

Ordinance No. 2015-22

AN ORDINANCE OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON ADOPTING AMENDMENTS TO THE CHAPTERS 13.36, 13.40, 15.60 AND 15.64 SWMC, REVIEWED AS PART OF THE 2022 COMPREHENSIVE PLAN DOCKET.

WHEREAS, amendments to the Sedro-Woolley Comprehensive Plan and any associated amendments to the City development regulations were required to be submitted by the published deadline of January 21, 2022; and

WHEREAS, the City of Sedro-Woolley established an on-going public participation process in accordance with RCW 36.70A.130(2) including the regular Planning Commission meetings, joint City Council and Planning Commission workshop(s), and Public Hearings to discuss proposed changes to the Comprehensive Plan and development regulations; and

WHEREAS, public hearings were conducted before the Sedro-Woolley Planning Commission on various dates; and

WHEREAS, the Growth Management Act gives authority to Sedro-Woolley to update its Comprehensive Plan and associated and development regulations once per year in such a manner that all proposed amendments are considered by the governing body concurrently such that the governing body may evaluate their cumulative effect; and

WHEREAS, environmental review of the updated Comprehensive Plan and associated and development regulations has been completed and a Determination of Non-Significance was issued July 18, 2022, and that document is adopted by reference; and

WHEREAS, the proposed amendments to the development regulations have been submitted to the Washington State Department of Commerce (COMM) and the required 60-day review period has passed; and

WHEREAS, as part of the 2022 Docket, the Planning Commission reviewed the proposed updates to the Housing Element of the Comprehensive Plan and associated and development regulations as contained in this ordinance and made a recommendation to adopt updates;

WHEREAS, the Planning Commission held two public meetings and two public hearings on updates to the Comprehensive Plan and associated and development regulations; and

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 13.36 of the Sedro-Woolley Municipal Code is hereby amended as set forth in the attached Exhibit A.

Section 2. Chapter 13.40 of the Sedro-Woolley Municipal Code is hereby amended as set forth in the attached Exhibit B.

Section 3. Chapter 15.60 of the Sedro-Woolley Municipal Code is hereby amended as set forth in the attached Exhibit C.

Section 4. Chapter 15.64 of the Sedro-Woolley Municipal Code is hereby amended as set forth in the attached Exhibit D.

Section 5. The City Council hereby adopts by reference the Planning Commission's *Findings of Fact, Conclusions and Recommendations* - which were certified by the Planning Commission Chair on August 3, 2022 - as the City Council's *Findings of Fact*.

Section 6. This ordinance shall take effect five (5) days after the approval by the City Council and publication as provided by law.

Section 7. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

PASSED by majority vote of the members of the Sedro-Woolley City Council this 28th day of September, 2022, and signed in authentication of its passage this 28th day of September, 2022.

By: DocuSigned by:
Julia Johnson
3C84008CC8484BD
JULIA JOHNSON, Mayor

Attest: DocuSigned by:
Kelly Kohnken
2C53B290694B4A9
KELLY KOHNKEN, Finance Director

Approved as to form:

DocuSigned by:
Nikki Thompson
8F783717B449479
NIKKI THOMPSON, City Attorney

Published: _____

13.36.010 Purpose.

It is the purpose of this chapter to:

- A. Minimize water quality degradation and sedimentation in streams, ponds, lakes, wetlands and other water bodies;
- B. Minimize the impact of increased runoff, erosion and sedimentation caused by land development and maintenance practices;
- C. Maintain and protect groundwater resources;
- D. Minimize adverse impacts of alterations on ground and surface water quantities, locations and flow patterns;
- E. Decrease potential landslide, flood and erosion damage to public and private property;
- F. Promote site planning and construction practices that are consistent with natural topographical, vegetational and hydrological conditions;
- G. Maintain and protect the city stormwater management infrastructure and those downstream;
- H. Provide a means of regulating clearing and grading of private and public land while minimizing water quality impacts in order to protect public health and safety; and
- I. Provide minimum development regulations and construction procedures which will preserve, replace or enhance, to the maximum extent practicable, existing vegetation to preserve and enhance the natural qualities of lands, wetlands and water bodies. (Ord. [1687-10](#) § 1 (Exh. A (part)), 2010)

13.36.020 Definitions.

For the purposes of this chapter, the following definitions shall apply. The definitions in:

- A. Wetlands Guidance Appendices, Definitions of the SWMMWW;
- B. The glossary and notations in the [current 2014](#) Department of Ecology SWMMWW; and
- C. Section 2, Definitions Related to Minimum Requirements, Appendix I of the NPDES Phase II Municipal Stormwater Permit;

are incorporated by reference, unless the context clearly indicates that another definition is applicable.

“Department” means Washington State Department of Ecology.

“Director” means the public works director or his designee.

“Person” means any individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, agency of the state, or local government unit, however designated.

“Stormwater maintenance permit” is a permit or approval issued by the director pursuant to Chapter [13.40](#) for maintenance of facility constructed for a regulated activity.

“Stormwater management manual” or “manual” means Appendix I of the NPDES Phase II Municipal Stormwater Permit, including the mandatory incorporated provisions of the [2012-current](#) Department of Ecology Stormwater Management Manual for Western Washington, ~~as amended in 2014~~ (“[2014 SWMMWW](#)”) except as modified in Section [13.36.060](#)(A)(4).

“Stormwater management permit” is a permit or approval issued by the director pursuant to this chapter for a regulated activity.

~~“2014 SWMMWW”~~ means the [2012-current](#) Ecology Stormwater Management Manual for Western Washington, ~~as amended in 2014~~. (Ord. [1855-16](#) § 2, 2016: Ord. [1687-10](#) § 1 (Exh. A (part)), 2010)

13.36.030 Abrogation and interpretation of provisions.

A. Abrogation and Greater Restrictions. It is not intended that this chapter repeal, abrogate or impair any existing ordinances, regulations, issued permit requirements, easements, covenants or deed restrictions, except as expressly stated. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

B. Interpretation. The provisions of this chapter shall be liberally construed to serve the purposes of this chapter. (Ord. [1687-10](#) § 1 (Exh. A (part)), 2010)

13.36.040 Applicability.

A. When any provision of any other ordinance of the city conflicts with this chapter, that which provides the higher standard of environmental protection shall apply unless specifically provided otherwise in this chapter.

B. Prior to the applicant fulfilling the requirements of this chapter and obtaining a stormwater management permit [or approval](#), the city shall not grant any approval or permission to conduct a regulated activity, including but not limited to the following: building permit, commercial or residential; binding site plan; conditional use permit; franchise right-of-way construction permit; fill, grading and clearing permit; master plan development; planned unit development; right-of-way permit; shoreline substantial development permit; shoreline variance; shoreline conditional use permit; shoreline environmental redesignation; unclassified use permit; variance; zone reclassification; subdivision; short subdivision; special use permit; sewer discharge, utility and other use permit; zone reclassification; or any subsequently adopted permit or required approval not expressly exempted by this chapter.

C. Regulated activities as defined in Section [13.36.060](#) shall be conducted and a stormwater management permit [or approval](#) shall be issued only after the city approves a stormwater site plan (SSP) which meets the requirements of the manual.

D. In most situations, nonpermanent development activities shall be governed by the stormwater management permit. At the completion of the activities governed by the stormwater management

permit, the continuing maintenance and operation of any facilities that continue in operation will be governed by the stormwater maintenance permit issued pursuant to Chapter [13.40](#). Both permits will be issued by the director, and shall be administered together to meet the minimum requirements and BMPs of the manual. (Ord. [1687-10](#) § 1 (Exh. A (part)), 2010)

13.36.050 Stormwater management manual and Appendix I of permit adopted—Administrative provisions authorized.

A. The thresholds, definitions, minimum requirements and exceptions, adjustment and variance criteria found in Appendix I of the NPDES Phase II Municipal Stormwater Permit, including the minimum and mandatory incorporated provisions of the [2014-current](#) Department of Ecology Stormwater Management Manual for Western Washington are hereby adopted by reference, and are hereinafter collectively referred to as the “manual,” except as modified in Section [13.36.060](#)(A)(4).

B. The director may, in his discretion, modify, adopt and publish standards, designs and administrative regulations for permitting, to supplement the manual; provided, that the standards, designs and administrative regulations are consistent with the manual. The standards, designs and administrative regulations may include nonstructural preventative actions and source reduction approaches such as low impact development (LID) techniques consistent with the manual. Prior to adoption, the director shall solicit written and verbal comment at an advertised public hearing.

C. Any standards, designs, and administrative regulations adopted by the director shall be published in printed form maintained for inspection and copying at office of city engineer. Any such standards, designs, and administrative regulations shall have the same effect as a provision of this chapter, and its administration and application to a particular permit is subject to appeal and variance in the same manner as the provisions of this chapter. (Ord. [1855-16](#) § 3, 2016: Ord. [1687-10](#) § 1 (Exh. A (part)), 2010)

13.36.060 Regulated activities and exempt activities.

A. Regulated Activities.

1. All development and redevelopment shall be regulated activity subject to this chapter, and shall be subject to the applicable minimum requirements of the manual, unless exempted in subsection B of this section.

2. Not all of the minimum requirements apply to every development or redevelopment project. The applicability of the minimum requirements to a project or activity shall be determined by the thresholds in the manual.

3. If new development and redevelopment at sites below the regulatory threshold of this chapter were subject to regulation at the time of permitting, they shall continue to be subject to stormwater regulations, even if the site activities resulted in land disturbances of less than the one-acre threshold. The local stormwater requirements in effect at the time of permit issuance shall apply, unless the minimum requirements for new development and redevelopment contained in this chapter are applicable.

4. The requirements of this chapter apply to all development and redevelopment within the city of Sedro-Woolley, including sites which do not meet the one-acre-or-larger threshold of the manual.

B. Exemptions. The following activities are exempt pursuant to the manual from the requirements of this chapter:

1. Forest Practices. Forest practices regulated under WAC Title [222](#), except for Class IV general forest practices that are conversions from timberland to other uses, are exempt from the provisions of the minimum requirements.
2. Commercial Agriculture. Commercial agriculture practices involving working the land for production are generally exempt. However, the conversion from timberland to agriculture, and the construction of impervious surfaces, are not exempt.
3. Oil and Gas Field Activities or Operations. Construction of drilling sites, waste management pits, and access roads, as well as construction of transportation and treatment infrastructure such as pipelines, natural gas treatment plants, natural gas pipeline compressor stations, and crude oil pumping stations are exempt. Operators are encouraged to implement and maintain best management practices to minimize erosion and control sediment during and after construction activities to help ensure protection of surface water quality during storm events.
4. Road Maintenance.
 - a. The following road maintenance practices are exempt: pothole and square-cut patching, overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the area of coverage, shoulder grading, reshaping/regrading drainage systems, crack sealing, resurfacing with in-kind material without expanding the road prism, and vegetation maintenance.
 - b. The following road maintenance practices are considered redevelopment, and therefore are not categorically exempt:
 - i. Removing and replacing a paved surface to base course or lower, or repairing the roadway base;
 - ii. Extending the pavement edge without increasing the size of the road prism, or paving graveled shoulders;
 - iii. Resurfacing by upgrading from dirt to gravel, asphalt, or concrete; upgrading from gravel to asphalt, or concrete; or upgrading from a bituminous surface treatment (“chip seal”) to asphalt or concrete.
5. Underground Utility Projects. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics are only subject to minimum requirement for construction stormwater pollution prevention.

C. All other development or redevelopment is subject to one or more of the minimum requirements of the manual. (Ord. [1687-10](#) § 1 (Exh. A (part)), 2010)

13.36.070 Adjustments and variances.

A. Adjustments. Adjustments to the minimum requirements may be granted by the director; provided, that a written finding of fact is prepared that addresses the following:

1. The adjustment provides substantially equivalent environmental protection.
2. Based on sound engineering practices, the objectives of safety, function, environmental protection and facility maintenance, are met.

Adjustments under this subsection do not require a public notice or hearing, and the decision of the director under this subsection is not subject to appeal.

B. Exceptions/Variations. Exceptions/variances (exceptions) to the minimum requirements may be granted by the director following legal public notice of an application for an exception or variance, legal public notice of the director's decision on the application, and written findings of fact that documents the director's determination to grant an exception. The director shall keep records, including the written findings of fact, of all local exceptions to the minimum requirements.

Project-specific design exceptions based on site-specific conditions do not require prior approval of the Department. The director must seek prior approval by the Department for any jurisdiction-wide exception.

The director may grant an exception to the minimum requirements if such application imposes a severe and unexpected economic hardship. To determine whether the application imposes a severe and unexpected economic hardship on the project applicant, the director must consider and document with written findings of fact the following:

1. The current (pre-project) use of the site; and
2. How the application of the minimum requirement(s) restricts the proposed use of the site compared to the restrictions that existed prior to the adoption of the minimum requirements; and
3. The possible remaining uses of the site if the exception were not granted; and
4. The uses of the site that would have been allowed prior to the adoption of the minimum requirements; and
5. A comparison of the estimated amount and percentage of value loss as a result of the minimum requirements versus the estimated amount and percentage of value loss as a result of requirements that existed prior to adoption of the minimum requirements; and
6. The feasibility for the owner to alter the project to apply the minimum requirements.

C. In addition any exception/variances must meet the following criteria:

1. The exception will not increase risk to the public health and welfare, nor be injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state; and
2. The exception is the least possible exception that could be granted to comply with the intent of the minimum requirements.

D. An exception/variance shall be subject to the same notice requirements and appeal process from the decision of the director as a Type II decision subject to Chapter [2.90](#), to the extent applicable and not inconsistent with this chapter. (Ord. [1687-10](#) § 1 (Exh. A (part)), 2010)

13.36.080 Stormwater minimum requirements and best management practices (BMPs).

A. The minimum requirements of the manual are adopted and incorporated herein by reference.

B. The site planning process of the manual and BMP selection and design criteria of the manual shall be used to implement the minimum requirements of the manual.

C. All development and redevelopment shall apply all known, available and reasonable methods of prevention, control and treatment (AKART), utilizing the BMPs and design criteria of the manual, including LID design criteria, to comply with the minimum requirements of the manual, prior to discharge into the city of Sedro-Woolley storm sewer system permitted by the Department of Ecology.

D. No person may conduct activity regulated by this chapter which discharges directly to, or indirectly through, the city of Sedro-Woolley storm sewer system permitted by the Department of Ecology, unless they meet the requirements of this chapter and obtain a stormwater management permit or stormwater maintenance permit, or both.

E. All stormwater site plans for regulated activity (development and redevelopment) are subject to review and approval by the director, and shall require a stormwater management permit or stormwater maintenance permit or approvals issued by the director pursuant to this chapter. A stormwater maintenance permit may be required by the director as a condition of the stormwater management permit.

F. The director shall adopt BMPs for low impact development (LID) techniques pursuant to Section [13.36.060](#)(B) as administrative regulations for the implementation of this chapter. The director may adopt specific BMPs and low impact development standards from the ~~2014~~ SWMMWW or other approved source. In addition, an applicant may seek an adjustment or variance incorporating BMPs for LID techniques into permit approval. (Ord. [1855-16](#) § 4, 2016: Ord. [1687-10](#) § 1 (Exh. A (part)), 2010)

13.36.090 Prohibitions.

A. Illicit discharge to stormwater drainage systems is prohibited. Illicit discharges are defined as those discharges prohibited by the manual, the Western Washington Phase II Municipal Stormwater Permit, the city of Sedro-Woolley stormwater management plan, and state law.

B. The following categories of nonstormwater discharges are prohibited unless the stated conditions are met:

1. Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4.

2. Discharges from lawn watering and other irrigation runoff. These shall be minimized through, at a minimum, public education activities (see section S5.C.1 of the Western Washington Phase II Municipal Stormwater Permit) and water conservation efforts.
3. Dechlorinated swimming pool discharges. The discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, volumetrically and velocity controlled to prevent resuspension of sediments in the MS4. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.
4. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. At active construction sites, street sweeping must be performed prior to washing the street.
5. Other nonstormwater discharges. The discharges shall be in compliance with the requirements of a stormwater pollution prevention plan reviewed by the director, which addresses control of such discharges.

C. Development and redevelopment which fails to comply with the requirements of this chapter is prohibited. (Ord. [1687-10](#) § 1 (Exh. A (part)), 2010)

13.36.100 Administration.

- A. Director. The director or a designee shall administer this chapter and shall be referred to as the director. The director shall have the authority to develop and implement administrative procedures to administer and enforce this chapter.
- B. Review and Approval. Any activity subject to regulation by this chapter shall not be approved until the director issues a written finding that the regulated activity complies with this chapter, or is exempt. The finding, approvals and conditions shall be incorporated into a stormwater management permit. The omission of a minimum requirement or BMP on the permit or approved plan shall not relieve the applicant of complying with the minimum requirement or BMP if it is made applicable by the manual.
 1. If the regulated activity is subject to a permit or approval from any department of the city of Sedro-Woolley, including but not limited to the permits and approvals listed in Section [13.36.040](#), a permit or approval shall not be issued until a finding of compliance and a stormwater management permit is issued by the director.
 2. If the regulated activity is not subject to any other permit or approval from any department of the city of Sedro-Woolley, but is subject to the provisions of this chapter, then the owner of the affected property and the person conducting the activity shall apply directly to the director for a permit, which shall not be issued until a finding of compliance and a stormwater management permit is issued by the director.
- C. Any owner or applicant seeking approval or a permit for activity regulated by this chapter shall, in addition to any other permit necessary for the activity, apply for a stormwater management permit in the form provided by the director, and shall provide the information required to demonstrate compliance with minimum requirements and BMPs specified in the manual. The form of the application shall meet the requirements established by the director.

D. The director may approve, conditionally approve or deny an application for activities regulated by this chapter. Such approval or denial shall be based on the thresholds, definitions, minimum requirements and exceptions, adjustment and variance criteria found in Appendix I of the NPDES Phase II Municipal Stormwater Permit, including the mandatory or minimum provisions of the [2014 SWMMWW](#), and on any administrative provisions adopted by the director pursuant to Section [13.36.060](#).

E. If an adjustment, exception or variance is allowed, it shall be incorporated into the conditions and terms of the permit issued by the director.

F. Inspection. All activities regulated by this chapter shall be inspected by the director. The director shall inspect projects at various stages of the work requiring approval to determine that the regulated activity is complying with the terms of the permit and approval. Stages of work requiring inspection include, but are not limited to, preconstruction; installation of BMPs; land-disturbing activities; installation of utilities, landscaping, retaining walls and completion of project. When required by the director, a special inspection and/or testing shall be performed.

G. All project applications must address long-term maintenance responsibility and access for maintenance inspections, and all must continue to meet the minimum requirements of the manual as a condition of the stormwater management permit. When required by the director, a "stormwater maintenance permit" shall also be required as a condition of the stormwater management permit, pursuant to Chapter [13.40](#).

H. The stormwater management permit shall identify the party responsible for compliance, and may require the posting of a bond or surety to guarantee financial responsibility for compliance as a condition of the permit. The amount of the bond or other surety shall not exceed one hundred twenty-five percent of the cost of compliance with the conditions and requirement of the stormwater management permit, as determined by the director.

I. Any applicant may appeal the decision of the director to issue, condition or deny a permit in the same manner as a Type II decision subject to Chapter [2.90](#), to the extent applicable and not inconsistent with this chapter. (Ord. [1855-16](#) § 5, 2016; Ord. [1687-10](#) § 1 (Exh. A (part)), 2010)

13.36.110 Civil enforcement.

A. The director shall enforce this chapter. Violations of this chapter shall be subject to civil penalties and process as set forth in Title [18](#). It shall be a violation of this chapter to (1) engage in any regulated activity without a permit issued pursuant to this chapter, (2) to violate the terms and conditions of a permit issued pursuant to this chapter, or (3) to permit, allow, or commit an illicit discharge prohibited by this chapter.

B. The director is authorized to seek injunctions, restraining orders, and other civil relief in court as is necessary to enforce this chapter. (Ord. [1855-16](#) § 6, 2016; Ord. [1687-10](#) § 1 (Exh. A (part)), 2010)

13.36.120 Criminal violation.

In addition to any civil penalty or civil enforcement action, a willful violation of this chapter by any person shall constitute a gross misdemeanor punishable by a five-thousand-dollar fine, imprisonment in jail not to exceed one year, or both. (Ord. [1687-10](#) § 1 (Exh. A (part)), 2010)

13.36.130 Fees.

The applicant shall pay all fees and costs as established by ordinance or resolution prior to issuance of the stormwater management permit or other review and inspections pursuant to this chapter. If no separate fee is established, the applicant shall pay a fee based on the hourly rate for city engineering services established by separate ordinance or resolution for plan review and inspections. (Ord. [1687-10](#) § 1 (Exh. A (part)), 2010)

13.40.010 Purpose.

The provisions of this chapter are intended to:

- A. Provide for inspection and maintenance of stormwater facilities in the city to provide for an effective, functional stormwater drainage system;
- B. Authorize the city to require that stormwater facilities be operated, maintained and repaired in conformance with this chapter;
- C. Establish the minimum level of compliance which must be met;
- D. Guide and advise all who conduct inspection and maintenance of stormwater facilities; (Ord. [1687-10](#) § 2 (Exh. B (part)), 2010)

[E. Provide for inspections of existing sites by the City, or its authorized designee, to insure adequate source control BMPs are in place and maintained to prevent illicit discharges or violations of surface water, groundwater, or sediment management standards.](#)

13.40.020 Definitions.

For the purposes of this chapter, the following definitions shall apply. The definitions in:

- A. Wetlands Guidance Appendices, Definitions of the SWMMWW;
- B. The glossary and notations in the [2014-current](#) Department of Ecology SWMMWW; and
- C. Section 2, Definitions Related to Minimum Requirements, Appendix I of the NPDES Phase II Municipal Stormwater Permit are incorporated by reference, unless the context clearly indicates that another definition is applicable.

~~“2014-SWMMWW”~~ means the [2012-current](#) Ecology Stormwater Management Manual for Western Washington, ~~as amended in 2014.~~

“Department” means Washington State Department of Ecology.

“Director” means the public works director or his designee.

“Person” means any individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, agency of the state, or local government unit, however designated.

[“Source Control BMP” is a structure or operation intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants. Structural Source Control BMPs are physical, structural, or mechanical devices or facilities that are intended to prevent pollutants from entering stormwater. Operational Source Control BMPs are non-structural practices that prevent or reduce pollutants from entering stormwater.](#)

“Stormwater maintenance permit” is a permit or approval issued by the director pursuant to Chapter [13.40](#) for maintenance of facility constructed for a regulated activity.

“Stormwater management manual” or “manual” means Appendix I of the NPDES Phase II Municipal Stormwater Permit, including the mandatory incorporated provisions of the [2012-current](#) Department of Ecology Stormwater Management Manual for Western Washington, ~~as amended in 2014~~ (“[2014 SWMMWW](#)”) except as modified in Section [13.36.060](#)(A)(4).

“Stormwater management permit” is a permit or approval issued by the director pursuant to this chapter for a regulated activity. (Ord. [1855-16](#) § 7, 2016; Ord. [1687-10](#) § 2 (Exh. B (part)), 2010)

13.40.030 Abrogation and interpretation of provisions.

A. Abrogation and Greater Restrictions. It is not intended that this chapter repeal, abrogate or impair any existing ordinances, regulations, issued permit requirements, easements, covenants or deed restrictions, except as expressly stated. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

B. Interpretation. The provisions of this chapter shall be liberally construed to serve the purposes of this chapter. (Ord. [1687-10](#) § 2 (Exh. B (part)), 2010)

13.40.040 Applicability.

A. When any provision of any other ordinance of the city conflicts with this chapter, that which provides the higher standard of environmental protection shall apply unless specifically provided otherwise in this chapter.

B. This chapter applies to all activities which are subject to Chapter [13.36](#), and which have one or more conditions or requirements of a stormwater management permit which are permanent or shall require compliance after the completion of the permitted activity regulated by Chapter [13.36](#).

C. All activities regulated by this chapter shall require a stormwater maintenance permit issued pursuant to this chapter. The stormwater maintenance permit shall govern those conditions or requirements of a stormwater management permit which are permanent or shall require compliance after the completion of the permitted activity regulated by Chapter [13.36](#).

D. Prior to the applicant fulfilling the requirements of this chapter, the city shall not issue a stormwater maintenance permit.

E. In most situations, nonpermanent development activities shall be governed by the stormwater management permit. At the completion of the activities governed by the stormwater management permit, the continuing maintenance and operation of any facilities that continue in operation will be governed by the stormwater maintenance permit issued pursuant to Chapter [13.40](#). Both permits will be issued by the director, and shall be administered together to meet the minimum requirements and BMPs of the manual. (Ord. [1687-10](#) § 2 (Exh. B (part)), 2010)

13.40.050 Stormwater management manual and Appendix I of permit adopted—Administrative provisions authorized.

A. The thresholds, definitions, minimum requirements and exceptions, adjustment and variance criteria found in Appendix I of the NPDES Phase II Municipal Stormwater Permit, including the minimum and mandatory incorporated provisions of the 2014 Department of Ecology Stormwater Management Manual for Western Washington, are hereby adopted by reference, and are hereinafter collectively referred to as the “manual,” except as modified in Section [13.40.060\(A\)\(4\)](#).

B. The director may, in his discretion, modify, adopt and publish standards, designs and administrative regulations for permitting, to supplement the manual; provided, that the standards, designs and administrative regulations are consistent with the manual. The standards, designs and administrative regulations may include nonstructural preventative actions and source reduction approaches such as low impact development (LID) techniques consistent with the manual. Prior to adoption, the director shall solicit written and verbal comment at an advertised public hearing.

C. Any standards, designs, and administrative regulations adopted by the director shall be published in printed form maintained for inspection and copying at the office of the city engineer. Any such standards, designs, and administrative regulations shall have the same effect as a provision of this chapter, and its administration and application to a particular permit is subject to appeal and variance in the same manner as the provisions of this chapter. (Ord. [1855-16](#) § 8, 2016: Ord. [1687-10](#) § 2 (Exh. B (part)), 2010)

13.40.060 Regulated activities and exempt activities.

A. Regulated Activities.

1. All development and redevelopment shall be regulated activity subject to this chapter, and shall be subject to the applicable minimum requirements of the manual, unless exempted in subsection B of this section.

2. Not all of the minimum requirements apply to every development or redevelopment project. The applicability of the minimum requirements to a project or activity shall be determined by the thresholds in the manual.

3. If new development and redevelopment at sites below the regulatory threshold of this chapter were subject to regulation at the time of permitting, they shall continue to be subject to stormwater regulations, even if the site activities resulted in land disturbances of less than the one-acre threshold. The local stormwater requirements in effect at the time of permit issuance shall apply, unless the minimum requirements for new development and redevelopment contained in this chapter are applicable.

4. The requirements of this chapter apply to all development and redevelopment within the city of Sedro-Woolley, including sites which do not meet the one-acre-or-larger threshold of the manual.

[5. Existing publicly and privately owned institutional, commercial and industrial sites where land uses and activities have the potential to generate pollutants to the MS4.](#)

B. Exemptions. The following activities are exempt pursuant to the manual from the requirements of this chapter:

1. Forest Practices. Forest practices regulated under WAC Title [222](#), except for Class IV general forest practices that are conversions from timberland to other uses, are exempt from the provisions of the minimum requirements.
2. Commercial Agriculture. Commercial agriculture practices involving working the land for production are generally exempt. However, the conversion from timberland to agriculture, and the construction of impervious surfaces, are not exempt.
3. Oil and Gas Field Activities or Operations. Construction of drilling sites, waste management pits, and access roads, as well as construction of transportation and treatment infrastructure such as pipelines, natural gas treatment plants, natural gas pipeline compressor stations, and crude oil pumping stations are exempt. Operators are encouraged to implement and maintain best management practices to minimize erosion and control sediment during and after construction activities to help ensure protection of surface water quality during storm events.
4. Road Maintenance.
 - a. The following road maintenance practices are exempt: pothole and square-cut patching, overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the area of coverage, shoulder grading, reshaping/regrading drainage systems, crack sealing, resurfacing with in-kind material without expanding the road prism, and vegetation maintenance.
 - b. The following road maintenance practices are considered redevelopment, and therefore are not categorically exempt:
 - i. Removing and replacing a paved surface to base course or lower, or repairing the roadway base;
 - ii. Extending the pavement edge without increasing the size of the road prism, or paving graveled shoulders;
 - iii. Resurfacing by upgrading from dirt to gravel, asphalt, or concrete; upgrading from gravel to asphalt, or concrete; or upgrading from a bituminous surface treatment (“chip seal”) to asphalt or concrete.
5. Underground Utility Projects. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics are only subject to minimum requirement for construction stormwater pollution prevention.

C. All other development or redevelopment is subject to one or more of the minimum requirements of the manual. (Ord. [1687-10](#) § 2 (Exh. B (part)), 2010)

13.40.070 Maintenance requirements.

A. Maintenance Required. All stormwater facilities [and BMPs](#) shall be operated and maintained in accordance with this chapter, the manual, including the minimum standards and BMPs in the manual, the Western Washington Phase II Municipal Stormwater Permit, the Sedro-Woolley

stormwater management plan, [approved facilities maintenance manuals](#), and the stormwater maintenance permit.

B. Compliance. Property owners are responsible for the maintenance, operation or repair of stormwater systems and BMPs. Property owners shall maintain, operate and repair these facilities in compliance with the requirements of the manual, including the minimum standards and BMPs in the manual, the Western Washington Phase II Municipal Stormwater Permit, the Sedro-Woolley stormwater management plan, [approved facilities maintenance manuals](#), and the stormwater maintenance permit.

C. Financial Responsibility. The property owners are responsible for the maintenance, operation and repair of the stormwater system [and BMPs](#) subject to the stormwater maintenance permit. The director may require a bond or other surety, or a block fund in a federally insured financial institution, as security for the permanent maintenance, operation and repair of the stormwater facilities, as a condition of the stormwater maintenance permit, on such conditions as the director deems reasonable, considering the size and cost of the facility. (Ord. [1687-10](#) § 2 (Exh. B (part)), 2010)

13.40.075 Stormwater minimum requirements and best management practices (BMPs).

A. The minimum requirements of the manual are adopted and incorporated herein by reference.

B. The site planning process of the manual and BMP selection and design criteria of the manual shall be used to implement the minimum requirements of the manual.

C. All development and redevelopment shall apply all known, available and reasonable methods of prevention, control and treatment (AKART), utilizing the BMPs and design criteria of the manual, including LID design criteria, to comply with the minimum requirements of the manual, prior to discharge into the city of Sedro-Woolley storm sewer system permitted by the Department of Ecology.

D. No person may conduct activity regulated by this chapter which discharges directly to, or indirectly through, the city of Sedro-Woolley storm sewer system permitted by the Department of Ecology, unless they meet the requirements of this chapter and obtain a stormwater management permit or stormwater maintenance permit, or both.

E. All stormwater site plans for regulated activity (development and redevelopment) are subject to review and approval by the director, and shall require a stormwater management permit or stormwater maintenance permit issued by the director pursuant to this chapter. A stormwater maintenance permit may be required by the director as a condition of the stormwater management permit.

F. The director shall adopt BMPs for low impact development (LID) techniques pursuant to Section [13.36.060](#)(B) as administrative regulations for the implementation of this chapter. The director may adopt specific BMPs and low impact development standards from the ~~2014~~-SWMMWW or other approved source. In addition, an applicant may seek an adjustment or variance incorporating BMPs for LID techniques into permit approval. (Ord. [1855-16](#) § 9, 2016; Ord. [1687-10](#) § 2 (Exh. B (part)), 2010)

G. The owner or operator of an institutional, commercial or industrial establishment that has the potential to generate pollutants into the storm sewer system shall provide appropriate protections from accidental discharge of prohibited materials or other wastes through the use of applicable structural and non-structural source control BMPs in the SWMMWW. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, shall be required to implement additional structural and non-structural source control BMPs to prevent further discharge of pollutants to the storm sewer system.

13.40.080 Adjustments and variances.

A. Adjustments. Adjustments to the minimum requirements may be granted by the director; provided, that a written finding of fact is prepared that addresses the following:

1. The adjustment provides substantially equivalent environmental protection.
2. Based on sound engineering practices, the objectives of safety, function, environmental protection and facility maintenance, are met.

Adjustments under this subsection do not require a public notice or hearing, and the decision of the director under this subsection is not subject to appeal.

B. Exceptions/Variations. Exceptions/variances (exceptions) to the minimum requirements may be granted by the director following legal public notice of an application for an exception or variance, legal public notice of the director's decision on the application, and written findings of fact that document the director's determination to grant an exception. The director shall keep records, including the written findings of fact, of all local exceptions to the minimum requirements.

Project-specific design exceptions based on site-specific conditions do not require prior approval of the department. The director must seek prior approval by the department for any jurisdiction-wide exception.

The director may grant an exception to the minimum requirements if such application imposes a severe and unexpected economic hardship. To determine whether the application imposes a severe and unexpected economic hardship on the project applicant, the director must consider and document with written findings of fact the following:

1. The current (pre-project) use of the site; and
2. How the application of the minimum requirement(s) restricts the proposed use of the site compared to the restrictions that existed prior to the adoption of the minimum requirements; and
3. The possible remaining uses of the site if the exception were not granted; and
4. The uses of the site that would have been allowed prior to the adoption of the minimum requirements; and
5. A comparison of the estimated amount and percentage of value loss as a result of the minimum requirements versus the estimated amount and percentage of value loss as a result of requirements that existed prior to adoption of the minimum requirements; and

6. The feasibility for the owner to alter the project to apply the minimum requirements.

C. In addition any exception/variances must meet the following criteria:

1. The exception will not increase risk to the public health and welfare, nor injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state; and

2. The exception is the least possible exception that could be granted to comply with the intent of the minimum requirements.

D. An exception/variance shall be subject to the same notice requirements and appeal process from the decision of the director as a Type II decision subject to Chapter [2.90](#), to the extent applicable and not inconsistent with this chapter. (Ord. [1687-10](#) § 2 (Exh. B (part)), 2010)

13.40.090 Prohibitions.

A. Illicit discharge to stormwater drainage systems is prohibited. Illicit discharges are defined as those discharges prohibited by the manual, the Western Washington Phase II Municipal Stormwater Permit, the city of Sedro-Woolley stormwater management plan, and state law.

B. The following categories of nonstormwater discharges are prohibited unless the stated conditions are met:

1. Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4.

2. Discharges from lawn watering and other irrigation runoff. These shall be minimized through, at a minimum, public education activities (see section S5.C.1 of the Western Washington Phase II Municipal Stormwater Permit) and water conservation efforts.

3. Dechlorinated swimming pool discharges. The discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, volumetrically and velocity controlled to prevent resuspension of sediments in the MS4. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.

4. Street and sidewalk wash water, water used to control dust, and routine external building washdown that does not use detergents. At active construction sites, street sweeping must be performed prior to washing the street.

5. Other nonstormwater discharges. The discharges shall be in compliance with the requirements of a stormwater pollution prevention plan, reviewed by the director, which addresses control of such discharges.

C. Development and redevelopment which fail to comply with the requirements of this chapter is prohibited. (Ord. [1687-10](#) § 2 (Exh. B (part)), 2010)

13.40.100 Authority.

A. Director. The director or a designee/inspector shall administer and enforce this chapter and shall be referred to as the director.

B. Inspection Authority. The director is directed and authorized to develop an inspection program for stormwater facilities and existing sites with the potential to generate pollutants in the city, including all facilities operating under a stormwater maintenance permit.

C. Plan, Manual, and Inspection Schedule. All activities and facilities which are subject to this chapter shall, as a condition of the stormwater maintenance permit, submit a permanent maintenance plan, maintenance and operations manual, and an inspection schedule, which shall be subject to the approval of the director. Compliance with the plan, maintenance manual and inspection schedule shall be a condition of the stormwater maintenance permit.

D. Previously Constructed Facilities. This chapter shall apply to stormwater facilities which were legally constructed without a stormwater maintenance permit issued pursuant to this chapter, to the extent permitted and required by the manual. The facilities shall be subject to inspection for compliance with the original conditions of approval and the applicable standards of this chapter. (Ord. 1687-10 § 2 (Exh. B (part)), 2010)

13.40.110 Inspection program.

A. Inspection. The inspector is authorized to inspect during regular working hours and at other reasonable times all stormwater drainage systems and existing sites with the potential to generate pollutants within the city to determine compliance with the provisions of this chapter. The following schedule shall apply:

1. Facilities operating under a stormwater maintenance permit shall be inspected pursuant to the inspection schedule incorporated in the permit.
2. Facilities operating without a stormwater maintenance permit shall be inspected at least annually, unless the director determines that annual inspections are not necessary.
3. Facilities which the director has reason to believe are not being maintained or operated consistent with the stormwater maintenance permit or as previously permitted or designed, may be inspected by the director at any time, as set forth below.

B. Procedures. Prior to making any inspections, the inspector shall present identification credentials, state the reason for the inspection and request entry.

1. If the property of any building or structure on the property is unoccupied, the inspector shall first make a reasonable effort to locate the owner or any other person(s) having charge or control of the property or portions of the property and request entry.
2. If after reasonable effort, the inspector is unable to locate the owner or other person(s) having charge or control of the property, and has reason to believe the condition of the stormwater drainage system creates an imminent hazard to persons or property, the inspector may enter.

3. Unless entry is consented to by the owner or person(s) in control of the property or portion of the property or unless conditions are reasonably believed to exist which create imminent threat to public safety, the inspector shall obtain a search warrant, prior to entry, as authorized by the laws of the state of Washington.

4. The inspector may inspect the stormwater drainage system without obtaining a search warrant provided for in subsection (B)(3) of this section, provided the inspection can be conducted while remaining on public property or other property on which permission to enter is obtained.

C. **Inspection Schedule.** The director shall establish a master inspection and maintenance schedule to inspect appropriate stormwater facilities that are not owned by the city. Inspections shall be annual. Critical stormwater facilities may require a more frequent inspection schedule.

D. **Inspection and Maintenance Records.** As existing stormwater facilities are encountered, they shall be added to the master inspection and maintenance schedule. Records of new stormwater facilities shall include the following:

1. As-built plans and locations;
2. Findings of fact from any exemptions granted by the local government;
3. Operation and maintenance requirements and records of inspections, maintenance actions and frequencies;
4. Engineering reports, as appropriate.

E. **Reporting Requirements.** The director shall report annually to the city council about the status of the inspections. The annual report may include, but need not be limited to, the proportion of the components found in and out of compliance, the need to upgrade components, enforcement actions taken, compliance with the inspection schedule, the resources needed to comply with the schedule, and comparisons with previous years.

F. **Easement.** The director may require, as a condition of the stormwater maintenance permit, that the city of Sedro-Woolley be conveyed a permanent easement to access the permitted stormwater facilities for purposes of inspection and emergency maintenance and repairs. (Ord. [1687-10](#) § 2 (Exh. B (part)), 2010)

13.40.120 Administration.

A. **Director.** The director or a designee shall administer this chapter and shall be referred to as the director. The director shall have the authority to develop and implement administrative procedures to administer and enforce this chapter.

B. **Review and Approval.**

1. Any activity subject to regulation by this chapter shall not be approved until the director issues a written finding that the regulated activity complies with this chapter, or is exempt. The finding, approvals and conditions shall be incorporated into a stormwater maintenance permit. The omission of a minimum requirement or BMP on the permit or approved plan shall not

relieve the applicant of complying with the minimum requirement or BMP if it is made applicable by the manual.

2. Any owner or applicant seeking approval or a permit for activity regulated by this chapter shall, in addition to any other permit necessary for the activity, apply for a stormwater maintenance permit in the form provided by the director, and shall provide the information required to demonstrate compliance with minimum requirements and BMPs specified in the manual. The form of the application shall meet the requirements established by the director.

3. The director may approve, conditionally approve or deny an application for activities regulated by this chapter. Such approval or denial shall be based on the thresholds, definitions, minimum requirements and exceptions, adjustment and variance criteria found in Appendix I of the NPDES Phase II Municipal Stormwater Permit, including the mandatory incorporated provisions of the 2014 Department of Ecology Stormwater Management Manual for Western Washington, and on any administrative provisions adopted by the director pursuant to Section [13.40.050](#).

4. If an adjustment, exception or variance is allowed, it shall be incorporated into the conditions and terms of the permit issued by the director.

5. Inspection. All activities regulated by this chapter shall be inspected by the director. The director shall inspect projects at various stages of the work requiring approval to determine that the regulated activity is complying with the terms of the permit and approval. Stages of work requiring inspection include, but are not limited to, preconstruction; installation of BMPs; land-disturbing activities; installation of utilities, landscaping, retaining walls and completion of project. When required by the director, a special inspection and/or testing shall be performed.

6. All project applications must address long-term maintenance responsibility and access for maintenance inspections, and all must continue to meet the minimum requirements of the manual as a condition of the stormwater maintenance permit.

7. The stormwater maintenance permit shall identify the party responsible for compliance, and may require the posting of a bond or surety to guarantee financial responsibility for compliance as a condition of the permit. The amount of the bond or other surety shall not exceed one hundred twenty-five percent of the cost of compliance with the conditions and requirements of the stormwater maintenance permit, as determined by the director.

8. Any applicant may appeal the decision of the director to issue, condition or deny a permit in the same manner as a Type II decision subject to Chapter [2.90](#), to the extent applicable and not inconsistent with this chapter. (Ord. [1855-16](#) § 10, 2016; Ord. [1687-10](#) § 2 (Exh. B (part)), 2010)

13.40.130 Civil enforcement.

A. The director shall enforce this chapter. Violations of this chapter shall be subject to civil penalties and process as set forth in Title [18](#). It shall be a violation of this chapter to (1) engage in any regulated activity without a permit issued pursuant to this chapter, (2) violate the terms and conditions of a permit issued pursuant to this chapter, or (3) permit, allow, or commit an illicit discharge prohibited by this chapter.

B. The director is authorized to seek injunctions, restraining orders, and other civil relief in court as is necessary to enforce this chapter. (Ord. [1855-16](#) § 11, 2016; Ord. [1687-10](#) § 2 (Exh. B (part)), 2010)

13.40.140 Criminal violation.

In addition to any civil penalty or civil enforcement action, a willful violation of this chapter by any person shall constitute a gross misdemeanor punishable by a five-thousand-dollar fine, imprisonment in jail not to exceed one year, or both. (Ord. [1687-10](#) § 2 (Exh. B (part)), 2010)

13.40.150 Fees.

The applicant shall pay all fees and costs as established by ordinance or resolution prior to issuance of the stormwater maintenance permit or other review or inspections pursuant to this chapter. If no separate fee is established, the applicant shall pay a fee based on the hourly rate for city engineering services established by separate ordinance or resolution for plan review. (Ord. [1687-10](#) § 2 (Exh. B (part)), 2010)

Chapter 15.60

IMPACT FEES FOR PLANNED FACILITIES*

Sections:

- 15.60.010 Authority and purpose.
- 15.60.015 Definitions.
- 15.60.020 Applicability.
- 15.60.030 Geographic scope.
- 15.60.040 Imposition of transportation impact fees.
- 15.60.050 Transportation fee schedules and establishment of service area.
- 15.60.060 Calculation of transportation impact fees.
- 15.60.070 Park impact fee and establishment of service area.
- 15.60.080 Calculation of park impact fees.
- 15.60.090 Fire department impact fee and establishment of service area.
- 15.60.100 Calculation of fire department impact fees.
- 15.60.110 Payment of fees.
- 15.60.120 Project list.
- 15.60.130 Funding of projects.
- 15.60.140 Refunds.
- 15.60.150 Appeals.
- 15.60.160 Relationship to SEPA.
- 15.60.170 Relationship to concurrency.
- 15.60.180 Necessity of compliance.

* Prior ordinance history: Ords. 1314-98, 1331-99, 1424-02 ~~and~~, 1452-03, and 2013-22-

15.60.010 Authority and purpose.

A. This title is enacted pursuant to the city's police powers, the Growth Management Act as codified in Chapter 36.70A RCW, the enabling authority in Chapter 82.02 RCW, Chapter 58.17 RCW relating to platting and subdivisions, and the State Environmental Policy Act (SEPA) Chapter 42.21C RCW.

B. The purpose of this title is to:

1. Develop a transportation impact fee program consistent with the Sedro-Woolley Comprehensive Plan (2005) the Six-Year Transportation Improvement Program (2005), and capital facilities plans for joint public and private financing of transportation, park and fire department improvements necessitated in whole or in part by development in the city;
2. Ensure adequate levels of transportation, traffic, park and fire department service within the city consistent with the comprehensive plan;
3. Create a mechanism to charge and collect fees to ensure that all new development bears its proportionate share of the capital costs of off-site facilities directly necessitated by new development, in order to provide an adequate level of service consistent with the comprehensive plan;

4. Ensure that the city pays its fair share of the capital costs of transportation, park and fire department facilities necessitated by public use of the transportation, park, and fire department systems; and

5. Ensure fair collection and administration of such impact fees.

C. The provisions of this chapter shall be liberally construed to effectively carry out its purpose in the interests of the public health, safety and welfare. (Ord. 1555-06 § 1 (part), 2006)

15.60.015 Definitions.

The following are definitions provided for administering the impact fee ordinance. The public works director shall have the authority to resolve questions of interpretation or conflicts between definitions.

A. "Adequate level of transportation service" means a system of transportation facilities which have the capacity to serve development without decreasing levels of service below the city's established minimum as determined by SWMC Chs. 15.40, 15.56, and adopted plans and ordinances.

B. "Adequate level of parks service" means a system of parks facilities which have the capacity to serve development without decreasing levels of service below the city's established minimums as determined by adopted plans and ordinances.

C. "Adequate level of fire department service" means a system of fire department facilities which have the capacity to serve development without decreasing levels of service below the city's established minimums as determined by adopted plans and ordinances.

D. "Capacity" means the maximum sustainable flow rate at which vehicles or persons can be expected to traverse a point or uniform segment of a lane or roadway during a specified time period, usually expressed as vehicles per hour, passengers per hour, or persons per hour.

E. "Development activity" means any construction or expansion of a building, or structure, or use, or any changes in the use of land, that creates additional demand and need for public facilities.

F. "Director" means the director of the department of public works of the city of Sedro-Woolley or his/her designee.

G. "Finance director" means the clerk-treasurer of the city of Sedro-Woolley or his/her designee.

H. "Impact fee" means a payment of money imposed upon development approval to pay for public streets and roads, parks and fire department facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public streets and roads, parks and fire department facilities that is a proportionate share of the cost of the public streets and roads, parks and fire department facilities and that is used for public streets and roads, parks and fire department facilities that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee otherwise established by city council resolution, nor mitigation required by SEPA or other ordinance.

I. "Jurisdiction" means a municipality or county.

J. "Off-site transportation road improvement" means improvement, except a frontage improvement, to an existing or proposed city road or street outside the boundaries of a development, which

improvement is required or recommended in accordance with this title. “Off-site parks improvement” means improvement to an existing or proposed park facility outside the boundaries of a development, which improvement is required or recommended in accordance with this title.

K. “Off-site fire department improvement” means improvement to an existing or proposed fire department facility outside the boundaries of a development, which improvement is required or recommended in accordance with this title.

L. “Parks” means public parks; public recreational, community, cultural or civic facilities (including, without limitation senior centers and youth centers); public trails; and any other similar public facilities identified in the parks plan.

M. “Parks plan” means those specific projects and/or classes of projects for the development and/or improvement of public parks identified within the parks element of the Sedro-Woolley capital facilities plan, as may from time to time be amended.

N. “Project improvements” means site improvements and facilities that are planned and designed to provide service for a particular development project that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in the capital facilities plan approved by the city council shall be considered a project improvement.

O. “Service area” means a geographic area defined by ordinance or intergovernmental agreement in which a defined set of public streets and roads, parks and fire department facilities provide service to the development within the area.

P. “Six-year transportation improvement program (TIP)” means a subset of projects contained in the city’s capital improvement program. The TIP is a set of comprehensive street programs/projects which after a public hearing is annually adopted by the city council for the purpose of advancing plans for not less than six years as a guide for carrying out the coordinated transportation/street construction program. The six-year TIP shall contain a small group of capacity projects which will be considered reasonably funded for determining transportation concurrency and impact fees. The adoption of the six-year TIP will obligate the city to actively pursue funds as to implement the capacity component of the transportation improvement program as best possible with the available resources.

Q. “System improvements” means public facilities that are included in the capital facilities plan and are designed to provide service areas within the community at large, in contrast to project improvements. (Ord. 1555-06 § 1 (part), 2006)

15.60.020 Applicability.

A. The requirements of this chapter apply to all development activity in the city of Sedro-Woolley.

B. Mitigation of impacts on transportation, park, and fire department facilities located in jurisdictions outside the city will be required when:

1. The other effective jurisdiction has reviewed the development’s impact under its adopted impact fee/mitigation regulations and has recommended to the city that the city impose a requirement to mitigate the impacts; and

2. There is an interlocal agreement between the city and the effective jurisdiction specifically addressing transportation, park or fire department impact identification and mitigation. (Ord. 1555-06 § 1 (part), 2006)

15.60.030 Geographic scope.

The boundaries within which impact fees shall be charged and collected are co-extensive with the corporate city limits, and shall include all unincorporated areas annexed to the city on and after the effective date of the ordinance codified in this chapter. After the adoption of interlocal agreements with other local and regional governments, geographic boundaries may be expanded consistent therewith to include the unincorporated urban growth area as identified in the current comprehensive plan map as now adopted or hereafter amended. (Ord. 1555-06 § 1 (part), 2006)

15.60.040 Imposition of transportation impact fees.

A. The approving authority is hereby authorized to impose impact fees on new development according to the provisions of this chapter.

B. Impact Fees.

1. Shall only be imposed for system improvements that are reasonably related to the new development;
2. Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development;
3. Shall be used for system improvements that will reasonably benefit the new development; and
4. May be collected and spent only for system improvements which are addressed by the Sedro-Woolley capital facilities plan, or other capital facilities plan for parks and fire department improvements identifying:
 - a. Deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time,
 - b. Additional demands placed on existing public facilities by new developments, and
 - c. Additional public facility improvements required to serve new development;
5. Should not be imposed to mitigate the same off-site facility impacts that are mitigated pursuant to any other law;
6. Should not be collected for improvements to state facilities outside the city boundaries unless the state requests such improvements and an agreement to collect such fees has been executed between the state/county and the city;
7. Shall not be collected for improvements to facilities in other jurisdictions unless the affected jurisdiction requests such improvement and an interlocal agreement has been executed between the city and the affected jurisdiction for the collection of such fees;

8. Shall be collected only once for each building permit, unless changes or modifications to the building permit are proposed which result in greater direct impacts on public facilities than were considered when the building permit was first approved;

9. Shall not be collected from any new or expanded city facilities, post offices or libraries. (Ord. 1555-06 § 1 (part), 2006)

15.60.050 Transportation fee schedules and establishment of service area.

A. Subject to the provisions of Section 15.60.060, the transportation impact fee shall be as set forth on Attachment A, contained in the master fee schedule adopted by resolution of the city council, and on file with the city clerk. Attachment A shall provide:

1. The schedule of projects established by the city council for which impact fees may be collected, which shall be a subset of the Sedro-Woolley transportation capital facilities plan of the Sedro-Woolley Comprehensive Plan and 2016 Transportation Plan, as updated on May 18, 2018;
2. The cost of the projects on the schedule;
3. A map dividing the city into zones based upon probable impact on planned transportation capital facility projects of development within the zones;
4. The amount of the transportation impact fees to be paid on a “per peak PM trip basis” to be paid by a development with a particular zone.

Attachment A shall not be codified, but shall be referenced in the master fee schedule adopted by resolution of the city council.

B. The impact fee schedule of costs, as set out in Attachment A, shall be updated annually at a rate adjusted in accordance with the Federal Highway Administration’s National Highway Construction Cost Index (NHCCI), using an annual measure to establish revised fee schedules effective January 1st of each year.

C. For the purpose of this chapter, the entire city shall be considered one service area. ([Ord. 2013-22 § 48, 2022](#); Ord. 1960-20 § 1, 2020; Ord. 1852-16 § 1, 2016; Ord. 1773-13 § 1, 2013; Ord. 1555-06 § 1 (part), 2006)

15.60.060 Calculation of transportation impact fees.

A. The director shall calculate the transportation impact fees as set forth in Section 15.60.050, subject to the provisions of this chapter.

B. In determining the proportionate share, the method of calculating impact fees shall incorporate, among other things, the following:

1. The cost of public streets and roads necessitated by new development;
2. An adjustment to the cost of the public streets and roadways for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of user fees, debt service payments, taxes, or other payments earmarked for or proratable to the particular system improvement;

3. The availability of other means of funding public street and roadway improvements;
4. The cost of existing public street and roadway improvements;
5. The methods by which public street and roadway improvements were financed; and
6. The most recent ITE Trip Generation Manual and a report titled "Traffic Impact Fee Methodology," dated November 2005, as updated by a report titled "Sedro-Woolley Transportation Impact Fee Rate Update" prepared by Transportation Solutions, Inc., dated June 15, 2016, and as updated by a report titled "Transportation Impact Fee Rate Study 2020 Update Final Report" prepared by Transportation Solutions, Inc., dated April 2020, on file with the city clerk.

C. A credit, not to exceed the impact fee otherwise payable, shall be provided for the value of any dedication of land for, improvement to, or new construction of any system improvements provided by the developer to facilities that are identified in the capital facilities plan and on the TIF project list (Attachment A, attached to the ordinance codified in this section, referenced herein and on file with the city clerk) and that are required by the city as a condition of approving the development activity. The determination of value shall be consistent with the assumptions and methodology used by the city in estimating the capital improvement costs.

D. The director may adjust the standard impact fee at the time the fee is imposed to consider unusual circumstances in specific cases to ensure that impact fees are imposed fairly.

E. The amount of fee to be imposed on a particular development may be adjusted by the director giving consideration to studies and other data available to the director or submitted by the developer demonstrating to the satisfaction of the director that an adjustment should be made in order to carry out the purposes of this chapter.

F. The impact fee shall provide for system improvement costs previously incurred by the city to the extent that new growth and development will be served by the previously constructed improvements; provided, that such fees shall not be imposed to make up for any system improvement deficiencies. (Ord. 1960-20 § 2, 2020: Ord. 1852-16 § 2, 2016: Ord. 1555-06 § 1 (part), 2006)

15.60.070 Park impact fee and establishment of service area.

A. Subject to the provisions of Section 15.60.080, the parks impact fee assessed pursuant to this chapter shall be set forth on Attachment B contained in the master fee schedule adopted by resolution of the city council, for each equivalent single-family residential dwelling unit, whether a single-family structure, a unit in a multifamily structure, a mobile or manufactured home on an individual lot or in a mobile home park, a detached relative cottage, accessory dwelling unit or other dwelling unit, subject to the provisions in this chapter.

B. The impact fee set out in subsection A of this section shall be increased or decreased annually, effective January 1st of each year, by the annual rate of inflation as measured by the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U), Seattle-Tacoma-Bellevue, June over June, be updated annually at a rate adjusted in accordance with the engineering news record (ENR) Construction Cost Index for the Seattle area, using a June-June annual measure to establish revised fee schedules effective July 1st of the current year.

C. For the purpose of this chapter, the entire city shall be considered one service area. (Ord. 1959-20 § 2 (part), 2020; Ord. 1630-08 § 1 (Exh. A)(part), 2008; Ord. 1555-06 § 1 (part), 2006)

The city elects to fund less than the full amount through parks impact fees, but will actively seek grant funds to fund the shortfall. Additional costs to fund the shortfall from impact fees should be through grant funds, by private donations to city park funds, and through the general fund.

~~New units projected by 2025: one thousand three hundred forty seven new units (estimated in 2005).~~

Parks impact fee per unit: Single-family residence: listed in the master fee schedule adopted by resolution of the city council.

Manufactured home: listed in the master fee schedule adopted by resolution of the city council.

Units in a duplex or multifamily unit: listed in the master fee schedule adopted by resolution of the city council.

Dependent relative cottage: listed in the master fee schedule adopted by resolution of the city council.

Accessory dwelling unit between the minimum allowed size ADU and four hundred fifty square feet: listed in the master fee schedule adopted by resolution of the city council.

Accessory dwelling unit greater than four hundred fifty square feet and below the maximum size allowed ADU: listed in the master fee schedule adopted by resolution of the city council.

All units not specifically identified in the above: listed in the master fee schedule adopted by resolution of the city council.

(Ord. 2013-22 § 49, 2022; Ord. 1959-20 § 2 (part), 2020; Ord. 1630-08 § 1 (Exh. A)(part), 2008)

15.60.080 Calculation of park impact fees.

A. The director shall calculate the parks impact fees as set forth in SWMC Section 15.60.070, subject to the provisions of this chapter.

B. In determining the proportionate share, the method of calculating impact fees shall incorporate, among other things, the following:

1. The cost of public parks necessitated by new development;
2. An adjustment to the cost of the public parks for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of user fees, debt service payments, taxes, or other payments earmarked for or proratable to the particular system improvement;
3. The availability of other means of funding public parks improvements;
4. The cost of existing public parks improvements; and
5. The methods by which public parks improvements were financed.

C. A credit, not to exceed the impact fee otherwise payable, shall be provided for the value of any dedication of land for, improvement to, or new construction of any system improvements provided by the developer to facilities that are identified in the parks plan and that are required by the city as a condition of approving the development activity. The determination of value shall be consistent with the assumptions and methodology used by the city in estimating the capital improvement costs.

D. The director may adjust the standard impact fee at the time the fee is imposed to consider unusual circumstances in specific cases to ensure that impact fees are imposed fairly.

E. The amount of fee to be imposed on a particular development may be adjusted by the director giving consideration to studies and other data available to the director or submitted by the developer demonstrating to the satisfaction of the director that an adjustment should be made in order to carry out the purposes of this chapter.

F. The impact fee shall provide for system improvement costs previously incurred by the city to the extent that new growth and development will be served by the previously constructed improvements; provided, that such fees shall not be imposed to make up for any system improvement deficiencies. (Ord. 1630-08 § 1 (Exh. A)(part), 2008: Ord. 1555-06 § 1 (part), 2006)

15.60.090 Fire department impact fee and establishment of service area.

A. Subject to the provisions of Section 15.60.100, the fire department facilities impact fee assessed pursuant to this chapter shall be calculated as set forth on Attachment C.

B. The impact fee set out in subsection A of this section shall be updated annually at a rate adjusted in accordance with the engineering news record (ENR) Construction Cost Index for the Seattle area, using a June-June annual measure to establish revised fee schedules effective July 1st of the current year.

C. For the purpose of this chapter, the entire city shall be considered one service area. (Ord. 1845-16 § 2 (Exh. A)(part), 2016: Ord. 1555-06 § 1 (part), 2006)

Attachment C—Schedule of Fire Department Impact Fees

Fire Impact Fee Calculations.

A. Residential structures, including single-family and multifamily structures: twenty-eight cents per square foot of structure, including garage, outbuildings and attached porches.

B. Nonresidential structures: twenty-eight cents per square foot of structure, including garage, outbuildings and attached porches; provided, that the fee for nonresidential structures shall receive an adjustment, in an amount determined by the responsible official, equal to forty percent reduction for buildings equipped with an approved sprinkler system, and ten percent reduction for buildings equipped with an alarm system.

C. Nonresidential construction and development activity which requires fire protection but is not a traditional structure, such as a bulk fuel storage facility or a fuel pipeline, shall be assessed an impact fee in an amount determined by the responsible official pursuant to Section 15.60.100. (Ord. 1845-16 § 2 (Exh. A)(part), 2016)

15.60.100 Calculation of fire department impact fees.

- A. The director shall calculate the fire department impact fees as set forth in SWMC Section 15.60.090, subject to the provisions of this chapter.
- B. In determining the proportionate share, the method of calculating impact fees shall incorporate, among other things, the following:
 - 1. The cost of public fire department facilities necessitated by new development;
 - 2. An adjustment to the cost of the fire department facilities for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of user fees, debt service payments, taxes, or other payments earmarked for or proratable to the particular system improvement;
 - 3. The availability of other means of funding fire department facilities improvements;
 - 4. The cost of existing fire department facilities improvements; and
 - 5. The methods by which public parks improvements were financed.
- C. A credit, not to exceed the impact fee otherwise payable, shall be provided for the value of any dedication of land for, improvement to, or new construction of any system improvements provided by the developer, to facilities that are identified in the parks plan and that are required by the city as a condition of approving the development activity. The determination of "value" shall be consistent with the assumptions and methodology used by the city in estimating the capital improvement costs.
- D. The director may adjust the standard impact fee at the time the fee is imposed to consider unusual circumstances in specific cases to ensure that impact fees are imposed fairly.
- E. The amount of fee to be imposed on a particular development may be adjusted by the director giving consideration to studies and other data available to the director or submitted by the developer demonstrating to the satisfaction of the director that an adjustment should be made in order to carry out the purposes of this chapter.
- F. The impact fee shall provide for system improvement costs previously incurred by the city to the extent that new growth and development will be served by the previously constructed improvements; provided, that such fees shall not be imposed to make up for any system improvement deficiencies.
(Ord. 1555-06 § 1 (part), 2006)

15.60.110 Payment of fees.

- A. All developers shall pay an impact fee in accordance with the provisions of this chapter at the time that the applicable building permit is ready for issuance.

Exception: For complete building permit applications, at the time of issuance of any single-family residential building permit for a dwelling unit that is being constructed for resale, the applicant/owner may elect to record a covenant, in a form to be approved by the city attorney, against the property that requires payment of the impact fees due and owed in accordance with this chapter and any other

applicable sections of the Sedro-Woolley Municipal Code, by providing for full payment through escrow of the fees due and owed to be paid at the time of closing of sale of the lot or unit; but in no case shall the structure be occupied prior to payment of impact fees. The awarding of credits shall not alter the applicability of this section.

It is the intention of this chapter that fees shall generally be due at time of issuance of building permits, rather than at time of subdivision or construction of unoccupied infrastructure not generating immediate impacts. However, if no building permit will be required of a project, then the impact fee may be assessed for any other development activity permit or development approval generating an impact for which the fee is required. The fee paid shall be the amount in effect as of the date the permit application or approval is deemed completed and vested.

B. All developers shall pay an impact administrative fee at the time of application for a building permit or other permit or approval as set forth in the fee schedule adopted by resolution or ordinance of the city council.

C. The impact fee, as initially calculated after issuance for a building permit or other permit or approval, shall be recalculated at the time of payment if the development is modified or conditioned in such a way as to alter the trip generation rate for the development.

D. No building permit (or other applicable permit or approval) shall be issued until the impact fee is paid.

E. Impact fees may be paid under protest in order to obtain a permit or other approval of development activity. (Ord. 1761-12 § 1, 2012; Ord. 1555-06 § 1 (part), 2006)

15.60.120 Project list.

A. The director shall commonly review the city's comprehensive land use and transportation plan ("comprehensive plan"), capital facilities plan, and the projects in attachment A, attached to the ordinance codified in this section, and shall:

1. Identify each project in the comprehensive plan that is growth-related and the proportion of each such project that is growth-related;
2. Forecast the total moneys available from taxes and other public sources for road improvements over the next six years;
3. Calculate the amount of impact fees already paid; and
4. Identify those comprehensive plan projects that have been or are being built but whose performance capacity has not been fully utilized.

B. The director may use this information to prepare an annual draft amendment to attachment A, which shall comprise:

1. The projects on the comprehensive plan that are growth-related and that should be funded with forecast public moneys and the impact fees already paid;
2. The projects already built or funded pursuant to this chapter whose performance capacity has not been fully utilized; and

3. An update of the estimated costs of the projects listed.
- C. The council, at the same time that it adopts the biennial budget and appropriates funds for capital improvement projects, shall by separate ordinance establish the annual attachment A by adopting, with or without modification, the director's draft list.
- D. Once a project is placed on attachment A, a fee shall be imposed on every development that impacts the project until the project is removed from the list by one of the following means:
 1. The council by ordinance removes the project from attachment A, in which case the fees already collected will be refunded if necessary to ensure that impact fees remain reasonably related to the traffic impacts of development that have paid an impact fee; provided, that a refund shall not be necessary if the council transfers the fees to the budget of another project that the council determines will mitigate essentially the same traffic impacts; or
 2. The impact fee share of the project has been fully funded, in which case the director shall administratively remove the project from the project list. (Ord. 1950-20 § 2 (part), 2020: Ord. 1555-06 § 1 (part), 2006)

15.60.130 Funding of projects.

- A. A transportation impact fee restricted cash fund is hereby created. The finance director shall be the fund manager. Transportation impact fees shall be placed in appropriate deposit accounts within the transportation impact fee fund.
- B. The transportation impact fees paid to the city shall be held and disbursed as follows:
 1. The transportation, parks, and fire department impact fees collected shall be placed in separate deposit accounts within the impact fee fund;
 2. When the council appropriates capital improvement project (CIP) funds for a project on the project list, the fees held in the appropriate impact fee fund shall be transferred to the appropriate CIP fund. The non-impact fee moneys appropriated for the project may comprise both the public share of the project cost and an advancement of that portion of the private share that has not yet been collected in impact fees;
 3. The first money spent by the director on a project after a council appropriation shall be deemed to be the fees from the impact fee fund;
 4. Fees collected after a project has been fully funded by means of one or more council appropriations shall constitute reimbursement to the city of the public moneys advanced for the private share of the project;
 5. All interest earned on impact fees paid shall be retained in the account and expended for the purpose or purposes for which the transportation impact fees were imposed.
- C. Projects shall be funded by a balance between impact fees and public funds, and shall not be funded solely by transportation impact fees.
- D. Impact fees shall be expended or encumbered for a permissible use within ten years of receipt, unless there exists an agreement extending the time or extraordinary or compelling reason for fees to

be held longer than ten years. The finance director may recommend to the council that the city hold fees beyond ten years in cases where extraordinary or compelling reasons exist. Such reasons shall be identified in written findings by the council.

E. The finance director shall prepare an annual report on the transportation impact fee account showing the source and amount of all moneys collected, earned or received and projects that were financed in whole or in part by transportation impact fees. (Ord. 1930-19 § 1, 2019; Ord. 1555-06 § 1 (part), 2006)

15.60.140 Refunds.

A. A developer may request and shall receive a refund when the developer does not proceed with the development activity for which impact fees were paid, and the developer shows that no impact has resulted; however, the impact fee administrative fee shall not be refunded.

B. If an owner appears to be entitled to a refund of impact fees, the finance director shall notify the owner by first class mail deposited with the United States Postal Service at their last known address. The owner must submit a request for a refund to the finance director in writing within one year of the date the right to claim the refund arises or the date the notice is given, whichever is later. Any impact fees that are not expended or encumbered within the time limitations established by SWMC Ch. 15.60, and for which no application for a refund has been made within this one-year period, shall be retained and expended on any project.

C. In the event that impact fees must be refunded for any reason, they shall be refunded with interest earned to the owners of the benefited property as they appear of record with the Skagit County assessor at the time of refund. In the event of a dispute or uncertainty as to who is entitled to receipt, the funds may be paid into the registry of the Skagit County Superior Court. The city may require a release and hold harmless agreement from any recipient of refunded fees as a condition of payment.

D. When the city seeks to terminate any or all impact fee requirements, all unexpended or unencumbered funds shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the city shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail to the last known address of claimants. Claimants shall request refunds as in subsection B of this section. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the city, but must be expended on any city projects. This notice requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated. (Ord. 1555-06 § 1 (part), 2006)

15.60.150 Appeals.

A. A developer may appeal the amount of an impact fee determined by the director to the hearing examiner as provided in SWMC Chapter 2.90.

B. In order to appeal, the developer must pay the fee or post a bond or other acceptable security for the fee. Notice of appeal must be filed within fourteen days of issuance of a building permit or other land use approval or decision for which the fee was required.

C. The developer shall bear the burden of proving:

1. That the director committed error in calculating the developer's proportionate share, as determined by an individual fee calculation or, if relevant, as set forth in the fee schedule, or in granting credit for the benefit factors; or

2. That the director based his determination upon incorrect data.

D. The hearing examiner shall affirm the decision of the director, modify the decision of the director and recalculate the fee or credit, or remand the matter back to the director for additional findings and recomputation of the fee or credit. (Ord. 1607-08 § 5(A), 2008; Ord. 1555-06 § 1 (part), 2006)

15.60.160 Relationship to SEPA.

A. All development shall be subject to environmental review as provided by SEPA and other applicable city ordinances and regulations.

B. Payment of the impact fee shall constitute satisfactory mitigation of those impacts related to the specific improvements identified on the project list (attachment A, attached to the ordinance codified in this section).

C. Further mitigation in addition to the impact fee shall be required for identified adverse impacts appropriate for mitigation pursuant to SEPA that are not mitigated by an impact fee.

D. Nothing in this chapter shall be construed to limit the city's authority to deny building permits when a proposal would result in significant adverse impacts identified in an environmental impact statement and reasonable mitigation measures are insufficient to mitigate the identified impact. (Ord. 1555-06 § 1 (part), 2006)

15.60.170 Relationship to concurrency.

Neither compliance with this chapter or the payment of any fee hereunder shall constitute a determination of concurrency under Chapter 15.56 of this code. (Ord. 1555-06 § 1 (part), 2006)

15.60.180 Necessity of compliance.

A building permit issued after the effective date of the ordinance codified in this section shall be null and void if issued without substantial compliance with this chapter by the department, the approving authority and the director. (Ord. 1555-06 § 1 (part), 2006)

Chapter 15.64 SWMC - IMPACT FEES FOR SCHOOL FACILITIES

Section 15.64.130 entitled "School impact fees and administrative fees."

A. The school impact fees set forth in Appendix A, attached to this chapter, listed in the master fee schedule adopted by resolution of the city council, are generated from the formula for calculating impact fees set forth in the District No. 101 capital facilities plan. Except as otherwise provided in Section 15.64.050, 15.64.060 or 15.64.150, all development activity in the city will be charged the school impact fee in Appendix A.

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B. _____ The city's cost of administering the impact fee program shall be listed in the master fee schedule adopted by resolution of the city council per dwelling unit and shall be paid by the applicant to the city as part of the development application fee.

(Ord 2013-22 § 50, 2022: Ord. 1672-10 § 1, 2010: Ord. 1454-03 § 1, 2003: Ord. 1315-98 § 13, 1998)

Appendix A—Schedule of School Impact Fees

A. Single-Family Units. As listed in the master fee schedule adopted by resolution of the city council
~~One thousand six hundred seventy eight dollars~~Four thousand four hundred sixty one dollars per single-family residential unit or mobile or manufactured home (whether on a single lot, condominium unit or mobile park).

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B. Multifamily Units. As listed in the master fee schedule adopted by resolution of the city council~~Eight hundred forty seven dollar~~two thousand eight hundred eighty eight dollars per residential unit in a multifamily structure.

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Note: Detached, single housing units shall be considered single-family residential units, without regard to the form of ownership, including condominium ownership. (Ord. 1845-16 § 3 (Exh. B), 2016: Ord. 1672-10 § 2, 2010: Ord. 1630-08 § 2 (Exh. B), 2008)