Title 20

REVIEW CRITERIA AND PROCEDURES

Chapters:

Chapter 20.00

CHANGES TO THE COMPREHENSIVE PLAN

Sections:

20.00.000 Scope.

The requirements of this chapter apply to proposed changes to the existing comprehensive plan and to future adoption of any new elements to the plan or a new plan. [Ord. 3076 § 1, 1996].

20.00.010 Submittal of amendments.

In order to meet the requirements of the Washington State Growth Management Act, Chapter 36.70A RCW, the city shall undertake comprehensive plan amendments only once per year. All amendments requested by the city or private parties shall be reviewed concurrently to ensure that the integrity of the comprehensive plan is preserved. All comprehensive plan amendment requests are to be provided in writing, on a form provided by the director, and are to be submitted no later than December 31st of every year, or the first business day after December 31, should that date occur on a holiday or weekend. The council may, for good cause shown, accept applications after the prescribed deadline. [Ord. 3278 § 1, 1999; Ord. 3076 § 1, 1996].

20.00.020 Notice.

Upon receipt of a completed application for a comprehensive plan amendment, or upon direction of the council, and following department review, hearings shall be set before the planning board and city council. In lieu of all other methods of giving notice, notice shall be given for a public hearing on a proposed change to the comprehensive plan by publication at least 10 days before the hearing in a newspaper of general circulation in the city of Edmonds as set forth in ECC 1.03.030 setting forth the time, place and purpose of the hearing. Continued hearings may be held by the planning board or city council, but no additional notices need be published. [Ord. 3076 § 1, 1996].

20.00.030 Receipt by mayor and clerk certification.

Within 20 working days following the adoption of a recommendation by the planning board, the board shall transmit a copy of its recommendations to the city council through the office of the mayor, who shall acknowledge receipt thereof and direct the city clerk or appropriate deputy clerk to certify thereon the date of receipt. [Ord. 3076 § 1, 1996].

20.00.040 Council action on amendments.

Within 60 days of receipt of the planning board's recommendation and the completion of the public hearing required by ECDC 20.00.020, the city council shall consider the recommendation and may at that time or subsequently approve, approve with modifications, or disapprove the proposed amendment based upon the findings required by this chapter and any other applicable provisions. Amendments to the comprehensive plan shall be adopted by ordinance. [Ord. 3076 § 1, 1996].

20.00.050 Findings.

Amendment to the comprehensive plan may be adopted only if the following findings are made:

A. The proposed amendment is consistent with the provisions of the Edmonds Comprehensive Plan and is in the public interest;

B. The proposed amendment would not be detrimental to the public interest, health, safety or welfare of the city;

C. The proposed amendment would maintain the appropriate balance of land uses within the city; and

D. In the case of an amendment to the comprehensive policy plan map, the subject parcels are physically suitable for the requested land use designation(s) and the anticipated land use development(s), including, but not limited to, access, provision of utilities, compatibility with adjoining land uses and absence of physical constraints. [Ord. 3076 § 1, 1996].

Chapter 20.05

CONDITIONAL USE PERMITS

Sections:

20.05.000 Scope.

A conditional use permit may be approved in cases where it is authorized by state law and/or city ordinances including the zoning ordinance (ECDC Titles 16 and 17) and when the findings required by this chapter can be made.

20.05.010 Criteria and findings.

No conditional use permit may be approved unless all of the findings in this section can be made.

A. That the proposed use is consistent with the comprehensive plan.

B. Zoning Ordinance. That the proposed use, and its location, is consistent with the purposes of the zoning ordinance and the purposes of the zone district in which the use is to be located, and that the proposed use will meet all applicable requirements of the zoning ordinance.

C. Not Detrimental. That the use, as approved or conditionally approved, will not be significantly detrimental to the public health, safety and welfare, and to nearby private property or improvements unless the use is a public necessity.

D. Transferability. The hearing examiner shall determine whether the conditional use permit shall run with the land or shall be personal. If it runs with the land and the hearing examiner finds it in the public interest, the hearing examiner may require that it be recorded in the form of a covenant with the Snohomish County auditor. The hearing examiner may also determine whether the conditional use permit may or may not be used by a subsequent user of the same property.

20.05.020 General requirements.

A. Review. The hearing examiner shall review conditional use permits as provided in ECDC 20.100.010.

B. Appeals. Any person may appeal a hearing examiner decision to the city council as provided in ECDC 20.105.040.

C. Time Limit. Unless the owner obtains a building permit, or if no building permit is required, substantially commences the use allowed within one year from the date of approval, the conditional use permit shall expire and be null and void, unless the owner files an application for an extension of the time before the expiration date.

D. Review of Extension Application. An application for any extension of time shall be reviewed by the community development director as provided in ECDC 20.95.050 (Staff Decision – Optional Hearing).

E. Location. A conditional use permit applies only to the property for which it has been approved and may not be transferred to any other property.

F. Denial. A conditional use permit application may be denied if the proposal cannot be conditioned so that the required findings can be made. [Ord. 2270 § 1, 1982].

Chapter 20.10

DESIGN REVIEW

Sections:

20.10.000 Purposes.

In addition to the general purposes of the comprehensive plan and the zoning ordinance, this chapter is included in the community development code for the following purposes:

A. To encourage the realization and conservation of a desirable and aesthetic environment in the city of Edmonds;

B. To encourage and promote development which features amenities and excellence in the form of variations of siting, types of structures and adaptation to and conservation of topography and other natural features;

C. To encourage creative approaches to the use of land and related physical developments;

D. To encourage the enhancement and preservation of land or building of unique or outstanding scenic or historical significance;

E. To minimize incompatible and unsightly surroundings and visual blight which prevent orderly community development and reduce community property values. [Ord. 3636 § 1, 2007].

20.10.010 Types of design review.

A. There are two types of design review: (1) general design review subject to the provisions of Chapter 20.11 ECDC, and (2) district-based design review subject to the provisions of Chapter 20.12 ECDC. District-based design review is applicable when an area or district has adopted design guidelines or design standards that apply specifically within that area or district. General design review applies to areas

or properties that do not have specifically adopted design guidelines or standards. Projects may undergo either district-based design review or general design review, but not both.

B. District-based design review applies to the following areas or districts:

1. The downtown Edmonds business districts (BD zones) located within the downtown/waterfront activity center as shown on the city of Edmonds comprehensive plan map.

2. The general commercial (CG and CG2) zones located within the medical/Highway 99 activity center or the Highway 99 corridor as shown on the city of Edmonds comprehensive plan map.

C. General design review applies to all areas of the city not specifically designated for district-based design review under subsection (B) of this section.

D. The exemptions established pursuant to subsection (B) of this section shall apply to all types and phases of design review under this chapter and Chapters 20.11 and 20.12 ECDC. [Ord. 3636 § 1, 2007].

20.10.020 Scope.

A. Design review is intended to apply to all development, except for those developments specifically exempted from review under subsection (B) of this section. "Development" includes any improvement to real property open to exterior view, including but not limited to buildings, structures, fixtures, landscaping, site screening, signs, parking lots, lighting, pedestrian facilities, street furniture, use of open areas (including parks, junk yards, riding academies, kennels and recreational facilities), mobile home and trailer parks, whether all or any are publicly or privately sponsored.

B. Exempt Development. The following types of development are exempt from design review:

1. Parks developed under a master plan approved by the Edmonds city council.

2. Permitted primary and secondary uses in RS – single-family residential districts.

3. Detached single-family homes or duplexes in RM – multiple residential districts.

4. Additions or modifications to structures or sites on the Edmonds register of historic places which require a certificate of appropriateness from the Edmonds historic preservation commission.

5. Fences that do not require a separate development permit.

6. Signs that meet all of the standards contained in Chapter 20.60 ECDC.

7. Underground utilities. [Ord. 3636 § 1, 2007].

20.10.030 Approval required.

A. Development. Unless exempted under ECDC 20.10.020(B), no city permit or approval shall be issued for, and no person shall start, any development, or substantially change any development, until the development has received design review approval.

B. Bond. The city may require that a bond be posted under Chapter 17.10 ECDC to ensure the satisfactory installation of site improvements. [Ord. 3636 § 1, 2007].

20.10.040 Optional pre-application.

The applicant may submit the plans required in ECDC 20.95.010 in preliminary or sketch form, so that the comments and advice of the architectural design board may be incorporated into the final plans submitted for application. [Ord. 3636 § 1, 2007].

20.10.045 Augmented architectural design review applications.

At the option of the applicant, an augmented ADB application to vest rights under the provisions of ECDC 19.00.025 may be submitted. Such applications may not be submitted in conjunction with the concept review provided for by ECDC 20.10.040. The application shall be processed in all respects as a regular application for review, but vesting rights shall be determined under the provisions of ECDC 19.00.025. The architectural design board shall not be required to, and shall not, consider

the application of vesting rights or the interpretation of ECDC 19.00.025 and any appeal with respect thereto shall be taken only as provided in that section. [Ord. 3636 § 1, 2007].

Chapter 20.11

GENERAL DESIGN REVIEW

Sections:

20.11.010 Review procedure – General design review.

A. Review. The architectural design board (ADB) shall review all proposed developments that require a threshold determination under the State Environmental Policy Act (SEPA). All other developments may be approved by staff according to the requirements of ECDC 20.95.040 (Staff decision – No notice required). When design review is required by the ADB, the staff shall review the application as provided in ECDC 20.95.030, and the director of development services – or his designee – shall schedule the item for a meeting of the ADB. The role of the ADB shall be dependent upon the nature of the application as follows:

1. The ADB shall conduct a public hearing for the following types of applications:

a. Applications that are not subject to project consolidation as required by ECDC 20.90.010(B)(2).

b. Applications that are subject to project consolidation as required by ECDC 20.90.010(B)(2) but in which the ADB serves as the sole decision-making authority.

c. Applications that are subject to project consolidation as required by ECDC 20.90.010(B)(2) but in which all decision-making authority is exercised both by staff, pursuant to this chapter and Chapter 20.13 ECDC, and by the ADB. The ADB shall act in the place of the staff for these types of applications.

2. The ADB shall review a proposed development at a public meeting and make a recommendation to the hearing examiner to approve, conditionally approve, or deny the proposal for projects subject to project consolidation under ECDC 20.90.010(B)(2) that are not subject to a public hearing by the ADB under subsection (A)(1) of this section. The hearing examiner shall subsequently hold a public hearing on the proposal.

3. The ADB under subsection (A)(1) of this section and the hearing examiner under subsection (A)(2) of this section shall approve, conditionally approve, or deny the proposal. The ADB or hearing examiner may continue its public hearing on the proposal to allow changes to the proposal, or to obtain information needed to properly review the proposal. See ECC 3.13.090 regarding exemptions from review required by this chapter.

4. Notwithstanding any contrary requirement, for a development in which the city is the applicant, the action of the ADB under subsection (A)(1) of this section and the hearing examiner under subsection (A)(2) of this section shall be a recommendation to the city council.

B. Notice. Public notice by mail, posting or newspaper publication shall only be required for applications that are subject to environmental review under Chapter 43.21C RCW, in which case notice of the hearing shall be provided in accordance with Chapter 20.91 ECDC. [Ord. 3636 § 2, 2007].

20.11.020 Findings.

The board shall make the following findings before approving the proposed development:

A. Criteria and Comprehensive Plan. The proposal is consistent with the criteria listed in ECDC 20.11.030 in accordance with the techniques and objectives contained in the urban design chapter of the community culture and urban design element of the comprehensive plan. The city has the obligation to provide specific direction and guidance to applicants. The urban design chapter has been adopted to fulfill the city's obligations under Washington State case law. The urban design chapter shall be used to determine if an application meets the general criteria set forth in this chapter. In the event of ambiguity or conflict, the specific provisions of the urban design chapter shall control.

B. Zoning Ordinance. The proposal meets the bulk and use requirements of the zoning ordinance, or a variance or modification has been approved under the terms of this code for any duration. The finding of the staff that a proposal meets the bulk and use requirements of the zoning ordinance shall be given substantial deference and may be overcome only by clear and convincing evidence. [Ord. 3636 § 2, 2007].

20.11.030 Criteria.

A. Building Design. No one architectural style is required. The building shall be designed to comply with the purposes of this chapter and to avoid conflict with the existing and planned character of the nearby area. All elements of building design shall form an integrated development, harmonious in scale, line and mass. The following are included as elements of building design:

1. All exterior building components, including windows, doors, eaves, and parapets;

2. Colors, which should avoid excessive brilliance or brightness except where that would enhance the character of the area;

3. Mechanical equipment or other utility hardware on the roof, grounds or buildings should be screened from view from the street level;

4. Long, massive, unbroken or monotonous buildings shall be avoided in order to comply with the purposes of this chapter and the design objectives of the comprehensive plan. This criterion is meant to describe the entire building. All elements of the design of a building including the massing, building forms, architectural details and finish materi-

als contribute to whether or not a building is found to be long, massive, unbroken or monotonous.

a. In multifamily (RM) or commercial zones, selections from among the following or similar features are appropriate for dealing with this criterion:

i. Windows with architectural fenestration;

ii. Multiple rooflines or forms;

iii. Architecturally detailed entries;

iv. Appropriate landscaping;

v. The use of multiple materials;

5. All signs should conform to the general design theme of the development.

B. Site Treatment. The existing character of the site and the nearby area should be the starting point for the design of the building and all site treatment. The following are elements of site treatment:

1. Grading, vegetation removal and other changes to the site shall be minimized where natural beauty exists. Large cut and fill and impervious surfaces should be avoided.

2. Landscape treatment shall be provided to enhance the building design and other site improvements.

3. Landscape treatment shall be provided to buffer the development from surrounding property where conflict may result, such as parking facilities near yard spaces, streets or residential units, and different building heights, design or color.

4. Landscaping that could be damaged by pedestrians or vehicles should be protected by curbing or similar devices.

5. Service yards, and other areas where trash or litter may accumulate, shall be screened with planting or fences or walls which are compatible with natural materials.

6. All screening should be effective in the winter as well as the summer.

7. Materials such as wood, brick, stone and gravel (as opposed to asphalt or concrete) may be substituted for planting in areas unsuitable for plant growth.

8. Exterior lighting shall be the minimum necessary for safety and security. Excessive brightness shall be avoided. All lighting shall be low-rise and directed downward onto the site. Lighting standards and patterns shall be compatible with the overall design theme.

C. Other Criteria.

1. Community facilities and public or quasi-public improvements should not conflict with the existing and planned character of the nearby area.

2. Street furniture (including but not limited to benches, light standards, utility poles, newspaper stands, bus shelters, planters, traffic signs and signals, guardrails, rockeries, walls, mail boxes, fire hydrants and garbage cans) should be compatible with the existing and planned character of the nearby area. [Ord. 3636 § 2, 2007].

20.11.040 Appeals.

A. All design review decisions of the hearing examiner are appealable to the city council as provided in ECDC 20.105.040(B) through (E).

B. All design review decisions of the ADB are appealable to the city council as provided in ECDC 20.105.040(B) through (E) except that all references to the hearing examiner in ECDC 20.105.040(B) through (E) shall be construed as references to the ADB.

C. Persons entitled to appeal are (1) the applicant; (2) anyone who has submitted a written document to the city of Edmonds concerning the application prior to or at the hearing identified in ECDC 20.11.010; or (3) anyone testifying on the application at the hearing identified in ECDC 20.11.010. [Ord. 3636 § 2, 2007].

20.11.050 Lapse of approval.

A. Time Limit. Unless the owner submits a fully completed building permit application necessary to bring about the approved alterations, or, if no building permit application is required, substantially commences the use allowed within 18 months from the date of

approval, ADB or hearing examiner approval shall expire and be null and void, unless the owner files a fully completed application for an extension of time prior to the expiration date. For the purposes of this section the date of approval shall be the date on which the ADB's or hearing examiner's minutes or other method of conveying the final written decision of the ADB or hearing examiner as adopted are mailed to the applicant. In the event of appeal, the date of approval shall be the date on which a final decision is entered by the city council or court of competent jurisdiction.

B. Time Extension.

1. Application. The applicant may apply for a one-time extension of up to one year by submitting a letter, prior to the date that approval lapses, to the planning division along with any other supplemental documentation which the planning manager may require, which demonstrates that he/she is making substantial progress relative to the conditions adopted by the ADB or hearing examiner and that circumstances are beyond his/her control preventing timely compliance. In the event of an appeal, the one-year extension shall commence from the date a final decision is entered in favor of such extension.

2. Fee. The applicant shall include with the letter of request such fee as is established by ordinance. No application shall be complete unless accompanied by the required fee.

3. Review of Extension Application. An application for an extension shall be reviewed by the planning official as provided in ECDC 20.95.040 (Staff decision – No notice required). [Ord. 3636 § 2, 2007].

Chapter 20.12

DISTRICT-BASED DESIGN REVIEW

Sections:

20.12.005 Outline of process and statement of intent.

The architectural design board (ADB) process has been developed in order to provide for public and design professional input prior to the expense incurred by a developer in preparation of detailed design. In combination, Chapter 20.10 ECDC and this chapter are intended to permit public and ADB input at an early point in the process while providing greater assurance to a developer that his general project design has been approved before the final significant expense of detailed project design is incurred. In general, the process is as follows:

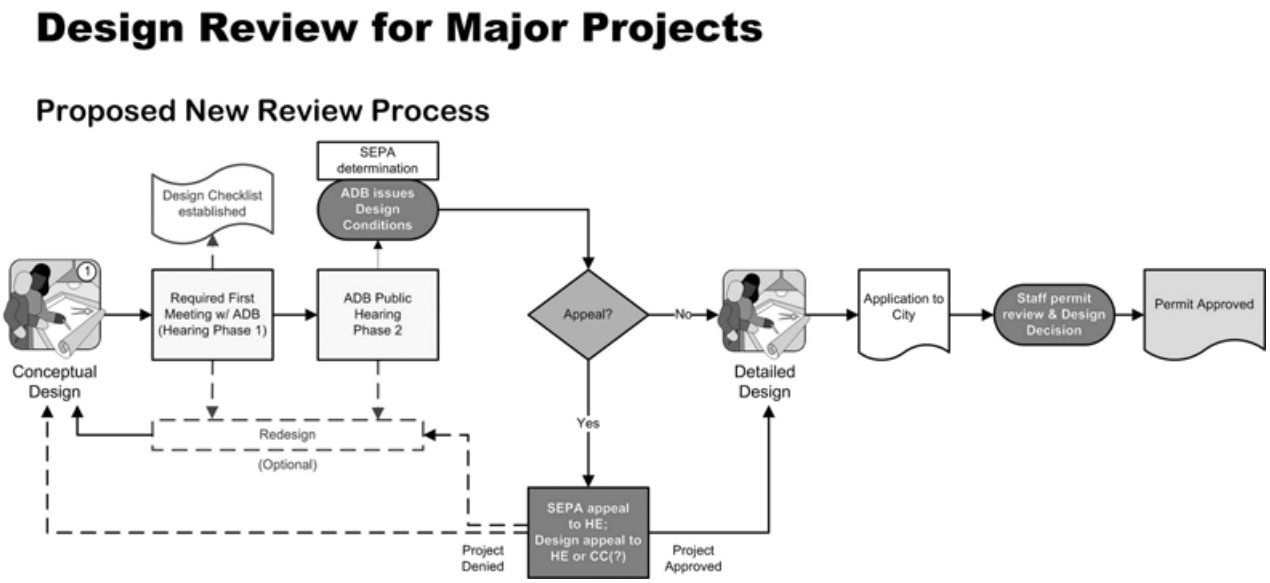
A. Public Hearing (Phase 1). The applicant shall submit a preliminary conceptual design to the city. Staff shall schedule the first phase of the ADB hearing within 30 days of staff's determination that the application is complete. Upon receipt, staff shall provide full notice of a public hearing, noting that the public hearing shall be conducted in two phases. The entire single public hearing on the conceptual design shall be on the record. At the initial phase, the applicant shall present facts which describe in detail the tract of land to be developed noting all significant characteristics. The ADB shall make factual findings regarding the particular characteristics of the property and shall prioritize the design guideline checklist based upon

these facts, the provisions of the city's design guideline elements of the comprehensive plan and the Edmonds Community Development Code. Following establishment of the design guideline checklist, the public hearing shall be continued to a date certain requested by the applicant, not to exceed 120 days from the meeting date. The 120-day city review period required by RCW 36.70B.080 commences with the application for Phase 1 of the public hearing. The 120-day time period is suspended, however, while the applicant further develops their application for Phase 2 of the public hearing. This suspension is based upon the finding of the city council, pursuant to RCW 36.70B.080, that additional time is required to process this project type. The city has no control over the length of time needed or taken by an applicant to complete its application.

B. Continued Public Hearing (Public Hearing, Phase 2). The purpose of the continuance is to permit the applicant to design or redesign his initial conceptual design to address the input of the public and the ADB by complying with the prioritized design guideline checklist criteria. When the applicant has completed his design or redesign, he shall submit that design for final review. The matter shall be set for the next available regular ADB meeting date. If the applicant fails to submit his or her design within 180 days, the staff shall report the matter to the ADB who shall note that the applicant has failed to comply with the requirements of the code and find that the original design checklist criteria approval is void. The applicant may reapply at any time. Such reapplication shall establish a new 120-day review period and establish a new vesting date.

C. After completing the hearing process, the final detailed design shall be presented to the city in conjunction with the applicable building permit application. The city staff's decision on the building permit shall be a ministerial act applying the specific conditions or requirements set forth in the ADB's approval, but only those requirements. A staff decision on the building permit shall be final and appealable only as provided in the Land Use Petition Act. No other internal appeal of the staff's ministerial decisions on the building permit is allowed.

D. The process is schematically represented by the following flow chart:



[Ord. 3636 § 3, 2007].

20.12.010 Applicability.

A. Review. The architectural design board (ADB) shall review all proposed developments that require a threshold determination under the State Environmental Policy Act (SEPA) using the process set forth in ECDC 20.12.020. All other developments may be approved by staff using the process set forth in ECDC 20.12.030. When design review is required by the ADB under ECDC 20.12.020, the staff shall review the application as provided in ECDC 20.95.030, and the director of development services – or his designee – shall schedule the item for a meeting of the ADB. [Ord. 3636 § 3, 2007].

20.12.020 Design review by the architectural design board.

A. Public Hearing – Phase 1. Phase 1 of the public hearing shall be scheduled with the architectural design board (ADB) as a public meeting. Notice of the meeting shall be provided according to the requirements of ECDC 20.91.010. This notice may be combined with the formal notice of application required under ECDC 20.90.010, as appropriate.

1. The purpose of Phase 1 of the public hearing is for the ADB to identify the relative importance of design criteria that will apply to the project proposal during the subsequent design review. The basic criteria to be evaluated are listed on the design guidelines checklist contained within the design guidelines and this chapter. The ADB shall utilize the urban design guidelines and standards contained in the relevant city zoning classification(s), any relevant district-specific design objectives contained in the comprehensive plan, and the relevant portions of this chapter and Chapter 20.13 ECDC, to identify the relative importance of design criteria; no new, additional criteria shall be incorporated, whether proposed in light of the specific characteristics of a particular tract of land or on an ad hoc basis.

2. Prior to scheduling Phase 1 of the public hearing, the applicant shall submit information necessary to identify the scope and context of the proposed development, including any site plans, diagrams, and/or elevations sufficient to summarize the character of the project, its site, and neighboring property information. At a minimum, an applicant shall submit the following information for consideration during Phase 1 of the public hearing:

a. Vicinity plan showing all significant physical structures and environmentally critical areas within a 200-foot radius of the site including, but not limited to, surrounding building outlines, streets, driveways, sidewalks, bus stops, and land use. Aerial photographs may be used to develop this information.

b. Conceptual site plan(s) showing topography (minimum two-foot intervals), general location of building(s), areas devoted to parking, streets and access, existing open space and vegetation. All concepts being considered for the property should be submitted to assist the ADB in defining all pertinent issues applicable to the site.

c. Three-dimensional sketches, photo simulations, or elevations that depict the volume of the proposed structure in relation to the surrounding buildings and improvements.

3. During Phase 1 of the public hearing, the applicant shall be afforded an opportunity to present information on the proposed project. The public shall also be invited to address which design guidelines checklist criteria from ECDC 20.12.070 they feel are pertinent to the project. The Phase 1 meeting shall be considered to be a public hearing and information presented or discussed during the meeting shall be recorded as part of the hearing record.

4. Prior to the close of Phase 1 of the public hearing, the ADB shall identify the specific design guidelines checklist criteria – and their relative importance – that will be applied to the project during the project's subsequent design review. In submitting an application for design review approval under this chapter, the applicant shall be responsible for identifying

how the proposed project meets the specific criteria identified by the ADB during Phase 1 of the public hearing.

5. Following establishment of the design guidelines checklist, the public hearing shall be continued to a date certain, not exceeding 120 days from the date of Phase 1 of the public hearing. The continuance is intended to provide the applicant with sufficient time to prepare the material required for Phase 1 of the public hearing, including any design or redesign needed to address the input of the public and ADB during Phase 1 of the public hearing by complying with the prioritized checklist.

6. Because Phase 1 of the public hearing is only the first part of a two-part public hearing, there can be no appeal of the design decision until Phase 2 of the public hearing has been completed and a final decision rendered.

B. Continued Public Hearing – Phase 2.

1. An applicant for Phase 2 design review shall submit information sufficient to evaluate how the project meets the criteria identified by the ADB during Phase 1 of the public hearing described in subsection (A) of this section. At a minimum, an applicant shall submit the following information for consideration during Phase 2 of the public hearing:

a. Conceptual site plan showing topography (minimum two-foot intervals), general layout of building, parking, streets and access, and proposed open space.

b. Conceptual landscape plan, showing locations of planting areas identifying landscape types, including general plant species and characteristics.

c. Conceptual utility plan, showing access to and areas reserved for water, sewer, storm, electrical power, and fire connections and/or hydrants.

d. Conceptual building elevations for all building faces illustrating building massing and openings, materials and colors, and roof forms. A three-dimensional model may be substituted for the building elevation(s).

e. If more than one development concept is being considered for the property, the submissions should be developed to clearly identify the development options being considered.

f. An annotated checklist demonstrating how the project complies with the specific criteria identified by the ADB.

g. Optional: generalized building floor plans may be provided.

2. Staff shall prepare a report summarizing the project and providing any comments or recommendations regarding the annotated checklist provided by the applicant under subsection (B)(1)(f) of this section, as appropriate. The report shall be mailed to the applicant and ADB at least one week prior to the public hearing.

3. Phase 2 of the public hearing shall be conducted by the ADB as a continuation of the Phase 1 public hearing. Notice of the meeting shall be provided according to the requirements of Chapter 20.91 ECDC. During Phase 2 of the public hearing, the ADB shall review the application and identify any conditions that the proposal must meet prior to the issuance of any permit or approval by the city. When conducting this review, the ADB shall enter the following findings prior to issuing its decision on the proposal:

a. Zoning Ordinance. The proposal meets the bulk and use requirements of the zoning ordinance, or a variance or modification has been approved under the terms of this code for any duration. The finding of the staff that a proposal meets the bulk and use requirements of the zoning ordinance shall be given substantial deference and may be overcome by clear and convincing evidence.

b. Design Objectives. The proposal meets the relevant district-specific design objectives contained in the comprehensive plan.

c. Design Criteria. The proposal satisfies the specific checklist criteria identified by the ADB during Phase 1 of the public hearing under subsection (A) of this section. When

conducting its review, the ADB shall not add or impose conditions based on new, additional criteria proposed in light of the specific characteristics of a particular tract of land or on an ad hoc basis.

4. Project Consolidation. Projects may be consolidated in accordance with RCW 36.70B.110 and the terms of the Edmonds Community Development Code.

C. Effect of the Decision of the ADB. The decision of the ADB described in subsection (B) of this section shall be used by staff to determine if a project complies with the requirements of these chapters during staff review of any subsequent applications for permits or approvals. The staff's determination shall be purely ministerial in nature and no discretion is granted to deviate from the requirements imposed by the ADB and the Edmonds Community Development Code. The staff process shall be akin to and administered in conjunction with building permit approval, as applicable. Written notice shall be provided to any party of record (as developed in Phases 1 and 2 of the public hearing) who formally requests notice as to:

1. Receipt of plans in a building permit application or application for property development as defined in ECDC 20.10.020, and

2. Approval, conditioned approval or denial by staff of the building permit or development approval. [Ord. 3636 § 3, 2007].

20.12.030 Design review by city staff.

A. Optional Pre-Application Meeting. At the option of the applicant, a pre-application meeting may be scheduled with city staff. The purpose of the meeting is to provide preliminary staff comments on a proposed development to assist the applicant in preparing an application for development approval. Submission requirements and rules of procedure for this optional pre-application meeting shall be adopted by city staff consistent with the purposes of this chapter.

B. Application and Staff Decision.

1. An applicant for design review shall submit information sufficient to evaluate how the project meets the criteria applicable to the project. Staff shall develop a checklist of submission requirements and review criteria necessary to support this intent. When design review is intended to accompany and be part of an application for another permit or approval, such as a building permit, the submission requirements and design review may be completed as part of the associated permit process.

2. In reviewing an application for design review, staff shall review the project checklist and evaluate whether the project has addressed each of the applicable design criteria. Staff shall enter the following findings prior to issuing a decision on the proposal:

a. Zoning Ordinance. That the proposal meets the bulk and use requirements of the zoning ordinance, including the guidelines and standards contained in the relevant zoning classification(s).

b. Design Guidelines. That the proposal meets the relevant district-specific design objectives contained in the comprehensive plan.

When conducting its review, city staff shall not add or impose conditions based on new, additional criteria proposed in light of the specific characteristics of a particular tract of land or on an ad hoc basis. [Ord. 3636 § 3, 2007].

20.12.070 Design guidelines, criteria and checklist.

A. In conducting its review, the ADB shall use the design guidelines and design review checklist as contemporaneously adopted in the design guidelines.

B. Additional Criteria. Design review shall reference the specific criteria adopted for each area or district.

1. Criteria to be used in design review for the downtown Edmonds business districts (BD zones) located within the down-

town/waterfront activity center as shown on the city of Edmonds comprehensive plan map include the following:

a. Design objectives for the downtown waterfront activity center contained in the Edmonds comprehensive plan.

b. (Reserved).

2. Criteria to be used in design review for the general commercial (CG and CG2) zones located within the medical/Highway 99 activity center or the Highway 99 corridor as shown on the city of Edmonds comprehensive plan map include the following:

a. Design standards contained in Chapter 16.60 ECDC for the general commercial zones.

b. Policies contained in the specific section of the comprehensive plan addressing the medical/Highway 99 activity center and Highway 99 corridor. [Ord. 3636 § 3, 2007].

20.12.080 Appeals.

A. Design review decisions by the ADB pursuant to ECDC 20.12.020(B) are appealable to the city council as provided in ECDC 20.105.040(B) through (E) except that all references to the hearing examiner in ECDC 20.105.040(B) through (E) shall be construed as references to the ADB. These are the only decisions by the ADB that are appealable.

B. All design review decisions of the hearing examiner are appealable to the city council as provided in ECDC 20.105.040(B) through (E).

C. Design review decisions by staff under the provisions of ECDC 20.12.030 are only appealable to the extent that the applicable building permit or development approval is an appealable decision under the provisions of the ECDC. Design review by staff is not in itself an appealable decision.

D. Persons entitled to appeal are (1) the applicant; (2) anyone who has submitted a written document to the city of Edmonds concerning the application prior to or at the hearing identified in ECDC 20.12.020(B); or (3) anyone testifying on the application at the hearing identified in ECDC 20.12.020(B). [Ord. 3636 § 3, 2007].

20.12.090 Lapse of approval.

A. Time Limit. Unless the owner submits a fully completed building permit application necessary to bring about the approved alterations, or, if no building permit application is required, substantially commences the use allowed within 18 months from the date of approval, ADB or hearing examiner approval shall expire and be null and void, unless the owner files a fully completed application for an extension of time prior to the expiration date. For the purposes of this section, the date of approval shall be the date on which the ADB's or hearing examiner's minutes or other method of conveying the final written decision of the ADB or hearing examiner as adopted are mailed to the applicant. In the event of appeal, the date of approval shall be the date on which a final decision is entered by the city council or court of competent jurisdiction.

B. Time Extension.

1. Application. The applicant may apply for a one-time extension of up to one year by submitting a letter, prior to the date that approval lapses, to the planning division along with any other supplemental documentation which the planning manager may require, which demonstrates that he/she is making substantial progress relative to the conditions adopted by the ADB or hearing examiner and that circumstances are beyond his/her control preventing timely compliance. In the event of an appeal, the one-year extension shall commence from the date a final decision is entered in favor of such extension.

2. Fee. The applicant shall include with the letter of request such fee as is established by ordinance. No application shall be complete unless accompanied by the required fee.

3. Review of Extension Application. An application for an extension shall be reviewed by the planning official as provided in ECDC 20.95.040 (Staff decision – No notice required). [Ord. 3636 § 3, 2007].

Chapter 20.13

LANDSCAPING REQUIREMENTS

Sections:

20.13.000 Scope.

The landscape requirements found in this chapter are intended for use by city staff, the architectural design board (ADB) and the hearing examiner in reviewing projects, as set forth in ECDC 20.11.010. The ADB and hearing examiner shall be allowed to interpret and modify the requirements contained herein; provided such modification is consistent with the purposes found in ECDC 20.10.000. [Ord. 3636 § 4, 2007].

20.13.010 Landscape plan requirements.

The applicant has the option of submitting a preliminary landscape plan to the architectural design board prior to final approval. The preliminary landscape plan need not include the detail required for final approval, although areas of proposed landscaping should be shown. Final project approval cannot be given until the final landscape plan is submitted and approved.

The following items shall be shown on any final landscape plan submitted to the ADB for review:

A. Name and address or location of the project;

B. All plant material identified by botanical and common name – genus, species and variety (see ECDC 20.13.015);

C. Location of all trees and shrubs to be planted;

D. Three sets of landscape plans drawn to a scale of 1″ = 30′ or larger (e.g., 1″ = 20′, 1″ = 10′, etc.). Plan should include a bar scale for reference. See "Checklist for Architectural Design Review" items (on architectural design board brochure) for required number of other plans;

E. Scale of the drawing, a north arrow and date of the plan;

F. All property lines, as well as abutting streets and alleys;

G. Locations, sizes and species of existing trees (six inches in caliper or more) and shrubs. Trees and shrubs to be removed must be noted. Natural areas should be designated as such;

H. Any proposed or existing physical elements (such as fencing, walls, building, curbing, and signs) that may affect the overall landscape;

I. Parking layout, including circulation, driveway location, parking stalls and curbing (see ECDC 20.13.020(D));

J. Grading shown by contour lines (minimum five-foot intervals), spot elevations, sections or other means;

K. Location of irrigation system (see ECDC 20.13.020(E)). [Ord. 3636 § 4, 2007].

20.13.015 Plant schedule.

A. The plant schedule shall indicate for all plants the scientific and common names, quantities, sizes and spacing. Quantities are not required on a preliminary landscape plan. A preliminary plan may also indicate shrubs as masses rather than showing the individual plants. The final plan must show individual shrubs and quantities.

B. Minimum sizes at installation are as follows:

- one-and-three-quarters-inch caliper street trees; one-and-one-half-inch caliper other deciduous trees;
- eight feet minimum height – vine maples and other multistemmed trees;
- six feet minimum height – evergreen trees;
- eighteen inches minimum height for medium and tall shrubs:
  - small shrub = less than three and one-half feet tall at maturity;
  - medium shrub = three and one-half feet to six feet tall at maturity;
  - large shrub = more than six feet tall at maturity.

C. Maximum size: species approved within a landscape plan shall have a growth pattern in scale with the development and be consistent with the preservation of significant views and height limit for the zoning district.

D. Maximum spacing:

- large shrubs = six feet on center;
- medium shrubs = four and one-half feet on center;
- small shrubs = three feet on center.

E. Groundcover is required in all planting bed areas as follows:

- one-gallon pots 30 inches on center;
- four-inch pots 24 inches on center;
- two-and-one-quarter-inch pots 15 inches on center;
- rooted cuttings 12 inches on center.

All groundcover shall be living plant material approved by the ADB. [Ord. 3636 § 4, 2007].

20.13.020 General design standards.

A. Preference shall be given to an informal arrangement of plants installed in a variety of treatments that will enhance building designs and attractively screen parked vehicles and unsightly areas, soften visual impact of structures and enhance views and vistas.

B. A formal arrangement may be acceptable if it has enough variety in layout and plants. Avoid continuous, long, unbroken, straight rows of a single plant where possible.

C. Existing vegetation that contributes to the attractiveness of the site should be retained.

Existing significant trees and shrubbery (six-inch caliper or more) must be shown on the proposed landscape plan and saved and incorporated into the landscape plan, if they are reasonably attractive and of good quality.

D. Extruded curbs four to six inches are required where landscaping meets paved areas. Wheelstops will be required as needed, and must be affixed permanently to the ground.

E. Automatic irrigation is required for all ADB-approved landscaped areas for projects which have more than four dwelling units, 4,000 square feet of building area or more than 20 parking spaces.

F. All planting areas should be at least four feet wide between curbs.

G. Deciduous or broadleaf evergreen trees should be planted at least four feet from curbs, especially in front of parking stalls. Where possible, coniferous trees should be planted at least seven feet from curbs.

H. All plants shall be compatible with the character and climate of the Pacific Northwest. Shrubs and/or groundcover are required to provide 75 percent ground coverage within three years.

I. Berms or mounds should be no steeper than 3(H):1(V). Any slopes steeper than 3:1 (2:1 is maximum permitted by the city for fill slopes) need erosion control netting or other erosion control methods in planting areas not covered by grass (e.g., rockery).

J. Landscaping must be provided in adjacent rights-of-way between property line and curb or street edge and shown on the landscape plan.

K. Street trees must be planted according to the city's street tree plan. Contact the planning division for details.

L. Street trees should be installed within four feet of either side of the property line.

M. Landscaping should be tall enough to soften any dumpster enclosures located in planting areas.

N. Trees and very large shrubs should be planted at least five feet from any water/sewer lines. Landscape plantings shall reflect consideration of plantings in relation to utility lines.

O. Utility boxes should be screened with landscaping without blocking access.

P. Species approved within a landscape plan shall have a growth pattern in scale with the development and be consistent with the preservation of significant views and height limit for the zoning district. [Ord. 3636 § 4, 2007].

20.13.025 General planting standards.

A. Blank Building Walls.

1. Blank building walls should be softened by landscaping.

2. Landscaping should include trees and shrubs – mostly evergreen.

3. Trees should be planted an average of 20 feet on center either formally or in clusters.

B. Foundation Planting.

1. Trees and shrubs should soften the building elevation and soften the transition between the pavement and the building.

2. Plantings may be in informal or formal arrangements (see ECDC 20.13.020(A) and (B)).

3. Landscaping should be planted in all areas except service areas.

4. Planting areas should be at least four feet wide. [Ord. 3636 § 4, 2007].

20.13.030 Landscape types.

A. Type I Landscaping. Type I landscaping is intended to provide a very dense sight barrier to significantly separate uses and land use districts.

1. Two rows of evergreen trees, a minimum of 10 feet in height and planted at intervals of no greater than 20 feet on center. The trees must be backed by a sight-obscuring fence a minimum of five feet high or the required width of the planting area must be increased by 10 feet; and

2. Shrubs a minimum of three and one-half feet in height planted in an area at least five feet in width, and other plant materials, planted so that the ground will be covered within three years;

3. Alternatively, the trees and shrubs may be planted on an earthen berm at least 15 feet in width and an average of five feet high along its midline.

B. Type II Landscaping. Type II landscaping is intended to create a visual separation between similar uses.

1. Evergreen and deciduous trees, with no more than 30 percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than 20 feet on center; and

2. Shrubs, a minimum of three and one-half feet in height and other plant materials, planted so that the ground will be covered within three years.

C. Type III Landscaping. Type III landscaping is intended to provide visual separation of uses from streets, and visual separation of compatible uses so as to soften the appearance of streets, parking areas and building elevations.

1. Evergreen and deciduous trees, with no more than 50 percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than 30 feet on center; and

2. If planted to buffer a building elevation, shrubs, a minimum of three and one-half feet in height, and living ground cover planted so that the ground will be covered within three years; or

3. If planted to buffer a parking area, access, or site development other than a building, any of the following alternatives may be used unless otherwise noted:

a. Shrubs, a minimum of three and one-half feet in height, and living ground cover must be planted so that the ground will be covered within three years.

b. Earth-mounding, an average of three and one-half feet in height, planted with shrubs or living ground cover so that the ground will be covered within three years. This alternative may not be used in a downtown or waterfront area.

c. A combination of earth mounding, opaque fences and shrubs to produce a visual barrier at least three and one-half feet in height.

D. Type IV Landscaping. Type IV landscaping is intended to provide visual relief where clear sight is desired to see signage or into adjacent space for safety concerns.

1. Trees shall be deciduous and planted 25 feet on center and the trunk shall be free of branches below six feet in height.

2. Plant materials which will cover the ground within three years, and which will not exceed three and one-half feet in height.

E. Type V Landscaping. Type V landscaping is intended to provide visual relief and shade in parking areas.

1. Required Amount.

a. If the parking area contains no more than 50 parking spaces, at least 17.5 square feet of landscape development must be provided as described in subsection (E)(2) of this section for each parking stall proposed.

b. If the parking area contains more than 99 parking spaces, at least 35 square feet of landscape development must be provided as described in subsection (E)(2) of this section for each parking stall proposed.

c. If the parking area contains more than 50 but less than 100 parking spaces, the director – or his designee – shall determine the required amount of landscaping by interpolating between 17.5 and 35 square feet for each parking stall proposed. The area must be landscaped as described in subsection (E)(2) of this section.

2. Design.

a. Each area of landscaping must contain at least 150 square feet of area and must be at least four feet in any direction exclusive of vehicle overhang. The area must contain at least one tree a minimum of six feet in height and with a minimum size of one and one-half inches in caliper if deciduous. The

remaining ground area must be landscaped with plant materials, decorative mulch or unit pavers.

b. A landscaped area must be placed at the interior ends of each parking row in a multiple lane parking area. This area must be at least four feet wide and must extend the length of the adjacent parking stall.

c. Up to 100 percent of the trees proposed for the parking area may be deciduous.

d. Bioswales integrated into parking lot designs are strongly encouraged.

e. The minimum area per planter is 64 square feet.

f. The maximum area per planter is 1,500 square feet for parking lots greater than 12,000 square feet. Planters shall be spread throughout the parking lot.

g. Shade trees are required at the rate of a minimum of one per planter and/or one per 150 square feet of planter. [Ord. 3636 § 4, 2007].

20.13.040 Landscape bonds.

A. An itemized cost estimate, covering landscaping and irrigation, must be submitted for use in determining the landscape bond amount. The city will use this estimate to set the amount of the landscape performance bond.

B. A performance bond will be required for release of the building permit. This bond will be used to cover installation of required landscaping, fences or screening for service areas.

C. Landscaping must be installed prior to issuance of certificate of occupancy (for multiple-family and single-tenant commercial buildings) or a certificate of completion (for multiple-tenant commercial buildings).

D. Once the landscaping has been installed, a 15 percent maintenance bond is required for release of the performance bond. Any plants that die within two years of installation must be replaced before the maintenance bond can be released. Upon inspection and approval, the maintenance bond may be released after two years. [Ord. 3636 § 4, 2007].

20.13.050 Urban design chapter adopted.

In aid of the design review criteria established pursuant to Chapters 20.10 ECDC, et seq., the urban design chapter is hereby adopted in that form shown on Exhibit A attached to the ordinance codified in this chapter. Such exhibit is incorporated by this reference as fully as if herein set forth. These criteria shall be applied in accordance with the provisions of ECDC 20.12.070(A). The city clerk and planning department shall maintain copies for the public and shall make the standards available online. [Ord. 3636 § 5, 2007].

Chapter 20.15A

ENVIRONMENTAL REVIEW (SEPA)

Sections:

20.15A.010 Authority.

The city of Edmonds adopts the ordinance codified in this chapter under the State Environmental Policy Act (SEPA), RCW 43.21C.120 and the SEPA rules WAC 197-11-904. The city's substantive polices for the enforcement of SEPA are contained in ECDC Title 15; its procedures are contained in this chapter. The SEPA rules contained in Chapter 197-11 WAC must be used in conjunction with this chapter.

20.15A.020 Adoption by reference.

The city adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

197-11-040	Definitions.
197-11-050	Lead agency.
197-11-055	Timing of the SEPA process.
197-11-060	Content of environmental review.
197-11-070	Limitations on actions during SEPA process.
197-11-080	Incomplete or unavailable information.
197-11-090	Supporting documents.
197-11-100	Information required of applicants.

20.15A.030 Additional definitions.

In addition to those definitions contained within WAC 197-11-700 through 197-11-799, when used in this chapter the following terms

shall have the following meanings, unless the content indicates otherwise:

A. "Department" means any division, subdivision or organizational unit of the city established by ordinance, rule or order.

B. "SEPA Rules" means Chapter 197-11 WAC adopted by the Department of Ecology.

20.15A.040 Designation of responsible official.

A. For those proposals for which the city is a lead agency, the responsible official shall be the community services director or such other person as the director may designate in writing.

B. For all proposals for which the city is a lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required EIS and perform any other functions assigned to the lead agency or responsible official by those sections of the SEPA rule that have been adopted by reference.

20.15A.050 Lead agency determination and responsibilities.

A. The responsible official or the department receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under WAC 197-11-050 and WAC 197-11-922 through 197-11-940, unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency.

B. When the city is not the lead agency for a proposal, all departments of the city shall use and consider as appropriate either the DNS or the final EIS of the lead agency in making decisions on the proposal. No city department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency unless the city determines a supplemental environmental review is necessary under WAC 197-11-600.

C. If the city, or any of its departments, receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within 15 days of receipt of the determination or the city must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the 15-day time period. Any such petition on behalf of the city may be initiated by the responsible official or any department.

D. The responsible official is authorized to make agreements as to lead agency status or shared lead agency's duties for a proposal under WAC 197-11-942 and 197-11-944.

E. The responsible official shall require sufficient information from the applicant to identify other agencies with jurisdiction.

20.15A.060 Categorical exemptions and threshold determinations – Adoption by reference.

The city adopts the following sections of Chapter 197-1l WAC, as now existing or hereinafter amended by reference as supplemented in this chapter:

197-11-300	Purpose of this part.
197-11-305	Categorical exemptions.
197-11-310	Threshold determination required.
197-11-315	Environmental checklist.
197-11-330	Threshold determination process.
197-11-335	Additional information.
197-11-340	Determination of nonsignificance (DNS).
197-11-350	Mitigated DNS.
197-11-360	Determination of significance (DS)/initiation of scoping.
197-11-390	Effect of threshold determination.

20.15A.070 Categorical exemptions and threshold determinations – Time estimates.

The time estimates contained in this section apply when the city processes licenses for all private projects and those governmental proposals submitted to the city by other agencies. The actual time may vary with the complexity of the project, availability of staff, cooperation of agencies with jurisdiction or expertise, etc. The time estimates contained herein shall not be construed to be mandatory. For the purpose of this section the word "day" shall mean a day upon which the city's administrative offices are open for business.

A. Categorical Exemptions. The city will normally identify whether an action is categorically exempt within 10 days of receiving a completed application.

B. Threshold Determinations.

1. The city will normally complete threshold determinations that can be based solely upon review of the environmental checklist for the proposal within 15 days of the date an applicant's adequate application and completed checklist are submitted.

2. When the responsible official requires further information from the applicant or consults with other agencies with jurisdiction:

a. The city will normally request such further information within 15 days of receiving an adequate application and completed environmental checklist.

b. The city will normally wait no longer than 15 days for a consulted agency to respond.

c. The responsible official will normally complete the threshold determination within 15 days of receiving the requested information from the applicant or the consulted agency.

3. When the city must initiate further studies, including field investigations, to obtain the information to make the threshold determination, the city will normally complete the studies within 30 days of receiving an adequate application and a completed checklist.

4. The city will normally complete threshold determinations on actions where the applicant recommends in writing that an EIS be prepared, because of the probable significant adverse environmental impacts described in the application, within 15 days of receiving an adequate application and completed checklist.

5. The responsible official will normally respond to a request for early notice within 10 days. The threshold determination will normally be made within 15 days of receipt of the changed or clarified proposal, environmental checklist and/or permit application.

20.15A.080 Categorical exemptions – Adoption by reference.

The city adopts the following rules for categorical exemption of Chapter 197-11, as now existing or hereinafter amended, by reference, as supplemented in this chapter:

197-11-800	Categorical exemptions.
197-11-880	Emergencies.
197-11-890	Petitioning DOE to change exemptions.

20.15A.090 Categorical exemptions – Flexible thresholds.

A. The city establishes the following exempt level for minor new construction based on local conditions in addition to those standards adopted by reference.

1. For landfills and evacuations in WAC 197-11-800(1)(b)(v) up to 500 cubic yards.

B. The responsible official shall send copies of all adopted flexible thresholds to the Department of Ecology, Headquarters Office, Olympia, Washington.

20.15A.100 Categorical exemptions – Determination.

A. When the city receives an application for a license or, in the case of governmental proposals a department initiates a proposal, the

responsible official shall determine whether the license and/or the proposal is exempt. The determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter shall apply to the proposal.

B. In determining whether or not a proposal is exempt the responsible official shall make certain the proposal is properly defined and shall identify the governmental license required. If a proposal includes exempt and nonexempt actions, the responsible official shall determine the lead agency even if the license application that triggers the consideration is exempt.

C. If a proposal includes both exempt and nonexempt actions, the city may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:

1. The city shall not give authorization for:

a. Any nonexempt action;

b. Any action that would have an adverse environmental impact; or

c. Any action that would limit the choice of reasonable alternatives.

2. The city may withhold approval of any permit, application or proposal, the basis of which is an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if the nonexempt actions were not approved.

3. The city may withhold approval of any permit, application or proposal, the basis of which is an exempt action that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if the nonexempt actions were not approved.

20.15A.110 Determination – Review at conceptual stage.

A. If the city's only action on a proposal is a decision on a building permit or other licenses that requires detailed project plans and specifications, the applicant may request in writing that the city conduct environmental review prior to submission of the detailed plans and specifications.

B. In addition to the environmental documents an applicant shall submit the following information for early environmental review:

1. A copy of any permit or license application;

2. Other information as the responsible official may determine.

20.15A.120 Threshold determinations – Environmental checklist.

A. A completed environmental checklist shall be filed at the same time as an application for a permit, license, certificate or other approval not exempted by this chapter. The checklist shall be in the form of WAC 197-11-960 with such additions that may be required by the responsible official in accordance with WAC 197-11-906(4).

B. A checklist is not needed if the city and the applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency.

C. For private proposals, the applicant is required to complete the environmental checklist. The city may provide assistance as necessary. For city proposals the department initiating the proposal shall complete the environmental checklist for that proposal.

D. The city may decide to complete all or part of the environmental checklist for a private proposal, if any of the following occurs:

1. The city has technical information on a question or questions that is unavailable to the private applicant; or

2. The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration; or

3. On the request of the applicant.

E. The applicant shall pay to the city the actual costs of providing information under paragraphs D(2) and D(3) of this section.

20.15A.130 Threshold determinations – Mitigated DNS.

A. The responsible official may issue a determination of nonsignificance (DNS) based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

B. An applicant may request in writing early notice of whether a DS is likely. The request must:

1. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and

2. Precede the city's actual threshold determination for the proposal.

C. The responsible official's response to the request for early notice shall:

1. State whether the city currently considers issuance of a DS likely and, if so, indicate the general or specific areas of concern that are leading the city to consider a DS; and

2. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, and may revise the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

D. When an applicant submits a changed or clarified proposal, along with a revised environmental checklist, the city shall base its threshold determination on the changed or clarified proposal.

1. If the city indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the city shall issue and circulate a determination of nonsignificance if the city determines that no additional information or mitigation measures are required.

2. If the city indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the city shall make the threshold determination, issue a DNS or DS as appropriate.

3. The applicant's proposed mitigation measures, clarifications, changes or conditions must be in writing and must be specific.

4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

E. The city shall not act upon a proposal for which a mitigated DNS has been issued for 15 days after the date of issuance.

F. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the licensing decision and may be enforced in the same manner as any term or condition of the permit or enforced in any matter specifically prescribed by the city. Failure to comply with the designated mitigation measures shall be grounds for suspension and/or revocation of any license issued.

G. If the city's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the city should evaluate the threshold determination to assure consistency with WAC 197-11-340(3) (a) relating to the withdrawal of a DNS.

H. The city's written response under subsection C of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarification or changes to a proposal, as opposed to a written request for early notice, shall not bind the city to consider the clarifications or changes in its threshold determination.

20.15A.140 Environmental impact statement (EIS) – Adoption by reference.

The city adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference as supplemented by this chapter:

197-11-400	Purpose of EIS.
197-11-402	General requirements.
197-11-405	EIS types.
197-11-406	EIS timing.

197-11-408	Scoping.
197-11-410	Expanded scoping.
197-11-420	EIS preparation.
197-11-425	Style and size.
197-11-430	Format.
197-11-435	Cover letter or memo.
197-11-440	EIS contents.
197-11-442	Contents of EIS on nonproject proposals.
197-11-443	EIS contents when prior nonproject EIS.
197-11-444	Elements of the environment.
197-11-448	Relationship of EIS to other considerations.
197-11-450	Cost-benefit analysis.
197-11-455	Issuance of DEIS.
197-11-460	Issuance of FEIS.

20.15A.150 EIS – Preparation.

A. Preparation of draft and final EISs and SEISs shall be under the direction of the responsible official. Before the city issues an EIS, the responsible official shall be satisfied that it complies with this chapter and Chapter 197-11 WAC.

B. The draft and final EIS or SEIS shall be prepared at the city's option by the city staff, the applicant or by a consultant approved by the city. If the responsible official requires an EIS for a proposal and determines that someone other than the city will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the city's procedure for EIS preparation, including approval of the draft and final EIS prior to distribution.

C. The city may require an applicant to provide additional information which the city does not possess, including information which must be obtained by specific investigations. This provision is not intended to expand or limit an applicant's other obligations under WAC 197-11-100, or other provisions of regulation, statute, or ordinance. An applicant shall not be required to produce information under this provision which is not specifically required by this chapter nor is the applicant relieved of the duty to supply any other information required by statute, regulation or ordinance.

20.15A.160 EIS – Commenting – Adoption by reference.

The city adopts the following sections of Chapter 197-1l WAC, as now existing or hereinafter amended, by reference as supplemented in this chapter:

197-11-500	Purpose of this part.
197-11-502	Inviting comment.
197-11-504	Availability and cost of environmental documents.
197-11-508	SEPA register.
197-11-535	Public hearings and meetings.
197-11-545	Effect of no comment.
197-11-550	Specificity of comments.
197-11-560	FEIS response to comments.
197-11-570	Consulted agency costs to assist lead agency.

20.15A.170 Public notice.

Whenever the city issues a threshold determination, or EIS requiring public notice, the city shall give public notice of the determination or the availability of the environmental documents and whether any public hearing will be held as follows:

A. Threshold Determination Notice. Public notice will be given on the following situations:

1. DNS involving another agency with jurisdiction;

2. DNS involving demolition of any structure or facility not exempted by 197-11-800(2)(f) or 197-11-880;

3. DNS involving issuance of clearing or grading permits not exempted under WAC Part Nine – Categorical Exemptions;

4. DNS under WAC 197-11-350(2) Early Notice;

5. DNS under WAC 197-11-350(3) Mitigated DNS;

6. DNS under WAC 197-11-360(4) change from DS to DNS;

7. DS for scoping purposes;

8. Availability of a DEIS.

B. Type of Notice. Under subsection A of this section, notice will be given as follows:

1. Posting in accordance with ECC 1.03.010;

2. Publication in the SEPA register.

For project actions and other site specific development approvals:

3. Mailing to owners of property within 300 feet and to the residences, if the property owner's address as shown on the records of the Snohomish County assessor's office differs from the address of the property;

4. Other methods as deemed necessary and appropriate by the responsible official or required by ordinance or statute.

C. Public Hearing. Whenever a public hearing is held notice shall be given. Such notice shall precede the hearing by at least 10 days.

D. Type of Notice. Under subsection C of this section notice will be given as follows:

1. Posting of or near the property for site specific proposals;

2. Mailing to property owners within 300 feet for site specific proposals;

3. Posting in accordance with ECC 1.03.010;

4. Other methods as deemed necessary and appropriate by the responsible official; provided that a public hearing on a non-project proposal must be preceded by written, published notice in accordance with WAC 197-11-502(6)(b) at least 10 days prior to the hearing. [Ord. 2950 § 2, 1993].

20.15A.180 Designation of official to perform consulted agency responsibilities.

A. The responsible official shall be responsible for preparation of written comments for the city in response to a consultation request prior to a threshold determination, participation in scoping and reviewing of a draft EIS.

B. The responsible official shall be responsible for the city's compliance with WAC 197-11-550 whenever the city is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city.

20.15A.190 Using existing environmental documents – Adoption by reference.

The city adopts the following sections of Chapter 197-1l WAC, as now existing or hereinafter amended, by reference:

197-11-600	When to use existing environmental documents.
197-11-610	Use of NEPA documents.
197-11-620	Supplemental environmental impact statements.
197-11-625	Addenda – Procedures.
197-11-630	Adoption – Procedures.
197-11-635	Incorporation by reference – Procedures.
197-11-640	Combining documents.

20.15A.200 SEPA decisions – Adoption by reference.

The city adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

197-11-650	Purpose of this part.
197-11-655	Implementation.
197-11-660	Substantive authority and mitigation.
197-11-680	Appeals.
197-11-700	Definitions.

20.15A.210 SEPA decisions – Nonexempt proposals.

For nonexempt proposals, the DNS or EIS for the proposal shall accompany the city staff's recommendation to any appropriate advisory body such as the planning commission. If a final EIS is or becomes available, it shall be substituted for the draft.

20.15A.220 SEPA decisions – Substantive authority.

A. The city may attach conditions to a permit or approval for a proposal so long as:

1. Such conditions are necessary to mitigate specific adverse environmental impacts clearly identified in an environmental document prepared pursuant to this chapter; and

2. Such conditions are in writing; and

3. Such conditions are reasonable and capable of being accomplished; and

4. The city has considered whether other local, state or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and

5. Such conditions are based on one or more policies in ECDC 20.15A.230 and cited in the permit, approval, license or other decision document.

B. The city may deny a permit or approval for a proposal on the basis of SEPA so long as:

1. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a final EIS or final supplemental EIS; and

2. A finding is made that there are no reasonable mitigation measures sufficient to mitigate the identified impact; and

3. The denial is based on one or more policies identified in ECDC 20.15A.230 and identified in writing in the decision document.

20.15A.230 SEPA – Policies.

A. The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the city.

B. The city adopts by reference the policies in the following city codes, ordinances, resolutions and plans, as now existing or hereinafter amended, as a possible basis for the exercise of substantive authority in the conditioning or denying of proposals.

1. Chapter 43.21C RCW, State Environmental Policy Act;

2. Six-Year Transportation Improvement Program;

3. Chapter 5.05 ECC, Animals;

4. ECC Title 6, Health and Sanitation;

5. ECC Title 10, Traffic;

6. ECC Title 9, Streets and Sidewalks;

7. ECDC Title 15, Comprehensive Plan;

8. ECDC Title 16, Zone Districts, and Title 17, General Zoning Regulations;

9. ECDC Title 18, Public Works Requirements;

10. ECDC Title 19, Building Codes;

11. ECDC Title 20, Review Criteria and Procedures;

12. ECDC Title 21, Definitions;

13. The comprehensive plans of the city regarding street, sewer, sidewalk, parks, water, and trails and bikeways, of Snohomish County, and of the Metropolitan Sewer District.

20.15A.240 Appeals.

A. Any interested person may appeal a threshold determination, adequacy of a final EIS and the conditions or denials of a requested action made by a non-elected city official pursuant to the procedures set forth in this section. No other SEPA appeal shall be allowed.

B. All appeals filed pursuant to this section must be filed in writing with the director of community services within 14 calendar days of the date of the decision appealed from.

C. On receipt of a timely written notice of appeal, the director of community services shall advise the hearing examiner of the pendency of the appeal and request that a date for considering the appeal be established. The decision of the hearing examiner shall be final and shall not be appealable to the city council.

D. Appeals shall be governed by the procedures specified in Chapter 20.105 ECDC.

E. All relevant evidence shall be received during the hearing of the appeal. The procedural determination by the city's responsible official shall carry substantial weight in any appeal proceeding.

F. For any appeal under this section, the city shall provide for a record that shall consist of the following:

1. Findings and conclusions;
2. Testimony under oath; and
3. A taped or written transcript.

G. The city may require the applicant to provide an electronic transcript.

H. The city shall give official notice whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal. [Ord. 3112 § 7, 1996].

20.15A.250 Notice/statute of limitations.

A. The city, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action.

B. The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the city clerk, applicant or proponent pursuant to RCW 43.21C.080.

20.15A.260 Definitions – Adoption by reference.

The city adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference, as supplemented in this chapter:

197-11-700	Definitions.
197-11-702	Act.
197-11-704	Action.
197-11-706	Addendum.
197-11-708	Adoption.
197-11-710	Affected tribe.
197-11-712	Affecting.
197-11-714	Agency.
197-11-716	Applicant.
197-11-718	Built environment.
197-11-720	Categorical exemption.
197-11-722	Consolidated appeal.
197-11-724	Consulted agency.
197-11-726	Cost-benefit analysis.
197-11-728	County/city.
197-11-730	Decision maker.
197-11-732	Department.
197-11-734	Determination of nonsignificance (DNS).
197-11-736	Determination of significance (DS).
197-11-738	EIS.
197-11-740	Environment.
197-11-742	Environmental checklist.
197-11-744	Environmental document.
197-11-746	Environmental review.
197-11-748	Environmentally sensitive area.
197-11-750	Expanded scoping.
197-11-752	Impacts.
197-11-754	Incorporation by reference.
197-11-756	Lands covered by water.
197-11-758	Lead agency.
197-11-760	License.
197-11-762	Local agency.
197-11-764	Major action.
197-11-766	Mitigated DNS.
197-11-768	Mitigation.
197-11-770	Natural environment.
197-11-772	NEPA.
197-11-774	Nonproject.
197-11-776	Phased review.
197-11-778	Preparation.
197-11-780	Private project.
197-11-782	Probable.
197-11-784	Proposal.
197-11-786	Reasonable alternative.
197-11-788	Responsible official.
197-11-790	SEPA.
197-11-792	Scope.
197-11-793	Scoping.
197-11-794	Significant.
197-11-796	State agency.
197-11-797	Threshold determination.
197-11-799	Underlying governmental action.

20.15A.270 Compliance with SEPA – Adoption by reference.

The city adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference, as supplemented in this chapter:

197-11-900	Purpose of this part.
197-11-902	Agency SEPA policies.
197-11-916	Application to ongoing actions.
197-11-920	Agencies with environmental expertise.
197-11-922	Lead agency rules.
197-11-924	Determining the lead agency.
197-11-926	Lead agency for governmental proposals.
197-11-928	Lead agency for public and private proposals.
197-11-930	Lead agency for private projects with one agency with jurisdiction.
197-11-932	Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
197-11-934	Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
197-11-936	Lead agency for private projects requiring licenses from more than one state agency.
197-11-938	Lead agencies for specific proposals.
197-11-940	Transfer of lead agency status to a state agency.
197-11-942	Agreements on lead agency status.
197-11-944	Agreements on division of lead agency duties.
197-11-946	DOE resolution of lead agency disputes.
197-11-948	Assumption of lead agency status.

20.15A.280 Environmentally sensitive areas.

Repealed by Ord. 3345.

20.15A.290 Fees.

The city shall require the following fees for its activities in accordance with the provisions of this chapter:

A. Threshold Determination. For every environmental checklist the city reviews as lead agency, the city shall collect a fee set by Chapter 15.00 ECDC from the proponent of the proposal prior to undertaking the threshold determination. This fee may be waived as provided therein. The time periods provided by this chapter from making a threshold determination shall not begin to run until fee has been paid or waived in writing by the responsible official. When the city assists the applicant or completes the environmental checklist at the applicant's request under ECDC 20.15A.120 (E), an additional fee equal to the estimated actual cost of providing the assistance shall be collected.

B. Environmental Impact Statement.

1. When the city is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the city, the city may charge and collect a reasonable fee from any applicant to cover costs incurred, including overhead, by the city in preparing the EIS. The responsible official shall advise the applicant of the projected costs for the EIS prior to actual preparation.

2. The responsible official may determine that the city will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the city and may bill such costs and expenses directly to the applicant. Such consultants shall be selected by the city.

3. The applicant shall pay the projected amount to the city prior to commencing work. The city will refund the excess, if any, at the completion of the EIS. If the city's cost exceeds the projected costs, the applicant shall immediately pay the excess. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under subsections (B)(1) or (2) of this section which remain after incurred costs, including overhead, are paid.

C. The city may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter relating to the applicant's proposal.

D. The city may charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by Chapter 42.17 RCW. [Ord. 2829 § 1, 1991].

20.15A.300 Forms – Adoption by reference.

The city adopts the following forms and sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

197-11-960	Environmental checklist.
197-11-965	Adoption notice.
197-11-970	Determination of nonsignificance (DNS).
197-11-980	Determination of significance and scoping notice (DS).
197-11-985	Notice of assumption of lead agency status.
197-11-990	Notice of action.

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Chapter 20.15B

CRITICAL AREAS

(Repealed by Ord. 3527)

Chapter 20.16

ESSENTIAL PUBLIC FACILITIES

Sections:

20.16.010 Purpose and applicability.

A. This chapter establishes the city's reivew process for essential public facilities in order to support orderly growth and delivery of public services. The city's goal in promulgating the regulations under this chapter is to ensure the timely, efficient and appropriate siting of EPFs while simultaneously acknowledging and mitigating the significant community impacts often created by such facilities. This chapter also seeks to promote enhanced public participation that will produce EPF siting decisions consistent with community goals.

B. Nothing in this chapter should be construed as an attempt by the city to preclude the siting of essential public facilities in contravention of applicable state law. The chapter shall be interpreted in a manner consistent with the city's statutory obligations.

C. The siting process established by this chapter does not apply to "secure community transition facilities" as defined under Chapter 71.09 RCW, or to residential health and social service facilities protected by state or federal law as residential uses permitted in residential zones. [Ord. 3572 § 1, 2005; Ord. 3474 § 1, 2003].

20.16.020 Definitions.

The following definitions shall apply for purposes of this chapter:

A. "City" means the city of Edmonds, Washington.

B. "Department" means the city of Edmonds development services department.

C. "Director" means the city of Edmonds development services director.

D. "Essential public facility" or "EPF" means a facility:

1. Listed in RCW 36.70A.200;

2. Appearing on the list maintained by the State Office of Financial Management pursuant to RCW 36.70A.200(4);

3. Designated in the city's comprehensive plan;

4. Designated by a regional agency with jurisdiction; and/or

5. Owned or operated by a unit of local or state government, a public utility or transportation company, or any other entity under contract to a unit of local or state government to provide an essential public facility.

E. "Regional essential public facility" or "regional EPF" means a project designated as an EPF and sited by a bona fide regional agency acting within its legally constituted authority and geographical jurisdiction.

F. "Project sponsor" means the proponent and/or applicant for an essential public facility. [Ord. 3572 § 1, 2005; Ord. 3474 § 1, 2003].

20.16.030 Conditional use permit required.

All EPFs shall comply with the provisions of this chapter. An EPF shall be considered a conditional use in all zones of the city. In the event of a conflict with any other ECDC provision, the provisions of this chapter shall govern. [Ord. 3572 § 1, 2005; Ord. 3474 § 1, 2003].

20.16.040 Optional site consultation process.

Prior to submitting a conditional use permit application under this chapter, an EPF sponsor may initiate optional site consultation with the department. This consultation process, while not required, is encouraged as a means for project sponsors to present facility proposals, seek information about potential sites, and propose possible siting incentives and mitigation measures. [Ord. 3572 § 1, 2005; Ord. 3474 § 1, 2003].

20.16.045 Interjurisdictional siting.

In the event that the city has executed an interlocal agreement with one or more other jurisdictions regarding the siting of EPFs of a regional or state-wide nature, the city shall cooperate fully and in good faith with said jurisdictions to the extent specified in the interlocal agreement; provided, that nothing in this section nor in any such interlocal agreement shall be construed as waiving, limiting or otherwise abridging the city's regulatory authority. [Ord. 3572 § 1, 2005; Ord. 3474 § 1, 2003].

20.16.050 EPF conditional use permit procedure.

A. Application for EPF conditional use approval shall be made pursuant to ECDC 20.90.010, as consistent with this chapter. Approval, conditional approval or denial of the project sponsor's application shall be made by the city of Edmonds hearing examiner after a public hearing.

B. The conditional use permit application shall include a public participation plan designed to encourage early public involvement in the siting decision and to assist in determining possible mitigation measures. Informational public meetings within the city shall be scheduled pursuant to this process; the

number of meetings shall be set by the director consistent with the size, complexity and estimated impacts of the proposal. The director shall determine the format and location(s) for the meetings, and shall require that public notice and meeting summaries acceptable to the city shall be either prepared or paid for by the EPF sponsor.

C. In addition to the conditional use permit application fee, and all costs required by the public participation plan specified in subsection (B) of this section, an additional fee of $5,000 shall be required for the additional costs associated with review of the application under the criteria established in ECDC 20.16.070. Facilities for the disabled or other populations for whom the city is required to consider for accommodation of its rules, practices and procedures under the requirements of state and/or federal law may apply for a reduction of this fee pursuant to Chapter 17.05 ECDC to a level consistent with the administrative burden placed upon the city's resources. [Ord. 3572 § 1, 2005; Ord. 3474 § 1, 2003].

20.16.060 Independent consultant review.

A. The director may require independent consultant review of the proposal to assess its compliance with the criteria contained in ECDC 20.16.070 and 20.16.080.

B. If such independent consultant review is required, the project sponsor shall make a deposit with the department sufficient to defray the cost of such review. Said deposit shall be separate from and in addition to any other fee paid by this chapter. The deposit shall be set at a level consistent with the anticipated cost of review based on the size, complexity and estimated impacts of the proposal. The deposit shall be supplemented by the applicant from time to time to ensure payment of the reasonable cost of consultant review. Any unexpended funds shall be returned to the applicant following the final decision on the application. [Ord. 3572 § 1, 2005; Ord. 3474 § 1, 2003].

20.16.070 Decision criteria.

An application for EPF conditional use permit approval shall comply with all other applicable requirements for the proposed use – including SEPA and design review, as applicable – and the following decision criteria:

A. The project sponsor has demonstrated a need for the project, as supported by a detailed written analysis of the projected service population, an inventory of existing and planned comparable facilities, and the projected demand for the type of facility proposed.

B. The project will reasonably serve the project's overall service population. Regional EPFs shall comply, in the alternative, with ECDC 20.16.080(A)(1) and (2).

C. The project sponsor has reasonably investigated alternative sites, as evidenced by a detailed explanation of site selection methodology, as verified by the city and reviewed by associated jurisdictions and agencies.

D. The project is consistent with the sponsor's own long-range plans for facilities and operations, as well as the plans of those jurisdictions and agencies that may also be participating in a facilities plan.

E. The project sponsor's public participation plan has provided an opportunity for public participation in the siting decision and mitigation measures that is appropriate in light of the project's scope.

F. The project will not result in a disproportionate burden of essential public facilities on a particular geographic area, whether upon the city as a whole or upon any neighborhood of the city.

G. The project is consistent and compatible with the city's comprehensive plan, city-wide planning policies and local land use regulations. In the alternative, proponents of a regional EPF may show that it was sited in accord with the planning process of a regional entity. (See also ECDC 20.16.080(B).)

H. The project site meets the facility's minimum physical site requirements, including projected expansion needs. Site requirements may be determined by the minimum size of the

facility, access, support facilities, topography, geology, and on-site mitigation needs. The project sponsor shall identify future expansion needs of the proposed facility during the initial environmental review and the phasing of additional needs early in the process.

I. The project site, as developed with the proposed facility and under the proposed mitigation plan, is compatible with surrounding land uses, to the extent that compatibility is technically and practically feasible.

J. The project sponsor has proposed mitigation measures that substantially avoid, reduce, or compensate for adverse impacts on the environment, including but not limited to buffers, design elements and other operational or programmatic measures contained in the proposal.

K. The project sponsor has identified and proposed mitigation measures that substantially avoid, reduce, or compensate for adverse fiscal impacts on the city. This mitigation shall be based on an analysis of the project's impact on city finances. This requirement may be waived by the director if she/he finds that the EPF is unlikely to have a significant fiscal impact on the city, or that the burden of undertaking the analysis is not consistent with the scale and community-based nature of the facility being proposed. [Ord. 3572 § 1, 2005; Ord. 3474 § 1, 2003].

20.16.080 Decision criteria – EPFs proposed by a regional agency with jurisdiction.

An application for conditional use permit approval for an essential public facility proposed by a regional agency with jurisdiction shall additionally or alternatively, as applicable, comply with the following site decision criteria:

A. The project sponsor has established that it is a regional agency with jurisdiction. For the purpose of this chapter, "jurisdiction" shall mean within the boundaries of a regional agency's legal and physical jurisdiction as determined by the laws of the state of Washington or its charter. A claim of jurisdiction based upon service area shall meet the following criteria:

1. The project must serve a significant share of the Edmonds population or a significant portion of the land area of the city of Edmonds must lie within the regional agency service area; and

2. The proposed site must reasonably serve the project's overall service population and the service population or service area lying within the city of Edmonds.

B. The site has been designated through a collaborative process which involved representatives of the city of Edmonds, duly appointed by the city, and through a public hearing process which was reasonably calculated to reach the citizens of the city of Edmonds. [Ord. 3572 § 1, 2005; Ord. 3474 § 1, 2003].

20.16.090 Denial of regional EPF – Limitations.

Under the Growth Management Act, city ordinances shall not preclude the siting of an essential public facility of any kind. The purpose of this chapter is to impose reasonable conditions upon siting, not to preclude EPFs through denial.

A conditional use permit for an essential public facility project proposed by a regional agency with jurisdiction shall be denied only if: The proposed project conflicts with the proposed use of a particular site by another regional agency with jurisdiction. In the event of a conflict, at least the following factors shall be considered:

A. Which proposal is most consistent with the city's comprehensive plan;

B. Which proposal best serves the broadest interests of the city and its citizens; and

C. Which proposal is first in time. [Ord. 3572 § 1, 2005; Ord. 3474 § 1, 2003].

20.16.100 Permit approval – Suspension or revocation.

If the project sponsor demonstrates compliance with the review criteria listed in ECDC 20.16.070 and satisfies the requirements for a conditional use permit and all other applicable requirements, the hearing examiner shall approve issuance of a conditional use permit for the proposed EPF. A conditional use permit issued for an EPF of any kind may be suspended or revoked if the sponsor fails to comply with the conditions of approval. [Ord. 3572 § 1, 2005; Ord. 3474 § 1, 2003].

20.16.110 Reconsideration and appeal.

Reconsideration of the hearing examiner's ruling shall be governed by ECDC 20.100.010. Appeal of the hearing examiner's ruling shall be governed by Chapter 20.105 ECDC. [Ord. 3572 § 1, 2005; Ord. 3474 § 1, 2003].

20.16.120 Decision timing.

Review, reconsideration and remand process shall not be used to preclude an EPF. Cost and delay do not, prima facie, make an EPF permit review process unfair and untimely, nor be deemed to preclude an EPF. A reasonable consideration schedule shall be established based on the size and complexity of EPF proposals. [Ord. 3572 § 1, 2005; Ord. 3474 § 1, 2003].

20.16.130 Building permit application.

A. Any building permit for an EPF approved under this chapter shall comply with all conditions of approval in the conditional use permit. In the event a building permit for an EPF is denied, suspended or revoked due to a failure to comply, the department shall submit in writing the reasons for denial to the project sponsor.

B. No construction permits may be applied for prior to conditional use approval of the EPF unless the applicant signs a written release acknowledging that such approval is neither guaranteed nor implied by the department's acceptance of the construction permit applications. The applicant shall expressly accept all financial risk associated with preparing and submitting construction plans before the final decision is made under this chapter.

C. Building permits for an EPF which fail to comply with the conditions of approval shall be suspended and a report made to the director. The director shall institute a proceeding before the hearing examiner to permit the EPF's sponsor a hearing at which to show cause why its conditional use permit should not be revoked or further conditioned. Such hearing shall be conducted in accordance with ECDC 20.100.040(C); provided, however, that the hearing examiner's decision shall be final and appealable only to superior court pursuant to the Land Use Petition Act. [Ord. 3572 § 1, 2005; Ord. 3474 § 1, 2003].

Chapter 20.18

GROUP HOMES

Sections:

20.18.010 Purpose.

The purpose of this chapter is to provide an informational process supplemental to state licensing and regulatory procedures to inform the citizens of residential neighborhoods when group homes are established and operated within their boundaries. [Ord. 3184 § 3, 1998].

20.18.020 Pre-establishment operating plan.

A. As a prerequisite to the primary use established by ECDC 16.30.010(A)(4) a group home (facility) shall provide an operating statement to the director of community services 30 days prior to the date on which it plans to commence operations. "Commence operations" shall mean the first day during which it receives a client for residence at the facility.

B. Operating Plan. The operating plan shall include, but is not limited to, the following:

1. A complete description of the facilities, its clients, staff and operating structure, its proposed operating conditions and the terms and conditions of any state license required for its operation.

2. A statement regarding how the proposed facility furthers the purposes and guidelines of the county-wide planning policies promulgated by Snohomish County and the comprehensive plan of the city of Edmonds.

3. A financial statement and staffing plan for the proposed facility, including but not limited to the manner and method by which clients are referred to, accepted to and/or ordered to take up residence at the facility.

4. The addressed of each funding, licensing or operating entity involved in the operation.

5. City business license and fire inspection.

C. The director of community services shall review the statement for accuracy, completeness and objectivity before releasing it to the public. An informational meeting shall be scheduled 20 days after the director of community services provides written notification to persons residing within 300 feet of the facility of the availability of the statement for review by the public. Such informational meeting shall be held at the convenience of the neighborhood in a location convenient to its residents.

D. Information Meeting. The director of community services (or his or her designee) shall conduct the informational meeting with a representative of the group home and the residents of the neighborhood. Notices of the meeting and an invitation to attend it shall be provided to all entities shown on the operating plan as providing substantial contributions to the group home or licensing its operations. The director of community services shall make every effort to encourage the attendance of such funding and licensing representatives.

E. Nothing herein shall be interpreted to prohibit a group home from enjoying its primary permitted use rights vested under this code. [Ord. 3184 § 3, 1998].

20.18.030 Complaint procedures and facilitated meeting.

In the event that the city received complaints of persons residing at three or more residences located within 300 feet of the facility, the director of community services shall schedule a public meeting under the notice procedures of the preceding section, making every reasonable effort to secure the attendance of those entities shown as licensing and funding the group home under its operating plan. The meeting shall be conducted as a community service by the city to facilitate the

understanding of the community regarding the operations of the facility and to provide a convenient forum for members of the neighborhood in which the group home is located to express their concerns regarding its maintenance, upkeep, or operations to the appropriate operating, funding and licensing entities. The city's role shall be to facilitate the sharing of information and nothing herein shall be interpreted as authorization to block the entry of a properly licensed state facility into a neighborhood; provided, however, that halfway houses are not permitted uses in any residential zone of the city and these provisions are not a limitation of the city's other zoning powers with regard to such halfway houses. [Ord. 3184 § 3, 1998].

20.18.040 Neighborhood mediation.

Operators of group homes and members of neighborhoods are encouraged to utilize the offices of Snohomish County neighborhood dispute resolution center in the event that reasonable dialogue between neighbors and facilities cannot resolve the problems inherent in or attendant to their operation. [Ord. 3184 § 3, 1998].

20.18.050 Civil enforcement procedure.

Failure to file a pre-establishment plan as provided in ECDC 20.18.020 shall be a civil violation subject to enforcement pursuant to Chapter 20.110 ECDC. [Ord. 3184 § 3, 1998].

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Chapter 20.19

HOME DAY CARE

Sections:

20.19.000 Purpose.

The purpose of this chapter is to permit residents to operate either a family day care or mini day-care facility at their home, subject to the requirements of this chapter. Nothing herein shall be interpreted to require a permit for family home day-care facilities which are outright permitted uses in any zone, however, such outright permitted home day-care facility shall comply with the provisions of ECDC 20.19.020 in the course of their operation. [Ord. 2673 § 3, 1988].

20.19.010 Conditional use permit required.

When a conditional use permit is required by the provisions of ECDC Title 16 relating to the zoning districts, conditional use permit applications for operation of a mini day-care shall be processed in accordance with procedures of ECDC 20.95.050 (Staff Decision – Notice Required) utilizing the criteria set forth in this chapter. In addition to the specific criteria set forth herein, the staff and hearing examiner on appeal shall also review the application under the criteria and required findings set forth in Chapter 20.05 ECDC relating to conditional use permits in order to establish that the proposed facility is not deleterious to the immediately surrounding neighborhood nor constitutes a public nuisance. The director of community services or designee, or the hearing examiner on appeal, may impose reasonable conditions on the approval of the conditional use permit for mini day-care facilities in order to ensure that the criteria of ECDC 20.19.020 are met and that the facility is in harmony with the surrounding neighborhood. [Ord. 3112 § 10, 1996; Ord. 2673 § 3, 1988].

20.19.020 Criteria.

A. State Licensing. The applicant must obtain any and all required state licenses and comply with all state licensing requirements.

B. Outdoor Play Times. Outdoor play times shall not be scheduled before 9:00 a.m. or after 8:00 p.m. Care should be taken to minimize noise impacts on adjacent residences.

C. Fenced Play Area. A completely fenced play area is required. No play area shall be allowed in the street setback.

D. Parking. Two on-street or off-street parking spaces shall be provided for a family day-care operation. On-street parking spaces must be reasonably accessible to the applicant’s residence and available for public use under city ordinance.

A minimum of three on-street or off-street parking spaces shall be provided with a mini day-care operation. On-street parking spaces must be reasonably accessible to the applicant’s residence and available for public use under city ordinance.

E. Location and Limitation. No mini day-care center located within a residential zone shall be located closer than 300 feet to any other day-care operation of any kind or nature, or any preschool; provided that this limitation shall not apply to any public school facility operated by the Edmonds or other school district. [Ord. 2673 § 3, 1988].

20.19.030 Permit.

A conditional use permit for a mini day-care facility is personal to the applicant and shall not be transferred or otherwise assigned to any other person or entity, nor may the permit be transferred to any site other than the site described in the application. Nothing herein shall relieve the applicant of the obligation to obtain any and all licenses required under the

provisions of state and federal law. [Ord. 2673 § 3, 1988].

20.19.040 Review hearings.

At any time at least six months after the granting of a conditional use permit, as provided herein, residents of the neighborhood may initiate a request before the hearing examiner to consider the revocation or modification of the permit, if they consider the facility to be deleterious to the neighborhood or to create a public nuisance.

The complaint action shall be initiated by a petition, signed by not less than five residents within 300 feet of the subject property or 50 percent of the residents within 300 feet of the subject property whichever is the less, no two of whom may be residents of the same household. The petition shall state in detail the condition or conditions which the complainants allege cause the facility to be deleterious to the neighborhood or to create a public nuisance.

After a public hearing on the complaint, the hearing examiner shall make findings as to the existence of any deleterious impact or public nuisance created or enhanced by the permittee. If the hearing examiner finds that the permittee failed to comply with prior imposed conditions or has created or enhanced a deleterious impact or public nuisance and that the impact or nuisance cannot be mitigated, the hearing examiner shall revoke the conditional use permit. If the hearing examiner finds that the deleterious impact or public nuisance can be mitigated, additional or differing conditions may be imposed. If the hearing examiner imposes additional conditions to mitigate any adverse neighborhood impacts, a specific date shall be set to consider whether the applicant has met the additional conditions. Failure to meet such conditions shall be grounds for revoking this permit. [Ord. 2673 § 3, 1988].

20.19.050 Appeal.

Appeals may be taken from the decision of the hearing examiner to the city council under the provisions of Chapter 20.105 ECDC. An appellant may challenge the imposition of conditions or may elect to challenge a later determination as to whether those conditions have been met. [Ord. 2458, 1984].

Chapter 20.20

HOME OCCUPATIONS

Sections:

20.20.000 Purpose.

The purpose of this chapter is to allow residents to carry on home occupations on their property while guaranteeing neighboring residents freedom from excessive noise, excessive traffic, nuisance, fire hazard and other possible potential negative impacts from the maintenance of a commercial use within a residential neighborhood. The purpose of this chapter is to permit two types of home use occupations while prohibiting other commercial uses in residential neighborhoods. Commercial enterprises employing only the residents of a structure which are operated entirely within the structure and which require no deliveries or other traffic are intended to be permitted activities. Other occupations such as music teachers, newspaper delivery and other commercial activity which are intended to serve the neighborhood and which promote traffic only within the neighborhood as opposed to attracting traffic to the neighborhood from outside, are also intended to be permitted uses. A home occupation is generally an economic enterprise operated within a dwelling unit, or buildings accessory to the dwelling unit which are incidental and secondary to the residential use of the dwelling unit, including the use of the dwelling unit as a business address in the phone directory or as a post office mailing address.

20.20.010 Home occupation.

A home occupation may be conducted as a permitted use in any residential zone of the city subject to the following regulations:

A. Home occupation shall be a permitted use if it:

1. Is carried on exclusively by a family member residing in the dwelling unit; and

2. Is conducted entirely within the structures on the site, without any significant outside activity; and

3. Uses no heavy equipment, power tools or power sources not common to a residence; and

4. Has no pickup or delivery by business related commercial vehicles (except for the U.S. Mail) which exceeds 20,000 pounds gross vehicle weight; and

5. Creates no noise, dust, glare, vibration, odor, smoke or other impact adverse to a residential area beyond that normally associated with residential use; and

6. Does not include any employees outside of the family members residing at the residence, including but not limited to persons working at or visiting the subject property; and

7. All performance criteria established pursuant to ECDC 17.60.010.

Any permit granted to such an occupational use shall be immediately voidable upon proof of any visit to the site in excess of the standards provided in paragraphs A(4) and A(6) of this section or any visits by a customer, client or other persons purchasing goods or services from the home occupation. Proof of one such occurrence shall be sufficient to void the permitted use provided under this section and thereby requiring the home occupation to meet the permitting provisions hereinafter contained in this chapter. An example of an out right permitted home occupation is a writer or artist who develops a book or art work and does not show the work from the home.

B. A home occupation which does not meet one or more of the requirements of subsection A of this section may be approved as a conditional use permit pursuant to Chapter 20.05 ECDC and the procedures set forth in ECDC 20.100.010, if the home occupation:

1. Will not harm the character of the surrounding neighborhood;

2. The temporary and permanent keeping of animals associated with home occupation must comply with all provisions of Chapter 5.05 ECC (Animal Control) and ECDC Title 16;

3. Will not include storage, display of goods, building materials and/or the operation of building machinery, commercial vehicles or other tools, unless it meets the following criteria:

a. Is wholly enclosed within a structure or building,

b. Does not emit noise, odor or heat, and

c. Does not create glare or emit light from the site in violation of the city's performance criteria;

4. Does not create a condition which injures or endangers the comfort, or pose health or safety threats of persons on abutting properties or streets; and

5. Will not generate traffic from outside of the neighborhood nor excessive intra-neighborhood traffic or necessitate excessive parking beyond that normally associated with a residential use; and all performance criteria established by ECDC 17.60.010 are met. Any permit granted to such a home occupation shall be immediately voidable upon proof of any visit to the site by any client, patient or customer in excess of the standard established through the conditional use permit process, and proof of one such occurrence shall be sufficient to void such permit in any proceeding under ECDC 20.100.040 relating to review of approved permits.

20.20.015 Prohibited home occupations.

Certain home occupations depend for their economic viability upon the sale or provision of services to persons throughout the city or the regional community rather than the neighborhood in which they reside thereby attracting to a neighborhood traffic beyond that generally associated with the neighborhood or intra-neighborhood traffic. Such home occupations which depend upon travel to the site by customers, clients or patients are specifically prohibited.

A. The following occupational uses shall be presumed to generate such traffic:

1. The offices of any doctor of medicine, dentist, orthodontist, chiropractor or other health care professional licensed under the state of Washington (excluding licensed massage therapists);

2. The offices of any person engaged in the practice of law;

3. The offices of any veterinarian; and/or

4. Any structure used for the retail sale of goods, except as expressly permitted by ECDC 20.20.020(E) as an adjunct to a permitted use.

B. The presumption established by subsection A of this section shall be rebuttable, but the applicant shall have the burden of proving that no commercial traffic will be generated by clients, patients or customers. Any permit granted to such an occupational use shall be voidable upon proof of any visit to the site by a client, patient or customer, and proof of one such visit shall be sufficient to void such permit and any proceeding under ECDC 20.100.040 relating to the review of approved permits.

C. The limited sale of services on site by occupations other than those listed in subsection A of this section shall be permitted so long as:

1. All performance criteria established by ECDC 17.60.010 are met and the conditional use permit issued pursuant to ECDC 20.20.010(B) and Chapter 20.05 ECDC are met; and

2. The home occupation is advertised, intended and/or in fact attracts traffic only from the residential neighborhood in which it is located, does not create traffic in excess of normal residential levels, and is not intended or designed to create additional traffic into the neighborhood by attracting clients or customers from beyond the neighborhood.

Examples of home occupations which might qualify for a permit include the musical instruction of pupils in clearly defined and limited numbers which does not generate traffic from outside of the residential neighborhood in which it is located nor in excess of normal residential levels or operating as a news carrier from a residential home in which the only outside traffic is delivery of papers to the site by the news agency.

D. Home occupations which employ any individual outside of resident family where the employee(s) work at or visit the subject property shall be prohibited in any planned residential development or individual lot thereof. [Ord. 3465 § 4, 2003].

20.20.020 General regulation.

A. Sale or Display of Goods. No goods shall be sold or rendered on the premises except instructional materials pertinent to the home occupation (e.g., music books). Display or storage of goods outside the premises or in the window thereof is prohibited.

B. Signs. A sign is permitted in conjunction with conditional use permit approval and does not exceed three square feet in size and shall contain only the name and address of the residence.

C. Reasons for Denial. A home occupation conditional use permit is a special exception to the zoning ordinance and the applicant has the burden of persuasion that he/she comes within the stated purposes and criteria of this chapter. The following are among common reasons for denial but are not intended to be exclusive:

1. The on-street or on-site parking of trucks or other types of equipment associated with the home occupation;

2. The littered, unkempt and otherwise poorly maintained condition of the dwelling site;

3. Noncompliance with the criteria of this chapter or conditions of approval or other provisions of city ordinance; and/or

4. The proposal cannot be conditioned in order to meet the criteria and findings of the chapter.

20.20.030 Permit.

All permits for home occupations are personal to the applicant and shall not be transferred or otherwise assigned to any other person. The permit will automatically expire when the applicant named on the permit application moves from the site. The home use occupation shall also automatically expire if the permittee fails to maintain a valid business license or the business license is suspended or revoked. The home occupation shall not be transferred to any site other than that described on the application form. [Ord. 2951 § 1, 1993].

Chapter 20.21

ACCESSORY DWELLING UNITS

Sections:

20.21.000 Purpose.

The purpose of this chapter is to regulate the establishment of accessory dwelling units within or in conjunction with single-family dwellings while preserving the character of single-family neighborhoods. The primary purpose of this chapter shall be to permit establishment of additional living quarters within single-family residential neighborhoods in order to (1) make it possible for adult children to provide care and support to a parent or other relatives in need of assistance, or (2) provide increased security and companionship for homeowners, or (3) provide the opportunity for homeowners to gain the extra income necessary to help meet the rising costs of home ownership, or (4) to provide for the care of disabled persons within their own homes. [Ord. 3294 § 1, 2000].

20.21.010 Accessory dwelling units prohibited.

No accessory dwelling unit shall be permitted within any planned residential development or any individual lot within such a development. [Ord. 3465 § 5, 2003].

20.21.020 Density limitation – Limitation on total occupancy.

Except as provided in ECDC 20.21.030(F) for the accommodation of the disabled, no subject site shall be occupied by more than one family as defined in ECDC 21.30.010. This limitation shall be interpreted to accomplish its purpose, which is to ensure that the approval of an accessory dwelling unit shall not increase the overall density of a single-family residential neighborhood. [Ord. 3294 § 1, 2000].

20.21.025 Application and filing fee.

A. Application. Any person desiring approval of an accessory dwelling unit as defined by the community development code shall submit an application containing all of the information required by ECDC Title 20 as well as the following information:

1. An affidavit, signed by the property owner before a notary public, affirming that the owner occupies either the main building or the accessory dwelling unit for more than six months of the year.

2. A covenant in a form acceptable to the city attorney and suitable for recording with the county auditor, providing notice to future owners or long-term lessors of the subject site that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling unit or the primary dwelling by the current owner of the property, and that the current owner must have a signed affidavit on file with the city meeting the requirements of subsection (A)(1) of this section. The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of this chapter and to provide for the removal of improvements added to convert the premises to an accessory dwelling unit and the restoration of the site to a single-family dwelling in the event that any condition of approval is violated.

3. If the permit lapses or the use ceases, at the request of the applicant, the city shall record at its expense notice that the covenant and permit are void and without further effect.

B. Filing Fee. All applications for an accessory dwelling unit permit shall be accompanied by the filing fee for the permit and an amount sufficient to pay the recording fee of the covenant with the Snohomish County auditor in the event the accessory dwelling unit conditional use permit should be approved. [Ord. 3294 § 1, 2000].

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20.21.030 Criteria for attached accessory dwelling units.

A. Permit Required. Any person who occupies or permits another person to occupy an attached accessory dwelling unit as a place of residence shall first obtain a permit. The permit shall be reviewed and processed in accordance with the requirements of Chapter 20.95 ECDC and ECDC 20.95.050, Staff decision – Notice required.

B. Number of Units. A single-family dwelling may have no more than one accessory dwelling unit per lot.

C. Size. In no case shall an accessory dwelling unit be (1) larger than 40 percent of the livable floor area of the principal dwelling, (2) nor more than 800 square feet, (3) nor have more than two bedrooms; provided, if the accessory dwelling unit is completely located on a single floor, the planning manager may allow increased size up to 50 percent of the floor area of the principal dwelling in order to efficiently use all floor area, so long as all other standards set forth in this chapter are met.

D. Location and Appearance. The single-family appearance and character of the residence shall be maintained when viewed from the surrounding neighborhood. The design of the accessory dwelling unit shall be incorporated into the design of the principal dwelling unit and shall be designed to maintain the architectural design, style, appearance and character of the main building as a single-family residence using matching materials, colors, window style, and roof design. The primary entrance to the accessory dwelling unit shall be located in such a manner as to be unobtrusive when viewed from the street. Whenever possible, new entrances should be placed at the side or rear of the building. Only one electric and one water meter shall be allowed for the entire building, serving both the primary residence and the accessory dwelling unit. Accessory dwelling units must be located within or attached to single-family dwelling units.

E. Parking. One off-street parking space in addition to the parking spaces normally required for the principal dwelling shall be required to be provided for the accessory dwelling unit, but in no event less than three spaces per lot.

F. Occupancy. Either the primary dwelling or the accessory dwelling unit shall be owner-occupied. "Owner-occupied" shall mean a property owner who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means, and actually resides at the site more than six months out of any given year, and at no time receives rent for the owner-occupied unit. The owner(s) shall not rent the designated owner-occupied unit at any time during the pendency of the ADU permit; any such rental shall void the permit. The owner(s) shall not rent any portion of the owner-occupied residence either during the owner(s)' occupancy or while the owner is absent from the owner-occupied unit for any period. In no event shall the total number of occupants exceed one family as defined in this code; provided, however, that if the accessory dwelling unit is occupied by a nurse or other caregiver assisting a disabled person who is an occupant of the principal residence, or the principal residence is occupied by a nurse/caregiver and the accessory dwelling unit is occupied by a disabled person under the nurse's care, the occupancy limit of one family may be increased by one additional unrelated person to a total of one family related by genetics, adoption or marriage plus one unrelated person, or a total of six unrelated persons. In no event shall the total number of occupants exceed one family as defined in this code.

G. Safety, Light, Ventilation, Floor Area and Similar Factors. Accessory dwelling units shall comply with all applicable requirements of the Uniform Housing Code and the Uniform Building Code adopted by ECDC Title 19 and shall comply in all respects with the provisions of the Edmonds Community Development Code. No permit for an accessory dwelling unit shall be issued to a nonconforming structure unless that structure is brought into con-

formance with the then current provisions of this code. [Ord. 3294 § 1, 2000].

20.21.040 Nontransferability.

A permit for an accessory dwelling unit shall not be transferable to any site other than the subject site described in the application. [Ord. 3294 § 1, 2000].

20.21.050 Preexisting accessory dwelling units.

That portion of a single-family residence which meets the definition of accessory dwelling unit which was in existence prior to February 1, 2000, may continue in existence provided the following requirements are met:

A. An application for an accessory dwelling unit which meets the appropriate criteria contained in ECDC 20.21.030 is submitted within one year of February 1, 2000. The planning manager may waive the size limitations contained in ECDC 20.21.030 if he or she finds that the reduction of floor area required to bring the preexisting unit into compliance is impractical to achieve.

B. The unit complies with the minimum requirements of the Uniform Housing Code. [Ord. 3294 § 1, 2000].

20.21.060 Permit conditions.

In addition to any conditions imposed during the permit approval process, permits for accessory dwelling units shall state and are expressly subject to the condition that such a permit shall expire automatically whenever:

A. The accessory dwelling unit is substantially altered and is thus no longer in conformance with the plans and drawings reviewed and approved by the permitting authority and building official.

B. The subject site ceases to maintain the required number of parking spaces.

C. The property owner ceases to reside in either the primary residence or the accessory dwelling unit, the owner-occupied unit is rented, or the current owner fails to file the affidavit required under ECDC 20.21.025(A)(1). [Ord. 3294 § 1, 2000].

Chapter 20.25

HOUSING FOR THE LOW INCOME ELDERLY

Sections:

20.25.000 Purpose.

This chapter is intended to allow reasonable changes in RM zone site development standards for housing projects for the low income elderly, because, among other reasons, these projects usually have fewer persons per unit than a normal multiple residential project. [Ord. 2818 § 2, 1991].

20.25.010 Changes to site development standards.

The hearing examiner may approve the following changes to the normal site development standards of the district in which the housing project for the low income elderly is to be located:

A. A decrease of as much as one-half of the minimum required site area per unit.

B. A decrease of the minimum number of parking spaces per unit, but in no event less than one space per unit. [Ord. 2818 § 2, 1991].

20.25.020 Eligible projects.

To be eligible to use this section, a project shall be rented exclusively to low income elderly persons as defined by the Housing and Urban Development or persons receiving Social Security disability benefits, or be financed under the Insured Mortgage Program of HUD for housing projects for the low income elderly, or similar government programs. [Ord. 2818 § 2, 1991].

20.25.030 Application.

The applicant shall apply for a conditional use permit in order to use the provisions of this section. The applicant shall submit a full description of the proposal with the application, including a statement of how the project qualifies under ECDC 20.25.020. The applicant shall also show on the site plan a reservation of sufficient space to provide the normally required number of parking spaces if the project should ever be converted to a normal multiple residential project. [Ord. 2818 § 2, 1991].

20.25.040 Location criteria.

The hearing examiner shall, prior to approving a permit under this section, find that the project is located in an area which has the following characteristics:

A. Walking Distance. Is within convenient walking distance of public transportation, food and drug stores, and other neighborhood commercial services used by the low income elderly;

B. Safety. Has streets and sidewalks which are safe and otherwise suitable for elderly pedestrians;

C. Community Facilities. Has nearby parks, libraries and other cultural and recreational facilities.

20.25.050 Enforcement.

Before the issuance of a building permit for a project approved under this section, the owner as a grantor shall execute a covenant to run with the land to the city of Edmonds as grantee. The city shall record the covenant with the county auditor at the owner's expense. The covenant shall state file number and date of approval of the use permit, identify the density and parking changes that the city has approved, and state that the right to maintain the approved changes is dependent on the continued status of the project as an eligible project under this section. The covenant shall further state that the project must comply with the normal zoning and parking requirements if it ceases to be eligible under this section, and that the city may enforce the covenant through any appropriate legal means, including but not limited to specific enforcement.

Chapter 20.30

JOINT USE OF PARKING

Sections:

20.30.000 Purpose.

This chapter establishes a procedure and standards for review of applications for joint use of off-street parking facilities.

20.30.010 Application.

In addition to the information required by ECDC 20.95.010, the applicant shall provide the written consent of all owners of the affected land.

20.30.020 Review.

The community development director shall review applications for joint use of parking under the procedure of ECDC 20.95.050 (Staff Decision – Optional Hearing) using the criteria of this chapter as a basis for review.

20.30.030 Criteria.

A. Residential. Residential uses may not use the provisions of this chapter except in the downtown business area as defined in ECDC 17.50.070.

B. Nighttime Uses. Up to 50 percent of the off-street parking required by Chapter 17.50 ECDC for primarily nighttime uses such as theaters, bowling alleys, bars and restaurants may be supplied by parking serving primarily daytime uses such as banks, offices, retail stores, personal service shops and manufacturing and wholesale uses.

C. Daytime Uses. Up to 50 percent of the off-street parking required by Chapter 17.50 ECDC for primarily daytime uses may be supplied by parking serving primarily nighttime uses.

D. Churches and Schools. Up to 100 percent of the off-street parking required by Chapter 17.50 ECDC for a church or an auditorium incidental to a public or parochial school may be supplied by parking serving primarily daytime uses.

E. No Conflict. There may be no substantial conflict between the operating hours of the uses for which joint use of parking is proposed.

F. Distance. The off-street parking facilities to be used jointly shall be located within 500 feet of the use which they are to serve.

20.30.040 Recorded agreement.

If joint use is approved, the applicant shall provide to the community development department a legal instrument conveying a nonrevocable parking easement for the life of the applicant's use or a covenant to the city if only one parcel of property is involved. When the city attorney has approved the agreement, the city shall file it for record with the county auditor at the applicant's expense and retain a copy in the application file.

20.30.050 Loss of joint use.

A. Alternate Sites. Applicant shall not allow or voluntarily participate in the loss of rights of joint use. In the event applicant should for reasons beyond applicant's control lose applicant's rights of joint use, applicant shall have 90 days to secure on-site parking to conform to the parking requirements of this code, or secure another site for joint use for which a new application must be submitted under the terms of this chapter.

B. In-lieu of Parking Fee. In the event applicant is unable to secure an alternate site which conforms to on-site regulations, or approved for joint use under subsection A of this section, applicant shall discontinue the use, or that portion of the use causing the parking deficiency, within the said original 90-day period. Or, in the alternative, within said 90-

day period applicant may pay an in-lieu-of parking fee under ECDC 17.50.070.

C. Discontinuance of Use. If applicant cannot or will not provide parking, or the in-lieu parking fee, as set forth in subsections A and B of this section, the applicant will discontinue the use, or that portion of use causing the parking deficiency within the original 90-day period set forth above.

Chapter 20.35

PLANNED RESIDENTIAL DEVELOPMENT (PRD)

Sections:

20.35.010 Purposes.

The purposes of this chapter are to:

A. Provide an alternative form of development which will promote flexibility and creativity in the layout and design of new development and which will protect the environment and critical areas through the use of open spaces above requirements of other provisions of city code;

B. Provide for small and large scale developments incorporating a variety of housing types and related uses that are planned and developed as an integral unit;

C. Promote the efficient use of land by allowing flexible arrangement of buildings and lots, circulation systems, land uses, and utilities;

D. Promote the combination and coordination of architectural styles, building forms, and building relationships within a development;

E. Coordinate development with the value, character, and integrity of surrounding areas which have been, or are being, developed under the city's comprehensive plan;

F. Provide for the integration of new development into the existing community while protecting and preserving the value of the surrounding neighborhood to the extent consistent with the Growth Management Act;

G. Provide the opportunity for affordable housing to meet the needs of a wide range of income and age groups;

H. Encourage the preservation of existing natural site amenities such as trees, watercourses and wetlands, topography, and geologic features beyond the requirements of the code;

I. Create permanent, usable and commonly owned open space for both active and passive recreation which serve the development and which are maintained at its expense;

J. Cluster structures to preserve or create open spaces, especially where steep slopes or other environmentally sensitive areas exist;

K. Promote a more efficient street and utility system by clustering units, in an effort to promote affordable housing, land development and maintenance costs and reducing the amount of impervious surfaces; and

L. Implement policies of the comprehensive plan. [Ord. 3465 § 1, 2003].

20.35.020 Applicability.

A. Planned residential developments (PRDs) may be located in any residential zone of the city. Uses permitted in the PRD shall be governed by the use regulations of the underlying zoning classification.

1. PRDs in single-family zones shall be comprised of detached dwelling units on individual lots, and any appurtenant common open space, recreational facilities or other areas or facilities.

a. The PRD process is not available to single-family lots that are incapable of further subdivision.

b. The PRD process shall not be used to reduce any bulk or performance standard not specifically referenced herein. Bulk standards not referenced may be varied only in accordance with Chapter 20.85 ECDC, Variances, or through the modification provision provided through the subdivision process as outlined in Chapter 20.75 ECDC.

B. Property included in a PRD application must be under the ownership of the applicant, or the applicant must be authorized pursuant to a durable power of attorney or other binding contractual authorization in a form which may be recorded in the land records of Snohomish County to process the application on behalf of all other owners.

C. Accessory dwelling units and home use occupations restricted by ECDC 20.20.015(D) shall not be permitted within a PRD. [Ord. 3465 § 1, 2003].

20.35.030 Alternative standards.

A. Alternative development standards may be established through the PRD process. Such alternative standards shall be limited to the bulk standards specifically set forth in this chapter. Absent specific authorization the standard may not be waived or varied through the PRD process.

1. Bulk development standards which may be established are as follows:

a. Building Setbacks. An applicant shall in every event comply with Uniform Building Code separation requirements for fire safety. See ECDC 20.35.040(B) for setback requirements.

b. Lot Size. Lot sizes may be reduced (“clustering”) to allow dwelling units to be shifted to the most suitable locations on residential PRD sites so long as the overall density of the project complies with the comprehensive plan and zoning ordinance.

c. Lot width.

d. Lot coverage.

e. Street and Utility Standards Alternative. Street standards may be established by the city engineer and alter utility standards established by the public works director so long as such alternatives provide the same or greater utility to the public system, safety and long-term maintenance costs as the standards established by ECDC Title 18.

f. The enhanced design standards contained in this title.

2. No modification of height limits shall be permitted in the PRD process.

3. Since the PRD process does not authorize the division of land, housing types that require the division of land will require a short or long subdivision.

B. PRDs are not rezones. In no event shall use of a PRD result in an expansion of the uses permitted by the underlying zone, or in density in excess of the maximum established by the comprehensive plan and zoning ordinances. [Ord. 3465 § 1, 2003].

20.35.040 Criteria for establishing alternative development standards.

Approval of a request to establish an alternative development standard using a PRD differs from the variance procedure in that rather than being based upon a hardship or unusual circumstance related to a specific property, the approval of alternative development standards proposed by a PRD shall be based upon the criteria listed in this section. In evaluating a PRD which proposes to modify the development standards of the underlying zone, the city shall consider and base its findings upon the ability of the proposal to satisfy all of the following criteria, if applicable:

A. The proposed PRDs shall be compatible with surrounding properties in the following respects:

1. Provide landscaping for projects seeking to cluster lots under ECDC 20.35.030(A)(1)(b) through the design review process and greater buffering of buildings, parking and storage areas than would otherwise be provided through the subdivision process,

2. Providing safe and efficient site access, on-site circulation and off-street parking, and

3. Architectural design of buildings and harmonious use of materials as determined by the ADB in accordance with ECDC 20.35.060;

B. No setback from the exterior lot lines of the PRD may be reduced from that required by the underlying zoning unless a variance or subdivision modification is approved;

C. Minimize the visual impact of the planned development by reduced building volumes as compared with what is allowable under the current zoning or through landscape or other buffering techniques;

D. Preserve unique natural features or historic buildings or structures, if such exist on the site; and/or

E. Reduction of impervious surfaces through the use of on-site or common parking facilities rather than street parking. [Ord. 3465 § 1, 2003].

20.35.050 Decision criteria for PRDs.

Because PRDs provide incentives to applicants by allowing for flexibility from the bulk zoning requirements, a clear benefit should be realized by the public. To ensure that there will be a benefit to the public, a PRD which seeks alternative bulk standards shall be approved, or approved with conditions, only if the proposal meets the following criteria:

A. Design Criteria. The project must comply with the city's urban design guidelines set forth in subsection (A)(1) of this section and provide two or more of the results set forth in subsections (A)(2) through (A)(5) of this section:

1. Architectural design consistent with the city's urban design guidelines for multifamily projects or ECDC 20.35.060 for single-family projects for the design, placement, relationship and orientation of structures;

2. Improve circulation patterns by providing connections (a) to the city's street system beyond those which may be compelled under state law, or (b) to the city's alternative transportation systems, such as bike or pedestrian paths accessible to the public;

3. Minimize the use of impervious surfacing materials through the use of alternate materials or methods such as grasscrete or shared driveways;

4. Increase through the addition of usable open space or recreational facilities on-site above the minimum open space required by ECDC 20.35.060(B)(6);

5. Preserve, enhance or rehabilitate significant natural features of the subject property such as woodlands, wildlife habitats or streams, historic or landmark structures or other unique features of the site not otherwise protected by the community development code.

B. Public Facilities. The PRD shall be served by adequate public facilities including streets, bicycle and pedestrian facilities, fire protection, water, stormwater control, sanitary sewer, and parks and recreation facilities.

C. Perimeter Design. The design of the perimeter buffer shall either:

1. Comply with the bulk zoning criteria applicable to zone by providing the same front, side and rear yard setbacks for all lots adjacent to the perimeter of the development; and/or

2. Provide a landscape buffer, open space or passive use recreational area of a depth from the exterior property line at least equal to the depth of the rear yard setback applicable to the zone. If such a buffer is provided, interior setbacks may be flexible and shall be determined pursuant to ECDC 20.35.030. When the exterior property line abuts a public way, a buffer at least equal to the depth of the front yard required for the underlying zone shall be provided.

D. Open Space and Recreation. Usable open space and recreation facilities shall be provided and effectively integrated into the overall development of a PRD and surrounding uses and consistent with ECDC 20.35.060(B)(6). “Usable open space” means common space developed and perpetually maintained at the cost of the development. At least 10 percent of the gross lot area and not less than 500 square feet, whichever is greater, shall be set aside as a part of every PRD with five or more lots. Examples of usable open space include playgrounds, tot lots, garden space, passive recreational sites such as viewing platforms, patios or outdoor cooking and dining areas. Required landscape buffers and critical areas except for trails which comply with the critical areas ordinance shall not be counted toward satisfaction of the usable open space requirement. [Ord. 3465 § 1, 2003].

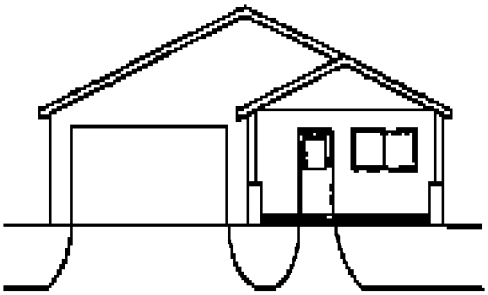
20.35.060 Single-family design criteria.

Because PRDs may utilize alternative bulk development standards in residential zones, the following single-family design criteria are established to ensure that development of PRDs in single-family zones will maintain a single-family character. Although the criteria listed here are not necessarily consistent with every design characteristic of every single-family neighborhood in the city of Edmonds, the criteria have been developed to create a reasonable single-family residential setting. The intent behind these criteria is to ensure a high quality of design and construction for all buildings located in single-family neighborhoods where development standards may be modified through the PRD process.

A. Building Design.

1. Characteristics of Single-Family Development.

a. To demonstrate a residential quality, single-family homes should have a strong connection between the street and the house. This can be accomplished by providing a pedestrian access or walk from the street to the front door or porch.

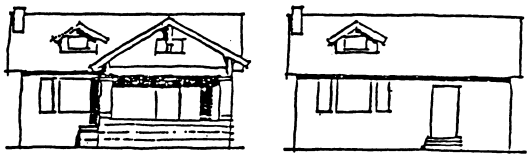


Provide “friendly” pedestrian access to front door, preferably with a porch

b. From the street, the design should not emphasize the garage, but rather the human scale and elements of design (this could include pedestrian entrances, windows, and details that are a smaller, more human scale and texture).

2. Entries and Porches.

a. Porches contribute to the richness and warmth of a neighborhood, therefore houses should have front porches consistent with the style and scale of the house and the neighborhood.



This... as opposed to this

b. Main entries should be prominent and oriented to the street.

3. Materials. Materials should be used in a consistent manner on all sides of the house. In other words, do not use several materials to enhance the front of the building but leave the sides and back unembellished.

4. Garages.

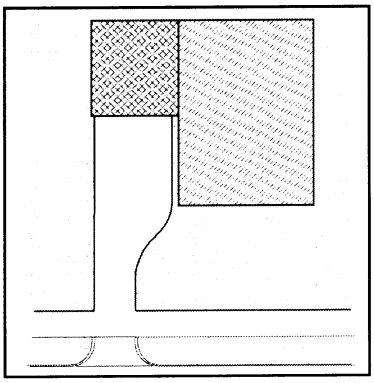
a. Garages facing the street or located at the front of a house should be no wider than one-half the width of the house.

B. Site Design.

1. Retain Significant Features. Significant trees, topography and other environmental features as well as historic or landmark structures should be retained and/or integrally included in the design of the project. This might be done by designing homes that are multilevel to respond to the existing topography or buildings which have an irregular footprint to preserve healthy significant vegetation.

2. Vehicular Access.

a. Driveway widths shall not exceed 20 feet at curb cuts. Curb cuts should never exceed this width even if they provide direct access to a three-car garage.



b. Shared driveways between adjacent homes are encouraged as a way to reduce the number and size of curb cuts and impervious surfaces.

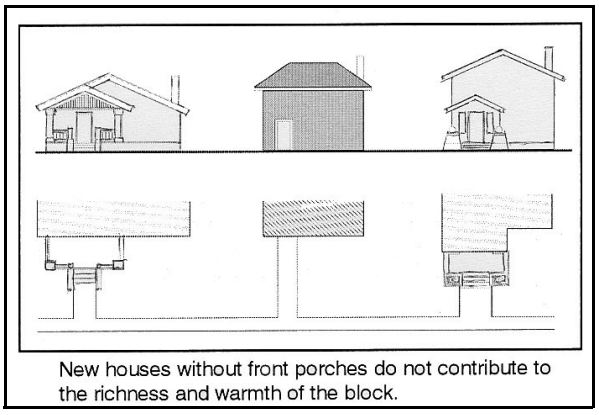
3. Garage Locations.

a. Homes should have a visually diminished garage front.

4. Landscaping and Buffering. Landscaping and buffering shall be consistent with the requirements of the urban design guidelines.

5. Building Entrances.

a. Homes should have a dominant front porch and/or entry expression.



New houses without front porches do not contribute to the richness and warmth of the block.

b. A separate pedestrian access should be provided from the sidewalk to the main building entrance.

6. Open Space Requirements.

a. For PRDs with critical areas, separate open space tracts designated “critical areas open space” should be created for their protection.

b. Usable open space shall be provided in accordance with ECDC 20.35.050(D).

7. Street Design.

a. Site design should include a residential neighborhood street design which includes elements such as sidewalks on both sides, street trees and planting/parking strips.

b. Each residential lot should have at least one associated street tree planted in the parking strip if present or in the front yard if not. [Ord. 3465 § 1, 2003].

20.35.070 Application.

A. The applicant shall file with the development services department a preliminary development plan, including the following:

1. A legal description of the property proposed to be developed;

2. A map of the subject property and surrounding 300 feet. This map shall indicate all existing land uses, approximate building footprints and streets;

3. A proposed site plan for the subject property depicting the following:

a. Topography at two-foot contours for slopes 15 percent or less and five-foot contours for slopes over 15 percent;

b. Individual trees over six inches in trunk diameter measured four feet above the base of the trunk in areas to be developed or otherwise disturbed; and

c. Designated placement, location, and principal dimensions of lots, buildings, streets, parking areas, recreation areas and other open space, landscaping areas and utilities;

4. Drawings and text showing scale, bulk and architectural character of proposed structures;

5. Special features including but not limited to critical areas and sites or structures of historic significance;

6. A narrative describing conditions or features which cannot be adequately displayed on maps or drawings;

7. A narrative stating how the proposed development complies with the criteria, goals and policies of this PRD chapter and the city of Edmonds comprehensive plan, including level of service standards and guidelines contained in this and other titles;

8. Draft conditions, covenants and restrictions and other documents relating to operation and maintenance of the development, including all of its open areas and recreational facilities.

B. The applicant may submit to the development services director proposed development standards that, if approved, shall become a part of the preliminary PRD for specifying placement, location and principal dimensions of buildings, streets, and parking areas. This alternative process is intended to accommodate the need for flexibility, while ensuring that sufficient information as to the nature of the development is available upon which to base a decision concerning the preliminary PRD. Proposed development standards shall specifically set forth parameters for location, dimensions and design of buildings, streets and parking areas. This information will need to be submitted in the form of a narrative and drawings which demonstrate and describe how the proposed modifications of the underlying bulk standards meet the criteria outlined in this chapter. [Ord. 3465 § 1, 2003].

20.35.080 Review process.

A. An application for a PRD has two stages. The first stage, the preliminary PRD, includes the following:

1. Pre-Application Staff Review. The preliminary plans of the proposal shall be submitted to the planning manager for review and comment. This provides an opportunity for the developer to work with the city staff to design a total plan which best meets the goals of the city and the needs of the developer. Such potential problems as drainage, topography, circulation, site design and neighborhood

impact should be identified and addressed before the proposal is submitted for formal review.

2. Pre-Application Neighborhood Meeting. The applicant shall host a public pre-application neighborhood meeting to discuss and receive public comment on the conceptual proposal. The applicant shall provide notice of this meeting to all property owners within 300 feet of the subject site by depositing written notice in the U.S. Mail postage paid at least 14 calendar days in advance of the meeting to all persons and entities shown as having an ownership interest in the land records of Snohomish County. An affidavit of mailing shall be provided to the city by the applicant attaching its mailing list.

While this meeting will allow immediate public response to the proposal in its conceptual form, comments submitted during this meeting are not binding to the applicant or staff. However, staff may make general recommendations to the applicant as part of the formal application based on the input from this meeting to the extent that said comments are consistent with the adopted provisions of the Edmonds Community Development Code and the comprehensive plan. As a courtesy, the applicant shall provide summary minutes of the meeting to all of those in attendance within two weeks of the date of the meeting.

3. Review by the Architectural Design Board. The design board will review the project for compliance with the urban design guidelines, landscaping, and/or the single-family design criteria in ECDC 20.35.060 and forward their recommendation of the site and building design on to the hearing examiner for his consideration. Their review will be at one of their regularly scheduled meetings, but will not include a public hearing or the ability for the public to comment on the project.

4. The Public Hearing with the Hearing Examiner. The hearing examiner shall review the proposed PRD for compliance with this section. Appeals shall be taken to superior court under the Land Use Petition Act.

If the proposal is denied, a similar plan for the site may not be submitted to the development services department for one year. A new plan which varies substantially from the denied proposal, as determined by the development services director, or one that satisfies the objections stated by the hearing examiner may be submitted at any time.

An applicant who intends to subdivide the land for sale as part of the project shall obtain subdivision approval in accordance with Chapter 20.75 ECDC before any building permit or authorization to begin construction is issued, and before sale of any portion of the property. The preferred method is for the applicant to process the subdivision application concurrently with the planned residential development proposal.

B. The second stage of the PRD process, the final PRD, consists of the city's review of the final plans for consistency with the preliminary PRD as approved. The decision at this stage will be made by city staff unless the final PRD is submitted as a consolidated application with a permit that requires city council review, i.e., a formal subdivision plat. The final PRD will be subject to the following review:

1. The applicant shall submit the final development plan to the development services director, conforming to the preliminary plan as approved, and all applicable conditions of that approval. The planning manager shall review the plan along with the city engineer and make a final decision. The plan shall contain final, precise drawings of all the information required by ECDC 20.35.030. The applicant shall also submit all covenants, homeowners' association papers, maintenance agreements, and other relevant legal documents.

2. If city staff finds that the final development plan conforms to the preliminary approval, and to all applicable conditions, staff shall approve the plan and its accompanying conditions as a covenant which touches and concerns the subject property, incorporating by reference all maps, drawings and exhibits required to specify the precise land use autho-

rized. A file shall be maintained by the development services department containing all maps and other documents or exhibits referred to in the approval. The approval shall also contain a legal description of the boundary of the proposal. The covenant shall be recorded with the county auditor if no subdivision plat is to be recorded.

3. The provisions of approval shall be restrictions on the development of the site. Revocation of approval or abandonment as provided in this chapter shall eliminate all requirements imposed under the planned residential development plan, such as alternative bulk development standards, and shall cause the old underlying bulk development standards to be in full force and effect. [Ord. 3465 § 1, 2003].

20.35.090 Final approval.

A. Time Limit for Submission – Extension. Within a period of five years following the approval of the preliminary PRD, the applicant shall file with the planning department a final development plan. The planning manager, for good cause, may extend for one year the period for filing of the final development plan.

B. Final Development Plan – Failure to Submit. If the applicant fails to apply for final approval for any reason within the five-year period, the PRD shall become void. All future permits shall be subject to the requirements of the underlying use zone unless a new application for a planned development is submitted and approved.

C. Final Development Plan – Content – Final Approval Procedure.

1. The final development plan shall consist of elements presented for preliminary approval. The procedure involved in final approval shall consist of the following:

a. The final development plan shall be submitted to the planning department.

b. The planning staff shall review the final development plan to see that it is in substantial compliance with the previously approved preliminary development plan.

c. All drawings presented in the preliminary development stage shall be presented in detailed form, i.e., landscaping, circulation, utilities, building location, etc.

d. If the final plan is in substantial compliance with the approved preliminary plan, it shall be sent on to the decision making body as determined by the underlying permit process with a recommendation for approval by the planning manager and the city engineer.

D. Final Review Criteria.

1. A plan submitted for final approval shall be deemed to be in substantial compliance with the plan given preliminary approval, provided any modification by the applicant does not:

a. Increase the residential density;

b. Reduce the area set aside for common open space;

c. Relocate the open space in a manner which makes it less accessible or usable to the tenants of the development or in the case of proposed open space to be dedicated to the public, less accessible or usable to the public;

d. Reduce any of the landscape buffers in width or density or quality of proposed landscaping;

e. Change the point(s) of access to different streets or eliminate required connections to alternative transportation systems such as trails or bike paths;

f. Increase the total ground area covered by buildings or other impervious surfaces;

g. Relocate buildings or impervious surfaces to areas designated as “environmentally sensitive” or “critical areas”; and/or

h. Fail to preserve trees, historical, other unique natural features or landmark structures that were required to be preserved by the preliminary planned development approval. [Ord. 3465 § 1, 2003].

20.35.100 Administration of an approved PRD.

After the effective date of the final approval, the city shall permit use of the land and erection of structures in compliance with the plans as approved. Any use or structure inconsistent with the approved plan shall not be permitted. The application for a building permit or other authorization to begin work on the project shall be accompanied by:

A. Bond. Any bond required pursuant to these ordinances guaranteeing completion of a specific portion of the project as authorized and approved, and a standard subdivision bond if subdivision and sale of lots is a part of the project;

B. Deeds. Deeds to any land or properties intended for public ownership and use in the completed project;

C. Plans. A complete project site plan and construction plans and specifications for the initial buildings.

The city may deny issuance of permits if any plan submitted for construction fails to comply with the conditions of approval imposed by the approved PRD. In that event, the sole appeal shall be by mandamus to superior court. [Ord. 3465 § 1, 2003].

20.35.110 Modifications to approved PRDs – Final development plan – Amendments permitted.

A. Minor changes in the location and siting of buildings and structures and minor changes to lot lines which do not change the number or orientation of the approved lots may be authorized by the planning manager without additional public hearings if these changes were required by engineering or public works or are due to circumstances not known at the time the final plan was approved or if they are located in a portion of the PRD that was already identified for potential minor changes. Minor location, siting or lot line changes shall be performed through a lot line adjustment between a property owner of a specific lot and the homeowners' association as the owner of the open space. No change authorized by this section may cause any of the following:

1. A change in the use, intensity or character of the development;

2. An increase in the overall ground coverage of structures;

3. A decrease in approved traffic circulation utility; and/or

4. Any reduction in public use or tenant use areas which include but are not limited to perimeter buffers/setbacks, utility easements, required critical areas open space, usable open space, off-street parking, loading zones, right-of-way or pavement width.

Such minor changes may be approved only if they are shown to be in the best long-term interests of the residents of the PRD and do not impact the surrounding neighborhood.

B. Changes in uses, rearrangements of lots, blocks, buildings, tracts, or changes in the provision of common open space changes prohibited under subsections (A)(1) through (4) of this section and changes other than those specifically permitted above shall be reviewed by the hearing examiner, following the same notification and public hearing process as required for the original approval. Such amendments may be made only if they are shown to be in the best long-term interests of the community as determined under the criteria required. [Ord. 3465 § 1, 2003].

Chapter 20.40

REZONES

Sections:

20.40.000 Scope.

The requirements of this chapter apply to proposed rezones, which are changes in the zone districts by amendment to the official zoning map that apply to parcels of property.

20.40.010 Review.

The planning advisory board shall review the proposed rezone as provided in ECDC 20.100.020. At least the following factors shall be considered in reviewing a proposed rezone:

A. Comprehensive Plan. Whether the proposal is consistent with the comprehensive plan;

B. Zoning Ordinance. Whether the proposal is consistent with the purposes of the zoning ordinance, and whether the proposal is consistent with the purposes of the proposed zone district;

C. Surrounding Area. The relationship of the proposed zoning change to the existing land uses and zoning of surrounding or nearby property;

D. Changes. Whether there has been sufficient change in the character of the immediate or surrounding area or in city policy to justify the rezone;

E. Suitability. Whether the property is economically and physically suitable for the uses allowed under the existing zoning, and under the proposed zoning. One factor could be the length of time the property has remained undeveloped compared to the surrounding area, and parcels elsewhere with the same zoning;

F. Value. The relative gain to the public health, safety and welfare compared to the

potential increase or decrease in value to the property owners.

20.40.020 Contract rezones.

An applicant may propose conditions to be imposed by contract on a rezone. If the applicant wishes to take this approach, the proposed conditions shall be reviewed at all public hearings on the rezone.

20.40.030 Notice.

Notice of rezone hearings (and text change) before the planning board shall be the same as set forth for proposed amendments to the comprehensive plan in ECDC 20.00.020 for newspaper publication, and pursuant to ECDC 20.91.010. [Ord. 3112 § 14, 1996].

Chapter 20.45

EDMONDS REGISTER OF HISTORIC PLACES

Sections:

20.45.000 Definitions.

The following words and terms apply when used in this chapter and in Chapter 10.90 ECC, unless a different meaning clearly appears from the context:

A. "Edmonds historic inventory" or "inventory" means the comprehensive inventory of historic and prehistoric resources within the boundaries of the city of Edmonds.

B. "Edmonds historic preservation commission" or "commission" means the commission created by Chapter 10.90 ECC.

C. "Edmonds register of historic places," "local register," or "register" means the listing of locally designated properties provided for in ECDC 20.45.010.

D. "Actual cost of rehabilitation" means costs incurred within 24 months prior to the date of application and directly resulting from one or more of the following:

1. Improvements to an existing building located on or within the perimeters of the original structure; or

2. Improvements outside of but directly attached to the original structure which are necessary to make the building fully useable but shall not include rentable/habitable floor space attributable to new construction; or

3. Architectural and engineering services attributable to the design of the improvements; or all costs defined as "qualified rehabilitation expenditures" for purposes of the federal historic preservation investment tax credit.

E. A "building" is a structure constructed by human beings. This includes both residential and nonresidential buildings, main and accessory buildings.

F. "Certificate of appropriateness" means the document reflecting that the commission has reviewed the proposed changes to a local register property or within a local register historic district and certified the changes as not adversely affecting the historic characteristics of the property which contribute to its designation.

G. "Certified local government" or "CLG" means the designation reflecting that the local government has been jointly certified by the State Historic Preservation Officer and the National Park Service as having established its own historic preservation commission and a program meeting federal and state standards.

H. "Class of properties eligible to apply for special valuation in Edmonds" means all properties listed on the National Register of Historic Places or certified as contributing to a National Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW, until the city becomes a certified local government (CLG). Once a CLG, the class of properties eligible to apply for special valuation in Edmonds means all properties listed on the Edmonds and/or National Register of Historic Places or properties certified as contributing to an Edmonds and/or National Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW.

I. "Cost" means the actual cost of rehabilitation, which cost shall be at least 25 percent of the assessed valuation of the historic property, exclusive of the assessed value attributable to the land, prior to rehabilitation.

J. A "district" is a geographically definable area, urban or rural, small or large, possessing a significant concentration, linkage or continuity of sites, buildings, structures and/or objects united by past events or aesthetically by plan or physical development.

K. "Emergency repair" means work necessary to prevent destruction or dilapidation to real property or structural appurtenances thereto immediately threatened or damaged by fire, flood, earthquake or other disaster.

L. "Historic property" means real property together with improvements thereon, except property listed in a register primarily for objects buried below ground, which is listed in a local register of a certified local government or the National Register of Historic Places.

M. "Incentives" are such rights or privileges or combination thereof which the city council, or other local, state or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner(s) of register properties. Examples of economic incentives include but are not limited to tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, beneficial placement of public improvements or amenities, or the like.

N. "Local review board" or "board" used in Chapter 84.26 RCW and Chapter 254-20 WAC for the special valuation of historic properties means the commission created in Chapter 10.90 ECC.

O. "Mitigate" means to alleviate, compensate for or otherwise lessen the effects of a loss

of an Edmonds register property through conditions determined by the commission or other designated method.

P. "National Register of Historic Places" means the national listing of properties significant to our cultural history because of their documented importance to our history, architectural history, engineering, or cultural heritage.

Q. An "object" is a thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

R. "Ordinary repair and maintenance" means work for which a permit issued by the city is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage.

S. "Owner" of property is the fee simple owner of record as exists on the Snohomish County assessor's records.

T. "Significance" or "significant" used in the context of historic significance means the following: a property with local, state, or national significance is one which helps in the understanding of the history of the local area, state, or nation (whichever is applicable) by illuminating the local, statewide, or nationwide impact of the events or persons associated with the property, or its architectural type or style in information potential. The local area can include Edmonds, Snohomish County, or the Puget Sound region, or a modest geographic or cultural area, such as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.

U. A "site" is a place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupation or activities that may be marked by physical remains; or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may be the location of a ruined or now nonexistent building or structure, or the location itself possesses historic cultural or archaeological significance.

V. "Special valuation for historic properties" or "special valuation" means the local option program which when implemented makes available to property owners a special tax valuation for rehabilitation of historic properties under which the assessed value of an eligible historic property is determined at a rate that excludes, for up to 10 years, the actual cost of the rehabilitation (Chapter 84.26 RCW).

W. "State Register of Historic Places" means the state listing of properties significant to the community, state, or nation but which may or may not meet the criteria of the National Register.

X. A "structure" is a work made up of interdependent and interrelated parts in a definite pattern of organization. Generally constructed by man, it is often an engineering project.

Y. "Universal transverse mercator" or "UTM" means the grid zone in metric measurement providing for an exact point of numerical reference.

Z. "Waiver of a certificate of appropriateness" or "waiver" means the document indicating that the commission has reviewed the proposed whole or partial demolition of a local register property or in a local register historic district and failing to find alternatives to demolition has issued a waiver of a certificate of appropriateness which allows the building or zoning official to issue a permit for demolition.

AA. "Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties" or "State Advisory Council's Standards" means the rehabilitation and maintenance standards used by the Edmonds historic preservation commis-

sion as minimum requirements for determining whether or not the property continues to be eligible for special valuation once it has been so classified. [Ord. 3397 § 1, 2002].

20.45.010 Criteria for determining designation in the register.

Any building, structure, site, object or district may be designated for inclusion in the Edmonds register of historic places if it is significantly associated with the history, architecture, archaeology, engineering or cultural heritage of the community; if it has integrity; is at least 50 years old, or is of lesser age and has exceptional importance; and if it falls in at least one of the following categories:

A. Is associated with events that have made a significant contribution to the broad patterns of national, state or local history.

B. Embodies the distinctive architectural characteristics of a type, period, style or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction.

C. Is an outstanding work of a designer, builder or architect who has made a substantial contribution to the art.

D. Exemplifies or reflects special elements of the city's cultural, special, economic, political, aesthetic, engineering or architectural history.

E. Is associated with the lives of persons significant in national, state or local history.

F. Has yielded or may be likely to yield important archaeological information related to history or prehistory.

G. Is a building or structure removed from its original location but which is significant primarily for architectural value, or which is the only surviving structure significantly associated with a historic person or event.

H. Is a birthplace or grave of a historical figure of outstanding importance and is the only surviving structure or site associated with that person.

I. Is a cemetery which derives its primary significance from age, from distinctive design features, or from association with historic events or cultural patterns.

J. Is a reconstructed building that has been executed in a historically accurate manner on the original site.

K. Is a creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions, and which does not fit into formal architectural or historical categories; the designation shall include description of the boundaries. [Ord. 3397 § 1, 2002].

20.45.020 Process for designating properties or districts to the Edmonds historic register.

A. Any person may nominate a building, structure, site, object or district for inclusion in the Edmonds register of historic places. Members of the historic preservation commission or the commission as a whole may generate nominations. In its designation decision, the commission shall consider the Edmonds historic inventory and the city's comprehensive plan.

B. In the case of individual properties, the designation shall include the UTM reference and all features, interior and exterior, and outbuildings which contribute to its designation.

C. In the case of districts, the characteristics of the district which justifies its designation, and a list of all properties including features, structures, sites and objects which contribute to the designation of the district.

D. The historic preservation commission shall consider the merits of the nomination, according to the criteria in ECDC 20.45.010 and according to the nomination review standards established in rules, at a public meeting. Adequate notice will be given to the public, the owner(s) and the authors of the nomination, if different, and lessees, if any, of the subject property prior to the public meeting according to standards for public meetings established in rules and in compliance with Chapter 42.30 RCW, Open Public Meetings Act. Such notice shall include publication in the city's official newspaper of general circulation and posting

of the property. If the commission finds that the nominated property is eligible for the Edmonds register of historic places, the commission shall make recommendation to the city council that the property be listed in the register with owner's consent. In the case of historic districts, the commission shall research and recommend, and the city council shall adopt by ordinance, a percentage of property owners which is deemed adequate to demonstrate owner consent. The public, property owner(s) and the authors of the nomination, if different, and lessees, if any, shall be notified of the listing.

E. Properties listed on the National Register of Historic Places or the State Register of Historic Places shall be deemed eligible for listing in the register without the requirement for review by the historic preservation commission. Formal listing in the Edmonds register of historic places shall only require the owner's consent and approval by the Edmonds city council. Such listing shall still require the UTM reference and identification of contributing features required under subsection (B) of this section.

F. Properties listed on the Edmonds register of historic places shall be recorded on official zoning records with an "HR" (for historic register) designation. This designation shall not change or modify the underlying zone classification. [Ord. 3598 § 1, 2006; Ord. 3397 § 1, 2002].

20.45.030 Removal of properties from the register.

In the event that any property is no longer eligible for listing on the Edmonds register of historic places, the commission may initiate removal from such designation by the same procedure as provided for establishing the designation, ECDC 20.45.020. A property may be removed from the Edmonds register without the owner's consent. [Ord. 3397 § 1, 2002].

20.45.040 Effects of listing on the register.

A. Listing on the Edmonds register of historic places is an honorary designation denoting significant association with the historic, archaeological, engineering or cultural heritage of the community. Properties are listed individually or as contributing properties to a historic district.

B. Prior to the commencement of any work on a register property, excluding ordinary repair and maintenance and emergency measures defined in ECDC 20.45.000(K) and (R), the owner must request and receive a certificate of appropriateness from the commission for the proposed work. Violation of this rule shall be grounds for the commission to review the property for removal from the register.

C. Prior to whole or partial demolition of a register property, the owner must request and receive a waiver of a certificate of appropriateness.

D. Once Edmonds is certified as a certified local government (CLG), all properties listed on the Edmonds register of historic places may be eligible for a special tax valuation on their rehabilitation (ECDC 20.45.070). [Ord. 3397 § 1, 2002].

20.45.050 Review of changes to Edmonds register of historic places properties.

A. Review Required. No person shall change the use, construct any new building or structure, or reconstruct, alter, restore, remodel, repair, move or demolish any existing property on the Edmonds register of historic places or within a historic district on the Edmonds register of historic places without review by the commission and without receipt of a certificate of appropriateness, or in the case of demolition, a waiver, as a result of the review.

The review shall apply to all features of the property, interior and exterior, that contribute to its designation and are listed on the nomina-

tion form. Information required by the commission to review the proposed changes are established in rules.

B. Exemptions. The following activities do not require a certificate of appropriateness or review by the commission: ordinary repair and maintenance which includes painting or emergency measures defined in ECDC 20.45.000 (K).

C. Review Process.

1. Requests for Review and Issuance of a Certificate of Appropriateness or Waiver. The building or zoning official shall report any application for a permit to work on a designated Edmonds register property or in an Edmonds register historic district to the commission. If the activity is not exempt from review, the commission shall notify the applicant of the review requirements. The building or zoning official shall not issue any such permit until a certificate of appropriateness or a waiver is received from the commission but shall work with the commission in considering building and fire code requirements.

2. Commission Review. The owner or his/her agent (architect, contractor, lessee, etc.) shall apply to the commission for a review of proposed changes on an Edmonds register property and request a certificate of appropriateness or, in the case of demolition, a waiver. Each application for review of proposed changes shall be accompanied by such information as is required by the commission established in its rules for the proper review of the proposed project.

The commission shall meet with the applicant and review the proposed work according to the design review criteria established in rules. Unless legally required, there shall be no notice, posting or publication requirements for action on the application, but all such actions shall be made at regular meetings of the commission. The commission shall complete its review and make its recommendations within 30 days of the date of receipt of the application. If the commission is unable to process the request, the commission may ask for an extension of time.

The commission's recommendations shall be in writing and shall state the findings of fact and reasons relied upon in reaching its decision. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the permits granted. If the owner agrees to the commission's recommendations, a certificate of appropriateness shall be awarded by the commission according to standards established in the commission's rules.

The commission's recommendations and, if awarded, the certificate of appropriateness, shall be transmitted to the building or zoning official. If a certificate of appropriateness is awarded, the building or zoning official may then issue the permit.

3. Demolition. A waiver of the certificate of appropriateness is required before a permit may be issued to allow whole or partial demolition of a designated Edmonds register property or in an Edmonds register historical district. The owner or his/her agent shall apply to the commission for a review of the proposed demolition and request a waiver. The applicant shall meet with the commission in an attempt to find alternatives to demolition. These negotiations may last no longer than 45 days from the initial meeting of the commission, unless either party requests an extension. If no request for an extension is made and no alternative to demolition has been agreed to, the commission shall act and advise the official in charge of issuing a demolition permit of the commission's decision on the waiver of a certificate of appropriateness. Conditions in the case of granting a demolition permit may include allowing the commission up to 45 additional days to develop alternatives to demolition. When issuing a waiver the commission may require the owner to mitigate the loss of the Edmonds register property by means determined by the commission at the meeting. Any conditions agreed to by the applicant in this

review process shall become conditions of approval of the permits granted. After the property is demolished, the commission shall initiate removal of the property from the register.

4. Appeal of the Commission's Decision on a Waiver of a Certificate of Appropriateness. The commission's decision regarding a waiver of a certificate of appropriateness may be appealed to the city council within 14 calendar days. The appeal must state the grounds upon which the appeal is based.

The appeal shall be reviewed by the council only on the records of the commission. Appeal of council's decision regarding a waiver of a certificate of appropriateness may be appealed to superior court. [Ord. 3397 § 1, 2002].

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20.45.060 Relationship to zoning.

Properties designated to the register shall be subject to the provisions set forth herein, as well as the bulk, use, setback and other controls of the zoning district in which they are located. Nothing contained herein shall be construed to be repealing, modifying or waiving any zoning provisions. [Ord. 3397 § 1, 2002].

20.45.070 Review and monitoring of properties for special property tax valuation.

A. Timelines.

1. The assessor forwards the application(s) to the commission.

2. The commission reviews the application(s), consistent with its rules of procedure, and determines if the application(s) are complete and if the properties meet the criteria set forth in WAC 254-20-070(1) and listed in ECDC 20.45.010.

a. If the commission finds the properties meet all the criteria, then it may recommend that the city, through its mayor, enter into a historic preservation special valuation agreement (set forth in WAC 254-20-120 and in ECDC 20.45.000(V)) with the owner. Upon execution of the agreement between the owner and commission, the commission approves the application(s).

b. If the commission determines the properties do not meet all the criteria, then it shall deny the application(s).

3. The commission certifies its decisions in writing and states the facts upon which the approvals or denials are based and files copies of the certifications with the assessor.

4. For approved applications:

a. The commission forwards copies of the agreements, applications and supporting documentation (as required by WAC 254-20-090(4) and identified in subsection (B)(2) of this section) to the assessor;

b. Notifies the state review board that the properties have been approved for special valuation; and

c. Monitors the properties for continued compliance with the agreements throughout the 10-year special valuation period.

5. The commission determines, in a manner consistent with its rules of procedure, whether or not properties are disqualified from special valuation either because of:

a. The owner's failure to comply with the terms of the agreement; or

b. A loss of historic value resulting from physical changes to the building or site.

6. For disqualified properties, in the event that the commission concludes that a property is no longer qualified for special valuation, the commission shall notify the owner, assessor and state review board in writing and state the facts supporting its findings.

B. Criteria.

1. Historic Property Criteria. The class of historic property eligible to apply for special valuation in Edmonds means all properties listed on the National Register of Historic Places or certified as contributing to a National Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW, until Edmonds becomes a certified local government (CLG). Once a CLG, the class of property eligible to apply for special valuation in Edmonds means all properties listed on the Edmonds and/or National Register of Historic Places or properties certified as contributing to an Edmonds and/or National Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW.

2. Application Criteria. Complete applications shall consist of the following documentation:

a. A legal descriptive of the historic property;

b. Comprehensive exterior and interior photographs of the historic property before and after rehabilitation;

c. Architectural plans or other legible drawings depicting the completed rehabilitation work;

d. A notarized affidavit attesting to the actual cost of the rehabilitation work completed prior to the date of application and the period of time during which the work was performed and documentation of both to be made available to the commission upon request; and

e. For properties located within historic districts, in addition to the standard application documentation, a statement from the Secretary of the Interior or appropriate local official, as specified in local administrative rules or by the local government, indicating the property is a certified historic structure is required.

3. Property Review Criteria. In its review the commission shall determine if the properties meet all the following criteria:

a. The property is historic property;

b. The property is included within a class of historic property determined eligible for special valuation by the city under this section;

c. The property has been rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) (and identified in ECDC 20.45.000) within 24 months prior to the date of application; and

d. The property has not been altered in any way which adversely affects those elements which qualify it as historically significant as determined by applying the Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties (WAC 254-20-100(1) and listed in ECDC 20.45.000).

4. Rehabilitation and Maintenance Criteria. The Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties in WAC 254-20-100 shall be used by the commission as minimum requirements for determining whether or not a historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified. [Ord. 3397 § 1, 2002].

20.45.080 Special valuation agreement.

The historic preservation special valuation agreement in WAC 254-20-120 shall be used by the commission as the minimum agreement necessary to comply with the requirements of RCW 84.26.050(2). [Ord. 3397 § 1, 2002].

20.45.090 Appeals.

Any decision of the commission acting on any application for classification as historic property, eligible for special valuation, may be appealed to the superior court under RCW 34.04.130 in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the county board of equalization. [Ord. 3397 § 1, 2002].

Chapter 20.50

WIRELESS COMMUNICATIONS FACILITIES

Sections:

20.50.000 Purpose.

In addition to the general purposes of the comprehensive plan and the zoning ordinance, this chapter is included in the Community Development Code to provide for a wide range of locations and options for wireless communication providers while minimizing the unsightly characteristics associated with wireless communication facilities and to encourage creative approaches in locating wireless communication facilities which will blend in with the surroundings of such facilities. [Ord. 3099 § 1, 1996].

20.50.010 Development standards for micro facilities.

A. Micro facilities are permitted in all zones.

B. A micro facility shall be located on existing buildings, poles or other existing support structures. A micro facility may locate on buildings and structures; provided, that the interior wall or ceiling immediately adjacent to the facility is not designated residential space.

C. Antennas equal to or less than four feet in height (except omni-directional antennas which can be up to six feet in height) and with an area of not more than 580 square inches in the aggregate (e.g., one-foot diameter parabola or two-foot by one and one-half-foot panel as viewed from any one point) are exempt from the height limitation of the zone in which they are located. Structures which are nonconforming with respect to height may be used for the placement of omni-directional antennas providing they do not extend more than six feet above the existing structure. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.

D. The micro facility shall be exempt from review by the architectural design board if the antenna and related components are the same color as the existing building, pole or support structure on which it is proposed to be located.

E. The shelter or cabinet used to house radio electronic equipment shall be contained wholly within a building or structure, or otherwise appropriately concealed, camouflaged or located underground.

F. In single-family residential (RS) zones, micro facilities for a specific wireless provider shall be separated by a distance equal to or greater than 1,320 linear feet from other micro facilities of the same wireless provider. [Ord. 3099 § 1, 1996].

20.50.020 Development standards for mini facilities.

A. Mini facilities are permitted in all zones except single-family residential (RS) zones.

B. The mini facility may be located on buildings and structures; provided, that the immediate interior wall or ceiling adjacent to the facility is not a designated residential space.

C. The mini facility shall be exempt from review by the architectural design board if the antenna and related components are the same

color as the existing building, pole or support structure on which it is proposed to be located.

D. The shelter or cabinet used to house radio electronic equipment shall be contained wholly within a building or structure, or otherwise appropriately concealed, camouflaged or located underground.

E. Mini facilities shall comply with the height limitation specified for all zones except as follows: Omni-directional antennas may exceed the height limitation by 10 feet, or, in the case of nonconforming structures, the antennas may extend 10 feet above the existing structure. Panel antennas may exceed the height limitation if affixed to the side of an existing nonconforming building and blends in architecturally with the building. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure. [Ord. 3099 § 1, 1996].

20.50.030 Development standards for macro facilities.

A. Macro facilities are permitted in all zones except single-family residential (RS) zones.

B. Macro facilities may be located on buildings and structures; provided, that the immediate interior wall or ceiling adjacent to the facility is not a designated residential space.

C. The macro facility shall be exempt from review by the architectural design board if the antenna and related components are the same color as the existing building, pole or support structure on which it is proposed to be located.

D. The shelter or cabinet used to house radio electronic equipment shall be contained wholly within a building or structure, or otherwise appropriately concealed, camouflaged or located underground.

E. Macro facilities shall comply with the height limitation specified for all zones, except as follows: Omni-directional antennas may exceed the height limitation by 15 feet, or, in the case of nonconforming structures, the antennas may extend 15 feet above the existing

structure. Panel antennas may exceed the height limitation if affixed to the side of an existing building and architecturally blends in with the building. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure. [Ord. 3099 § 1, 1996].

20.50.040 Development standards for monopole I.

A. Monopole I facilities are only permitted in the general commercial (CG) zones shown on plate 5.

B. Monopole I facilities are permitted in business (BC, BD and BN) zones and certain public and open space sites (i.e., Woodway High School, Edmonds High School, and Five Corners Water Tank/Fire Station 6) with a conditional use permit.

C. Monopole I facilities are not permitted in residential zones (RS and RM), the commercial waterfront (CW), open space (OS), public (P) zones, except when expressly provided for in this chapter.

D. Antennas equal to or less than 15 feet in height or up to four inches in diameter may be a component of a monopole I facility. Antennas which extend above the wireless communications support structure shall not be calculated as part of the height of the monopole I wireless communications support structure. For example, the maximum height for a monopole I shall be 60 feet and the maximum height of antennas which may be installed on the support structure could be 15 feet, making the maximum permitted height of the support structure and antennas 75 feet (60 feet plus 15 feet).

E. Co-location on an existing support structure shall be permitted. Macro facilities are the largest wireless communication facilities allowed on monopole I.

F. The shelter or cabinet used to house radio electronics equipment and the associated cabling connecting the equipment shelter or cabinet to the monopole I facilities shall be concealed, camouflaged or placed underground. Monopole I facilities shall be subject to review by the architectural design board using the procedures and review criteria specified in Chapter 20.10 ECDC and this chapter.

G. Monopole I facilities shall be landscaped in conformance with Chapter 20.13 ECDC.

H. Monopole I facilities adjacent to a single-family zone shall be set back a distance equal to the height of the wireless communication support structure from the nearest single-family lot line. [Ord. 3628 § 5, 2007; Ord. 3099 § 1, 1996].

20.50.050 Development standards for monopole II.

A. Monopole II facilities are only permitted in the general commercial (CG) zones shown on plate 5; provided the wireless communications support structure shall be designed to accommodate two or more wireless communications facilities.

B. Monopole II facilities which exceed 150 feet in height or and located within 300 feet of a residential (RS or RM) zone or located in certain public and open space sites (i.e., Woodway High School, Edmonds High School, and Five Corners Water Tank/Fire Station 6) shall require a conditional use permit.

C. Monopole II facilities are not permitted in residential (RS and RM) zones, business (BC, BD and BN) zones, commercial waterfront (CW) zone, open space (OS) zone, and public (P) zone, except where expressly provided for in this chapter.

D. Co-location of wireless communication facilities on an existing support structure shall be permitted.

E. Macro facilities are the largest permitted wireless communication facilities allowed on a monopole II facility. Antennas which extend above the monopole II wireless communications support structure shall not be calculated as part of the height of the wireless communications support structure. For example, the maximum height for a monopole II facility shall be 150 feet and the maximum height of antennas which may be installed on the support structure could be 15 feet, making the

maximum permitted height of the support structure and antennas 165 feet (150 feet plus 15 feet).

F. The shelter or cabinet used to house radio electronics equipment and the associated cabling connecting the equipment shelter or cabinet to the monopole II facility support structure shall be concealed, screened, camouflaged or placed underground. Monopole II facilities shall be subject to review by the architectural design board using the procedures and review criteria specified in Chapter 20.10 ECDC and this chapter.

G. Monopole II facilities shall be landscaped in conformance with Chapter 20.13 ECDC.

H. Monopole II facilities adjacent to a single-family zone shall be set back a distance equal to the height of the wireless communication support structure from the nearest single-family lot line. In any case, if the monopole II facility is within 300 feet of any residentially zoned (RS or RM) lot, a conditional use permit will be required.

I. Monopole II facilities shall be separated from each other by a distance equal or greater than 1,320 feet. [Ord. 3628 § 6, 2007; Ord. 3099 § 1, 1996].

20.50.060 Development standards for lattice towers.

A. Lattice towers are only permitted in the general commercial (CG) zones shown on plate 5; provided the wireless communications support structure is built to accommodate the location of two or more wireless communications facilities.

B. Lattice towers which exceed 150 feet in height or are located within 300 feet of a residential (RS or RM) zone or are located in certain public and open space sites (i.e., Woodway High School, Edmonds High School, and Five Corners Water Tank/Fire Station 6) shall require a conditional use permit.

C. Monopole II facilities are not permitted in residential (RS and RM) zones, business (BN, BD and BC) zones, commercial waterfront (CW) zone, open space (OS) zone and public (P) zone, except where expressly provided for in this chapter.

D. Co-location on an existing support structure shall be permitted without an additional conditional use permit; provided there is not substantial change to the existing support structure.

E. Macro facilities are the largest permitted wireless communication facilities allowed on a lattice tower. Antennas which extend above the lattice tower wireless communications support structure shall not be calculated as part of the height of the wireless communications support structure. For example, the maximum height (without a conditional use permit) for a lattice tower shall be 150 feet and the maximum height of antennas which may be installed on the support structure could be 15 feet, making the maximum permitted height of the support structure and antennas 165 feet (150 feet plus 15 feet).

F. The shelter or cabinet used to house radio electronics equipment and the associated cabling connecting the equipment shelter or cabinet to the lattice tower support structure shall be concealed, screened, camouflaged or placed underground. Lattice towers shall be subject to review by the architectural design board using the procedures and review criteria specified in Chapter 20.10 ECDC and this chapter.

G. Lattice towers shall be landscaped in conformance with Chapter 20.13 ECDC.

H. Lattice Towers adjacent to a single-family zone shall be set back a distance equal to or greater than the height of the wireless communication support structure from the nearest single-family lot line. In any case, if the lattice tower is within 300 feet of a single-family lot, a conditional use permit will be required.

I. Lattice towers shall be separated from each other by a distance equal or greater than 1,320 feet. [Ord. 3628 § 7, 2007; Ord. 3099 § 1, 1996].

20.50.070 Additional conditional use permit criteria for monopole I, monopole II and lattice tower.

In addition to the conditional use permit criteria specified in Chapter 20.05 ECDC, the fol-

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lowing specific criteria shall be met before a conditional use permit can be granted:

A. Visual Impact. Antennas may not extend more than 15 feet above their supporting structure, monopole lattice tower, building or other structure.

1. Site location and development shall preserve the pre-existing character of the surrounding buildings and land uses and the zone district to the extent consistent with the function of the communications equipment. Wireless communication towers shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.

2. Accessory equipment facilities used to house wireless communications equipment should be located within buildings or placed underground when possible. When they cannot be located in buildings, equipment shelters or cabinets shall be screened and landscaped in conformance with Chapter 20.12 ECDC.

B. Noise. No equipment shall be operated so as to produce noise in levels above 45 dB as measured from the nearest property line on which the attached wireless communication facility is located.

C. Other – Application and Conditional Use Criteria – FCC Pre-emption. In any proceeding regarding the issuance of a conditional use permit under the terms of this chapter, federal law prohibits consideration of environmental effects of radio frequency emissions to the extent that the proposed facilities comply with the Federal Communications Commission regulations concerning such emission. [Ord. 3099 § 1, 1996].

20.50.080 Exemption.

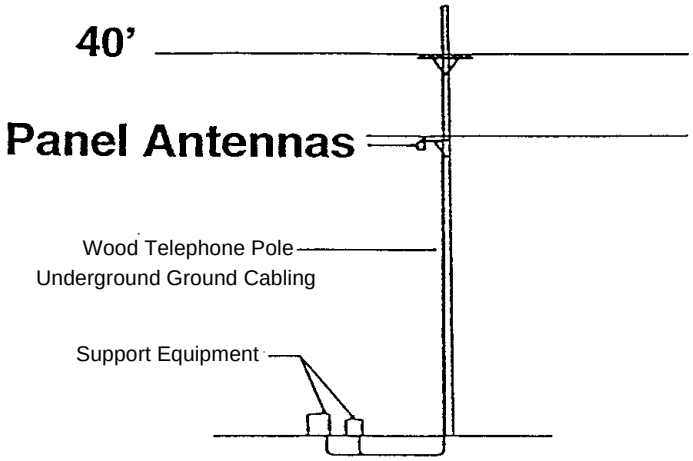
The following are exempt from the requirement of a conditional use permit, and shall be considered a permitted use in all zones where wireless and attached wireless communications facilities are permitted: Minor modifications of existing wireless communications facilities and attached wireless communications facilities, whether emergency or routine, so long as there is little or no change in the visual appearance. Minor modifications are those modifications, including the addition of antennas, to conforming wireless and attached wireless communications facilities that meet the performance standards set forth in this chapter. [Ord. 3099 § 1, 1996].

20.50.090 Obsolescence.

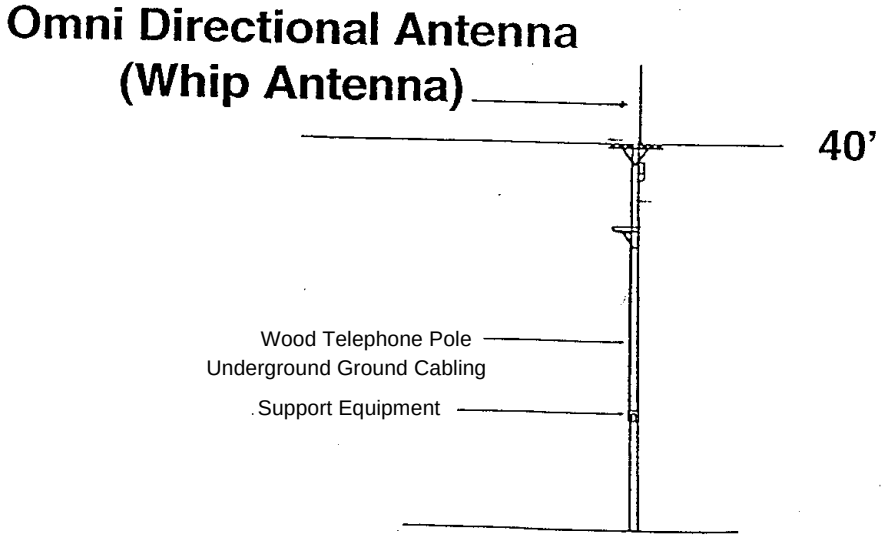
A wireless communications facility or attached wireless communications facility shall be removed by the facility owner within six months of the date it ceases to be operational or if the facility falls into disrepair. [Ord. 3099 § 1, 1996].

Plate 1

Microcells



EXISTING WOOD UTILITIES POLE
WITH ATTACHED ANTENNAS

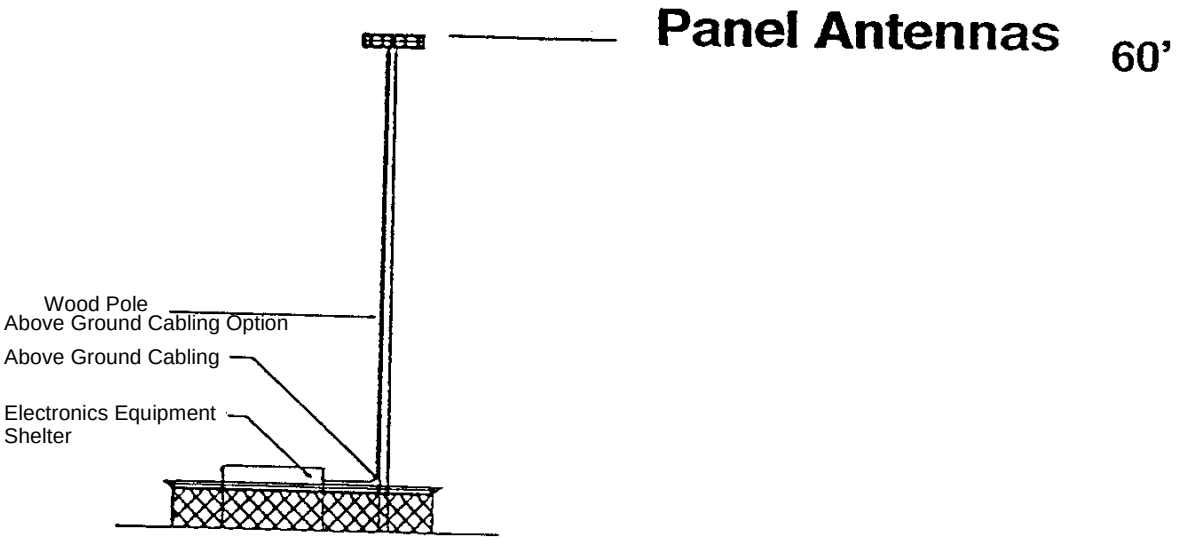


ELECTRONICS EQUIPMENT MOUNTED ON POLE

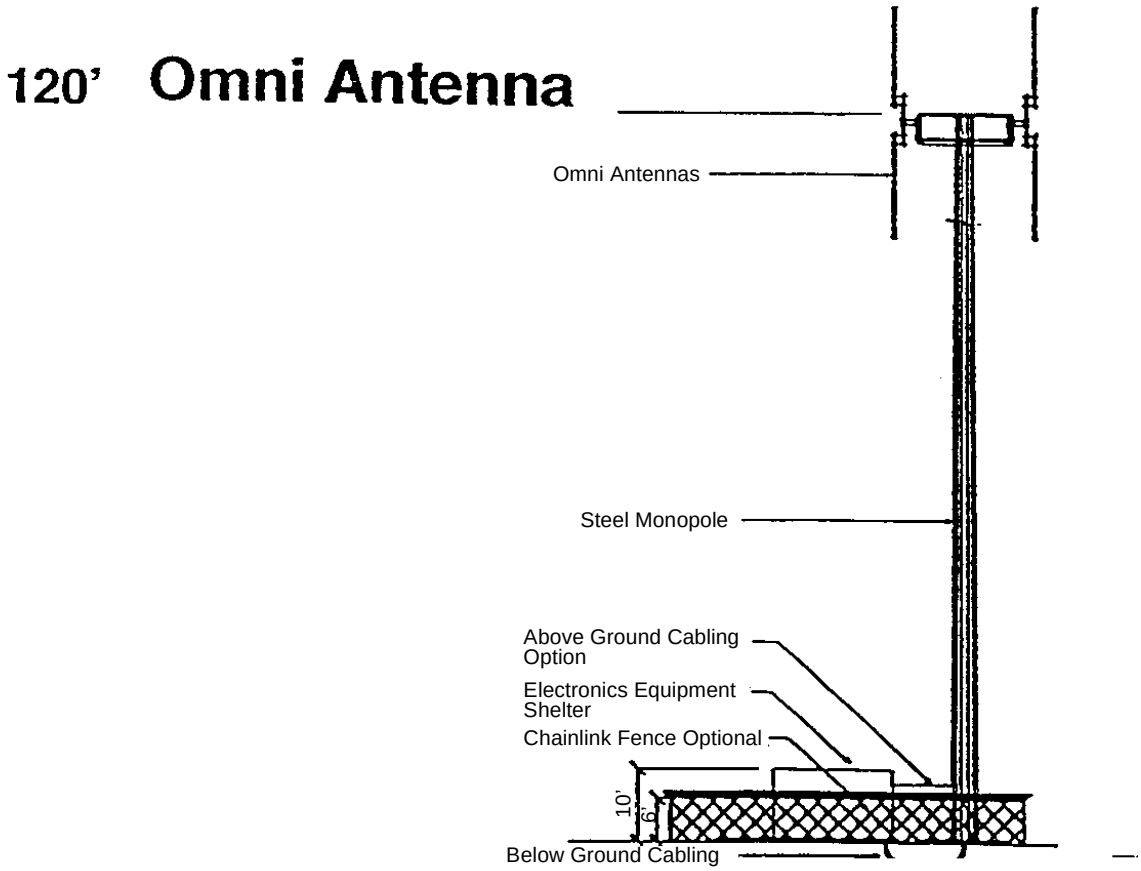
EXISTING WOOD UTILITIES POLE
WITH ATTACHED ANTENNAS

Plate 2

Monopole I

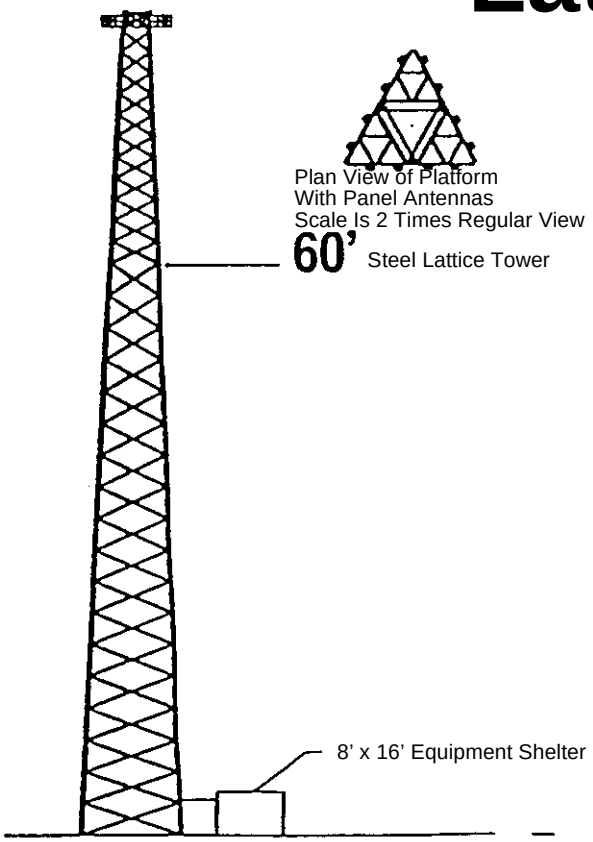


Monopole II



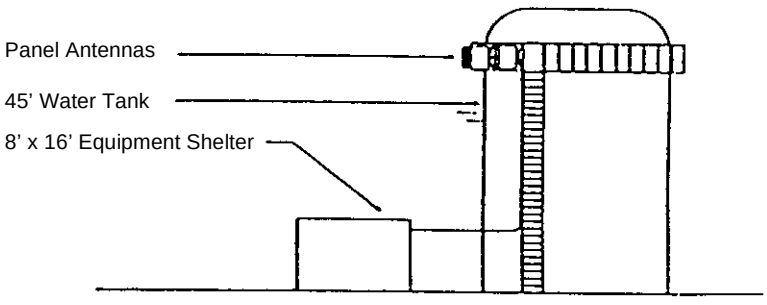
Lattice Tower

Plate 3



LATTICE TOWER WITH PANEL ANTENNAS
FULLY SECTORIZED – 12 ANTENNAS – 4 ON EACH SIDE

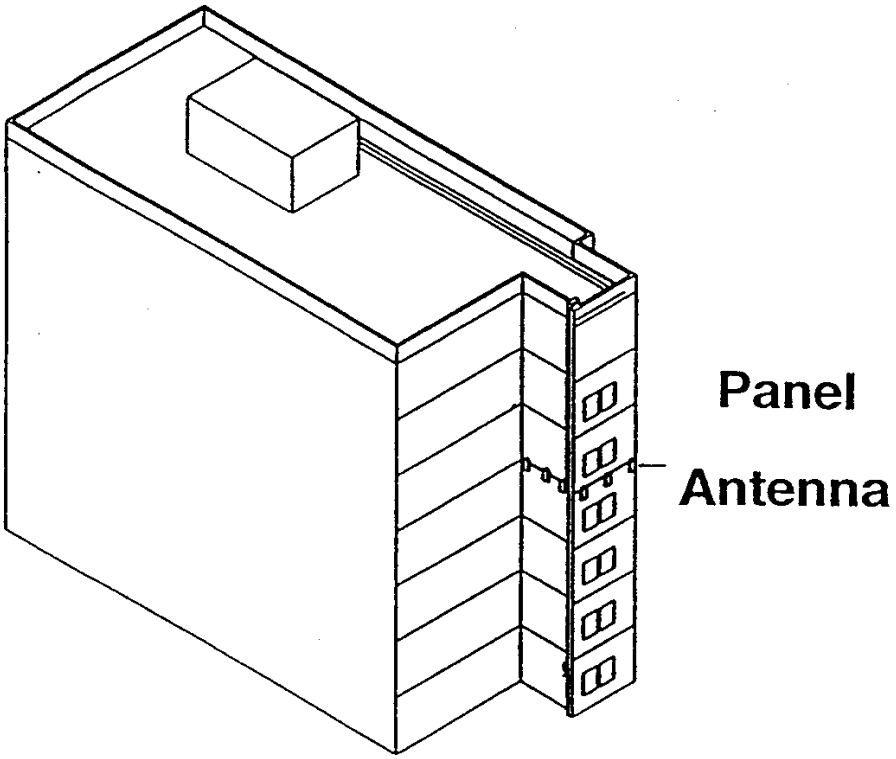
Less Obtrusive Mounting



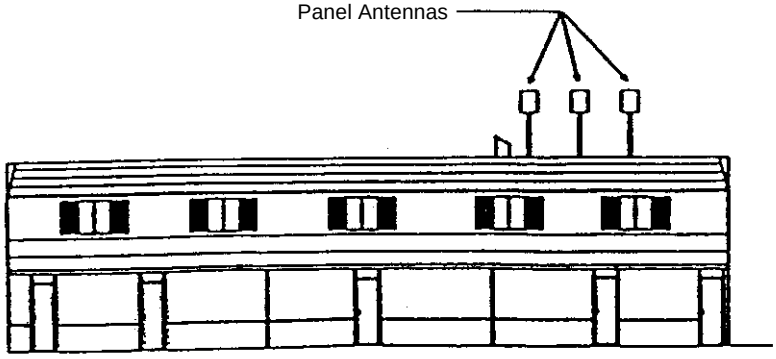
WATER TANK WITH PANEL ANTENNAS

Plate 4

Less Obtrusive Examples



ANNTENAS AFFIXED TO BUILDING FACADE
ELECTRONICS EQUIPMENT IN SMALL SPACE INSIDE BUILDING



ROOFTOP MOUNTED PANEL ANTENNAS
ELECTRONICS EQUIPMENT IN SMALL SPACE INSIDE BUILDING

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Chapter 20.55

SHORELINE PERMITS

Sections:

20.55.000 Purpose.

This chapter establishes the permit review procedure for shoreline permits, as required by the State Shorelines Management Act, Chapter 90.58 RCW and Chapter 173-14 WAC. A shoreline permit is required for any development defined as a substantial development in RCW 90.58.030(3)(e), and WAC 173-14-030, to be built on a shoreline as defined in RCW 90.58.030(2)(d) and (e), or as the same may be amended.

20.55.010 Application requirements.

In addition to the material required in Chapter 20.95 ECDC, the application shall contain all material required by WAC 173-14-110, or as the same may be amended.

20.55.020 Notice.

A. Publication. In addition to the requirements of Chapter 20.91 ECDC, notice shall be given by publication in a newspaper of general circulation in Edmonds at least once a week on the same day of the week for two consecutive weeks. Except as specially provided hereafter in ECDC 20.55.025, the last day of publication shall be at least 30 days before the first public hearing on the permit.

B. Contents. Except as specially provided hereafter in ECDC 20.55.025, and in addition to the requirements of Chapter 20.91 ECDC, the notice of the hearing examiner shall state that before the first pubic hearing, any person may request a copy of the final action on the permit. The notice shall also contain all information required by WAC 173-14-070, or as the same may be amended. [Ord. 3112 § 15, 1996; Ord. 2930 § 1, 1993].

20.55.025 Substantial development permits for limited utility extensions and bulkheads.

An applicant for a substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion shall be subject to the following procedures:

A. The public comment period referred to under ECDC 20.55.020(A) shall be 20 days. The notice provision set forth in ECDC 20.55.020(B) shall state the manner in which the public may obtain a copy of the city's decision on the application no later than two days following its issuance;

B. The city shall issue its decision to grant or deny the permit within 21 days of the last day of the comment period specified in subsection A of this section; and

C. If there is an appeal, to the city, of the decision to grant or deny the permit, the appeal shall be finally determined by the city within 30 days;

D. For purposes of this section, a limited utility extension means the extension of a utility service that:

1. Is categorically exempt under Chapter 43.21C RCW for one or more of the following: natural gas, electricity, telephone, water or sewer;

2. Will serve an existing use in compliance with Chapter 90.58 RCW; and

3. Will not extend more than 2,500 linear feet within the shorelines of the state. [Ord. 2930 § 2, 1993].

20.55.030 Review.

The hearing examiner shall review and make recommendations on shoreline permits as provided in ECDC 20.100.010, using the criteria contained in the city shoreline master program, Chapter 15.35 ECDC, the policies of the Shoreline Act and of Chapter 173-14 WAC, or master program shall be reviewed using the additional criteria contained in the shoreline master program, ECDC 15.39.030, and the criteria of WAC 173-14-150, or as the same may be amended.

20.55.040 Variances.

Shoreline permits including proposed variances to the shoreline master program shall be reviewed using the additional criteria contained in the shoreline master program, ECDC 15.39.030, and the criteria of WAC 173-14-150, or as the same may be amended.

20.55.050 Filing with state.

The community development director shall file copies of the following with the Department of Ecology and the Attorney General within eight days of the final city action on a shoreline permit:

A. Decision. The final decision of the city on the permit, and the permit if it was approved.

B. Application. The application form, site plan and vicinity map.

C. Environmental Data. The environmental checklist, threshold determination, and the declaration of non-significance or the environmental impact statement. In lieu of this material, a summarization of the actions and dates of actions on environmental data may be filed.

D. Notice. The affidavits of notice.

20.55.060 Effective date.

No construction authorized by an approved shoreline permit may begin until 30 days after the final city decision on the proposal. This restriction shall be stated on the permit.

Chapter 20.60

SIGN CODE

Sections:

20.60.000 Purpose.

The purpose of this chapter is to enact regulatory measures to implement those goals and policies stated in the Edmonds Comprehensive Policy Plan and to achieve the following objectives:

A. Protect the public right-of-way from obstructions which would impair the public's use of their right-of-way.

B. Minimize the hazard to the public represented by distractions to drivers from moving, blinking, or other similar forms of signage or visual clutter.

C. Provide for distinct signage for each distinct property.

D. Encourage the use of graphics/symbols to reduce the visual clutter associated with overly large letters or extensive use of lettering.

E. Minimize potential for view blockage and visual clutter along public rights-of-way. [Ord. 3461 § 2, 2003].

20.60.005 Definitions.

For the purposes of the enforcement of this chapter, the following definitions shall apply:

"Attached sign" is any sign attached or affixed to a building. Attached signs include wall signs, projecting signs, and window signs.

"Boxed cabinet sign" is a permanent sign that is mounted on the face of a building that is roughly rectangular in shape and provides for internal illumination and changing the message of the sign by replacing a single transparent or translucent material such as a Plexiglas/lexan face. This definition is meant to distinguish between a cabinet sign that is essentially a rectangular box and one that follows the outlines of the letters of the sign, or an "outline cabinet sign."

"Building ID/historic sign" is a permanent sign that identifies or names a building and assists in creating landmarks in the city. Examples include dates, "1890"; names, "Beeson Building"; or addresses.

"Campaign sign" is a temporary sign displaying a message relating to a candidate, political party, or issue that is registered or certified for an upcoming election.

"Commercial sign" is a sign displayed for the purpose of identifying a commercial use, or advertising a service, product, business or venture that is offered for trade or sale.

"Community event banner" is a noncommercial sign composed of cloth, fabric, canvas or similarly flexible material that promotes a temporary community event endorsed, operated or sponsored wholly or in part by a local public entity the jurisdiction of which includes the city of Edmonds. "Community events" are nonprofit, governmental or charitable festivals, contests, programs, fairs, carnivals or recreational contests conducted within the city.

"Construction sign" is a permanent or temporary sign displayed on premises where any physical excavation, construction, demolition, rehabilitation, structural alteration or related work is currently occurring, pursuant to a valid building permit.

"Fixed sign" is any sign attached or affixed to the ground or any structure in such a manner so as to provide for continuous display for an extended or indeterminable period of time. Fixed signs include, but are not limited to freestanding signs and wall signs.

"Freestanding sign" is any sign that is not attached or affixed to a building. Freestanding signs can be further described as "monument signs" or "pole signs."

"Governmental sign" is a sign owned, operated or sponsored by a governmental entity, and which promotes the public health, safety or welfare. Governmental signs include, but are not limited to, traffic signs, directional and informational signs for public facilities, publicly sponsored warning or hazard signs, and community event banners displayed by a governmental entity on public property.

"Group sign" is a sign or signs on one sign structure serving two or more businesses sharing a parking facility.

"Identification structure" is a structure intended to attract the attention of the public to a site, without the use of words or symbols identifying the businesses. Examples include fountains, sculptures, awnings, and totem poles.

"Internally illuminated signs" include any sign where light shines through a transparent or semi-transparent sign face to illuminate the sign's message. Exposed neon is considered to be a form of internal illumination.

"Marquee sign" is any sign attached or made part of a building marquee. A marquee sign is a form of projecting sign.

"Monument signs" are freestanding signs that have integrated the structural component of the sign into the design of the sign and sign base.

"Noncommercial sign" is a sign that is intended to display a religious, charitable, cultural, governmental, informational, political, educational, or artistic message, that is not primarily associated with a good, product, or service offered for sale or trade. Noncommercial signs include signs advertising incidental and temporary commercial activities conducted by churches and nonprofit businesses, clubs, groups, associations or organizations.

"Off-premises sign" is any sign that advertises or relates to a good, product, service, event, or meeting, that is offered, sold, traded, provided, or conducted at some location or premises other than that upon which the sign is posted or displayed. Off-premises signs include all signs posted or displayed in the public right-of-way.

"On-premises sign" is any sign that advertises or relates to a good, product, service, event, or meeting that is lawfully permitted to be offered, sold, traded, provided, or conducted at the location or premises upon which the sign is posted or displayed. On-premises signs also include signs not related to any particular location or premises, such as signs displaying religious, charitable, cultural, governmental, informational, political, educational, or artistic messages that are intentionally displayed by the owner of the property or premises upon which the sign is displayed.

"Outline cabinet sign" is a permanent sign that is mounted on the face of a building that roughly follows the shape of the text of the sign and provides for internal illumination. This definition is meant to distinguish between a cabinet sign that follows the outlines of the letters of the sign and one that is essentially a rectangular box or a "boxed cabinet sign." An "outlined cabinet sign" will be treated more like an "individual letter sign" where the area of the sign is calculated based on the actual outlined shape of the sign.

"Permanent sign" is a fixed or portable sign intended for continuous or intermittent display for periods exceeding 60 days in any calendar year.

"Pole signs" are freestanding signs where the structural support for the sign is a pole(s). Pole signs may include community event banners where the banner is supported by at least two poles that are permanently attached to the ground ("pole-mounted community event banners").

"Portable sign" is any sign that is readily capable of being moved or removed, whether attached or affixed to the ground or any structure that is typically intended for temporary display. Portable signs include, but are not limited to:

1. Signs designed and constructed with a chassis or support with or without wheels;
2. Menu and "sandwich" board signs;
3. "A" and "T" frame signs;
4. Wooden, metal, or plastic "stake" or "yard" signs;
5. Posters or banners affixed to windows, railings, overhangs, trees, hedges, or other structures or vegetation, except for pole-mounted community event banners;
6. Signs mounted upon vehicles parked and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in the normal day-to-day operation of the business, and except for signs advertising for sale the vehicle upon which the sign is mounted;
7. Searchlights;
8. Inflatables.

"Premises" is the actual physical area of the lot upon which a sign is posted or displayed, except within the boundaries of the BC or BD zone in the downtown activity center as defined in the comprehensive plan, where "premises" shall include any portion of the public sidewalk which fronts upon the lot.

"Projecting sign" is any sign attached or affixed to a building or wall in such a manner that its leading edge extends more than 12 inches beyond the surface of such building or wall.

"Reader board sign" is a sign that is designed to allow for a change in the message, either by adding or removing plastic letters, or by means of electronics and lights.

"Real estate sign" is a sign displaying a message relating to the sale or rent of real property.

"Sign" is any structure, device or fixture that is visible from a public place, that incorporates graphics, symbols, or written copy for the purposes of conveying a particular message to public observers, including wall graphics or identification structures.

"Sign area" is the maximum actual area of a sign that is visible from any single point of observation from any public vantage point. Supporting structures which are part of a sign display shall be included in the calculation of the sign area.

"Temporary sign" is an allowed portable sign intended for short-term display, not to exceed 60 calendar days in any calendar year.

"Wall graphic" is a wall sign in which color and form, and without the use of words, is a part of the overall design on the building(s) in which the business is located. A wall graphic may be painted or applied (not to exceed one-half inch in thickness) to a building as a part of its overall color and design, but may not be internally lighted. Internally lighted assemblies, including those which project from the wall of the structure, or which are located on any accessory structure on the site, shall be considered wall signs and comply with the requirements of this chapter.

"Wall sign" is a sign that is attached or affixed to a wall and that is parallel to and not projecting more than 12 inches at any angle from such wall. Wall signs include signs that are painted directly upon a wall.

"Window sign" is a sign that is attached or affixed to a window, or a sign displayed within 24 inches of the inside of a window in such a manner as to be visible from any public place. [Ord. 3631 § 1, 2007; Ord. 3628 § 8, 2007; Ord. 3561 § 1, 2005; Ord. 3514 § 1, 2004; Ord. 3461 § 2, 2003].

20.60.010 Permit required.

A. Except as provided in this chapter, no permanent sign may be constructed, installed, posted, displayed or modified without first obtaining a sign permit approving the proposed sign's size, design, location, and display as provided for in this chapter.

B. Design approval is not required for the posting of permanent signs in residential zones; provided, that the restrictions and standards of this chapter are met. If additional signage is requested for conditional or nonconforming uses in residential zones, the property owner shall apply for design review. Design review is not required for any sign which does not require a building permit.

C. A sign modification shall include, but is not limited to, relocations, modifications to size, design, height or color scheme, or the replacement of 25 percent or more of the structural material in the sign area. Normal and ordinary maintenance and repair, and changes to the graphics, symbols, or copy of a sign, without affecting the size, structural design, height, or color scheme, shall not constitute modifications for purposes of this section. [Ord. 3514 § 2, 2004; Ord. 3461 § 2, 2003].

20.60.015 Design review procedures.

A. Staff Approval. Except as referred to the architectural design board pursuant to subsections (A)(1) of this section, and except as provided in subsection B of this section, the planning manager, or designee, shall review all applications for design review under this chapter, and shall approve, conditionally approve or deny the application in accordance with the policies of ECDC 20.10.000, the criteria set forth in ECDC 20.10.070, and the standards and requirements of this chapter. The decision of the planning manager on any sign permit application may be appealed to the

hearing examiner pursuant to the procedure established in Chapter 20.105 ECDC for appeal of staff decisions.

1. The planning manager or designee may refer design review applications to the architectural design board for the types of signs listed below, where the planning manager determines that the proposed sign has the potential for significant adverse impacts on community aesthetics or traffic safety:

a. Any sign application for an identification structure as defined by this chapter;

b. Any sign application for a wall graphic as defined by this chapter;

c. Any proposed sign that the planning manager determines to be obtrusive, garish or otherwise not consistent with the architectural features of the surrounding neighborhood.

B. Review by Architectural Design Board. The architectural design board shall review those signs listed below and any sign permit referred by the planning manager pursuant to subsection (A)(1) of this section. The architectural design board shall approve, conditionally approve or deny such sign permit applications in accordance with the policies of ECDC 20.10.000, the criteria set forth in ECDC 20.10.070, and the standards and requirements of this chapter. The decision of the architectural design board on any sign permit application may be appealed to the city council pursuant to the procedure established in ECDC 20.10.080 for appeal of architectural design board decisions.

1. Any sign permit application that requests a modification to any of the standards prescribed by this chapter. The ADB shall only approve modification requests that meet all of the following criteria:

a. The request is for signage on a site that has a unique configuration, such as frontage on more than two streets or has an unusual geometric shape;

b. The subject property, building, or business has site conditions that do not afford it the opportunity to provide signage consistent with or similar to other properties in the vicinity;

c. The design of the proposed signage must be compatible in its use of materials, colors, design and proportions with development throughout the site;

d. In no event shall the modification result in signage which exceeds the maximum normally allowed by more than 50 percent.

C. Notwithstanding the provisions of subsections (A) and (B) of this section, sign permit applications shall not be referred to or reviewed by the architectural design board if the proposed sign constitutes a modification to an existing sign and involves no significant alteration or modification to the size, height, design, lighting or color of the existing sign. Sign permit applications for such sign modifications shall be processed and subject to review in the same manner as provided in for staff review in subsection (A) of this section. [Ord. 3461 § 2, 2003].

20.60.020 General regulations for permanent signs.

A. When located on a wall or mansard roof, no sign may extend above the highest point of the wall or roof, or above the eave or drip line of a pitched roof on which it is located. A sign may not be attached above the eave or drip line on a pitched roof.

B. Except for pole-mounted community event banners, no sign or any part of a sign may be designed or constructed to be moving by any means and shall not contain items such as banners, ribbons, streamers and spinners. Signs with type that is movable to change the message (reader boards) are allowed.

C. No signs shall extend into or over a public right-of-way unless an encroachment permit has been approved (see Chapter 18.70 ECDC).

D. Exposed braces and angle irons are prohibited. Guywires are prohibited unless there are no other practical means of supporting the sign.

E. No sign shall have blinking, flashing, fluttering or moving lights or other illuminating device which has a changing light density or color; provided, however, temperature and/or time signs that conform in all other respects to this chapter are allowed. Electronic reader boards may have messages that change, however, moving messages are not allowed. Messages that change at intervals less than 20 seconds will be considered blinking or flashing and not allowed.

F. No light source which exceeds 20 watts shall be directly exposed to any public street or adjacent property.

G. No illumination source of fluorescent light shall exceed 425 milliamps or be spaced closer than eight inches on center.

H. No commercial sign shall be illuminated after 11:00 p.m. unless the commercial enterprise is open for business and then may remain on only as long as the enterprise is open.

I. No window signs above the first floor shall be illuminated.

J. Sign height shall be determined as follows:

1. For attached signs, sign height is the vertical distance from the highest point on the sign to the finished grade.

2. For freestanding signs, sign height is the vertical distance from the highest point of the sign area or its support to the average elevation of undisturbed soil at the base of the supports.

K. Portable signs may not be used as permanent signage; only fixed signs are permitted.

L. The following matrix summarizes the types of signs permitted in each neighborhood/district within the city:

Sign Type	Downtown[1]	SR-99[2]	Westgate/SR-104[3]	Neighborhood Commercial (BN Zones)	Business Uses in RM Zones
Wall-mounted	P	P	P	P	P
Monument	C	P	P	C	C
Pole	N	P	N	N	N
Projecting	P	P	P	P	P
Internal Illumination	C	P	P	C	N
Reader Boards	C	C	C	C	C
Individual Letters	P	P	P	P	P
Boxed Cabinet	N	P	C	C	N
Building ID	P	P	P	P	p
Sandwich Boards	P	N	N	N	N
Wall Graphics	C	C	C	C	C

[1] Downtown includes all properties within the Downtown Activity Center defined in the Comprehensive Plan.
[2] SR-99 includes all properties within the Medical-Highway 99 Activity Center and the Highway 99 Corridor defined in the Comprehensive Plan.
[3] Westgate/SR-104 includes all properties within the Westgate Corridor, the Edmonds Way Corridor, and within the Westgate Community Commercial area, as defined in the Comprehensive Plan.

Note: In the above table, P = Permitted; N = Not permitted; C = Conditionally permitted through design review if consistent with the standards itemized in ECDC 20.60.020(M).

M. The following standards clarify how some signs identified as "conditionally permitted" must be installed to be permitted in the city of Edmonds.

1. Monument signs over six feet in height must be reviewed to ensure that the materials, colors, design and proportions proposed are consistent with those used throughout the site.

2. Internally illuminated signs in the downtown area and neighborhood commercial areas may only light the letters. The background of a sign face may not be illuminated.

3. Internally illuminated signs in the downtown area and the neighborhood commercial areas must be mounted on the wall of the building. They may not be mounted on or under an attached awning.

4. Internally illuminated signs that use exposed neon may only be located in the interior of buildings in the downtown area and the neighborhood commercial areas.

5. Internally illuminated signs in the downtown area shall not be permitted to be higher than 14 feet in height.

6. Reader board messages are limited to alphanumeric messages only.

7. Reader boards are only permitted for public uses or places of public assembly.

8. The background color of a boxed cabinet sign face must be coordinated with and compliment the colors used on the building.

9. The background color of a boxed cabinet sign face must be opaque and not allow any internal illumination to shine through. [Ord. 3631 § 2, 2007; Ord. 3461 § 2, 2003].

20.60.025 Total maximum permanent sign area.

A. Business and Commercial Zone Districts (BN, BC, BD, CW and CG).

1. The maximum total permanent sign area for allowed or permitted uses in the BN, BC, BD and CW zones shall be one square foot of sign area for each lineal foot of wall containing the main public entrance to the primary building or structure located upon a separate legal lot.

2. The maximum total permanent sign area for allowed or permitted uses in the CG zone shall be one square foot of sign area for each lineal foot of building frontage along a public street and/or along a side of the building containing the primary public entrance to a maximum of 200 square feet. The allowable sign area shall be computed separately for each qualifying building frontage, and only the sign area derived from that frontage may be oriented along that frontage. Sign areas for wall-mounted signs may not be accumulated to yield a total allowable sign area greater than that permitted upon such frontage, except that businesses choosing not to erect a freestanding sign may use up to 50 percent of their allowable freestanding sign area for additional attached sign area. Use of the additional area shall be subject to the review of the architectural design board.

3. The maximum total permanent sign area may be divided between wall, projecting, and freestanding signs, in accordance with regulations and maximum sign area and height for each type of sign, as provided in ECDC 20.60.030 through 20.60.050. Window signs meeting the requirements of ECDC 20.60.035 do not count against the total permanent sign area permitted.

4. The maximum number of permitted permanent signs is three per site, or one per physically enclosed business space on commercial sites with multiple business tenants, whichever is greater. The total sign area of all signs permitted on-site must also comply with the maximum total permanent sign area specified in this chapter.

B. Residential Zone Districts (RS, RM).

1. The maximum allowable signage area for individual residential lots shall be four square feet per street frontage, except as provided in subsection (B)(2) of this section.

2. The maximum allowable signage area for formal residential subdivisions, planned residential developments (PRD), or multifamily structures containing at least 10 dwelling units shall be 10 square feet per main street entrance into the subdivision or PRD. Only one sign may be provided at each main entrance.

3. The maximum total permanent sign area may be divided between wall and freestanding signs, in accordance with regulations and maximum sign area and height for each type of sign, as provided in ECDC 20.60.030 through 20.60.050. Window signs meeting the requirements of ECDC 20.60.035 do not count against the total permanent sign area permitted.

4. Signage in excess of that provided in subsections (B)(1) and (2) of this section for lawful nonconforming or conditional nonresidential uses in residential zones may be approved through the issuance of a sign permit pursuant to ECDC 20.60.010, subject to the maximum area and height limitations established for signs in the BN zone.

5. The maximum number of permitted permanent signs is one, except that multifamily sites with more than one vehicular entrance may have one permanent sign per entrance. The total sign area of all signs (excluding incidental signs) permitted on-site must also comply with the maximum total permanent sign area specified in this chapter. [Ord. 3628 § 9, 2007; Ord. 3461 § 2, 2003].

20.60.030 Wall signs – Maximum area and height.

A. The maximum area of any wall sign shall be as follows:

Zone	Maximum Area of Sign
RS, RM	4 square feet
BN, BC, BD, CW, CG	1 square foot per lineal foot of attached wall

B. The maximum height of any attached sign shall be as follows:

Zone	Maximum Height of Sign
RS, RM	6 feet
BN, BC, BD, CW, CG	14 feet or the height of the face of the building on which the sign is located, consistent with ECDC 20.60.020(A)

[Ord. 3628 § 10, 2007; Ord. 3461 § 2, 2003].

20.60.035 Window signs – Maximum area.

The maximum area of any window sign shall be as follows:

Zone	Maximum Area of Sign
RS, RM	4 square feet
BN, BC, BD, CW, CG	1 square foot per each lineal foot of window frontage

[Ord. 3628 § 11, 2007; Ord. 3461 § 2, 2003].

20.60.040 Projecting signs – Maximum area and height restrictions.

A. The maximum area of any projecting sign shall be as follows:

Zone	Maximum Area of Sign
RS, RM	Not permitted
BN, BC, BD, CW	16 square feet
CG	32 square feet

B. The maximum height of any projecting sign shall be as follows:

Zone	Maximum Height of Sign
RS, RM	Not permitted
BN, BC, BD, CW, CG	14 feet

C. The bottom of the sign area of projecting signs shall be at least eight feet in height and at least 11 feet in height if it projects over a vehicle-traveled right-of-way. The sign area of a marquee sign may not exceed two feet in vertical dimension. [Ord. 3628 § 12, 2007; Ord. 3461 § 2, 2003].

20.60.045 Freestanding signs – Regulations.

A. Regulation. Permanent freestanding signs are discouraged. Freestanding signs shall be approved only where the applicant demonstrates by substantial evidence that there are no reasonable and feasible alternative signage methods to provide for adequate identification and/or advertisement.

B. Maximum Area. The maximum area of a freestanding sign shall be as follows:

Zone	Maximum Area of Sign
RS, RM	10 square feet (subdivision, PRD, multifamily) 4 square feet (individual residence sign)
BN	24 square feet (single) 48 square feet (group)
BC, BD	32 square feet (single) 48 square feet (group)
CW	32 square feet (single) 48 square feet (group)
CG	Sign area shall be governed by subsection (C) of this section

C. Allowable Sign Area for Freestanding Signs – CG Zone. The total allowable sign area for freestanding signs on general commercial sites shall be 56 square feet or one-half square

foot of sign area for each lineal foot of street frontage, whichever is greater, up to a maximum of 160 square feet of freestanding sign area. Multiple business or tenant sites shall further be allowed an additional 24 square feet of freestanding sign area for each commercial tenant or occupant in excess of one up to a maximum sign area of 160 square feet. Corner lots choosing to accumulate sign area under the provisions of subsection E of this section shall be limited to 160 square feet.

D. Maximum Height. The maximum sign height of freestanding signs shall be as follows:

Zone	Maximum Height of Sign
RS, RM	6 feet
BN, BC, BD, CW	14 feet
CG	25 feet

E. Location. Freestanding signs shall be located as close as possible to the center of the street frontage on which they are located. Except for pole-mounted community event banners, freestanding signs may not be located on public property. Sites on a corner of two public streets may have one sign on the corner instead of a sign for each frontage.

F. Number. In all zones, each lot or building site shall be permitted no more than one freestanding sign, except in the business and commercial zones where a lot or site has frontage on two arterial streets, in which case there may be permitted one sign per street frontage subject to the restrictions on area contained within this chapter.

G. Landscaping.

1. Each freestanding sign shall have a landscaped area twice the size of the sign area at the base of the sign. The landscaping and sign base shall be protected from vehicles by substantial curbing.

2. The applicant shall provide a landscape performance bond in the amount of 125 percent of the estimated costs of the landscaping, or $1,000, whichever is more. The bond shall be processed in accordance with Chapter 17.10 ECDC. [Ord. 3631 § 3, 2007; Ord. 3628 § 13, 2007; Ord. 3461 § 2, 2003].

20.60.050 Wall graphic and identification structures.

There are no area restrictions on wall graphics or identification structures. [Ord. 3461 § 2, 2003].

20.60.060 Campaign signs.

A. On-premises campaign signs are permitted as a form of temporary signage in all zones, subject to the maximum sign size limitations set forth in ECDC 20.60.080.

B. Off-premises campaign signs are permitted as a form of temporary signage in the public right-of-way; provided, that the following requirements are met:

1. All campaign signs shall be posted in accordance with the regulations set forth in ECDC 20.60.080(B).

2. All off-premises campaign signs shall be removed within 10 days after the primary, general, or special election to which they pertain.

3. Off-premises campaign signs shall be posted and displayed no earlier than upon declaration of candidacy in accordance with Chapter 29.15 RCW, or other formal registration or certification of the candidate, party, initiative, referendum or other ballot issue for an upcoming election, or 60 days prior to the election, whichever time period is greater.

C. There is no maximum number of off-premises campaign signs that may be posted. [Ord. 3461 § 2, 2003].

20.60.065 Real estate signs.

A. On-premises real estate signs are permitted as a form of temporary signage in residential and commercial zones, subject to the maximum signage area and sign number limitations set forth in ECDC 20.60.080.

B. Off-premises real estate signs are permitted as a form of temporary signage, subject to the following requirements:

1. Two and only two types of off-premises real estate signs shall be permitted:

a. An off-premises real estate directional sign is a sign displaying a directional arrow and either a company or logo, or an indication that the property is for sale by its owner, and installed for the purpose of directing the public to the property.

b. An off-premises open house sign is a form of temporary off-premises sign indicating the property is currently open for viewing.

2. All off-premises real estate signs shall be posted in accordance with the regulations set forth in ECDC 20.60.080(B).

3. The maximum number of off-premises real estate signs allowed per property shall only be the number reasonably necessary to direct people to the premises. An agent or owner shall be permitted no more than one off-premises real estate directional sign per intersection and five in total. No more than one off-premises open house sign shall be displayed per intersection and no more than five in total.

a. Each off-premises real estate directional sign shall bear a legible tag located on the sign or supporting post indicating the date of posting and the address of the property to which it pertains.

b. Off-premises real estate open house signs shall only be posted during daylight hours when the real estate agent or owner is in attendance at the property for sale or rent, and shall be removed immediately upon the termination of an "open house" or other similar property display event.

4. No off-premises real estate signs shall be fastened to any traffic control device, public structure, fence, rock, tree or shrub.

C. All on-premises and all off-premises real estate directional signs shall be removed within seven days after the closing of the sale or lease of real property to which the sign pertains. [Ord. 3461 § 2, 2003].

20.60.070 Construction signs.

Construction signs shall, irrespective of their duration, conform to the general regulations for permanent signs specified under ECDC 20.60.020. Notwithstanding any other provision of this chapter, the maximum area of a construction sign in any zone shall be 32 square feet. No sign permit is required for the posting of construction signs; provided, that all construction signs shall be removed from the premises within 10 days of the cessation of the excavation, construction, demolition, rehabilitation, structural alteration or related work on site.

Zone	Maximum Area of Signage (per Street Frontage)
RS	16 square feet, or 32 square feet if one sign is displayed for a project consisting of building permits issued for four lots or more. Only one sign may be displayed per project.
All other zones	32 square feet

The preceding square footages shall be in addition to any other temporary signage permitted by ECDC 20.60.080. [Ord. 3514 § 3, 2004].

20.60.080 Temporary signs.

A. On-Premises Temporary Signs. On-premises temporary signs are permitted in residential and commercial zones, in addition to any allowed or permitted permanent signage, subject to the following restrictions and standards:

1. Residential Zones (RS, RM).

a. Only portable, freestanding or attached signs may be used as temporary signage.

b. Commercial on-premises temporary signage is not permitted, except for real estate signs as defined by ECDC 20.60.065.

c. Maximum number is one attached or freestanding sign.

2. Commercial Zones (BN, BC, BD, CW, CG).

a. Only portable, freestanding or attached signs may be used for temporary signage; provided, that "sandwich board" or "A" frame portable signs shall only be permitted in the BC, BD and CW zones.

b. Maximum duration of display is 60 days in any calendar year for the cumulative posting of all temporary commercial signage upon each commercial location or premises.

c. Maximum number of temporary signs is one freestanding sign per property street frontage, and one attached sign per building.

3. The total maximum area of on-premises temporary signage shall be as follows:

Zone	Maximum Area of Temporary Sign
RS, RM	6 square feet
BN, BC, BD, CW	20 square feet
CG	30 square feet

4. The total maximum area for each allowed on-premises temporary sign shall be as follows:

Zone	Maximum Area of Temporary Sign
RS, RM	6 square feet (freestanding and attached)
BN, BC, BD, CW	6 square feet (freestanding) 20 square feet (attached)
CG	6 square feet (freestanding) 30 square feet (attached)

5. The maximum height of any allowed on-premises temporary sign shall be as follows:

Zone	Maximum Height of Sign
RS, RM	6 feet (freestanding and attached)
BN, BC, BD, CW, CG	3 feet (freestanding) 14 feet (attached)

6. In no case shall temporary signage be posted, located, or displayed in violation of the regulations for permanent signs set forth in ECDC 20.60.020 through 20.60.050.

B. Off-Premises Temporary Signage. Off-premises temporary signs are allowed in residential and commercial zones, in accordance with the restrictions and standards set forth below:

1. Commercial off-premises temporary signage is prohibited, except for real estate signs as permitted by ECDC 20.60.065; provided, that such off-premises real estate signs shall be posted, displayed, and removed as provided for in that section, in addition to the provisions of subsections (B)(5) through (9) of this section.

2. Noncommercial off-premises signs are permitted in the public right-of-way; provided, that the posting and display of off-premises signs in the public right-of-way shall require a street use permit where required pursuant to Chapter 18.70 ECDC.

3. Maximum duration of display for all temporary off-premises signs is a cumulative of 60 days in any calendar year, except as otherwise provided in ECDC 20.60.060 for campaign signs. Display may be continuous or intermittent, except as otherwise provided in this section.

4. Except for campaign signs as provided in ECDC 20.60.060, all off-premises noncommercial signs relating to a specific meeting, event, or occurrence shall be removed within 48 hours following the conclusion of the meeting, event, or occurrence to which they relate.

5. Only portable freestanding signs may be used as temporary off-premises signage; provided, that the following types of portable freestanding signs are prohibited from use as an off-premises sign:

a. Signs with a vehicular chassis or support with or without wheels;

b. Posters and banners;

c. Signs mounted upon vehicles;

d. Searchlights;

e. Inflatables.

6. Maximum number of allowed off-premises signs to be displayed simultaneously shall be one sign per sign poster except as provided in ECDC 20.60.060 for campaign signs and in ECDC 20.60.065 for real estate signs.

7. Maximum allowable sign area for all temporary off-premises freestanding signs is six square feet.

8. Maximum allowable sign height for all permitted off-premises signs is three feet.

9. All off-premises temporary signage shall be posted and displayed in accordance with the following restrictions:

a. Off-premises signs may not be placed in any portion of the public right-of-way typically used by motor vehicles in a lawful manner.

b. Off-premises signs shall be placed so as not to impede pedestrian, bicycle, or handicapped travel or access.

c. Off-premises signs shall not be posted in a manner or location which impairs traffic safety by unreasonably blocking line of sight at intersections.

d. Off-premises signs shall be constructed of suitable material and design to adequately withstand the reasonably expected normal or average weather conditions during the intended display period of the sign.

e. Off-premises signs shall be regularly inspected to ensure that they have not been damaged or destroyed by natural forces or vandalism. Damaged and destroyed signs shall be immediately removed or repaired so as to avoid threats to public health and safety or the accumulation of unclaimed refuse upon the public rights-of-way.

f. Off-premises signs shall not be posted upon public property other than the public right-of-way, and shall further not be posted within or upon planter boxes and flower beds within the publicly maintained landscaped portions of the public right-of-way. [Ord. 3628 § 14, 2007; Ord. 3461 § 2, 2003].

20.60.090 Prohibited signs.

A. General. All signs not expressly permitted by this chapter are prohibited.

B. Hazards. Signs which the director of public works determines to be a hazard to vehicle or water traffic because they resemble or obscure a traffic control device, or because they obscure visibility needed for safe traffic passage, are prohibited. These signs shall be removed if they already exist.

C. Confiscation of Prohibited Signs in Public Rights-of-Way. All signs which are located within a public right-of-way and that have been improperly posted or displayed are hereby declared to be a public nuisance and shall be subject to immediate removal and confiscation.

D. Any signs confiscated by the city shall be held for 10 working days after which such signs may be destroyed or otherwise disposed of. The owner of any confiscated signs may recover the same upon payment of a $25.00 fee to cover the cost of confiscation and storage. [Ord. 3461 § 2, 2003].

20.60.095 Exempt signs.

The following types of signs are exempted from regulations of this chapter, except that the dimensional and placement standards shall apply unless variance is required by other provisions of local, state or federal law:

A. Governmental signs.

B. Signs required by provision of local, state, or federal law.

C. Official public notices required by provision of local, state, or federal law.

D. Signs not visible from a public location.

E. Seasonal and holiday displays not incorporating the use of written copy or graphics to convey a message.

F. Gravestones. [Ord. 3461 § 2, 2003].

20.60.100 Administration.

A. General. The community development director is responsible for administering and enforcing the provisions of this chapter. He or she shall adopt application requirements for sign permits. Fees shall be as stated in Chapter 15.00 ECDC.

B. Installation Permits. Many signs require installation permits under Chapter 19.45 ECDC and may require plan checking fees as well.

C. Notice of Violation. Whenever the planning director becomes aware of a violation of the provisions of this chapter, the planning director shall cause a notice to be sent to the alleged violator informing him or her of the violation, the applicable code section, and a time within which to remedy the violation. The notice shall also advise of the penalties for continued violation of the code as specified in this chapter. If the violation has not been corrected within the time limit specified, the planning director shall refer the matter to the city attorney's office for institution of appropriate legal action.

D. Penalty. Any person violating any provision of this code shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of $25.00 for each day of continued violation. [Ord. 3461 § 2, 2003].

Chapter 20.65

STREET MAP CHANGES

Sections:

20.65.000 Scope.

This chapter applies to all proposed changes to the official street map (Chapter 18.50 ECDC).

20.65.010 Review.

The hearing examiner shall review proposed changes to the official street map as provided in ECDC 20.100.010, using as the basis for his review and recommendation, the purposes of the comprehensive plan as stated in Chapter 15.05 ECDC, and the purposes of the Comprehensive Street Plan, as stated in Chapter 15.40 ECDC, and the purposes of the official street map, as stated in Chapter 18.50 ECDC.

20.65.020 Approved changes.

When a change is approved, the adopting ordinance shall direct the public works director to incorporate the change on to the official street map, but the language of this code shall not be changed.

20.65.030 Street vacations.

When a street vacation has been approved by the city under the provisions of Chapter 20.70 ECDC, and the vacated street is shown on the official street map, the approved vacation shall also constitute an approved change to the official street map.

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Chapter 20.70

STREET VACATIONS

Sections:

20.70.000 Purpose.

This chapter establishes the procedure and criteria that the city will use to decide upon vacations of streets, alleys, and public easements. [Ord. 2933 § 1, 1993].

20.70.010 Applicability.

This chapter applies to each request for vacation by city council or by petition. Note: if the street to be vacated is shown on the official street map (Chapter 19.80 ECDC), the approved street vacation also changes the official street map to remove the vacated street (See Chapter 20.65 ECDC). [Ord. 2933 § 1, 1993].

20.70.020 Criteria for vacation.

The city council may vacate a street, alley, or easement only if it finds that:

A. The vacation is in the public interest; and

B. No property will be denied direct access as a result of the vacation. [Ord. 2933 § 1, 1993].

20.70.030 City easement rights for public utilities and services.

In vacating a street, alley, or easement, the city council may reserve for the city any easements or the right to exercise and grant any easements for public utilities and services. [Ord. 2933 § 1, 1993].

20.70.040 Limitations on vacations.

A. Areas that May Not Be Vacated. The city may not vacate any street, alley, easement, or part thereof that abuts any body of water unless all elements of RCW 35.79.035 are complied with, and the vacated area will thereby become available for the city or other public entity to acquire and to use for a public purpose.

B. Objection by Property Owner. The city shall not proceed with the vacation if the owners of 50 percent or more of the property abutting the street or alley or part thereof, or underlying the easement or part thereof, to be vacated file a written objection in the planning division prior to the time of the hearing. [Ord. 2933 § 1, 1993].

20.70.050 Initiation of proceedings.

A vacation may be initiated by:

A. City council; or

B. The owners of more than two-thirds of property abutting the portion of the street or alley to be vacated or, in the case of an easement, two-thirds of property underlying the portion of the easement to be vacated. [Ord. 2933 § 1, 1993].

20.70.060 Application requirements.

An applicant may apply for a vacation by submitting the following:

A. A vacation petition with supporting affidavits on forms provided by the planning division;