakin SP	2005 112TH AV E	Pre-Plat	DEFICIENT
18-1353	Stewart Driveway	4212 102ND AV E	PW	DEFICIENT
18-1232	Afichuk SFR	4222 CALDWELL RD E	SFR	DEFICIENT
17-1527	Northwood Estates West	24th Near Meridian	Site Dev	DEFICIENT
18-1370	Pletcher Pool	1724 100TH AVCT E	PW	APPROVED
18-1385	Noteboom Carport	110th Ave Ct	ADU	APPROVED
18-1325	Breyer ADU	2114 95TH AVE CT E	ADU	APPROVED
18-1337	Kelley Clear & Grade	Westridge Parkway	C&G	APPROVED
18-1336	Manegold Addition	621 121ST AVCT E	SFR	APPROVED
18-1350	McWilliams Driveway	MCWILLIAMS PAVING	PW	APPROVED
18-1296	Burrows Garage-Detached	10909 32nd Street E	ADU	APPROVED
18-1012	Abel Short Plat	16th and 122nd	Pre-Plat	APPROVED
18-1288	Wiebenga SFR Addition	11206 32ND ST E	SFR	APPROVED
18-1248	Johnson SFR	11322 18th Street E	SFR	APPROVED
18-1174	Robinson/Boling Detached Garage	12809 17th ST CT E	SFR	APPROVED
18-1218	Volente Early C&G	33rd and 87th	C&G	APPROVED
18-1214	Grubb Short Plat	48th and 122nd	Pre-Plat	APPROVED
18-1045	Bereznyov Short Plat	20th and 90th	Pre-Plat	APPROVED
18-1203	Kimpel Detached Addition	114th South of 36th	ADU	APPROVED
18-1129	Ankeman SFR	12017 53rd St Ct E	SFR	APPROVED
17-1532	Yurina-Collins Shared Access	114th South of 36th	C&G	APPROVED
18-1015	Pascolo Estates	32nd and 116th	Site Dev	APPROVED
17-1222	Kelley Clear & Grade	35th near 91st	C&G	APPROVED
17-1472	Gervais Short Plat	16th and 112th	Site Dev	APPROVED
17-1093	North Edgewood Apartments	North Meridian	Site Dev	APPROVED
17-1381	Northwood Elementary	24th Near Meridian	Site Dev	APPROVED
17-1246	Caliber SP	106th South of 32nd	Site Dev	APPROVED
17-1063	Lisitsyn Short Plat	County Line Road	Site Dev	APPROVED
17-1373	Northwood Estates West	24th Near Meridian	C&G	APPROVED
16-5695	Edgewood Heights	Meridian and 20th	Site Dev	APPROVED
17-1098	Maple Grove	28th and 87th	Site Dev	APPROVED
16-5745	Nicklaus Plat	24th and 94th	Site Dev	APPROVED

PERMIT AND PROJECT ACTIVITY MAP





Permit Activity Recap Report

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October 2018

Report run on: 11/01/2018 11:36 AM

Department	Group	Permit Type	October 2018			October 2017			2018 YTM			October 2017 YTM		
				Valuations	Revenue		Valuations	Revenue		Valuations	Revenue		Valuations	Revenue
Building Department	Commercial Applications	Commercial Addition	-	-	-	-	-	-	-	-	-	-	-	-
		Commercial New	-	-	-	-	-	\$576.36	6	\$17,446,361.42	\$295,860.82	16	\$10,056,494.96	\$150,325.22
		Commercial New Multi-Family	2	\$4,476,713.60	\$207,592.51	-	-	-	19	\$41,159,158.52	\$2,285,859.04	2	\$506,343.98	\$53,626.97
		Group Total	2	\$4,476,713.60	\$207,592.51	-	-	\$576.36	25	\$58,605,519.94	\$2,581,719.86	18	\$10,562,838.94	\$203,952.19
	Housing Unit Group for Recap Report	Commercial New Multi-Family	2	\$4,476,713.60	\$207,592.51	-	-	-	19	\$41,159,158.52	\$2,285,859.04	2	\$506,343.98	\$53,626.97
		Single Family Residence - New	3	\$963,966.90	\$51,661.07	17	\$6,436,929.20	\$192,795.30	84	\$32,090,773.88	\$1,111,037.58	145	\$52,031,977.00	\$1,631,761.28
		Group Total	5	\$5,440,680.50	\$259,253.58	17	\$6,436,929.20	\$192,795.30	103	\$73,249,932.40	\$3,396,896.62	147	\$52,538,320.98	\$1,685,388.25
	Multi Family Applications	Commercial New Multi-Family	2	\$4,476,713.60	\$207,592.51	-	-	-	19	\$41,159,158.52	\$2,285,859.04	2	\$506,343.98	\$53,626.97
		Group Total	2	\$4,476,713.60	\$207,592.51	-	-	-	19	\$41,159,158.52	\$2,285,859.04	2	\$506,343.98	\$53,626.97
	Department Total		9	\$14,394,107.70	\$674,438.60	17	\$6,436,929.20	\$193,371.66	147	\$173,014,610.86	\$8,264,475.52	167	\$63,607,503.90	\$1,942,967.41
Planning	Commercial Applications	Commercial-Site Development	-	-	-	-	-	-	-	-	-	-	-	\$1,505.00
		Group Total	-	-	-	-	-	-	-	-	-	-	-	\$1,505.00
	Planning Applications	Boundary Line Adjustment	-	-	-	-	-	\$765.00	1	-	\$4,590.00	-	-	\$8,415.00
		Conditional Use Permit	-	-	-	-	-	-	-	-	\$6,835.00	1	-	\$19,828.13
		Design Standards Review	-	-	-	-	-	-	-	-	\$4,745.00	-	-	\$34,850.00

		SEPA	-	-	-	-	-	-	1	-	\$3,250.00	-	-	-
		Short Plat Alteration/Amendme	-	-	\$3,550.00	-	-	\$3,200.00	4	-	\$36,450.00	-	-	\$17,954.25
		Subdivision Alteration/Amendme	-	-	-	1	-	\$13,880.00	-	-	\$10,271.25	1	-	\$64,757.23
		Temporary Use Permit	-	-	-	-	-	-	1	-	\$855.00	1	-	\$685.00
		Group Total	-	-	\$3,550.00	1	-	\$17,845.00	7	-	\$66,996.25	3	-	\$146,489.61
	Department Total		-	-	\$3,550.00	1	-	\$17,845.00	7	-	\$66,996.25	3	-	\$147,994.61
	Public Works	Clear and Grade Permit	-	-	-	1	-	-	6	-	\$3,493.90	5	-	\$5,016.80
		Site Development	-	-	\$4,590.00	1	-	\$5,435.00	7	-	\$39,295.00	7	-	\$54,520.90
		Group Total	-	-	\$4,590.00	2	-	\$5,435.00	13	-	\$42,788.90	12	-	\$59,537.70
	Department Total		-	-	\$4,590.00	2	-	\$5,435.00	13	-	\$42,788.90	12	-	\$59,537.70
Total			9	\$14,394,107.70	\$682,578.60	20	\$6,436,929.20	\$216,651.66	167	\$173,014,610.86	\$8,374,260.67	182	\$63,607,503.90	\$2,150,499.72

Construction Valuation

Group	Permit Type	2018	October 2017	October 2016	2015 Data Not Available	2014 Data Not Available	2013 Data Not Available	2012 Data Not Available	2011 Data Not Available	2010 Data Not Available	2009 Data Not Available
Commercial Applications	Commercial Addition	-	-	\$580,355.60	-	-	-	-	-	-	-
	Commercial New	\$17,446,361.42	\$10,056,494.96	\$2,195,449.36	-	-	-	-	-	-	-
	Commercial New Multi-Family	\$41,159,158.52	\$506,343.98	\$6,648,087.10	-	-	-	-	-	-	-
	Commercial-Site Development	-	-	-	-	-	-	-	-	-	-
	Total	\$58,605,519.94	\$10,562,838.94	\$9,423,892.06	-	-	-	-	-	-	-
Housing Unit Group for Recap Report	Commercial New Multi-Family	\$41,159,158.52	\$506,343.98	\$6,648,087.10	-	-	-	-	-	-	-
	Single Family Residence - New	\$32,090,773.88	\$52,031,977.00	\$9,616,230.54	-	-	-	-	-	-	-
	Total	\$73,249,932.40	\$52,538,320.98	\$16,264,317.64	-	-	-	-	-	-	-
Multi Family Applications	Commercial New Multi-Family	\$41,159,158.52	\$506,343.98	\$6,648,087.10	-	-	-	-	-	-	-
	Total	\$41,159,158.52	\$506,343.98	\$6,648,087.10	-	-	-	-	-	-	-
Total		\$173,014,610.86	\$63,607,503.90	\$32,336,296.80	-	-	-	-	-	-	-

Revenue Totals By Dept

Department	2018	October 2017	October 2016	2015 Data Not Available	2014 Data Not Available	2013 Data Not Available	2012 Data Not Available	2011 Data Not Available	2010 Data Not Available	2009 Data Not Available
Admin	\$32,239.90	-	-	-	-	-	-	-	-	-
Building Department	\$4,173,280.70	\$1,978,375.20	\$950,501.13	-	-	-	-	-	-	-
Code Enforcement	-	-	-	-	-	-	-	-	-	-
Engineering	-	-	-	-	-	-	-	-	-	-
Fire	-	-	-	-	-	-	-	-	-	-
Land Use	-	-	-	-	-	-	-	-	-	-
Licensing Department	-	-	-	-	-	-	-	-	-	-
Planning	\$105,226.25	\$264,071.11	\$201,414.66	-	-	-	-	-	-	-
Public Works	\$60,322.66	\$68,340.68	\$18,445.00	-	-	-	-	-	-	-
Total	\$4,371,069.51	\$2,310,786.99	\$1,170,360.79	-	-	-	-	-	-	-

EDGEWOOD & TRADER JOE'S COMPARISON

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Trade Area Analysis

Trader Joe's Site Selection Example:

Trade Area

- 10 Minute Drive-Time

EDGEWOOD & TRADER JOE'S
CONSUMER PROFILE COMPARISON



10 Minute Drive-Time Demographics WA	Edgewood, WA	Average for Trader Joe's WA Locations
Establishments*	938	3,290
Total Population	27,433	57,379
Total Households	10,780	25,136
Population Density (per Sq. Mi.)	1,750.79	5,194
Employed Civilian Population 16+ Total	15,197	32,983
White Collar	61.4%	69.1%
Blue Collar	38.6%	30.9%
Median Age	40.8	36
Bachelor's Degree	17%	29%
Median Household Income	\$73,819	\$72,292
Retail Demand: Specialty Food Stores	\$67,309,134	\$ 140,749,940



City Of Edgewood Council Agenda Summary Sheet

SUBJECT: Perceived Density Code Amendments.		Agenda Item #:		2B
		For Agenda of:		November 6, 2018
		Department:		Comm. Dev.
		Prepared by:		Darren Groth
ATTACHMENTS (list): ☒ Draft Ordinance				
Review of Materials:				
Mayor, Daryl Eiding	☒	Expenditure Required:	<u> \$0 </u>	
Asst. City Administrator, Dave Gray	☒	Amount Budgeted:	<u> \$0 </u>	
City Attorney, Carol Morris	☒	Appropriation Required:	<u> \$0 </u>	
City Clerk, Rachel Pitzel	☒	Timeline: N/A		
Community Development Director, Darren Groth	☒			
Public Works, Jeremy Metzler	☒	BARS:		
Fiscal Note/Consideration: N/A				
SUMMARY STATEMENT:				
After several agenda discussions, the Planning Commission discussed the option to remove the lot reduction provision for community septic systems. The Commission indicated they do not favor lot size reductions that provide an opportunity to give the appearance of increased density. The discussion resulted in the Commission providing a recommendation to staff to propose an amendment to the Edgewood Municipal Code (EMC) that eliminated the outright allowance of decreased lot sizes for a community septic system. The ability to utilize the Residential Cluster Development (RCD) for residential zoning districts was approved in concept; however, the lot size reductions were not favored even with an RCD. As a result of the discussion on July 9, the drafted code amendment merely suggests the inclusion of single-family residential districts with the allowed zoning districts for an RCD and also proposes to eliminate the lot size reduction provision for a community septic system. These two proposed amendments revise EMC Sections 18.50.035 and 18.80.040, respectively. In addition, this agenda item includes a modification to the EMC regarding the rounding of fractional density. On May 6, 2016, the Community Development Department issues an Administrative Interpretation in response to a request made by Larson and Associates for clarification on the rounding of fractional density when calculating total dwelling units allowed per EMC Section 18.90.040. The May 2016 Administrative Interpretation concluded with the recommendation that the City should interpret the total dwelling units allowed by rounding fractions to the nearest whole number. Less than 0.5 shall be rounded down and greater than or equal to 0.5 shall be rounded up. The interpretation also included a note indicating the City shall bring a minor code change forward to the Planning Commission to codify this information. The proposed code amendment in 2016 was to add two new paragraphs to EMC Section 18.90.040. This proposal was sent to the Department of Commerce on May 17, 2016. In addition, the May 16, 2016 Planning Commission minutes reflect Item 5 as a minor code update for density rounding that was passed unanimously as a recommendation to City Council for a permanent code update.				
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: The Planning Commission recommends APPROVAL of the proposed changes.				
RECOMMENDED ACTION: Receive a briefing, hold a discussion, and prepare for the November 13, 2018 public hearing regarding proposed revisions to Edgewood Municipal Code (EMC) pertaining to perceived density.				

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE DENSITY AND ROUNDING CALCULATIONS IN SINGLE FAMILY ZONES, ELIMINATING THE MINIMUM LOT SIZES IN SINGLE FAMILY ZONES WITH COMMUNITY ON-SITE SYSTEMS, AMENDING THE STANDARDS FOR RESIDENTIAL CLUSTER DEVELOPMENTS IN VARIOUS ZONING DISTRICTS, AND AMENDING EDGEWOOD MUNICIPAL CODE (EMC) SECTIONS 18.50.035, 18.80.040, AND 18.90.040; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Edgewood Municipal Code (EMC) Title 18 – Development Standards, regulates development standards in the City of Edgewood; and

WHEREAS, the City Council approved Ordinance 06-0278 and Ordinance 07-0287 to allow clustering of development in Residential Cluster Developments (RCD) to protect environmentally sensitive areas and create and preserve open space; and

WHEREAS, the RCD ordinance did not initially allow cluster developments in the Single-Family Low (SF2) and Single-Family Moderate (SF3) zoning districts; and

WHEREAS, the City desires to allow RCD developments in all single-family zones as long as the cluster development meets the same density requirements as all other development in that zone; and

WHEREAS, the City desires to eliminate the minimum developable lot sizes with community on-site septic system in single family zones and to require that the net buildable area for RCD or any other development shall conform to the standard minimum lot size requirements for all new residential construction in Edgewood; and

WHEREAS, the City of Edgewood established minimum and maximum density requirements for each zoning district established in EMC Title 18; and

WHEREAS, the Council wishes to clarify that no administrative approval, rounding interpretation, or other manipulative calculation is permissible to circumvent the established minimum and maximum density requirements established in EMC Title 18; and

WHEREAS, an Environmental Checklist for a non-project action was prepared under the State Environmental Policy Act (RCW Chapter 43.21.C), pursuant to Washington Administrative Code Chapter 197-11, and a determination of Non-Significance (“DNS”) was issued on the 29th day of October, 2018; and

WHEREAS, in accordance with RCW 36.70A.106 and WAC 365-196-630, a notice of intent to adopt the proposed new development regulations was sent on October 23, 2018 to the State of Washington Department of Commerce and other state agencies to allow for a 60-day review and comment period, which ended prior to adoption of this ordinance; and

WHEREAS, the Planning Commission held a Public Hearing to receive public testimony regarding the proposed code amendment at their October 8, 2018 meeting; and

WHEREAS, after the public hearing, the Planning Commission considered the evaluation criteria in EMC 18.60.220 for text amendments and voted 5-0 to recommend approval of the proposed code amendments; and

WHEREAS, the City Council considered this ordinance and the Planning Commission's recommendation during its regular City Council meeting of November 27, 2018; and

WHEREAS, the City Council finds that the proposed regulations satisfy the criteria in EMC 18.60.220 for text amendments;

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

Section 1. Edgewood Municipal Code (EMC) Section 18.50.035 is hereby amended to read as follows:

18.50.035 - Residential Cluster Development.

* * *

B. General Provisions.

1. A RCD may be approved for development containing residential uses located within the Single-Family Low (SF2); Single-Family Moderate (SF3); Single-Family High Five (SF5), Mixed Residential (MR1 and MR2), Mixed Use Residential (MUR), Commercial (C), and Town Center (TC) zoning districts.
2. The city or the owner of the subject land, or their authorized agent may initiate an application for a RCD.
3. The appropriate fee prescribed in Chapter 3.35 EMC shall accompany an application for a RCD.
4. A RCD application shall be submitted and reviewed pursuant to the requirements and procedures set forth in Chapter 18.40 EMC for a Process III hearing examiner action.

5. All principal and accessory uses authorized by the applicable zoning district shall be allowed within a RCD, subject to the following:

- a. Use/uses included in the RCD approval shall be exempt from requirements to obtain an administrative use permit or conditional use permit; and
- b. The exemption from the requirement for an administrative use permit or conditional use permit shall not prevent the hearing examiner from imposing conditions on specific uses within the RCD as a condition for approving the RCD; and
- c. Approval of a RCD shall not be construed as authorizing any primary or accessory use not allowed by the underlying zoning district.

6. If two or more zoning districts are located within the boundaries of the RCD, the following shall apply in determining the development that may be allowed:

- a. The portion of land in each zoning district shall be subject to the uses, density and development standards applicable to the underlying zoning district in which that portion of land is located; and
- b. The total development allowed within the RCD shall be the sum of development allowed for each portion of land located within each zoning district; and
- c. Use/uses included in the RCD approval may be located anywhere within the boundaries of the RCD and shall not be dependent on the boundaries of the underlying zoning district, unless the location of the use would adversely affect adjacent properties.

7. Scope of Approval.

- a. Approval of a RCD constitutes an overlay to the zoning district. Modifications to any provisions for minimum lot size, setbacks, number of stories, maximum square footage of the floor space and/or building footprints for residential uses, lot coverage and impervious surface coverage may be granted at the discretion of the approving authority.
- b. Approval of a RCD shall govern the design of the site to only those designs and standards that are specifically included as set forth in the approved site plan, and the underlying zoning district standards shall apply to all present and future uses not specifically addressed in the approved site plan.

C. Density and Dimensional Standards.

1. The maximum density of the underlying zoning district shall apply. Density is based on the net buildable area as prescribed in EMC 18.90.040.

2. The modifications to development standards allowed pursuant to subsection (B)(7)(a) of this section shall be subject to the following limitations:

a. The maximum building height shall be the same as that set forth in the underlying zoning district where the building is located and the provision in subsection (B)(6)(c) of this section shall not apply.

b. Each lot shall have a minimum net buildable area in accordance with EMC Section 18.80.040.E.2 or the following Table 1.

Table 1: Minimum Net Buildable Area Lot Size

Zoning District	Land Use Type	Net Buildable Area (square feet)
SF-5/MR-1	Single-Family Detached	5,000
	All Other Allowed Uses	3,000
MR-2	All Allowed Uses	3,000
MUR	Single-Family Detached	4,000
	All Other Allowed Uses	2,000
TC	All Allowed Uses	None
C	All Allowed Uses	None

c. The following development standards shall be applied to the entire RCD rather than to individual lots:

i. Maximum impervious surface (not to include surface areas for roads, sidewalks, bicycle and pedestrian pathways, utilities such as stormwater and sewers, and similar infrastructure); and

ii. Maximum lot coverage (not to include structures that house utilities and similar infrastructure); and

iii. The minimum number of required off-street parking spaces.

d. The setbacks of the underlying zoning district shall apply to the perimeter of the RCD, except when adjacent to single-family

zoned property where the minimum setback shall be 25 feet from all property lines abutting the single-family zoning district.

e. Buildings containing residential uses shall maintain a minimum 10-foot distance separation between the buildings as measured from the outdoor side of the exterior walls.

Section 2. Edgewood Municipal Code Section 18.80.040.E.2 is hereby amended to read as follows:

18.80.040 - Single-Family Residential zoning districts.

* * *

E. In addition to the regulations and requirements contained in other sections of this title, the following property development standards apply to all land and buildings in the Single-Family zoning districts:

1. The density for the Single-Family zoning districts is the number of dwelling units allowed per net buildable acre (dua) and shall be as follows:

	Maximum	Minimum
a. SF-2 zoning district:	2 dua	1 dua
b. SF-3 zoning district:	3 dua	1 dua
c. SF-5 zoning district:	5 dua	2.5 dua

2. Lot Size. The minimum net developable lot sizes for the Single-Family zoning districts shall be as follows:

	Minimum	Minimum-with Community On-Site System
a. SF-2 zoning district:	18,500 square feet	12,950 square feet
b. SF-3 zoning district:	12,500 square feet	8,750 square feet
c. SF-5 zoning district:	6,500 square feet	4,450 square feet

* * *

Section 3. Edgewood Municipal Code Section 18.90.040 is hereby revised to read as follows:

18.90.040 - Density standards.

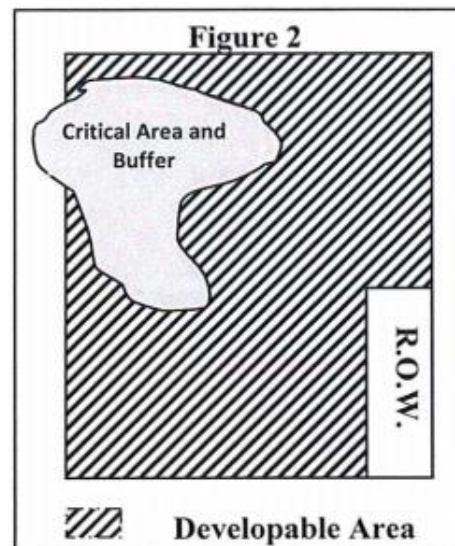
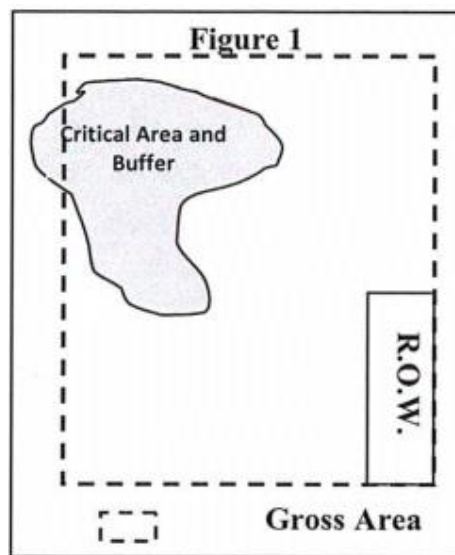
A. Gross area is the total area of the lot (see Figure 1 below).

B. The developable area is the area of a lot remaining after public and/or private rights-of-way and critical area/buffers are subtracted from the gross area (see Figure 2 below).

C. The maximum density for Single-Family zoning districts (SF-2, SF-3 and SF-5) is the maximum number of dwelling units allowed per net developable area of an acre, and is expressed as a ratio, i.e., one dwelling unit per net developable acre. Accessory dwelling units shall be excluded from the maximum number of allowable dwelling units. The minimum lot size does not determine maximum density.

D. The maximum density for all other zoning districts shall be based on the gross area minus any critical areas and associated buffers.

E. Density standards for the Single-Family Residential zoning districts shall fall within the ranges stated in EMC 18.80.040.E.1.



Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL ON THE __TH DAY OF _____, 2018.

Daryl Eiding, Mayor

ATTEST/AUTHENTICATED:

Rachel Pitzel, City Clerk

APPROVED AS TO FORM:

Carol Morris, CITY ATTORNEY

DATE OF PUBLICATION:
EFFECTIVE DATE:



City Of Edgewood Council Agenda Summary Sheet

SUBJECT: Accessory Dwelling Units (ADU) code amendments.		Agenda Item #:		2C
		For Agenda of:		November 6, 2018
		Department:		Comm. Dev.
		Prepared by:		Darren Groth
ATTACHMENTS (list): ☒ Draft Ordinance				
Review of Materials:				
Mayor, Daryl Eiding	☒	Expenditure Required:	<u> \$0 </u>	
Asst. City Administrator, Dave Gray	☒	Amount Budgeted:	<u> \$0 </u>	
City Attorney, Carol Morris	☒	Appropriation Required:	<u> \$0 </u>	
City Clerk, Rachel Pitzel	☒	Timeline: N/A		
Community Development Director, Darren Groth	☒			
Public Works, Jeremy Metzler	☒	BARS:		
Fiscal Note/Consideration: N/A				
SUMMARY STATEMENT:				
In 2016, City Council approved Ordinance 16-0469 to add Edgewood Municipal Code (EMC) Section 18.90.190 – Accessory Dwelling Units to establish development standards regulating Accessory Dwelling Units (ADU). Ordinance 16-0469 did not contain specific criteria that must be present to identify an attached ADU regulated under EMC Section 18.90.190 versus an edition or expansion of a single-family dwelling that does not trigger compliance with EMC Section 18.90.190. As a result, City staff has routinely answered questions regarding the need to direct customers to apply for an ADU permit when seeking to remodel or expand their single-family home. The proposed code amendment would add qualifying language to the EMC that proactively identifies which home improvements will trigger compliance with codified ADU requirements. To clearly outline the attached ADU criteria, staff will not be required to potentially surprise customers at the front counter with additional steps that are not currently included in the EMC. By adding paragraph C.4.f to EMC Section 18.90.190, which will read: “an attached ADU must utilize a private entrance; contain a bath, kitchen, and sleeping quarters; and provide fire separation from the main unit,” all of the criteria for an attached ADU will be included in the EMC.				
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: The Planning Commission recommends APPROVAL of the proposed changes to EMC Section 18.90.190 by adding paragraph C.4.f.				
RECOMMENDED ACTION: Receive a briefing, hold a discussion, and prepare for the November 13, 2018 public hearing regarding proposed revisions to Edgewood Municipal Code (EMC) Section 18.90.190.				

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO LAND USE AND ZONING, ADDING NEW REQUIREMENTS FOR ATTACHED ACCESSORY DWELLING UNITS AMENDING EDGEWOOD MUNICIPAL CODE (EMC) SECTION 18.90.190; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Edgewood Municipal Code (EMC) Title 18 – Development Standards, regulates development standards in the City of Edgewood; and

WHEREAS, the City Council approved Ordinance 16-0469 to add EMC Section 18.90.190 – Accessory Dwelling Units to establish development standards regulating Accessory Dwelling Units (ADU); and

WHEREAS, Ordinance 16-0469 did not contain specific criteria that must be present to identify an attached ADU regulated under EMC Section 18.90.190 versus an edition or expansion of a single-family dwelling that does not trigger compliance with EMC Section 18.90.190; and

WHEREAS, without specific criteria for an attached ADU of this type, the City of Edgewood may limit development potential on property such as by classifying home improvements as accessory dwellings and impacting pervious lot coverage calculations that require additional parking; and

WHEREAS, the City’s SEPA Responsible Official has determined that this Ordinance is categorically exempt from SEPA under WAC Section 197-11-800(19) because it is a “text amendment resulting in no substantive changes respecting use and modification of the environment”; and

WHEREAS, in accordance with RCW 36.70A.106 and WAC 365-196-630, a notice of intent to adopt the proposed new development regulations was sent on October 23, 2018 to the State of Washington Department of Commerce and other state agencies to allow for a 60-day review and comment period, which ended prior to adoption of this ordinance; and

WHEREAS, the Planning Commission held a Public Hearing to receive public testimony regarding the proposed code amendment at their October 8, 2018 meeting; and

WHEREAS, after the public hearing, the Planning Commission considered the evaluation criteria for text amendments in EMC 18.60.220 and voted 5-0 to recommend approval of the proposed code amendments; and

WHEREAS, the City Council considered this ordinance and the Planning Commission’s recommendation during its regular City Council meeting of November 27, 2018; and

WHEREAS, the City Council finds that the proposed regulations satisfy the criteria in EMC 18.60.220;

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

Section 1. EMC Section 18.90.190.C shall be amended to read as follows:

18.90.190 - Accessory dwelling units.

* * *

C. General Requirements. The creation of an ADU shall be subject to the following general requirements:

1. Number. One ADU shall be allowed per lot of record as an accessory use in conjunction with any detached single-family structure. ADUs shall not be counted in site net density calculations pursuant to EMC 18.90.040.
2. Type of Unit. An ADU shall be permitted as a second dwelling unit either attached to, or detached from, the primary residence.
3. Size. An ADU shall be no greater than 1,200 square feet (net square feet including only livable space) or 80 percent of primary residence size, whichever is less.
4. Design. Each ADU shall be architecturally consistent with the primary dwelling unit on site in the following ways:
 - a. Exterior finish materials shall visually match in color, texture, type, size and placement, the exterior finish materials of the primary dwelling.
 - b. The roof style shall match the predominant roof style of the primary dwelling.
 - c. New construction of a detached ADU or conversion of an existing detached structure to an ADU shall not be permitted within the required front, side, or rear yard setback. An exception to the required rear and side yard setback shall be allowed if the rear yard abuts an alley.
 - d. For detached ADUs, the building height of the ADU shall not be greater than the principal dwelling's building height.
 - e. An ADU shall have a permanent foundation.

f. An attached ADU must utilize a private entrance; contain a bath, kitchen and sleeping quarters; and provide fire separation from the main unit.

5. Utilities. The landowner shall be responsible for obtaining all necessary utility service for an ADU, including without limitation, water, sewer, electric, and phone service, in accordance with applicable rules, regulations, and policies.

6. Parking. One off-street parking space shall be required for the ADU in addition to off-street parking required for the principal dwelling pursuant to EMC 18.90.130, Parking.

* * *

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL ON THE __TH DAY OF _____, 2018.

Daryl Eiding, Mayor

ATTEST/AUTHENTICATED:

Rachel Pitzel, City Clerk

APPROVED AS TO FORM:

Carol Morris, CITY ATTORNEY

DATE OF PUBLICATION:

EFFECTIVE DATE:



City Of Edgewood Council Agenda Summary Sheet

SUBJECT: Sign Code Ordinance initial discussion.		Agenda Item #:		2D
		For Agenda of:		November 6, 2018
		Department:		Comm. Dev.
		Prepared by:		Darren Groth
ATTACHMENTS (list): ☒ Model Sign Code ☒ Memo from City Attorney's Office				
Review of Materials:				
Mayor, Daryl Eidinger	☒	Expenditure Required:	_\$0_	
Asst. City Administrator, Dave Gray	☒	Amount Budgeted:	_\$0_	
City Attorney, Carol Morris	☒	Appropriation Required:	_\$0_	
City Clerk, Rachel Pitzel	☒	Timeline: N/A		
Community Development Director, Darren Groth	☒			
Public Works, Jeremy Metzler	☒	BARS:		
Fiscal Note/Consideration: N/A				
SUMMARY STATEMENT:				
The model code is attached to this staff report. This model code was drafted to address the U.S. Supreme Court's opinion in <i>Reed v. Gilbert</i>, 135 S.Ct. 2218, 192 L.Ed.2d 236 (2015) and other applicable law. If City Council desires updating the sign code, then staff's recommendation is to use tonight's discussion as a starting point to set the objectives for the new code. Once the objectives are established, then the substantive discussions could be referred to the Planning Commission to make a recommendation back to City Council for adoption.				
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: N/A				
RECOMMENDED ACTION: Receive a briefing, hold a discussion, and provide staff direction regarding proposed revisions to Edgewood Municipal Code (EMC) Section 18.90.160.				

MODEL SIGN CODE

Revised 8-10-18

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This Model Sign Code is no substitute for legal advice.

This Model Sign Code has been prepared with funding from the Association of Washington Cities Risk Management Services Agency (AWC RMSA) for use by its member cities. It is not meant to be adopted exactly as written. Each municipality may wish to develop local variations of the Model Sign Code, based on the municipality's comprehensive plan, zoning, allowed uses, existing development, aesthetics, economic considerations, etc.

We have attempted to draft this Model Sign Code to address the U.S. Supreme Court's opinion in *Reed v. Gilbert*, 135 S.Ct. 2218, 192 L.Ed.2d 236 (2015) and other applicable law. We recommend that municipal officials/staff consult with their attorneys before adopting this Model Sign Code or any of its provisions, especially when adopting any regulations that implicate the First Amendment. This Model Sign Code provides an interpretation of *Reed* that your jurisdiction may be willing to modify, depending on individual factors, which may involve additional risk.

Municipal officials and staff also need to keep in mind that there are legislative proposals to change the laws and the courts issue new decisions every day. These may affect the Model Sign Code and the practices that municipalities should follow in processing sign permits/enforcing the sign code. Accordingly, each municipality should consider this Model Sign Code as a resource only. Municipal attorneys must become familiar with case law applicable to the subject matter to ensure that their advice reflects a full examination of the current and relevant authorities.

To get started: The following steps are recommended for municipal officials preparing for an update of their Sign Code.

- Interview Sign Code users. Talk with municipal staff, local developers and builders, real estate professionals, engineers, property owners and staff from other agencies and service providers who are involved in the municipality's development processes. These individuals can provide important input and help in clarifying problems relating to existing regulations. Contacting them early in the process can only help introduce the subject of revising the Sign Code in a non-confrontational manner. This could be done in one-on-one or small group meetings to encourage candid discussion. Online surveys can also be an effective way to solicit input on specific questions.

- Appoint an Advisory Committee. An advisory committee can help in vetting issues and ideas, and in reviewing draft code amendments prior to soliciting input from the broader public. The committee should include some of the stakeholders interviewed at the outset, representatives from the planning commission and at least one city councilmember or county commissioner. A committee appointed or approved by the legislative body can effectively assist municipal officials and decision-makers by ensuring that the Sign Code addresses important community issues and that it includes perspectives from a representative cross-section of the community; reviewing and commenting on preliminary drafts of the new Sign Code; and supporting public involvement and education efforts during the Code adoption and implementation.

- Review the City's existing codes. After talking with stakeholders and identifying general code-related issues, you should compare the City's existing regulations to the Model Sign Code. Specifically, you should be categorizing the types of signs that are allowed in the municipality and comparing these with the content-neutral sign types in the Model Sign Code. In addition, you should review the municipality's existing regulations relating to size, location, height, illumination, design and other features, to determine whether these regulations should be included in your new code, based on the comprehensive plan, zoning code or other applicable regulations. There should also be consideration of the specific problem areas for signs – temporary signs located on private property and/or public right-of-way. Your municipal attorney should be able to advise you on regulations limiting signs in these areas, and the administrative record to be developed, to address First Amendment concerns. All of these evaluations should help you determine whether to adopt a completely new sign code or to amend the municipality's existing ordinances. Again, most municipalities will be required to at least amend their sign regulations, due to the Supreme Court's decision in *Reed*.

- Develop a work program. A work program to amend the municipality's sign code may include:

1. Adoption of a moratorium or an interim zoning ordinance (RCW 36.70A.390, RCW 35A.63.220 or RCW 35.63.200;
2. Public information and education about the existing sign code;
3. Information and graphics comparing the existing sign code to the proposed amendments;
4. Public meetings, workshops, open houses, and other opportunities for public input on the proposed changes;
5. Coordination with other departments and agencies. This may involve soliciting input from other municipal departments/agencies on sign-related issues, such as distracted driving, litter and aesthetics;
6. Review of the municipality's comprehensive plan and zoning regulations to ensure consistency with the proposed sign code;
7. Preparation of a draft sign code (sending it to the State Department of Commerce under RCW 36.70A.106 for municipalities planning under the Growth Management Act (chapter 36.70A RCW);
8. Public notification for public hearings on the draft sign code (RCW 36.70A.035);
9. Public hearings before the planning commission on the draft sign code (RCW 35A.63.100 and RCW 35.63.120);
10. Preparation by the planning commission of a recommendation to the city council on the proposed sign code;

11. City council consideration of the planning commission’s recommendation and public hearings as required (RCW 36.70A.035, RCW 35.63.120) before adoption; and

12. Transmittal of the adopted sign code to the State Department of Commerce under RCW 36.70A.106 (for municipalities planning under the Growth Management Act).

Preparation of a Study to confirm “purpose” statements. Depending on the regulations proposed for adoption, you may need to prepare a study to support the regulations. Review *Collier v. Tacoma*, 212 Wn.2d 737, 854 P.2d 1046 (1993).

Please keep in mind that this Model Sign Code contemplates that the municipality enforces the Sign Code through a separate Zoning Code Enforcement chapter. Some signs may require building permits or approvals from other departments, such as building permits for permanent signs and right-of-way use permits for permanent signs placed in the public right-of-way.

Thanks to Bob Meinig of the Municipal Research Services Center and Susan Drummond of the Law Office of Susan Drummond for their reviews of drafts of this Model Sign Code.

MODEL SIGN CODE

Part I. General Provisions.

- ___.010 Intent and Purpose.
- ___.020 Applicability and Interpretations.
- ___.030 Exemptions.
- ___.040 Prohibited Signs.

Part II. Permitting.

- ___.050 Sign Permits.
- ___.060 Master Sign Plans
- ___.070 Sign Variances.
- ___.080 Nonconforming Signs, Maintenance, Removal and Enforcement.

Part III. Sign Standards Applicable to All Signs.

- ___.090 Sign Illumination.
- ___.100 Sign Materials.
- ___.110 Sign Placement and Location Restrictions.
- ___.120 Sign Area Measurements.
- ___.130 Sign Height Measurements.
- ___.140 Sign Structure and Installation.

Part IV. Sign Types.

- ___.150 Accessory Signs.
- ___.160 Awning or Canopy Signs.
- ___.170 Building Mounted Wall Signs.
- ___.180 Changeable Copy Signs.
- ___.190 Digital Signs.
- ___.200 Electronic Message Center (EMC) Signs.
- ___.210 Freestanding Signs.
- ___.220 Portable Signs.
- ___.230 Projecting Signs.
- ___.240 Roof-Mounted Signs.
- ___.250 Service Island Signs.
- ___.260 Sign Walkers.
- ___.270 Temporary Signs.
- ___.280 Window Signs

Part V. Definitions.

- ___.290 Definitions.

Section __.__.010 Intent and Purpose.

A. Intent. Signs have a strong visual impact on the character and quality of the community. As a prominent part of the scenery, they attract or repel the viewing public, affect the safety of vehicular traffic, and their suitability or appropriateness helps to set the tone for the neighborhood. The City relies upon its scenery and physical beauty to attract commerce, aesthetic considerations assume economic value. It is the intent of the City, through this Chapter, to protect and enhance the City's historic and residential character and its economic base through the provision of appropriate and aesthetic signage. In addition, it is the intent of the City to limit the size, type and location of signs in order to minimize their distracting effect on drivers and thereby improve traffic safety.

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

1. Promote and accomplish the goals, policies and objectives of the City's Comprehensive Plan and Zoning Code;
2. To provide minimum standards in order to safeguard life, health, property and public welfare, and promote traffic safety by controlling the design, quality of materials, construction, illumination, size, location and maintenance of sign and sign structures;
3. Recognize free speech rights by regulating signs in a content-neutral manner;
4. Promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting and/or illegible signage;
5. Protect the beauty of the City's built environment by encouraging signs that are compatible with the architectural style, characteristics and scale of the building to which it may be attached, and to encourage signs that are compatible with adjacent buildings and businesses;
6. Protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape;
7. Provide consistent sign design standards;
8. Protect encourage creative and innovative approaches to signage, and signs that are of a quality design, pleasing in appearance and are appropriate in size, materials and illumination to the surrounding neighborhood;
9. Provide an improved visual environment for the citizens of and visitors to the City;
10. Adopt clear, understandable regulations which enable the fair and consistent enforcement of this Chapter; and

11. Address emerging trends in digital and electronic sign technologies and provide regulations that facilitate use of such technologies while ensuring protection of motorists and pedestrians from the hazards of glare, startling bursts of light, and use of virtual movement and animation intended to attract driver attention, to hold driver gaze, and/or to otherwise distract drivers from the safe operation of their vehicles. Protect neighborhoods, surrounding development and the night sky from the nuisance factors associated with such glare, movement and animation of digital and electronic signs.

Section __.020 Applicability and Interpretations.

A. This Chapter applies to all signs as defined in Section __.290 (Definitions), within the City which are visible **or audible** from any street, sidewalk or public place, regardless of the type or nature.

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

Section __.030 Exemptions. The following signs or activities relating to signs are exempt from the permitting requirements of this Chapter.¹

A. Changes to the face or copy of changeable copy signs, digital signs, electronic messaging signs, provided such changes do not change the material or appearance of the sign as originally permitted by the City.

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

C. Temporary signs on private property or public property, meeting the requirements in Section __.270 (Temporary Signs).

D. Building identification numbers as required pursuant to this Code (chapter __.) or any other City or State regulation.

E. Governmental signs.² Signs installed by the City, County, or a federal or State governmental agency for the protection of the public health, safety and general welfare, including, but not limited to, the following:

¹ Keep in mind that the exemption only extends to the permitting requirements. The exempted sign must still comply with the requirements of this Chapter.

² See, *Citizens for Free Speech, LLC v. County of Alameda*, 194 F.Supp.3d 968, 984 (N.D. Cal. 2016). In this case, a challenge was brought on the total exemption in the County's sign code for "official public signs or notices or any temporary notice posted by a public officer in the performance of his duty." The court held that this exemption was content based, and singled out this type of speech for differential treatment, based on the idea expressed. "The

1. Emergency and warning signs necessary for public safety or civil defense;
 2. Traffic and/or wayfinding signs erected and maintained by an authorized public agency;
 3. Signs required to be displayed by law;
 4. Signs showing the location of public facilities; and
 5. Any sign, posting, notice, or similar sign placed by or required by a governmental agency in carrying out its responsibility to protect the public health, safety and general welfare.
- F. Flags. Any flags, provided that they conform to all provisions of this chapter for signs.³
- G. Certain stone or cement plaques and cornerstones with engraved or cast text or symbols and permanently embedded in the building's foundation or masonry siding materials, provided that none of these exceed four (4) square feet in area.
- H. Interior signs. Signs or displays located entirely inside of a building and located at least three (3) feet away from transparent doors and windows.
- I. Non-visible signs. Signs and associated sign support structures not visible or audible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way.
- J. Vehicle with signs not prohibited by __.__.040(I). Any sign on a vehicle, unless such vehicle is parked or stationed near an activity for the primary purpose of attracting public attention to such activity, and unless such vehicle or mobile unit is regularly parked in any prominently visible location for the primary purpose of attracting public attention to the sign.
- K. Temporary signs in windows. Any temporary sign taped or otherwise affixed to the inside of a window, in such a manner as to be easily removed, provided that the total area of such sign in any one window does not exceed the size limitations in Section __.__.280 (Window Signs) and Section __.__.270 (Temporary Signs).
- L. Bench signs. Any outdoor bench or furniture with any signs other than plaques one square foot or less in area.
- M. Privately-maintained traffic control signs in a subdivision with private roads, or signs in a parking lot.

reasonableness, harmlessness or worthiness of the idea is irrelevant.” This section of the County’s code was invalidated as it did not pass the strict scrutiny test.

³ *Central Radio Co., Inc. v. City of Norfolk, Va.*, 811 F.3d 625 (4th Cir. 2016) (ordinance limiting size of signs but exempting flags and works of art held unconstitutional).

Section __.040 Prohibited Signs. No person shall erect, alter, maintain or relocate any of the following signs in the City.

A. Animated signs. Rotating or revolving signs, or signs where all or a portion of the sign moves in some manner. This includes any sign animated by any means, including fixed aerial displays, balloons, pennants, spinners, propellers, whirling, or similar devices designed to flutter, rotate or display other movement under the influence of the wind, including flag canopies not otherwise allowed in Section __.160 (Awning or Canopy Signs), streamers, tubes, or other devices affected by the movement of air or other atmospheric or mechanical means. This does not include historic signs and historic replica signs where the applicant is able to prove, through documentation or other evidence, that the original historic sign produced the same motion/movement and is proposed in the same location.

B. Rotating signs. Any sign in which the sign body or any portion rotates, moves up and down, or any other type of action involving a change in position of the sign body or any portion of the sign, whether by mechanical or any other means.

C. Nuisance signs. Any signs which emit smoke, visible particles, odors and sound, except that speakers in drive-through facilities shall be permitted.

D. Bench or furniture signs greater than one (1) square foot in area.

E. Flashing signs or lights. A sign that contains an intermittent or flashing light source, or a sign that includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Flashing light sources are prohibited. Signs with an exposed light source, **exceeding the equivalent of 25-watts per lamp**, including clear light bulbs which do not flash on a theater marquee except for neon incorporated into the design of the sign, are also prohibited. Electronic message center signs and digital signs are allowed under the provisions of Sections __.190 (Digital Signs) and __.200 (Electronic Message Center Signs).

F. Hazardous signs. Any sign that is dangerous or confusing to motorists on the public right-of-way, including any sign which by its color, wording, design, location or illumination resembles or conflicts with any official traffic control device or which otherwise impedes the safe and efficient flow of traffic is prohibited.

Alternative definition: Any sign that constitutes a traffic hazard or detriment to traffic safety by reason of its size, location, movement or method of illumination, or by obstructing the vision of drivers, or by distracting from the visibility of an official traffic control device by diverting or tending to divert the attention of drivers or moving vehicles from traffic movements on streets, roads, intersections or access facilities. No sign shall be erected so that it obstructs the vision of pedestrians or by glare or method of illumination constitutes a hazard to pedestrians or traffic. No sign may interfere with, mislead or confuse traffic.

G. No sign may impede free ingress and egress from any door, window or exit way required by building and fire regulations.

H. Permanent signs that are for the primary purpose of advertising, either posted or carried on portable, non-motorized or motorized wheeled vehicles placed on vacant lots, parcels or easements.⁴ No permanent sign shall be posted on a vacant lot, parcel or easement as the principal use of that lot, parcel or easement. Signs may only be established as an accessory use to a principally permitted use.⁵

I. Portable, non-motorized wheeled vehicles or motorized, wheeled vehicles carrying signs that are: (1) for the primary purpose of advertising; (2) not permanently affixed (painted directly on the body of the vehicle or applied as a decal); (3) that extend beyond the overall length, width or height of the vehicle; and (4) parked on any public street within City limits.⁶

J. Abandoned signs.

K. Signs on utility poles, fences, on poles or trees.⁷

L. Off-site controlled signs. Any sign that is programmed and/or controlled off-site.

Section __.050 Sign permits.

A. Permit Required. No person shall erect, alter or relocate any sign requiring a permit under this Chapter without first submitting a sign permit application and receiving approval of the sign permit from the City, unless the sign is identified as exempt under Section __.030 (Exemptions). Some sign types may be regulated under other codes adopted by the City, which may require additional permits that are subject to additional regulations, including, but not limited to, the Building Code (chapter __.) and Right-of-Way Use Permits (chapter __.). Signs for which permits are not required shall nonetheless comply with all applicable provisions of this Chapter.

B. Review Procedures. The following steps shall be followed in the processing of sign permit applications ([hyperlink to appropriate section of City's Project Permit Processing code](#)):

1. Determination of Complete application (Section __.__)
2. Determination of Consistency (Section __.__)
3. Notice of Decision by Director (Section __.__)
4. Administrative Appeal – if any (open record hearing, Section __.)

⁴ Billboards: *Ackerly Communications v. Krochalis*, 108 F.3d 1095 (9th Cir. 1997); *Billboards Outdoor Systems v. City of Mesa*, 997 F.2d 604 (9th Cir. 1993); *Outdoor Media Group, Inc. v. City of Beaumont*, 506 F.3d 895 (9th Cir. 2007).

⁵ *Lone Star Security and Video, Inc. v. City of Los Angeles*, 827 F.3d 1192 (9th Cir. 2016).

⁶ *Lone Star Security and Video, Inc. v. City of Los Angeles*, 827 F.3d 1192 (9th Cir. 2016). Court held that an officer seeking to enforce the vehicle sign ordinance must decide only whether an offending vehicle constitutes a prohibited “advertising display,” as opposed to transporting passengers or carrying cargo.

⁷ *City of Seattle v. Mighty Movers*, 152 Wn.2d 343, 96 P.3d 979 (2004) (ban on signs posted on utility poles upheld).

C. Application Requirements. A complete sign permit application shall consist of the following:

1. Application form. A completed sign permit application, including the applicant's name, address, phone number, and e-mail address. If the applicant is not the property owner, then the property owner must be identified, and the application must include an affidavit from the property owner, verifying that the property owner has given permission to the applicant for the submission of the sign permit application and for the installation/posting of the sign on the property owner's property.

2. Other permit applications. A completed building permit application, if required under the City's Building Code; a completed Right of Way Use permit application, if required under chapter ____; a completed Special Event permit application, if required under chapter ____.

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

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

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

6. Lighting. A drawing indicating the location and fixture type of all exterior lighting for the proposed signs. The drawing shall specify wattage and lamp type to ensure compatibility with the lighting standards in Section _____.090 (Sign Illumination).

7. Master Sign Plan. If the sign is subject to a Master Sign Plan as described in Section _____.060 (Master Sign Plans), a Master Sign Plan must be included as part of a complete sign permit, unless a Master Sign Plan for the site or building has already been approved, is current and is on file with the City.

8. Fees. Payment of the appropriate sign permit fee (and all other fees, such as building permit and/or electrical permit fees).

D. Criteria for Approval.

1. Sign permit applications shall be reviewed by the Community Development Director for consistency with the standards in this Chapter, according to sign type and other applicable regulations. A sign permit shall not issue unless the Director makes written findings and conclusions that the criteria applicable to each sign type, as well as the general standards in this Chapter, are satisfied. Building permit applications associated with signs shall be reviewed by the Building Official for consistency with the Building Code. If the sign uses electrical wiring and connections, a licensed electrician must submit a copy of the electrical permit application to the Community Development Department, with the original submitted for approval to the State of Washington. If the sign requires a Right-of-Way Use or Special Event permit, the application shall be submitted with the sign permit application for review by the Public Works Director.

2. **OPTIONAL LIMITATION ON SIGN AREA:** *A sign permit shall not issue unless the Director makes findings that the criteria applicable to each sign type in this Chapter are satisfied, and further, that the sign does not exceed the limits in this subsection for the business or use set forth below:*

(a) *Calculation of Maximum Size Allowance. The maximum total aggregate sign area of all signs permitted for a business or use shall not exceed one (1) square foot of sign area for each one (1) foot of principal building frontage occupied by such business or use. In addition, one square foot of sign area for each two hundred (200) square feet of gross floor area occupied by such business may be included in the calculation of the total area permitted. The total aggregate sign area is the combined total display area of all types of signs located on the premises measured in square feet, but not including exempt or temporary signs.*

(b) *Building Setback from Street. The tenants of a building which is set back one hundred (100) feet or more from the street may increase the wall sign area otherwise permitted to face such street by twenty-five (25) percent, provided that the total sign area on any one building frontage still does not exceed two hundred (200) square feet.*

(c) *Buildings with More than One Frontage. Any business which has more than one building frontage may have one hundred sixty (160) percent of the sign surface area permitted on the principal frontage by the provisions of subsection _____.050(D)(2)(a). The permitted sign surface area may be distributed in any manner on the front and adjacent sides of the building which have frontage subject to the placement limitations of subsection _____.050(D)(3), but in no event shall the sign surface area on any building façade exceed one hundred (100) percent of the sign surface area permitted by subsection _____.050(D)(2)(a). Building frontage opposite the principal frontage may have additional sign area calculated in the same manner and subject to the same size and placement regulations as for the principal frontage, as long as two adjacent frontages do not exceed one hundred sixty (160) percent of the permitted sign surface area.*

3. *Other criteria for approval. In addition to the above, the Director shall make written findings that the sign meets all of the criteria in this Chapter for sign placement, maximum height, location on the property, zone, etc.*

E. Notice of Final Decision. A Notice of Decision incorporating the decision on the sign permit application shall issue not more than 120 days after issuance of the Determination of Completeness. This deadline shall not apply if a Right-of-Way Use permit or Special Event permit is required.⁸

F. Expiration of Sign Permit. Once the sign permit for the sign issues, the sign must be installed within 180 days or the sign permit will expire. Building permits and street Right-of-Way Use permits shall expire in accordance with other applicable code provisions. No sign may be erected if the sign permit has expired, even if the associated building permit and/or street Right-of-Way Use permit has not expired.

Section __.__.060 Master Sign Plans.

A. Approval required. Before the City will issue any sign permit relating to space in a proposed **mixed use or** nonresidential, multi-tenant building(s), or **site** development, the City must first approve a Master Sign Plan for the building(s) **and/or site development**. In addition, a master sign plan may be voluntarily developed and maintained by the owner or agent of any new or existing non-residential use.

B. Review procedures. The Community Development Director shall make the decision on the Master Sign Plan without a hearing. The following steps shall be followed in the processing of a Master Sign Plan (**hyperlink to appropriate section of City's Project Permit Processing code chapter**):

1. Determination of Complete application (Section __.__.__)
2. Determination of Consistency (Section __.__.__)
3. Notice of Decision by Director (Section __.__.__)
4. Administrative Appeal (if any) (open record hearing, Section __.__.__).

C. Application requirements. A complete Master Sign Plan application shall consist of the following:

1. A complete Master Sign Plan application, including the applicant's name, address, phone number and e-mail address. If the applicant is not the property owner(s), then the property owner(s) must be identified and the application must include an affidavit from the property owner(s), verifying that the property owner(s) has given permission to the applicant for the submission of the Master Sign Plan application. No sign may be placed upon real property without the consent of the real property owner(s).

⁸ See, RCW 36.70B.140(1). To support this, the city should determine by resolution or ordinance relating to the right-of-way use permit and special event permit, that special circumstances warrant a review process different from that provided in RCW 36.70B.060 through RCW 36.70B.080. For example, the right-of-way use permit is not defined as a project permit application under RCW 36.70B.020(4), and the city's decision to allow use of the street area under a right-of-way use permit is discretionary, based on public health and safety concerns.

2. A site plan drawn to legible scale, indicating the location of all buildings, driveways and pavement areas, landscape areas, abutting streets and proposed freestanding signs on the site;
3. Elevation drawings of each building on a site that indicates proposed sign locations on each of the buildings;
4. Maximum allowable signage on each elevation based upon a five (5) percent calculation of all facades;
5. The Master Sign Plan application shall identify the sign features and sign types proposed to be used on each building and the proposed location. **In addition, a statement shall be included which describes the manner in which the building or site owner wishes to allocate allowable signage among tenants and where specific tenant signage shall be located;**
6. A narrative description of the development to demonstrate that the master sign plan meets the required design standards of this Section; and
7. Fees. Payment of the appropriate fee for a Master Sign Plan.

D. Criteria for Approval. All signs in the Master Sign Plan must meet the criteria for approval in Section _____.050 (Sign Permits). In addition, all of the signs in the Master Sign Plan:

1. Shall be architecturally similar and visually related to each other through the incorporation of common design elements. Up to two sign types may be used on any one building.⁹ All sign cabinets, trim caps and all sign supports such as poles and braces shall be of a common color;
2. Shall be architecturally integrated with the buildings included in the Master Sign Plan; and
3. Must not obscure the view of other signs which are consistent with this Chapter.

E. Notice of Final Decision. See, Section _____.050(E) (Sign permits).

⁹ Examples of “sign types:” (1) individual pan-channel sign graphics – internally illuminated; (2) individual sign graphics – silhouette or halo illuminated; (3) individual cut-out sign graphics – no internal light source (e.g., wood, foam, brass); (4) cabinet signs; (5) sandblasted or carved wood signs; (6) flat panel signs with hand-painted or vinyl graphics; (7) neon signs; (8) awning signs; (9) fabric signs (e.g., banners); (10) combination signs – signs which incorporate sign types into one single sign in a specified or predetermined fashion (e.g., individual pan-channel sign graphics combined with internally illuminated logo shields or reader lines; cabinet signs with neon mounted to the sign face; wood carved signs combined with metal cut-out sign graphics).

F. Expiration of Master Sign Plan. Once a Master Sign Plan is approved, the signs depicted in the approved Plan must be installed within 180 days or the Master Sign Plan will expire. Building permits and street Right-of-Way permits for any signs shown in the Master Sign Plan shall expire in accordance with other applicable code provisions. No sign may be erected under an expired Master Sign Plan, even if the associated sign permit, building permit or street Right-of-Way Use permit has not expired.

G. Amendment to Master Sign Plan. An application for an amendment to an approved Master Sign Plan may be made at any time, subject to the same limitations, requirements and procedures as those that apply to an original application in this Section. Tenants whose signs are included in the amendment application need the property owner's consent to file such application. In order to approve any such Amendment, the Director shall consider the existing signs on the building(s) subject to the approved Plan when determining whether the application meets the criteria for approval in subsection C of this Section.

Section __.__.070 Sign Variances.

A. Approval Required. A variance may be granted from the strict application of the regulations in this Chapter which apply to: (a) sign placement on a parcel or building frontage; (b) sign area; or (3) sign height, as regulated in this Chapter. A variance may not be granted to allow any prohibited signs or prohibited sign features, as described in Section __.__.040, or for any other purpose not listed in this subsection A. The variance procedure in this Section does not apply to any street Right-of-Way Use permit or Building permit.

B. Need for Sign Permit, Consolidation of Processing. A sign variance application may be submitted before or concurrent with the associated sign permit application. No sign permit application requiring a variance for issuance will be processed without a sign variance application **unless the applicant specifically requests that the application be processed without a variance.**

C. Review Procedures. The following steps shall be followed in the processing of sign variance applications (**hyperlink to appropriate section of the City's Permit Processing chapter**):

1. Determination of Complete Application (Section __.__.__)
2. Determination of Consistency (Section __.__.__)
3. Notice of Decision by Director (Section __.__.__)
4. Administrative Appeal, if any (open record hearing, Section __.__.__)

D. Application Requirements. A complete sign variance application shall consist of the following:

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

2. Sign Permit Application (all of the materials required by Section _____.050, Sign Permits). However, the applicant may submit a variance application without a sign permit application as provided in subsection B above.

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

4. The narrative report shall also include the applicant's description of the manner in which the sign variance satisfies all of the variance criteria in subsection E below.

5. Fees. Payment of the appropriate sign variance application fee.

E. Variance Criteria for Approval. Sign variance applications shall be reviewed by the Community Development Director to determine whether all of the following criteria are satisfied. In order to approve any sign variance, the Director must make written findings to show that all of the following criteria have been met:

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

2. The sign will not create a hazard; and

3. The sign will not violate any state statute or any City Code provision (other than the ones identified in this Chapter relating to signs); and

4. The sign will not negatively affect adjacent property; and

5. The sign will be in keeping with the general character of the surrounding area and the granting of the variance would not result in an alteration of the essential character of the surrounding area; and

6. The proposed variance is consistent with the purposes and intent of the Zoning Code and the purposes of this Chapter; and

7. The variance is consistent with the City's Comprehensive Plan; and

8. The applicant has established that there are practical difficulties in complying with the provision(s) of this Chapter and that the proposed sign is a reasonable use of the property. (Economic considerations alone do not constitute practical difficulties.); and

9. The plight of the applicant is due to circumstances unique to the property, which were not created by the applicant or landowner; and

10. The variance will not permit any sign or use that is not allowed in the zoning district where the affected land is located, nor will it allow any sign or sign feature prohibited under Section __.__.040.

F. First Amendment Exception/Variance. Where an applicant can demonstrate that the strict application of the regulations in this Chapter would violate his/her First Amendment rights, the City may grant a variance that does not conform to all of the variance criteria in subsection E above. However, the applicant shall submit an application which provides his/her response to each of the variance criteria in subsection E. The City need not make findings that all of the variance criteria have been satisfied, but if not all criteria have not been satisfied, the variance may only be granted to the extent reasonably necessary to protect the applicant's First Amendment rights. If a First Amendment Exception is granted, it shall be treated as an approval of a variance for purposes of this Chapter.

G. Notice of Final Decision. A Notice of Decision incorporating the decision on the variance application shall issue not more than 120 days after issuance of the Determination of Complete Application.

H. Expiration of Variance. If the variance is approved, the sign identified in the variance must be installed within 180 days or the variance will expire. No sign may be erected if there is no sign permit for the sign, or if the variance or the sign permit has expired, even if the applicant has received associated building permits or street Right-of-Way Use permits, and the latter have not expired.

Section __.__.080 Nonconforming signs, Maintenance, Removal and Enforcement.

A. Nonconforming signs. Any lawful nonconforming sign may be continued, as long as it is maintained only in the manner and to the extent that it existed at the time it became nonconforming. Illegal signs shall not be considered nonconforming signs. Nonconforming signs are subject to the provisions of (Zoning Code) chapter __.__(Nonconforming Uses and Structures).

B. Maintenance. It is unlawful for any owner of record, lessor, lessee, manager or other person having lawful possession or control over a building, structure or parcel of land to fail to maintain any signs on the building, structure or parcel in compliance with this Chapter and the Zoning Code. Failure to maintain a sign constitutes a violation of this Chapter, and shall be subject to enforcement under the provisions of (Zoning Code) chapter __.__(Code Enforcement).

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

2. Landscape maintenance. Required landscaped areas **associated with an approved sign** shall receive regular repair and maintenance. Plant materials that do not survive after installation in required landscape areas are required to be replaced within six (6) months of the plant's demise or within the next planting season, whichever event first occurs.

C. Removal. Any vacant and/or unused sign support structures, angle irons, sign poles or other remnants of old signs which are currently not in use, or are not proposed for immediate reuse by a sign permit application for a permitted sign, shall be removed. In addition to the remedies in (Zoning Code) chapter ____ (Code Enforcement), the Director shall have the authority to require the repair, maintenance or removal of any sign or sign structure which has become dilapidated or represents a hazard to the safety, health or welfare of the public, at the cost of the sign and/or property owner.

D. Enforcement. Violations of the provisions of this Chapter shall be enforced according to (Zoning Code) chapter ____ (Code Enforcement).

Section __.__.090 Sign illumination.

A. General. No temporary sign may be illuminated. No sign located in a residential zone may be illuminated, except that on parcels two (2) acres in size or greater, signs may be halo illuminated or illuminated as necessary for allowable digital signs. Permanent signs allowed by this Chapter may be non-illuminated, or illuminated by internal light fixtures, halo illuminated, or have external indirect illumination, unless otherwise specified. All illuminated signs shall comply with the time limitations of subsection __.__.090(D) below.

B. Externally illuminated signs.

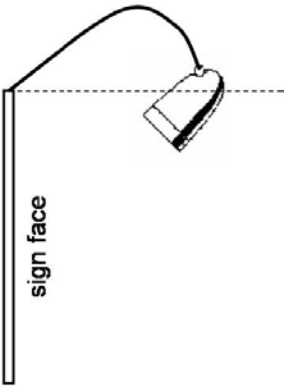
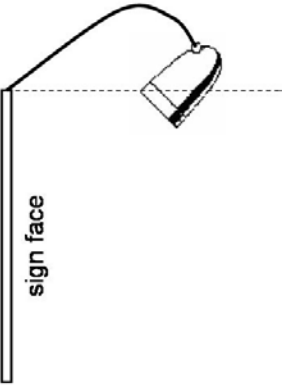
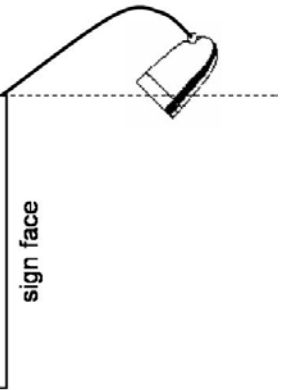
1. Except as provided in this Subsection, externally illuminated signs shall be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign without causing glare. Light shielding shall ensure that the lamp or light source is not visible beyond the premises and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

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

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

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

Figure 1

Allowed	Allowed	Not Allowed
		
Fully Shielded	Fully Shielded	Unshielded

C. Internally illuminated signs.

1. Internally illuminated signs shall be constructed with an opaque **sign face** background **with** translucent text, symbols **and/or logo shields**. If the sign owner desires to have the entire sign face visible at night, an external light source may be used to illuminate the sign, subject to the illumination standards in this Chapter.

2. In no case may an internally illuminated sign, a digital sign or an electronic message center sign exceed a light output of 50 nits in a residential zone or 100 nits in a non-residential zone during nighttime hours.

3. Neon sign lighting is allowed in non-residential zones only and shall not exceed 100 nits per sign face. Neon signs with solid backgrounds are not allowed in windows in order to ensure maximum light and visibility through windows. An example of a neon sign is shown in Figure 2 below.

Figure 2



D. Time limitations. All illuminated signs over three (3) square feet in area shall be turned off by 11:00 p.m., or when the business closes, whichever is later. Signs subject to time limitations are required to have functioning and properly adjusted automatic shut-off timers.

Section __.__.100. Sign Materials.

A. Temporary signs. The construction of temporary signs is limited to the materials described in the definition of “temporary sign,” (Section __.__.290, Definitions). In addition, the temporary sign must also conform to the requirements of this Chapter, including, but not limited to Section __.__.270 (Temporary signs).

B. Permanent signs. Permanent signs must be manufactured of durable materials that withstand the effects of water and wind. The following additional requirements apply to any permanent signs larger than thirty (30) square feet, except for window signs located inside glass:

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

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

Figure 3



Figure 4

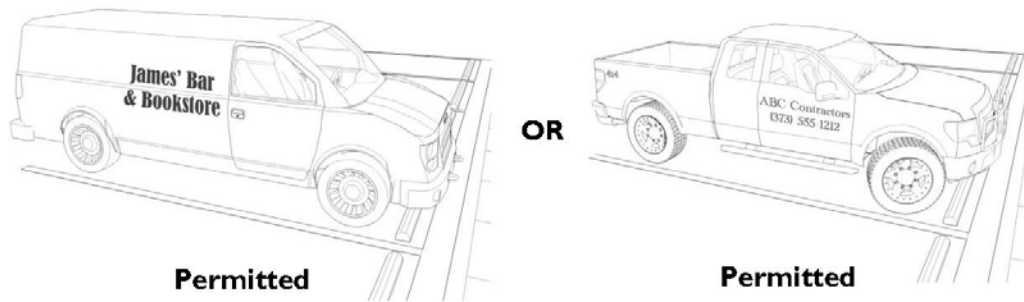


Section __.__.110. Sign Placement and Location Restrictions.

A. City right-of-way. No sign may be placed within the Roadway portion of the City Right-of-Way (see, Section __.__.270(F) for restrictions on temporary signs outside of the Roadway) except as otherwise permitted with a City Right-of-Way use or Special Event permit. **No permanent sign may be placed within the Right-of-Way except as otherwise permitted with a City Right-of-Way Use Permit.**

B. Attached to vehicles on private premises. No sign may be mounted, attached or painted on a trailer, boat or motor vehicle, which is parked, stored or displayed conspicuously on private premises in a manner intended to attract the attention of the public. (This excludes signs that are permanently painted or wrapped on the surface of the vehicle, or adhesive vinyl film affixed to the interior or exterior surface of a vehicle window, or signs magnetically attached to motor vehicles or rolling stock that are actively used in the daily conduct of business. However, such vehicles shall be operable and parked in a lawful or authorized manner.)

Figure 5



C. Attached to other fixtures. No sign may be painted, attached or mounted on fuel tanks, storage containers and/or solid waste receptacles or their enclosures, except for information required by law.

D. Freeway-oriented signs.¹⁰ Freeway-oriented signs are prohibited, except in the following instances:

1. Building mounted wall signs (Section __.__.170), window signs (Section __.__.280) and temporary signs (Section __.__.280) as otherwise allowed by this Chapter may face the freeway if:

(a) they are installed by a business that has its primary customer entrance facing the freeway; and

(b) the wall, **window or temporary** sign also faces an intervening parking lot or frontage road that serves the business.

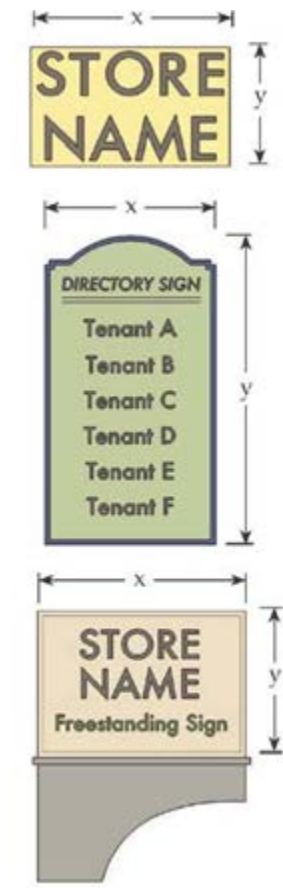
2. Free-standing signs as otherwise allowed by this Chapter are allowed for businesses located on and facing frontage roads along freeways, even if such signs are incidentally visible from the freeway.

Section __.__.120 Sign Area Measurements. Sign area for all sign types is measured as follows:

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

¹⁰ *Worldwide Rush, LLC v. City of Los Angeles*, 606 F.3d 687 (9th Cir. 2010) (content-neutral exceptions to freeway-facing sign ban did not undermine city's interests in aesthetics and safety).

Figure 6



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

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

Figure 7



D. Backlit translucent panels. Backlit translucent panels and spandrels, with or without text or graphics, are measured as the area of the height and width of any internally illuminated translucent panel **or spandrel**, including the side panels if the structure or spandrel is greater than six (6) inches in width.

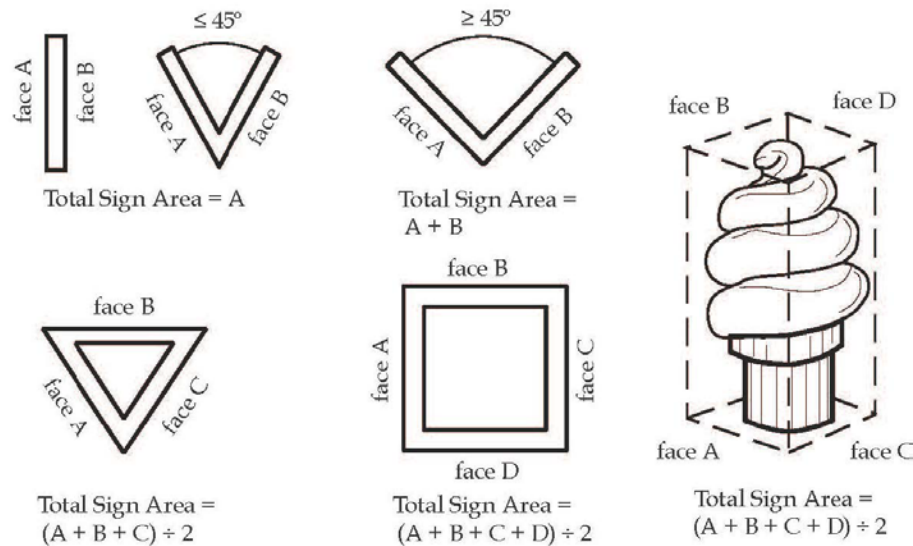
E. Multi-face signs. Multi-face signs, as shown in Figure 8, are measured as follows:

1. Two face signs: If the interior angle between the two sign faces is forty-five (45) degrees or less, the sign area is of one sign face only. If the angle between the two sign faces is greater than forty-five (45) degrees, the sign area is the sum of the areas of the two sign faces.

2. Three or four face signs: The sign area is fifty (50) percent of the sum of the areas of all sign faces.

3. Spherical, free-form, sculptural or other non-planar sign area is measured as fifty (50) percent of the sum of the areas using only the four (4) vertical sides of the smallest four (4) – sided polyhedron that will encompass the sign structure, as show in Figure 8 below. Signs with greater than four polyhedron faces are prohibited.

Figure 8

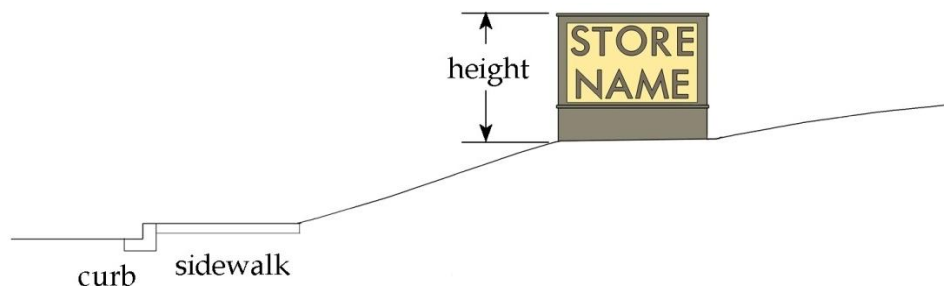


Section __.__.130 Sign height measurement. Sign height is measured as follows:

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

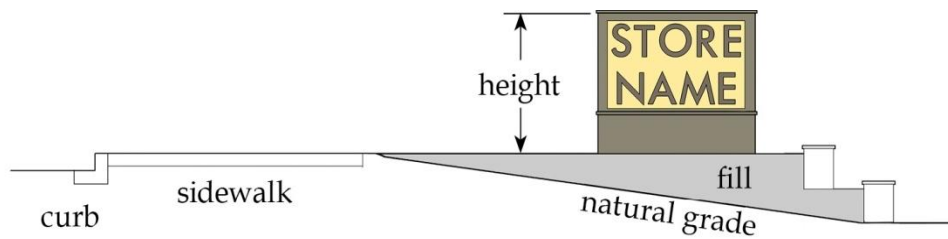
1. If natural grade at the base of a sign is higher than the grade of the adjacent road, sign height shall be measured from the base of the sign as shown in Figure 9.

Figure 9



2. If natural grade at the base of the sign is lower than the grade of an adjacent road, the height of the sign shall be measured from the top of curb or road-grade elevation, provided that fill is placed between the curb and the sign and extends at least five (5) feet beyond the base of the sign in all directions, as shown in Figure 10.

Figure 10



Section __.__.140 Sign Structure and Installation.

- A. Support elements. Any angle iron, bracing, guy wires or similar features used to support a sign shall not be visible.
- B. Electrical service. When electrical service is provided to freestanding signs or landscape wall signs, all such electrical service is required to be underground and concealed. Electrical service to building mounted wall signs, including conduit, housings and wire, shall be concealed or, when necessary, painted to match the surface of the structure upon which they are mounted. A building permit (electrical) must be issued prior to the installation of any new signs requiring electrical service.
- C. Raceway cabinets. Raceway cabinets, where used as an element of building mounted wall signs, shall match the building color at the location of the building where the sign is located. Where a raceway cabinet provides a contrast background to sign copy, the colored area is considered part of the sign face and is counted in the aggregate sign area permitted for the site or business. Examples of raceway cabinets are shown in Figure 11.

Figure 11



- D. Limitation on attachments and secondary uses. All permitted sign structures and their associated landscape areas shall be kept free of supplemental attachments or secondary uses including, but not limited to, supplemental signs not part of a permitted sign, light fixture, newspaper distribution racks or trash container. The use of sign structures and associated landscape areas as bicycle racks or support structures for outdoor signs is prohibited.

Section __.__.150 Accessory Signs. No permit shall issue for an accessory sign which does not comply with the following standards:

- A. Number. A maximum of one (1) sign at each vehicle point of entry or egress, not to exceed four (4) accessory signs per **parcel**.
- B. Location. Flexible, provided that the number of signs in Subsection A is not exceeded, **and provided that the signs comply with setback standards for freestanding signs in __.__.210.**
- C. Zones. Not allowed in residential zones.
- D. Design. Non-illuminated or internal illumination only. Any accessory sign with electronic display must conform to all EMC and/or digital sign standards in Section __.__.190 (Digital signs) or __.__.200 (EMC signs).
- E. Size. Maximum sign area: three (3) square feet per face; may be double-sided.
- F. Height: Mounting height:
 - 1. Building Mounted Wall sign (Section __.__.170): Maximum of eight (8) feet; must be flat against a wall of the building.
 - 2. Freestanding sign (Section __.__.210): Maximum of three (3) feet from grade.

Figure 12



G. Drive-Through Large Accessory Signs. In addition to the accessory signs allowed for vehicle points of entry and in addition to free-standing signs otherwise allowed under Section __.__.210, large accessory signs are allowed for each point of entry to a drive-up window, subject to the following standards:

1. Maximum sign area per drive-up point of entry: forty-five (45) square feet.
2. Maximum sign size: ~~thirty~~ (30) square feet.
3. Maximum sign height: Five (5) feet, six (6) inches, including the associated sign structure.
4. Orientation: Large accessory signs must be oriented so that the sign face is not visible from the view of the street or public-right-of way.
5. Screening: All sides of large accessory signs must be screened from the view of the street or public right-of-way with landscaping or walls of brick, stone or siding materials that match the principal walls of the building to which the sign applies. If landscaping is used for screening, it must provide full screening at maturity and must be large enough at planting to provide at least seventy (70) percent screening of the sign.
6. Audio. No sound or amplification may be emitted that is audible beyond the site.

Section __.__.160 Awning or Canopy Signs. No permit shall issue for an awning or canopy sign which does not comply with the following standards:

- A. Number. One (1) awning or canopy sign is allowed for each primary entrance to a building or tenant space. In addition, one (1) awning or canopy sign may be allowed on a secondary entrance which faces a public street or on-site parking area. (As used in this subsection, “street” shall include freeways, but exclude alleys and service ways.) The awning/canopy sign may only be placed on the ground floor level facade of the building.
- B. Area. The sign area on the primary elevation shall not exceed one (1) square foot of sign area per lineal foot of awning or canopy width. A maximum of forty (40) percent of an awning or canopy on which signage is proposed may be of an angle greater than sixty (60) degrees from horizontal.

Figure 13



C. Location.

1. An awning/canopy sign may not be mounted higher than a maximum of twenty-five (25) feet above the ground floor.
2. An awning/canopy sign shall not project above, below or beyond the edges of the face of the building wall or architectural element on which it is located.
3. No part of the sign, as a part of, or displayed on the vertical surface of an awning/canopy, shall project beyond the edges of the awning/canopy surface on which it is displayed. If an awning/canopy is placed on multiple store fronts, each business or tenant space is permitted signage no greater than sixty (60) percent of the store width or tenant space.
4. The awning/canopy shall not extend horizontally a distance greater than sixty (60) percent of the width of the awning/canopy or valance on which it is displayed.

D. Zone. Not allowed in residential zones.

E. Illumination. If sign letters or logos are **to be back-lit or internally illuminated**, only the face area containing the letters or logos may be illuminated. The sign may also be **externally illuminated as allowed by Section _____.090.**

Section __.__.170 Building Mounted Wall signs.¹¹ No permit shall issue for a building mounted wall sign which does not comply with the following standards:

A. Residential Zones. The maximum building mounted wall signage allowed in residential zones is as follows:

1. Size of Parcel or Site. Wall signs are not allowed on sites smaller than two (2) acres, except for address numbers as required by law.
2. Area. One hundred (100) square feet total, not to exceed three (3) percent of the area of the façade upon which the sign is placed. Width: Not to exceed sixty (60) percent of the width of the wall plane upon which the sign is placed. (NOTE: No. 3 in this section was deleted.)

Figure 14



B. Non-residential Zones.

1. Size of Parcel or Site. No restrictions.

¹¹ *Catsiff v. McCarty*, 167 Wash. App. 698, 274 P.3d 1063 (2012) (wall signs could not be higher than 30 feet above grade, 25% of wall area and wall signs were limited to 150 square feet per street frontage – upheld).

2. Area. The total signage may be up to five (5) percent of the area of the façade upon which the sign is placed. Width: Not to exceed sixty (60) percent of the width of the wall plane upon which the sign is placed or the width of the tenant space. Height: Not to exceed seventy (70) percent of the height of the blank wall space or fascia on which the sign is mounted.

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

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

5. Design. Where more than one (1) sign is allowed for a business, all signs shall be consistent in design, style, color and method of illumination. Where there are multiple businesses or tenants on a site, all signs shall conform to a Master Sign Plan, consistent with Section __.__.060.

Section __.__.180 Changeable Copy Sign. No permit shall issue for a changeable copy sign which does not comply with the following standards:

A. Number. No more than one (1) changeable copy sign shall be allowed for each parcel, except that additional changeable copy signs are permitted as follows:

1. the additional changeable copy sign(s) must be placed at least one hundred (100) feet from abutting streets or rights-of-way; and

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

Figure 15



- B. Area. No more than twenty (20) percent of the allowed wall sign area or fifty (50) percent of a free standing sign face may be changeable copy (this does not apply to signs required by law). Wall mounted changeable copy signs placed at least one hundred (100) feet from abutting streets may be a maximum of fifty (50) percent of permitted wall sign area.
- C. Height above grade. Fifteen (15) feet maximum. For wall signs, limited to the maximum height for freestanding signs.
- D. Placement/Location. Allowed only as an integral part of a building mounted sign or a freestanding sign. **Portable changeable copy signs are not permitted.**
- E. Zones. Changeable copy signs are allowed in all zones.
- F. Design. Non-illuminated in all zones. Internally or indirectly illuminated in non-residential zones **subject** to the illumination standards in Section __.__.090.

Section __.__.190 Digital Signs. **A Digital Sign is not a separately allowed sign type. The purpose of this section is to regulate the manner in which digital sign technology can be applied to sign types that are otherwise allowed in this Chapter. It is not intended to allow more signs or larger signs than otherwise permitted in this Chapter.** No permit shall issue for a Digital Sign which does not comply with the following standards:

- A. Maximum size: thirty (30) square feet, **or as otherwise limited by the size limits of this chapter.**

- B. Density: One Digital Sign per one hundred (100) feet of street frontage in non-residential zones. One Digital Sign per two hundred (200) feet of street frontage in residential zones, not to exceed one (1) sign per parcel.
- C. Zoning: Allowed in residential and non-residential zones only.
- D. Maximum luminance: Fifty (50) nits during nighttime hours.
- E. Motion limits: No motion **allowed** except for instantaneous change of message.
- F. Minimum hold between messages: eight (8) seconds.
- G. Programming: to ensure that digital signs are programmed and continue to operate according to local standards, digital signs shall be designed for local on-site control and programming.

Section __.__.200 Electronic Message Center (EMC) Signs. **An EMC Sign is not a separately allowed sign type. The purpose of this section is to regulate the manner in which EMC sign technology can be applied to sign types that are otherwise allowed in this Chapter. It is not intended to allow more signs or larger signs than otherwise permitted in this Chapter.** No permit shall issue for an EMC which does not comply with the following standards:

- A. Maximum size: thirty (30) square feet.
- B. Density: One EMC per one hundred (100) feet of street frontage, not to exceed one (1) per business and tenant space.
- C. Zoning: Prohibited in residential zones.
- D. Minimum parcel per sign. One acre.
- E. Maximum Luminance.
 - 1. Daytime: 5000 nits.
 - 2. Nighttime (one-half hour before sunset and one-half hour after sunrise): 100 nits.
 - 3. Signs shall include auto-dimming features with light-sensory capabilities to dim the sign to allowable luminance levels during nighttime hours.
- F. Motion limits: No motion except for a fade in of the next message with the fade transition being no more nor less than 1.5 seconds. Fade transition is required rather than instantaneous message changes to avoid sudden or startling flashes of light.
- G. Minimum hold between messages: ten (10) seconds, plus 1.5 second transition fade.

H. Programming. To ensure that EMC's are programmed and continue to operate according to local standards, EMC's shall be designed for local on-site control and programming. The applicant shall provide a written certificate from the sign manufacturer that the nighttime light intensity has been factory pre-set not to exceed allowable levels under this Section, and that this setting is protected from end-user modification by password-protected software or other method that ensures compliance.

Section __.__.210 Freestanding Signs. No sign permit shall issue for a freestanding sign which does not comply with the following standards:

A. Number.

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

2. One freestanding sign is allowed for each site frontage. Flag lot sites with frontage on a public street are permitted one (1) sign on the frontage providing primary access to the site.

3. Where more than one (1) freestanding sign is proposed on a site with multiple frontages, a minimum of sixty (60) linear feet shall separate each sign.

4. The permanent sign base shall have a minimum aggregate width of forty (40) percent of the width of the sign cabinet or face.

Figure 16



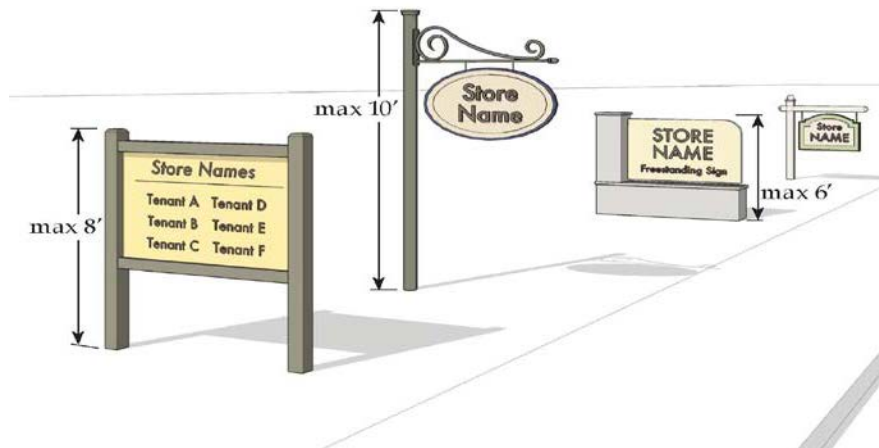
B. Location.

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

2. Freestanding signs shall be set back a minimum of five (5) feet from the street side property line, a minimum of twenty-five (25) feet from any interior side lot line and a minimum of thirty (30) feet from any residential district.

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

Figure 17



C. Height and Area.

1. Properties with less than one hundred-twenty (120) feet of street frontage shall be subject to the following area requirements:

<u>Total Street Frontage</u>	<u>Maximum Size & Height Above Grade</u>
0-60	20 square feet maximum, not to exceed 6 feet in height
61-119	30 square feet maximum, not to exceed 8 feet in height
120 or more	45 square feet maximum, not to exceed 10 feet in height

2. A sign may be permitted to a height not exceeding fifteen (15) feet and a sign face area not exceeding one hundred (100) square feet in size, provided that all of the following conditions are satisfied:

(a) The sign is placed on a monument-style base made or covered with a brick or stone, which extends at least the full width of the sign face and is at least one-fourth (1/4) of the total sign height. An alternate material may be approved by the Director if he or she finds that the material better reflects the materials and architecture of the closest or principle building on the site; and

(b) The sign face is either non-illuminated, externally illuminated, or complies with both of the following standards for an internally illuminated sign:

i. The background of the sign is totally opaque, only the graphics and/or text are illuminated; and

ii. The sign cabinet and the associated trim caps that secure and frame the sign face are dark bronze, black, or an earthtone color which reflects the color of the sign base and/or the color of the siding or trim of the building to which the sign applies; and

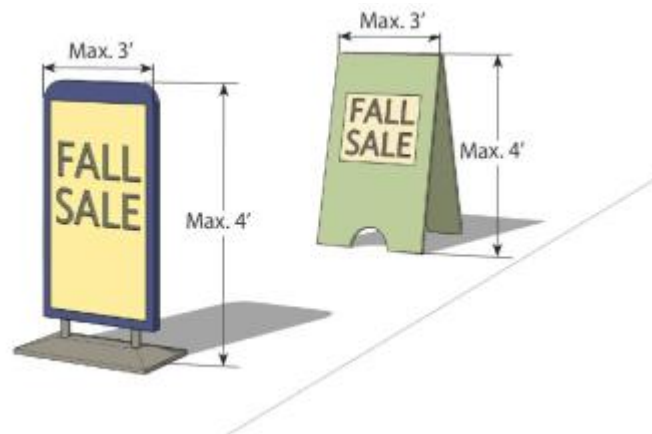
(c) The sign is no taller than seventy-five (75) percent of the height of the tallest building on the site (not to exceed fifteen (15) feet), as measured to the midpoint between the fascia line and the ridge on a pitched roof building, or the top of the highest cornice or parapet on a flat roof building.

Section __.__.220. Portable Signs. No permit shall be issued for a portable sign (includes sandwich board and pole mounted signs) which does not comply with the following standards:

A. Zone: Allowed only in non-residential zones, except that temporary portable signs are allowed in residential zones, subject to the provisions of Section __.__.270 (temporary signs).

B. Design and Materials: Must be designed with durable materials, otherwise they will be regulated as temporary signs under Section __.__.270. Portable signs must be designed to withstand wind and include a heavy weighted base for pole-mounted signs, and a heavy weight suspended between the opposing faces of a sandwich board sign.

Figure 18



C. Size and Height. Sandwich board signs: Maximum of four (4) feet in height, maximum of three (3) feet in width. (Note: sandwich board sign height is measured in the flat standing position, rather than in open standing position.) Pole-mounted signs: Maximum of **five (5) feet in height, two (2) feet in width.**

D. Number: Not more than one (1) portable sign may be displayed per business, per tenant space.

E. Location: Must be located no further than ten (10) feet from the primary building of the business, or, if there is only one business or tenant space on the site, it may be located not farther than then (10) feet from the site's driveway entrance. No portable sign may be located on the City right-of-way (which includes the sidewalk), without a Street right-of-way use permit.

F. Display Hours: Portable signs, including temporary portable signs may be displayed during business or operating hours only.

G. Type: Portable signs may not be changeable copy signs or illuminated in any manner.

Section __.__.230 Projecting signs. No permit shall issue for any projecting sign which does not comply with the following standards.

A. Number. One (1) projecting sign may be allowed per tenant space or building frontage. Projecting signs are permitted in addition to allowable wall signage.

B. Sign size.

1. Non-residential zones: The face of a projecting sign shall not exceed twelve (12) square feet in area.

2. Residential zones: The face of a projecting sign shall not exceed one and one-half (1.5) square feet in area.

Figure 19



C. Location.

1. No part of any projecting sign shall be located lower than eight (8) feet above the grade of sidewalk, walkway or driveway which is directly below the sign, or within three (3) feet of the sign.

2. Projecting signs may extend a maximum of four (4) feet from the building and shall be hung a minimum of six (6) inches away from the building.

3. No projecting sign shall be located within twenty-five (25) feet of another projecting sign on the same site or on the same building.

4. No projecting sign shall be located higher than the first story level of the building.

5. No projecting sign shall extend into the right-of-way, including the sidewalk, without an approved Right-of-Way use permit under chapter ____.

D. Design.

1. Non-residential zones: May be illuminated, internally or indirectly. In residential zones, projecting signs may not be illuminated.

2. Projecting signs shall be perpendicular to the building wall to which it is affixed.

3. Projecting signs shall not exceed four (4) inches in thickness.

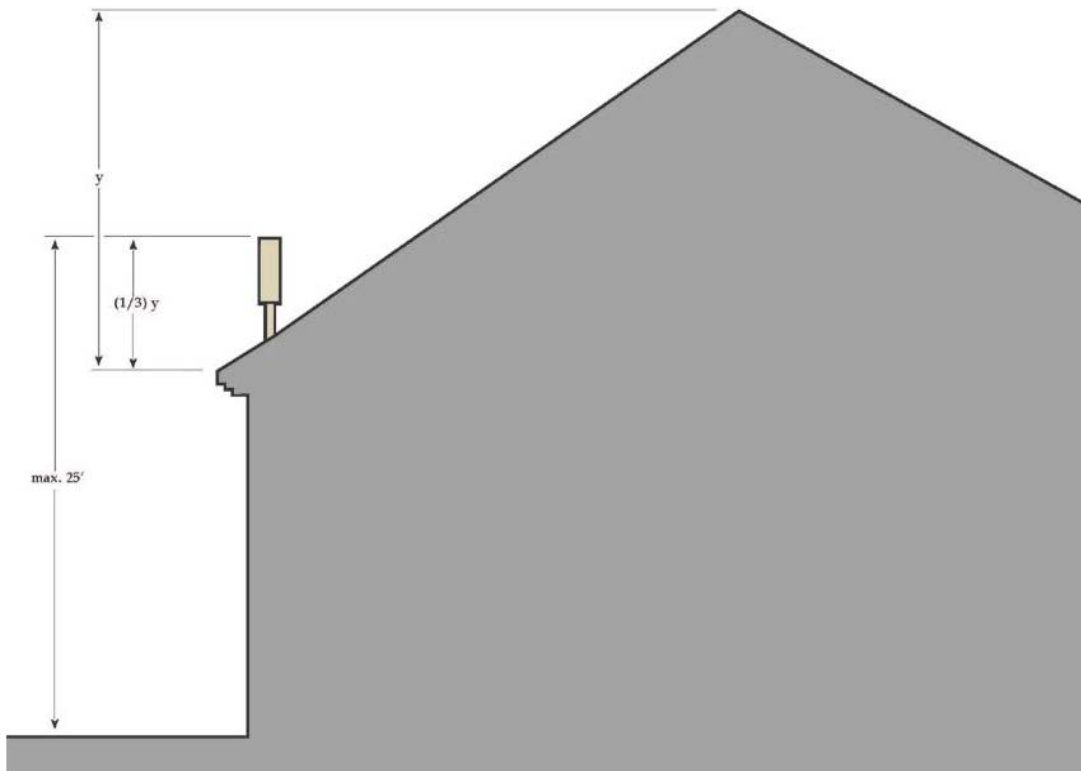
4. Projecting signs shall be supported by or suspended from solid rods or otherwise tethered or reinforced to avoid movement in wind.

E. Zone. Residential and nonresidential zones: as limited above.

Section _____.240 Roof-Mounted Signs. No permit shall issue for a roof-mounted sign which does not comply with the following standards:

A. Number. No more than one (1) roof-mounted sign shall be allowed for each building.

Figure 20



B. Area. The area of the roof-mounted sign shall not exceed the total amount of wall sign area that would be allowed for the building elevation on which the roof mounted sign is located.

C. Location. Allowed on the slope of peaked/sloped roof buildings only, and only on the lowest one-third (1/3) of the slope of the peaked roof. Roof-mounted signs shall be installed so that the structural supports of the sign are minimized. Angle irons, guy wires, braces or other secondary supports shall appear to be an integral part of the roof or roof-mounted sign.

D. Zone. Roof-mounted signs are permitted in nonresidential zones only.

E. Design. Roof-mounted signs may be non-illuminated, internally illuminated or indirectly illuminated, provided that the light is limited to the sign face only.

Section __.__.250 Service Island Signs. No permit shall issue for a service island sign which does not comply with the following standards:

A. Number and Size.

1. Island canopies. One (1) sign on the canopy fascia per street frontage, not to exceed 20 percent of the area of canopy fascia to which the sign is mounted.

2. Spandrel signs and canopy support signs. Spandrel signs shall not exceed twenty (20) percent of the spandrel area, and both spandrel signs and signs attached to canopy support columns shall be deducted from allowable wall signage on the associated principle building on the site.

B. Zone. Not allowed in residential zones.

C. Design. Spandrel signs may be internally illuminated, subject to the illumination standards of _____.090. Signs attached to canopy support columns shall not be illuminated.

Section _____.260 Sign walkers.¹² Sign walkers are allowed, subject to the following standards:

A. Permit. A permit is not required for a sign walker, but the sign walker shall comply with all the applicable requirements of this Chapter.

B. Number. No limit.

C. Area. The sign walker's sign shall not exceed eight (8) square feet in area, and shall not exceed eight (8) feet in height when held in place.

D. Zone. Allowed in nonresidential zones only.

E. Design. The sign walker's sign cannot be illuminated. Sign walkers shall be limited to daylight hours only. A sign walker's sign may not include any element of a prohibited sign as described in Section _____.040.

F. Location. Sign walkers are restricted to a minimum of thirty (30) feet from a street or driveway intersection, measured from the back of the curb or edge of pavement if no curb exists, and shall not be located in any of the following places:

1. On any public property or within public right-of-way, although sign walkers are allowed on public sidewalks;

2. In parking aisles or stalls;

3. In driving lanes;

4. On fences, walls, boulders, planters, other signs, vehicles, utility facilities or other structures; or

5. In a manner which results in a sign walker physically interfering with motorists; pedestrians or bicyclists.

¹² *Kitsap County v. Mattress Outlet/Gould*, 153 Wn.2d 506, 104 P.3d 1280 (2005) (county's interpretation of its sign code as prohibiting sign walkers was invalidated).

Section __.270 Temporary Signs.¹³

- A. No Permit required. No sign permit is required for temporary signs.
- B. Removal. Temporary signs shall be removed if the sign is in need of repair, is worn, dilapidated or creates a public nuisance.
- C. Materials. See Section __.100 (sign materials) and the definition of “temporary sign” in Section __.290.
- D. City property (excluding City right-of-way).¹⁴ Temporary signs on City-owned property (excluding City right-of-way) are allowed only in conjunction with an approved Special Event permit.
- E. City Right-of-Way outside of the Roadway.¹⁵ Temporary signs are prohibited in the Roadway. Temporary signs on City Right-of-Way placed outside of the Roadway, must comply with the following requirements:
1. Location. Allowed only between the property line and the back of the nearest curb, or where no curb exists, between the property line and the nearest edge of the roadway pavement. Signs may not be placed on sidewalks, driveways or other paved areas designed for pedestrian or vehicular use, or as conditioned in a right-of-way use permit. Approval of the abutting owner is recommended.
 2. Type. Signs on stakes that can be manually pushed or hammered into the ground are allowed. All other signs are prohibited, unless specifically allowed by a right-of-way use permit.
 3. Size and height. Limited to four (4) square feet, and three (3) feet in height.¹⁶
 4. Dilapidated or Nuisance signs. Any temporary sign in the right-of-way that is dilapidated or a nuisance, shall be removed by the person responsible for placement of the sign.

¹³ *Collier v. Tacoma*, 212 Wn.2d 737, 854 P.2d 1046 (1993) (required reading for municipal attorneys drafting temporary sign regulations).

¹⁴ *Miller v. Cincinnati*, 622 F.3d 524, (6th Cir. 2010) (city’s policy re: use of interior of city hall invalidated as void for vagueness).

¹⁵ *Berger v. Seattle*, 569 F.3d 1029 (9th Cir. 2009) (rule requiring street performers to obtain permits before performing in city park violated first amendment – in other words, read this case if you are considering requiring permits for temporary signs); *Wright v. Incline Village General Improvement District*, 665 F.3d 1128 (9th Cir. 2011) (beaches were not traditional public forum for First Amendment purposes).

¹⁶ See, *Wagner v. City of Garfield Heights*, 675 Fed. Appx. 599 (6th Cir. 2017). The City adopted sign regulations allowing temporary signs less than 12 sq. ft. for “lawn” signs (advertising lemonade stand) in residential areas; temporary signs not more than 6 sq. ft. advertising houses for sale, religious holiday or personal signs in residential areas; temporary political signs not more than 6 sq. ft. in residential, commercial and industrial areas; non-political signs in commercial and industrial areas could be as large as 12 sq. ft. without a permit and up to 32 sq. ft. with a permit. Signs were also regulated on the basis of lot frontage, so that a political sign in a residential area was restricted to .675 square feet per foot of frontage. The court invalidated these provisions after reviewing them under strict scrutiny, finding that the City had not shown that the regulations were narrowly tailored to further the City’s interest in promoting aesthetic appeal and traffic safety.

5. Other signs. The City may allow other signs in City right-of-way with a Right-of-Way use permit.

F. Residential zones. Temporary signs may be placed on property residentially zoned in accordance with the requirements of this Section and the following:

1. Window signs. Limited to no more than one temporary window sign per residential unit, not to exceed four (4) square feet.¹⁷

2. Freestanding signs (includes post-mounted, stake and portable signs).

(a) Single-family zones: Temporary free-standing signs shall not exceed four (4) square feet in size and five (5) feet in height, if the sign is mounted on the ground, and not to exceed three (3) feet in height if the sign is stake-mounted or portable.

(b) Multi-family zones: Temporary free-standing signs shall not exceed six (6) square feet in size and five (5) feet in height if the sign is post mounted on the ground, and not to exceed three (3) feet in height if the sign is stake-mounted or portable.

3. Surface-mounted signs. Limited to sites two (2) acres or larger:

(a) Size. No larger than thirty-two (32) square feet.

(b) Location. Must be flatly affixed to walls below the fascia or parapet line, or flatly affixed to on-site fences either facing or abutting the street, or facing inward to the subject site. Signs shall not be attached or tethered to other site improvements.

G. Non-residential zones. Temporary signs are allowed on non-residentially zoned property in accordance with the requirements of this Section and the following:

1. Window signs. Limited to twenty-five (25) percent of the window area, subject to the window sign requirements of Section __.__.240.

2. Freestanding signs (including post-mounted, stake and portable signs):
Size/height. Limited to four (4) square feet and five (5) feet in height if the temporary sign is mounted in the ground, and not to exceed three (3) feet in height if the temporary sign is portable.

3. Surface-mounted signs:

(a) Size. Limited to thirty (30) square feet.

¹⁷ *City of Ladue v. Gilleo*, 512 U.S. 43, 114 S.Ct. 2038, 129 L.Ed.2d 36 (1994) (city's ordinance prohibiting all residential signs but those falling into one of ten exemptions, which did not allow a resident to post a "For Peace in the Gulf" sign, violated the resident's free speech rights).

(b) Location. Must be flatly affixed to walls below the fascia or parapet line, or flatly affixed to on-site fences either facing the abutting street, or facing inward to the subject site. Signs shall not be attached or tethered to other site improvements.

H. Temporary signs on large properties, residential or non-residentially zoned properties. The following temporary signs may be placed on any site at least two (2) acres in size, in accordance with the requirements of this Section and the following:

1. Type. Any type.
2. Size/height. Not to exceed sixty-four (64) square feet and up to eight (8) feet above ground level.
3. Exclusivity. The sign allowed under this subsection is in lieu of and shall not be displayed with or be in addition to other temporary signs allowed by this Section.

Section __.__.280 Window Signs.¹⁸ No permit shall issue for a permanent window sign which does not comply with the following standards:

- A. Number: No more than one permanent window sign may be placed in a single window.

Figure 21



¹⁸ *Salib v. City of Mesa*, 133 P.3d 756, (AZ 2006) (city's sign code limiting how much of a business's windows could be covered by signs did not violate free speech rights).

B. Window Coverage. Window signs (temporary and permanent) shall not exceed twenty-five (25) percent of the area of the window on which they are displayed.

C. Location. No higher than second (2nd) story windows for permanent window signs. (For the requirements applicable to temporary window signs, see Section _____.270.

D. Zone. Allowed in all zones.

E. Design. Permanent window signs are limited to individual painted or vinyl cut-out letters and graphics, or neon signs constructed with or without a solid or opaque background. Permanent signs with solid backgrounds are not permitted in windows in order to ensure maximum light and visibility through windows. Temporary window signs are exempt from the restrictions in this Subsection E.

Section _____.290 Definitions. The words and phrases used in this Section shall be construed as defined in this Chapter, unless the context clearly appears otherwise. Unless specifically defined in this Section, the definitions set forth in other provisions of this Code shall likewise apply to this Chapter.

“A”

“Abandoned sign” means a sign, the face of which has been removed or is broken and is not refaced within 180 days thereafter. Abandoned signs shall also include signs with rusted, faded, peeled, cracked or otherwise deteriorated materials or finishes that have not been repaired within 90 days after the City provides notice of the sign’s deteriorated condition under the City’s enforcement chapter (____).

“Accessory sign” means a permanent, free standing or building mounted sign of limited height and size that provides supplemental opportunity for free standing or building mounted signage on a site.

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

“A-frame sign” *see also*, portable sign or sandwich board sign, means signs capable of standing without support or attachment.

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

“Area of a sign” means the smallest square, rectangle, parallelogram or circle that will enclose the extreme limits of writing, representation, logo, or any figure of similar character, together with any frame, background area, structural trim, or other materials or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The supports or uprights on which any such sign is supported shall not be included in determining the sign area. The area of signs with two (2) faces shall be considered to be the area of the largest face. The area of signs with three (3) or more faces shall be considered to be the area of the largest face or one-half (1/2) the area of all of the faces, whichever is less.

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

“B”

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

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

“C”

“Canopy or Awning sign” – see definition under “Awning or Canopy sign” above.

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

“D”

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

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

“E”

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

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

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

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

“F”

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

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

“Flag” means a **flat** piece of cloth, with distinctive colors, patterns or symbols, **having one end of the cloth attached to a vertical staff (directly or by rope and pulley mechanism) and all other ends free-flowing under natural movement of wind.**

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

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

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

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

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

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

~~“Frontage” means the ground floor horizontal distance of a building or portion thereof occupied by the subject tenant. Building frontage shall only be measured along a ground floor wall which has a customer entrance that faces and has access onto a public open space, such as a courtyard or plaza; or is adjacent to a public street, or adjacent to a driveway or parking lot which serves that use. If any building frontage does not consist of one straight line, the frontage of any offset portion shall be projected, for computation purposes, to the extension of the line of the most forward face of the building.~~

“G”

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

“H”

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

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

“I”

“Illegal sign” means a sign which does not conform to the requirements and standards of this Chapter and which does not meet the criteria of a nonconforming sign as defined in this Definitions Section.

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

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

“L”

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

“Logo shield” means a logo contained within an area no greater than four (4) square feet, incorporated into a larger sign face or designed as an individual sign or component of a sign containing individually mounted sign graphics.

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

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

“M”

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

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

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

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

“Multitenant development” means a development consisting of three (3) or more leasable spaces.

“N”

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

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

“Night-time hours” means from one-half hour before sunset to one-half hour after sunrise.

“Nits” means a unit of measure of brightness or luminance. One (1) nit is equal to one (1) candela/square meter.

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

“Nonresidential zone” means, in the context of this Chapter, any zone that does not include residential dwelling units except for mixed use zoning districts where residential units are located above or behind nonresidential uses and the ground floor streetscape is characterized by commercial and other nonresidential uses.

“O”

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

“P”

“Painted sign” means a sign painted directly on a building or on material which is then attached to a building. *See also*, “wall sign.”

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

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

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

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

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

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

“R”

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

“Right of Way” is the strip of land platted, dedicated, condemned, established by prescription or otherwise legally established for the use of pedestrians, vehicles or utilities.

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

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

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

“S”

“Sandwich board sign” – see “A-frame sign” definition.

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

“Sign” means letters, figures, symbols, trademarks, or logos, with or without illumination, intended to identify any place, subject, person, firm, business, product, article, merchandise or point of sale. A sign also includes balloons attached to sign structures, products, streamers, spinners, pennants, flags, inflatables or similar devices intended to attract attention to a site or business, as well as architectural or structural forms, illuminated panels, spandrels, awnings and other structural or architectural features not common to classic vernacular or non-corporate regional architecture and that are intended to convey a brand, message or otherwise advertise a location or product, whether or not such features include text or graphics and whether or not they serve other practical purposes such as lighting, covering or enclosure of persons or products. A sign includes any device which streams, televises or otherwise conveys electronic visual messages, pictures, videos or images, with or without sound or odors. Refer to Section __.040 for a list of prohibited signs.

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

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

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

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

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

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

“Special event sign or temporary sign” means signs or advertising displays or a combination thereof which advertises or attracts public attention to a special one-time event, including but not limited to, the opening of a building or business activity, the sale of goods and services at discounted or otherwise especially advantageous prices or similar event.

“Static” means without motion.

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

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

“T”

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

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

“U”

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

“V”

“W”

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

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

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

“Window sign” means a sign that is attached to or is intended to be seen in, on or through a window of a building and is visible from the exterior of the window.

MEMORANDUM

Date: November 2, 2018

To: Mayor and City Council, City of Edgewood

From: Carol Morris, City Attorney

RE: Model Sign Code

Background

In 2015, the U.S. Supreme Court decided *Reed v. Town of Gilbert Arizona*, 135 S.Ct. 2218 (2015). As a result of this decision, municipalities all over the United States have been required to review and update their sign codes.

To summarize this case, the Town of Gilbert adopted a sign code that restricted the duration, size and location of certain types of signs, based on the content of the signs (those communicating a message or idea). It was challenged, and the U.S. Supreme Court held that because signs implicated the First Amendment, a municipality's restrictions on content-based signs had to satisfy a number of legal tests in order to be valid. Without describing all of these legal tests for constitutionality, suffice it to say that the Court held that a municipality can't impose strict limitations (size, durational limits, location) on one type of content-based signs, and not on another unless the less regulated sign didn't pose the same or a greater threat to the public safety/aesthetics.

In other words, if a municipality regulated signs based on the message (real estate signs, political signs, ideological signs, directional signs), because of concerns relating to aesthetics and traffic safety, but imposed different restrictions on other signs, these restrictions could only be valid if the municipality could show that the signs that were not so strictly regulated didn't cause the same problems.

City's sign code

The City has content-based sign regulations -- you need to read the content of the sign to determine which regulations apply. For example, the City imposes restrictions on "construction project signs" that do not apply to other types of temporary signs in the residential zones (see 18.90.160(U)(1)(c), which allows construction project signs up to 32 square feet "per person for duration of construction project," but under (U)(2)(c), political signs cannot exceed 16 square feet in sign area, and real estate signs shall not exceed 16 square feet in sign area, all other types cannot exceed three square feet).

City Attorney's recommendation

Since *Reed* was decided, the courts appear to be loosening up with regard to commercial signs. However, the *Reed* decision forced many municipalities to adopt a sign code that is non-content based and they have found that it is much easier to administer. The person requesting a permit for a sign simply decides the type of sign (monument, free-standing, roof, etc.), and then reviews the code for the applicable regulations (setback on the property, height, sign area, etc.) to determine what is permissible. The biggest problem appears to be the regulation of temporary signs, but even this problem can be overcome if the restrictions do not allow temporary signs to be constructed of permanent materials or mounted on permanent materials (*e.g.*, substantial wood posts, stone).

The model sign code was developed soon after *Reed* was decided. My recommendation is that the Council allow staff to tailor this model code for the City of Edgewood (using the sign code dimensions and locational requirements existing in the City's sign code to the extent possible), and then start the process for adoption as required by law (which includes forwarding it to the Planning Commission for a public hearing).

Alternatives to Recommended Action

Scheduling of an executive session with the City Attorney.

cc: Darren Groth, Community Development Director
 Executive Staff



City Of Edgewood Council Agenda Summary Sheet

SUBJECT: Hall Street Vacation Proposed vacation of a portion of Wyoming Avenue (115 th Ave. E.) and 1 st Street (1 st Street E.) in the Townsite of Jovita. This is the Council Review before public hearing on the street vacation.		Agenda Item #: 2E	
		For Agenda of: November 6, 2018	
		Prepared by: Carol Morris and Jeremy Metzler	
ATTACHMENTS (list): ☒ DRAFT Staff Report ☒ Vacation Petition ☒ Exhibit A - Map ☒ Exhibit B – Legal Description			
Approval of Materials:			
Mayor, Daryl Eidinger	☒	Expenditure Required:	N/A
Asst. City Administrator, Dave Gray	☒	Amount Budgeted:	N/A
City Attorney, Carol Morris	☒	Appropriation Required:	N/A
City Clerk, Rachel Pitzel	☒	Timeline: Public Hearing – 11/13 Council Consideration – 11/27	
Community Development Director, Darren Groth	☒		
Public Works, Jeremy Metzler	☒		
Fiscal Note/Consideration: The petitioners are required to pay all costs relating to the street vacation, including: (1) the provision of public notice; (2) cost of an appraisal to determine the value of the area proposed to be vacated; and (3) compensation to the City for the property sought to be vacated, as per the appraisal. See, EMC Section 12.14.030 and 12.14.070.			
SUMMARY STATEMENT: Here is an outline of the street vacation procedure, as described in chapter 12.14 EMC: 1. The owners of property abutting the street submit a petition to the City for the vacation. 2. The City Council establishes a date for a public hearing on the street vacation which shall not be more than 60 days nor less than 20 days after the date of the passage of the Resolution setting the public hearing. 3. Notice is provided to everyone who owns property abutting the street sought to be vacated, notice is provided to the public as set forth in EMC 12.14.030 (and as described in the Resolution). 4. If 50% of the owners of property abutting the street object to the street vacation, the City is prohibited from proceeding with the vacation. 5. The petitioners are required to pay for an appraisal of the street area. EMC 12.14.030. 6. The City staff will provide the Council with a recommendation regarding the street vacation, which will include a discussion of the factors set forth in EMC 12.14.050(A). 7. At the public hearing, the City Council will consider the factors set forth in EMC 12.14.060. In addition, the Council will decide the compensation that the petitioners will be required to pay the City for the vacated area, as set forth in EMC 12.14.070. 8. If the Council decides to vacate the street, the Council will adopt a street vacation ordinance, which may provide that the City will retain an easement in the vacated area for the construction, repair and maintenance of public utilities and services. 9. A certified copy of the ordinance is sent to the County Auditor. 10. The County Auditor places the vacated area back on the tax rolls.			

11. The City does not determine how much property each abutting property will receive in the vacated area. The City's adoption of the ordinance removes the public easement for travel and street purposes on the vacated area.

The City has received a petition from adjacent landowners Brian and Faith Hall, Mariya Chmyr and Paige Ropac (the "Hall Vacation Petition") to vacate public right-of-way, as dedicated to the public in the Plat of Jovita in 1910. We are currently at Step 6 in the procedure listed above (highlighted in red).

As previously discussed, the petition meets the requirements of EMC 12.14.010, and the matter is set for Public Hearing at next week's Regular Council meeting in accordance with EMC 12.14.010(D). Attached herewith is Staff's Report and Recommendation on the proposed vacation.

COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: N/A

RECOMMENDED ACTION: Hold the public hearing at next week's Regular Council Meeting, as scheduled.

ALTERNATIVES TO RECOMMENDED ACTION: None. The City Council is required by law to hold the public hearing on a street vacation petition.



City of Edgewood, Washington

2224 104th Avenue East, Edgewood WA 98372-1513

Phone: (253) 952-3299 Fax: (253) 952-3537

Staff Report and Recommendation Hall Street Vacation Petition

To: Edgewood City Council
From: Jeremy Metzler, PE – Public Works Director
Date: November 6, 2018
Subject: Staff Recommendation for Hall Street Vacation Petition for a vacation of a portion of Wyoming Avenue and 1st Street

CITY FILE NUMBER: 18-1268

LOCATION: Adjacent to 21-114th Avenue East, 11416 County Line Road, and 11514 County Line Road

TAX PARCELS: Adjacent to 484500-0111, -0120, -0130, -0140, -0150, and 042003-1059

APPLICANT: Brian T. & Faith D. Hall, Mariya Chmyr, and Paige A. Ropac

LEGAL DESCRIPTION: That portion of Wyoming Avenue (also known as 115th Avenue East or 14th Street Northeast) and 1st Street (also known as 72nd Avenue Northeast or 1st Street East) lying south of the Easterly extension of the Northerly line of Lot 11, Block 113 and lying East of the Southerly extension of the Westerly line of Lot 6, Block 113, TOWNSITE OF JOVITA, according to the plat thereof, recorded in Volume 10 of Plats, Page 35, in Pierce County, Washington.

ZONING: SF-2 (Single-Family Low)

COMPREHENSIVE PLAN DESIGNATION: Single Family Low

CRITICAL AREAS: There are potential wetland areas mapped near Tax Parcel Nos. 484500-0140 and -0150, in an area occupied by a detached single-family residence.

SEPA: Exempt per WAC 197-11-800(2)(i)

ATTACHMENTS:

1. Vacation Petition

2. Exhibit A – Map
3. Exhibit B – Legal Description
4. Appraisal

I. APPROVAL PROCESS

A petition for street / right-of-way vacation is reviewed by staff for conformance with all applicable laws and regulations. In this report, City staff is submitting written findings and a recommendation to the City Council for approval.

Pursuant to EMC Section 12.14.060(B):

The City Council shall hold a public hearing on the proposed vacation and shall:

1. Consider the written recommendation of staff, and the testimony/objections of abutters, the public and all verbal testimony provided at the hearing;
2. Determine whether compensation must be paid to the City under the factors set forth in Section 12.14.070, and the amount of such compensation;
3. Decide whether any conditions should be imposed on the vacation, such as the retention of an easement or the right to exercise and grant easements with respect to the vacated land for the construction, repair and maintenance of public utilities and services; and
4. Determine whether the public interest is served by such vacation.

Following the public hearing, EMC Section 12.14.060(C) states, “The City Council shall adopt written findings and conclusions in support of its decision to either grant the vacation, grant it with conditions or deny it.”

II. PROJECT ANALYSIS

Staff has determined the subject petition meets the criteria for approval established in Chapter 12.14.050(A) of the Edgewood Municipal Code, as set forth below together with staff’s recommended findings on each:

1. **The history of private and public use of the area sought to be vacated, including the type of use (pedestrian, vehicular, etc.) and length of time such use has occurred;**

The subject right-of-way was established by dedication upon recording of the plat “TOWNSITE OF JOVITA” in June 1910. There is aerial photographic evidence of private residential use by adjacent property owners since 1990, to varying degrees. There is no evidence of public use within the subject area.

2. **A description of the manner in which the area sought to be vacated was acquired (whether by dedication, public expense, etc.);**

The subject right-of-way was established by dedication upon recording of the plat “TOWNSITE OF JOVITA” in June 1910.

3. **A physical description of the street or alley area sought to be vacated, whether the right-of-way is improved, whether there are sidewalks, curbs, gutters, etc.**

The subject right-of-way area is mostly unimproved, containing no public facilities (sidewalks, curbs, gutters, roadways) or known utilities. There is aerial photographic evidence of private residential use by adjacent property owners since 1990, to varying degrees (vegetation removal, maintained lawn, gravel driveway, fencing, and at least one private residential structure).

4. **A description of all utilities or other public services that currently utilize the area sought to be vacated, whether by easement or otherwise;**

There are no known utilities or public services that utilize the subject right-of-way area.

5. **The staff’s recommendation on the functionality of the area sought to be vacated for public purposes;**

The subject right-of-way area is not recommended for any public purpose. The City owns the 100-foot wide former Interurban Railway right-of-way immediately south of the subject right-of-way area, which is for the future expansion of the Interurban Trail.

6. **Identification of any references to any planning document, such as the City’s Comprehensive Plan, the Transportation Element of the Comprehensive plan, the 6-Year Road Plan or the Capital Facilities Element of the Comprehensive Plan that mention the area sought to be vacated for any purpose;**

There are no references to the subject right-of-way area in City planning documents.

7. **The staff’s recommendation whether the area sought to be vacated will be needed in the future as part of the City’s transportation system (pedestrian, bicycle or vehicular) or for utility access, and any other matters pertinent to future use;**

Staff does not anticipate a future transportation, utility or other system need for the subject right-of-way area.

8. **The staff’s recommendation on the compensation to be paid to the City, considering the factors identified in Section 12.14.070; and**

Pursuant to EMC 12.14.070, as the subject right-of-way has been dedicated for twenty-five years or more, “the City may require the owners of the property abutting the street to compensate the City in an amount that does not exceed the full appraised value of the area vacated.” Per the attached appraisal, fair market value is \$XX,XXX. Staff offers the following findings:

- a. the subject right-of-way was dedicated to Pierce County at no cost,
- b. the City of Edgewood accepted said right-of-way from Pierce County during its incorporation at no cost,
- c. there is no evidence of public use since incorporation of the City,
- d. the City has not expended any public funds on the right-of-way.
- e. the subject area is currently being used and enjoyed exclusively by the adjacent land owners, and
- f. the City has no plans to utilize said right-of-way for public purposes.

Therefore, staff recommends that the vacation be granted for a reduced value of \$XX,000.

9. A statement that the street vacation is exempt from SEPA under WAC 197-11-800(2)(i).

Right of Way Vacations are Categorically Exempt from SEPA Threshold determinations per WAC 197-11-800(2)(i).

10. If the area proposed to be vacated abuts a body of fresh or salt water, the procedures in Section 12.14.080 shall be followed.

Not Applicable

III. STAFF RECOMMENDATION

Based on the information above and materials provided in the file, the City of Edgewood staff has determined that the vacation petition meets the applicable requirements for approval. Therefore, the City staff recommends the City Council adopt the findings in this report and **APPROVE** the Hall Street Vacation Petition, File Number 18-1268, subject to compensation for the area being vacated in the amount of \$XX,000.

VACATION PETITION

**TO THE CITY OF EDGEWOOD CITY COUNCIL
PIERCE COUNTY, WASHINGTON**

To Whom It May Concern:

We, the undersigned freeholders of the City of Edgewood, Pierce County, state of Washington, do hereby respectfully petition for the vacation of the following described property:

WYOMING AV (115TH AVE) AND 1ST ST (1ST STE) AS SHOWN
ON THE TOWNSITE OF JOVITA, SITUATED EAST OF
WISCONSIN AV (114TH AVE).

The Petitioners herein pray that this right-of-way be vacated for up to the appraised value of the area vacated as prescribed in RCW 35.79.030

Reserving, however, to the City of Edgewood and such utility companies duly franchised in the City of Edgewood, perpetual easements under or over the above-described property for the installation, operation, and maintenance of such utility facilities as they may exist at the time of this vacation.

The area to be vacated contains.....	31,850	sq. ft
The assessed value.....	TBD	per sq. ft.
Total value of land to be vacated that shall be due if the vacation is approved.....	TBD	

Notice to all parties signatory hereto:

Please print your name beneath your signature and clearly print your address to assure notice of forthcoming public hearings.

PRINCIPAL PETITIONER

ADDRESS

BRIAN T. HALL

(SEE BELOW)

253 606 0164

**ADDITIONAL PETITIONERS
INCLUDING ADJOINING OWNERS**

**PARCEL NO. OF
PROPERTY OWNER**

**COMPLETE
ADDRESS**

- | | | | |
|----|------------------------------------|-------------------|-----------------------------|
| 1. | <u>Brian T. Hall</u>
Signature | <u>4845008/20</u> | <u>11416 County Line Rd</u> |
| | <u>BRIAN T. HALL</u>
Print Name | <u>130</u> | <u>Edgewood, Wa. 98372</u> |
| | | <u>140</u> | |
| 2. | <u>Farth D. Hall</u>
Signature | | |
| | <u>Farth D. Hall</u>
Print Name | | <u>11</u> |

WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes a false statement, shall be guilty of a misdemeanor

**ADDITIONAL PETITIONERS
INCLUDING ADJOINING OWNERS**
**PARCEL NO. OF
PROPERTY OWNER**
**COMPLETE
ADDRESS**

3. [Signature] 11514 County Rd
Signature Mariya Chung Edgewood, WA 98372
Print Name
4. [Signature] 21 114th Ave E.
Signature [Signature] Edgewood WA 98372
Print Name
5. _____
Signature _____
Print Name _____
6. _____
Signature _____
Print Name _____
7. _____
Signature _____
Print Name _____

Said Petitioners believe that the above-described right-of-way is not useful as part of the City Road System, the public will be benefited by the Vacation; and, therefore, pray for the Vacation of said right-of-way as provided by law and assume responsibility for all aforementioned fees and/ or costs as per RCW Chapter 35.79.

Respectfully submitted this 19 day of July, 2018.

Note: Notice of the Vacation Hearing shall be mailed to the person designated a Principal Petitioner.
Note: Application Fee: \$3565 + \$0.10 per square foot

STATEMENT OF UNDERSTANDING

In signing this Petition, the Principal Petitioner certifies that he/ she has read and agrees to the following:

1. City of Edgewood does not warrant title to any vacated lands. Such title as does pass by virtue of the process will vest according to law.
2. Petitioners understand that abutting property owners may be required to compensate the City in an amount prescribed by RCW 35.79.030 for the area so vacated in order for the vacation to become effective.

WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes a false statement, shall be guilty of a misdemeanor

35

For reference only, not for re-sale.

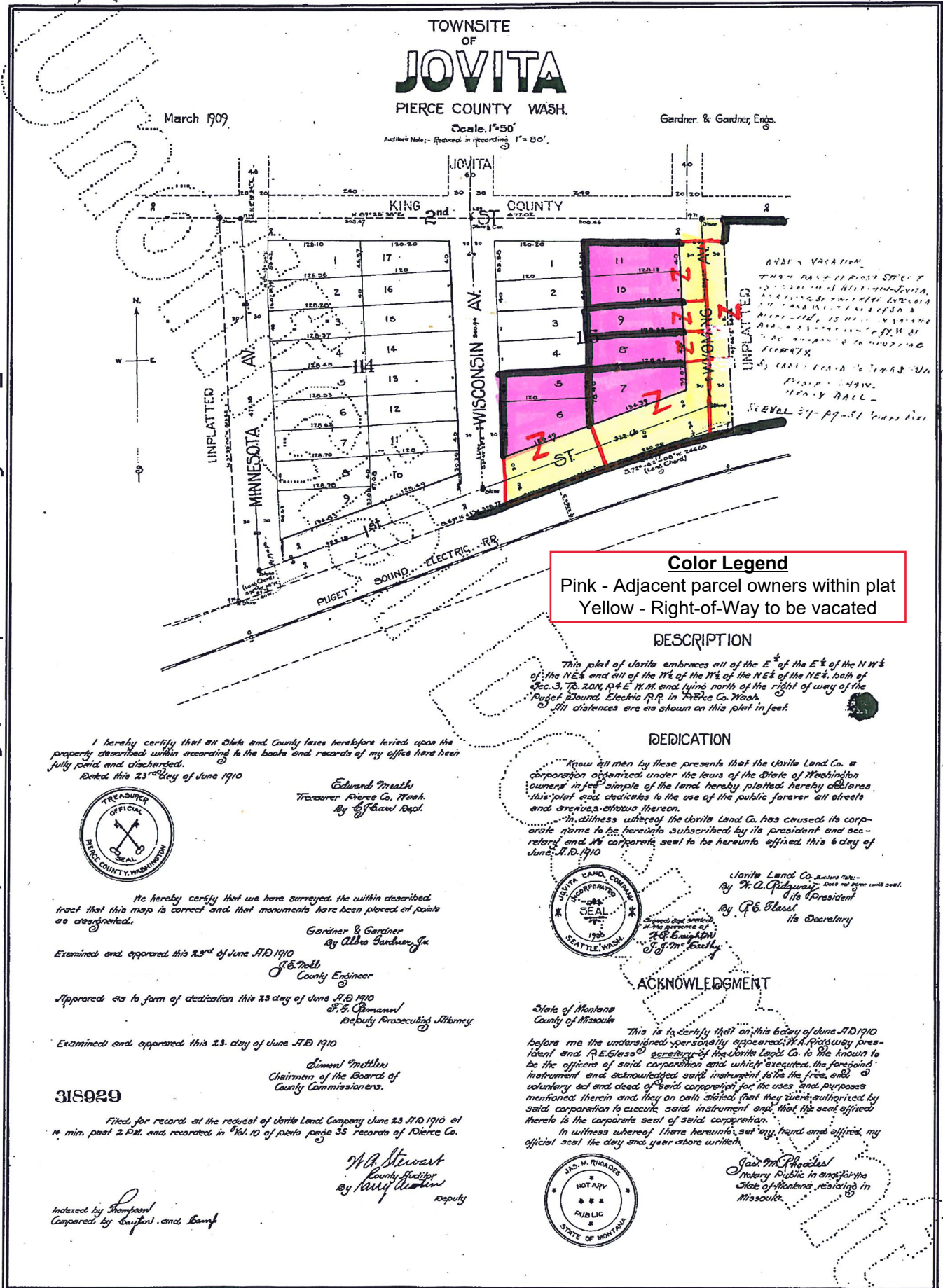


EXHIBIT 'B'

Wyoming Ave and 1st Street Right-of-Way Vacation

That portion of Wyoming Avenue (also known as 115th Avenue East or 14th Street Northeast) and 1st Street (also known as 72nd Avenue Northeast or 1st Street East) lying South of the Easterly extension of the Northerly line of Lot 11, Block 113 and lying East of the Southerly extension of the Westerly line of Lot 6, Block 113, TOWNSITE OF JOVITA, according to the plat thereof, recorded in Volume 10 of Plats, Page 35, in Pierce County, Washington.

Contains: Approximately 31,648 Square Feet, more or less.





City Of Edgewood Council Agenda Summary Sheet

SUBJECT: Proposed 2019 Property Tax Levy		Agenda Item #:		2F
		For Agenda of:		November 6, 2018
		Prepared by:		Dave Gray
ATTACHMENTS (list): ☒ Ordinance No. 18-0xxx 2019 Property Tax Levy ☒ 2019 Property Tax Levy Worksheets				
Approval of Materials:				
Mayor, Daryl Eidinger	☒	Expenditure Required:	NA	
Asst. City Administrator, Dave Gray	☒	Amount Budgeted:	\$1,796,735.02	
City Attorney, Carol Morris	☒	Appropriation Required:	NA	
City Clerk, Rachel Pitzel	☒	Timeline: Council Action 11/13/2018, Statutory Deadline for submittal is 11/30/2018.		
Community Development Director, Darren Groth	☒			
Public Works, Jeremy Metzler	☒			
Fiscal Note/Consideration: The 2019 Property Tax Levy, the 1st leg of the City's three leg sustained revenue stream, is set at \$1,706,135.38. This is an increase of \$15,829.25 over the 2018 Levy of \$1,690,306.13. The increase represents a percentage increase of .936472% (less than 1%). For a property value of \$300,000 the increase represents a higher property tax bill of about \$2.81 for the year (\$300,000/1000*.00936472). The fiscal budget shows a total estimate for property tax collection in 2019 of \$1,796,735.02. The larger amount is due to new construction of \$85,767.40, which is paid by those 2018 newly constructed properties coming onto the 2019 tax roll, at the 2018 tax rate, and from a combination of State Owned Properties and an increase in collections for 2019 due to 2018 refunds, the total of which is \$4,832.24 (\$1,706,135.38+\$85,767.40+\$4,832.24).				
SUMMARY STATEMENT: Annually the City Council considers setting the property tax levy (a fixed dollar amount to be collected) for the coming fiscal year. 2018 valuations will be collected in 2019 at a millage rate set after a public hearing, generally on the same night. By law (RCW 85.55.005), the City is restricted as to how much the increase, without a vote of the public, can be. That restriction is generally held to 1% of the previous total property tax collection from the prior year. The actual test is two tiered and a bit more complex, as outlined in the RCW 85.55.005) In 2019 the increase is less than one percent (1%) because of refunds, mostly due to tax appeals granted for the 2018 collection year, that affect the test for the current year. In addition to the regular levy, the City receives property tax revenue in 2019 generated from 2018 New Construction coming onto the tax roll. The City also receives an increase for those previously mentioned 2018 refunds, as they "held down" the amount the City was able to levy in 2018, calculated on the 2017 levy worksheet.				

COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: *State when item went to what committee/commission and their recommendation.*

RECOMMENDED ACTION: MOTION to adopt/approve.....

ALTERNATIVES TO RECOMMENDED ACTION:

- 1) Do not adopt
- 2) Forward to Study Session for further review

ORDINANCE NO. 18-xxx

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF EDGEWOOD, WASHINGTON, SETTING
THE PROPERTY TAX LEVY FOR FISCAL YEAR 2019**

WHEREAS, the City of Edgewood attests that the City's population is 10,990; and

WHEREAS, the City Council of the City of Edgewood has properly given notice of a public hearing on revenue sources for the City's following year's current expense budget, held on November 13, 2018. The hearing included the City's consideration of possible increases in property tax revenues for fiscal year 2019, pursuant to RCW 84.55.120; and

WHEREAS, the City of Edgewood's highest lawful levy amount since 1985 was \$1,689,242.95; and

WHEREAS, the City of Edgewood's actual levy amount from the previous year was \$1,690,306.13.

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

Section 1. Property Tax Levy. An increase in the regular property tax levy is hereby authorized for the levy to be collected in the 2019 tax year. The dollar amount of the increase over the actual levy amount from the previous year shall be \$15,829.25 which is a percentage increase of .936472% from the previous year. This increase is exclusive of additional revenue resulting from new construction, improvements to property, newly constructed wind turbines, any increase in the value of state assessed property, any annexations that have occurred and refunds made.

Section 2. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 3. Certified Copies To Be Filed. Pursuant to RCW 84.52.020, the City Clerk is hereby directed to file certified copies of this Ordinance with the appropriate Pierce County authorities.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after publication in the City's official newspaper.

**PRESENTED TO COUNCIL FOR FIRST READING AND ADOPTION ON
NOVEMBER 13, 2018.**

SIGNED BY:

Mayor Daryl Eiding

ATTEST/AUTHENTICATED:

City Clerk Rachel Pitzel, CMC

APPROVED AS TO FORM:

City Attorney Carol Morris

Date of Publication:

Effective Date:

**CITY OF EDGEWOOD
2224 - 104th Ave. East
Edgewood, WA 98371
(253) 952-3299
Fax: (253) 952-3537**

LEGAL NOTICE

Date:

NOTICE OF ORDINANCE PASSED BY EDGEWOOD CITY COUNCIL

The following is a summary of an Ordinance passed by the City of Edgewood City Council on the 13th day of November, 2018, and shall take effect and be in full force on the 18th day of November, 2018.

ORDINANCE NO. 18-xxxx

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD,
WASHINGTON, SETTING THE PROPERTY TAX LEVY FOR FISCAL YEAR 2019**

The full text of the Ordinance is available at the City Clerk's office, Edgewood City Hall, 2224 - 104th Ave. East, Edgewood, WA 98371 (253) 952-3299.

City Clerk, Rachel Pitzel, CMC

Published in the News Tribune on:



Levy Certification

Submit this document to the county legislative authority on or before November 30 of the year preceding the year in which the levy amounts are to be collected and forward a copy to the assessor.

In accordance with RCW 84.52.020, I, Rachel Pitzel,
(Name)

City Clerk, for Edgewood, do hereby certify to
(Title) (District Name)

the Pierce County legislative authority that the Council
(Name of County) (Commissioners, Council, Board, etc.)

of said district requests that the following levy amounts be collected in 2019 as provided in the district's
(Year of Collection)

budget, which was adopted following a public hearing held on 11/13/18:
(Date of Public Hearing)

Regular Levy: \$1,791,902.78
(State the **total** dollar amount to be levied)

Excess Levy: _____
(State the **total** dollar amount to be levied)

Refund Levy: \$4,832.24
(State the **total** dollar amount to be levied)

Signature: _____

Date: 11/14/18

To ask about the availability of this publication in an alternate format for the visually impaired, please call (360) 705-6715. Teletype (TTY) users, please call (360) 705-6718. For tax assistance, call (360) 534-1400.



City Of Edgewood Council Agenda Summary Sheet

SUBJECT: Carrera Holdings Segregation		Agenda Item #:		2H
		For Agenda of:		November 6, 2018
		Prepared by:		Dave Gray
ATTACHMENTS (list): ☒ Resolution No. 18-0xxx : Carrera Holdings LID Assessment Segregation ☒ Exhibits A,B,C & D (segregation worksheets & application)				
Approval of Materials:				
Mayor, Daryl Eidinger	☒	Expenditure Required:	<u>\$0</u>	
Asst. City Administrator, Dave Gray	☒	Amount Budgeted:	<u>\$0</u>	
City Attorney, Carol Morris	☒	Appropriation Required:	<u>\$0</u>	
City Clerk, Rachel Pitzel	☒	Timeline: <i>enter a timeline if applicable</i>		
Community Development Director, Darren Groth	☒			
Public Works, Jeremy Metzler	☒			
Fiscal Note/Consideration: Action has no economic impact upon the City. The property owner has prepaid the application fee of \$975.00.				
SUMMARY STATEMENT: Approval of Boundary Line Adjustment No. 4723 resulted in parcel configuration changes that no longer reflect the final assessment roll of Local Improvement District No. 1 as originally confirmed and adopted by the City Council and that do not correspond to tax parcel numbers now assigned by the Pierce County Assessor's Office. RCW 35.44.410 sets forth the authority and procedures for segregating assessments when land is changed by a boundary line adjustment. If Council adopts Resolution No. 18-0000 a separate assessment lien will be recorded against each new parcel. The sum of the new assessments will equal the sum of the original assessments before segregation and the security of outstanding district obligations payable from such assessments will be preserved by reallocating the original assessments to the new parcel numbers assigned by the Pierce County Assessor's Office.				
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: <i>State when item went to what committee/commission and their recommendation.</i>				
RECOMMENDED ACTION: MOTION to adopt Resolution 18-xxxx, granting segregation of the Carrera Holdings LID Sewer Assessment.				
ALTERNATIVES TO RECOMMENDED ACTION: 1) Do not adopt 2) Forward to Study Session for further review				

RESOLUTION NO. 18-0000

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON TO SEGREGATE ORIGINAL ASSESSMENTS UNDER LOCAL IMPROVEMENT DISTRICT NO. 1, PURSUANT TO SECTION 35.44.410 OF THE REVISED CODE OF WASHINGTON

WHEREAS, the City of Edgewood has received written request from the owner of property identified on the application form attached as Exhibit A requesting the segregation of original assessments within Local Improvement District No. 1; and

WHEREAS, Section 35.44.410 of the Revised Code of Washington authorizes the City Council to order the segregation of local improvement district assessments whenever property subject to such assessments is altered by a boundary line adjustment; and

WHEREAS, the parcels affected by this segregation are identified on the original parcel map attached as Exhibit B; and

WHEREAS, the revised parcel configuration is shown on the diagram attached as Exhibit C; and

WHEREAS, RCW 35.44.410 requires that the sum of the new assessments equal the sum of the original assessments before segregation; and

WHEREAS, this segregation will continue to protect the outstanding district obligations payable from such assessments and preserve the security of the liens by reallocating the original assessments to the new parcel numbers assigned by the Pierce County Assessor's Office;

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

Section 1. The assessment roll of Local Improvement District No. 1, which was confirmed and adopted by Ordinance No. 11-0366 on July 19, 2011, shall be modified to reflect the requested segregation.

Section 2. The original assessments shall be segregated in accordance with Section 35.44.410 of the Revised Code of Washington to real property located in Local Improvement District No. 1 and shall result in amended assessments as shown in the table attached hereto and incorporated by this reference as Exhibit D.

Section 3. The combined sum of the amended assessments shall equal the sum of the original assessments before segregation, and the assessment roll is in all other respects reaffirmed.

Section 4. Effective Date. This resolution will take effect immediately upon passage by the City Council.

ADOPTED this 13th day of NOVEMBER, 2018

Daryl Eiding, Mayor

ATTEST:

Rachel Pitzel, City Clerk

Exhibit A — Segregation Request

CITY OF EDGEWOOD

APPLICATION TO SEGREGATE LID ASSESSMENT

**PLEASE COMPLETE AND
RETURN THIS FORM TO:**

City of Edgewood, Finance Department
2224 104th Ave E, Edgewood WA 98372-1513

Property Owner:	Carrera Holdings LLC		
Address	15215 SE 272nd Street Suite 201		
City, State & Zip	Kent WA 98042-9918		
Telephone:		Email:	

Existing Parcels (Tax Parcel No.)	Original Assessment
042010-2033	\$606,534.00
042010-2104	\$878,380.00
042010-2108	\$22,109.00

New Parcel Descriptions
042010-2110
042010-2111
042010-2112
042010-2113

(If additional space is required, please attach the requested information on a separate sheet)

1. The undersigned holds an ownership interest in the above referenced parcel(s) located within a local improvement district in the City of Edgewood, Pierce County, Washington.
2. The City of Edgewood is hereby requested to segregate the assessment amount(s) listed above in accordance with the new property configuration.
3. This application for segregation of assessment is made under the provisions of § 35.44.410 of the *Revised Code of Washington*.

Applicant (please print)

Signature

Date

Mike Chaffera

[Signature]

10-24-18

ASSESSMENT SEGREGATION FEE

A segregation fee is due in accordance with §35.44.410 of the *Revised Code of Washington*. The fee for less than 10 new assessed parcels is \$975. Please include payment with this completed form. Questions may be directed to Public Finance at (425) 885-1604.

CITY USE: RECEIPT # 5351

DATE 10/24/18

BY J.B.

Exhibit B — Original Parcel Map

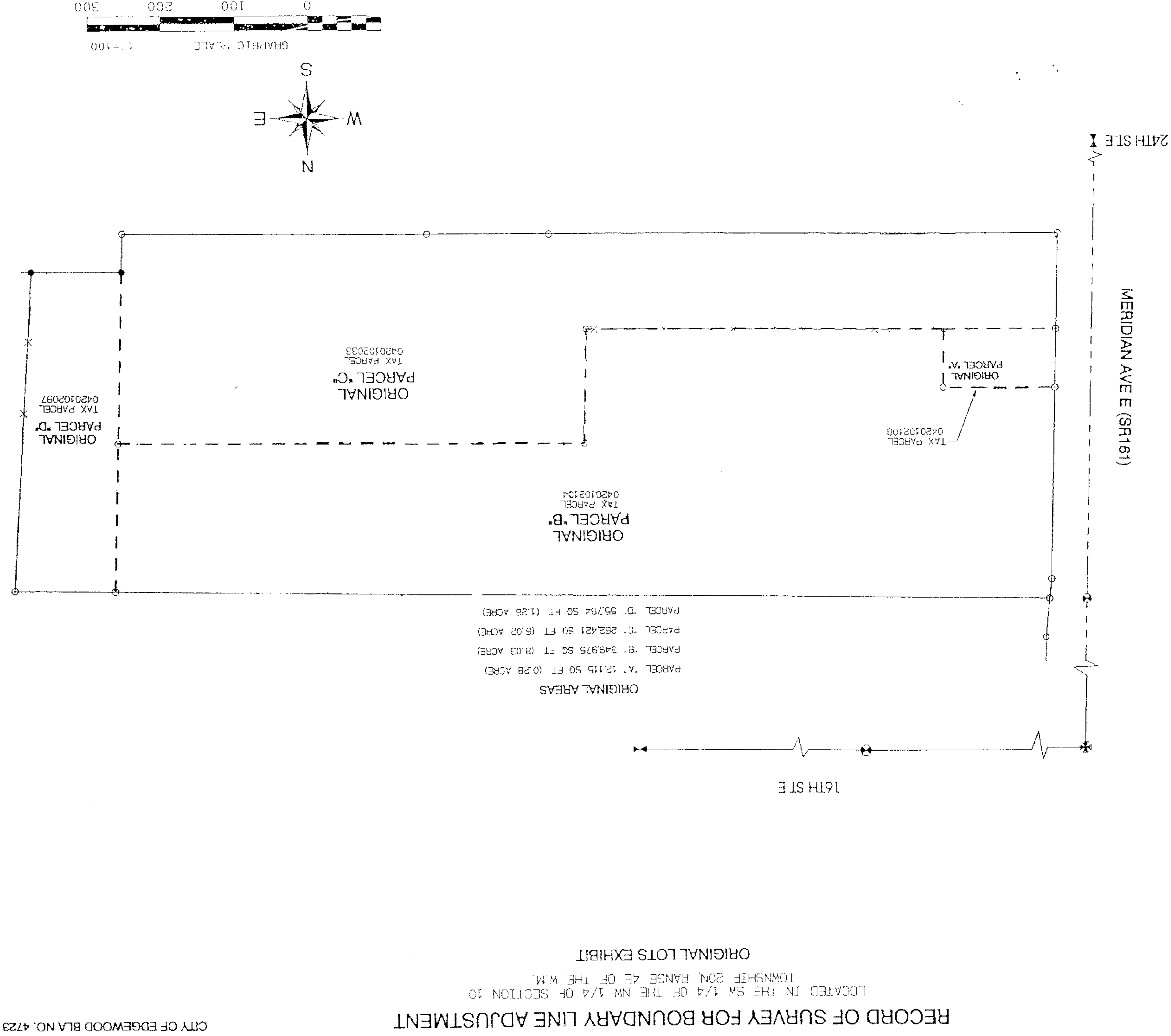


Exhibit C — Revised Parcel Diagram

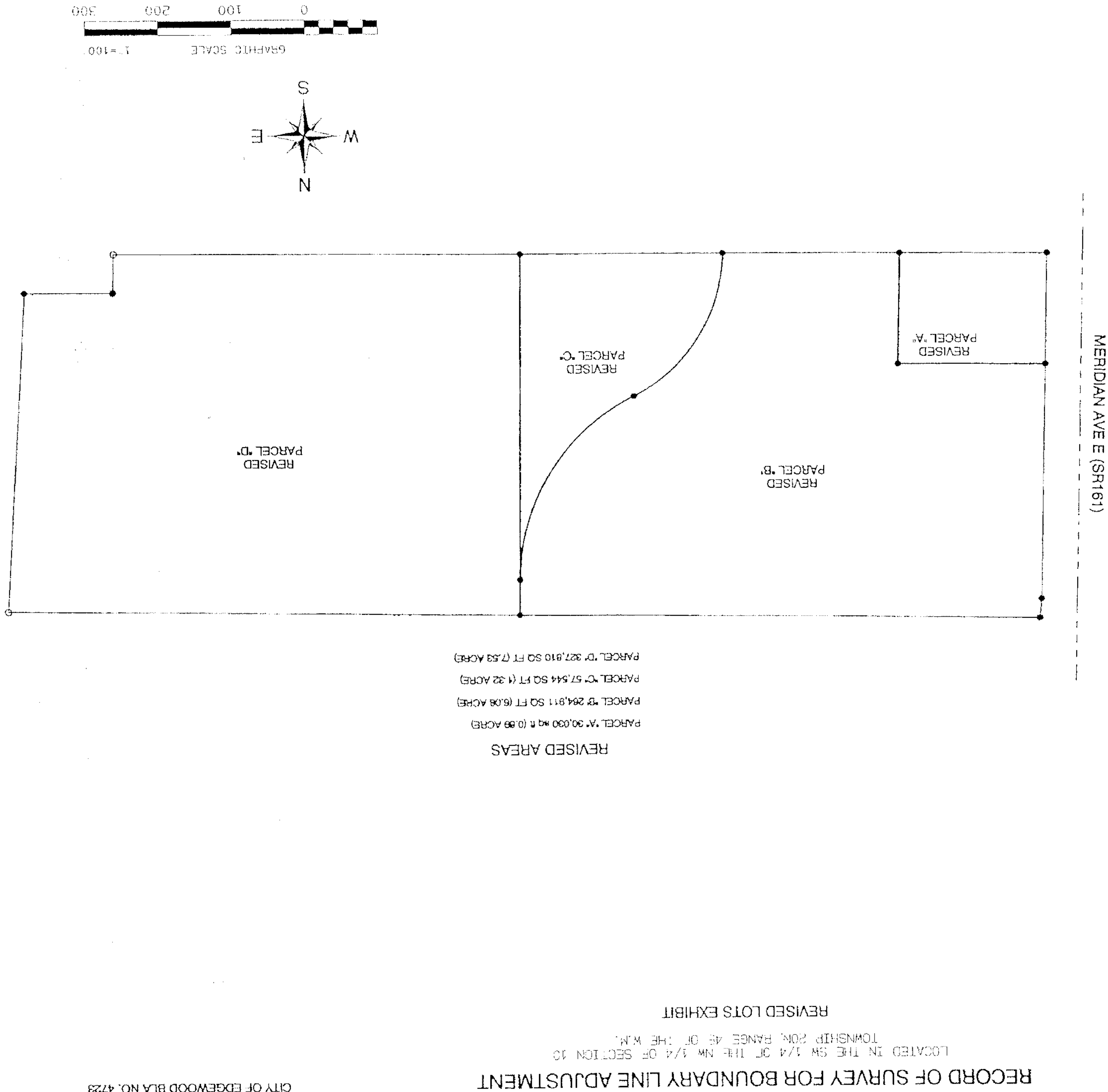


Exhibit D — Segregation of Assessments

CITY OF EDGEWOOD

Sewer Local Improvement District No. 1

ORIGINAL ASSESSMENTS

Account	Tax Parcel Number	Assessment	Prin Balance	Interest Due	Pay in Full
074	042010-2033	\$606,534.00	\$390,378.06	\$17,834.34	\$408,212.40
073	042010-2104	\$878,380.00	\$565,898.20	\$25,852.96	\$591,751.16
072	042010-2108	\$22,109.00	\$13,182.66	\$0.00	\$13,182.66
		\$1,507,023.00	\$969,458.92	\$43,687.30	\$1,013,146.22

AMENDED ASSESSMENTS

Account	Tax Parcel Number	Assessment	Prin Balance	Interest Due	Pay in Full
072A	042010-2110	\$57,783.59	\$37,559.33	\$1,596.27	\$39,155.60
072B	042010-2111	\$612,289.14	\$394,000.43	\$17,725.64	\$411,726.07
072C	042010-2112	\$116,438.15	\$74,456.53	\$3,466.45	\$77,922.98
072D	042010-2113	\$720,512.12	\$463,442.63	\$20,898.94	\$484,341.57
		\$1,507,023.00	\$969,458.92	\$43,687.30	\$1,013,146.22