

# TOWN OF EATONVILLE

## Agenda Staff Report

Agenda Item No.:	_____	Meeting Date:	<u>November 12, 2019</u>
Subject:	<u>Ordinance 2019-10, Adopting the</u>	Prepared by:	<u>Gregory A. Jacoby</u>
	<u>2019 Periodic Update of Development</u>		<u>Town Attorney</u>
	<u>Regulations for Eatonville Municipal</u>	Atty Routing No:	<u>022-19</u>
	<u>Code Titles 12, 15, 17, and 18</u>	Atty Review Date:	<u>November 4, 2019</u>

**Summary:** The state Growth Management Act (GMA) requires counties, cities, and towns to periodically conduct a thorough review of their Comprehensive Plan and implementing development regulations to bring them up to date with any relevant changes in the GMA and to respond to changes in land use and population growth. This mandatory “periodic update” takes place at least once every eight years. In 2018, the Town Council approved an update to the Comprehensive Plan. This ordinance would update certain development regulations that staff has determined need to be revised in order to comply with current law. There are major updates to the critical areas code, including the wetlands regulations and definition of Best Available Science. There is also a new chapter addressing commute trip reduction and minor revisions or corrections to the subdivision code, the zoning code and street tree requirements.

As required by law, the Town submitted the proposed revisions to the state Department of Commerce for review. Both the Department of Commerce and the Department of Ecology provided comments. The Planning Commission held a public hearing to consider the agency comments and public testimony. The Planning Commission recommends making all of the changes requested by the Department of Commerce and those changes requested by Ecology that are mandated by law but not the comments from Ecology that are discretionary. The Town’s SEPA official has reviewed the proposed revisions to the development regulations and issued a determination of nonsignificance.

**Recommendation:** Staff recommends approval of the first reading of Ordinance 2019-xx, adopting the 2019 Periodic Update of Development Regulations for Eatonville Municipal Code Titles 12, 15, 17 and 18.

**Motion for consideration:** I move to approve the first reading of Ordinance 2019-xx, adopting the 2019 Periodic Update of Development Regulations for Eatonville Municipal Code Titles 12, 15, 17 and 18.

**Fiscal Impact:** N/A

**Attachments:**

- Ordinance 2019-10 with Exhibit A
- Growth Management Services Town Checklist – Development Regulations
- Planning Commission Meeting Minutes for October 21, 2019

**ORDINANCE NO. 2019-10**

**AN ORDINANCE OF THE TOWN OF EATONVILLE,  
WASHINGTON, ADOPTING THE GMA 2019 PERIODIC UPDATE  
OF DEVELOPMENT REGULATIONS, TITLES 12, 15, 17, AND 18  
EMC**

**WHEREAS**, in compliance with the Washington State Growth Management Act (GMA), the Town first adopted a Comprehensive Plan in 1993; and

**WHEREAS**, in accordance with RCW 36.70A.130, an adopted Comprehensive Plan and development regulations are subject to continuing evaluation and review; and

**WHEREAS**, the schedule established by the GMA in RCW 36.70A.130(4) mandates each fully planning city or town take action to review and, if necessary, revise its comprehensive plan, development regulations, and critical areas ordinance to ensure continuing compliance with the GMA; and

**WHEREAS**, in 2018 the Town Council adopted the 2015 update to the Comprehensive Plan, which establishes the Town's desirable character and physical pattern of growth and preservation over the next 20 years; and

**WHEREAS**, the Town is proposing to update its development regulations to ensure compliance with changes to the GMA; to ensure compliance with the Pierce County Countywide Planning Policies; to fully reflect the issues and opportunities facing the Town; to ensure internal and regional consistency; and to revise language in the development regulations to update information, improve readability, and eliminate redundancy; and

**WHEREAS**, the Comprehensive Plan sets goals and policies for growth that will be implemented through the development regulations and critical areas ordinance contained in the Eatonville Municipal Code, in a fiscally and environmentally responsible fashion; and

**WHEREAS**, Chapter 43.21C RCW, the State Environmental Policy Act (SEPA) requires the Town to conduct environmental review of the updated and amended development regulations; and

**WHEREAS**, on October 7, 2019 the Town's SEPA official issued a determination of nonsignificance; and

**WHEREAS**, on October 21, 2019 the Town's planning commission held a duly

noticed public hearing to receive public comment regarding the proposed development regulation amendments; and

**WHEREAS**, the Eatonville Town Council has reviewed the updated development regulations as required by the GMA; and

**WHEREAS**, the Eatonville Town Council has concluded that the adoption and implementation of the proposed development regulation amendments is essential to direct the future growth and development of the Town; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE AS FOLLOWS:**

**Section 1.** The Town Council hereby adopts the following findings based on the entire record of testimony and exhibits, including the recommendation of the Planning Commission:

1. The proposed update to the development regulations meet the requirements of the GMA and consist of amendments to Chapter 12.18 "Planting or Removing Trees and Shrubs," Chapter 15.16 "Critical Areas Code," Chapter 17.08 "Definitions," Chapter 17.20 "Preliminary Subdivisions/Plats," Chapter 17.22 "Final Plat," Chapter 18.04 "District Regulations," and "Chapter 18.08 "General and Supplementary Provisions," and a new Chapter 15.28 "Commute Trip Reduction."
2. The proposed development regulation amendments are consistent with, and implement, the Town's Comprehensive Plan and further the goals of the GMA.
3. Adopting the proposed development regulation amendments serve the public use and interest.
4. The proposed development regulation amendments were subjected to environmental review in compliance with the State Environmental Policy Act. A determination of nonsignificance was issued on October 7, 2019.
5. The proposed amendments were submitted to the Department of Commerce for expedited review on September 11, 2019. Comments from Commerce were received, considered, and incorporated into the currently proposed amendments. In addition, comments were received from the Department of Ecology. All of Ecology's comments were considered and where the comment mandated a change based on legal requirements, the proposed amendments were revised.
6. Public notice of the public hearing was published in the official newspaper of the Town and sent to all parties who expressed interest in being notified. Comments were received and considered.
7. This action is part of the required periodic update under the GMA. Upon adoption of these amendments by the Eatonville Town Council, the Town will have taken all necessary action and the periodic update will be complete.

**Section 2.** The Town of Eatonville hereby adopts the 2019 Periodic Update of Development Regulations, a copy of which is attached to this ordinance as Exhibit A and incorporated by this reference.

**Section 3.** A copy of this ordinance shall be submitted to the Washington Department of Commerce within 10 days of adoption.

**Section 4.** 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.** This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 11/12/2019  
2ND READING: 11/25/2019

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this \_\_\_\_\_ day of November, 2019.

\_\_\_\_\_  
Mike Schaub  
Mayor

ATTEST:

\_\_\_\_\_  
Christina Dargan  
Deputy Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Gregory A. Jacoby  
Town Attorney

# **EXHIBIT A**

2019 PERIODIC UPDATE OF DEVELOPMENT REGULATIONS,  
TITLES 12, 15, 17, AND 18 EMC

**Title 12**  
**STREETS, SIDEWALKS AND PUBLIC PLACES**

**Chapter 12.18**  
**PLANTING OR REMOVING TREES AND SHRUBS**  
**Sections:**

12.18.010 Planting requires pre-approval.

No person or persons shall plant any tree or shrub on public property without first obtaining written approval from the Public Work Director or mayor. The Public Works Department may keep a list of pre-approved trees.

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END

**Title 15**  
**ENVIRONMENTAL PROTECTION**

**Chapters:**

- 15.04 Environmental Review (SEPA)
- 15.08 Shoreline Management Plan
- 15.12 Air Pollution Control
- 15.16 Critical Areas Code
- 15.20 *Repealed*
- 15.24 Flood Damage Prevention
- 15.28 Commute Trip Reduction

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**Chapter 15.16**  
**CRITICAL AREAS CODE**

**Sections:**

- 15.16.101 Finding.
- 15.16.102 Purpose.
- 15.16.103 Definitions.
- 15.16.104 Critical areas code – Title.
- 15.16.105 Fees.
- 15.16.106 Applicability.
- 15.16.107 Exemptions.
- 15.16.108 Review process.
- 15.16.109 Critical areas reports.
- 15.16.110 Previous studies.
- 15.16.111 Mitigation plan requirements.
- 15.16.112 Independent review of critical areas report.
- 15.16.113 Substantive requirements.
- 15.16.114 Variances.
- 15.16.115 Enforcement and inspections.
- 15.16.116 Record per WAC 365-195-915 and 365-195-920.
- 15.16.117 Nonconforming uses.
- 15.16.121 Designation, rating and mapping wetlands.~~Wetlands—Designation.~~
- 15.16.122 Critical areas report – Additional requirements for wetlands.~~Wetlands—Rating.~~
- 15.16.123 Performance standards – General requirements.~~Wetlands—Contents of critical areas reports.~~

- 15.16.124 ~~Performance standards – Mitigation requirements. Wetlands – Substantive requirements.~~
- 15.16.125 ~~Performance standards – Subdivisions. Wetlands – Mitigation.~~
- 15.16.141 Critical aquifer recharge areas – Designation and susceptibility rating.
- 15.16.142 Critical aquifer recharge areas – Exemptions.
- 15.16.144 Critical aquifer recharge areas – Hydrogeologic assessments – Level 1.
- 15.16.145 Critical aquifer recharge areas – Hydrogeologic assessments – Level 2.
- 15.16.146 Critical aquifer recharge areas – Substantive requirements.
- 15.16.147 Critical aquifer recharge areas – Uses prohibited from critical aquifer recharge areas.
- 15.16.151 *Repealed.*
- 15.16.152 *Repealed.*
- 15.16.153 *Repealed.*
- 15.16.154 *Repealed.*
- 15.16.155 *Repealed.*
- 15.16.156 *Repealed.*
- 15.16.161 Geologically hazardous areas – Designation.
- 15.16.162 Geologically hazardous areas – Mapping.
- 15.16.163 Geologically hazardous areas – Exemptions.
- 15.16.164 Geologically hazardous areas – Contents of critical areas reports.
- 15.16.165 Geologically hazardous areas – Substantive requirements.
- 15.16.171 Habitat conservation areas – Designation.
- 15.16.172 Habitat conservation areas – Designation of habitats and species of local importance.
- 15.16.173 Habitat conservation areas – Mapping.
- 15.16.174 Habitat conservation areas – Content of critical areas reports.
- 15.16.175 Habitat conservation areas – Substantive requirements.
- 15.16.177 Best available science.
- 15.16.180 References.

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**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.



TOWN OF EATONVILLE - 2019 Development Regulations Amendment  
GENERAL AMENDMENTS – Titles 12-15-17-18 – Planning Commission Recommendation

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"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.

"Fish and wildlife habitat conservation areas" are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness.

"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.

"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.

"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.

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**15.16.121 Wetlands— Designation.**

Wetlands are those areas, designated in accordance with the Washington State Wetland Identification and Delineation Manual (1997), that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. The town of Eatonville has a map showing the approximate location and extent of wetlands. However, the map is only a guide, and will be updated as wetlands become better known. The exact location of a wetland's boundary shall be determined in

~~accordance with the above-stated manual as required by RCW 36.70A.175 (Ecology Publication No. 96-94, 1997). (Ord. 2005-10 § 3 (Exh. A), 2005).~~

**~~15.16.122 Wetlands – Rating.~~**

~~Wetlands shall be rated Category I, II, III, or IV according to the Department of Ecology's 2004 Washington State Wetland Rating System for Western Washington (Publication No. 04-06-014). (See WAC 365.190.080(1)(a).) Wetland categories shall apply to the wetland as it exists on the date the town adopts the rating system, as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities. Wetland rating categories shall not change due to illegal modifications. (Ord. 2005-10 § 3 (Exh. A), 2005).~~

**~~15.16.123 Wetlands – Contents of critical areas reports.~~**

~~In addition to the requirements of EMC 15.16.109, critical areas reports for wetlands shall include:~~

~~A. Wetland delineation map as surveyed in the field. Buffer boundaries shall be marked in the field by a licensed surveyor using wood or steel posts, four to five feet tall above the ground surface, permanently affixed, carrying identification signs approved by the town, to be obtained from the public works department. The charge for these signs shall be \$1.00 per sign.~~

~~B. Assessment of wetlands, including acreage, category, required buffers, evidence of past illegal alterations, soil, topography, hydrology, ecology, and functional evaluation using a recognized method such as the Western Washington Wetland Rating System.~~

~~C. Discussion of measures to preserve wetland functions and values, including the “sequencing” set forth in EMC 15.16.113.~~

~~D. If mitigation is proposed, a mitigation plan including the existing and proposed status of:~~

- ~~1. Wetland acreage;~~
- ~~2. Vegetation and fauna;~~
- ~~3. Surface and subsurface hydrology;~~
- ~~4. Soils, substrate, and topography;~~
- ~~5. Required wetland buffers; and~~
- ~~6. Property ownership.~~

E. Proposed wetland management and monitoring. (Ord. 2005-10 § 3 (Exh. A), 2005).

**15.16.124 Wetlands— Substantive requirements.**

In addition to the substantive requirements of EMC 15.16.113, the following requirements shall apply to developments (see definition in EMC 15.16.103) in wetlands except as exempted above.

A. The higher the wetland category (Category I is highest), the greater shall be the emphasis on higher-priority “sequencing” methods per EMC 15.16.113.

B. The following table establishes the standard buffer width that shall apply to each wetland category, depending on the intensity of the potential land use on the upland side of the buffer as determined by the director. Buffers shall be measured from the wetland boundary as surveyed in the field. These buffer widths presume that healthy native plant communities dominate the buffer. If wetland enhancement is proposed, the category of the wetland after enhancement shall pertain.

**Wetlands Buffer Widths**

	Intensity of the potential land use on the upland side of the buffer		
	High (including commercial areas, industrial areas, residential areas at more than four units per net acre, and areas of high-intensity agriculture or recreation)	Moderate (including residential areas at less than four units per net acre, parks, and trails)	Low (including passive recreation and open space)
Category I	300 feet	250 feet	200 feet
Category II	200 feet	150 feet	100 feet
Category III*	100 feet	75 feet	50 feet
Category IV*	50 feet	35 feet	35 feet

\*For exemption of wetlands under 1,000 square feet see EMC 15.16.107(S).

C. Buffers shall be measured from the wetland boundary as surveyed in the field. If wetland enhancement is proposed, the category of the wetland after enhancement shall pertain.

D. The director may increase the required buffer width and/or require buffer enhancement if a wetland professional determines that the wetland provides habitat for wildlife species that require greater protection than the standard buffer, or the buffer lacks healthy native vegetation or is otherwise handicapped in its ability to protect the wetland. Said determination shall take into account the score derived from the Wetland Rating System and such factors as topography, land use, and past disturbance.

E. The director may reduce the standard buffer width if the function(s) served by the particular wetland need less buffer width, as indicated by a wetland functional analysis.

F. Except as provided elsewhere in this critical areas code, all existing native vegetation in wetland buffers shall be retained without disturbance, mowing, or hard surfacing, nor shall any action be taken to inhibit volunteer regrowth of native vegetation. Invasive weeds shall be removed for the duration of any mitigation bond. Stormwater management facilities and bioswales are permitted in the outer 50 percent of the buffer of Category III or IV wetlands, provided wetland functions and values are not significantly lost through fluctuations in wetland hydrology and construction integrates best management practices. (Ord. 2005-10 § 3 (Exh. A), 2005).

**15.16.125 Wetlands – Mitigation.**

A. Mitigation for alterations to wetlands may be by restoring former wetlands, creating wetlands, or enhancing degraded wetlands, consistent with the Department of Ecology Guidelines for Developing Freshwater Wetlands Mitigation Plans and Proposals, 2004, as revised.

B. Mitigation shall generally replace wetland functions lost from the altered wetland except that the town may permit out-of-kind replacement when the lost functions are minimal or less important to the drainage basin than the functions that the mitigation action seeks to augment.

C. Mitigation shall be in the same drainage basin as the altered wetland. Wetland mitigation shall be in the same sub-basin unless a higher level of ecological functioning would result from an alternate approach.

D. Mitigation projects shall be completed as quickly as possible consistent with such factors as rainfall and seasonal sensitivity of fish, wildlife, and flora.

E. Mitigation projects shall be designed with reference to Wetland Replacement Ratios: Defining Equivalency, Washington State Department of Ecology, 1992, Publication No. 92-08; Freshwater Wetlands in Washington State, Volume 2, Appendix 8-C; and similar science. Mitigation projects shall score the impact site and the mitigation site using the Wetland Rating Data Form of the Revised Washington State Wetlands Rating System for Western Washington. The aggregate total of wetland

~~functions and values after mitigation, altered and mitigation sites combined, shall be at least 50 percent greater than the aggregate total before mitigation; provided, that this replacement ratio (1.5 to 1, nonacreage-based) shall be increased as necessary to compensate for mitigation that:~~

- ~~1. Has a greater than usual risk of failure;~~
- ~~2. Is out of kind;~~
- ~~3. Is outside the sub-basin;~~
- ~~4. Is unlikely to produce the intended functions and values within 10 years after the alteration; or~~
- ~~5. Remedies unauthorized alterations.~~

~~F. Because the above replacement ratio is based on a before and after count of functions and values, not acreage, it accounts, without need for further adjustment, for mitigation that would result in a lower category wetland than the wetland being impacted, and mitigation that would enhance as opposed to create or restore a wetland. In the case of enhancement, wetland acreage may decline though wetland functions and values would increase. Enhancement proposals shall be based on a sound understanding of the mitigation site's pre- and postmitigation functions and values.~~

~~G. Credits granted from a certified wetland mitigation bank shall be consistent with the bank's certification and service area.~~

~~H. The applicant shall provide an as-built plan of the mitigation site and monitor the site in accordance with EMC 15.16.111. (Ord. 2005-10 § 3 (Exh. A), 2005).~~

## WETLANDS

### 15.16.121 Designation, rating and mapping wetlands.

A. Designating Wetlands. Wetlands are those areas, designated in accordance with the approved federal wetland delineation manual and applicable regional supplements.

B. Wetland Ratings. Wetlands shall be rated according to the Department of Ecology wetland rating system found in the Washington State Wetland Rating System documents (Western Washington, Ecology Publication No. 14-06-029) or as revised by Ecology. These documents contain the definitions and methods for determining if the criteria below are met.

(a) Wetland Rating Categories.

(i) Category I. Category I wetlands are those that (A) represent a unique or rare wetland type; or (B) are more sensitive to disturbance than most wetlands; or (C) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (D) provide a high level of functions. The following types of wetlands are Category I:

(A) Wetlands that perform many functions well (scoring 23 points or more);

(B) Wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program (WNHP) or Washington Department of Natural Resources (WDNR);

(C) Bogs;

(D) Mature and old-growth forested wetlands larger than one acre;

(E) Wetlands in coastal lagoons;

(F) Relatively undisturbed estuarine wetlands larger than one acre; or

(G) Interdunal wetlands that score 8 or 9 habitat points and are larger than one acre.

(ii) Category II. Category II wetlands are those not defined as Category I wetlands and include:

(A) Interdunal wetlands larger than one acre or those found in a mosaic of wetlands;

(B) Estuarine wetlands smaller than one acre, or disturbed estuarine wetlands larger than one acre;

(C) Wetlands with a moderately high level of functions (scoring between 20 and 22 points).

(iii) Category III. Category III wetlands are:

(A) wetlands with a moderate level of functions (scores between 16 and 19 points);

(B) can often be adequately replaced with a well-planned mitigation project; and

(C) interdunal wetlands between 0.1 and one acre in size. Wetlands scoring between 16-19 points generally have been disturbed in some ways, and are often less diverse or more isolated from other natural resources in the landscape than Category I or II wetlands.

(iv) Category IV. Category IV wetlands have the lowest levels of functions (scoring fewer than 16 points) and are often heavily disturbed. These are wetlands that we should be able to replace, or in some cases to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree.

C. Mapping of Wetlands. The approximate location and extent of all known and/or suspected wetland may be depicted on the following maps, and are hereby incorporated by reference into this chapter; The approximate location and extent of wetlands are shown on the National Wetlands Inventory maps.

D. The identification, classification, extent and location of any wetland shall be determined through the performance of a field investigation by a qualified consultant using the approved federal wetland delineation manual and applicable regional supplements.

#### **15.16.122 Critical areas report – Additional requirements for wetlands.**

In addition to the general critical areas report requirements of EMC 15.16.109, critical areas reports for wetlands must meet the requirements of this section. Critical areas reports for two or more types of critical areas must meet the report requirements for each relevant type of critical area.

A. Wetland Analysis. In addition to the minimum required contents of EMC 15.16.109, Critical areas reports – Requirements, a critical areas report for wetlands shall contain an analysis of the wetlands including the following site- and proposal-related information at a minimum:

(a) A written assessment and accompanying maps of the wetlands and buffers within 300 feet of the project area, including the following information:

(i) The project area of the proposed activity;

(ii) Wetland delineation and required buffers;

(iii) Existing wetland acreage;

(iv) Wetland category; vegetative, faunal, and hydrologic characteristics;

(v) Soil and substrate conditions; and

(vi) Topographic elevations, at five-foot contours.

(b) Proposed mitigation, if needed, including a written assessment and accompanying maps of the mitigation area, including the information detailed in EMC 15.16.111, Mitigation plan requirements.

B. Additional Information May Be Required. When appropriate, the planning director may also require the critical areas report to include an evaluation by the Department of Ecology or an independent qualified expert regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, and to include any recommendations as appropriate.

**15.16.123 Performance standards – General requirements.**

A. Activities may only be permitted in a wetland or wetland buffer if the applicant can show that the proposed activity will not degrade the functions and values of the wetland and other critical areas.

B. Activities and uses shall be prohibited from wetlands and wetland buffers, except as provided for in this chapter.

C. Category I Wetlands. Activities and uses shall be prohibited from Category I, except as provided for in the public agency and utility exception, reasonable use exception, and variance sections of this chapter.

D. Category II. With respect to activities proposed in Category II wetlands, the following standards shall apply:

1. Water-dependent activities as provided for under the Town's shoreline master program may be allowed where there are no feasible alternatives that would not have a less adverse impact on the wetland, its buffers and other critical areas.

2. Where non-water-dependent activities are proposed, it shall be presumed that alternative locations are available, and activities and uses shall be prohibited, unless the applicant demonstrates that:

a. The basic project purpose cannot reasonably be accomplished and successfully avoid, or result in less adverse impact on, a wetland on another site or sites in the general region; and



b. All alternative designs of the project as proposed, that would avoid, or result in less of an adverse impact on a wetland or its buffer, such as a reduction in the size, scope, configuration, or density of the project, are not feasible.

E. Category III and IV Wetlands. Activities and uses that result in unavoidable and necessary impacts may be permitted in Category III and IV wetlands and associated buffers in accordance with an approved critical areas report and mitigation plan, and only if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives.

F. Wetland Buffers.

1. Land Use Intensity. Wetland buffers in the Town of Eatonville are determined based on the category of the wetland and the land use intensity proposed. Land use impact "intensity" is based on development types and the estimated impact based on the proposed change in land use.

**Land Use Impact "Intensity" Based on Development Types**

<b><u>Rating of impact from proposed changes in land use</u></b>	<b><u>Types of land uses that cause the impact based on common zoning categories</u></b>
<u>High (hi)</u>	<u>Commercial, urban, industrial, institutional, retail sales, residential with more than two units/acre, new agriculture (high-intensity processing such as dairies, nurseries and green houses, raising and harvesting crops requiring annual tilling, raising and maintaining animals), high intensity recreation (golf courses, ball fields), hobby farms</u>
<u>Moderate (mod)</u>	<u>Residential with two units/acre or less, moderate-intensity open space (parks), new agriculture (moderate-intensity such as orchards and hay fields)</u>
<u>Low (lo)</u>	<u>Forestry, open space (low-intensity such as passive recreation and natural resources preservation)</u>

2. Buffer Widths. The Town of Eatonville establishes the following buffer widths based on category and land use intensity, as defined above. These buffer widths presume the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the wetland functions and values at

the time of the proposed activity. Required wetland buffers, based on wetland category and land use intensity, are as follows:

**Alternative 2 Buffer Widths, Based Upon Category and Land Use Intensity**

<u>Category (2014 Wrn. WA Rating System)</u>	<u>Total Points in Rating System</u>	<u>Alternative 2 Buffer Category + Land Use Intensity (lo/mod/hi)</u>
I	>23	lo 150, mod 225, hi 300
II	20 – 22	lo 150, mod 225, hi 300
III	16 – 19	lo 50, mod 75, hi 150
IV	<16	lo 25, mod 35, hi 50

3. Measurement of Wetland Buffers. All buffers shall be measured from the wetland boundary as surveyed in the field. The width of the wetland buffer shall be determined according to the wetland category and the proposed land use. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer shall be planted to create the appropriate plant community or the buffer shall be widened to ensure that adequate functions of the buffer are provided.

4. Modification of Buffer Widths. The buffer widths of subsection (6)(b) of this section may be decreased through buffer width averaging in subsection (6)(e) of this section or reduction mechanisms of this section.

a. The buffer widths recommended for land uses with “high intensity” impacts to wetlands can be reduced to those recommended for “moderate intensity” impacts under the conditions identified below.

i. For wetlands that score moderate or high for habitat (6 points or more), the width of the buffer around the wetland can be reduced if the following measures to minimize the impacts of different land uses on wetlands are applied.

ii. A relatively undisturbed, vegetated corridor at least 100 feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington State Department of Fish and Wildlife. The corridor must be protected for the entire distance between the wetland and the Priority Habitat by some type of legal protection such as a conservation easement. Presence or absence of a nearby habitat must be confirmed by a qualified biologist.

<u>Disturbance</u>	<u>Required Measures to Minimize Impacts</u>
<u>Lights</u>	<ul style="list-style-type: none"> <li>• <u>Direct lights away from wetland</u></li> </ul>
<u>Noise</u>	<ul style="list-style-type: none"> <li>• <u>Locate activity that generates noise away from wetland</u></li> <li>• <u>If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source</u></li> <li>• <u>For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10 ft heavily vegetated buffer strip immediately adjacent to the outer wetland buffer</u></li> </ul>
<u>Toxic runoff</u>	<ul style="list-style-type: none"> <li>• <u>Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered</u></li> <li>• <u>Establish covenants limiting use of pesticides within 150 ft of wetland</u></li> <li>• <u>Apply integrated pest management</u></li> </ul>

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<u>Disturbance</u>	<u>Required Measures to Minimize Impacts</u>
<u>Stormwater runoff</u>	<ul style="list-style-type: none"> <li>• <u>Retrofit stormwater detention and treatment for roads and existing adjacent development</u></li> <li>• <u>Prevent channelized flow from lawns that directly enters the buffer</u></li> <li>• <u>Use low-intensity development techniques (for more information refer to Chapter 16.54 EMC and the Stormwater Management Manual)</u></li> </ul>
<u>Change in water regime</u>	<ul style="list-style-type: none"> <li>• <u>Infiltrate or treat, detain and disperse into buffer new runoff from surfaces and new lawns</u></li> </ul>
<u>Pets and human disturbance</u>	<ul style="list-style-type: none"> <li>• <u>Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion</u></li> <li>• <u>Place wetland and its buffer in a separate tract or protect with a conservation easement</u></li> </ul>
<u>Dust</u>	<ul style="list-style-type: none"> <li>• <u>Use best management practices to control dust</u></li> </ul>

5. Wetland Buffer Width Averaging. The planning director may also allow modification of the wetland buffer width in accordance with an approved critical areas report and the best available science on a case-by-case basis by averaging buffer widths. Averaging of buffer widths may only be allowed where a qualified wetlands consultant demonstrates that:

- a. It will not reduce wetland functions or values;

b. The wetland contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;

c. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer;

d. The buffer width is not reduced to less than 50 percent of the high intensity buffer width or 50 feet, whichever is greater, except for buffers for Category III and IV wetlands and low or moderate intensity land uses; and

e. Buffer width averaging is being conducted and/or implemented within or on the property where the averaging is being requested.

6. Buffer Uses. In addition to those allowed uses listed within EMC 15.16.107, the following uses may be permitted within a wetland buffer in accordance with the review procedures of this title, provided they are not prohibited by any other applicable law and they are conducted in a manner so as to minimize impacts to the buffer and adjacent wetland:

1. Conservation and Restoration Activities. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife;

2. Passive Recreation. Passive recreation facilities designed and in accordance with an approved critical areas report, including:

i. Walkways and trails, pursuant to EMC 15.16.107 (passive outdoor activities). Walkways and trails should be generally parallel to the perimeter of the wetland, located in the outer twenty-five percent (25%) of the wetland buffer area when reasonably possible, and located to avoid removal of significant trees. They should be limited to pervious surfaces no more than five (5) feet in width for pedestrian use only. Raised boardwalks utilizing non-treated pilings may be acceptable; and

ii. Wildlife viewing structures; and

iii. Fishing access areas.

3. Stormwater Management Facilities. Stormwater management facilities, limited to stormwater dispersion outfalls, detention facilities and bioswales, may be allowed; provided, that:

- i. Alternate locations have been considered and been demonstrated to not be feasible; and
- ii. The location of such facilities should generally be located in the outer 25% of the buffer, provided its placement will not affect the hydroperiod of the wetland or adversely affect water quality.
- iii. Stormwater detention facilities are not allowed in buffers of Category I or II wetlands.

G. Signs and Fencing of Wetlands.

1. Temporary Markers. The outer perimeter of the wetland or buffer and the limits of those areas to be disturbed pursuant to an approved permit or authorization shall be marked in the field in such a way as to ensure that no unauthorized intrusion will occur, and inspected by the planning director prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction, and shall not be removed until permanent signs, if required, are in place.

2. Permanent Signs. As a condition of any permit or authorization issued pursuant to this chapter, the planning director shall require the applicant to install permanent signs along the boundary of a wetland or buffer.

Permanent signs shall be made of a metal face and attached to a metal post, or another material of equal durability. Signs must be posted at an interval of one per lot or every 50 feet, whichever is less, and must be maintained by the property owner in perpetuity. The sign shall be worded as follows or with alternative language approved by the director;

Protected Wetland Area

Do Not Disturb

Contact the Town of Eatonville Regarding Uses and Restriction

3. Fencing.

a. The planning director may require the applicant to install a permanent fence at the edge of the wetland buffer when fencing will prevent future impacts to the wetland.

b. The applicant shall be required to install a permanent fence around the wetland or buffer when domestic grazing animals are present or may be introduced on-site.

c. Fencing installed as part of a proposed activity or as required in this subsection G.3. shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the wetland and associated habitat.

**15.16.124 Performance standards – Mitigation requirements.**

A. Mitigation shall achieve equivalent or greater biological functions. Mitigation for alterations to wetlands shall achieve equivalent or greater biologic functions.

B. Mitigation shall result in no net loss. Wetland mitigation actions shall not result in a net loss of wetland area or functions and values except when the following criteria are met:

1. The lost wetland area provides minimal functions and the mitigation action(s) results in a net gain in wetland functions as determined by a site-specific function assessment; or

2. The lost wetland area provides minimal functions as determined by a site-specific function assessment and other replacement habitats provide greater benefits to the functioning of the watershed, such as riparian habitat restoration and enhancement; or

3. Out-of-kind replacement will best meet formally identified regional goals, such as replacement of historically diminished wetland types.

C. Preference of Mitigation Actions. Mitigation actions that require compensation by replacing, enhancing, or substitution shall occur in the following order of preference:

1. Restoration: Restoring wetlands on upland sites that were formerly wetlands and/or have been degraded.

2. Enhancement: Enhancing on-site degraded wetlands.

3. Creation: Creating wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of exotic introduced species.

D. Mitigation Ratios.

1. Acreage Replacement Ratios. The following ratios shall apply to creation or restoration that is in-kind, on site, the same category, timed prior to or concurrent with alteration, and has a high probability of success. The first number specifies the acreage of replacement wetlands and the second specifies the acreage of wetlands altered.

<u>Category and type of wetland</u>	<u>Creation or re-establishment</u>	<u>Rehabilitation</u>	<u>Enhancement</u>
<u>Cat. I: Bog, natural heritage site</u>	<u>Not considered possible</u>	<u>Case by case</u>	<u>Case by case</u>
<u>Cat. I: mature forest</u>	<u>6:1</u>	<u>12:1</u>	<u>24:1</u>
<u>Cat. I based on functions</u>	<u>4:1</u>	<u>8:1</u>	<u>16:1</u>
<u>Cat. II</u>	<u>3:1</u>	<u>6:1</u>	<u>12:1</u>
<u>Cat. III</u>	<u>2:1</u>	<u>4:1</u>	<u>8:1</u>
<u>Cat. IV</u>	<u>1.5:1</u>	<u>3:1</u>	<u>6:1</u>

E. Wetlands Enhancement as Mitigation.

1. Impacts to wetlands may be mitigated by enhancement of existing significantly degraded wetlands. Applicants proposing to enhance wetlands must produce a critical areas report that identifies how enhancement will increase the functions of the degraded wetland and how this increase will adequately mitigate for the loss of wetland area and function at the impact site. An enhancement proposal must also show whether existing wetland functions will be reduced by the enhancement actions.

15.16.125 Performance standards – Subdivisions.

The subdivision and short subdivision of land in wetlands and associated buffers is subject to the following:

A. Land that is located wholly within a wetland or its buffer may not be subdivided.

B. Land that is located partially within a wetland or its buffer may be subdivided; provided, that:

1. Each lot and/or parcel created through the subdivision process shall maintain a minimum buildable lot area not including a wetland or buffer area which totals 75 percent of the minimum lot size area for the zoning district where located; and



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2. Meets the minimum lot size requirements of EMC

Title 18.

C. Access roads and utilities serving the proposed subdivision may be permitted within the wetland and associated buffers only if the Town determines that no other feasible alternative exists. Loss of wetlands shall be mitigated in accordance with this title.

COB

**15.16.141 Critical aquifer recharge areas – Designation and susceptibility rating.**

The town is aware of two critical aquifer recharge areas in its jurisdiction, 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. Upon discovery of scientific data attesting to the existence of additional critical aquifer recharge areas, the town will enforce this code upon said areas.

**15.16.146 Critical aquifer recharge areas – Substantive requirements.**

G. 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.

H. Natural and engineered solutions to maintain aquifer recharge quality shall be used. Natural solutions (e.g., maintaining undisturbed vegetation) are preferred when practicable.

I. Development proposed within critical aquifer recharge areas shall comply with applicable stormwater management requirements, Chapter 16.54.

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.

**Statutes, Regulations, and Guidance Regarding Groundwater-Impacting Activities**

Activity	Statute – Regulation – Guidance
Above-ground storage tanks	WAC 173-303-640

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Animal feedlots*	Chapters <u>173-216</u> and <u>173-220</u> WAC
Automobile washers	Chapter <u>173-216</u> WAC, Best Management Practices for Vehicle and Equipment Discharges (Washington State Department of Ecology WQ-R-96-56)
Below-ground storage tanks <sup>1</sup>	Chapter <u>173-360</u> WAC
Chemical treatment storage and disposal facilities*	WAC <u>173-303-182</u>
Hazardous waste generator*	Chapter <u>173-303</u> 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 <u>40 CFR</u> Parts <u>144</u> and <u>146</u> , Chapter <u>173-216</u> WAC
Junk yards and salvage yards*	Chapter <u>173-304</u> WAC, Best Management Practices to Prevent Stormwater Pollution at Vehicle Recycler Facilities (Washington State Department of Ecology 94-146)
Oil and gas drilling*	WAC <u>332-12-450</u> , Chapter <u>173-216</u> WAC
On-site sewage systems (large-scale)*	Chapter <u>173-240</u> WAC
On-site sewage systems (< 14,500 gal./day)	Chapter <u>246-272</u> WAC, local health ordinances
Pesticide storage and use*	Chapters <u>15.54</u> and <u>17.21</u> RCW
Sawmills*	Chapters <u>173-303</u> and <u>173-304</u> WAC, Best Management Practices to Prevent Stormwater Pollution at Log Yards (Washington State Department of Ecology, 95-53)

Solid waste handling and recycling facilities*	Chapter <u>173-304</u> WAC
Surface mining*	WAC <u>332-18-015</u>
Waste water application to land surface*	Chapters <u>173-216</u> and <u>173-200</u> WAC, Washington State Department of Ecology Land Application Guidelines, Best Management Practices for Irrigated Agriculture

NOTE: The uses noted with an asterisk (\*) in the above table are prohibited  
 in Class 1 Critical Aquifer Recharge Areas.

END

**15.16.177 Best available science.**

A. Protection for Functions and Values and Anadromous Fish. Critical areas reports and decisions to alter critical areas shall include the best available science in order to protect the functions and values of critical areas and must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish and their habitat, such as salmon and bull trout.

B. Best Available Science to Be Used Must Be Consistent with Criteria. The best available science is that scientific information applicable to the critical area prepared by local, state or federal natural resource agencies, or a qualified scientific expert or team of qualified scientific experts that is consistent with criteria established in WAC 365-195-900 through 365-195-925.

Whether a person is a qualified scientific expert with expertise appropriate to the relevant critical areas is determined by the person's professional credentials and/or certification, any advanced degrees earned in the pertinent scientific discipline from a recognized university, the number of years of experience in the pertinent scientific discipline, recognized leadership in the discipline of interest, formal training in the specific area of expertise, and field and/or laboratory experience with evidence of the ability to produce peer-reviewed publications or other professional literature. No one factor is determinative in deciding whether a person is a qualified scientific expert. Where pertinent scientific information implicates multiple scientific disciplines, cities are encouraged to consult a team of qualified scientific experts representing the various disciplines to ensure the identification and inclusion of the best available science.

C. Characteristics of a Valid Scientific Process. In the context of critical areas protection, a valid scientific process is one that produces reliable information useful in understanding the consequences of a local government's regulatory decisions, and in developing critical areas policies and development regulations that will be effective in protecting the functions and values of critical areas. To determine whether information received during the permit review process is reliable scientific information, the city planning director shall determine whether the source of the information displays the characteristics of a valid scientific process. Such characteristics are as follows:

1. Peer Review. The information has been critically reviewed by other persons who are qualified scientific experts in that scientific discipline. The proponents of the information have addressed the criticism of the peer reviewers. Publication in a refereed scientific journal usually indicates that the information has been appropriately peer-reviewed;

2. Methods. The methods used to obtain the information are clearly stated and replicated. The methods are standardized in the pertinent scientific discipline or, if not, the methods have been appropriately peer-reviewed to assure their reliability and validity;

3. Logical Conclusions and Reasonable Inferences. The conclusions presented are based on reasonable assumptions supported by other studies and consistent with the general theory underlying the assumptions. The conclusions are logically and reasonably derived from the

assumptions and supported by the data presented. Any gaps in information and inconsistencies with other pertinent scientific information are adequately explained;

4. Quantitative Analysis. The data have been analyzed using appropriate statistical or quantitative methods;

5. Context. The information is placed in proper context. The assumptions, analytical techniques, data, and conclusions are appropriately framed with respect to the prevailing body of pertinent scientific knowledge; and

6. References. The assumptions, analytical techniques, and conclusions are well referenced with citations to relevant, credible literature and other pertinent existing information.

D. Nonscientific Information. Nonscientific information may supplement scientific information, but it is not an adequate substitute for valid and available scientific information. Common sources of nonscientific information include the following:

1. Anecdotal Information. One or more observations that are not part of an organized scientific effort (for example, “I saw a grizzly bear in that area while I was hiking.”);

2. Nonexpert Opinion. Opinion of a person who is not a qualified scientific expert in a pertinent scientific discipline (for example, “I do not believe there are grizzly bears in that area.”); and

3. Hearsay. Information repeated from communication with others (for example, “At a lecture last week, Dr. Smith said there were no grizzly bears in that area.”).

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## **15.16.180 References.**

### A. General References:

1. Citations of Recommended Sources of Best Available Science for Designating and Protecting Critical Areas, Washington State Department of Community Trade and Economic Development.

2. Example Code Provisions for Designating and Protecting Critical Areas, November 2003, Community Trade and Economic Development.

3. Pierce County critical areas code, Title 18E.

4. WAC 365-195-900 through 365-195-925.

5. WAC 365 (195 through 905).

### B. Critical Aquifer Recharge Areas:

3-1. Guidance Document for the Establishment of Critical Aquifer Recharge Areas Ordinances, July 2000, Department of Ecology.

2. Washington State Department of Health. 2005. Washington's Source Water Assessment Program. DOH publication # 331-148

3. U.S. Environmental Protection Agency. 2003. "Potential sources of drinking water contamination index. URL: <http://www.epa.gov/safewater/swp/sources1.html> (Accessed Nov. 2005)

4. WAC 173-160 - Minimum Standards for Construction and Maintenance of Wells.

5. WAC 246-290 - Drinking Water Regulations - State Board of Health

C. Wetlands:

4-1. Environmental Laboratory. (1987). "Corps of Engineers Wetlands Delineation Manual," Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Miss. ~~Washington State Wetland Identification and Delineation Manual (1997).~~

2. U.S. Army Corps of Engineers. 2010. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0), ed. J. S. Wakeley, R. W. Lichvar, and C. V. Noble. ERDC/EL TR-10-3. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

53. ~~Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance (Version 1, Ecology Publication #06-06-011a, March 2006)~~  
~~Wetland Mitigation in Washington State, Part 2: Developing Mitigation Plans (Version 1, Ecology Publication #06-06-011b, March 2006)~~  
~~2004 Washington State Wetland Rating System for Western Washington (Publication No. 04-06-014).~~

64. DOE Guidelines for Developing Freshwater Wetlands Mitigation Plans and Proposals, 2004.

7. Wetland Replacement Ratios: Defining Equivalency, WSDOE 1992, Publication No. 92-08,

8. Freshwater Wetlands in Washington State, Volume 2, Appendix 8-C.

95. ~~Washington State Wetland Rating System for Western Washington—2014 Update (Ecology Publication #14-06-029, October 2014)~~  
~~Revised Washington State Wetlands Rating System for Western Washington.~~

6. Washington State Department of Ecology & Washington State Department of Fish and Wildlife. 2005. Wetlands in Washington State – Volume 1: A Synthesis of the Science & Volume 2: Guidance for Protecting and Managing Wetlands (Ecology Publications #05-06-006 & #05-06-008)

10. Guidance Document for the Establishment of Critical Aquifer Recharge Area Ordinances, WSDOE Publication No. 97-30.

7. Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington) (Ecology Publication #09-06-32, December 2009)

8. Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Final Report, (Ecology Publication #10-06-11, March 2012)

9. Update on Wetland Buffers: The State of the Science Final Report (Ecology Publication #13-06-11), October 2013.

10. Wetland Guidance for CAO Updates (Western Washington) (Ecology Publication #16-06-001), June 2016, as revised. This document contains guidance based on BAS.

D. Frequently Flooded Areas:

14. Federal Emergency Management Administration Flood Maps.

E. Geologically Hazardous Areas:

12-1. Washington State Department of Natural Resources (slope stability mapping).

132. U.S. Geological Survey maps showing slide areas.

3. Washington Department of Ecology. Controlling Erosion Using Vegetation.  
<http://www.ecy.wa.gov/programs/sea/pubs/93-30/index.html>

4. International Building Code 2003. International Code Council, Inc. ISBN #1-892395- 56-8.

5. USGS Quaternary Fault and Fold Database for the United States.  
<http://earthquake.usgs.gov/regional/qfaults/wa/sea.html>.

14. Pierce County critical areas code, Title 18E.

15. WAC 365-195-900 through 365-195-925.

16. WAC 365 (195 through 905).

F. Fish and Wildlife Habitats:

1. Washington Environmental Council. 2004. Habitat Protection Tool Kit: A Guide to Habitat Conservation Planning Under Washington's Growth Management and Shoreline Management Acts. URL: [www.wecprotects.org](http://www.wecprotects.org)

2. Washington State Department of Ecology. 2005. Protecting Aquatic Ecosystems: A Guide for Puget Sound Planners to Understand Watershed Processes (Publication # 05-06-013)

3. Washington State Department of Ecology. 2001. Focus: Riparian Areas. Washington Department of Ecology (Publication # 00-10-023)

4. WAC 232-12-014 Washington State Endangered Species

5. WAC 232-12-011 Washington State Threatened and Sensitive Species

6. WAC 222-16-030 Department of Natural Resources Water Typing System

END

**Chapter 15.28**  
**COMMUTE TRIP REDUCTION**  
**Sections:**

- 15.28.010 Definitions.
- 15.28.020 Eatonville CTR plan.
- 15.28.030 Responsible Eatonville agency.
- 15.28.040 Applicability.
- 15.28.050 Notification of applicability.
- 15.28.060 New affected employers.
- 15.28.070 Change in status as an affected employer.
- 15.28.080 Requirements for employers.
- 15.28.090 CTR program description requirements.
- 15.28.100 Mandatory program elements.
- 15.28.110 Record keeping.
- 15.28.120 Schedule and process for CTR reports.
- 15.28.130 Implementation of employer’s CTR program.
- 15.28.140 Credit for transportation demand management efforts leadership certificate.
- 15.28.150 Credit for programs implemented prior to the base year.
- 15.28.160 Program exemption credit.
- 15.28.170 Compliance.
- 15.28.180 Program modification criteria.
- 15.28.190 Violations.
- 15.28.200 Penalties.
- 15.28.210 Worksite exemptions.
- 15.28.220 Employee exemptions.
- 15.28.230 Modification of CTR program goals.
- 15.28.240 Appeals.

15.28.010 Definitions.

For the purpose of this chapter, the following definitions shall apply in the interpretation and enforcement of this chapter:

“Affected employee” means a full-time employee who begins his or her regular work day at a single worksite between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays for at least 12 continuous months. Seasonal agricultural employees, including seasonal employees of processors of agricultural products, are excluded from the count of affected employees.

“Affected employer” means an employer that employs 200 or more full-time employees at a single worksite who are scheduled to begin their regular work day between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays for at least 12 continuous months. Construction worksites, when the expected duration of the construction is less than two years, are excluded from this definition. (Also see definition of employer.)

“Alternative mode” means any means of commute transportation other than that in which the single-occupant motor vehicle is the dominant mode, including telecommuting and compressed work weeks if they result in reducing commute trips.

“Alternative work schedules” mean programs such as compressed work weeks that eliminate work trips for affected employees.

“Base year” means the period on which goals for vehicle miles traveled (VMT) per employee and proportion of single-occupant vehicle (SOV) trips shall be based.

“Carpool” means a motor vehicle occupied by two to six people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle commute trip.

“Commute trips” mean trips made from a worker’s home to a worksite with a regularly scheduled arrival time of 6:00 a.m. to 9:00 a.m. (inclusive) on weekdays.

“CTR plan” means a (Town’s/county’s) plan and ordinance to regulate and administer the CTR programs of affected employers within its jurisdiction.

“CTR program” means an employer’s strategies to reduce affected employees’ SOV use and VMT per employee.

“CTR zone” means an area, such as a census tract or combination of census tracts, within a (Town/county) characterized by similar employment density, population density, level of transit service, parking availability, access to high occupancy vehicle facilities, and other factors that are determined to affect the level of SOV commuting.

“Commuter matching service” means a system that assists in matching commuters for the purpose of commuting together.

“Compressed work week” means an alternative work schedule, in accordance with employer policy, that regularly allows a full-time employee to eliminate at least one work day every two weeks by working longer hours during the remaining days, resulting in fewer commute trips by the employee. This definition is primarily intended to include weekly and biweekly arrangements, the most typical being four 10-hour days or 80 hours in nine days, but may also include other arrangements.

“Custom bus/buspool” means a commuter bus service arranged specifically to transport employees to work.

“Dominant mode” means the mode of travel used for the greatest distance of a commute trip.

“Employer” means a sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district, or other individual or entity, whether public, nonprofit, or private, that employs workers.

“Exemption” means a waiver from any or all CTR program requirements granted to an employer by a Town based on unique conditions that apply to the employer or employment site.



“Flex-time” is an employer policy allowing individual employees some flexibility in choosing the time, but not the number, of their working hours to facilitate the use of alternative modes.

“Full-time employee” means a person, other than an independent contractor, scheduled to be employed on a continuous basis for 52 weeks for an average of at least 35 hours per week.

“Good faith effort” means that an employer has met the minimum requirements identified in RCW 70.94.531 and this chapter, and is working collaboratively with the Town to continue its existing CTR program or is developing and implementing program modifications likely to result in improvements to its CTR program over an agreed-upon length of time.

“Implementation” means active pursuit by an employer of the CTR goals of RCW 70.94.521 through 70.94.551 and this chapter as evidenced by appointment of a transportation coordinator, distribution of information to employees regarding alternatives to SOV commuting, and commencement of other measures according to its approved CTR program and schedule.

“Mode” means the means of transportation used by employees, such as single-occupant motor vehicle, rideshare vehicle (carpool, vanpool), transit, ferry, bicycle, walking, compressed work schedule and telecommuting.

“Notice” means written communication delivered via the United States Postal Service with receipt deemed accepted three days following the day on which the notice was deposited with the Postal Service unless the third day falls on a weekend or legal holiday in which case the notice is deemed accepted the day after the weekend or legal holiday.

“Peak period” means the hours from 6:00 a.m. to 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.

“Peak period trip” means any employee trip that delivers the employee to begin his or her regular workday between 6:00 a.m. and 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.

“Proportion of single-occupant vehicle trips” or “SOV rate” means the number of commute trips over a set period made by affected employees in SOVs divided by the number of potential trips taken by affected employees working during that period.

“Single-occupant vehicle (SOV)” means a motor vehicle occupied by one employee for commute purposes, including a motorcycle.

“Single-occupant vehicle (SOV) trips” mean commute trips made by affected employees in SOVs.

“Single worksite” means a building or group of buildings on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights-of-way occupied by one or more affected employers.

“Telecommuting” means the use of telephones, computers, or other similar technology to permit an employee to work from home, eliminating a commute trip, or to work from a work place closer to home, reducing the distance traveled in a commute trip by at least half.

“Transit” means a multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, ferry, rail, shared-ride taxi, shuttle bus, or vanpool. A transit trip counts as zero vehicle trips.

“Transportation demand management (TDM)” means a broad range of strategies that are primarily intended to reduce and reshape demand on the transportation system.

“Transportation management organization (TMO)” means a group of employers or an association representing a group of employers in a defined geographic area. A TMO may represent employers within specific Town limits or may have a sphere of influence that extends beyond Town limits.

“Vanpool” means a vehicle occupied by from seven to 15 people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle trip. A vanpool trip counts as zero vehicle trips.

“Vehicle miles traveled (VMT) per employee” means the sum of the individual vehicle commute trip lengths in miles made by affected employees over a set period divided by the number of affected employees during that period.

“Week” means a seven-day calendar period starting on Monday and continuing through Sunday.

“Weekday” means any day of the week except Saturday or Sunday.

“Writing,” “written” or “in writing” means original signed and dated documents. Facsimile (fax) transmissions are a temporary notice of action that must be followed by the original signed and dated document via mail or delivery.

#### 15.28.020 Eatonville CTR plan.

The Town’s CTR plan set forth in Attachment A to the ordinance codified in this chapter is wholly incorporated herein by reference.

#### 15.28.030 Responsible Eatonville agency.

The Town administrator or his or her designee responsible for implementing this chapter, the CTR plan, and the Eatonville CTR program should be identified together with any authority necessary to carry out such responsibilities such as rulemaking or certain administrative decisions.

#### 15.28.040 Applicability.

The provisions of this chapter shall apply to any affected employer at any single worksite within the corporate limits of the Town.

#### 15.28.050 Notification of applicability.

In addition to Eatonville’s established public notification for adoption of an ordinance, a notice of availability of a summary of this chapter, a notice of the requirements and criteria for affected employers to comply with this chapter, and subsequent revisions shall be published at least once in Eatonville’s official newspaper not more than 30 days after passage of the ordinance codified in this chapter or revisions. Affected employers located in Eatonville are to receive written notification that they are subject to this chapter. Such notice shall be addressed to the company’s chief executive officer, senior official, or CTR manager at the worksite. Such notification shall be at least 180 days prior to the due date for submittal of their CTR program. Affected employers that, for whatever reason, do not

receive notice within 30 days of passage of said ordinance and are either notified or identify themselves to the Town within 180 days of the passage of said ordinance will be granted an extension to assure up to 180 days within which to develop and submit a CTR program. Affected employers that have not been identified or do not identify themselves within 180 days of the passage of said ordinance and do not submit a CTR program within 180 days from the passage of said ordinance are in violation of this chapter.

15.28.060 New affected employers.

Employers that meet the definition of “affected employer” in this chapter must identify themselves to the Town within 180 days of either moving into the boundaries of Town or growing in employment at a worksite to 200 or more affected employees. Such employers shall be given 180 days to develop and submit a CTR program. Employers that do not identify themselves within 180 days are in violation of this chapter. New affected employers shall have two years to meet the first CTR goal of a 15 percent reduction in proportion of single occupant vehicle trips or vehicles miles traveled per person; four years to meet the second goal of a 20 percent reduction; six years to meet the third goal of a 25 percent reduction; and 12 years to meet the fourth goal of a 35 percent reduction, from the time they begin their program.

15.28.070 Change in status as an affected employer.

Any of the following changes in an employer’s status will change the employer’s CTR program requirements:

(1) If an employer initially designated as an affected employer no longer employs 200 or more affected employees and expects not to employ 200 or more affected employees for the next 12 months, that employer is no longer an affected employer. It is the responsibility of the employer to notify the Town that it is no longer an affected employer.

(2) If the same employer returns to the level of 200 or more affected employees within the same 12 months, that employer will be considered an affected employer for the entire 12 months and will be subject to the same program requirements as other affected employers.

(3) If the same employer returns to the level of 200 or more affected employees 12 or more months after its change in status to an “unaffected” employer, that employer shall be treated as a new affected employer and will be subject to the same program requirements as other new affected employers.

15.28.080 Requirements for employers.

An affected employer is required to make a good faith effort, as defined in RCW 70.94.534(2) and this chapter, to develop and implement a CTR program that will encourage its employees to reduce VMT per employee and SOV commute trips. The employer shall submit a description of its program to Eatonville and provide an annual progress report to Eatonville on employee commuting and progress toward meeting the SOV goals. The CTR program must include the mandatory elements as described below.

15.28.090 CTR program description requirements.

The CTR program description presents the strategies to be undertaken by an employer to achieve the commute trip reduction goals for each goal year. Employers are encouraged to consider innovative strategies and combine program elements in a manner that will best suit their location, site characteristics, business type, and employees’ commuting needs. Employers are further encouraged to

cooperate with each other and to form or use transportation management organizations in developing and implementing CTR programs.

At a minimum, the employer's description must include:

(1) General description of the employment site location, transportation characteristics, and surrounding services, including unique conditions experienced by the employer or its employees;

(2) Number of employees affected by the CTR program;

(3) Documentation of compliance with the mandatory CTR program elements (as described in EMC 15.28.100);

(4) Description of the additional elements included in the CTR program (as described in EMC 15.28.100); and

(5) Schedule of implementation, assignment of responsibilities, and commitment to provide appropriate resources.

15.28.100 Mandatory program elements.

Each employer's CTR program shall include the following mandatory elements:

(1) Transportation Coordinator. The employer shall designate a transportation coordinator to administer the CTR program. The coordinator's and/or designee's name, location, and telephone number must be displayed prominently at each affected worksite. The coordinator shall oversee all elements of the employer's CTR program and act as liaison between the employer and Town. The objective is to have an effective transportation coordinator presence at each worksite; an affected employer with multiple sites may have one transportation coordinator for all sites.

(2) Information Distribution. Information about alternatives to SOV commuting shall be provided to employees at least once a year. Each employer's program description and annual report must report the information to be distributed and the method of distribution.

(3) Annual Progress Report. The CTR program must include an annual review of employee commuting and progress and good faith efforts toward meeting the SOV reduction goals. Affected employers shall file an annual progress report with the Town in accordance with the format established by this chapter and consistent with the CTR task force guidelines. The report shall describe each of the CTR measures that were in effect for the previous year, the results of any commuter surveys undertaken during the year, and the number of employees participating in CTR programs. Within the report, the employer should evaluate the effectiveness of the CTR program and, if necessary, propose modifications to achieve the CTR goals. Survey information or approved alternative information must be provided in the reports submitted in the second, fourth, sixth, eighth, tenth, and twelfth years after implementation begins. The employer should contact the Town for the format of the report.

(4) Additional Program Elements. In addition to the specific program elements described above, the employer's CTR program shall include additional elements as needed to meet CTR goals. Elements may include, but are not limited to, one or more of the following:

- (a) Provision of preferential parking or reduced parking charges, or both, for high-occupancy vehicles; instituting or increasing parking charges for SOVs; provision of commuter ride matching services to facilitate employee ride-sharing for commute trips;
- (b) Provision of subsidies for transit fares;
- (c) Provision of vans for vanpools;
- (d) Provision of subsidies for carpools or vanpools;
- (e) Permitting the use of the employer’s vehicles for carpooling or vanpooling;
- (f) Permitting flexible work schedules to facilitate employees’ use of transit, carpools, or vanpools;
- (g) Cooperation with transportation providers to provide additional regular or express service to the worksite;
- (h) Construction of special loading and unloading facilities for transit, carpool, and vanpool users;
- (i) Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;
- (j) Provision of a program of parking incentives such as a rebate for employees who do not use the parking facilities;
- (k) Establishment of a program to permit employees to work part- or full-time at home or at an alternative worksite closer to their homes;
- (l) Establishment of a program of alternative work schedules, such as a compressed work week which reduces commuting; and
- (m) Implementation of other measures designed to facilitate the use of high-occupancy vehicles, such as on-site day care facilities and emergency taxi services.

15.28.110 Record keeping.

Affected employers shall include a list of the records they will keep as part of the CTR program they submit to Eatonville for approval. Employers will maintain all records listed in their CTR program for a minimum of 24 months. Eatonville and the employer shall agree on the record keeping requirements as part of the accepted CTR program.

15.28.120 Schedule and process for CTR reports.

(1) CTR Program. Not more than 180 days after the adoption of the ordinance codified in this chapter, or within six months after an employer qualifies under the provisions of this chapter, the employer shall develop a CTR program and shall submit to the Town a description of that program for review.

(2) Document Review. Eatonville shall provide the employer with written notification if a CTR program is deemed unacceptable. The notification must give cause for any rejection. If the employer receives no written notification of extension of the review period of its CTR program or comment on the CTR

program or annual report within 90 days of submission, the employer's program or annual report is deemed accepted. The Town may extend the review period up to 90 days. The implementation date for the employer's CTR program will be extended an equivalent number of days.

(3) CTR Annual Progress Reports. Upon review of an employer's initial CTR program, the Town shall establish the employer's annual reporting date, which shall not be less than 12 months from the day the program is submitted. Each year on the employer's reporting date, the employer shall submit to the Town its annual CTR report.

(4) Modification of CTR Program Elements. Any affected employer may submit a request to Eatonville for modification of CTR program elements, other than the mandatory elements specified in this chapter, including record keeping requirements. Such request may be granted if one of the following conditions exist:

(a) The employer can demonstrate it would be unable to comply with the CTR program elements for reasons beyond the control of the employer; or

(b) The employer can demonstrate that compliance with the program elements would constitute an undue hardship. This may include evidence from employee surveys administered at the worksite: first, in the base year, showing that the employer's own base year values of VMT per employee and SOV rates were higher than the CTR zone average; and/or secondly, in the goal measurement year(s), showing that the employer has achieved reductions from its own base values that are comparable to the reduction goals established for the employer's CTR zone.

(5) Extensions. An employer may request additional time to submit a CTR program or CTR annual progress report, or to implement or modify a program. Such requests shall be via written notice at least 30 days before the due date for which the extension is being requested. Extensions not to exceed 90 days shall be considered for reasonable causes. The Town shall grant or deny the employer's extension request by written notice within 10 working days of its receipt of the extension request. If there is no response issued to the employer, an extension is automatically granted for 30 days. Extensions shall not exempt an employer from any responsibility in meeting program goals. Extensions granted due to delays or difficulties with any program element(s) shall not be cause for discontinuing or failing to implement other program elements. An employer's annual reporting date shall not be adjusted permanently as a result of these extensions. An employer's annual reporting date may be extended at the discretion of the Town administrator.

15.28.130 Implementation of employer's CTR program.

Unless extensions are granted, the employer shall implement its approved CTR program not more than 180 days after the program was first submitted to the Town. Implementation of the approved program modifications shall begin within 30 days of the final decision or 180 days from submission of the CTR program or CTR annual report, whichever is greater.

15.28.140 Credit for transportation demand management efforts leadership certificate.

As public recognition for their efforts, employers with VMT per employee and proportion of SOV trips lower than the zone average will receive a commute trip reduction certificate of leadership from the Town.

15.28.150 Credit for programs implemented prior to the base year.

Employers with successful TDM programs implemented prior to the base year may be eligible to apply for program exemption credit, which exempts them from most program requirements. Affected employers wishing to receive credit for the results of existing TDM efforts may do so by applying to Town within 90 days of the adoption of the ordinance codified in this chapter. Application shall include data from a survey of employees or equivalent to establish the applicant's VMT per employee and proportion of SOV trips. The survey or equivalent data shall conform to all applicable standards established in the CTR task force guidelines. The employer shall be considered to have met the first measurement goals if their VMT per employee and proportion of SOV trips are equivalent to a 12 percent or greater reduction from the final base year CTR zone values. This three percentage point credit applies only to the first measurement goals.

15.28.160 Program exemption credit.

Affected employers may apply for program exemption credit for the results of past or current TDM efforts by applying to the Town within 90 days of adoption of the applicable CTR ordinance, or as part of any annual report. Application shall include results from a survey of employees, or equivalent information that establishes the applicant's VMT per employee and proportion of SOV trips. The survey or equivalent information shall conform to all applicable standards established in the CTR task force guidelines. Employers that apply for credit and whose VMT per employee and proportion of SOV trips are equal to or less than goals for one or more future goal years, and commit in writing to continue their current level of effort, shall be exempt from the requirements of this chapter except for the requirements to report performance in the measurement years. If any of these reports indicate the employer does not satisfy the next applicable goal(s), the employer shall immediately become subject to all requirements of the CTR ordinance.

15.28.170 Compliance.

For purposes of this section, "compliance" means fully implementing in good faith all provisions in an approved CTR program.

15.28.180 Program modification criteria.

The following criteria for achieving goals for VMT per employee and proportion of SOV trips shall be applied in determining requirements for employer CTR program modifications:

(1) If an employer meets either or both goals, the employer has satisfied the objectives of the CTR plan and will not be required to modify its CTR program.

(2) If an employer makes a good faith effort, as defined in RCW 70.94.534(2) and this chapter, but has not met or is not likely to meet the applicable SOV or VMT goal, the Town/county shall work collaboratively with the employer to make modifications to its CTR program. After agreeing on modifications, the employer shall submit a revised CTR program description to the Town/county for approval within 30 days of reaching agreement.

(3) If an employer fails to make a good faith effort as defined in RCW 70.94.534(2) and this chapter, and fails to meet the applicable SOV or VMT reduction goal, the Town shall work collaboratively with the employer to identify modifications to the CTR program and shall direct the employer to revise its program within 30 days to incorporate the modifications. In response to the recommended modifications, the employer shall submit a revised CTR program description, including the requested modifications or equivalent measures, within 30 days of receiving written notice to revise its program. The Town shall review the revisions and notify the employer of acceptance or rejection of the revised

program. If a revised program is not accepted, the Town will send written notice to that effect to the employer within 30 days and, if necessary, require the employer to attend a conference with program review staff for the purpose of reaching a consensus on the required program. A final decision on the required program will be issued in writing by the Town within 10 working days of the conference.

15.28.190 Violations.

The following constitute violations if the deadlines established in this chapter are not met:

(1) Failure to develop and/or submit on time a complete CTR program, including:

(a) Employers notified or that have identified themselves to the Town within 180 days of the ordinance codified in this chapter being adopted and that do not submit a CTR program within 180 days from the notification or self-identification;

(b) Employers not identified or self-identified within 180 days of the ordinance codified in this chapter being adopted and that do not submit or implement a CTR program within 180 days from the adoption of the ordinance codified in this chapter;

(2) Failure to implement an approved CTR program, unless the program elements that are carried out can be shown through quantifiable evidence to meet or exceed VMT and SOV goals as specified in this chapter;

(3) Failure to make a good faith effort, as defined in RCW 70.94.534 and this chapter; or

(4) Failure to revise a CTR program as defined in RCW 70.94.534(4) and this chapter.

15.28.200 Penalties.

No affected employer with an approved CTR program which has made a good faith effort may be held liable for failure to reach the applicable SOV or VMT goal; each day of failure to implement the program shall constitute a separate violation, subject to penalties as described in Chapter 7.80 RCW. The Town administrator shall prepare a schedule of fines. An affected employer shall not be liable for civil penalties if failure to implement an element of a CTR program was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by the employer and pursued in good faith. Unionized employers shall be presumed to act in good faith compliance if they:

(1) Propose to a recognized union any provision of the employer's CTR program that is subject to bargaining as defined by the National Labor Relations Act; and

(2) Advise the union of the existence of the statute and the mandates of the CTR program approved by Eatonville and advise the union that the proposal being made is necessary for compliance with state law (RCW 70.94.531).

15.28.210 Worksite exemptions.

An affected employer may request Eatonville grant an exemption from all CTR program requirements or penalties for a particular worksite. The employer must demonstrate that it would experience undue hardship in complying with the requirements of this chapter as a result of the characteristics of its business, its work force, or its location(s). An exemption may be granted if and only if the affected



employer demonstrates that it faces extraordinary circumstances, such as bankruptcy, and is unable to implement any measures that could reduce the proportion of SOV trips and VMT per employee. Exemptions may be granted by Eatonville at any time based on written notice provided by the affected employer. The notice should clearly explain the conditions for which the affected employer is seeking an exemption from the requirements of the CTR program. Eatonville shall review annually all employers receiving exemptions, and shall determine whether the exemption will be in effect during the following program year. (Ord. 18-99 § 23, 1999).

15.28.220 Employee exemptions.

Specific employees or groups of employees who are required to drive alone to work as a condition of employment may be exempted from a work site's CTR program. Exemptions may also be granted for employees who work variable shifts throughout the year and who do not rotate as a group to identical shifts. Eatonville will use the criteria identified in the CTR task force guidelines to assess the validity of employee exemption requests. Eatonville shall review annually all employee exemption requests, and shall determine whether the exemption will be in effect during the following program year.

15.28.230 Modification of CTR program goals.

An affected employer may request that Eatonville modify its CTR program goals. Such requests shall be filed in writing at least 60 days prior to the date the worksite is required to submit its program description or annual report. The goal modification request must clearly explain why the worksite is unable to achieve the applicable goal. The worksite must also demonstrate that it has implemented all of the elements contained in its approved CTR program. The Town will review and grant or deny requests for goal modifications in accordance with procedures and criteria identified in the CTR task force guidelines. An employer may not request a modification of the applicable goals until one year after Town/county approval of its initial program description or annual report.

15.28.240 Appeals.

Affected employers may appeal administrative decisions to the Town council by submitting a written request for such an appeal to the Town administrator within 20 calendar days of the administrative decision.

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END

**Title 17**

**LAND SUBDIVISIONS, PLATS AND IMPROVEMENTS**

**Chapter 17.08**

**DEFINITIONS**

17.08.450 Street tree.

“Street tree” means a tree planted along the edge of a right-of-way or easement, or just inside the lot or parcel from the right-of-way on a landscape easement and which is of a variety approved by the Public Works Director or mayor~~town~~ for such placement. The Public Works Department may keep a list of pre-approved trees.

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**Chapter 17.20**

**PRELIMINARY SUBDIVISION/PLATS**

**17.20.090 Town council review of preliminary plats.**

A. Upon receipt of recommendations of the planning commission on the preliminary plat, the date shall be set for the public meeting where the town council shall review the commission’s recommendations.

B. The hearing by the planning commission as provided for by EMC 17.20.070 shall constitute the hearing by the council. Council review of a preliminary plat shall be limited to review of the minutes, written staff report, and any written recommendation received from other agencies and any other written testimony submitted at the planning commission hearing, ~~unless the council decides at the public meeting to schedule its own public hearing. Any interested party may submit an argument either orally or in writing for or against the planning commission’s recommendations, and/or findings of fact, which shall become a part of the record before the council.~~ At its discretion, the council may request information from any staff member or party for the purpose of clarification of the established Planning Commission record at the meeting.

~~C. If, after considering the matter at a public meeting, the council decides that a public hearing is required, a date for public hearing shall be set.~~

~~D. Notice of the public hearing, if any is held, before the council shall be given as provided for in EMC 17.20.070(B) and (C).~~

E. At the ~~public hearing or~~ public meeting, and prior to taking action on the proposed preliminary plat, the council shall make findings of fact which shall include those matters listed in EMC 17.20.080(B).

F. The council, after adopting findings of fact, shall by resolution approve, disapprove, or approve subject to conditions or modifications, the preliminary plat. If the council finds that the proposed subdivision and dedication make appropriate provision as required by the provision of EMC 17.20.080(B)(2) and that the public use and interest as required by EMC 17.20.080(B)(3) will be served, then the council shall approve the proposed subdivision and dedication. The resolution shall include the findings of fact and a short summary of the evidence supporting those findings, and shall be filed with the town clerk as a public record. (Ord. 92-9 § 3, 1992).

**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, or as may be authorized by RCW 58.17.140 and RCW 58.17.170.

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**Chapter 17.22  
FINAL PLAT**

**17.22.090 Council review of alteration, vacation, or replat of a final plat.**

A. Upon receipt of recommendations of the planning commission, the date shall be set for the public meeting where the town council shall review the commission's recommendations.

B. The hearing by the planning commission as provided for by EMC 17.22.060 shall constitute the hearing by the council. Council review shall be limited to review of the petition, minutes, staff report, and any written testimony submitted at the hearing before the planning commission ~~unless the council decides at the public meeting to schedule its own public hearing. Any interested party may comment on the commission's recommendations, and/or findings of fact, and such shall become a part of the record before the council.~~ At its discretion, the council may request information from any staff member or party for the purpose of clarification of the established Planning Commission record at the meeting.

~~C. If, after considering the matter at a public meeting, the council decides that an additional public hearing is required, a public hearing shall be set.~~

~~D. Notice of the public hearing before the council shall be given as provided for in EMC 17.22.060(E) and (F).~~

~~E. At the public hearing or meeting and prior to taking action on any alteration, vacation, or replat, the council shall make findings of fact which shall include those matters listed in EMC 17.22.060(B).~~

~~F. The council, after adopting findings of fact, shall by resolution approve or disapprove or approve subject to conditions or modifications the alteration, vacation or replat. If the council finds that the proposed alteration, vacation or replat makes appropriate provisions as required by the provisions of EMC 17.22.080(B)(2) and that the public use and interest as required by EMC 17.22.080(B)(3) will be served, then the council shall approve the proposed alteration, vacation or replat. The resolution shall include the findings of fact and a short summary of the evidence supporting those findings and shall be filed with the town as a public record. (Ord. 92-9 § 3, 1992).~~

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**Chapter 17.55  
CONCURRENCY MANAGEMENT SYSTEM**

**17.55.030 Concurrency test.**

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.

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 and the requested development permit application may be approved. 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 the development application, the concurrency test is not passed and the requested development permit application shall not be approved, except as may be authorized below. The applicant may:

- 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.

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END

Title 18  
ZONING

Title Chapter 18.02  
DEFINITIONS

- 18.02.001 Rules of construction.
- 18.02.003 Accessory dwelling unit.
- 18.02.005 Accessory use or structure.
- 18.02.006 Adult bookstore.
- 18.02.007 Adult motion picture theater.
- 18.02.008 Adult uses.
- 18.02.009 Adult entertainment establishment.
- 18.02.010 Agriculture.
- 18.02.015 Alley.
- 18.02.020 Apartment.
- 18.02.025 Apartment house (multifamily dwelling).
- 18.02.030 Automobile repair.
- 18.02.033 Automatic teller machine.
- 18.02.035 Automobile service station or gasoline filling station.
- 18.02.040 Automobile wrecking or motor vehicle wrecking.
- 18.02.045 Basement.
- 18.02.050 Board of adjustment.
- 18.02.055 Boarding or lodging home.
- 18.02.060 Building.
- 18.02.065 Building height.
- 18.02.070 Canopy.
- 18.02.071 Cargo container.
- 18.02.075 Comprehensive plan.
- 18.02.080 Combining district.
- 18.02.085 Common open space.
- 18.02.090 Conditional use.
- 18.02.091 Cottage housing.
- 18.02.092 Creeks, rivers, major.
- 18.02.093 Creeks, minor.
- 18.02.095 Crop and tree farming.
- ~~18.02.097~~ ~~096~~ Dangerous wastes.
- 18.02.097 Day care center.
- 18.02.098 Designated zone facility.
- 18.02.100 Development plan.
- 18.02.105 Development standards.
- 18.02.107 Discontinuance.
- 18.02.110 District.
- 18.02.111 Dock-high loading areas.
- 18.02.112 Drainage ditch.
- 18.02.113 Dripline.
- 18.02.114 Drive-in business.

- 18.02.115 Drive-through.
- 18.02.116 Drop box.
- 18.02.118 Duplex.
- 18.02.119 Dwelling, single-family.
- 18.02.120 Dwelling, two-family.
- 18.02.125 Dwelling, multiple-family.
- 18.02.130 Dwelling unit.
- 18.02.132 Erosion hazard area.
- 18.02.133 Existing use.
- 18.02.134 Extremely hazardous waste.
- 18.02.135 Family.
- 18.02.137 Fast food restaurant.
- 18.02.140 Fence, sight-obscuring.
- 18.02.145 Fence, 100 percent sight-obscuring.
- 18.02.147 Formula take-out food restaurant.
- 18.02.148 Full service restaurant.
- 18.02.150 Frontage, building or occupancy.
- 18.02.152 Ganged mailbox.
- 18.02.154 Garage or carport, oversized private.
- 18.02.155 Garage or carport, private.
- 18.02.160 General conditional uses.
- 18.02.165 Grade.
- 18.02.170 Gross floor area.
- 18.02.172 Ground cover.
- 18.02.173 Group home.
- 18.02.174 Guest cottage.
- 18.02.175 Hazardous substance.
- 18.02.176 Hazardous substance facility buffer zone.
- 18.02.177 Hazardous substance land use.
- 18.02.178 Hazardous substance land use facility.
- 18.02.179 Hazardous substance, processing or handling of.
- 18.02.180 Hazardous waste.
- 18.02.181 Hazardous waste facility.
- 18.02.182 Hazardous waste storage facility.
- 18.02.183 Hazardous waste treatment facility.
- 18.02.184 Hazardous waste treatment or storage facility, off-site.
- 18.02.185 Hazardous waste treatment or storage facility, on-site.
- 18.02.187 Highest shade-producing point.
- 18.02.188 Home child care.
- 18.02.190 Home occupation.
- 18.02.195 Homeowners' association.
- 18.02.200 Hotel.
- 18.02.202 Impervious surface.
- 18.02.205 Interior court.
- 18.02.210 Junkyard.
- 18.02.215 Kennel.
- 18.02.217 Lake.

- 18.02.220 Landscaping.
- 18.02.222 Landslide areas.
- 18.02.225 Lot.
- 18.02.230 Lot, corner.
- 18.02.235 Lot frontage.
- 18.02.240 Lot lines.
- 18.02.245 Lot measurements.
- 18.02.250 Lot of record.
- 18.02.252 Lot, riverfront.
- 18.02.255 Lot, through.
- 18.02.256 Mailbox.
- 18.02.257 Major nonconforming building or structure.
- 18.02.258 Minor nonconforming building or structure.
- 18.02.259 Mixed use building or structure.
- 18.02.260 Mixed use development.
- 18.02.262 Mobile/manufactured home.
- 18.02.265 Mobile home park.
- 18.02.267 Moderate risk waste.
- 18.02.270 Motel, hotel, motor hotel, and bed and breakfast.
- 18.02.275 Natural or native areas.
- 18.02.277 Newspaper delivery box.
- 18.02.280 Net acreage.
- 18.02.282 Nonconforming lot of record.
- 18.02.283 Nonconforming sign.
- 18.02.285 Nonconforming use.
- 18.02.286 Nonconformity.
- 18.02.288 North-south lot dimension.
- 18.02.290 Nursery school ~~or day care center.~~
- 18.02.295 Occupancy.
- 18.02.300 Official map.
- 18.02.305 Open green area.
- 18.02.310 Ordinary high-water mark.
- 18.02.315 Outside storage.
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- 18.02.325 Parking, temporary.
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- 18.02.340 Roadside stand.
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- 18.02.505 Stacking space.
- 18.02.510 Structure.
- 18.02.515 Story.
- 18.02.520 Street.
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- 18.02.527 Trade, retail.
- 18.02.528 Transitional housing.
- 18.02.529 Tree.
- 18.02.530 Undeveloped land.
- 18.02.531 Use.
- 18.02.532 Use, change of.
- 18.02.534 Use, temporary.
- 18.02.535 Used.
- 18.02.536 Variance.
- 18.02.540 Vegetation, shading.
- 18.02.541 Vegetative aid.
- 18.02.545 Veterinary clinic.
- 18.02.550 Veterinary hospital.
- 18.02.555 View.
- 18.02.565 Yard.
- 18.02.570 Yard, front.
- 18.02.575 Yard, rear.
- 18.02.580 Yard, side.
- 18.02.585 Zoning.
- 18.02.590 Zoning lot.
- 18.02.595 Zoning permit.

18.02.097 Day care center.  
See 18.02.290 "Nursery school".

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.

18.02.188 Home child care.

"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.

18.02.262 Mobile/manufactured home.

"Mobile/manufactured home" means a residential unit (Single-family dwelling) constructed after June 15, 1976 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 home.

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 care centers and child day care centers regulated by the Washington State Department of Social and Health Services.

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**Chapter 18.04**  
**DISTRICT REGULATIONS**  
**Sections:**

**18.04.010 SF-1 – Single-family residential district, low density.**

D. Special Permit Uses. The following uses are permitted provided they conform to the development standards listed in EMC 18.08.020:

1. Churches;
2. Nursery schools and day care centers.
3. Electric vehicle battery charging stations; Level 1 and 2.

E. Accessory Uses. Permitted accessory uses are as follows:

1. Accessory uses and buildings customarily appurtenant to a permitted use, such as garages, carports and minor structures for storage of personal property;
2. Rooming and boarding of not more than three persons;
3. Customary incidental home occupations subject to the provisions of EMC 18.0408.040;
4. A single accessory dwelling unit subject to the provisions of EMC 18.08.045.

F. Conditional Uses. Conditional uses are as follows:

1. General conditional uses as listed in EMC 18.08.030;
2. Cottage housing in accordance with Chapter 19.06 EMC.
3. Electric vehicle battery charging stations; Level 3 subject to compliance with the development standards of EMC 18.08.020.

**18.04.020 SF-2 – Single-family residential district, medium density.**

D. Special Permit Uses. The following uses are permitted provided they conform to the development standards listed in EMC 18.08.020:

1. Churches;
2. Nursery schools and day care centers.
3. Electric vehicle battery charging stations; Level 1 and 2.

E. Accessory Uses. Permitted accessory uses are as follows:

1. Accessory uses and buildings customarily appurtenant to a permitted use, such as garages, carports and minor structures for storage of personal property;
2. Rooming and boarding of not more than three persons;
3. Customary incidental home occupations subject to the provisions of EMC 18.0408.040;
4. A single accessory dwelling unit subject to the provisions of EMC 18.08.045.

F. Conditional Uses. Conditional uses are as follows:

1. General conditional uses listed in EMC 18.08.030;
2. Cottage housing in accordance with Chapter 19.06 EMC.
3. Electric vehicle battery charging stations; Level 3 subject to compliance with the development standards of EMC 18.08.020.

**18.04.0205 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:

1. Churches;
2. Nursery schools and day care centers.
3. Electric vehicle battery charging stations; Level 1 and 2.

E. Accessory Uses. Permitted accessory uses are as follows:

1. Accessory uses and buildings customarily appurtenant to a permitted use, such as garages, carports and minor structures for storage of personal property;
2. Rooming and boarding of not more than three persons;

3. Customary incidental home occupations subject to the provisions of EMC 18.0408.040;
4. A single accessory dwelling unit subject to the provisions of EMC 18.08.045.

F. Conditional Uses. Conditional uses are as follows:

1. General conditional uses as listed in EMC 18.08.030;
2. Cottage housing in accordance with Chapter 19.06 EMC.
3. Electric vehicle battery charging stations; Level 3 subject to compliance with the development standards of EMC 18.08.020.

**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:

1. Churches;
2. Nursery schools and day care centers.
3. Electric vehicle battery charging stations; Levels 1 and 2.

D. Conditional Uses. Conditional uses are as follows:

1. General conditional uses as listed in EMC 18.08.030;
2. Group homes class I-C, II-A, II-B and II-C;
3. Mobile home parks.
4. Electric vehicle battery charging stations; Level 3 subject to compliance with the development standards of EMC 18.08.020.

**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:

1. Churches;
2. Nursery schools and day care centers.
3. Electric vehicle battery charging stations; Levels 1 and 2.

F. Conditional Uses. Conditional uses are as follows:

1. General conditional uses as listed in EMC 18.08.030;
2. Group homes class II-A, II-B and II-C;
3. Mobile home parks.
4. Electric vehicle battery charging stations; Level 3 subject to compliance with the development standards of EMC 18.08.020.

**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:

1. Day care centers with no more than 12 children and no on-site parking;
2. Formula take-out food restaurants.
3. Electric vehicle battery charging stations; Levels 1, 2 and 3.

**18.04.140 C-2 – General commercial district.**

B. Special Permit Uses. The following uses are permitted:

1. Nursery schools and day care centers;
2. Churches;
3. Drive-in restaurants.
4. Electric vehicle battery charging stations; Levels 1, 2 and 3 subject to compliance with the development standards of EMC 18.08.020.

**18.04.150 MU – Mixed use district.**

B. Secondary Uses. Secondary uses are:

1. For projects that include frontage on an arterial or collector street, neighborhood-scale commercial and/or office uses (consistent with the commercial uses permitted in EMC 18.04.140, C-2 – General commercial district) are permitted on the ground floor of buildings. The neighborhood-scale commercial and office uses shall front on the arterial and collector streets and associated street intersections.
2. Home occupations in accordance with EMC 18.08.040.
3. Accessory buildings that are subordinate to the principal building and are incidental to the use of the principal building on the same lot.
4. Electric vehicle battery charging stations; Levels 1, 2 and 3 subject to compliance with the development standards of EMC 18.08.020.

**18.04.180 I – Industrial district.**

A. Principally Permitted Uses. The following list is illustrative of the types of permitted uses and is not intended to be exclusive:

23. Electric vehicle battery charging stations; Levels 1, 2 and 3 subject to compliance with the development standards of EMC 18.08.020.

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, including public facilities and utilities and essential public facilities;

**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.

1. Airport, heliport and aircraft tie-down areas;
2. Hangars, fuel depots, aircraft sales and repair facilities, and similar facilities pertaining to aircraft;
3. Single-family residential use as permitted in EMC 18.04.010;
4. Commercial uses as permitted in EMC 18.04.140;

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5. Industrial uses as permitted in EMC 18.04.180;
6. Any structure customarily accessory to the above uses shall be permitted;
7. Flight instruction;
8. Aircraft rental;
9. Air taxi service; and
10. Aircraft and parts manufacturing.

11. Electric vehicle battery charging stations; Levels 1, 2 and 3 subject to compliance with the development standards of EMC 18.08.020.

B. Conditional Use. Conditional uses shall be processed in accordance with EMC 18.09.030. Conditional uses are:

1. Public facilities and utilities and essential public facilities;
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.

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END

**Chapter 18.08**  
**GENERAL AND SUPPLEMENTARY PROVISIONS**

18.08.020.F. Electric Vehicle Battery Charging Stations

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.

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 with the approval of a special permit use in all commercial, mixed use, aerospace and industrial zones.

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:

1. Level 1 is considered slow charging and operates on a 15 to 20 amp breaker on a 120 volt AC circuit.

2. Level 2 is considered medium charging and operates on a 40 to 100 amp breaker on a 208 or 240 volt AC circuit.

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.

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:

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.

2. Accessibility. The design and location of the charging stations shall comply with the following barrier free accessibility requirements:

a. Accessible charging stations shall be provided based on the following table:

<u>Number of</u>	<u>Minimum</u>
<u>EV Charging</u>	<u>Accessible</u>
	<u>EV Charging</u>

<u>Stations</u>	<u>Stations</u>
<u>1-50</u>	<u>1</u>
<u>51-100</u>	<u>2</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.

c. Accessible charging stations shall comply with the requirements of WAC 51-50-005.

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.

4. Development and Design Standards. Electric vehicle charging stations shall comply with all applicable development standards and Title 19 Design Standards.

5. Charging Station Equipment: Charging station equipment shall comply with the following standards

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.

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 surface.

c. Equipment shall be protected by wheel stops or concrete-filled bollards.

6. Notification. At all charging stations the following information shall be posted:

a. Voltage and amperage levels.

b. Hours of Operations if time limits or tow away provisions are to be enforced by the property owner.

c. Usage Fees.

d. Safety Information.

e. Contact Information for reporting when the equipment is not operating or other problems.

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.

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18.08.030 General conditional uses.

B. Types of Uses Identified. The uses identified for the purpose of this section will generally fall into several broad categories, as follows:

1. Utility, transportation and communication facilities: includes electrical substations, pumping or regulating devices for the transmission of water, gas, steam, petroleum, etc., bus stops, transit stations, etc.;
2. Public facilities: includes firehouses, police stations, libraries and administrative offices of governmental agencies, primary and secondary schools, vocational schools and colleges. Except public facilities determined to be a Temporary Use shall not require a conditional use permit, but may be approved through the Zoning Permit process pursuant to EMC 18.08.205;
3. Open space uses: includes cemeteries, parks, playgrounds, golf courses and other recreational facilities, including buildings or structures associated therewith;
4. Drive-in churches and welfare facilities: drive-in churches, retirement homes, convalescent homes, and other welfare facilities (excluding group homes class I, II, and III as defined in EMC 18.02.173), whether privately or publicly operated, facilities for rehabilitation or correction, private clubs, fraternal lodges, etc.;
5. Duplexes; provided there shall be no more than one duplex within 250 feet of any other duplex, measured from the corner of the lot from the nearest existing permitted duplex to the nearest corner of the proposed subject lot;
6. Oversized private garages or carports, as accessory to principal residential uses; provided, that the following conditions are met, in addition to those required for all general conditional uses:
  - a. The lot area shall be no less than the zone minimum plus an additional area calculated as follows: sum the proposed total attached and detached garage and carport area; then subtract the area permitted by right; then divide the difference by the maximum site coverage for the zone.
  - b. The exterior of the building shall be of a residential character complementary to that of the principal structure on the site.

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**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, subject to compliance with the development standards of EMC 18.08.020.B.6 and 8;
-



18.08.205 Temporary use regulations.

B. Conditions of Temporary Use.

1. Each site occupied by a temporary use shall be left free of debris, litter or other evidence of temporary use upon completion or removal of the use.
  2. A temporary use conducted in a parking facility shall not occupy more or remove from availability more than 25 percent of the spaces required for the permanent use, except in the downtown commercial zoning district or as approved by the town council.
  3. Each site occupied by a temporary use must provide or have available sufficient off-street parking and vehicular maneuvering area for customers. Such parking need not comply with the development requirements of Chapter 18.05 EMC, but must provide safe and efficient interior circulation and ingress and egress from the public right-of-way.
  4. No temporary use shall occupy or use public rights-of-way, parks or other public lands in any manner unless specifically approved by the town council.
  5. No temporary use shall occupy a site or operate within the town for more than 30 days within any calendar year except as follows:
    - a. When authorized by the commission, a temporary use may operate an additional 90 days if it is found that such an extension will be consistent with the requirements of subsection (C) of this section.
    - b. When authorized by the town council, a temporary use may operate up to one additional year if it is found that such an extension will be consistent with the requirements of subsection (C) of this section.
    - c. Exception: When authorized administratively, temporary uses that are public facilities may operate up to five (5) years if found to be consistent with the requirements of subsection (C) of this section.
  6. All signs shall comply with the requirements of Chapter 18.06 EMC, pertaining to sign regulations, except as otherwise specified in this section.
  7. All temporary uses shall obtain, prior to occupancy of the site or culmination of activities, all required town permits, licenses or other approvals, e.g., business license, building permit, zoning permit, etc.
  8. The planning director may establish such additional conditions as may be deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses. These include but are not limited to time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or enclosure, and guarantees for site restoration and cleanup following temporary use.
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**Chapter 18.09A**  
**LAND USE PERMITS AND APPEALS PROCEDURE**

**18.09A.030 Review procedures.**

A. The town planner is authorized to administer this chapter and to employ other officers to perform administrative functions related to the designated administrative actions.

B. Applications by property owners for permits or actions under EMC Titles 17 and 18 shall have only one open record hearing which shall be held by the planning commission. Review and final action or hearing of appeals by the town council shall be held on one "closed record appeal." "Closed record appeal" or "closed record hearing" shall mean any consideration of an application or action taken thereon by the town council after an open record hearing.

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.~~

**18.09A.035 Permit review consolidation - Optional**

A. 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.

B. 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:

1. Determination of completeness;
2. Notice of application;
3. Notice of final decision;
4. 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))

C. 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.

(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.

END

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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
<b>10A. Classification and designation of each of the five types of critical areas (wetlands, critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas), if they are found within your city.</b>	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: "TOWN OF EATONVILLE - 2019 Development Regulations Amendment, Critical Areas – WETLANDS"
<b>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</b>	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	<b>AMEND:</b> Title Chapter 15.16 CRITICAL AREAS CODE 15.16.177 Best Available Science. (new section) 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: "TOWN OF EATONVILLE - 2019 Development Regulations Amendment, Critical Areas - BEST AVAILABLE SCIENCE".

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<p><b>10C.</b> 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><b>10D.</b> 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”.  <b>AMEND:</b> 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><b>10E.</b> Delineation of wetlands using the approved federal wetlands delineation manual and applicable regional supplements [RCW 36.70A.175, RCW 90.58.380 (1 995)(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><b>10F.</b> 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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 Growth Management Services Town Checklist – DEVELOPMENT REGULATIONS

<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)                  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:  <b>AMEND: Title Chapter 15.16 CRITICAL AREAS CODE</b>                  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><u>G. 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><u>H. 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><u>I. Development proposed within critical aquifer recharge areas shall comply with applicable stormwater management requirements, Chapter 16.54.</u></p> <p><u>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.</u></p> <p style="text-align: center;"><b>Statutes, Regulations, and Guidance Regarding Groundwater-Impacting Activities</b></p> <table border="1" data-bbox="764 1371 1406 1461"> <thead> <tr> <th>Activity</th> <th>Statute – Regulation – Guidance</th> </tr> </thead> <tbody> <tr> <td>Above-ground storage tanks</td> <td>WAC 173-303-640</td> </tr> </tbody> </table>	Activity	Statute – Regulation – Guidance	Above-ground storage tanks	WAC 173-303-640
Activity	Statute – Regulation – Guidance					
Above-ground storage tanks	WAC 173-303-640					

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			Animal feedlots <sup>2</sup>	Chapters <u>173-216</u> and <u>173-220</u> WAC
			Automobile washers	Chapter <u>173-216</u> WAC, Best Management Practices for Vehicle and Equipment Discharges (Washington State Department of Ecology WQ-R-95-58)
			Below-ground storage tanks <sup>2</sup>	Chapter <u>173-350</u> WAC
			Chemical treatment storage and disposal facilities <sup>2</sup>	WAC <u>173-303-162</u>
			Hazardous waste generator <sup>2</sup>	Chapter <u>173-303</u> 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 <u>40 CFR</u> Parts <u>144</u> and <u>146</u> , Chapter <u>173-218</u> WAC
			Junk yards and salvage yards <sup>2</sup>	Chapter <u>173-304</u> WAC, Best Management Practices to Prevent Stormwater Pollution at Vehicle Recycler Facilities (Washington State Department of Ecology 94-146)
			Oil and gas drilling <sup>2</sup>	WAC <u>332-12-450</u> , Chapter <u>173-218</u> WAC
			On-site sewage systems (large-scale) <sup>2</sup>	Chapter <u>173-240</u> WAC
			On-site sewage systems (< 14,500 gal/day)	Chapter <u>246-272</u> WAC, local health ordinances
			Pesticide storage and use <sup>2</sup>	Chapters <u>16-64</u> and <u>17-21</u> RCW
			Sawmills <sup>2</sup>	Chapters <u>173-303</u> and <u>173-304</u> 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="764 611 1406 814"> <tr> <td data-bbox="764 611 987 674">Solid waste handling and recycling facilities*</td> <td data-bbox="987 611 1406 674">Chapter 173-304 WAC</td> </tr> <tr> <td data-bbox="764 674 987 709">Surface mining*</td> <td data-bbox="987 674 1406 709">WAC 332-18-016</td> </tr> <tr> <td data-bbox="764 709 987 814">Waste water application to land surface*</td> <td data-bbox="987 709 1406 814">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="764 825 1442 877"><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="740 905 1442 1220">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.</u> "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: <u>Class 1 Critical Aquifer Recharge Areas</u> are those associated with Town potable water supplies; <u>Class 2 Critical Aquifer Recharge Areas</u> are all other recharge areas not associated with Town potable water supplies.</p>	Solid waste handling and recycling facilities*	Chapter 173-304 WAC	Surface mining*	WAC 332-18-016	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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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								
<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><b>10H.</b> Regulations that protect the functions and values of <b>fish and wildlife habitat conservation areas.</b> 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><b>10I.</b> Regulations that protect the functions and values of <b>frequently flooded areas.</b> 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><b>10J.</b> 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. <b>New in 2012.</b> 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”. <b>AMEND:</b> 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. <del>“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)).</del> 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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			<p><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></p>
<p><b>10K.</b> Provisions to ensure water quality and stormwater drainage regulations are consistent with applicable Land Use Element policies. RCW 36.70A.070(1)</p>	<p>X Yes                  No                  Location(s)                  CA-2; P.6.                  LU-5; 5.a.                  8.9.3; 5.b)                  16.54.020</p>	<p>Yes                  X No</p>	<p>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.</p>
<p><b>10L.</b> 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</p>	<p>X Yes                  No                  Location(s)                  15.16.161                  15.16.162                  15.16.163                  15.16.164                  15.16.165</p>	<p>X Yes                  No</p>	<p>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”.  <b>AMEND:</b> 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></p>
<p><b>10M.</b> Provisions that allow “reasonable use” of properties constrained by presence of critical areas.</p>	<p>X Yes                  No                  Location(s)</p>	<p>Yes                  X No</p>	<p>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.</p>

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<p>RCW 36.70A.370. See <i>Attorney General's Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property</i> for guidance</p>	<p>15.16.102 15.16.113.C. 15.16.114.B.</p>		
<p><b>10N.</b> If your city is assuming regulation of forest practices as provided in RCW 76.09.240: <b>forest practices regulations</b> 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><b>11. Shoreline Master Program</b> See Washington State Department of Ecology's <a href="#">SMP Submittal Checklist</a></p>			
<p><b>11A.</b> 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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with Shoreline Master Program (SMP) environmental designations. RCW 36.70A.070; RCW 36.70A.480 and WAC 365-196-580	No Location(s) 18.03.020; Eatonville Shoreline Master Program Map	X No	Shoreline Master Program (SMP) environmental designations.
<b>11B.</b> If SMP regulations 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	X Yes No Location(s)  SMP update & adoption process currently underway; Title 15 Environmental Protection	X Yes No	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.
<b>12. The Zoning Code should contain the following provisions:</b>			
<b>12A.</b> 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.	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.	X Yes No	<b>AMEND:</b> Title Chapter 18.02 DEFINITIONS <b>18.02.097—096 Dangerous wastes.</b>  <u>18.02.097 Day care center.</u> <u>See 18.02.290 "Nursery school".</u>  18.02.290 Nursery school <del>or day care center.</del> "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 <del>(more than twelve) for periods of less than 24 hours a day.</del> Nursery school or day care centers include family day care homes, out-of-home child mini-day

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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><b>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</b></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, <del>other than a mobile home,</del> designed for and occupied by one family only.  AMEND: 18.02.262 Mobile/manufactured home.  "Mobile/manufactured home" means a residential unit (Single-family dwelling) constructed after June 15, 1976 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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<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><b>12G.</b> 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 <i>by July 1, 2011.</i> 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><b>12H.</b> 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 <i>by July 1, 2011.</i> RCW 36.70A.695, New in 2009</p>	<p>Yes X No Location(s)</p>	<p>X Yes No</p>	<p><b>AMEND:</b> Title Chapter 18.08, GENERAL AND SUPPLEMENTARY PROVISIONS 18.08.020.F. Electric Vehicle Battery Charging Stations</p> <p><u>A. Purpose.</u> 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><u>B. Permitted.</u> 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>

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		<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> <ol style="list-style-type: none"> <li><u>1. Level 1 is considered slow charging and operates on a 15 to 20 amp breaker on a 120 volt AC circuit.</u></li> <li><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></li> <li><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></li> </ol> <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> <ol style="list-style-type: none"> <li><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></li> <li><u>2. Accessibility. The design and location of the charging stations shall comply with the following barrier free accessibility requirements:</u></li> </ol>
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			<p>a. Accessible charging stations shall be provided based on the following table:</p> <table border="1" data-bbox="927 684 1362 848"> <thead> <tr> <th data-bbox="927 684 1138 793">Number of EV Charging Stations</th> <th data-bbox="1138 684 1362 793">Minimum Accessible EV Charging Stations</th> </tr> </thead> <tbody> <tr> <td data-bbox="927 793 1138 825">1-50</td> <td data-bbox="1138 793 1362 825"><u>1</u></td> </tr> <tr> <td data-bbox="927 825 1138 848">51-100</td> <td data-bbox="1138 825 1362 848"><u>2</u></td> </tr> </tbody> </table> <p>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.</p> <p>c. Accessible charging stations shall comply with the requirements of WAC 51-50-005.</p> <p>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.</p> <p>4. Development and Design Standards. Electric vehicle charging stations shall comply with all applicable development standards and Title 19 Design Standards.</p> <p>5. Charging Station Equipment: Charging station equipment shall comply with the following standards</p> <p>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.</p> <p>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</p>	Number of EV Charging Stations	Minimum Accessible EV Charging Stations	1-50	<u>1</u>	51-100	<u>2</u>
Number of EV Charging Stations	Minimum Accessible EV Charging Stations								
1-50	<u>1</u>								
51-100	<u>2</u>								

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			<p>surface.  <u>c. Equipment shall be protected by wheel stops or concrete-filled bollards.</u></p> <p>6. <u>Notification. At all charging stations the following information shall be posted:</u></p> <p><u>a. Voltage and amperage levels.</u>  <u>b. Hours of Operations if time limits or tow away provisions are to be enforced by the property owner.</u>  <u>c. Usage Fees.</u>  <u>d. Safety Information.</u>  <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><b>AMEND:</b> Title Chapter 18.04 DISTRICT REGULATIONS          18.04.010 SF-1 – Single-family residential district, low 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>18.04.020 SF-2 – Single-family residential district, medium 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</u></p>
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		<p style="text-align: center;"><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>
<b>13. Subdivision Code regulations</b>			
<p><b>13A.</b> 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><b>AMEND:</b> 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><b>13B.</b> 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><b>13C. Subdivision regulations may implement traffic demand management (TDM) policies.</b> RCW 36.70A.070(6)(a)(vi)</p>	<p>Yes <input checked="" type="checkbox"/> No Location(s)</p>	<p>Yes <input checked="" type="checkbox"/> 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><b>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 Note: House Bill 2152, adopted by the Legislature in 2012, modified timelines.</b></p>	<p><input checked="" type="checkbox"/> Yes No Location(s)</p>	<p><input checked="" type="checkbox"/> Yes No</p>	<p><b>AMEND:</b> 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>			
<b>10. Concurrency, Impact Fees, and TDW</b>			
<p><b>14A. The transportation concurrency ordinance</b> Includes specific language that prohibits development when level of service standards for transportation facilities cannot be met. RCW 36.70A.070(6)(b)  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. <b>Adopted in 2015</b></p>	<p>X Yes No Location(s)  17.55.030.C.</p>	<p>X Yes No</p>	<p><b>AMEND:</b> Title Chapter 17.55, CONCURRENCY MANAGEMENT SYSTEM 17.55.030 Concurrency test. 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.  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</p>

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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"> <li>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;</li> <li>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;</li> <li>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</li> <li>d. Appeal the results of the concurrency test to the town council in accordance with the provision of EMC 17.55.060.</li> </ul>
<p><b>14B</b> If adopted: <b>Impact fee methods</b> 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  <input checked="" type="checkbox"/> No                  Location(s)</p>	<p>Yes  <input checked="" type="checkbox"/> 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. <b>Adopted in 2015</b> For more information see MRSCs Impact Fee Deferral Program web page.</p>			
<p><b>14C.</b> If required by RCW 70.94.527: a <b>commute trip reduction (CTR)</b> ordinance to reduce the proportion of single-occupant vehicle commute trips. RCW 70.94.521-551, <b>Amended In 2006.</b> WAC 468-63 <i>Note:</i> See WSDOT's CTR web page for more information.</p>	<p>Yes <input checked="" type="checkbox"/> No Location(s)</p>	<p>X Yes No</p>	<p><b>AMEND:</b> Title 15 ENVIRONMENTAL PROTECTION Proposed new chapter: Chapter 15.28 COMMUTER TRIP REDUCTION See Attached amendment proposal.</p>
<p><b>15. Siting Essential Public Facilities (EPFs)</b></p>			
<p><b>15A.</b> Regulations are consistent with Essential Public Facility siting process in countywide planning policies or city comprehensive plan, and <b>do not preclude the siting of EPFs.</b> 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: <b>AMEND:</b> 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>1. Public facilities and utilities and essential public facilities;                  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.</p>
<b>16. Project Review Procedures</b>			
<p><b>16A. Project review processes integrate permit and environmental review for:</b> 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><b>AMEND:</b> 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>                  (1) <u>Optional Consolidation.</u> 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.                  (2) <u>Consolidated Permit Processing.</u> 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:                  (a) <u>Determination of completeness;</u>                  (b) <u>Notice of application;</u></p>

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			<p>(c) Notice of final decision; (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))</p> <p>(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.</p> <p>(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.</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><b>17B. A process to assure that proposed regulatory or administrative actions do not result in an unconstitutional taking of private property.</b>          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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**Town of Eatonville**  
**PLANNING COMMISSION MINUTES**  
*Monday, October 21st, 2019*  
**Community Center, 305 Center Street West**

**CALL TO ORDER – Chairperson Justice** called the meeting to order at 7:00 p.m.

*Chair justice introduced the new Planning Commissioner, David Baublits*

**ROLL CALL - Present:** Commissioners Justice, Knick and Baublits

**Excused:** Commissioners Adams and Miller

**STAFF PRESENT:** Mayor Schaub, Abby Gribi, Scott Clark, and Teri Svedahl

**OPENING CEREMONIES –** Commissioner Knick led the Pledge of Allegiance.

**APPROVAL OF AGENDA -** Commissioner Justice made a motion to approve the Agenda. The motion to approve was seconded by Commissioner Knick. AIF.

**APPROVAL OF MINUTES –** None at this time

**COMMUNICATIONS AND ANNOUNCEMENTS -**

From Public: None

From Commissioners: None

**OLD BUSINESS:** No old business

**NEW BUSINESS: *Public Hearing for Mandated Development Regulations Update***

**Chair Justice** opened the Public Hearing at 7:02

**Scott Clark, Town Planner,** began the public hearing by stating the purpose of the Public Hearing is the Town's Development regulations update. Mr. Clark went on to explain this is an update mandated by the state as a follow up to our recently adopted Comprehensive Plan amendment. The development updates are mandated to make our Comp Plan consistent with any changes with state regulations since adoption of our Comp Plan.

Mr. Clark referred to the documents that were provided to the Commissioners and started with the table provided by the Department of Commerce, explaining that the table was a 'backdrop' to the proposal overall, and is used as the template for modification. The DNS has been issued, satisfying the SEPA requirements. Tonight's meeting is to look through the amendments and take public comment. For clarity, the regulations cover the land use regulations administered by the Planning department – Zoning, Subdivision, Critical Areas Ordinances - and some overlapping and/or related Public Works regulations.

Chair Justice opened the public comment portion of the meeting at 7:07.

Mr. Clark clarified that all the information has been available on the Town website. There were no comments from the Public.

Chair Justice closed the public comment portion of the hearing at 7:08.

Chair Justice made note of a correction needed: Document Additional General Amendments, page 1, 18.04.020 was listed for both SF-2 and SF-3. SF-3 needs to be listed as 18.04.025. Mr. Clark made note and will make the correction.

*Planning Commission started with review of the recently received comment letters:*

Washington State Department of Commerce comments: Regard to regulatory reform. Scott Clark explained how there is only one open record public hearing regarding subdivisions and then it moves to Town Council for action. If new comments were received, it would be heard under a closed record.

Washington State Department of Ecology comments: Referred to General Amendments and Checklist, Best Available Science, and Wetland regulations. Ecology comments are based on a draft provided to DOE. Ecology reviewed the draft and came back with comments and amendments to the draft. The amendments are intended to make sure we comply.

Mr. Clark clarified that the State allows local jurisdictions to implement ordinances to regulate their own wetlands. The question to the Commission is do they want to stay with the current draft as written, or to implement and adopt code as proposed by the Department of Ecology. One of the main points with wetlands was the current 50% buffer being reduced to 25% as recommended by the state.

Commissioner Baublits suggested we look at it as two directions: Follow more strict guidelines as being proposed by the state or keeping with the recommendation made by the town planner, allowing more flexibility for property owners. Mr. Clark confirmed there are many other jurisdictions that have state approved programs that are consistent with what we are proposing.

Commissioners agreed to stay with the proposal and recommendation made by Town Planner, Scott Clark.

*Commuter Trip Reduction – change to Commute Trip Reduction*

It was also discussed that CTR was designed for more of an Urban setting with mass transit and carpools. Also, Eatonville does not have businesses that CTR would affect – those employers with minimum of 200 employees per location.

After more discussion, there were no concerns with the CTR policy as written.

Further clarification was made: A minimum of one open record Public Hearing is required and the meeting held tonight satisfies the requirement. The timeline being satisfied is required and related to the State Capital Budget Funds and the funding needed for the Town's Water Plant.

Commissioner Knick made the motion to approve the proposed State mandated update of the Eatonville development regulations, and incorporating the agency comments received thus far from the Washington State Departments of Commerce and Ecology (DOE), with specific direction to Staff to determine which Town proposed wetland regulation standards to retain where DOE recommendations are not a requirement. Commissioner Knick's motion also directed Staff to provide any additional comments received on the update forward to Council for review and consideration prior to taking final action. Motion was seconded by Commissioner Baublits. AIF

**Comments from staff and commissioners – Town Administrator, Abby Gribi, thanked Commissioner Baublits for joining the Planning Commission and expressed the town's appreciation for the Commissioners involvement in the process.**

**Next meeting will be November 4<sup>th</sup>, 2019 –**

*Continued Review of Design Guidelines, Commercial and Multi Family, EMC 19.03*

**Chairperson Justice** adjourned the meeting at 7:47 p.m.

*Judy Justice*  
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**Chairperson Justice**

\_\_\_\_\_  
**Martin Miller - Secretary**

**ATTEST:**

*T. Svedahl*  
\_\_\_\_\_  
**Recording Secretary, Teri Svedahl**