

**TOWN OF EATONVILLE - 2019 Development Regulations Amendment
Growth Management Services Town Checklist – DEVELOPMENT REGULATIONS**

10. Regulations designating and protecting critical areas are required by RCW 36.70A.170 , RCW 36.70A.060(2) and RCW 36.70A.172(1) .			
	Addressed in current plan or regs? If yes, where?	Changes needed to meet current statute? Notes	Notes
10A. Classification and designation of each of the five types of critical areas (<i>wetlands, critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas</i>), if they are found within your city.	X Yes No Location(s) 15.16.121 (DRAFT) 15.16.141 15.16.161 15.16.171 15.16.172 15.24.101 15.24.103	X Yes No	The Town has adopted regulations regarding the classification and designation of wetlands, critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. However, as part of the update process the Town’s wetland regulations are being updated; instead of using fixed buffer widths, the Town is proposing a variable buffer width approach that considers proposed development use intensity to balance wetland buffer requirements. See the attached DRAFT proposal: “ <i>TOWN OF EATONVILLE - 2019 Development Regulations Amendment, Critical Areas – WETLANDS</i> ”
10B. Findings that demonstrate Best Available Science (BAS) was included in developing policies and development regulations to protect the function and values of critical areas. In addition, findings should document special consideration given to conservation or protection measures necessary to preserve or enhance anadromous fisheries. RCW 36.70A.172(1) ; WAC 365-195 , WAC 365-195	X Yes No Location(s) 15.16.102.A. 15.16.103; BAS 15.16.109.B. 15.16.111.D. 15.16.113.A. 15.16.114.A. 15.16.116.B. 15.16.180 Refs CP 9.2 CP 9.3.6 BAS Goal LU-5; P 5b	X Yes No	AMEND: Title Chapter 15.16 CRITICAL AREAS CODE 15.16.177 Best Available Science. (<i>new section</i>) 15.16.180 References As part of the update process of the Town’s critical areas code, new regulations and updated Best Available Science references are being proposed and updated respectively. See the attached DRAFT proposal: “ <i>TOWN OF EATONVILLE - 2019 Development Regulations Amendment, Critical Areas - BEST AVAILABLE SCIENCE</i> ”.

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<p>10C. Regulations that protect the functions and values of wetlands. RCW 36.70A.060(2) and RCW 36.70A.172(1) WAC 365-190-090</p>	<p>X Yes No Location(s) 15.16.123 (DRAFT) 15.16.124 (DRAFT)</p>	<p>X Yes No</p>	<p>As part of the update process the Town’s wetland regulations are being updated, which include regulations that protect the functions and values of wetlands; 15.16.123 and 15.16.124. See the attached DRAFT proposal: “TOWN OF EATONVILLE - 2019 Development Regulations Amendment, Critical Areas – WETLANDS”</p>
<p>10D. A definition of wetlands consistent with RCW 36.70A.030(21) WAC 365-190-090, WAC 173-22-035</p>	<p>Yes X No Location(s)</p>	<p>X Yes No</p>	<p>The Town’s code does not include the required definition of “wetlands”. AMEND: Title Chapter 15.16 CRITICAL AREAS CODE 15.16.103 Definitions. <u>“Wetland” or “wetlands” means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.</u></p>
<p>10E. Delineation of wetlands using the approved federal wetlands delineation manual and applicable regional supplements [RCW 36.70A.175, RCW 90.58.380 (1995)(2011)] WAC 173-22-035</p>	<p>Yes X No Location(s)</p>	<p>X Yes No</p>	<p>As part of the update process the Town’s wetland regulations are being updated, which include a requirement that the delineation of wetlands be completed using the approved federal wetlands delineation manual and applicable regional supplements; 15.16.121. See the attached DRAFT proposal: “TOWN OF EATONVILLE - 2019 Development Regulations Amendment, Critical Areas – WETLANDS”</p>
<p>10F. Regulations that protect the functions and values of</p>	<p>X Yes No</p>	<p>X Yes No</p>	<p>The Town has adopted regulations that protect the functions and values of critical aquifer recharge areas. However, for additional amplification of the</p>

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<p>critical aquifer recharge areas (“areas with a critical recharging effect on aquifers used for potable water” RCW 36.70A.030(5)(b)). RCW 36.70A.060(2), RCW 36.70A.172(1) and WAC 365-190-100</p>	<p>Location(s)</p> <p>15.16.141 15.16.142 15.16.144 15.16.145 15.16.146 15.16.147</p>	<p>Town’s comprehensive plan, the following amendments are proposed:</p> <p>AMEND: Title Chapter 15.16 CRITICAL AREAS CODE</p> <p>15.16.141 Critical aquifer recharge areas – Designation and susceptibility rating. The town is aware of two critical aquifer recharge areas in its jurisdiction, <u>the Northwestern Class 2 Aquifer and the Southeastern Class 1 Aquifer, which is associated with Town potable water supplies. The Town’s critical aquifer recharge areas map is located in the Comprehensive Plan, Figure 9-2.</u> Upon discovery of scientific data attesting to the existence of additional critical aquifer recharge areas, the town will enforce this code upon said areas.</p> <p>15.16.146 Critical aquifer recharge areas – Substantive requirements.</p> <p>G. <u>Proposed new development shall meet the critical aquifer recharge area standards herein and existing facilities proposed for improvement shall be retrofitted, where feasible and practicable, to meet the standards.</u></p> <p>H. <u>Natural and engineered solutions to maintain aquifer recharge quality shall be used. Natural solutions (e.g., maintaining undisturbed vegetation) are preferred when practicable.</u></p> <p>I. <u>Development proposed within critical aquifer recharge areas shall comply with applicable stormwater management requirements, Chapter 16.54.</u></p> <p>J. The uses listed below shall be conditioned as necessary to protect critical aquifer recharge areas in accordance with the applicable state and federal regulations.</p> <p style="text-align: center;">Statutes, Regulations, and Guidance Regarding Groundwater-Impacting Activities</p> <table border="1" data-bbox="991 1232 1850 1352"> <thead> <tr> <th data-bbox="991 1232 1289 1268">Activity</th> <th data-bbox="1289 1232 1850 1268">Statute – Regulation – Guidance</th> </tr> </thead> <tbody> <tr> <td data-bbox="991 1268 1289 1352">Above-ground storage tanks</td> <td data-bbox="1289 1268 1850 1352">WAC 173-303-640</td> </tr> </tbody> </table>	Activity	Statute – Regulation – Guidance	Above-ground storage tanks	WAC 173-303-640
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Above-ground storage tanks	WAC 173-303-640					

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			Animal feedlots*	Chapters 173-216 and 173-220 WAC
			Automobile washers	Chapter 173-216 WAC, Best Management Practices for Vehicle and Equipment Discharges (Washington State Department of Ecology WQ-R-95-56)
			Below-ground storage tanks*	Chapter 173-360 WAC
			Chemical treatment storage and disposal facilities*	WAC 173-303-182
			Hazardous waste generator*	Chapter 173-303 WAC (boat repair shops, biological research facility, dry cleaners, furniture stripping, motor vehicle service garages, photographic processing, printing and publishing shops, etc.)
			Injection wells	Federal 40 CFR Parts 144 and 146 , Chapter 173-218 WAC
			Junk yards and salvage yards*	Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Vehicle Recycler Facilities (Washington State Department of Ecology 94-146)
			Oil and gas drilling*	WAC 332-12-450 , Chapter 173-218 WAC
			On-site sewage systems (large-scale)*	Chapter 173-240 WAC
			On-site sewage systems (< 14,500 gal./day)	Chapter 246-272 WAC, local health ordinances
			Pesticide storage and use*	Chapters 15.54 and 17.21 RCW
			Sawmills*	Chapters 173-303 and 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Log Yards (Washington State Department of Ecology, 95-53)

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			<table border="1" data-bbox="993 207 1850 480"> <tr> <td data-bbox="993 207 1289 293">Solid waste handling and recycling facilities*</td> <td data-bbox="1289 207 1850 293">Chapter 173-304 WAC</td> </tr> <tr> <td data-bbox="993 293 1289 342">Surface mining*</td> <td data-bbox="1289 293 1850 342">WAC 332-18-015</td> </tr> <tr> <td data-bbox="993 342 1289 480">Waste water application to land surface*</td> <td data-bbox="1289 342 1850 480">Chapters 173-216 and 173-200 WAC, Washington State Department of Ecology Land Application Guidelines, Best Management Practices for Irrigated Agriculture</td> </tr> </table> <p data-bbox="993 496 1898 561"><u>NOTE: The uses noted with an asterisk (*) in the above table are prohibited in Class 1 Critical Aquifer Recharge Areas.</u></p> <p data-bbox="957 602 1898 1024">15.16.103 Definitions. <u>"Critical aquifer recharge areas" are areas with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge. "Critical aquifer recharge area" means an area with a critical recharging effect on aquifers used for potable water, as discussed in WAC 365-190-080(2). Within such areas, pollutants seeping into the ground are likely to contaminate the water supply. There are 2 classes of critical aquifer recharge areas: Class 1 Critical Aquifer Recharge Areas are those associated with Town potable water supplies; Class 2 Critical Aquifer Recharge Areas are all other recharge areas not associated with Town potable water supplies.</u></p>	Solid waste handling and recycling facilities*	Chapter 173-304 WAC	Surface mining*	WAC 332-18-015	Waste water application to land surface*	Chapters 173-216 and 173-200 WAC, Washington State Department of Ecology Land Application Guidelines, Best Management Practices for Irrigated Agriculture
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<p>10G. Regulations to protect the quality and quantity of ground water used for public water supplies. RCW 36.70A.070(1)</p>	<p>X Yes No Location(s) 15.16.141 15.16.142 15.16.144 15.16.145 15.16.146 15.16.147</p>	<p>X Yes No</p>	<p>The Town has adopted regulations that protect the functions and values of critical aquifer recharge areas. However, for additional amplification of the Town’s comprehensive plan, please see the proposed amendment above included under Notes in 10F.</p>						

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<p>10H. Regulations that protect the functions and values of fish and wildlife habitat conservation areas. RCW 36.70A.060(2) and RCW 36.70A.172(1) WAC 365-195-925(3), 365-190-130</p>	<p>X Yes No Location(s) 15.16.171 15.16.172 15.16.173 15.16.174 15.16.175</p>	<p>Yes X No</p>	<p>Consistent with the guidance and requirements RCW 36.70A.060(2), RCW 36.70A.172(1), WAC 365-195-925(3) and 365-190-130, the Town has adopted regulations that protect the functions and values of fish and wildlife habitat conservation areas. Moreover, special consideration is given to anadromous fish; one example is that Town regulations prohibit development that will degrade the functions or values of anadromous fish habitat, including but limited to structures or fills which impact migration or spawning. Species listings are up to date.</p>
<p>10I. Regulations that protect the functions and values of frequently flooded areas. RCW 36.70A.060(2) and RCW 36.70A.172(1) WAC 365-190-110, WAC 173-158-040</p>	<p>X Yes No Location(s) 15.24.101 15.24.102 15.24.103 15.24.104 15.24.105</p>	<p>Yes X No</p>	<p>Consistent with the guidance and requirements RCW 36.70A.060(2), RCW 36.70A.172(1), WAC 365-190-110 and WAC 173-158-040, the Town adopted new flood plain regulations (the Model Ordinance) in 2017, which was reviewed and approved by federal (FEMA), state (e.g. WSDOE, Commerce) and local agencies, and includes regulations that protect the functions and values of frequently flooded areas.</p>
<p>10J. Definition of “fish and wildlife habitat conservation areas” does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company. New in 2012. RCW 36.70A.030(5)</p>	<p>Yes X No Location(s)</p>	<p>X Yes No</p>	<p>The Town’s code does not include the required definition of “fish and wildlife habitat conservation areas”.</p> <p>AMEND: Title Chapter 15.16 CRITICAL AREAS CODE 15.16.103 Definitions. “Critical area” includes the following areas and ecosystems: (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; and (d) geologically hazardous areas. “Fish and wildlife habitat conservation areas” does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company (RCW 36.70A.030(5)). Frequently flooded areas shall be administered under Chapter 15.24 EMC. <u>“Fish and wildlife habitat conservation areas” are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will</u></p>

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			<u>persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.</u>
10K. Provisions to ensure water quality and stormwater drainage regulations are consistent with applicable Land Use Element policies. RCW 36.70A.070(1)	X Yes No Location(s) CA-2; P.6. LU-5; 5.a. 8.9.3; 5.b) 16.54.020	Yes X No	Consistent with the guidance and requirements RCW 36.70A.070(1), the Town has regulations that are consistent with the policies in the 2015 comprehensive plan (adopted in 2018). Also in 2018, the Town updated the Stormwater Management and Erosion Control regulations section 16.54.020. The amended code requires the use of the most current Washington State Department of Ecology Stormwater Management Manual for Western Washington for site development proposals, which was reviewed and approved by state and local agencies.
10L. Regulation of geologically hazardous areas consistent with public health and safety concerns. RCW 36.70A.030(9) , RCW 36.70A.060(2) and RCW 36.70A.172(1) WAC 365-190-120	X Yes No Location(s) 15.16.161 15.16.162 15.16.163 15.16.164 15.16.165	X Yes No	Consistent with the guidance and requirements RCW 36.70A.030(9), RCW 36.70A.060(2), RCW 36.70A.172(1) and WAC 365-190-120, the Town has adopted rules that regulate geologically hazardous areas consistent with public health and safety concerns. However, the Town’s code does not include a definition of “geologically hazardous areas”. AMEND: Title Chapter 15.16 CRITICAL AREAS CODE 15.16.103 Definitions. <u>“Geologically hazardous areas” means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not well suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.</u>
10M. Provisions that allow “ reasonable use ” of properties constrained by presence of critical areas.	X Yes No Location(s)	Yes X No	In order to avoid unconstitutional takings of private property, the Town has adopted regulations that allow for reasonable use of properties constrained by the presence of critical areas.

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<p>RCW 36.70A.370. See Attorney General's Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property for guidance</p>	<p>15.16.102 15.16.113.C. 15.16.114.B.</p>		
<p>10N. If your city is assuming regulation of forest practices as provided in RCW 76.09.240: forest practices regulations that protect public resources, require appropriate approvals for all phases of conversion of forest lands, are guided by GMA planning goals, and are consistent with adopted critical areas regulations. RCW 36.70A.570, Amended in 2007, 2010 and RCW 76.09.240 Amended in 2007, 2010 <i>Note: Applies only to counties fully planning under the GMA with a population greater than 100,000 and the cities and towns within those counties where a certain number of Class IV applications have been filed within a certain timeframe.</i></p>	<p>Yes X No Location(s) Does not apply</p>	<p>Yes X No</p>	<p>DOES NOT APPLY. The Town of Eatonville has not assumed the regulation of DNR regulated forest practices.</p>
<p>11. Shoreline Master Program See Washington State Department of Ecology's SMP Submittal Checklist</p>			
<p>11A. Zoning is consistent</p>	<p>X Yes</p>	<p>Yes</p>	<p>Eatonville zoning is consistent with the existing and proposed updates of the</p>

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<p>with Shoreline Master Program (SMP) environmental designations. RCW 36.70A.070; RCW 36.70A.480 and WAC 365-196-580</p>	<p>No Location(s) 18.03.020; Eatonville Shoreline Master Program Map</p>	<p>X No</p>	<p>Shoreline Master Program (SMP) environmental designations.</p>
<p>11B. <i>If SMP regulations</i> have been updated to meet Ecology’s shoreline regulations: protection for critical areas in shorelines is accomplished solely through the SMP. RCW 36.70A.480(4), Amended in 2003 and 2010 and RCW 90.58.090(4). WAC 365-196-580</p>	<p>X Yes No Location(s) SMP update & adoption process currently underway; Title 15 Environmental Protection</p>	<p>X Yes No</p>	<p>The Town of Eatonville is currently in the process of adopting an updated Shoreline Master Program (SMP), which is anticipated to be completed by October 2019. The updated SMP proposal is currently with the Washington Department of Commerce and interested agencies for review and comment. In addition to the requirements of the Shoreline Master Plan, the Town also has critical area regulations (Title 15) that apply on a Town-wide basis, including shoreline areas.</p>
<p>12. The Zoning Code should contain the following provisions:</p>			
<p>12A. Family daycare providers are allowed in areas zoned for residential or commercial uses. Zoning conditions should be no more restrictive than those imposed on other residential dwellings in the same zone, but may address drop-off and pickup areas and hours of operation.</p>	<p>X Yes No Location(s) 18.08.040.B.1; 18.08.020.B.; 18.02.290; 18.04.010.E.3; 18.04.020.E.3; 18.04.030.E.3; Etc.</p>	<p>X Yes No</p>	<p>AMEND: Title Chapter 18.02 DEFINITIONS 18.02.097—096 Dangerous wastes. 18.02.097 Day care center. See 18.02.290 “Nursery school”. 18.02.290 Nursery school or day care center. “Nursery school” or “day care center” means a building or structure in which an agency, person or persons regularly provide care for a group of children (more than twelve) for periods of less than 24 hours a day. Nursery school or day care centers include family day care homes, out-of-home child mini-day</p>

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<p>RCW 36.70A.450, WAC 365-196-865</p>			<p>care centers and child day care centers regulated by the Washington State Department of Social and Health Services.</p> <p><u>18.02.188 Home child care.</u> <u>"Home child care" means a person who regularly provides child care and early learning services for not more than twelve children. Children include both the provider's children, close relatives and other children irrespective of whether the provider gets paid to care for them. They provide their services in the family living quarters of the day care provider's home.</u></p> <p>AMEND: Title Chapter 18.08 GENERAL AND SUPPLEMENTARY PROVISIONS 18.08.040 Home occupations. B. Home Occupations Permitted. Home occupations which meet the requirements of this section are permitted in every zone where a dwelling unit was lawfully established. The requirements of this section shall not apply to the following home occupations: 1. Home child care, <u>subject to compliance with the development standards of EMC 18.08.020.B.6 and 8;</u></p>
<p>12B. Manufactured housing is regulated the same as site-built housing. RCW 35.21.684, 35.63.160, 35A.21.312 and 36.01.225, All Amended in 2004</p>	<p>X Yes No Location(s) 18.02.119 18.02.262</p>	<p>X Yes No</p>	<p>AMEND: 18.02.119 Dwelling, single-family. "Single-family dwelling" means a detached residential dwelling unit, other than a mobile home, designed for and occupied by one family only. AMEND: 18.02.262 Mobile/manufactured home. "Mobile/manufactured home" means a residential unit <u>(Single-family dwelling) constructed after June 15, 1976</u> on one or more chassis for towing to the point of use and designed to be used with a foundation as a dwelling unit on a year-round basis, and which bears an insignia issued by a state or federal regulatory agency indicating that the manufactured home complies with all applicable construction standards of the U.S. Department of Housing and Urban Development (HUD) definition of a manufactured home. The unit shall be certified for transportation on public streets by the State Department of Labor and Industries. The terms "mobile home" and "manufactured home" are considered to be interchangeable in the context of this title. A commercial coach, recreational vehicle or motor home are not a mobile manufactured</p>

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			home.
12C. <i>If the city has a population over 20,000 accessory dwelling units (ADUs) are allowed in single-family residential areas.</i> RCW 43.63A.215(3)	X Yes No Location(s) 18.04.010 18.04.020 18.04.025 18.08.045	Yes X No	DOES NOT APPLY. The Town of Eatonville has a population of less than 20,000.
12D. <i>If there is an airport within or adjacent to the city: zoning that discourages the siting of incompatible uses adjacent to general aviation airports.</i> RCW 36.70A.510, RCW 36.70.547 , New in 1996) <i>Note:</i> The zoning regulations must be filed with the Aviation Division of WSDOT. WAC 365-196-455	X Yes No Location(s) 18.04.185	Yes X No	Consistent with RCW 36.70A.510, RCW 36.70.547, Eatonville zoning regulations discourage the siting of incompatible uses adjacent to general aviation airports.
12E. <i>If there is a Military Base within or adjacent to the jurisdiction employing 100 or more personnel: zoning that discourages the siting of incompatible uses adjacent to military bases.</i> RCW 36.70A.530(3) , New in 2004. WAC 365-196-475	Yes X No Location(s)	Yes X No	DOES NOT APPLY. A Military Base is not within or adjacent to the Town of Eatonville.
12F. Residential structures that are occupied by persons with handicaps must be	Yes X No Location(s)	Yes X No	Consistent with RCW 36.70A.410 and WAC 365-196-860, the Town of Eatonville has not enacted nor does it maintain an ordinance, development regulation, zoning regulation or official control, policy, or administrative

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<p>regulated the same as a similar residential structure occupied by a family or other unrelated individuals. RCW 36.70A.410, WAC 365-196-860</p>	<p>See notes.</p>		<p>practice which treats a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals.</p>
<p>12G. Cities adjacent to I-5, I-90, I-405, or SR 520 and counties -- for lands within 1 mile of these highways -- must adopt regulations that allow electric vehicle infrastructure (EVI) as a use in all areas except those zoned for residential or resource use, or critical areas by July 1, 2011. RCW 36.70A.695, New in 2009</p>	<p>Yes X No Location(s)</p>	<p>Yes X No</p>	<p>DOES NOT APPLY. The Town of Eatonville is not adjacent to or within 1-mile of I-5, I-90, I-405, or SR 520.</p>
<p>12H. Development regulations of all jurisdictions must allow electric vehicle battery charging stations in all areas except those zoned for residential or resource use, or critical areas by July 1, 2011. RCW 36.70A.695, New in 2009</p>	<p>Yes X No Location(s)</p>	<p>X Yes No</p>	<p>AMEND: Title Chapter 18.08, GENERAL AND SUPPLEMENTARY PROVISIONS 18.08.020.F. Electric Vehicle Battery Charging Stations</p> <p>A. Purpose. To ensure the effective installation of electrical vehicle charging stations. Where any other provisions of the Eatonville Municipal Code directly conflict with this Chapter, this Chapter shall control. Where no conflict exists, all other Town Code provisions shall be in force as to EVI Charging Stations as applicable.</p> <p>B. Permitted. Level 1 and 2 electrical vehicle charging stations are allowed in all residential and multi-family zones. Level 3 allowed in residential and multi-family zones with the approval of a Conditional Use Permit as established in Chapter 18.04. Level 1, 2 and 3 electrical vehicle charging stations are allowed</p>

			<p><u>with the approval of a special permit use in all commercial, mixed use, aerospace and industrial zones.</u></p> <p><u>C. Designation. An electronic vehicle station is a public or private parking space(s) that are served by battery charging equipment with the propose of transferring electric energy to a battery or other energy storage device in an electrical vehicle and is classified based on the following levels:</u></p> <p><u>1. Level 1 is considered slow charging and operates on a 15 to 20 amp breaker on a 120 volt AC circuit.</u></p> <p><u>2. Level 2 is considered medium charging and operates on a 40 to 100 amp breaker on a 208 or 240 volt AC circuit.</u></p> <p><u>3. Level 3 is considered fast or rapid charging and operates on a 60 amp or higher breaker on a 480 volt or higher three phase circuit with special grounding equipment. Level 3 stations can also be referred to as Rapid Charging Stations that are typically characterized by industrial grade electrical outlets that allows for faster recharging of electrical vehicles.</u></p> <p><u>D. Electric Vehicle Charging Stations. Stand-alone electric vehicle charging stations or electric vehicle charging stations utilizing parking stalls located in a parking lots or parking garages or on-street parking spaces shall comply with the following standards:</u></p> <p><u>1. Signage. Each charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Directional signage may be provided to guide motorist to charging stations space(s) provided that directional signs shall be consistent with 18.06, Sign Regulations.</u></p> <p><u>2. Accessibility. The design and location of the charging stations shall comply with the following barrier free accessibility requirements:</u></p>
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			<p><u>a. Accessible charging stations shall be provided based on the following table:</u></p> <table border="1" data-bbox="1215 315 1797 532"> <thead> <tr> <th><u>Number of EV Charging Stations</u></th> <th><u>Minimum Accessible EV Charging Stations</u></th> </tr> </thead> <tbody> <tr> <td><u>1-50</u></td> <td><u>1</u></td> </tr> <tr> <td><u>51-100</u></td> <td><u>2</u></td> </tr> </tbody> </table> <p><u>b. Accessible charging stations shall be located in close proximity to the buildings or facility entrance and shall be connected to a barrier-free accessible route of travel.</u></p> <p><u>c. Accessible charging stations shall comply with the requirements of WAC 51-50-005.</u></p> <p><u>3. Lighting. Adequate site lighting devices shall be provided that are shaded/downward directed so as not to glare into area rights-of-way or adjacent aerospace, residential and multi-family districts.</u></p> <p><u>4. Development and Design Standards. Electric vehicle charging stations shall comply with all applicable development standards and Title 19 Design Standards.</u></p> <p><u>5. Charging Station Equipment: Charging station equipment shall comply with the following standards</u></p> <p><u>a. Equipment mounted on pedestals, lighting post, bollards, or other devices for on-street charging stations shall be designed and located as to not impede pedestrian travel or create trip hazards within the right-of-way.</u></p> <p><u>b. Charging station outlets and connector shall be no less than 36 inches or no higher than 48 inches from the top of the surface where mounted and shall contain a retraction device or a place to hang cords and connectors above the ground</u></p>	<u>Number of EV Charging Stations</u>	<u>Minimum Accessible EV Charging Stations</u>	<u>1-50</u>	<u>1</u>	<u>51-100</u>	<u>2</u>
<u>Number of EV Charging Stations</u>	<u>Minimum Accessible EV Charging Stations</u>								
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			<p><u>surface.</u></p> <p><u>c. Equipment shall be protected by wheel stops or concrete-filled bollards.</u></p> <p><u>6. Notification. At all charging stations the following information shall be posted:</u></p> <p><u>a. Voltage and amperage levels.</u></p> <p><u>b. Hours of Operations if time limits or tow away provisions are to be enforced by the property owner.</u></p> <p><u>c. Usage Fees.</u></p> <p><u>d. Safety Information.</u></p> <p><u>e. Contact Information for reporting when the equipment is not operating or other problems.</u></p> <p><u>E. Minimum Parking Requirements: Electric vehicle charging stations located within parking lots or garages may be included in the calculation of the minimum required parking spaces required pursuant to the parking requirements in Chapters 10.05 and 10.16.</u></p> <p>AMEND: Title Chapter 18.04 DISTRICT REGULATIONS</p> <p>18.04.010 SF-1 – Single-family residential district, low density.</p> <p>D. Special Permit Uses. The following uses are permitted provided they conform to the development standards listed in EMC 18.08.020:</p> <p><u>3. Electric vehicle battery charging stations; Level 1 and 2.</u></p> <p>F. Conditional Uses. Conditional uses are as follows:</p> <p><u>3. Electric vehicle battery charging stations; Level 3 subject to compliance with the development standards of EMC 18.08.020.</u></p> <p>18.04.020 SF-2 – Single-family residential district, medium density.</p> <p>D. Special Permit Uses. The following uses are permitted provided they conform to the development standards listed in EMC 18.08.020:</p> <p><u>3. Electric vehicle battery charging stations; Level 1 and 2.</u></p> <p>F. Conditional Uses. Conditional uses are as follows:</p> <p><u>3. Electric vehicle battery charging stations; Level 3 subject to</u></p>
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			<p><u>compliance with the development standards of EMC 18.08.020.</u></p> <p>18.04.020 SF-3 – Single-family residential district, high density. D. Special Permit Uses. The following uses are permitted provided they conform to the development standards listed in EMC 18.08.020: <u>3. Electric vehicle battery charging stations; Level 1 and 2.</u></p> <p>F. Conditional Uses. Conditional uses are as follows: <u>3. Electric vehicle battery charging stations; Level 3 subject to compliance with the development standards of EMC 18.08.020.</u></p> <p>18.04.030 MF-1 – Multifamily residential district, medium density. B. Special Permit Uses. The following uses are permitted provided they conform to the development standards listed in EMC 18.08.020: <u>3. Electric vehicle battery charging stations; Levels 1 and 2.</u></p> <p>D. Conditional Uses. Conditional uses are as follows: <u>4. Electric vehicle battery charging stations; Level 3 subject to compliance with the development standards of EMC 18.08.020.</u></p> <p>18.04.040 MF-2 – Multifamily residential district, high density. B. Special Permit Uses. The following uses are permitted provided they conform to the development standards listed in EMC 18.08.020: <u>3. Electric vehicle battery charging stations; Levels 1 and 2.</u></p> <p>F. Conditional Uses. Conditional uses are as follows: <u>4. Electric vehicle battery charging stations; Level 3 subject to compliance with the development standards of EMC 18.08.020.</u></p> <p>18.04.110 C-1 – Downtown commercial district. B. Special Permit Uses. The following uses are permitted; provided, that they conform to the development standards listed in EMC 18.08.020: <u>3. Electric vehicle battery charging stations; Levels 1, 2 and 3.</u></p> <p>18.04.140 C-2 – General commercial district. B. Special Permit Uses. The following uses are permitted: <u>4. Electric vehicle battery charging stations; Levels 1, 2 and 3 subject</u></p>
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			<p><u>to compliance with the development standards of EMC 18.08.020.</u></p> <p>18.04.150 MU – Mixed use district. B. Secondary Uses. Secondary uses are: <u>4. Electric vehicle battery charging stations; Levels 1, 2 and 3 subject to compliance with the development standards of EMC 18.08.020.</u></p> <p>18.04.180 I – Industrial district. <u>23. Electric vehicle battery charging stations; Levels 1, 2 and 3 subject to compliance with the development standards of EMC 18.08.020.</u></p> <p>18.04.185 AP – Aerospace district. A. Permitted Uses. The following uses are permitted, provided they do not violate the restrictions identified and listed in EMC 18.04.187. <u>11. Electric vehicle battery charging stations; Levels 1, 2 and 3 subject to compliance with the development standards of EMC 18.08.020.</u></p>
13. Subdivision Code regulations			
<p>13A. Subdivision code is consistent with and implements comprehensive plan policies. RCW 36.70A.030(7) and 36.70A.040(4)(d), WAC 365-196-820</p>	<p>X Yes No Location(s) Title 17, Land Subdivisions, Plats and Improvements; - and see amendments herein.</p>	<p>X Yes No</p>	<p>AMEND: See amendments herein. The Town has adopted and is in the process of adopting updated development regulations that are consistent with and implement the comprehensive plan including but not limited to, zoning and critical area regulations (<i>underway herein</i>), shoreline master program (<i>underway under separate process</i>), official controls, planned unit development, subdivision and binding site plan regulations, etc.</p>
<p>13B. Code requires written findings documenting that proposed subdivisions provide appropriate provision under RCW</p>	<p>X Yes No Location(s) 17.20.080</p>	<p>Yes X No</p>	<p>DOES NOT APPLY. The Town has adopted the required findings documenting that proposed subdivisions have provided appropriate provisions consistent with RCW 58.17.110(2)(a). However, a finding regarding “transit stops” has been intentionally excluded. A finding that appropriate provisions have been or will be made for “transit stops” does not apply due to the fact that Pierce</p>

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<p>58.17.110(2)(a) for: Streets or roads, sidewalks, alleys, other public ways, transit stops, and other features that assure safe walking conditions for students; potable water supplies [RCW 19.27.097], sanitary wastes, and drainage ways (stormwater retention and detention); open spaces, parks and recreation, and playgrounds; and schools and school grounds. WAC 365-196-820(1)</p>	<p>17.20.090</p>		<p>County Transit (PCT) does not provide any public transit services within the corporate limits of the Town of Eatonville. PCT has determined public transit services and facilities are not warranted and/or are not supportable in the Town of Eatonville.</p>
<p>13C. Subdivision regulations may implement traffic demand management (TDM) policies. RCW 36.70A.070(6)(a)(vi)</p>	<p>Yes X No Location(s)</p>	<p>Yes X No</p>	<p>DOES NOT APPLY. Specific traffic demand management policies are not included in the Town’s comprehensive plan or subdivision regulations at this time.</p>
<p>13D. Preliminary subdivision approvals under RCW 58.17.140 are valid for a period of five, seven, or nine years. [RCW 58.17.140 and RCW 58.17.170. Amended 2010 by SB 6544. Expires 2014. Amended 2012 by HB 2152 <i>Note:</i> House Bill 2152, adopted by the Legislature in 2012, modified timelines.</p>	<p>X Yes No Location(s)</p>	<p>X Yes No</p>	<p>AMEND: Title Chapter 17.20, PRELIMINARY SUBDIVISION/PLATS 17.20.110 Council approval – Effect – Duration. C. Plat Approval – Time Limits. 1. Nonphased Plats. Town council approval of preliminary plats which do not involve phasing shall be effective for five years, <u>or as may be authorized by RCW 58.17.140 and RCW 58.17.170.</u></p>

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<p>The preliminary plat approval is valid for: seven years if the date of preliminary plat approval is on or before December 31, 2014; five years if the preliminary plat approval is issued on or after January 1, 2015; and ten years if the project is located within city limits, not subject to the shoreline management act, and the preliminary plat is approved on or before December 31, 2007.</p>			
<p>14. Concurrency , Impact Fees, and TDM</p>			
<p>14A. The transportation concurrency ordinance includes specific language that prohibits development when level of service standards for transportation facilities cannot be met. RCW 36.70A.070(6)(b)</p> <p>ESB 5923 (laws of 2015) requires counties, cities, and towns to delay the starting of the six-year time frame until after deferred impact fees are due. For more information see MRSCs Impact Fee Deferral Program web page. Adopted in 2015</p>	<p>X Yes No Location(s) 17.55.030.C.</p>	<p>X Yes No</p>	<p>AMEND: Title Chapter 17.55, CONCURRENCY MANAGEMENT SYSTEM 17.55.030 Concurrency test.</p> <p>C. Test. Development applications that would result in a reduction of a level of service below the minimum level of service standard cannot be approved. For water, power, sanitary sewer, fire flow and stormwater management only available capacity will be used in conducting the concurrency test. For arterial roads, schools and parks, available and planned capacity will be used in conducting the concurrency test. The test shall be completed by the town within 30 days of receipt of a complete application as set forth in subsection (A) of this section.</p> <ol style="list-style-type: none"> 1. If the capacity of concurrency facilities is equal to or greater than capacity required to maintain the level of service standard for the impact from the development application, the concurrency test is passed <u>and the requested development permit application may be approved</u>. A certificate of capacity will be issued according to the provisions of EMC 17.55.040. 2. If the capacity of concurrency facilities is less than the capacity required to maintain the level of service standard for the impact from

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			<p>the development application, the concurrency test is not passed <u>and the requested development permit application shall not be approved, except as may be authorized below</u>. The applicant may:</p> <ul style="list-style-type: none"> a. Accept a 90-day reservation of concurrency facilities that exist and modify the application to reduce the need for concurrency facilities that do not exist; b. Accept a 90-day reservation of concurrency facilities that exist and demonstrate to the town’s satisfaction that the proposed development will have a lower need for capacity than usual and, therefore, capacity is adequate; c. Accept a 90-day reservation of concurrency facilities that exist and arrange with the appropriate facility and service provider for the provision of the additional capacity of concurrency facilities required; or d. Appeal the results of the concurrency test to the town council in accordance with the provision of EMC 17.55.060.
<p>14B <i>If</i> adopted: impact fee methods are consistent with RCW 82.02.050 through 100 <i>Note:</i> The timeframe for expending or encumbering impact fees has been extended to ten years. RCW 82.02.070 and RCW 82.02.080, Amended in 2011. WAC 365-196-850</p> <p>ESB 5923 (laws of 2015) requires counties, cities, and towns to adopt a deferral system for the collection of impact fees for new single-family detached and</p>	<p>Yes X No Location(s)</p>	<p>Yes X No</p>	<p>DOES NOT APPLY. Chapter 17.60, IMPACT FEES where repealed by Ord. 2011-19.</p>

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<p>attached residential construction. by September 1, 2016. Adopted in 2015 For more information see MRSCs Impact Fee Deferral Program web page.</p>			
<p>14C. If required by RCW 70.94.527: a commute trip reduction (CTR) ordinance to reduce the proportion of single-occupant vehicle commute trips. RCW 70.94.521-551, Amended in 2006. WAC 468-63 <i>Note:</i> See WSDOT’s CTR web page for more information.</p>	<p>Yes X No Location(s)</p>	<p>X Yes No</p>	<p>AMEND: Title 15 ENVIRONMENTAL PROTECTION Proposed new chapter: Chapter 15.28 COMMUTER TRIP REDUCTION See Attached amendment proposal.</p>
<p>15. Siting Essential Public Facilities (EPFs)</p>			
<p>15A. Regulations are consistent with Essential Public Facility siting process in countywide planning policies or city comprehensive plan, and do not preclude the siting of EPFs. RCW 36.70A.200(5) and WAC 365-196-550</p>	<p>X Yes No Location(s) 18.04.150.C.3.</p>	<p>X Yes No</p>	<p>The Town’s development regulations are consistent with the countywide planning policies and the Town’s comprehensive plan and do not preclude the siting of essential public facilities. However, for additional clarification the following amendments are proposed: AMEND: Chapter 18.04 DISTRICT REGULATIONS 18.04.180 I D. Conditional Uses. The following are the types of conditional uses permitted in the I district, subject to approval by the board of adjustment. The list of conditionally permitted uses is illustrative of the types of uses which shall be permitted and is not intended to be exclusive. 4. General conditional uses as listed in EMC 18.08.030, <u>including public facilities and utilities and essential public facilities</u>; 18.04.185 AP B. Conditional Use. <u>Conditional uses shall be processed in accordance with EMC 18.09.030. Conditional uses are:</u></p>

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			<p><u>1. Public facilities and utilities and essential public facilities;</u> <u>2. Other uses as determined by the board of adjustment to be of a similar and compatible nature are permitted upon application and approval of a conditional use permit. In reviewing and granting a conditional use permit, the board of adjustment shall follow the conditional use permit procedures outlined in EMC 18.09.030.</u></p>
16. Project Review Procedures			
<p>16A. Project review processes integrate permit and environmental review for: notice of application; notice of complete application; one open-record public hearing; allowing applicants to combine public hearings and decisions for multiple permits; notice of decision; one closed-record appeal. RCW 36.70A.470, RCW 36.70B and RCW 43.21C WAC 365-196-845</p>	<p>X Yes No Location(s) 18.09A.030</p>	<p>X Yes No</p>	<p>AMEND: Title 18.09A Land Use Permits and Appeals Procedures 18.09A.030 Review procedures. C. Where the town reviews more than one application for a given development, all applications required for the development may be submitted for review at one time and the procedures integrated to avoid multiple hearings and be reviewed concurrently pursuant to the requirements of 18.09A.035. The town may combine public hearings or meetings regarding a land use action with other agencies having jurisdiction. The procedure established shall provide notice and opportunity to participate. (Ord. 2005-11 § 3, 2005).</p> <p><u>18.09A.035 Permit review consolidation - Optional</u> <u>(1) Optional Consolidation. A project that involves two or more permit applications may be subject to a consolidated project permit review process as established in this chapter. The applicant may determine whether the applications shall be processed collectively or individually. If the applications are processed under the individual procedure option, the highest type procedure must be processed prior to the subsequent lower procedure.</u></p> <p><u>(2) Consolidated Permit Processing. When the project is reviewed under the consolidated procedure option, the highest type procedure required for any part of the project application must be applied. All project permits being reviewed through the consolidated permit review process shall be included in the following:</u> <u>(a) Determination of completeness;</u> <u>(b) Notice of application;</u></p>

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			<p><u>(c) Notice of final decision;</u> <u>(d) Single report stating all the decisions made as of the date of the report on all project permits included in the consolidated permit process that do not require an open record predecision hearing and any recommendations on project permits that do not require an open record predecision hearing. The report shall state any mitigation required or proposed under the development regulations or the agency’s authority under RCW 43.21C.060. The report may be the local permit. If a threshold determination other than a determination of significance has not been issued previously by the local government, the report shall include or append this determination. (RCW 36.70B.060(5))</u></p> <p><u>(3) Public Hearing for Consolidated Applications. The review process shall provide for no more than one consolidated open record hearing and one closed record appeal. If an open record predecision hearing is provided prior to the decision on a project permit, the process shall not allow a subsequent open record appeal hearing.</u></p> <p><u>(4) Decision-Maker(s). Applications processed in accordance with subsection (2) of this section which have the procedure but are assigned different hearing bodies shall be heard collectively by the highest decision-maker(s) to the extent consistent with state law. The order of decision making authority, from highest to lowest is Town council, Board of Adjustment, and staff.</u></p>
<p>17. General Provisions: The GMA requires that development regulations be consistent with and implement the comprehensive plan. RCW 36.70A.030(7) and .040(4)(d). Regulations should also include:</p>			
<p>17A. A process for early and continuous public participation in the development regulation development and amendment process. RCW 36.70A.020(11), .035, .130 and .140</p>	<p>X Yes No Location(s) 18.09.050 Amendments.</p>	<p>Yes X No</p>	<p>The Town has an adopted process for public participation in the development regulation development and amendment process.</p>

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<p>17B. A process to assure that proposed regulatory or administrative actions do not result in an unconstitutional taking of private property. RCW 36.70A.370, WAC 365-196-855 <i>Note: See Attorney General's Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property.</i></p>	<p>X Yes No Location(s) Examples: 18.09.040 15.16.114 15.24.104 16.54.060 15.16.107 18.06.030 16.54.040 18.08.190 17.44.050 Title 19</p>	<p>Yes X No</p>	<p>Pursuant to 36.70A.370 and WAC 365-196-855, The Town's development regulations include a number of variance procedures as well as numerous provisions for development standard deviation.</p>
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