



PLANNING COMMISSION MEETING AGENDA

September 28, 2016 7:00 p.m.

1. Call to Order and Roll Call

- A. Chair Reeves; Vice-Chair Ripplinger
- B. Commissioners Whalen, Balsley, Hutson, Gillespie and Vacant

2. Citizen Comment Period

3. Additions, Deletions, Corrections to this Meeting's Agenda

4. Approval of Minutes

- A. August 24, 2016 Regular Meeting

5. Public Hearing

- A. Low Impact Development – Revisions to City Code

6. Old Business

- A. Discussion Items
 - i. Approval of Low Impact Development Code Revisions
 - ii. Sign Code – Set Date for Workshop
 - iii. Nuisance Vehicle Code – Officer Hobbs
 - iv. Commission Bylaws and Procedures – Continue Discussion with Revised Matrix

7. New Business

- A. Discussion Item(s)
 - i. Orientation Packet Update
 - ii. Development Update – Current and Upcoming Projects
 - iii. Growth Management Act and Concurrency

8. Commissioner Reports

9. Staff Updates

10. Next Meeting:

Workshop - Sign Code – Date and Time to be Determined

Next Regular Meeting - October 26, 2016– Old and New Business Planned to be on the Agenda

- A. Sign Code – Pass motion to recommend changes to Council
- B. Nuisance Vehicle Code – Continue Discussion
- C. Work Plan for Next 6 Months

11. Adjournment

The City of Milton Planning Commission creates land use policy incorporating the citizen's voice and makes recommendations to City Council to establish and enhance a framework of standards in order to preserve the integrity and quality of life in the community.



Regular Meeting Wednesday
August 24, 2016
7:00 p.m.

1. CALL TO ORDER AND ROLL CALL

Present: Vice Chair Ripplinger, Commissioners Balsley, Hutson, & Whalen

Absent: Chair Reeves, Commissioner Gillespie

City Representatives: Deputy Clerk Jill Schwerzler, Director Mark Howlett, Mayor Perry

Commissioner Balsley **MOVED** seconded by Commissioner Hutson to excuse Chair Reeves.

APPROVED 4/0

Commissioner Whalen **MOVED** seconded by Commissioner Balsley to excuse Commissioner Gillespie.

APPROVED 4/0

Commissioner Balsley asked to be excused from the meeting at 8pm for health reasons

Commissioner Whalen **MOTIONED** seconded by Vice Chair Reeves to excuse Commissioner Balsley at 8pm

APPROVED 4/0

2. CITIZEN COMMENT PERIOD

None

3. ADDITIONS, DELETIONS OR CORRECTIONS TO THIS MEETINGS AGENDA

Commissioner Whalen **MOTIONED** to approve the agenda as presented, seconded by Commissioner Balsley. **PASSED 4/0**

4. APPROVAL OF MINUTES

Approval of:

- Minutes
 - March 23, 2016 Regular Meeting
Commissioner Whalen **MOVED** seconded by Commissioner Hutson to approve the March 23, 2016 minutes. **APPROVED 4/0**
 - June 22nd, 2016 Workshop and Regular Meeting Minutes
Commissioner Whalen **MOVED** to seconded by Commissioner Balsley to approve the June 22nd Workshop and Regular Meeting Minutes. **APPROVED 4/0**
 - July 27, 2016 Regular Meeting

Commissioner Whalen **MOTIONED** seconded by Commissioner Balsley to amend: Item B IV to say "Chair Reeves showed the *current* land use map to the new commissioners" Amendment was voted on and passed **4/0**

Commissioner Whalen **MOTIONED** seconded by Commissioner Balsley to approve the minutes as amended. **APPROVED 4/0**

5. OLD BUSINESS

A. Discussion Items

i. Sign Code – Finalize Redlines

Commissioner Whalen **MOVED** to stop the discussion on the sign code and schedule it for the next regular meeting as a policy discussion. Motion died for lack of a second.

Discussion ensued as to what the sign code has to do with planning, why they're being required to be lawyers and planners when they are not.

Commissioner Whalen **MOVED** seconded by Vice Chair Ripplinger to have a policy based discussion on sign code for business at our upcoming September 2016 Planning Commission meeting and at that meeting set a date for a workshop where we can have professional legal planning advise with the goal of generating a white paper.

APPROVED 4/0

ii. Nuisance Vehicle Code

Commissioner Ripplinger reviewed code 10-24-030 and asked for a motion to amend the verbiage to accommodate Officer Hobbs' request to be able to reasonably enforce the law.

Discussion ensued as to what reasonably enforcing the law meant.

Commissioner Balsley **MOTIONED** seconded by Commissioner Whalen to change the ordinance verbiage to state vehicle and automotive vehicle to allow the officers to enforce the law.

Commissioner Hutson **MOTIONED** to amend Commissioner Balsleys motion to substitute the language in 10-24-030 to extend from 72 hours to 96 hours. Motion died for lack of 2nd.

Commissioner Hutson withdrew his motion in order to resubmit.

Commissioner Hutson seconded by Vice Chair Ripplinger **MOVED** to amend the original motion to substitute the City of Puyallup's Nuisance Vehicle Code language and use "Vehicle or Motor Vehicle" in substitution of "Qualified Vehicle" and to amend "72 hours" to "96 hours" and "80 hours" to "100 hours".

Section A of 10.24.030 would read as follows:

"It is unlawful to park a vehicle or motor vehicle on the right of way of the city for more than 96 hours in any 100-hour period even if the vehicle is moved from one position in any right of way."

The amendment was voted on

PASSED 4/0

The main motion was voted on as amended

PASSED 4/0

- **Commissioner Balsley gave an update on Milton Days before she was excused for the evening.** Commissioners shared their experiences at the event. The pros and cons of booth locations. All vendor booths were sold out. Commission booth was great it was well received and people were very engaged despite the location in the tennis courts. Commissioner Balsley encouraged suggestions for next year and invited the commissioners to attend an Events Committee meeting to voice their opinions.

iii. Commission Bylaws and Procedures

Planning Commission lost their quorum with the departure of Commissioner Balsley and therefore were unable to transact any official business.

Director Howlett to add this topic to the next meeting for continued discussion.

6. NEW BUSINESS

A. Discussion Item(s)

i. Orientation Packet

Director Howlett presented his Planning Commission Orientation Packet to the Commissioners for review. Suggestions included providing the last 6 months' agenda packets, and MSRC handouts. Director Howlett described it as a living document that can grow and change with each commissioner that they should be able to write in and make their own.

ii. Transportation/School/Parks Impact Fees

Director Howlett spoke on the updates to the various impact fees.

7. COMMISSIONERS REPORT

Commissioner Whalen – Proud to see the Planning Commissioners were at 100% attendance at Milton Days.

Commissioner Hutson – Suggested if the commission could get their hands on a donated large screen TV that could display the projects they're working on during events like Milton Days it would get more interest from the citizens.

8. STAFF UPDATES

Director Howlett reported on the Milton Way Pedestrian Improvement Project. The walls are up; sidewalk pouring is coming up in another month or so. He will have an update on development in the city at the September meeting.

9. NEXT MEETING – September 28, 2016 Old and New Business Planned to be on Agenda

- a. Sign Code – Pass motion to recommend
- b. Substandard Lots – Continued Discussion
- c. Nuisance Code – Continued Discussion

Adjourn 9:04pm



Agenda Item #: 5.A

To: Mayor Perry and Planning Commission Members
From: Mark Howlett, P.E., Interim Public Works Director
Jamie Carter, Surface Water Compliance Inspector
Date: September 28, 2016
Re: Public Hearing - Low Impact Development

ATTACHMENTS: Recommended Revisions for Low Impact Development

TYPE OF ACTION:

Information Discussion Action Public Hearing

Issue: State and federal requirement for the monitoring and controlling of stormwater runoff have become much more restrictive in recent years. These restrictions include the implementation of Low Impact Development (LID).

The use of LID strives to retain more natural hydrological functions of land and vegetation through changing old or incorporating new development standards.

The Washington State Department of Ecology, who issues our National Pollution Discharge Elimination System (NPDES) permit, has mandated that all permittees, such as the City of Milton, make Low Impact Development not just an option, but the preferred method to control stormwater on development sites. Most of these requirements fall on the Planning and Stormwater Utility, but the effect of this effort will be felt in every department and group at the City, including Municipal Operations, Enforcement, Building Official, Fire and anyone else who uses or interprets City Code.

The Washington State Department of Ecology has mandated that by December 31, 2016 we revise our code to make LID the preferred method of stormwater control.

The purpose of this Public Hearing is to allow citizens the opportunity to express their opinions on this topic.

LID CODE UPDATE

Planning Commission Recommendation

Important

- Required for compliance with our National Pollutant Discharge Elimination System Permit
- Due to be ratified by Council by the end of 2016
- Staff and consultant reviewed
- Planning Commission needs to review the questions in this packet and the previously distributed LID Code Update and Integration Tool Kit and decide whether or not to recommend that the Council adopt the changes being suggested by staff and the consultant. This will be the time for questions and/or concerns about proposed code change
- DRAFT code revisions will be distributed on Thursday Sept. 22

Why LID?

Why Integrate LID into Codes?

This chapter provides background on LID, including what LID means, *why* it is the best way to manage stormwater, and the key judicial and regulatory decisions that have resulted in LID becoming part of the municipal stormwater permits. This guidebook outlines how to conduct a systematic review of codes to integrate LID in the jurisdiction's requirements for development.

Why Review Codes

In order to meet the expected requirements of the municipal stormwater permit to integrate LID into existing codes, rules and standards, jurisdiction staff may need to look beyond just amending their stormwater code. Because the full implementation of LID designs involve stormwater and land use code approvals, it is important to ensure that existing codes, such as landscaping, parking, or building codes, do not preclude or create barriers to the use of LID.

Low Impact Development Defined

From Ecology's *Phase I Municipal Stormwater Permit Appendix 1 - Minimum Technical Requirements for New Development and Redevelopment*, formal draft LID requirement language released October 19, 2011:

LID Definition:

"**Low-impact development (LID)** is a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design."



The treatment goal and flow control objectives for LID are achieved through the following site design objectives adapted from the *LID Technical Guidance Manual*.

1. Conservation Measures

- Maximize retention of native forest cover and vegetation and restore disturbed vegetation to intercept, evaporate, and transpire precipitation.
- Preserve permeable, native soil, and enhance disturbed soils to store and infiltrate storm flows.
- Retain and incorporate topographic site features that slow, store, and infiltrate stormwater.
- Retain and incorporate natural drainage features and patterns.

2. Site Planning and Minimization Techniques

- Utilize a multidisciplinary approach that includes planners, engineers, landscape architects, and architects at the initial phases of the project.
- Locate buildings away from critical areas and soils that provide effective infiltration.
- Reduce hard surfaces, total impervious surface area, minimize effective impervious areas, and increase retention of native vegetation.

*Effective
Impervious Area
(EIA) is defined in
Step 2.*

3. Distributed and Integrated Management Practices

- Manage stormwater as close to its origin as possible by utilizing small scale, distributed hydrologic controls.
- Create a hydrologically rough landscape that slows storm flows.
- Increase reliability of the stormwater management system by providing multiple or redundant LID flow control practices.
- Integrate stormwater controls into the development design and utilize the controls as amenities to create a multifunctional landscape.
- Reduce the reliance on traditional conveyance and pond technologies.

4. Maintenance and Education

- Develop reliable and long-term maintenance programs to provide clear and enforceable standards.
- Educate owners of LID projects, landscape management professionals, and other interested parties on the operation and maintenance of LID systems.
- Protect LID systems by promoting community participation.

Hydrology 101

The important differences between the natural water cycle and the developed, urban water cycle are illustrated in Figures 1 and 2 on the next page.

Under natural, forested conditions, the majority of precipitation is infiltrated, evaporated, or is taken up by vegetation. Very little precipitation becomes surface

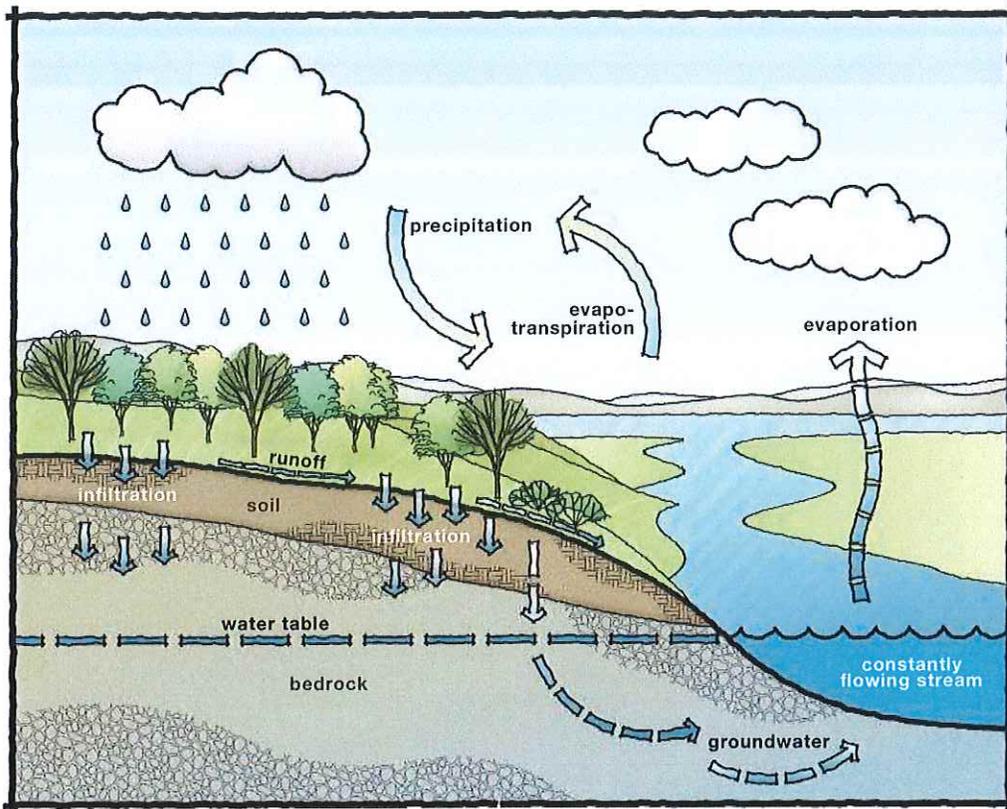


FIGURE 1
water cycle pre-development

The Natural Water Cycle

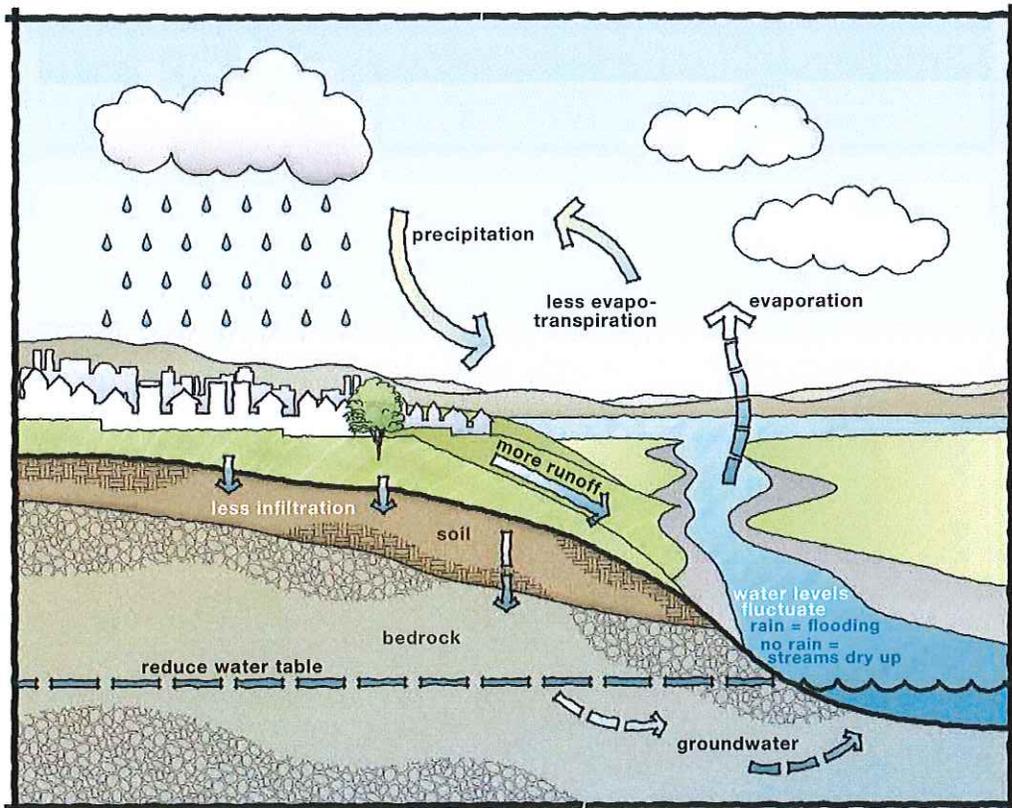


FIGURE 2
water cycle post-development

The Urban Water Cycle

runoff. The natural water cycle relies on vegetation and infiltration to manage stormwater, replenish groundwater, and maintain year round water levels in streams and rivers. With the loss of vegetation, the urban water cycle increases runoff, provides less infiltration, produces greater fluctuation in stream and river water levels, and increases stream temperature.

FIGURE 3
conventional
development compared
to LID design



Best Way to Manage Stormwater

Because the LID approach manages and treats stormwater close to its source, it can surpass conventional stormwater management techniques by reducing both environmental impacts and infrastructure costs. By carefully siting buildings, minimizing effective impervious areas, and infiltrating runoff, LID helps to preserve wildlife habitat, decrease stormwater runoff, and prevent erosion that can harm aquatic systems.

LID facilities can serve as amenities, adding both aesthetic and financial value to developments. In addition, LID Best Management Practices (BMPs) are a good way to protect water quality by removing pollutants.

LID does not take the place of good land use planning. It is important that the use of LID occur within the larger framework of the Growth



FIGURE 4
parking lot bioinfiltration swale
Lacey, WA

Management Act (GMA) and in compliance with codes related to protection of critical areas, shorelines, and flood plains. It is important to understand that there are areas where LID techniques relying on infiltration are not a good choice for stormwater control, such as those areas adjacent to steep slopes and in areas with high groundwater.

By managing stormwater in small-scale, distributed facilities, the flooding effects to downstream properties from flash storm events are reduced. Moreover, by managing stormwater close to where it falls, modification of the existing hydrologic cycle is minimized. Other benefits include:

- The LID approach often results in infrastructure cost savings when compared with traditional catch basin, pipe, and pond strategies.
- Bioretention, the workhorse of LID, is an approved method of reducing the concentration of metals in stormwater. Bioretention also offers flow reduction, additional landscaping, habitat, and reduction of other stormwater pollutants such as petroleum products, solids, and bacteria.
- The use of natural features, such as native vegetation, results in increased habitat areas.
- The use of the LID approach helps meet the Federal Emergency Management Agency's (FEMA) Biological Opinion requirements and objectives.
- The LID approach helps to avoid costly cleanup efforts such as Total Maximum Daily Loads (TMDLs), stream and wetland rehabilitation, shellfish restoration, and sediment cleanup.
- LID helps protect local jobs involved in the shellfish and other aquatic-based industries.

The *LID Technical Guidance Manual* is a good source for more detailed descriptions of the performance of LID techniques. It describes how these techniques can help protect and restore community environmental values.

A list of resources can be found in the Appendix of this guidebook.



Potential Cost Savings

As conventional stormwater infrastructure becomes more costly and the value of land required for these facilities appreciates, LID becomes a more attractive stormwater management option.

LID can in many cases result in reduced costs and multiple environmental and community benefits. ECONorthwest, in their 2007 report, *The Economics of Low-Impact Development: A Literature Review* states in the report's executive summary:

"Low-impact development (LID) methods can cost less to install, have lower operations and maintenance (O&M) costs, and provide more cost-effective stormwater management and water-quality services than conventional

stormwater controls. LID also provides ecosystem services and associated economic benefits that conventional stormwater controls do not.”

Regarding combined sewer overflow (CSO) controls, a high priority for many municipal government managers, the report further states:

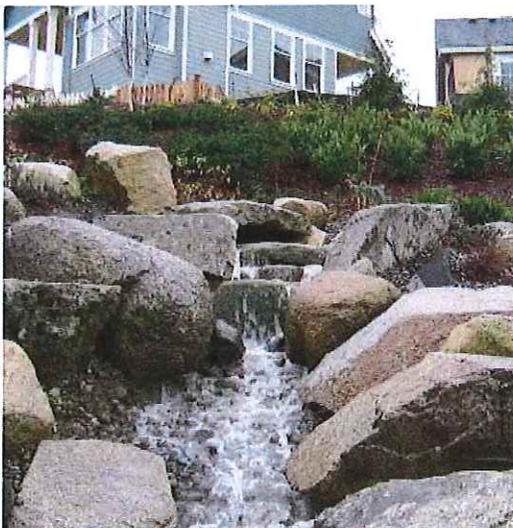
“LID can help minimize the number of CSO events and the volume of contaminated flows by managing more stormwater on site and keeping flows out of combined sewer pipes. Some preliminary evidence exists that LID can help control CSO volumes at lower cost than conventional controls.”

FIGURE 5
an example
of using LID
to manage
stormwater



The Appendix contains references to studies of the economics of LID. ECONorthwest has prepared a number of other good literature reviews of the economics of LID. The US Environmental Protection Agency, North Carolina State University Extension, and others have compared the design and construction

FIGURE 6
flow control
system at *High
Point, West
Seattle, WA*



costs of LID designs and those employing standard urban stormwater management practices. Those studies found significant cost savings for projects using LID techniques. The EPA prepared perhaps the most comprehensive study. That study found that all but one project employing LID was less expensive than its counterpart that used conventional practices. Moreover, for the one project where LID was deemed more expensive, the authors failed to include the purchase and

development of an off-site stormwater management facility. This omission meant that all of the LID designs were less expensive than designs with standard urban stormwater management practices.



Use of Incentives

Incentives can be an effective approach to encourage LID for those local governments not covered under municipal stormwater permits and not inclined to require LID. Incentives may also be attractive for local governments wishing to entice applicants to use green stormwater infrastructure in excess of minimum municipal stormwater permit requirements. Incentives may include reduced stormwater utility and/or application fees, expedited project review and approval, relief from specific development standards (e.g. density, lot size, setback reductions, etc.), property tax reduction for a given period, and stormwater facility size reduction if minimum thresholds are met.

The Partnership identified several incentives to consider during its regulatory assistance project in 2005-2009. These included the following:

- ***Reduced Review Time / Expedited Review***
Commit to a priority review status for LID projects. This may include a maximum time between receipt and review and the use of outside consultants to perform reviews. Rationale is that one of the benefits of choosing LID for developers is a shorter review time. However, LID projects may need special studies and reviews that must be identified early and there would be impacts to staffing resources and other project review schedules.
- ***Reduced Application Fees***
Waive all or a portion of the submittal fees on LID projects. Rationale is that one of the benefits of choosing LID for developers would be reduced fees. However, lower costs in one area may be offset by higher costs for application fees elsewhere.
- ***Dedicated Review Team***
Create an LID review team that is familiar with and dedicated to LID projects. Rationale is that a specialized review team would be able to review LID projects more quickly based on their experience and commitment to LID projects and a specialized team with technical expertise can provide reviews more efficiently. However, there may not be sufficient staff or LID projects to warrant a separate LID review team.
- ***Property Tax Reduction***
Reduce or waive property taxes on an LID project for a given number of years. Rationale is that lower service requirements result in lower impacts. However, this could result in reduced revenues.

- **Public Recognition**
Emphasize LID projects on website, at council meetings and in utility mailers. Rationale would be to create public awareness and highlight good LID projects. However, there may be additional work for staff.
- **Increased Densities**
Allow greater residential densities with the implementation of a minimum threshold of LID techniques. Rationale is that the land is able to manage more units with a more sensitive design. However, potentially greater impacts need to be evaluated and mitigated.
- **Flexibility in Bulk, Dimensional & Height Restrictions**
Allow greater building heights and floor area ratios as well as reduced setbacks. Rationale would be to allow developer to have more flexibility in the overall site design, while allowing for reductions in building footprints and increased clustering. However, this may raise issues of consistency and compatibility with existing development and urban design goals.
- **Adjustments to the Required Parking**
Reduce requirements for the number and size of parking spaces. Rationale for this would be that reducing parking is an LID technique for reducing impervious surfaces. However, such reductions may conflict with other community objectives.
- **Reduced Surface Water Management Fees**
Reduce monthly surface water management fees for project sites employing LID practices. Rationale is that examples abound of local governments providing reductions ranging between 25 and 90 percent of the monthly surface water management fees for sites using LID practices. The fee reduction is typically based on performance and is renewed through a letter from a professional engineering certifying that the LID BMPs are continuing to operate as designed. This incentive is particularly attractive to commercial and industrial users. However, this may result in reduced local revenues and require compensation by raising fees for conventional stormwater systems.
- **Lower Stormwater System Development Fees**
Reduce charges when development meets thresholds. Rationale is that with lower impacts to the larger community stormwater system capacity through LID, lower fees are appropriate. However, this may result in reduced local revenues and require compensation by raising fees for conventional stormwater systems.
- **Fee Structure**
Reduce stormwater utility fees by developing a new fee structure that is

based on impervious surface. Fee reduction will be awarded based on LID implementation thresholds. Rationale is that reducing impervious surface is an important tenet of LID. However, this may result in reduced local revenues and require compensation by raising fees for conventional stormwater systems.

- ***Reduced Requirements for Conventional Stormwater Management or Reduced Fee for Implementing LID Techniques***

Allow developers to reduce the amount of conventional stormwater management when they implement LID or LID techniques. For example, if roof runoff is re-used onsite, or infiltrated on-site, the development can remove the roof square footage in the calculations for determining detention pond size. Rationale is that this is a means for encouraging LID projects. However, this may result in reduced capital funds and require compensation by raising charges for conventional stormwater systems.

- ***City-Furnished LID Materials***

City supplies materials (pervious concrete, plants, soil, mulch, compost, etc.) to offset development costs on LID projects. Rationale is that may be a way to encourage the development of smaller LID facilities on single-family lots. However, there are the costs and the management of the program to consider.

Municipal Stormwater Permit Background

While to date, LID has been encouraged, and even required by some local governments in the Puget Sound region, it may be a completely new approach for other jurisdictions. This section provides background information on the regulatory and judicial decisions that led to LID being in municipal stormwater permits. Information is presented on why LID is the preferred approach to managing stormwater, and why those local governments not currently covered under a municipal stormwater permit may wish to require the use of LID techniques.

MUNICIPAL STORMWATER PERMIT REQUIREMENTS

The federal Clean Water Act, as amended in 1987, requires that municipal separate storm sewer systems (MS4s) which collect stormwater runoff and discharge it to surface waters have municipal stormwater permit coverage. As the delegated authority by the US EPA, Ecology develops and administers municipal stormwater permits in Washington State.

Issuance of municipal stormwater permits has been divided into Phase I, which apply to municipalities with populations of more than 100,000 as of the 1990 US Census, and Phase II, which apply to smaller communities. Phase I and Phase II Municipal Stormwater Permits were last issued in January 2007. They were modified in 2009 to implement the outcomes of appeals to the PCHB decision, including the addition of some LID-related requirements, and are set to be reissued in August 2012.

POLLUTION CONTROL HEARINGS BOARD RULING

In August 2008 and February 2009, the PCHB ruled on appeals to the Phase I and Phase II Municipal Stormwater Permits, respectively. Among many conclusions, the PCHB ruled that the Phase I Municipal Stormwater Permit did not achieve the standards of “maximum extent practicable” (MEP) found in the Clean Water Act and “all known and reasonable treatment” (AKART) found in the Washington State Water Pollution Control Act. The Phase I Permit decision directed Ecology to modify the permit to require LID where feasible.

The PCHB Phase I Municipal Stormwater Permit ruling noted that permit provisions that only encouraged LID were insufficient to meet MEP and AKART standards. The Board ruled that the Phase I Municipal Stormwater Permit must be modified to require the use of LID where feasible. Because of this ruling, Phase I Municipal Stormwater permittees in Western Washington are expected to require new developments to implement LID where feasible.

In 2009, the Board ruled on the Western Washington Phase II Municipal Stormwater Permit. Due to varying technical and financial resources of Phase II Permit communities, the ruling concluded that rather than directing Ecology to modify the existing permit to require LID where feasible, Ecology should prepare Phase II Municipal Stormwater permittees for future permit requirements and permittees should:

“Identify barriers to implementation of LID and identify actions taken to remove those barriers, to establish goals regarding the future use of LID, and to require other specific actions on reasonable and flexible time frames, both during this permit cycle and in anticipation of future permits.”

For cities and counties in Western Washington covered by the municipal stormwater permits, the LID requirements and feasibility standards adopted must meet the minimum requirements outlined in the appropriate permit and referenced stormwater manuals. This guidebook provides the road map for reviewing codes and standards for compliance with the permit. The guidebook does not cover all of the requirements of the municipal stormwater permits which are found in the individual municipal stormwater permits. Cities and counties not covered by a municipal stormwater permit are encouraged to use this guidebook to amend their codes as well.

ECOLOGY LID STANDARDS

In 2009 and 2010, Ecology assembled two working groups of stakeholders to provide guidance for new municipal stormwater permit language that would respond to the directives in the PCHB decisions. Central to this endeavor were:

- Establishing applicability criteria;
- Establishing performance standards for LID techniques in combination with conventional stormwater management practices; and
- Establishing criteria for determining when LID is not feasible.

Ecology will reissue the Phase I and Western Washington Phase II Municipal Stormwater Permits in August 2012.

		City Notes (J Carter - Public Works)	
Questions Reviewed	Importance	Section	General Notes (consultant)
Site Planning and Assessment			
Stormwater treatment/flow control BMP/ facility locations	Infiltrating LID facilities should be constructed in soils that have good infiltration potential. Stormwater management facilities should be located along the natural drainage path to reduce	13.26.180	Incorporate 2012 Ecology Manual, Min. Requirement No. 5 (LID) to make it a requirement (currently encourages but not requires) Milton is scheduled to adopt the 2012 Stormwater Management Manual for Western Washington
Healthy Soils			
Protecting and Restoring Healthy Soil	Protecting soils during construction activities will preserve their ability to absorb and infiltrate and disperse stormwater runoff.	13.26.180	Adopts 2012 Manual which has Min Rqmt 5 encouraging use of amended soils and Min Rqmt 2 which suggests protecting LID related soils during construction (Element #13) Milton is scheduled to adopt the 2012 Stormwater Management Manual for Western Washington
Compost Amendments	Compost can be used to amend soil and provide additional nutrients that aid in the uptake of pollutants.	17.44.110(I)	Current code: Planting beds should be deep tilled to a depth of at least 12 inches. Soils shall be enhanced through the addition of the following materials: bark and forestry by-products, organic matter such as composted yard waste, organics and other amendments as needed through a soils test. We currently require enhancement of newly landscaped areas with compost and mulch. More specific soil additives could be added for additional capacity of the soil to take up water and overall health of the plants.
Compaction	The infiltration potential is reduced when soils are compacted, resulting in lower infiltration rates and increased runoff and erosion.	13.26.180	no mention, Adopts 2012 Manual which has Element 13 which protects LID related soils specifically during construction Is it realistic to expect contractors to use different equipment than they already use for purposes of reducing compaction? Rather than specify equipment it seems more realistic to encourage less compaction through other construction methods
Compaction	Can clearing, grading, and soil disturbance outside the building footprint be limited or restricted?		no mention We have recently implemented a new Clearing and Grading code. Could these be tied together? Could be a 'guideline', i.e. don't clear any more than you need.
Compaction	Consider requiring contractors to reestablish permeability of soils that have been compacted by construction vehicles.	13.26.180	Adopts 2012 Manual which has Element 13 which says to reinstate infiltration capacity of LID related soils during construction Milton is scheduled to adopt the 2012 Stormwater Management Manual for Western Washington
Landscaping, Native Vegetation, and Street Landscaping			
Tree Preservation	Are there regulatory controls over tree clearance and removal of mature trees/forest stands?	18.16.180, 18.16.185, 17.44.110(G)	private vs public. We have considered a tree ordinance in the past, but don't regulate residential. Developers have to replace significant trees. Should the tree policy be strengthened for LID or other reasons? Both deciduous and conifers are specified in the code as significant trees at a certain size. Do we want to place an emphasis on conifers?
Tree Preservation	Can the code be revised to place greater emphasis on preservation of conifers?	17.44.110(G)	mentions evergreens of 10' or more in height Somewhat included as full dispersion method in the Manual; With Min. Req. 5 in 2012 Manual, it will be more of a requirement to look at.
Tree Preservation	Can the code include strategies to orient retained vegetation and open space to disconnect impervious surfaces?	13.26.180	Milton is scheduled to adopt the 2012 Stormwater Management Manual for Western Washington

	Questions Reviewed	Importance	Section	General Notes (consultant)	City Notes (J. Carter - Public Works)
Screening	Can the screening requirements be revised to include provisions for retaining native vegetation or replanting?	Codes typically focus on screening in terms of aesthetics (reducing visual impacts), but screening can also emphasize native vegetation preservation or replanting, which can improve stormwater infiltration and dispersion.	17.38.070(Q)3, 17.44.110(i)	screening requirements outlined, no preference for native veg or LID components	Code revision says preferred. Without incentives or teeth this does very little
Screening	Can vegetation planted within LID facilities count towards site, parking, or perimeter screening requirements?	Vegetation preservation or replanting, which can improve stormwater infiltration and dispersion.	17.38.070(Q)3, 17.42.050(A)2, 17.42.050(B)2, 17.42.050(D)2, 17.42.050(E)2	vegetation allowed, but LID vegetation not explicitly allowed or encouraged	Code revision says preferred. Without incentives or teeth this does very little
Landscaping requirements for parking lots	Are minimum tree canopy or vegetation requirements specified for parking lots?	Trees can provide flow control by intercepting stormwater, reduce the heat island effect, and also results in a reduction in total impervious area.	17.15C.010, 17.44.110(D)	minimum vegetation % defined for parking lots, not canopy coverage; min 160 sqft for each planting island	The code specifies that 70% of parking lot trees be deciduous. Is this for aesthetics? LID emphasises conifers for their year round foliage.
Hard and Impervious Surfaces					
Maximum impervious surface allowances	Does the code include maximum impervious surface limits for different land use types?		17.15B.010, 18.16.100(B)	building coverage defined, not overall impervious coverage; 5,000 sq feet maximum for single family developments	Building coverage for residential N/A 5000 sq ft pertains to administrative exception??? Need input from planning
Maximum impervious surface allowances	Can the maximum impervious surface limits be reduced in residential areas?	High impervious surface allowances result in larger volumes of stormwater runoff.	17.15B.010, 18.16.100(B)	coverage of 5,000 sqft impervious on single family lots	Do we want to reduce the maximum impervious surface for private landowners? What if it was as a percentage of the lot?
Maximum impervious surface allowances	Can a portion of the impervious surface be designated as non-pollution generating impervious surface?		17.15B.010	no mention	Currently roofs are non-pollution generating impervious surfaces. Not sure what else could be, need more research
Shared driveways	Are shared (or common) driveways for multiple single-family dwellings, multi-family structures, and/or commercial development allowed?	Individual driveways account for a large portion of the total impervious area (up to 20%) in residential areas. Shared driveways can reduce overall lot impervious surface coverage.	PWS 4.21(B)2	A joint use driveway tract or easement may be used to serve a maximum of two parcels:	This is one for Roads, and Fire and Rescue
Shared driveways	Can the use of shared driveways (for up to 4 or 6 houses) be incorporated?		PWS 4.21(B)2	PWS only allows for 2 residential parcels	
Use of permeable pavement for driveways	Are alternative surfaces (other than conventional concrete or asphalt) allowed?	Permeable pavement is applicable to low-volume, low traffic surfaces, and allows for infiltration of stormwater	PWS 4.21(A)7	Unless otherwise approved by the Public Works Director, all driveways shall be constructed of asphalt concrete (2 inch min.) or Portland Concrete Cement Class 4000	But we are very open to allowing permeable pavements. Should code language reflect this?
Use of permeable pavement for driveways	Can the code be revised to include incentives for use of permeable pavement for driveways?		13.26.180	Adopting the 2012 Manual encourages LID; by doing so, if permeable pavement is used, there is less volume to be detained and therefore, less cost for detention	More of an incentive than reducing their impervious % and possibly paying less or having less impervious surface count toward thresholds. Possibly a discount?
Two-track driveway design	Is a two-track driveway design allowed?	Providing a pervious strip in a standard driveway design can reduce impervious surface	17.44.110(j)	One of the recommended LID guidelines	We already have some LID 'guidelines' in code. Need to review and see if they can go beyond just being guidelines. Things like this might be better as counting toward infiltration requirements rather than being required in itself.
Bulk and Dimensional Considerations					

Questions Reviewed		Importance	Section	General Notes (consultant)	City Notes (J Carter - Public Works)
Maximum square footage	Can code be revised to incentivize or encourage minimizing building footprints?	Large building footprints result in less available area for LID facilities and native vegetation/landscape retention.	13.26.180	Adopting the 2012 Manual encourages minimizing imperviousness	Milton is scheduled to adopt the 2012 Stormwater Management Manual for Western Washington, although I do not know if incentives are realistic.
Cleaning and Grading					
Protecting existing infiltration	Do clearing and grading regs include provisions for minimizing site disturbance and protecting native vegetation and soils?	Protecting existing infiltration rates will preserve natural hydrologic characteristics of the site	13.26.180	Adopts 2012 Manual which has Element 1 which includes protection of soils and native vegetation	Milton is scheduled to adopt the 2012 Stormwater Management Manual for Western Washington.
Conserving native vegetation/soils	Are developments required to set aside an undeveloped portion of the site?			no mention	Greenbelts/buffer zones that are undeveloped would be a good step
Conserving native vegetation/soils	Are there specific native vegetation retention standards based on land use and density?		18.16.180	required to preserve native growth protection areas within critical areas or buffers - unrelated to land use or density	Discussion? This seems like a tough one.
Conserving native vegetation/soils	Is there any incentive to developers or landowners to conserve land (open space design, density bonuses, stormwater credits, or lower property tax rates)?	Native vegetation and soils provide natural stormwater management and pollutant removal.	13.26.180	no mention	no. Need a discussion about INCENTIVES vs REGULATIONS. What kind of incentives would we use? Discounts? Mitigation?
Conserving native vegetation/soils	Does the native vegetation definition (or other code section) include minimum tree density, minimum retention requirements, protecting native vegetation areas, replanting requirements, soil amendment standards, management plan specifications, and maintenance requirements?			no mention	
Construction sequencing	Does the code include methods for effective construction sequencing to minimize site disturbance and soil compaction?		17.44.110(F), 13.26.180	References stormwater code which is based on Manual, 2012 Manual will address this in Vol. 2	Milton is scheduled to adopt the 2012 Stormwater Management Manual for Western Washington.
Construction sequencing	Do engineering and street standards outline construction sequencing and practices for protecting pervious areas and LID BMPs during construction?	Proper construction sequencing can minimize construction impacts on future LID facilities by reducing potential for soil erosion and compaction	PWS page 3-16, 13.26.180	Construction sequencing suggestions included - no specifics for protecting LID areas, but this is included in the Manual	Milton is scheduled to adopt the 2012 Stormwater Management Manual for Western Washington.
Construction sequencing	Can the code be revised to limit clearing to the building footprint and area needed for maneuvering machinery?		13.26.170(A)	all clearing/grading/fill activities are approved by PW director case-by-case, no explicit limit on clearing	if we want the builders to hate us. This is very similar to questions 47-49
Street and Roads					
Right-of-way (ROW) widths	Can alternate pedestrian networks (e.g. trails through common area) be substituted for sidewalks?	ROW width (and impervious surface coverage) can be	12.24.160(D)	no mention	Have done this in the past. Not sure it needs to be in code
Required turnaround area	Is the minimum street section necessary for safe access and emergency response being used?	Required turnaround radius or street width can conflict with minimizing impervious surfaces		Minimum street paved width is 26', minimum access paved width is 14' or 20' for fire access	I like a little extra, Discussion?

Questions Reviewed	Importance	Section	General Notes (consultant)	City Notes (J. Carter - Public Works)
Sidewalk widths	What is the minimum sidewalk width allowed?			
Sidewalk widths	Can sidewalk width requirements be reduced in areas where LID BMPs are present?	PWS Details	5' min not mentioned	Any interest in reducing this for LID structures....
Minimum cul-de-sac radius	What is the minimum cul-de-sac radius (35' optimal depending on emergency vehicle needs).	12.24.110	ROW radius =50', Paved radius = 40'	I like a little extra. Discussion?
Minimum cul-de-sac radius	Can a landscaped island be placed in the center of the cul-de-sac and used for stormwater flow control and treatment?	12.24.110	no mention of island	This seems reasonable. Need input from streets.
Alternatives to cul-de-sacs	Can hammerhead turnarounds or loop roads be used instead of standard cul-de-sacs?	12.24.110, PW Std Detail ST-12	no mention of alternatives	Need input from streets
Parking				
Permeable paving use	Can permeable pavement be used for parking areas, parking lanes, and/or parking spaces?	PWS 4.19, 13.26.180	Combination grass/paving systems are approved surface material types, however, their use requires submittal of an overall parking lot paving plan showing the limits of the grass/paving systems and a description of how the systems will be irrigated and maintained. If the Public Works Director determines the grass/paving system is not appropriate for the specific application, alternate approved surfacing materials shall be utilized. Adopting the 2012 Manual encourages LID.	We allow this for new development and consider it when calculating thresholds for run off and treatment. What does the code say about perm asphalt and concrete specifically?
Permeable paving use	Can permeable pavement be incentivized for spillover (infrequently used) parking areas?	13.26.180	Adopting the 2012 Manual encourages LID; by doing so, if permeable pavement is used, there is less volume to be detained and therefore, less cost for detention	Milton is scheduled to adopt the 2012 Stormwater Management Manual for Western Washington.
Design Guidelines and Standards				
Trees and bioretention	Are specific street tree species included in the design guidelines and standards?	PWS 4.28(E)3, 17.440.110(V)	Some specific trees excluded in PWS, specific trees stated for different areas of City	This is mostly aesthetic and maintenance driven. LID encourages conifers. Do they make good street trees?
Trees and bioretention	Can flexibility be incorporated to allow alternative tree species that are compatible with bioretention and can also meet similar street tree aesthetic requirements?		Specific trees in code are not specifically suited for bioretention, consider referencing LID design manual list of trees	

	Questions Reviewed	Importance	Section	General Notes (consultant)	City Notes (J Carter - Public Works)
Continuous curb requirements	Are conventional curbs and gutters required?	Continuous curb requirements do not allow flexibility in street design, making integration of roadside bioretention difficult.	12.24.160(D), PW Detail ST-35		
Continuous curb requirements	Can the curb and gutter requirement be eliminated or adjusted to allow the use of curb cuts or "invisible" curbs (flush with the road surface)?		12.24.160, PW Detail ST-35/36	no mention of invisible curb option	Yes, and I think we like it that way. ???
Stormwater Management and Maintenance					
Maintenance Provisions	Does the adopted stormwater manual outline maintenance standards and/or procedures	In order to maintain the benefits of LID facilities over time, clearly written maintenance standards and procedures need to be in place	13.26.020, 13.26.200(G), 13.26.240	Adopt new 2012 manual although 2005 manual has maint. Standards; references manual for standards	Milton is scheduled to adopt the 2012 Stormwater Management Manual for Western Washington.
Enforcement	Does the code include mechanisms to ensure reimbursement for any maintenance activities conducted?		13.26.290		If our guys have to come out and do the work then we bill the owner...correct?
Enforcement	Are public easements, maintenance covenants, or other legal agreements required?	Enforcement is necessary to proper construction procedures and long-term maintenance of LID BMPs.	13.26.200(K)	References Min. Req 11 for financial liability for performance standards	We always try to make sure we have access. Is it codified?
Enforcement	Are incentives (reduction in stormwater fees) provided for private property owners that meet their maintenance requirements?		13.26.090(F)	Previously provided detention system 75% or 25% credit; Apply to all now?	Not currently. Would like to have a modern credit system for LID BMPs with regular inspections.
Subdivision and Planned Unit Development (PUD)					
Individual open space requirements	Does a minimum percentage of open space have to be managed in natural condition?	Open space requirements typically specify a percentage of area that is required to be set aside in a subdivision. This can result in a reduction in the amount of impervious area within a development		no mention of open space preservation requirements	There is less and less open space as Milton grows...should we consider some type of open space ordinance. I am not familiar with how these work. Ask Brittany?
Individual open space requirements	Can the open space requirement be increased?				
Individual open space requirements	Are open space areas required to be consolidated into larger units?				
Passive vs. active (recreation) open space requirements	Are allowable and prohibited uses for open space defined?	playgrounds, ball fields, pools, and skate parks which involve large impervious or pollution-generating pervious areas. Passive recreation areas include undeveloped or minimally developed areas such as rustic picnic areas, benches, and trails. Integrating LID into subdivision codes can allow designers to count bioretention areas, dispersion areas, and other conserved open space toward passive open space requirements.	17.14.010/17.41.020	yes	
Passive vs. active (recreation) open space requirements	Can LID BMPs such as bioretention count towards passive open space requirements?		17.41.020	no mention	Possibly
Passive vs. active (recreation) open space requirements	Are native vegetation areas that integrate pervious passive recreation areas, stormwater dispersion facilities, and/or stormwater restoration projects allowed?			no mention	Possibly



Agenda Item #: 6.A.i

To: Mayor Perry and Planning Commission Members
From: Mark Howlett, P.E., Interim Public Works Director
Jamie Carter, Surface Water Compliance Inspector
Date: September 28, 2016
Re: Low Impact Development

ATTACHMENTS: See Item 5A

TYPE OF ACTION:

Information Discussion Action Public Hearing

Issue: State and federal requirement for the monitoring and controlling of stormwater runoff have become much more restrictive in recent years. These restrictions include the implementation of Low Impact Development (LID).

The use of LID strives to retain more natural hydrological functions of land and vegetation through changing old or incorporating new development standards.

The Washington State Department of Ecology, who issues our National Pollution Discharge Elimination System (NPDES) permit, has mandated that all permittees, such as the City of Milton, make Low Impact Development not just an option, but the preferred method to control stormwater on development sites. Most of these requirements fall on the Planning and Stormwater Utility, but the effect of this effort will be felt in every department and group at the City, including Municipal Operations, Enforcement, Building Official, Fire and anyone else who uses or interprets City Code.

The Washington State Department of Ecology has mandated that by December 31, 2016 we revise our code to make LID the preferred method of stormwater control.

A Public Hearing was held earlier to allow citizens the opportunity to express their opinions on this topic.



Agenda Item #: 6.A.ii

To: Mayor Perry and Planning Commission Members
From: Mark Howlett, P.E., Interim Public Works Director
Date: September 28, 2016
Re: Sign Code Update – Set Date for Workshop

ATTACHMENTS: None

TYPE OF ACTION:

Information Discussion Action Public Hearing Expenditure

Issue: The Commission has been working on this item for some time. At the Planning Commission meeting held on August 24, 2016 it was suggested that this item be brought back at this meeting to discuss the possibility of setting a date and time for a Commission Workshop to finalize the code modifications.

Commission members are encouraged to bring their marked-up copy of the code from the previous Planning Commission meetings to help in the discussion of this item.



Agenda Item #: 6.A.iii

To: Mayor Perry and Planning Commission Members
From: Mark Howlett, P.E., Interim Public Works Director
Date: September 28, 2016
Re: Nuisance Vehicle Code

ATTACHMENTS: Milton Municipal Code 9.53 – Nuisance Code
Milton Municipal Code Chapter 10 – Traffic Code
Excerpt from Puyallup City Code Regarding Vehicles

TYPE OF ACTION:

Information Discussion Action Public Hearing Expenditure

Issue: Earlier this year Officer Hobbs, the City's Code Enforcement Officer, presented information regarding nuisance vehicles and presented to the Commission some of the challenges he faces regarding code violations and the overall enforcement of nuisances, especially vehicles.

It was decided that this item should be revisited and the Commission should take a comprehensive review of the City's Nuisance Code with respect to vehicles and make a recommendation to City Council about proposed revisions to the Code.

Staff will present additional information providing more details at the meeting.

At this meeting the Commission will discuss potential revisions to the City Code to provide a mechanism for addressing the issue of nuisance vehicles.

Chapter 9.53 NUISANCE CODE

Sections:

- [9.53.010](#) Purpose.
- [9.53.020](#) Definitions.
- [9.53.030](#) Unlawful to permit or maintain nuisances.
- [9.53.040](#) Public nuisances enumerated.
- [9.53.060](#) Complaints and investigation.
- [9.53.070](#) Enforcement.
- [9.53.190](#) Additional enforcement procedures.

9.53.010 Purpose.

To create regulatory procedures to:

- A. Maintain and upgrade the enjoyment by the public of public property;
- B. Maintain and enhance the value of private property within the boundaries of the city of Milton; and
- C. Maintain the health, safety and security of the residents of the city of Milton. (Ord. 1675 § 1, 2006).

9.53.020 Definitions.

“Nuisance” means unlawfully doing an act, or omitting to perform a duty, which act or omission annoys, injures or endangers the comfort, repose, health or safety of others; offends decency; obstructs or tends to obstruct, or render dangerous for passage, any stream or waterway, or any public park, square, or commons, or street, alleyway, or right-of-way; or in any way renders persons insecure in life or in the use of property.

“Public nuisance” means a nuisance which occurs on public property or affects equally the rights of an entire community or neighborhood, although the extent of damage may be unequal. (Ord. 1675 § 1, 2006).

9.53.030 Unlawful to permit or maintain nuisances.

It is unlawful for any person, by himself or by his agents or employees, or as the agent or employee of another person, firm or corporation, to do or permit to be done upon any premises over which he has control, or maintain, carry on, suffer or allow any of the acts or things declared to be public nuisances by any chapter of the MMC; or to do or cause or permit or suffer to be done, or to maintain any act or thing which is detrimental or injurious to public health, or offensive to the senses, or contrary to public decency or morality. If the owner or

agent of any premises has actual or constructive knowledge of the maintenance on or in his premises of any public nuisance, as defined in any chapter or section of the MMC, he shall be deemed one of the persons in control of the premises. (Ord. 1675 § 1, 2006).

9.53.040 Public nuisances enumerated.

Public nuisances shall include, but not be limited to, the following:

A. Abandoned, used or unused, discarded or stored icebox, refrigerator, freezer or other containers having a door with a latch or lock that cannot be opened from the inside.

B. The improper storage or keeping of any explosives, chemical substances, mixtures or wastes as defined in the Toxic Substances Control Act, [15 U.S.C. Sections 2601 through 2692](#); hazardous substances, materials or wastes as defined under the Washington Model Toxics Control Act, Chapter [70.105D](#) RCW, that could reasonably be expected to be harmful or injurious to the public or children that are used, stored or kept on private property or at a construction site or any commercial property in an unlocked enclosure or in such a manner that it could reasonably be expected that children could access the same.

C. Any structure or building of any nature that is not regularly occupied or that may be abandoned that any person or child could enter and may not reasonably be expected to extricate themselves, or may reasonably be expected that they could be injured thereon.

D. The existence of any open or unsecure well, pit, shaft, storage tank, cistern or any similar situation that is not securely closed and made inaccessible to the general public or children.

E. Open excavations, ditches, trenches or swimming pools whereby an adult or child could reasonably be expected to injure themselves if such adult or child were to fall or slip into the same, other than designed and approved storm detention facilities, where such open excavation, ditch or trench remains open and exposed. Active construction that has ceased for a period of seven days or more, that has open excavations, ditches, or trenches that are not covered or secured, shall qualify as an attractive nuisance.

F. Machinery and equipment on a construction site or on a private lot which is accessible to a child and that may be potentially dangerous if children were to be playing on or about the same. Machinery and equipment includes all motorized construction equipment; electrical, gas-operated and air pressure tools and equipment and potentially dangerous hand tools left in such a condition where adequate precautions reasonably designed to prevent access by an adult or child such as fencing, warnings, red or orange warning tape, patrolling or monitoring of the immediate area in question are missing or not in place.

G. To place or allow to remain the carcass of any animal or any offal, filth, or similarly odorous substance in any place to the offense of others.

H. To throw or deposit any offal or other offensive matter, or the carcass of any dead animal, in or near any watercourse, stream, lake, pond, spring, or well, or in any manner to pollute the water of any such spring, stream, pond, lake, or well, to the injury of others.

I. Bodies of Water. Except for city-approved structures connected to storm drainage systems, to maintain any stagnant, pooled water in which mosquitoes, flies or other insects may multiply.

J. Offensive Smells. To use any building, or other place, in a manner that unreasonably produces obnoxious or offensive smells, and/or produces an odor that is dangerous to the health of individuals or of the public.

K. To maintain an unauthorized place:

1. Wherein any fighting between people or animals or birds shall be conducted; or
2. Wherein any intoxicating liquors are kept for unlawful use, sale or distribution; or
3. Where vagrants congregate.

L. Any violation of the City of Milton Municipal Code, ordinances or regulations.

M. Vegetation.

1. Overhanging limbs or branches that are less than eight feet above a public walkway or sidewalk, or less than 14 feet above a public street; or
2. Vegetation that obstructs or hinders the use of any public walkway, sidewalk, or street, or that obstructs or obscures the view of traffic or traffic control devices; or
3. Dead, decaying or diseased trees or branches that pose a fire hazard or a threat to human life or property; or
4. Grass, weeds, shrubs, bushes, refuse, trees or other types of plants or vegetation that is left growing in an unmaintained or uncontrolled manner or which is left in a pile or piles or scattered about on any property and becomes a fire hazard or a gathering place for rodents, skunks, wasps, or other animals, pests or insects; or

5. Noxious weeds, meaning a plant or plants that when established are highly destructive, competitive or difficult to control by cultural or chemical practices or that may be listed in the "Washington State Noxious Weeds List" established pursuant to Chapter [17.10](#) RCW, that are left growing uncontrolled or left growing where no action is taken to eliminate or eradicate the same, and as a result thereof, the noxious weeds have spread or are reasonably expected to spread to residential properties in the immediate vicinity.

N. Sidewalks.

1. Any protrusion, awning, sign or overhang that inhibits or obstructs use of a public walkway or sidewalk; or
2. Any object or damage that inhibits or obstructs the surface of a public walkway or sidewalk; or
3. Snow or ice not removed from a public sidewalk within a reasonable time; or
4. Accumulations of dirt or debris not removed from a public sidewalk.

O. Insect or Vermin Attractions. Creating or maintaining accumulations of matter, including foodstuffs, that harbors or is an attraction for the infestation of insects or vermin or failing to eliminate such infestations, or failing to eliminate intrusive insects such as tent caterpillars.

P. Garbage, Recyclables, and Compost.

1. Garbage not kept in a proper receptacle with a tight-fitting lid;
2. Recyclables not properly stored and regularly disposed of;
3. Compost not kept in a manner to prevent it from attracting infestations of insects or emitting foul odors.

Q. Construction Materials. Significant accumulations, stacks, or piles of building or construction materials not associated with a permitted, current in-progress project including metal, wood, wire, electrical or plumbing materials in disarray or exposed to the elements on the property.

R. Fire Hazards. Stacks or accumulations of newspapers, cardboard, or other paper, cloth, or wood products left in a manner that could pose a substantial risk of combustion or the spread of fire.

S. Furniture and Appliances. All broken or discarded household furniture, furnishings or equipment, or any appliances not in an approved enclosed structure.

T. Debris and Trash. Accumulations of broken or neglected items, litter, salvage materials, and junk not in an approved enclosed structure.

U. Damaged Structures. Walls, fences or other constructed objects that are decayed, damaged, or in disrepair to the extent that they pose a threat of collapse, structural failure, or falling.

V. Failure to Maintain Community Property. The failure to maintain open space, drainage systems, or any other community facilities as required by a development permit condition of approval or any covenants or deed restrictions required by a development permit. (Ord. 1675 § 1, 2006).

9.53.060 Complaints and investigation.

Enforcement of this chapter or any section of the MMC pursuant to this section shall be initiated upon the filing of a complaint and shall be investigated and enforced as required by Chapter [1.08](#) MMC. (Ord. 1675 § 1, 2006).

9.53.070 Enforcement.

In addition to serving as public nuisances subject to abatement, the prohibition of public nuisances in MMC 9.53.030 shall constitute minimum standards for the use or occupancy of any building, structure or premises. Violation of these minimum standards shall constitute a civil infraction as governed by Chapter [7.80](#) RCW and the Infraction Rules for Courts of Limited Jurisdiction, as now or hereafter amended. Each violation of MMC [9.53.030](#) shall be subject to a \$50.00 monetary penalty for the first violation in any year-long period (Class 3 civil infraction), a \$125.00 monetary penalty for a second violation (Class 2 civil infraction) and a \$250.00 monetary penalty for each violation (Class 3 civil violation) thereafter. Each day of violation shall constitute a separate violation. (Ord. 1675 § 1, 2006).

9.53.190 Additional enforcement procedures.

The provisions of this chapter are not exclusive, and may be used in addition to other enforcement provisions authorized by the Milton Municipal Code except as precluded by law. (Ord. 1675 § 1, 2006).

Title 10

VEHICLES AND TRAFFIC

Chapters:

- 10.04 Traffic Code**
- 10.08 Speed Limits**
- 10.12 Bicycles**
- 10.16 Street Closures**
- 10.20 *Repealed***
- 10.21 Junk Vehicles – Vehicle Storage**
- 10.24 No Parking Zones**
- 10.28 Load Limits**
- 10.36 Compression Brakes**
- 10.38 Fire Lanes**
- 10.42 Truck Route**

Chapter 10.04
TRAFFIC CODE¹

Sections:

- 10.04.010 Statutes adopted by reference.**
10.04.020 Repealed.
10.04.030 Disposition of fines and forfeitures.
10.04.040 Neglect of duty designated official misconduct.
10.04.050 Copies on file.
10.04.060 Repealed.
10.04.070 Repealed.
10.04.080 Repealed.

10.04.010 Statutes adopted by reference.

A. The readopted Washington Model Traffic Ordinance of the Washington Administrative Code in Chapter 308-330 WAC is adopted by reference, subject to the provisions set forth below in subsections B and C of this section, and all of the sections of the Revised Code of Washington that are adopted by reference in the Washington Model Traffic Ordinance are also adopted by reference as part of this chapter.

B. Pursuant to RCW 35.21.180 the following sections of the Model Traffic Ordinance, Chapter 308-220 WAC, are not adopted by reference as part of this chapter, as set forth in subsection A of this section, and are expressly excluded: 308-330-210, 308-330-215, 308-330-225, 308-330-230, 308-330-235, 308-330-240, 308-330-245, 308-330-250, 308-330-260, 308-330-265, 308-330-270, 308-330-275, 308-330-500, 308-330-505, 308-330-510, 308-330-515, 308-330-520, 308-330-525, 308-330-530, 308-330-535, 308-330-540, 308-330-730.

C. The following new statutory sections of the "1994 Omnibus Drunk Driving Act" are hereby adopted by reference as part of this chapter:

- Chapter 275, Laws of 1994, Section 4;
 Chapter 275, Laws of 1994, Section 5;

Chapter 275, Laws of 1994, Section 6;
 Chapter 275, Laws of 1994, Section 7;
 Chapter 275, Laws of 1994, Section 10;
 Chapter 275, Laws of 1994, Section 11;
 Chapter 275, Laws of 1994, Section 12;
 Chapter 275, Laws of 1994, Section 23;
 RCW 46.20.730 as amended by Section 23 of Chapter 275. (Ord. 1240 § 1, 1994; Ord. 996 §§ 1, 2, 1985; Ord. 854 § 1, 1980).

10.04.020 Violation – Penalty.

Repealed by Ord. 1240. (Ord. 854 § 2, 1980).

10.04.030 Disposition of fines and forfeitures.

All fines or forfeitures collected upon conviction or upon forfeiture of bail of any person charged with a violation of any of the provisions of this chapter shall be paid into the general fund of the city. (Ord. 854 § 3, 1980).

10.04.040 Neglect of duty designated official misconduct.

Failure, refusal, or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture of bail, either before or after a deposit in said general fund, to comply with the provisions of MMC 10.04.030 shall constitute misconduct in office and shall be grounds for removal therefrom, provided appropriate removal action is taken pursuant to state law relating to removal of public officials. (Ord. 854 § 4, 1980).

10.04.050 Copies on file.

Incident to the adoption of the MTO by reference by this chapter, copies of the text of the adopted MTO and of other adopted statutes shall be filed as required by RCW 35.21.180 for use and examination by the public. (Ord. 854 § 5, 1980).

10.04.060 Proof of insurance or financial responsibility required.

Repealed by Ord. 1240. (Ord. 1129 § 1, 1990).

1. Prior legislation: Ord. 540.

10.04.070

10.04.070 Penalty.

Repealed by Ord. 1240. (Ord. 1129 § 1, 1990).

10.04.080 Exceptions.

Repealed by Ord. 1240. (Ord. 1129 § 1, 1990).

Chapter 10.08

SPEED LIMITS

Sections:

- 10.08.010** Maximum speed designated.
- 10.08.020** Signposting responsibility.
- 10.08.030** Increase or decrease authorized when.
- 10.08.040** Violation – Penalty.
- 10.08.050** Speed limit for SR 99.
- 10.08.060** Milton Way – Penalty.
- 10.08.070** Yuma Street.

10.08.010 Maximum speed designated.

The maximum speed limit on all public thoroughfares, streets, roads, and alleys within the city shall be 25 miles per hour, unless decreased or increased pursuant to RCW 46.61.415. (Ord. 558 § 1, 1968).

10.08.020 Signposting responsibility.

The public works director and the police chief shall be responsible severally to ensure that proper and authorized maximum speed limit signs are prominently and properly displayed in accordance herewith. (Ord. 558 § 2, 1968).

10.08.030 Increase or decrease authorized when.

The speed limit set in MMC 10.08.010 for all public highways within the city may be increased or decreased by appropriate ordinance of the city council, but only after and on the basis of an engineering and traffic investigation as provided in RCW 46.61.415. (Ord. 558 § 3, 1968).

10.08.040 Violation – Penalty.

Any person, firm or corporation violating any provision of MMC 10.08.010 through 10.08.030 and/or any posted speed limit shall be guilty of a misdemeanor and upon conviction thereof shall be punishable as set forth in Chapter 1.08 MMC. (Ord. 558 § 5, 1968).

10.08.050 Speed limit for SR 99.

The speed limit along SR 99 between Mile Post 1.18 and Mile Post 6.15, within the city of Milton, shall be 45 miles per hour. (Ord. 1693 § 1, 2007; Ord. 582 §§ 1, 2, 1970).

10.08.060 Milton Way – Penalty.

A. The maximum speed of 35 miles per hour is established for Milton Way from the intersection of Milton Way with Porter Way south to the south city limits on Milton Way.

B. Any person who violates any provisions of this code shall be guilty of a misdemeanor and punishable as set forth in Chapter 1.08 MMC. (Ord. 599 §§ 1, 3, 1971).

10.08.070 Yuma Street.

The maximum speed of 25 miles per hour is established for Yuma Street. (Ord. 1502 § 1, 2002).

Chapter 10.12

BICYCLES

Sections:

10.12.010 Voluntary registration and safety check.

10.12.010 Voluntary registration and safety check.

The city council wishes the police department to continue to register bicycles and to check them for safety, but at no charge, and it is a voluntary process. (Ord. 809 § 3, 1980).

10.16.010

Chapter 10.16

STREET CLOSURES

Sections:

10.16.010 Crossing barricades with motor vehicle prohibited.

10.16.020 Violation a misdemeanor.

10.16.010 Crossing barricades with motor vehicle prohibited.

It is unlawful for any person to operate a motor vehicle on, over and across any street within the city closed temporarily by the installation of barricades and notices posted at the end of each closed portion of the street; provided, that the closure of each street shall only be for the duration necessary to protect the restoration of the streets. (Ord. 640 § 1, 1973).

10.16.020 Violation a misdemeanor.

Any person violating the provisions of this chapter shall be guilty of a misdemeanor. (Ord. 640 § 2, 1973).

Chapter 10.20

JUNK VEHICLES AS PUBLIC NUISANCES

(Repealed by Ord. 1503)

Chapter 10.21

JUNK VEHICLES – VEHICLE STORAGE¹

Sections:

Article I. Junk Vehicles

- 10.21.010 Declaration of junk vehicles as nuisance.
- 10.21.020 Definition of junk vehicle.
- 10.21.025 Definition of wrecked vehicle.
- 10.21.030 Certifications.
- 10.21.040 Junk vehicle violations.
- 10.21.050 Exceptions.
- 10.21.060 Notices required.
- 10.21.070 Abatement and removal.
- 10.21.080 Cost of abatement and removal.

Article II. Vehicle Storage

- 10.21.090 Definitions.
- 10.21.100 Storage of certain vehicles and components prohibited.
- 10.21.110 Exceptions.
- 10.21.120 Declaration of public nuisance.
- 10.21.130 Enforcement.
- 10.21.140 Third party liability.
- 10.21.150 Violation constitutes infraction.

Article I. Junk Vehicles

10.21.010 Declaration of junk vehicles as nuisance.

Junk motor vehicles in areas not zoned for storage of junk or scrap metal are hereby declared a public nuisance subject to abatement and removal. (Ord. 1420 § 1, 1999).

10.21.020 Definition of junk vehicle.

“Junk vehicle” means a motor vehicle as certified as meeting at least three of the following requirements:

- A. It is three years old or older;
- B. It is extensively damaged, such damage including but not limited to any of the following: a broken window or windshield, or missing wheels, tires, motor, or transmission;
- C. It is inoperable; and
- D. It has an approximate fair market value equal only to the approximate value of the scrap in it. (Ord. 1676 § 1, 2006; Ord. 1504 § 1, 2002; Ord. 1420 § 1, 1999).

10.21.025 Definition of wrecked vehicle.

“Wrecked vehicle” means a dismantled or inoperative vehicle or automobile hulk, or the remnants or remains of a motor vehicle which is inoperative and cannot be made mechanically operative without the addition of vital parts or mechanisms. (Ord. 1504 § 2, 2002).

10.21.030 Certifications.

The mayor, or designee, may inspect and certify that a vehicle meets the requirements of a junk vehicle. Such certification shall be in writing and shall record the make and vehicle identification number or license number of the vehicle, if available. The certifying individual shall describe in detail the factors supporting the determination that the vehicle meets the definition of a junk vehicle. (Ord. 1676 § 2, 2006; Ord. 1420 § 1, 1999).

10.21.040 Junk vehicle violations.

It shall be unlawful to park, store or abandon vehicles on private property, subject only to the exceptions provided in MMC 10.21.050. Such violation shall be deemed a nuisance subject to abatement. (Ord. 1420 § 1, 1999).

10.21.050 Exceptions.

The provisions of this chapter relating to junk vehicles shall not apply to a vehicle or part thereof which:

- A. Is not visible from the street or other public or private property; or
- B. Is stored or parked in a lawful manner on fenced private property in connection with the business of a licensed hulk hauler, tow truck operator, dismantler, repair facility, or motor vehicle dealer and is fenced. (Ord. 1420 § 1, 1999).

1. Prior legislation: Ord. 815.

10.21.060

10.21.060 Notices required.

The last registered owner of the junk vehicle and the property owner of record shall each be given a notice and order pursuant to this chapter. Each shall have the right of appeal as provided by this chapter. The notice and order need not be provided to the last registered owner of the vehicle if the vehicle is in such condition that the identification numbers cannot be readily determined or if the owner of the land has prevented access to the vehicle. (Ord. 1420 § 1, 1999).

10.21.070 Abatement and removal.

After the notice and order becomes final, the junk vehicle or vehicles shall be removed by a licensed tow truck operator or hulk hauler and the mayor or designee shall give notice to the Washington State Department of Licensing. (Ord. 1420 § 1, 1999).

10.21.080 Cost of abatement and removal.

The costs of abatement and removal may be assessed against the last registered owner as in the case of abandoned motor vehicles pursuant to state law, unless the owner in the transfer of ownership of the vehicle has complied with RCW 46.12.101 or the costs can be assessed against the owner of property on which the vehicle is stored. The costs of abatement and removal, any civil penalties assessed, and costs incurred by the city may also be imposed and be enforced as provided by law, and pursuant to MMC 10.21.130. (Ord. 1420 § 1, 1999).

Article II. Vehicle Storage

10.21.090 Definitions.

The definitions set forth herein and in other ordinances of the city, as presently existing or as may be hereafter developed or subsequently amended, shall apply to this chapter and, in addition, the following definitions shall apply:

A. "Owner" means any person owning property, as shown on the real property records of Pierce County or on the last assessment roll for taxes, and shall also mean any lessee, tenant or other person having control or possession of the property.

B. "Property" means land and any buildings or structures located thereon.

C. "Recreation vehicle" means a camping trailer, travel trailer, motor home, truck camper, and any similar vehicular-type units primarily designed as temporary living quarters for recreational, camping or travel use, with or without motor power, being of such size and weight as to be operable over highways without requirement of a special highway movement permit. (Ord. 1420 § 1, 1999).

10.21.100 Storage of certain vehicles and components prohibited.

No person owning, leasing, renting, occupying, being in possession or having charge of any property in the city, including vacant lots, shall retain or store, except as may be permitted by any other city ordinance, any of the following:

A. One or more junked vehicles;

B. Body parts, engines or drive-train parts, or any other parts, assemblies or components of automobiles and other motor vehicles;

C. Any recreational vehicle, boat or trailer which causes a safety hazard;

D. Any pickup truck, camper or canopy (not mounted on a pickup truck) which causes a safety hazard. (Ord. 1504 § 3, 2002; Ord. 1420 § 1, 1999).

10.21.110 Exceptions.

The prohibitions of this chapter shall not apply to the following:

A. A vehicle, recreational vehicle, boat, trailer, or component thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property;

B. A vehicle, recreational vehicle, boat, trailer, or component thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer, and is fenced according to applicable state law; or

C. A vehicle having historic or antique value when such vehicles are stored in a permanent enclosed structure. (Ord. 1504 § 4, 2002; Ord. 1420 § 1, 1999).

10.21.120 Declaration of public nuisance.

The retaining or storage of any vehicle or component in violation of MMC 10.21.100, and not within the exception of MMC 10.21.110, is hereby declared to be a public nuisance and shall be abated by removal. (Ord. 1420 § 1, 1999).

10.21.130 Enforcement.

The provisions of this chapter shall be enforced pursuant to this chapter, as it presently exists or as it may subsequently be amended, and as allowed by law; provided, that the following additional provisions shall be followed:

A. The person(s) designated by the mayor with duties of enforcement of this chapter shall give notice to the last registered owner of record of the vehicle and to the property owner of record that a hearing may be requested but that, if no hearing is requested, the vehicle will be removed and impounded;

B. If a request for a hearing is received, the city shall provide a written notice giving the time, location and date of a hearing on the question of abatement and removal of the vehicle, or part thereof, as a public nuisance, which notice shall be mailed, by certified mail with return receipt requested to the owner of the property as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership;

C. The owner of the property on which the vehicle, recreational vehicle, boat, trailer, or component thereof, is located may appear in person at the hearing or present a written statement on time for consideration at the hearing, and deny responsibility for the presence of the vehicle or item on the property, with his or her reasons for the denial and, if it is determined at the hearing that the vehicle or item was placed on the land without the consent of the owner, and that the owner has not subsequently acquiesced in its presence, that the city hearing examiner shall not assess costs of administration or removal against the property upon which the vehicle or item is located;

D. After notice has been given of the intent of the city to dispose of the vehicle and, after a hearing, if requested, the vehicle shall be removed at the request of a law enforcement officer with notice to the Washington State Patrol and to the Department of Licensing that the vehicle has been wrecked; and

E. In addition to the enforcement provisions above, any person who violates this chapter shall be guilty of a misdemeanor and punishable as set forth in Chapter 1.08 MMC. (Ord. 1504 § 5, 2002; Ord. 1420 § 1, 1999).

10.21.140 Third party liability.

A. It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

B. It is the specific intent of this chapter to place the obligation of complying with its requirements upon the property owner or owners and no provision nor term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers and employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

C. Nothing contained in this chapter is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from the failure of a property owner to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this chapter, or by reason of any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees, or agents. (Ord. 1420 § 1, 1999).

10.21.150

10.21.150 Violation constitutes infraction.

Any violation of MMC 10.21.040 or 10.21.100 shall constitute a civil infraction, subject to the terms and penalties applicable to public nuisances under MMC 9.52.070. (Ord. 1676 § 3, 2006).

Chapter 10.24

NO PARKING ZONES

Sections:

- 10.24.005 Definitions.**
- 10.24.010 Highway 99.**
- 10.24.020 Milton Way – Business district (B) zone.**
- 10.24.030 Extended parking and certain vehicles prohibited.**
- 10.24.080 Model Traffic Ordinance superseded.**
- 10.24.090 Erasing chalk marks.**
- 10.24.110 Penalties.**
- 10.24.120 Impoundment.**
- 10.24.130 Additional enforcement procedures.**

10.24.005 Definitions.

For the purpose of this chapter:

A. "Person" means and includes any individual, firm, copartnership, or corporation.

B. "Street" means any public street, avenue, road, boulevard, highway or other public place located in the city and established for the use of vehicles.

C. "To park (or stand) a vehicle" means there is a prima facie presumption that the registered owner of a violator vehicle was the person who parked such vehicle.

D. "Recreational vehicle" means an enclosed piece of equipment dually used as both a vehicle, a temporary travel home or a full-time home.

E. "Truck" means any of various motor vehicles with a weight capacity in excess of 10,000 pounds, or exceeding seven and one-half feet in width, or exceeding 20 feet in length, designed for carrying or pulling loads, or truck-trailer combinations, including without limitation those commonly known as "semi-trucks."

F. "Vehicle" means every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including bicycles, boats, recreational vehicles and trailers. The term does not include devices other than bicycles moved by

human or animal power or used exclusively upon stationary rails or tracks. (Ord. 1683 § 1, 2006).

10.24.010 Highway 99.

It is unlawful for any person to stop, stand or park any vehicle on the highway right-of-way of that section of Pacific Highway 99 that lies within the corporate limits of the city. (Ord. 1683 § 1, 2006; Ord. 1469 § 1, 2001; Ord. 927 §§ 1, 2, 1983).

10.24.020 Milton Way – Business district (B) zone.

It is unlawful for any person to park any vehicle on the arterial right-of-way, except emergency parking, of Milton Way that is zoned (B) business district or mixed use town center (MX) as defined in Chapters 17.28 and 17.30 MMC and the current city of Milton zoning map. (Ord. 1683 § 1, 2006; Ord. 1469 § 2, 2001).

10.24.030 Extended parking and certain vehicles prohibited.

A. It is unlawful to park a qualified vehicle upon the rights-of-way of the city for more than 72 hours in any 80-hour period, even if the vehicle is moved from one portion of any right-of-way to another.

B. This section shall only apply to vehicles in which the registered owner and/or person responsible for parking has received actual notice of the parking requirements of this section. Actual notice shall include, but not be limited to, the following:

1. Actual receipt of a copy of this section or infraction for a prior violation of this section;

2. A mailed copy of this section to the address of the registered owner (provided, that three days have elapsed since mailing); or

3. Affixing a copy of this section to the windshield of the offending vehicle.

C. "Qualified vehicles," for purposes of this section, means a large vehicle, a recreational vehicle or a trailer. A large vehicle is a vehicle over 10,000 pounds in weight. A trailer includes a boat trailer, camping trailer, house trailer, utility trailer, or any other vehicle or

conveyance designed to be connected to or drawn by a motor vehicle or dray animal. (Ord. 1683 § 1, 2006).

10.24.080 Model Traffic Ordinance superseded.

The requirements of this section supersede any conflicting provisions in the Model Traffic Ordinance, as adopted by MMC 10.04.010, as now or hereafter amended. (Ord. 1683 § 1, 2006).

10.24.090 Erasing chalk marks.

It is a traffic infraction to remove time marks for purposes of evading parking enforcement. "Time marks" are chalk marks on tires or other means by which parking enforcement officials keep track of parking time. (Ord. 1683 § 1, 2006).

10.24.110 Penalties.

Any person who violates the provisions of this chapter shall be guilty of a traffic infraction and subject to penalties under RCW 46.63.110. (Ord. 1683 § 1, 2006; Ord. 1469 § 3, 2001. Formerly 10.24.030).

10.24.120 Impoundment.

Vehicles located on city rights-of-way or other city-owned property parked in violation of this chapter or any other city-enforced parking restriction shall be subject to impoundment under the procedures applicable to unauthorized vehicles in highway rights-of-way as regulated by RCW 46.55.085, as now or hereafter amended. (Ord. 1683 § 1, 2006).

10.24.130 Additional enforcement procedures.

The provisions of this chapter are not exclusive, and may be used in addition to other enforcement provisions authorized by the Milton Municipal Code except as precluded by law. (Ord. 1683 § 1, 2006).

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Chapter 10.28

LOAD LIMITS

Sections:

10.28.010 Fixing limits authorized.

10.28.020 Signposting.

10.28.010 Fixing limits authorized.

The director of public works is authorized and directed to fix load limits on the various streets of the city. In fixing such load limits he shall take into consideration weather conditions, traffic, and the type and quality of street surfacing, ballast and dimensions. (Ord. 489 § 1, 1964).

10.28.020 Signposting.

The load limits shall become effective upon posting of signs. (Ord. 489 § 2, 1964).

Chapter 10.36

COMPRESSION BRAKES

Sections:

10.36.010 Definitions.

10.36.020 Use within corporate limits a nuisance.

10.36.030 Use within corporate limits prohibited.

10.36.010 Definitions.

As used in this chapter:

A. "Brake" means any device used for slowing, halting, or stopping the movement of any motor vehicle.

B. "Motor vehicle" means and includes every self-propelled device capable of being moved upon a public highway and in, upon, or by which any persons or property, is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks, and including automobiles, tractors, trucks, trailers and transportation equipment of all kinds and sizes or any combination or combinations of the same. (Ord. 992, 1985).

10.36.020 Use within corporate limits a nuisance.

A. The city council does hereby find that the use within the corporate limits of motor vehicle brakes which are activated or worked by the compression of the engine of a motor vehicle disturbs and disrupts the public peace and quiet and disturbs the residents of the city in their rest and in the enjoyment of their property and by reason thereof the use of such compression brakes within the corporate limits is a public nuisance.

B. The following shall be exempt from the provisions of subsection A above:

1. Operation of compression brakes on public safety vehicles, including fire department vehicles;

2. Operation of compression brakes in an emergency when necessary for the protection of persons and/or property. (Ord. 1235 § 1, 1994; Ord. 992, 1985).

10.36.030

10.36.030 Use within corporate limits prohibited.

The use within the corporate limits of any motor vehicle brakes which are in any way activated or operated by the compression of the engine of any such motor vehicle or of any unit or part thereof is prohibited. (Ord. 992, 1985).

Chapter 10.38

FIRE LANES

Sections:

- 10.38.010 Fire lanes – Establishment, marking, maintaining.**
- 10.38.020 Violations and enforcement.**
- 10.38.030 Effectiveness.**
- 10.38.040 Criminal offense to deface, damage, remove or possess fire lane sign.**

10.38.010 Fire lanes – Establishment, marking, maintaining.

A. Fire Lanes – Establishment. Fire lanes shall be established pursuant to the adopted Uniform Fire Code by the designated official, such as the city fire marshal.

B. Marking of Fire Lanes. All designated fire lanes shall be clearly marked by the property owner/tenant as prescribed by the fire marshal/designee, which marking may include the painting of curbs or striping of rolled curbs or fire lane surfaces without curbs.

C. Fire Lane Signs. The fire marshal/designee shall require that the owners of properties with designated fire lanes mark the fire lanes with signs as set forth below.

1. Fire lane signs shall be installed per the illustration:



Sign width = 12"
Sign height = 18"

Letter size – per
approval of
fire marshal

- a. Reflective in nature;
- b. Red letters on white background;
- c. Signs shall be spaced 50 feet to 75 feet apart as determined by the fire marshal/designee. The fire marshal may make exceptions when necessary to address unique fire lane location, e.g., curves, corners may require more closely spaced posting. Signs

shall be posted on or immediately adjacent to the curb or fire lane border;

d. Tops of signs shall be not less than four feet nor more than six feet from the ground;

e. Signs may be placed on a building when approved by the fire marshal as an alternative to posting.

When posts are required they shall be a minimum of two-inch galvanized steel or four-inch by four-inch pressure treated wood or, any alternative approved by the fire marshal. Signs shall be placed so they face the direction of the vehicular travel.

D. Maintenance of Fire Lane Signs and Markings. The owner or tenant of property with any designated fire lane shall maintain any fire lane as required by the fire marshal/designee for the purpose of keeping the fire lane clearly marked, posted with signs, and free from obstructions. Such marking, posting, and maintenance shall be at the owner's/tenant's expense.

E. Alternate Materials and Methods. The fire marshal/designee may modify any of the marking and sign provisions herein where practical difficulties exist or an acceptable alternative is available; provided, that the fire marshal shall not have the authority to waive the requirement of posting a sign or the contents of any sign. The particulars of a modification shall be granted in writing by the fire marshal and shall be entered into the records of that office. (Ord. 1311 § 1, 1996).

10.38.020 Violations and enforcement.

A. Obstruction of Fire Lanes Prohibited. The obstruction of a designated fire lane by a parked vehicle or any other object is prohibited, and shall constitute a traffic hazard as defined in state law and an immediate hazard to life and property.

B. Enforcement by Towing. The police department shall have the discretion to have any vehicle (including licensed trailers) obstructing a fire lane towed at the owner's expense. The registered owner of the vehicle shall be notified by the towing company at his/her registered address.

C. Property Owner Responsible. The owner, manager, or person in charge of any property upon which designated fire lanes have been established shall prevent the parking of vehicles or placement of other obstructions in such fire lanes.

D. Violation – Civil Infraction. Any person who fails to mark or maintain the marking of a designated fire lane as prescribed in this chapter, or who parks a vehicle in (including a licensed trailer), allows the parking of a vehicle in, obstructs, or allows the obstruction of a designated fire lane commits a civil infraction to which the provisions of Chapter 7.80 RCW and the "Infraction Rules for Courts of Limited Jurisdiction" (IRLJ) shall apply. The penalty for failing to mark or maintain the marking or signage of a designated fire lane shall be \$76.00 per each day of infraction. The penalty for parking a vehicle in, allowing the parking of a vehicle in, obstructing, or allowing the obstruction of a designated fire lane shall be \$76.00 per each day of infraction.

E. School Bus Exception. School buses using a fire lane on official school business, such as transporting students to/from school, shall be excepted from the parking/obstructing provisions of this section; provided, that the school bus is attended by a driver while occupying a fire lane and that the driver promptly moves the vehicle at the request of the police or fire departments or the school's designated authority.

F. Enforcement by Police Department. The police department is authorized to take such lawful action, including the writing and issuance of citations for civil infractions, as may be required to enforce the provisions of this section. (Ord. 1589 § 2, 2003; Ord. 1311 § 2, 1996).

10.38.030 Effectiveness.

The fire marshal shall give written notice to the owners or tenants or representatives of the owners of properties with designated fire lanes within 14 days of the effective date of the ordinance codified in this chapter that they shall comply with the requirements of this chapter as it applies to their property within 30 days of the notice from the fire marshal. Own-

10.38.040

ers or tenants or representatives of owners of properties designated with fire lanes after passage of the ordinance codified in this chapter shall comply with the requirements of this chapter as it applies to their property within 30 days of notice from the fire marshal. (Ord. 1311 § 3, 1996).

10.38.040 Criminal offense to deface, damage, remove or possess fire lane sign.

It shall be a misdemeanor for any person, without lawful authority, to intentionally or with reckless disregard deface, damage, remove or possess any fire lane sign or sign post installed pursuant to MMC 10.38.010. Any violation of this section, upon conviction, shall be punished by imprisonment for a maximum term fixed by the court of not more than 90 days, or by a fine in an amount not more than \$1,000, or by both such imprisonment and fine. (Ord. 1311 § 4, 1996).

Chapter 10.42

TRUCK ROUTE

Sections:

- 10.42.010 Truck route.
- 10.42.020 Sign requirements.
- 10.42.030 Civil infraction – Penalty.
- 10.42.040 Exceptions.
- 10.42.050 Additional restriction authority.

10.42.010 Truck route.

The city council hereby designates Milton Way as the official through street for trucks passing through the city of Milton from its westerly terminus at 20th Street East to its easterly terminus at Meridian Street East (SR-161). A copy of said truck route is attached to the ordinance codified in this chapter as Exhibit A*. (Ord. 1424 § 1, 1999).

*This ordinance may be found on file at the city clerk's office.

10.42.020 Sign requirements.

The public works department may post restricted streets with a sign containing the following language:

NO THROUGH TRUCKS OR
VEHICLES ABOVE 10,000 LBS
(GVW) – VIOLATORS SUBJECT
TO FINE – ORDINANCE NO. 1424.

(Ord. 1424 § 2, 1999).

10.42.030 Civil infraction – Penalty.

Operators of vehicles in violation of MMC 10.42.010 or 10.42.050 shall be subject to issuance of a civil infraction citation by the police department pursuant to this section and RCW 46.61.050 and the "Infraction Rules for Courts of Limited Jurisdiction" (IRLJ), which infraction shall be a fine in the amount of \$35.00 for each violation. (Ord. 1424 § 3, 1999).

10.42.040 Exceptions.

The restrictions imposed pursuant to MMC 10.42.010 shall not apply to the following vehicles:

A. School buses, transit buses, or solid waste disposal or recycle vehicles on authorized routes within the city;

B. Trucks or other vehicles making deliveries or providing services to residential premises within a designated street section;

C. Trucks or other vehicles licensed to the owner/occupant of any residential premises within a designated street section;

D. Emergency vehicles. (Ord. 1424 § 4, 1999).

10.42.050 Additional restriction authority.

This chapter shall not restrict the authority of the public works director or designee to prohibit for a limited period of time the operation of trucks or other motor vehicles over a specified gross vehicle weight rating from use of designated city streets or sections thereof. Such temporary restrictions must be based upon a written determination that the restriction(s) are necessary to prevent any public highway, street or thoroughfare from being seriously damaged or destroyed unless the operation of vehicles thereon are prohibited or restricted or the permissible weights are reduced. (Ord. 1424 § 5, 1999).

truck signs

paper presented
by officer Hobbs at

Feb 27 2016

Plan. Comm. Retreat

City of Puyallup

10.36.110 Extended parking and certain vehicles prohibited.  [SHARE](#)

It is unlawful to park upon the public streets of the city for more than 72 consecutive hours any vehicle or motor vehicle. In addition, no person shall park a vehicle on any street or alley, except in an industrial zone, as defined in the zoning code of the city at any time except while actually loading or unloading if the vehicle is a truck and/or trailer or other conveyance which is over 84 inches wide. For the purposes of this section, "vehicle" means and includes every device capable of being moved upon a public highway and in, upon or by which any persons or property is or may be transported or drawn upon a public highway, and the term "motor vehicle" means every vehicle which is self-propelled. (Ord. 2119 § 1, 1987; Ord. 2048 § 1, 1985; Ord. 1953 § 1, 1982)

City of Milton

~~all cars off street a night~~

10.24.030 Extended parking and certain vehicles prohibited.  [SHARE](#)    ...

A. It is unlawful to park a qualified vehicle upon the rights-of-way of the city for more than 72 hours in any 80-hour period, even if the vehicle is moved from one portion of any right-of-way to another.

B. This section shall only apply to vehicles in which the registered owner and/or person responsible for parking has received actual notice of the parking requirements of this section. Actual notice shall include, but not be limited to, the following:

1. Actual receipt of a copy of this section or infraction for a prior violation of this section;
2. A mailed copy of this section to the address of the registered owner (provided, that three days have elapsed since mailing); or
3. Affixing a copy of this section to the windshield of the offending vehicle.

 C. "Qualified vehicles," for purposes of this section, means a large vehicle, a recreational vehicle or a trailer. A large vehicle is a vehicle over 10,000 pounds in weight. A trailer includes a boat trailer, camping trailer, house trailer, utility trailer, or any other vehicle or conveyance designed to be connected to or drawn by a motor vehicle or dray animal. (Ord. 1683 § 1, 2006).

consider the time
limit
consider changing "definition"
of Qualified Veh.

10.36.110 Extended parking and certain vehicles prohibited.  SHARE  SHARE

It is unlawful to park upon the public streets of the city for more than 72 consecutive hours any vehicle or motor vehicle. In addition, no person shall park a vehicle on any street or alley, except in an industrial zone, as defined in the zoning code of the city at any time except while actually loading or unloading if the vehicle is a truck and/or trailer or other conveyance which is over 84 inches wide. For the purposes of this section, "vehicle" means and includes every device capable of being moved upon a public highway and in, upon or by which any persons or property is or may be transported or drawn upon a public highway, and the term "motor vehicle" means every vehicle which is self-propelled. (Ord. 2119 § 1, 1987; Ord. 2048 § 1, 1985; Ord. 1953 § 1, 1982).

10.36.120 Chain parking unlawful.  SHARE  SHARE

It shall be an infraction for any person to move and repark a vehicle parked on the street within two blocks of the original parkingspace in order to avoid a parking time limit regulation. It shall be an infraction for any person to move and repark a vehicle parked in a parking lot to another space within the same parking lot in order to avoid a parking time regulation. For the purposes of this section, a block shall be defined as a city street or alley section located between consecutive intersections. A violation of this section shall be an infraction punishable by a fine of \$50.00. In the event that the initial fine is not paid within 30 days of the date of issuance of the infraction, the fine shall increase to \$90.00. (Ord. 2700 § 1, 2001; Ord. 2281 § 1, 1991).

10.36.130 Expired or improper license plates – Parking prohibited.  SHARE  SHARE

No person shall stop, stand or park any vehicle on any street or alley, or in any garage, parking area or other property owned by the city, without first having displayed current and proper vehicle license plates thereon as provided in Chapter [46.16](#) RCW. The vehicle license plates shall be attached conspicuously in the manner required by RCW [46.16.240](#). (Ord. 2700 § 2, 2001).

10.36.140 Stopping, standing and parking – Violations – Penalty.  SHARE  SHARE

Unless otherwise provided, a violation of any of the provisions of this chapter shall be an infraction punishable by a fine of \$35.00. In the event that a person fails to respond to a notice of a violation issued pursuant to this chapter or fails to pay a fine imposed pursuant to this chapter within 30 days of the date of issuance of the infraction or imposition of the fine, a \$25.00 penalty shall be added to the initial fine. (Ord. 3005 § 1, 2012; Ord. 2990 § 1, 2011; Ord. 2700 § 3, 2001).



Agenda Item #: 6.A.iv

To: Mayor Perry and Planning Commission Members
From: Mark Howlett, P.E., Interim Public Works Director
Date: September 28, 2016
Re: Commission Bylaws and Procedures

ATTACHMENTS: Planning Commission Bylaws
Bylaws Comparison Chart

TYPE OF ACTION:

Information Discussion Action Public Hearing Expenditure

Issue: This item was discussed at previous Commission meetings. Modifications were proposed and it was decided to continue the discussion at a future Commission meeting.

Commission members are encouraged to bring their marked-up version of the Bylaws from the previous meetings. Copies of these mark-ups will be available at the meeting.

CITY OF MILTON

BY-LAWS OF THE MILTON PLANNING COMMISSION

These rules and regulations, adopted by the Milton Planning Commission are pursuant to the authority of Chapter 2.56 of the Milton Municipal Code, that establishes a Planning Commission and prescribes its duties, authority, procedures and fixes the terms of office thereof, all pursuant to the authority conferred by all applicable RCW and WAC with specific emphasis on RCW 35.63.

ARTICLE I

Name

The official name shall be the Milton Planning Commission.

ARTICLE II

Objective

The object of the Planning Commission shall be to perform each and all of the duties specified in the Milton Municipal Code, (MMC), Chapter 2.56 and all applicable RCW and WAC with specific emphasis on RCW 35.63.

ARTICLE III

Members

- Section 1. The Planning Commission shall consist of the specified number of members as prescribed by Chapter 2.56 of the MMC, who shall be appointed by the Mayor and confirmed by the Council. Members shall serve without compensation.
- Section 2. The term of office of the said members shall be six (6) years. The terms of all of the appointed members shall be fixed and designated by the Mayor at the time of such appointment. Members terms shall be staggered to provide continuity.
- Section 3. Vacancies occurring otherwise than through the expiration of the terms shall be filled for the unexpired term.
- Section 4. Removal of members shall be as provided for in the Milton Municipal Code and the Commission may recommend to the Mayor and Council that any member be removed from the Commission and a new member be appointed by the Mayor if such member has missed more than three (3)

consecutive regular meetings without satisfactory reason to the Commission and the Council.

ARTICLE IV
Officers

- Section 1. The officers of the Commission shall consist of a Chairman, and Vice-Chairman and such other officers as from time to time the Commission may by a majority vote determine necessary, all of whom shall be members of the Commission.
- Section 2. Officers of the Commission shall be elected at the first regular meeting of the Commission held after the first day of December of each year or at subsequent meeting the date of which shall be fixed by the Commission at such regular meeting.
- Section 3. The officers shall hold office for one (1) year and until the newly elected officers take office. In case of any vacancy in office, the unexpired term of such officer shall be filled by an election at the first regular meeting after the occurrence of such vacancy.
- Section 4. The Chairman shall preside over the meetings of the Commission and exercise all the powers usually incident to the office, retaining, however, to himself as a member of the Commission, the full right to have his own vote recorded in all deliberations of the Commission. All Commission correspondence shall be signed in his/her name or on her/his behalf. She/He shall appoint and be ex-officio member of all the committees.
- Section 5. The Vice-Chairman shall, in the absence of the Chairman from any meeting, perform all the duties incumbent upon the Chairman. The Chairman and Vice-Chairman both being absent, the members present may elect for the meeting a temporary Chairman who shall have full powers of the Chairman during the absence of the chairman and the Vice-Chairman.
- Section 6. Neither the Commission, nor any committee or officer acting for it shall have the power to incur an indebtedness to be personally chargeable against the several individual members of the Commission, nor shall any obligation or liability assumed or chargeable against the Milton Planning Commission while the Commission or members are in the performance of their public duties hereunder, be chargeable against any individual member thereof.

ARTICLE V
Meetings

- Section 1. The official seat of the Commission shall be in Milton City Hall and meetings shall be held there at least once a month for nine (9) months except on such occasions and at such times as the Commission may by a majority vote otherwise direct. Special meetings may be called by the Chairman or Vice-Chairman or by the Chairman upon the request of three (3) members of the Commission.
- Section 2. The sessions of the Commission shall be open to the public, except as provided under the Open Meetings Act.
- Section 3. At any session at which the public is excluded the Commission cannot take any actions.
- Section 4. Notice by posting and otherwise as required by law of the time and place of every special meeting and every regular meeting set for a time and place different than ordinarily scheduled shall be given to the Commission members and the public at least 48 hours before the time of such meeting. No matter may be considered at any special meeting unless included in the notice calling such meeting.
- Section 5. A majority of the members of the Planning Commission shall constitute a quorum for the transaction of business. Any action taken by a majority of those present when those present constitute a quorum, at any regular or special meeting of the Planning Commission shall be deemed and taken as the action of the Commission.
- Section 6. Every official act taken by the Commission shall be by motion adopted by an affirmative vote of a majority of the quorum or members if more members are present than required for a quorum. In the event that a member fails to vote, this is to be registered as a negative vote. If a member recuses himself, no vote is recorded.

ARTICLE VI
Committees

The Commission shall have full power, from time to time, to create standing or temporary committees of one or not more than three members. These committees may be charged with such duties of examination, investigation and inquiry relative to some one or more subjects of interest of the Commission with the exception of subjects that are quasi judicial in nature, as it may be motion determined. No standing or temporary committee shall have the power to commit the Commission to the endorsements of any plan or progress without its submission to the body of the Commission.

ARTICLE VII
Parliamentary Authority

The rules of parliamentary practice, are set forth in Robert's Rules of Order Revised, shall govern all meeting of the Planning Commission except as otherwise herein provided.

ARTICLE VIII
Amendments

The By-Laws of the Planning Commission may be amended by a majority vote of the entire membership of the Commission at any regular meeting or special meeting provided that said amendment was introduced at the last previous regular meeting and further provided that such amendment shall not conflict with existing codes or State Law.

ARTICLE IX
Legality

If any portion of these by-laws are determined to be in conflict with State Law or Milton Municipal Codes and are declared invalid in consequence, such invalidity shall not in any manner affect the validity of any other portion of these by-laws.

Planning Commission By-Law Comparison

	A	B	C	D	E	F	G	H	I
	STATED HEADINGS	DESCRIPTIONS/INCLUSIONS	Without SEATTLE	SEATTLE	SEATTLE NOTES	SHORELINE	SHORELINE NOTES	BONNEY LAKE	Bonney Lake's Notes
1	Name	Official name declaration.	X					X	
2	Mission/Objectives/Powers	Duties by Municiple Code	X	X	Purpose/Goals/Rate			X	Obligation to Code, powers
3	Members	# Seats, appointed by Mayor	X	X		X			
4		Terms	X	X		X			
5		Vacancies	X	X					
6		Removal/Missed meetings	X						
7	Officers	Consists of Chair, Vice...	X	X		X		X	
8		Officer elections	X	X		X		X	
9		Terms	X					X	
10		Chair presides, correspondence	X						
11		indebtedness, liability	X						
12		Meeting location, Qty per year	X	X	"Accessible" "Regular" (vague)	X		X	Article II: Official Seat, Address, week time, frequency
13	Meetings	Open public sessions	X	X		X		X	
14		Conditional action: public presence	X						
15		Public notice	X			X		X	Lists Alice Sturgis 4th Edition
16		Voting specified	X						
17		Special meetings: Purpose, who calls...	X	X		X		X	Who calls it
18	Committees	Committee formation & power	X	X	Extensive incl. Special	X			
19	Parliamentary Authority	Declaration of Rules (Roberts or other)	X	X		X		X	Includes section: written communication Lists Alice Sturgis 4th Edition
20									
21		By majority vote, code compliance	X			X			
22	Amendments	Code compliance or invalid consequence	X	X	Conflict of interest				
23	Legality				Disqualification				
24	Compensation		X	X				X	Payroll specified
25	Duties & powers of officers		X	X		X		X	Chair, Vice-Chair, Clerk, each specified
26	Attendance & Quorums		X	X	Act as an entity/no proxy	X		X	Notifying absence & attendance Rec'd
27					Reconsidering past votes				
28		Requirements	X			X		X	
29	Voting	Ties						X	
30		Roll call voting						X	
31									

Plan ng Commission By-Law Comparison

Comr. oner Ripplinger
January 27, 2016

	A	B	C	D	E	F	G	H	I
32		Votes on motions						X	
33		Appearance of fairness						X	
34		Failure to vote on a motion						X	
35		Explanation of vote on a motion						X	
36		consensus votes						X	
37		Reconsideration						X	
38		Tabling issues						X	
39	Agendas & Order of business	Deadline for agenda	X		Advance notice			X	
40		Order of business				X		X	Lists sample
41	Adjournment/Recess/Cont.					X			Consensus votes
42	Public comments								
43		Public hearing						X	Speaker sign-in
44		Presentation of topic						X	Lists Alice Sturgis 4th Edition
45		Public testimony	X					X	Lists Alice Sturgis 4th Edition
46		Commissioner questions						X	Lists Alice Sturgis 4th Edition
47		Closing the public hearing						X	Lists Alice Sturgis 4th Edition
48		Commission action						X	Lists Alice Sturgis 4th Edition
49	Knowledge of Planning Docs							X	Lists Alice Sturgis 4th Edition
50	Members	Owners of property stipulation				X			
51		How to resign				X			
52	Code of Ethics					X			
53	Work/Programs/Priorities/Agendas	Mayor's Policy Planning Agenda	X						
54		City Dept. Work Program	X						
55		Annual Retreat	X						
56	Guidelines for Commissioner's actions	Full Commission Actions	X						
57		Committee Actions	X						
58		Individual Commission Members' Actions	X						
59	Personnel Administration	City staff directs Commission	X						
60		Commission appoints Exec. Dir.	X						
61		Exec. Director duties	X						
62	Records, Publications, & Reports	Decisions in writing	X						
63		Books and records	X						
64		Minutes	X						

Planning Commission By-Law Comparison

	A	B	C	D	E	F	G	H	I
65		Copies for the public		X	Written in 1996				
66									
67	NOTES								
68	Commissioner Whalen noted:	We need a policy regarding electronic devices at meetings							
69		In light of this, I would request the temporary use of my laptop at the meeting to better explain my imbedded notes which would							
70		not translate well in print for the meeting. This presents as a lively discussion for our policy-making.							



Agenda Item #: 7.A.i

To: Mayor Perry and Planning Commission Members
From: Mark Howlett, P.E., Interim Public Works Director
Date: September 28, 2016
Re: Orientation Packet Update

ATTACHMENTS: None – Updates will be provided at meeting

TYPE OF ACTION:

Information Discussion Action Public Hearing Expenditure

Issue: At a previous meeting staff distributed an Orientation Packet to each of the Commissioners.

Staff will provide updated information for the Commissioners discussion and insertion into their binders.



Agenda Item #: 7.A.ii

To: Mayor Perry and Planning Commission Members
From: Mark Howlett, P.E., Interim Public Works Director
Date: September 28, 2016
Re: Development Update

ATTACHMENTS: PowerPoint of Development in Milton

TYPE OF ACTION:

Information Discussion Action Public Hearing Expenditure

Issue: The City of Milton has had a very successful year with respect to development within our boundaries.

Staff will provide a PowerPoint presentation of recent and upcoming developments in the City of Milton.

City of Milton Community Development Update

Planning Commission
September 28, 2016

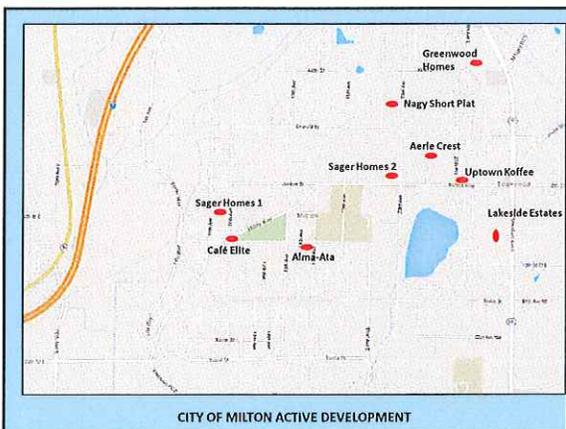
Mark Howlett, P.E.
Interim Public Works Director

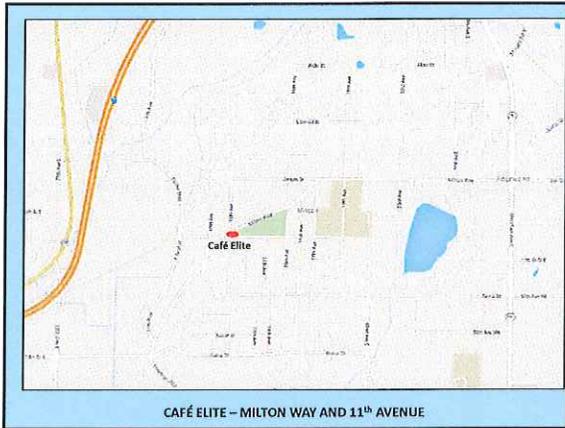


RECENT CITY OF MILTON DEVELOPMENT PROJECTS

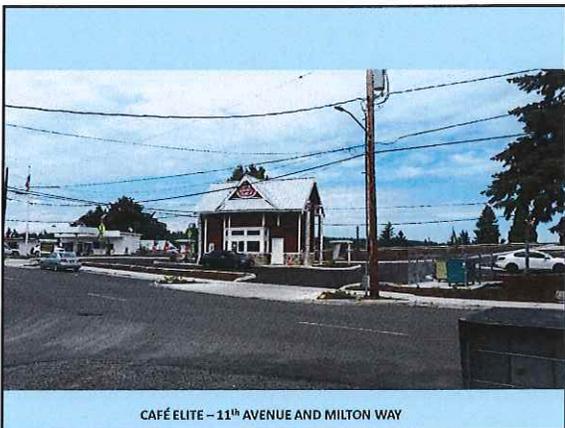
- Café Elite
- Uptown Koffee and Kafe
- Sager Homes at 11th Ave and Maine Street
- Sager Homes at Milton Way and 23rd Avenue
- Lakeside Estates
- Nagy Short Plat
- Greenwood Homes
- Aerie Crest Short Plat
- Alma-Ata Subdivision



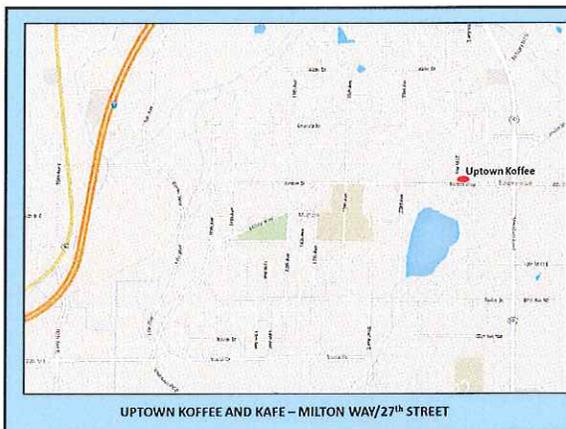




CAFÉ ELITE – MILTON WAY AND 11th AVENUE



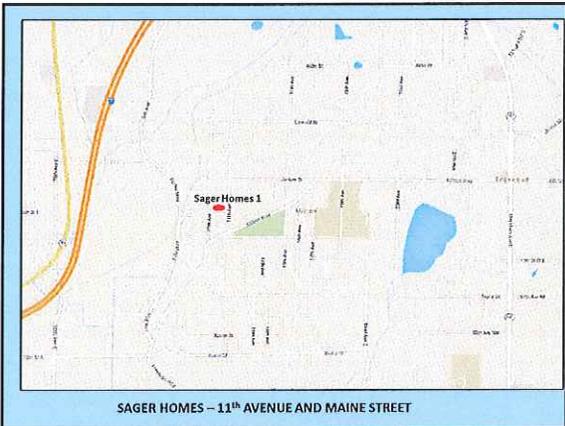
CAFÉ ELITE – 11th AVENUE AND MILTON WAY



UPTOWN KOFFEE AND KAFE – MILTON WAY/27th STREET



UPTOWN KOFFEE AND KAFE – MILTON WAY/27th STREET



SAGER HOMES – 11th AVENUE AND MAINE STREET



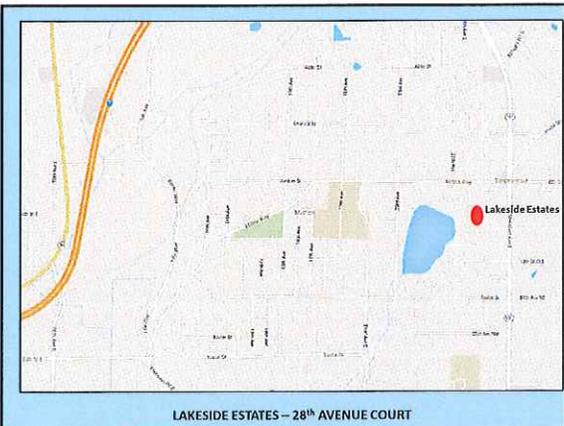
SAGER HOMES – 11th AVENUE AND MAINE STREET



SAGER HOMES – MILTON WAY AND 23rd AVENUE

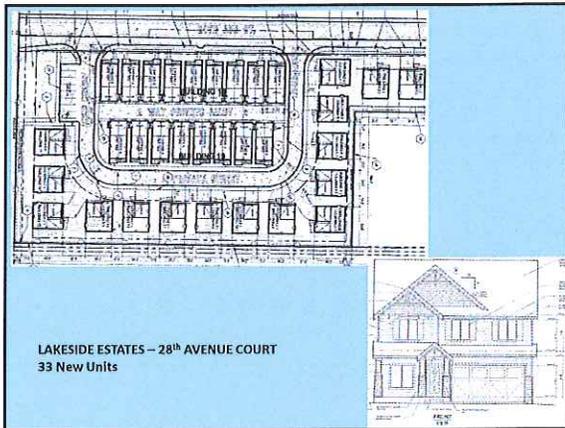


SAGER HOMES – MILTON WAY AND 23rd AVENUE

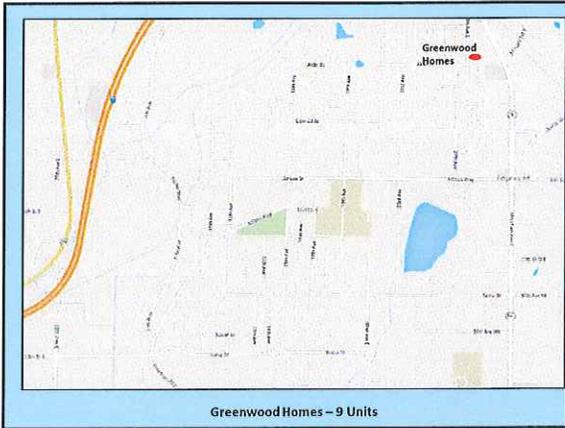


LAKESIDE ESTATES – 28th AVENUE COURT

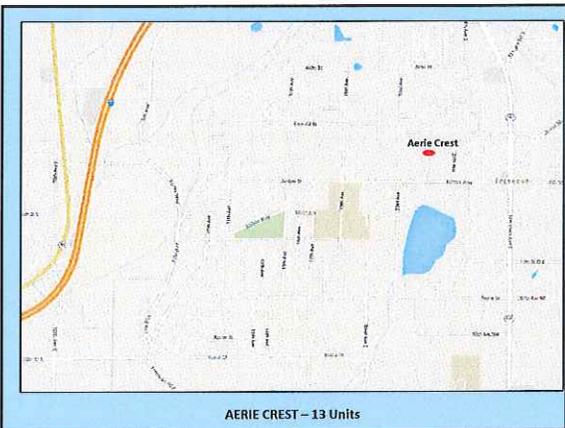




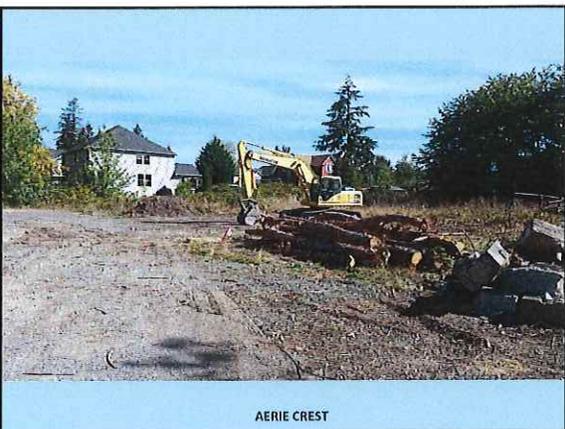




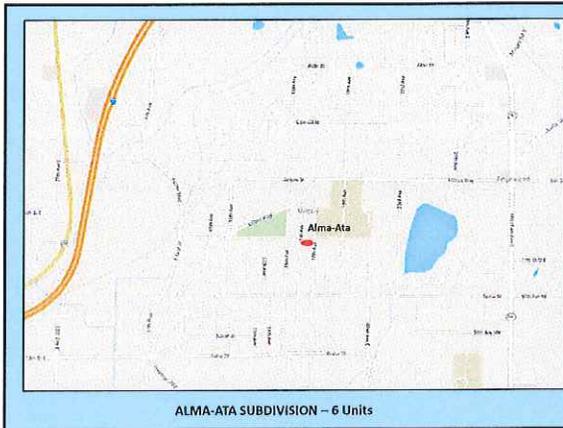
Greenwood Homes – 9 Units



AERIE CREST – 13 Units



AERIE CREST



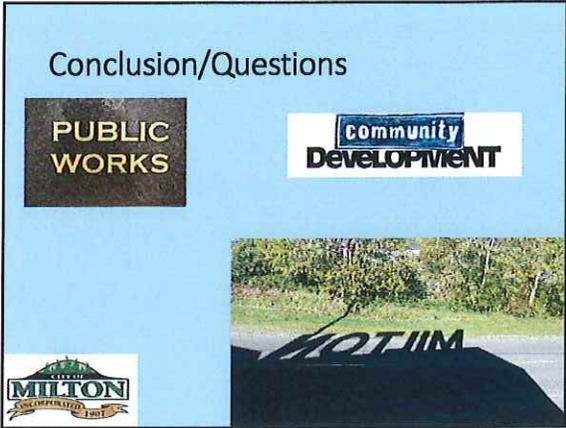
Community Development

- Accomplishments
 - Reviewed Applications and Issued 235 Permits
 - Conducted over 1,000 Inspections/Field Visits
 - Completed Comprehensive Plan Update
 - Monitored Potential Annexations
 - Implementation of Permittrax

Community Development

- Upcoming Work:
 - Continue with Permit Review
 - Promote Milton while Retaining City Values
 - Pacific Highway Redevelopment
 - Continue Exploring Potential Annexation Areas
 - Pursue Gateways
 - Code Update for Current Standards
 - Evaluation of Permit Fees

Conclusion/Questions



The collage features four distinct elements: a dark brown box with 'PUBLIC WORKS' in gold text; a white box with 'community' in blue script and 'DEVELOPMENT' in black bold text; the official logo of the City of Milton, Massachusetts, established in 1822; and a photograph of a road with the word 'MOTION' painted in large black letters on the pavement.



Agenda Item #: 7.A.iii

To: Mayor Perry and Planning Commission Members
From: Mark Howlett, P.E., Interim Public Works Director
Date: September 28, 2016
Re: The Growth Management Act and Concurrency

ATTACHMENTS:

TYPE OF ACTION:

Information Discussion Action Public Hearing Expenditure

Issue: At the August 24, 2016 Planning Commission meeting the question arose about the Growth Management Act and Concurrency and what they mean to the City of Milton.

Washington State's Growth Management Act (GMA) was enacted in 1990 and requires state and local governments to manage Washington's growth by identifying and protecting critical areas and natural resource lands, designating urban growth areas, preparing Comprehensive Plans and implementing them through capital investments and development regulations.

The GMA was adopted because it was determined that uncoordinated and unplanned growth posed a threat to the environment, sustainable economic development and the quality of life in Washington.

The GMA focuses on local control. The GMA establishes state goals, set deadlines for compliance, offers direction on how to prepare local comprehensive plans and regulations and sets forth requirements for early and continuous public participation. Within the framework provided by the mandates of the Act, local governments have many choices regarding the specific content of comprehensive plans and implementing development regulations.



Comprehensive Planning/Growth Management

Introduction

Washington cities and counties have prepared comprehensive plans for many years; however, growth management in Washington took on new meaning with the passage of the Growth Management Act (GMA) by the Washington Legislature in 1990.

The GMA was enacted in response to rapid population growth and concerns with suburban sprawl, environmental protection, quality of life, and related issues. The GMA has been amended several times, and is codified in many chapters but primarily in Chapter 36.70A RCW.

The GMA requires the fastest growing counties and the cities within them to plan extensively in keeping with state GMA goals on:

- Sprawl reduction
- Concentrated urban growth
- Affordable housing
- Economic development
- Open space and recreation
- Regional transportation
- Environmental protection
- Property rights
- Natural resource industries
- Historic lands and buildings
- Permit processing
- Public facilities and services
- Early and continuous public participation
- Shoreline management

In addition to the 13 original GMA goals, the legislature added the goals and policies of the shoreline management act as the fourteenth GMA goal. (See RCW 36.70A.480.) The shoreline goals may be found at RCW 90.58.020.

Twenty-nine counties are either required to fully plan under the GMA or have chosen to do so. These counties make up about 95 percent of the state's population. The remaining ten counties must plan for critical areas and natural resource land only under the GMA.

The GMA provides a framework for regional coordination, and counties planning under the GMA are required to adopt county-wide planning policies to guide plan adoption within the county and to establish urban growth areas (UGAs). Local comprehensive plans must include the following elements: land use, housing, capital facilities, utilities, transportation, and, for counties, a rural element. Shoreline master program policies are also an element of local comprehensive plans. Implementation of required parks and economic development elements is on hold until adequate state funding is available. Local comprehensive plans may also include optional elements. (See [RCW 36.70A.080](#).)

The GMA establishes the primacy of the comprehensive plan. The comprehensive plan is the starting point for any planning process and the centerpiece of local planning. Development regulations (zoning, subdivision, and other controls) must be consistent with comprehensive plans (see separate page on [development regulations](#)). State agencies are required to comply with comprehensive plans and development regulations of jurisdictions planning under the GMA. For information on plan updates, see [Periodic Update Process for Comprehensive Plans and Development Regulations](#).

The [Growth Management Hearings Board](#) (part of the new Environmental and Land Use Hearings Office) resolves disputes concerning comprehensive plans and development regulations adopted under the GMA. The Governor has the authority to impose sanctions on cities, counties, and state agencies that do not comply with the GMA, as determined by a hearings board.

The GMA is the basis for regulatory reform legislation passed in 1995 to improve how permits are issued in Washington State (see separate page on [planning procedures and practices](#).)

The Washington State Department of Commerce provides [contact information](#) for technical assistance on the implementation of the GMA.

Statutes

- [Growth Management Act and Related Laws](#), 2014 RCW Update, Washington State Department of Commerce - Includes Washington statutes and administrative regulations

Resources

- [A Short Course on Local Planning](#), Washington State Department of Commerce and Planning Association of Washington
- [Growth Management Guidebooks and Resources](#), Washington State Department of Commerce
- [Growth Management Services](#), Washington State Department of Commerce - Programs, training, publications, grants and technical assistance available to Washington jurisdictions
- [GMA Update Schedule Map](#), Washington State Department of Commerce

Comprehensive Plans

The following featured comprehensive plans have won planning awards or were selected by MRSC staff as good examples.

City Plans

- Redmond [Comprehensive Plan - Redmond 2030](#) - Includes digital and print versions

- Poulsbo [Comprehensive Plan](#) - Winner of 2011 Governor's Smart Communities Award for comprehensive planning and Puget Sound Regional Council 2010 Vision 2040 Award
- Renton [Comprehensive Plan](#) - Includes plan updates
- Tacoma [Comprehensive Plan](#)

For additional examples, see [Washington City and Town Profiles](#), MRSC. Includes links to local comprehensive plans by jurisdiction.

County Plans

- King County [Comprehensive Plan](#)
- Kitsap County [Comprehensive Plan](#) - Winner of 2011 Governor's Smart Communities Award for "Year of the Rural"

For additional examples, see [Washington County Profiles](#), MRSC. Includes links to county comprehensive plans by jurisdiction.

City Subarea and Neighborhood Plans

- Bellingham [Neighborhood Plans and Zoning](#) - Multiple subarea plans including CBD, university area, and 2013 APA/PAW Planning Award Winner: Fairhaven Neighborhood and Urban Village Plan
- Bothell [Comprehensive Plan](#) - Includes links to multiple subarea plans including the Downtown Subarea Plan - A 2011 Governor's Smart Choices Award Winner
- Normandy Park [Manhattan Village Subarea Plan](#), 05/17/2012 - 2013 APA/PAW Planning Award Winner - Noteworthy features included integrated EIS and planned action, TDR program, and ready implementation
- Renton [Community Planning](#) including multiple award-winning Sunset Area (Highlands) utilizing a planned action and strategic community investment to catalyze private investment and revitalize the community. Also the City Center Community Plan - 2012 Governor's Smart Vision Award.
- Richland [Badger Mountain Subarea Plan](#), 09/07/2010 - Master-planned community
- Tacoma [South Downtown Subarea Plan](#) - Winner Governor's 2014 Smart Vision Award - Comprehensive Planning and 2014 APA/PAW Award for Excellence - Comprehensive Planning - Large Jurisdiction

County Subarea and Neighborhood Plans

- Clark County
 - [Section 30 Subarea Plan](#), 02/2006 - Eastern Vancouver urban growth area
 - Clark County [Highway 99 Subarea Plan](#), 12/16/2008 - Plan is implemented by a hybrid form-based code
- Jefferson County [Brinnon Subarea Plan](#), amended 10/04/2004 - Rural Village plan
- Kitsap County [Subarea Plans](#) - Multiple subarea plans
- Skamania County [Swift Subarea Plan](#), 09/04/2007 - Rural community plan
- Spokane County [Subarea Planning](#) - Multiple subarea plans
- Thurston County [Grand Mound Planning](#) - Tribal area plan

Frequently Asked Questions

- [Comprehensive Planning](#), MRSC Planning Inquiries