



Agenda
Planning Commission Meeting
Wednesday, March 23, 2016
City Hall Council Chamber | 505 Swift Boulevard

Commission Members: Chair Madsen, Vice-Chair Wallner and Commissioners Clark, Wise, Palmer, Boring and Berkowitz

Liaisons: Council Liaison Lemley and Alternate Council Liaison Luzzo Gilmour
Staff Liaison Development Services Manager Simon

Regular Meeting - 7:00 p.m. (City Hall Council Chamber)

Welcome and Roll Call

Approval of Agenda: (Approved by Motion)

Approval of Minutes: (Approved by Motion)

February 24, 2016

Public Comments:

Public Hearing Explanation:

Unfinished Business - Public Hearing:

New Business – Public Hearing

1. 2015 CDBG/HOME CAPER (Public Hearing)
 - Michelle Burden, Housing Resources Specialist
2. Reallocation of CDBG 2016 Program Income to Luther Sr. Services
 - Michelle Burden, Housing Resources Specialist
3. Text Amendments to RMC 23.22.020 - Buffer Standards for C-I Neighborhood Retail Zoning (Z2016-101)
 - Rick Simon, Development Services Manager

Communications:

Adjournment

The next Planning Commission Workshop is

April 13, 2016

The next Planning Commission Meeting is April 27, 2016

This Meeting is broadcast live on CityView Channel 192 and online at CI.RICHLAND.WA.US/CITYVIEW

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MINUTES
PLANNING COMMISSION MEETING
City Hall – 550 Swift Boulevard – Council Chamber
WEDNESDAY, February 24, 2016
7:00 PM

Call to Order:

Chair Madsen called the meeting to order at 7:00 PM.

Attendance:

Present: Commissioners Berkowitz, Boring, Clark, Palmer, Wise, Vice-Chair Wallner and Chair Madsen; Commissioner Boring was excused. Also present were Community & Development Services Director Kerwin Jensen, Development Services Manager Rick Simon and Recorder Pam Bykonen.

Approval of Agenda:

Chair Madsen presented the February 24, 2016 meeting agenda for approval.

The February 24, 2016 meeting agenda was approved as presented.

Approval of Minutes

Chair Madsen presented the meeting minutes of the January 27, 2016 meeting for approval.

A motion was made by Vice-Chairman Wallner and seconded by Commissioner Palmer to approve the meeting minutes of the January 27, 2016 meeting as presented.

The motion carried unanimously.

Public Comment

Chairman Madsen asked if any members of the public would like to comment on an item not on the agenda. Seeing none, he closed this portion of the meeting.

PUBLIC HEARING

New Business

- 1. APPLICANT: CITY OF RICHLAND
REQUEST TO ADOPT UPDATES TO THE HORN RAPIDS MASTER PLAN
(M2016-101)**

Mr. Simon reviewed the proposed updates to the Horn Rapids Master Plan. The previous update to the document occurred in 2011. Map changes include:

- Removal of the EcoPark near the landfill;
- Designating a portion of the Business Center as Industrial;
- Configuration of open space;
- Newly constructed railroad infrastructure and rail loop;
- Redesigned sewer extension to avoid traversing a wetland area;
- Identifying the need for an electrical plan;
- Addition of an east-west road parallel to Robertson and a north-south road to provide additional access.

In addition, the sustainability principles within the text were deleted as some were captured in the Richland Municipal Code and others were not enforceable under current code.

A Determination of Non-significance was issued in response to the completed SEPA checklist. Mr. Simon noted that questions that arose at the Planning Commission's most recent workshop had been addressed and included in the meeting packet. Letters and comments received after packets had been distributed to commission members prior to the start of the meeting. Mr. Simon had received one request to extend the comment period for one week, which he did. The comment period on this item is now open until February 29, 2016.

Staff recommends approval of the proposed plan updates with five conditions as outlined in the staff report.

Public Hearing

Chairman Madsen opened the Public Hearing at 7:17.

Chairman Madsen closed the Public Hearing at 7:17.

Discussion

Commissioner Wise expressed concern regarding holding the public hearing before the comment period had closed. **Mr. Simon** explained that notice of the public hearing had been issued and it was not anticipated that many additional comments would be received during the extension period.

Additional concerns raised were related to the final location of the American Rock Products' haul road and potential loss of bike and walking paths. **Commissioner Berkowitz** suggested a sixth correction to the approval to include 'Figure Z' that incorporated commission and staff suggestions made at this meeting.

A motion was made by Commissioner Boring and seconded by Vice-Chair Wallner that the Planning Commission concur with the findings and conclusions set forth in staff report M2016-101 and recommend that the City Council adopt the 2016 draft update to

the Horn Rapids Master Plan with the five corrections listed in the staff report provided plus the addition of Figure Z as correction number six.

MOTION PASSED 6-0.

2. 2016 OFFICER ELECTIONS

Commissioner Boring nominated and Commissioner Berkowitz seconded for Chairman Madsen and Vice-Chairman Wallner continue in their respective positions for 2016.

Motion carried unanimously

Communications:

Mr. Simon

- Reminded all of the next workshop on March 9th workshop.

Commissioner Wise

- Congratulated 2016 Planning Commission officers.

Commissioner Berkowitz

- Congratulated Commissioner Palmer on his professional award.

ADJOURNMENT:

The February 24, 2016 Richland Planning Commission Regular Meeting was adjourned at 7:40 PM.

PREPARED BY: Pam Bykonen, Recorder, Planning and Development

REVIEWED BY:

Rick Simon, Secretary
Richland Planning Commission



PLANNING COMMISSION AGENDA ITEM COVERSHEET

Meeting Date: 03/23/2016

Agenda Category: New Business – Public Hearing

Prepared By: Michelle Burden, Housing Resources Specialist

Subject:

2015 CDBG/HOME CAPER (Public Hearing)

Request:

Recommended Motion:

This is a public hearing to receive comment on the annual CAPER. No action is required at this time.

Summary:

The City of Richland and Tri-Cities HOME Consortium have completed the Draft Consolidated Annual Performance Evaluation Report (CAPER) on its use of 2015 Community Development Block Grant (CDBG) and HOME funds. This public hearing is to mark the opening of the public comment period and to make the draft report available for public review and comment prior to its submission to HUD on March 30, 2016.

The report contains a summary of resources and program accomplishments, the status of actions taken during the year and a self-evaluation of progress made in support of the Strategic Plan.

The Draft CAPER is available for public review at Richland Development Services offices (840 Northgate Drive), the Richland Public Library and on the City's website.

Attachments:

1. DRAFT 2015 CAPER



CITY OF RICHLAND, WASHINGTON & TRI-CITIES HOME CONSORTIUM

CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER)

PROGRAM YEAR 2015 (JANUARY 1 – DECEMBER 31)

CITY OF RICHLAND

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CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)
This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

Overall, the City of Richland and the Tri-Cities HOME Consortium met or exceeded the 2015-2019 Consolidated Plan and 2015 Annual Action Plan goals and objectives. The City has demonstrated measurable progress in all of its Consolidated Plan programs and projects. Highlights include:

INCREASE AND PRESERVE AFFORDABLE HOUSING CHOICES

Tri Cities HOME Consortium uses its HOME funds for direct financial assistance to homebuyers through the down payment assistance program (DPA) and Community Housing Development Organization (CHDO) affordable housing development projects.

Richland Down Payment Assistance Program: Richland HOME funds were used to complete nineteen (19) down payment assistance loans. Five (5) loans were completed in 2015 as part of the 2014 program year. In total, Richland's HOME Program leveraged over \$2.6 million from private local lenders, \$55,795 from private contributions and homebuyers contributed \$33,872.

Kennewick Down Payment Assistance Program: Kennewick HOME funds were used to complete twenty-three (28) down payment assistance loans. Ten (10) loans were completed in 2015 as part of 2014 program year. In total, Kennewick HOME Program loans leveraged over \$4.5 million from local lenders, approximately \$90,532 from private contributions and homebuyers contributed over \$74,941.

Pasco Down Payment Assistance Program: Pasco HOME funds were used to complete twenty-three (23) down payment assistance loans. Four (4) loans were completed in 2015 as part of the 2014 program year. In total, Pasco HOME Program loans leveraged approximately \$3.7 million from local lenders, \$77,000 from private contributions and homebuyers contributed \$72,000.

Owner Occupied Rehabilitation Program: City staff managed two owner occupied rehabilitation projects during the program year. One rehabilitation project was completed in 2015 as part of the 2014 program year. The City provided funding for health, safety and weatherization needs.

Community Housing Development Organization (CHDO): The Tri-County Partners Habitat for Humanity's S. Jean CHDO project (2011 – IDIS #899) was also completed in 2015, providing 5 new affordable housing units to low income, first-time homebuyers.

The Highland Park infrastructure phase of the current CHDO project (2013 – IDIS #1022) was completed in November 2015. Construction of affordable housing for the Highland Park development was started in

November 2015, breaking ground on three homes of the twenty-four that will be completed for this project.

COMMUNITY NEIGHBORHOOD & ECONOMIC DEVELOPMENT

City of Richland, Barth Park, Public Facility Improvement: CDBG awarded funds of \$60,000 and \$12,079 was reallocated from prior year funding to improve the local neighborhood park and enhance the park for smaller children. The area served by this project is Census Tract 106.00 Block Groups, 1, 2, and 3. The area exceeds HUD's upper quartile exception criteria of 44.46% established for Richland, as 46.72% of the population in this service area is low and moderate income. Construction included the purchase and installation of playground equipment that focuses around children ages 2 to 7 and the installation of safety surfacing. Construction was completed in 2015 although the project remains open in 2016 due to contracting closeout requirements. CDBG funds leveraged an additional \$10,788 in local funds for this project.

City of Richland Public Works, Removal of Architectural Barriers: 2015 CDBG funds of \$269,760 were used to remove architectural barriers in Census Tract 105, Block Groups 1, 2, 3. Four ADA compliant wheelchair access ramps were installed. City crews also removed architectural barriers that have limited elderly and disabled. This included relocating three street lights that were considered obstacles and limiting wheelchair access, crack filling, grinding and replacing deteriorated or non-existing sidewalk panels that were considered a tripping hazard or impeded access and limited wheelchair accessibility. Additionally, six Audible Pedestrian Signal (APS) were installed at busy intersections. Removing the architectural barriers has enhanced livability and improved accessibility for disabled and elderly persons to enjoy local parks, access to the transit center, shopping and to cross intersections in a safe manner. The project should be completed spring 2016.

HOMELESS INTERVENTION AND PUBLIC SERVICE

The ARC of Tri-Cities Therapeutic Recreation Partners and Pals Program: The ARC of Tri-Cities was awarded \$11,838.00 in CDBG funds. The ARC of Tri-Cities was able to offer 23 adults with developmental disabilities over 1,350 activity hours participating in community activities with the help of volunteers and staff. Over twenty-four volunteers donated 440 hours to help support participation in events for the disabled adults. CDBG funds leveraged an additional \$28,000 from other public and private resources.

Senior Life Resources, Meals on Wheels Program: A total of 40,832 nutritional meals were served to 478 Richland residents. Of that amount, 33,236 were home delivered and 7,596 were served at the Richland Community Center dining room. Over the course of the year, 111 volunteers provided 7,904 hours and drove 28,265 miles to deliver meals to home bound seniors. All of the meals were planned by a registered dietician and met at least 1/3 of the recommended daily nutrition allowance. CDBG funds totaled \$8,838. Other funding contributions totaled \$1,036,590 for the Senior Life Resource program.

Elijah Family Homes, Transition to Success Program: \$14,787.82 of the \$18,615 award in CDBG funds was used to assist 38 Richland residents with case management services to recovering drug/alcohol abusers and family members. Case management included teaching basic life and parenting skills, family support, individual counseling and children's programs which increased self-sufficiency. Clients were also referred to community training and job connections to increase economic sustainability of the household. One

Richland family graduated from the program in 2015. CDBG funds leveraged an additional \$12,520 from private donations.

The table below represents the progress the City of Richland and the Tri-Cities HOME Consortium has made to meet the annual goals anticipated for program year 2015, the Consolidated Plan objectives and ensuring funds are used for the correct purposes of assisting low and moderate income persons.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Table 1 - Accomplishments – Program Year & Strategic Plan to Date (Con Plan Goals and Accomplishments)

| Goal | Category | Source: Amount | Indicator | Unit of Measure | Expected Strategic Plan | Actual Strategic Plan | Percent Complete | Expected Program Year | Actual Program Year | Percent Complete |
|--|-------------------------------------|-------------------|---|-------------------------------|-------------------------------|-----------------------------|---------------------|-----------------------------|---------------------------|---------------------|
| Community, neighborhood & economic development | Non-Housing Community Development | CDBG: \$329,760 | Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit | Persons Assisted | 9245 | 3050 | 32.99% | 1849 | 5615 | 303.68% |
| Homeless intervention & public service | Homeless Non-Homeless Special Needs | CDBG: \$39,291 | Public service activities other than Low/Moderate Income Housing Benefit | Persons Assisted | 2325 | 539 | 23.18% | 465 | 539 | 115.91% |
| Increase & preserve affordable housing choices | Affordable Housing | | Homeowner Housing Added | Household Housing Unit | 0 | 60 | | 0 | 60 | |
| Increase & preserve affordable housing choices | Affordable Housing | CDBG: \$78,797 | Homeowner Housing Rehabilitated | Household Housing Unit | 15 | 1 | 6.67% | 3 | 1 | 33.33% |
| Increase & preserve affordable housing choices | Affordable Housing | HOME: \$385,532 | Direct Financial Assistance to Homebuyers | Households Assisted | 285 | 0 | 0.00% | 57 | *0/70 | 122.81% |

*Con Plan Goals and Accomplishments report - did not reflect the number of Households Assisted through Direct Financial Assistance to Homebuyers as reported on IDIS report – HOME Summary of Accomplishments, which also included 2014 accomplishments that were not associated with a Strategic Plan Goal.

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

The City allocated its resources based on the priorities in the 2015-2019 Consolidated Plan, through community needs, the success of programs at addressing those needs and input from citizens through the Planning Commission and the public hearing process.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted). 91.520(a)

Table 2 – Table of assistance to racial and ethnic populations by source of funds (PR-23)

| | CDBG | HOME |
|---|-------------|-------------|
| White | 511 | 87 |
| Black or African American | 14 | 2 |
| Asian | 8 | 4 |
| American Indian/*Alaskan Native | 3 | 0 |
| Native Hawaiian or Other Pacific Islander | 1 | 0 |
| *Black/African American & White | 1 | 0 |
| *Other multi-racial | 3 | 1 |
| Total | 541 | 94 |
| Hispanic | 35 | 37 |
| Not Hispanic | 506 | 57 |

Narrative

CDBG programs serve City of Richland citizens and neighborhoods where the HOME program serves the Cities of Kennewick, Richland and Pasco. The listed ethnic and racial populations assisted with these funds represents a diverse range of the City's population.

CR-15 - Resources and Investments 91.520(a)

Resources made available

Table 3 - Resources Made Available (PR-02)

| Source of Funds | Source | Resources Made Available | Amount Expended During Program Year |
|------------------------|---------------|---------------------------------|--|
| CDBG | Federal | \$1,386,932 | \$207,672 |
| HOME | Federal | \$2,117,920 | \$737,536 |

Narrative

The amount expended in calendar year 2015 was made up of \$207,672 of CDBG to administer the activities, public service, public facilities and owner occupied rehabilitation activities and \$737,536 of HOME funds to administer the Tri Cities HOME Consortium, direct financial assistance to first time homebuyers and project delivery. These amounts include unexpended prior year grant funds, program income and revolving loan fund.

Geographic distribution and location of investments (PR-14)

Narrative

The City's CDBG funded activities were within Richland city limits.

The Tri-Cities HOME Consortium direct financial assistance were within each City limits.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

Table 4 – Fiscal Year Summary - HOME Match Report (PR-33)

| Fiscal Year Summary – HOME Match | |
|--|----------------|
| 1. Excess match from prior Federal fiscal year | \$1,235,889.31 |
| 2. Match contributed during current Federal fiscal year | \$0.00 |
| 3. Total match available for current Federal fiscal year (Line 1 plus Line 2) | \$1,235,889.31 |
| 4. Match liability for current Federal fiscal year | \$229,542.17 |
| 5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4) | \$1,006,347.14 |

The Tri-Cities HOME Consortium has an excess of match requirement in the amount of \$1,006,347.14.

Table 5 – Match Contribution for the Federal Fiscal Year (HUD Form 40107-A)

| Match Contribution for the Federal Fiscal Year | | | | | | | | |
|---|-----------------------------|-----------------------------------|--------------------------------------|-------------------------------------|--------------------------------|--|-----------------------|--------------------|
| Project No. or Other ID | Date of Contribution | Cash (non-Federal sources) | Foregone Taxes, Fees, Charges | Appraised Land/Real Property | Required Infrastructure | Site Preparation, Construction Materials, Donated labor | Bond Financing | Total Match |
| | | | | | | | | |

No match contribution received during fiscal year 2015.

HOME MBE/WBE report

Table 6 – Program Income (PR-09)

| Program Income – Enter the program amounts for the reporting period | | | | |
|--|--|--|---------------------------------------|---|
| Balance on hand at beginning of reporting period \$ | Amount received during reporting period \$ | Total amount expended during reporting period \$ | Amount expended for TBRA \$ | Balance on hand at end of reporting period \$ |
| \$0 | \$212,638.08 | \$176,726.89 | \$0 | \$35,911.19 |

Table 7 – Minority Business and Women Business Enterprises

| Minority Business Enterprises and Women Business Enterprises – Indicate the number and dollar value of contracts for HOME projects completed during the reporting period | | | | | | |
|--|-------|-----------------------------------|---------------------------|--------------------|----------|--------------------|
| | Total | Minority Business Enterprises | | | | White Non-Hispanic |
| | | Alaskan Native or American Indian | Asian or Pacific Islander | Black Non-Hispanic | Hispanic | |
| Contracts | | | | | | |
| Number | 0 | 0 | 0 | 0 | 0 | 0 |
| Dollar Amount | 0 | 0 | 0 | 0 | 0 | 0 |
| Sub-Contracts | | | | | | |
| Number | 0 | 0 | 0 | 0 | 0 | 0 |
| Dollar Amount | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | Women Business Enterprises | Male | | | |
| Contracts | | | | | | |
| Number | 0 | 0 | 0 | | | |
| Dollar Amount | 0 | 0 | 0 | | | |
| Sub-Contracts | | | | | | |
| Number | 0 | 0 | 0 | | | |
| Dollar Amount | 0 | 0 | 0 | | | |

Table 8 – Minority Owners of Rental Property

| Minority Owners of Rental Property – Indicate the number of HOME assisted rental property owners and the total amount of HOME funds in these rental properties assisted | | | | | | |
|--|--------------|--|----------------------------------|---------------------------|-----------------|---------------------------|
| | Total | Minority Property Owners | | | | White Non-Hispanic |
| | | Alaskan Native or American Indian | Asian or Pacific Islander | Black Non-Hispanic | Hispanic | |
| Number | 0 | 0 | 0 | 0 | 0 | 0 |
| Dollar Amount | 0 | 0 | 0 | 0 | 0 | 0 |

Table 9 – Relocation and Real Property Acquisition (PR-23)

| Relocation and Real Property Acquisition – Indicate the number of persons displaced, the cost of relocation payments, the number of parcels acquired, and the cost of acquisition | | | | | | |
|--|--------------|--|----------------------------------|---------------------------|-----------------|---------------------------|
| Parcels Acquired | | 0 | 0 | | | |
| Businesses Displaced | | 0 | 0 | | | |
| Nonprofit Organizations Displaced | | 0 | 0 | | | |
| Households Temporarily Relocated, not Displaced | | 0 | 0 | | | |
| Households Displaced | Total | Minority Property Enterprises | | | | White Non-Hispanic |
| | | Alaskan Native or American Indian | Asian or Pacific Islander | Black Non-Hispanic | Hispanic | |
| Number | 0 | 0 | 0 | 0 | 0 | 0 |
| Cost | 0 | 0 | 0 | 0 | 0 | 0 |

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

Table 10 – Number of Households (Con Plan Goals and Accomplishments)

| | One-Year Goal | Actual |
|--|----------------------|---------------|
| Number of homeless households to be provided affordable housing units | 0 | 0 |
| Number of non-homeless households to be provided affordable housing units | 22 | 26 |
| Number of special-needs households to be provided affordable housing units | 0 | 0 |
| Total | 22 | 26 |

Table 11 – Number of Households Supported (Con Plan Goals and Accomplishments)

| | One-Year Goal | Actual |
|--|----------------------|---------------|
| Number of households supported through rental assistance | 0 | 0 |
| Number of households supported through the production of new units | 5 | 5 |
| Number of households supported through the rehab of existing units | 2 | 2 |
| Number of households supported through the acquisition of existing units | 68 | 89 |
| Total | 75 | 96 |

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

No significant changes in projects funded at this time.

Discuss how these outcomes will impact future annual action plans.

Current outcomes are based on the goals established in 2015-2019 Consolidated Plan Strategic Plan and reflect that the City and the Consortium are on track with the five year strategic plan goals. It is anticipated that no impact will be realized in future annual action plans.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Table 12 – Number of Persons Served (PR-23)

| Number of Persons Served | CDBG Actual | HOME Actual |
|---------------------------------|--------------------|--------------------|
| Extremely Low-income | 188 | 19 |
| Low-income | 182 | 7 |
| Moderate-income | 171 | 68 |
| Total | 541 | 94 |

Narrative Information

The City and the Tri Cities HOME Consortium provides funding to all qualified, low and moderate income households.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

City staff participated in the Annual Point in Time Count in January, 2015. Staff provided access to a survey form for sheltered and unsheltered homeless persons to complete. On January 29, 2015, there were 272 sheltered and unsheltered households or individuals and 40 chronically homeless individuals in Benton and Franklin Counties. The full 2015 Point in Time Count for Washington State is included in the Appendices.

Addressing the emergency shelter and transitional housing needs of homeless persons

Through CDBG and HOME funding, the City and Consortium supports the Kennewick Housing Authority/Domestic Violence Services, Community Action Connection (CAC) and Elijah Family Homes in providing housing and supportive services to avoid homelessness for homeless and at risk population.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The City supports public service providers and The Benton and Franklin Counties Department of Human Services who manage programs that assist individuals and families through the Coordinated Entry System

(C.E.S.) which is a localized system of efficient routing households who are homeless or at risk of homelessness to the most appropriate provider among the network of homeless service providers, as quickly as possible. The Emergency Housing (EH) Assistance provides services that stabilizes the household to prevent them from becoming homeless.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City of Richland does not directly assist homeless persons. The City supports housing and public services providers and Benton & Franklin Counties Department of Human Services, C.E.S.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

The City of Richland and the Tri-City HOME Consortium have made no investments into public housing projects.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

The Kennewick Housing Authority (KHA) is encouraging Section 8 participants to get their “Ducks in a Row for Housing Choice Voucher (HCV) Homeownership” in the coming year. This program will provide a participant an opportunity to utilize their rental assistance payment for homeownership. This program provides a path to full self-sufficiency for residents.

Public Housing residents are encouraged to attend Resident Council meetings to discuss how to become more self-sufficient and discuss resident services activities that have the potential to assist residents in becoming self-sufficient or improve the quality of life for residents. Previous suggestions have included: community gardens, youth activities including tutoring services, community service opportunities at the food bank and at other community service entities, property improvement requests such as more parking for residents or unit upgrades.

A scholarship program has been developed for both public housing and Section 8 participants with nine scholarships provided over the past two years. KHA continues to explore a number of activities to increase self-sufficiency for residents in both public housing and Section 8 programs.

Actions taken to provide assistance to troubled PHAs

Not applicable.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

Through its zoning and land use regulations, the City of Richland implements a number of strategies for the purpose of increasing the supply of affordable housing. These strategies include: 1) Planned Unit Developments that increase the options for housing densities and housing types (e.g., townhouses, multi-family, duplexes; small-lot districts); 2) mixed use development that increases the opportunity for affordable housing to be developed within or in close proximity to essential amenities such as areas of employment, shopping and medical centers; 3) streamlining permitting, and 4) incentive zoning features, such as allowing accessory dwelling units.

All three cities encourage infill development to preserve older neighborhoods, and support increase of housing densities in areas where adequate public facilities and services (police and fire protection, schools, water, sewer and public transit) are in place or can easily be provided.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

The need for affordable housing and community development and quality of life serves in order to assist low and moderate-income individuals, families and neighborhoods is tremendous. The greatest obstacle in meeting underserved needs is funding. While the City has programs in place to address the underserved needs, the amount of funding available for additional programs is insufficient to produce outcomes that ensure a full range of decent housing and suitable living environments.

Currently, The Consortium focuses HOME funding on promoting affordable housing choices through the down payment program, making owning a home more affordable to low income first-time homebuyers. The program reduces the cost barrier, increase housing safety by improving conditions, resulting in housing stability for Tri-Cities households.

The City funds a number of CDBG activities that benefit its citizens by provided rehabilitation to homeowners through the Owner Occupied Rehabilitation program. Funding allows homeowners to save on energy costs. Additionally, the City funds community and neighborhood projects. Projects include improve neighborhood parks which enhance the livability of the neighborhood and the removal of architectural barriers that limit seniors and disabled from accessing City services.

The City also funded several supportive service projects with CDBG. The projects served lower-income families and persons and relieved the immediate burdens of poverty. These projects offer the opportunities for at-risk, elderly and persons with disabilities increasing the chances of self-sufficiency and reduce burdens on over taxed systems.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

Applicants for the down-payment assistance program are provided with “Protect Your Family from Lead in Your Home” pamphlet and “Renovate Right” is provided to all Homeowner Rehabilitation applicants. This benefits lower-income households that would qualify for housing programs. Information is also made available to the general public and contractors visiting city offices and via links on city websites.

The City of Richland will also continue to reduce the cost burden to lower income households by paying for extensive testing to identify lead hazards and assure compliance after remediation work. This will be accomplished by granting the costs of lead-based paint inspections, risk assessments, and one clearance exam for persons assisted by the Homeowner Rehabilitation Program using CDBG funds.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

The City of Richland provides support for very low-income seniors and disabled households by reducing their utility bills (33% off electricity, 60% off water, sewer and refuse bills). The City participates in the “Helping Hands” program coordinated through CAC, utilizing donated private funds to assist people in paying their utility bills. The Richland Community Center and Richland Public Library offer many free activities and programs to assist lower income and particularly senior citizens, such as foot care and referrals, income tax preparation assistance, computer & technology support. Economic development activities to increase the supply of living wage jobs independent of Hanford employment continues to be a high priority goal in Richland.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

The cities continue to participate in cross-jurisdictional efforts. This includes participation in the Benton Franklin Continuum of Care, Benton Franklin Human Services Department, involvement with Housing Authorities, and continued efforts to foster cooperation.

While the City of Richland is the lead entity, it relies heavily on the staff of the other two cities for support in the HOME program. One of the strengths of the Consortium is the close working relationship between the cities in general as well as between the departments charged with administering the HUD programs. In turn, agencies such as Benton Franklin Community Action Connections, TRIDEC, the Benton Franklin Continuum of Care, Benton Franklin Council of Governments, Housing Authorities and several nonprofit agencies work in all three cities, improving the effectiveness of coordination and efficiencies. The fact that the three cities are in close proximity, with common issues and opportunities, provides a base for cooperation.

The Consortium also holds regular meetings to discuss improving internal policies, best practices and written agreements.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

City of Richland CDBG and Tri Cities Consortium staff coordinate with a variety of public and private housing and social service agencies during the planning, project proposal, and implementation stages of programs through the citizen participation process.

Staff of the cities and representatives of nonprofit services and housing agencies participate on committees crossing jurisdictional lines. This includes involvement in the Continuum of Care planning efforts undertaken by Benton Franklin Human Services, a joint County agency, to oversee reducing homelessness in the counties. Richland continues to work with other community liaisons to encourage cooperation and sharing of information to identify existing resources that might be available to meet community needs.

There is also a close working relationship with the Housing Authorities, some of which have benefited from CDBG and/or HOME funds for assisted housing development activities and whose residents have benefitted from public services delivered by the area's nonprofit agencies.

A limitation on cooperative efforts is the lack of new federal resources available for programs.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

In response the City and the Consortium have taken the following actions to improve fair housing issues:

- Continue to remind all employees that the City of Richland is committed to ensuring that all employees and applicants to City programs are given full consideration in order to participate. Employees are asked to modify or adjust the work process accordingly to “accommodate” needs, including access for physical or mental accommodation.
- Continued to provide interpretive resources available through the Language Line to assist in communicating in Spanish, Russian, Bosnian, sign language, Mandarin and Cantonese Chinese, Arabic, Farsi, Korean, Vietnamese, Laotian and Burmese
- In recognition of Fair Housing month in April 2015, publishing six display ads in English and in Spanish in the Giant Nickel, ran a reader board display at the City of Richland and promoted fair housing on the City's Facebook page.
- Richland staff participated in “National Night Out” and “Richland City Fair” on Tuesday, August 4, 2015. Information on fair housing and lead based paint were provided. CDBG and HOME programs were highlighted with applications made available.
- All applicants to housing programs are required to complete a local or web-based homeownership counseling class prior to receiving HOME Program housing assistance to become better informed consumers.
- Consortium Member Kennewick participated in a Veterans “Stand Down” November 6, 2015. This is a one-day event aims to provide services to homeless veterans. Included are food, shelter, clothing, health screenings, VA and Social Security benefits counseling, and referrals

to a number of other necessary local services such as housing, employment and substance abuse treatment. The Columbia Basin Stand Down is a coordination between the Columbia Basin Veterans Coalition, Veterans Services at WorkSource, local VA's, other government, and community agencies who serve veterans and the disadvantaged. Brochures and applications for Kennewick, Richland, and Pasco housing programs were available. Brochures were provided on fair housing in English, Russian, Vietnamese, and Spanish languages for all protected persons including veteran and military status discrimination, who to contact, and how to file a complaint. Information from the Washington State Human Rights Commission on sexual orientation and gender identity discrimination was distributed. Also provided was information on how to avoid predatory lending, foreclosure, and frequently asked questions regarding the Real Estate Settlement Procedures Act.

- Fair housing posters are displayed at the Richland, Kennewick and Pasco City Halls, Richland Development Services Building, and area public libraries.
- Language requiring compliance with Federal, State, and local laws prohibiting discrimination on the basis of race, color, national origin, sex, disability, or age is included with every CDBG and HOME funded contract.
- The City of Richland continues its efforts to update older facilities to make them more easily accessible, and has improved sidewalks, public restroom facilities, and playground features in parks to make them more accessible.
- Staff will meet applicants in their home if they are senior citizens and/or disabled and are requesting rehabilitation or weatherization assistance.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The City of Richland is responsible for overall monitoring of Richland CDBG and Tri-Cities HOME Consortium program sub-recipients. Monitoring ensures compliance with all federal, state and local rules, regulations and laws. City staff will, at a minimum, monitor subrecipients annually. Monitoring is accomplished through phone conversations, written correspondence, review of submitted reports, desk monitoring, and one-on-one site visits. Technical assistance is offered throughout the year, both to new and existing sub-recipients. Various reports are required to identify progress made, and a final year-end recap must be submitted. The City of Richland does not monitor grants or loans awarded directly to other entities by HUD, or other federal or non-federal agencies.

Day to day monitoring of HOME projects is completed by staff of the member city with Richland completing an annual monitoring of member cities. Housing projects funded by CDBG and HOME assistance are made as loans with compliance requirements identified for a specific time period. The funds are secured by recorded deeds of trust, promissory notes, and other contractual loan agreements. These documents establish the obligations for compliance with CDBG or HOME regulations. Loan terms and the provision of interest rates vary depending on the housing program undertaken with some loans forgivable under the HOME program upon expiration of the period of affordability. All construction activities are required to secure building permits and comply with zoning and building code requirements. Housing units are inspected and corrections are required to meet building codes as part of the permitting process.

HOME funded units must be brought up to current rehabilitation standards. Acquisition only projects must meet Housing Quality Standards, and, if newly constructed, the home must also receive a Certificate of Occupancy from the building department.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

The City of Richland placed a display ad in the non-legal section of the local newspaper/publication with a summary of contents and purpose, and of the availability and locations to review draft copies of the Consolidated Annual Performance Evaluation Report (CAPER). A public hearing was held on March 23, 2016. The CAPER was made available for public review and comment for at least 15 days prior to completion and submission to HUD. The CAPER is due no later than 90 days following the end of the program year, or by March 30th of each year.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

There were no changes to the City of Richland programs or program objectives in 2015. The City of Richland followed the 2015 Annual Action Plan as submitted and approved by HUD.

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

Not applicable.

CR-50 - HOME 91.520(d)

Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations

Not Applicable.

Provide an assessment of the jurisdiction's affirmative marketing actions for HOME units. 92.351(b)

All Consolidated Plan programs follow HUD's requirements for affirmatively marketing. To increase participation from persons who might not otherwise apply for the housing programs offered by the Tri – Cities HOME Consortium and City of Richland, the following actions were taken in 2015:

- Provided housing program information to non-profit agencies, the two housing authorities, lenders, realtors, and the public through meetings, brochures/flyers, advertising in local periodical newspapers, through our City website and television broadcasts.
- Information and brochures regarding housing programs, lead based paint, remodeling a home safely, fair housing, predatory lending, and various other topics relating to planning and

neighborhoods were available for distribution at the City Planning and Redevelopment office, the City website and were provided at various community events.

As a consortium, and as separate cities, consortium members practice affirmative marketing when seeking contractors and procurement of services. Affirmative marketing actions may include newspaper advertisements, direct mailings, and notification to local agencies such as the Tri-Cities Homebuilders Association, Continuum of Care members, MBE/WBE State lists, and other interested parties. When appropriate, brochures and/or bid packets are distributed to local women or minority owned businesses that are encouraged to participate in bidding opportunities. Semi-annual reports detailing accomplishments of hiring Minority and Women's Business Enterprises for construction activities have been prepared and submitted to HUD in a timely manner.

Refer to IDIS reports to describe the amount and use of program income for projects, including number of projects and owner and tenant characteristics.

The Consortium allocates program income annually as part of all estimated HOME resources. Program income is expended as soon as it is available in IDIS. Program Income (PI) of \$212,638.08 was received during the program year, \$176,726.89 of PI was used to assist additional qualified low and moderate income, first-time homebuyers through the Down Payment Assistance program.

Describe other actions taken to foster and maintain affordable housing. 91.220(k) (STATES ONLY: Including the coordination of LIHTC with the development of affordable housing). 91.320(j)

The Tri-Cities HOME Consortium does not own or manage affordable rental housing.



PLANNING COMMISSION AGENDA ITEM COVERSHEET

Meeting Date: 03/23/2016

Agenda Category: New Business – Public Hearing

Prepared By: Michelle Burden, Housing Resources Specialist

Subject:

Reallocation of CDBG 2016 Program Income to Luther Sr. Services

Request:

Recommended Motion:

Motion to approve the reallocation of CDBG 2016 program income in the amount of \$106,000 to Luther Senior Services.

Summary:

Each year, Richland's Community Development Block Grant (CDBG) program receives income from the repayment of home ownership assistance loans. This program income must be reallocated within a certain timeframe to meet HUD's expenditure requirements. Luther Senior Center had applied and been approved for 2016 CDBG funds. This reallocation of program income will benefit Luther Senior Center's current project to provide housing for low income senior citizens in our community.

Attachments:



PLANNING COMMISSION AGENDA ITEM COVERSHEET

Meeting Date: 03/23/2016

Agenda Category: New Business – Public Hearing

Prepared By: Rick Simon, Development Services Manager

Subject:

Text Amendments to RMC 23.22.020 - Buffer Standards for C-I Neighborhood Retail Zoning (Z2016-101)

Request:

Recommended Motion:

Move that the Planning Commission concur with the findings and conclusions set forth in Staff Report (Z2016-101) and recommend to the City Council adoption of the proposed zoning code amendments to RMC Section 23.22.020(B) (7-8).

Summary:

The City's adoption of a new comprehensive plan policy (Land Use Goal No. 3, Policy 5), calls for the creation of buffer standards for commercial lands that are adjacent to single family residential properties. RMC 23.20.020(B) (7-8) has been drafted to implement this policy.

Attachments:

1. Staff Report Z2016-101 Commercial Buffer Standards

STAFF REPORT

TO: PLANNING COMMISSION
FILE NO.: Z2016-101

PREPARED BY: RICK SIMON
MEETING DATE: MARCH 23, 2016

GENERAL INFORMATION:

APPLICANT: CITY OF RICHLAND

REQUEST: TEXT AMENDMENTS TO SECTION 23.22.020 – BUFFER
STANDARDS FOR C-1 NEIGHBORHOOD RETAIL ZONING

LOCATION: CITYWIDE

REASON FOR REQUEST:

The City's adoption of a new comprehensive plan policy (Land Use Goal No. 3, Policy 5), calls for the creation of buffer standards for commercial lands that are adjacent to single family residential properties. RMC 23.20.020(B) (7-8) has been drafted to implement this policy.

FINDINGS AND CONCLUSIONS

Staff has completed its review of the proposed zoning text amendments and submits that:

1. The City amended its comprehensive plan in 2015 to add a Policy 5 to Land Use Goal No 3, which states: *In instances where a commercial zone change results in a commercial zoning boundary being adjacent to residentially zoned property, the commercial property owner shall be responsible for providing a buffer adequate to protect the adjacent residential property from the impacts created by commercial land use, including noise, glare and traffic;*
2. Current language contained within the Richland Municipal Code, Section 23.22.020(B) addresses standards for development within the C-1 Neighborhood Retail District but does not do so in a comprehensive fashion;
3. The proposed code amendments provide minimum standards for building setbacks from residential properties; parking setbacks from residential properties; landscape and fencing standards; outdoor lighting and illuminated sign standards, and screening standards for refuse areas and mechanical equipment and so doing work to implement the intent of the policies contained within the comprehensive plan;

4. The proposed code amendments also provide for deviations to the buffer standards to be approved by the Hearing Examiner following a public hearing if the Examiner can determine that the alternative design proposed offers equivalent or better mitigation than the standard buffer requirements and so provides a measure of flexibility that can be applied in unusual circumstances;
5. Based upon the above findings and conclusions, the adoption of the proposed amendments to Chapter 23.22.020(B) of the Richland Municipal Code concerning commercial buffer standards for C-1 Neighborhood Retail zoned properties when adjacent to single family residential properties is in the best interest of the community of Richland.

RECOMMENDATION

Staff recommends the Planning Commission concur with the findings and conclusions set forth in Staff Report (Z2016-101) and recommend to the City Council adoption of the proposed zoning code amendments to RMC Section 23.22.020(B) (7-8).

ATTACHMENTS

- A. Supplemental Information
- B. Draft Buffer Standards
- C. Pattern Outdoor Lighting Code, Standard Version 2.0, July 2010
- D. Washington Administrative Code 173-60 (Noise Standards)

SUPPLEMENTAL INFORMATION

EXISTING CODE

The current City code relating to C-1 Neighborhood Retail zoning includes performance standards that are intended to provide some protection for nearby residential uses. Section 23.22.020(B) currently states:

B. Neighborhood Retail Business. All uses permitted in a C-1 district must comply with the following performance standards:

- 1. All business, service, repair, processing, or merchandise display shall be conducted wholly within an enclosed building, except for off-street automobile parking, the sale of gasoline, and self-service car washes. Limited outdoor display of merchandise is permitted; provided, that such display shall include only those quantities sold in a day's operation.*
- 2. Outdoor storage areas incidental to a permitted use shall be enclosed with not less than a six-foot-high fence and shall be visually screened from adjoining properties. All storage areas shall comply with building setbacks.*
- 3. Not more than three persons shall be engaged at any one time in fabricating, repairing, cleaning, or other processing of goods other than food preparation in any establishment. All goods produced shall be primarily sold at retail on the premises where produced.*
- 4. Lighting, including permitted illuminated signs, shall be shielded or arranged so as not to reflect or cause glare to extend into any residential districts, or to interfere with the safe operation of motor vehicles.*
- 5. Noise levels resulting from the operation of equipment used in the conduct of business in the C-1 district shall conform to the requirements of Chapter 173-60 WAC, Maximum Environmental Noise Levels.*
- 6. No single retail business, except for a food store, shall operate within a building space that exceeds 15,000 square feet in area, unless approved by the planning commission through the issuance of a special use permit upon the finding that the proposed retail business primarily serves and is appropriately located within the surrounding residential neighborhoods.*

PROPOSED AMENDMENTS

The Commission has reviewed several iterations of draft code language in recent workshops. The draft language has been revised in an effort to address the comments made by individual Commissioners. A copy of the most current draft is attached.

Some of the changes from recent drafts include the following:

- Clarification of the meaning of the term 'adjacent'.
- Adoption of the Pattern Outdoor Lighting Code standards in subsection e. This code was chosen over the other recommended ordinance (the Model Lighting Ordinance produced by the International Dark Sky Association) because of its relative simplicity for ease of use for applicants and for the administration on the part of City staff. A copy of the code is attached.
- Adoption of the same Pattern Outdoor Lighting Code standards as they relate to illuminated outdoor signs.
- A clarification in subsection g relating to the screening of refuse areas to more clearly identify the intent to screen said areas from view of residential properties.
- The elimination of the reference to noise standards, as that reference already exists in the current code language in RMC 23.22.020(B) (5). A copy of the state noise standards is attached.
- Elimination of code language restricting hours of operation, as the requirements associated with noise and lighting standards offer sufficient protection for adjacent residential uses, when combined with the existing code language in RMC Section 23.42.053 which allows drinking establishments, restaurants with lounges, restaurants with entertainment and indoor commercial recreation facilities to be located within the C-1 zone only when the following criteria are met:
 - The gross floor area of the building is 5,000 square feet or less;
 - Businesses shall not operate past 11:00 p.m.;
 - Outdoor seating for customers is permitted only if such areas are screened from view with fencing and/or landscaping and are setback at least 150 feet from single family residential areas.

COMPREHENSIVE PLAN

The Richland Comprehensive Plan establishes goals and policies for commercial development. The City added Policy 5 to its plan in 2015, at the same time that it amended the land use plan map. Land Use Goal No. 3 states:

The City will promote commercial growth and revitalization that serves residents and strengthens and expands the tax base.

Policy 1 – *The City will accommodate all types of commercial land uses including retail and wholesale sales and services, and professional services.*

Policy 2 – *The City will create new land use and zoning designations to facilitate both new development and redevelopment where required to implement the City's goals.*

Policy 3 – *The City will work to develop an attractive Central Business District and to revitalize declining commercial areas.*

Policy 4 – *The City will endeavor to located neighborhood oriented commercial land uses in Neighborhood Activity Centers.*

Policy 5 – *In instances where a commercial zone change results in a commercial zoning boundary being adjacent to residentially zoned property, the commercial property owner shall be responsible for providing a buffer adequate to protect the adjacent residential property form the impacts created by commercial land use, including noise, glare and traffic.*

ANALYSIS

The buffer standards are necessary in order to protect adjacent residential uses from the impacts of commercial development. On the other hand, the restrictions imposed on commercial development also need to consider the impact on the development and operation of viable commercial businesses. The draft standards have been the topic of Commission workshop discussions in November 2015, January 2016 and again earlier this month. The current draft strikes a good balance and would effectively implement the intent of Land Use Goal No. 3, Policy 5.

SUMMARY

The proposed amendments would incorporate reasonable provisions to lessen the impact of commercial development on adjacent residential properties and should be approved.

EXISTING RMC COMMERCIAL CODE SECTION 23.22.020

With Proposed Amendments in underlined, italicized type)

March 23, 2016

Performance standards and special requirements.

B. Neighborhood Retail Business. All uses permitted in a C-1 district must comply with the following performance standards:

1. All business, service, repair, processing, or merchandise display shall be conducted wholly within an enclosed building, except for off-street automobile parking, the sale of gasoline, and self-service car washes. Limited outdoor display of merchandise is permitted; provided, that such display shall include only those quantities sold in a day's operation.

2. Outdoor storage areas incidental to a permitted use shall be enclosed with not less than a six-foot-high fence and shall be visually screened from adjoining properties. All storage areas shall comply with building setbacks.

3. Not more than three persons shall be engaged at any one time in fabricating, repairing, cleaning, or other processing of goods other than food preparation in any establishment. All goods produced shall be primarily sold at retail on the premises where produced.

4. Lighting, including permitted illuminated signs, shall be shielded or arranged so as not to reflect or cause glare to extend into any residential districts, or to interfere with the safe operation of motor vehicles.

5. Noise levels resulting from the operation of equipment used in the conduct of business in the C-1 district shall conform to the requirements of Chapter 173-60 WAC, Maximum Environmental Noise Levels.

6. No single retail business, except for a food store, shall operate within a building space that exceeds 15,000 square feet in area, unless approved by the planning commission through the issuance of a special use permit upon the finding that the proposed retail business primarily serves and is appropriately located within the surrounding residential neighborhoods.

7. In addition to the standards 1-6 listed above, any commercial use that is immediately adjacent to a residentially zoned property (including R-1-12 Single Family Residential, R-1-10 Single Family Residential, R-2 Medium Density Residential, R-2S Medium Density Residential Small Lot, or Planned Unit Development that is comprised of single family homes) shall comply with the following standards. For the purposes of this section, the term 'adjacent' includes abutting properties, and any property that is located

within 75 feet of the nearest residential property. The term 'adjacent' does not include properties that are separated by a public right-of-way.

- a. Setback from residential property boundary – 30 feet;
 - b. Building design standard: No mechanical equipment permitted on rooftop unless screened from view with parapet wall or similar screening;
 - c. Parking: vehicle parking areas and any access driveways (pavement) must be setback a minimum of 10 feet from residential property boundary. A solid fence or masonry wall between 6 and 8 feet tall is required between the paved parking or access drive and the residential property boundary.
 - d. Outdoor Lighting: All outdoor lighting must comply with the Pattern Outdoor Lighting Code (USA) standard version 2.0, July 2010. For the purposes of this section, properties subject to this standard shall be considered to be within Lighting Zone 1.
 - e. Signs: All commercial signs placed on-site shall comply with Section 5 of the Pattern Outdoor Lighting Code (USA) standard version 2.0, July 2010; except that multicolored changeable copy LED signs shall not be permitted.
 - f. Mechanical Equipment: Any mechanical equipment placed outdoors between the building and the residential property boundary shall be screened to reduce equipment noise levels. Alternatively, the building owner can provide documentation to the City indicating that the specific equipment to be used will not generate noise levels beyond permissible state noise standards.
 - g. Refuse Areas: Any dumpsters or area for collection of recycled materials shall be setback a minimum of 20 feet from the nearest residential property boundary and shall be screened from view by a solid screen sufficient to block its view from all adjacent residential properties.
 - h. Landscaping: The portions of a commercial site that lie within 30 feet of a residential property boundary that are not covered with buildings, parking areas, access drives, loading areas or outdoor storage shall be landscaped and/or xeriscaped.
8. An individual proposing development on any commercial use that is immediately adjacent to a residentially zoned property (including R-1-12 Single Family Residential, R-1-10 Single Family Residential, R-2 Medium Density Residential, R-2S Medium Density Residential Small Lot, or Planned Unit Development that is comprised of single family homes) that does not meet the standards contained in 23.22.020(B)(7) may apply for a deviation from these standards by filing an application with the City. Such request shall be reviewed by the Hearing Examiner in accordance with the provisions for a public hearing for a Type II permit application. A request for deviation from these standards shall be granted only when the Hearing Examiner determines that the proposed deviation offers equivalent or better mitigation of impacts from commercial development to the adjacent residential properties than would occur under the basic standards. The Hearing Examiner shall at a minimum consider the type of commercial use proposed; the design of the commercial building or buildings; the topography of the site and adjacent residential properties; the proposed landscaping, lighting, and other mitigation measures proposed by the applicant in making a determination to grant or deny a requested deviation from these standards.

Pattern Outdoor Lighting Code (USA)

Standard ver. 2.0
July 2010

This document is based on the USA Pattern Code contained within the *IDA Outdoor Lighting Code Handbook*, published by the International Dark-Sky Association in 2000. It has been revised and updated by the author.

Christian B. Luginbuhl

U.S. Naval Observatory
Flagstaff Station

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- Section 13: Violation and Penalty
- Section 14: Severability
- Section 15: Definitions

Note: ***Bold italics*** indicate terms defined in Section 15.

Section 1. Purpose and Intent.

It is the intent of this Code to define practical and effective measures by which the obtrusive aspects of outdoor light usage can be reduced, while preserving safety, security, and the nighttime use and enjoyment of property. These measures are intended to curtail the degradation of the nighttime visual environment, reduce ***light trespass, glare***, energy and resource waste by encouraging lighting practices that direct appropriate amounts of light where and when it is needed, increasing the use of energy-efficient sources, and decreasing the use of poorly shielded or inappropriately directed ***lighting fixtures***.

Section 2. Conformance with Applicable Codes.

All outdoor lighting shall be ***installed*** in conformance with the provisions of this Code, the Building Code, the Electrical Code, the Energy Code, and the Sign Code of the jurisdiction as applicable and under appropriate permit and inspection.

Section 3. Applicability.

3.1 New Uses, Buildings and Major Additions or Modifications. For all proposed new land uses, developments, buildings, and structures that require a permit, all outdoor lighting shall meet the requirements of this Code. All building additions or modifications of twenty-five (25) percent or more in terms of additional dwelling units, gross floor area, or parking spaces, either with a single addition or with cumulative additions subsequent to the effective date of this provision, shall invoke the requirements of this Code for the entire property, including previously installed and any new outdoor lighting. Cumulative modification or replacement of outdoor lighting constituting twenty-five (25) percent or more of the permitted ***lumens*** for the parcel, no matter the actual amount of lighting already on a non-conforming site, shall constitute a major addition for purposes of this section.

3.2 Minor Additions. Additions or modifications of less than twenty-five (25) percent to existing uses, as defined in Section 3.1 above, and that require a permit, shall require the submission of a complete inventory and site plan detailing all existing and any proposed new ***outdoor lighting fixtures***. Any new ***outdoor lighting fixtures*** on the site shall meet the requirements of this Code with regard to shielding and lamp type; the ***total outdoor light output*** after the modifications are complete shall not exceed that on the site before the modification, or that permitted by this Code, whichever is larger.

3.3 Resumption of Use after **Abandonment**. If a property or use with non-conforming lighting is **abandoned**, then all outdoor lighting shall be reviewed and brought into compliance with this Code before the use is resumed.

3.4 Public Roadways. Lighting for public roadways must comply with the provisions of this Code, except the **total outdoor light output** limits of Section 4.2.

Section 4. General Outdoor Lighting Standards.

4.1 Shielding Standards. All nonexempt **outdoor lighting fixtures** shall have shielding as shown in Table 4.1; outdoor **luminous tube** lighting does not require shielding but total output from **partially shielded** lighting is subject to the limits set forth in Section 4.2.

Use Codes:

A = unshielded, **partially** and **fully shielded fixtures** allowed

P = **partially** and **fully shielded fixtures** allowed

F = only **fully shielded fixtures** allowed

X = not allowed

Table 4.1. LIGHT FIXTURE SHIELDING STANDARDS

| Land Use and Lighting Class | Lighting Zone | | Notes |
|--|---------------|------|-------|
| | LZ 1 | LZ 2 | |
| Commercial, Industrial, Mixed-use and Multi-family Residential uses | | | |
| <i>Class 1 lighting</i> (Color Rendition): | | | |
| Initial output \geq 2000 <i>lumens</i> | F | F | |
| Initial output < 2000 <i>lumens</i> | F | P | 3 |
| <i>Class 2 lighting</i> (General Illumination): | | | |
| Initial output \geq 2000 <i>lumens</i> | F | F | |
| Initial output < 2000 <i>lumens</i> | F | P | 3 |
| <i>Class 3 lighting</i> (Decorative): | | | 1 |
| Initial output \geq 2000 <i>lumens</i> | X | X | |
| Initial output < 2000 <i>lumens</i> | P | P | 3 |
| Initial output < 20 <i>lumens</i> | X | A | |
| Residential uses: | | | 2 |
| All Classes | | | |
| Initial output \geq 2000 <i>lumens</i> | F | F | |
| Initial output < 2000 <i>lumens</i> | P | P | 1,3 |

Notes to Table 4.1

1. Exception: seasonal decorations using typical low-wattage incandescent lamps shall be permitted in all lighting zones from Thanksgiving through 15 January.
2. For purposes of this section, residential refers to all residential land-use zoning, including all densities and types of housing such as single-family detached and duplexes, but does not include multi-family residential uses.
3. Examples of lamp types of 2,000 and 1,000 *lumens* and below (The acceptability of a particular light is determined by *lumen* output, not wattage; values listed are approximate; check manufacturer's specifications).

Lamp Type and Wattage with Outputs below 2000 **lumens** and 1000 **lumens**

| Lamp Type | 2000 lumens | 1000 lumens |
|---|-----------------------|-----------------------|
| Standard incandescent and less | 100 watt | 60 watt |
| Tungsten-halogen (quartz) and less | 100 watt | 60 watt |
| Fluorescent and less | 25 watt | 15 watt |
| Compact Fluorescent and less | 26 watt | 13 watt |
| No available High-Pressure Sodium or Metal Halide | | |

4.2. **Total Outdoor Light Output** Standards. **Total outdoor light output** (see definition 16.30) shall not exceed the limits in Table 4.2.

Table 4.2. MAXIMUM **TOTAL OUTDOOR LIGHT OUTPUT** STANDARDS

| Land Use | LIGHTING ZONE | | Notes |
|---|----------------------|-------------|-------|
| | LZ 1 | LZ 2 | |
| Commercial Industrial, Mixed-use and Multi-family Residential uses (<i>lumens</i> per <i>net acre</i>) | | | |
| total (<i>fully shielded</i> + <i>partially shielded</i> + unshielded) | 50,000 | 100,000 | |
| <i>partially shielded</i> + unshielded only | 5,000 | 10,000 | |
| Residential uses (<i>lumens</i> per residence) | | | 1 |
| total (<i>fully shielded</i> + <i>partially shielded</i>) | 10,000 | 10,000 | |
| <i>partially shielded</i> | 3,000 | 3,000 | |

Note to Table 4.2

1. For purposes of this section, residential refers to all residential land-use zoning, including all densities and types of housing such as single-family detached and duplexes, but does not include multi-family residential uses.

4.3. Lamp Type Standards. All lamps must conform to the types listed in Table 4.3.

Lamp Types:

wLED = "warm white" light emitting diode with **CCT** ≤ 3500 K

HPS = high-pressure sodium

LPS = low-pressure sodium

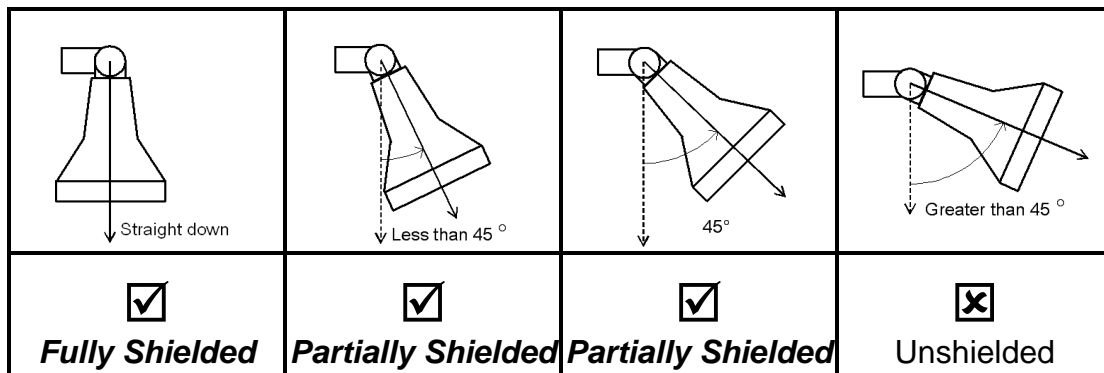
Table 4.3. ALLOWED LAMP TYPES

| LIGHTING CLASS | Allowed Lamp Types | Notes |
|--|--------------------|-------|
| Commercial, Industrial, Mixed-use and Multi-family Residential uses | | |
| Class 1 lighting (Color Rendition): | | |
| All initial outputs | all types | |
| Class 2 lighting (General Illumination): | | |
| Initial output $\geq 2,000$ <i>lumens</i> | wLED, HPS, LPS | |
| Initial output $< 2,000$ <i>lumens</i> | all types | |
| Class 3 lighting (Decorative): | | |
| All initial outputs | all types | |
| Residential uses (all Classes): | | 1 |
| All initial outputs | all types | |

Note to Table 4.3

1. For purposes of this section, residential refers to all residential land-use zoning, including all densities and types of housing such as single-family detached and duplexes, but does not include multi-family residential uses.

4.4. **Spot Light** Aiming Standard. **Light Fixtures** containing **Spot** or **Flood lamps** must be aimed no higher than 45 degrees above straight down (half-way between straight down and straight to the side) (Figure 4.4). When aimed above straight down but at less than 45 degrees, such **light fixtures** shall be considered **partially shielded**; when aimed straight down they shall be considered **fully shielded**.

Figure 4.4. **Spot light** aiming

- 4.5. “House Side” Shielding Standard. Beyond the shielding requirements of Section 4.1, any privately or publicly owned **outdoor light fixture** with a lamp of initial output over 10,000 **lumens** located within 50 feet of any residential (including multi-family residential) property or public right-of-way shall utilize an internal or external “house-side” shield, with the **light fixture** and shield oriented to minimize **light trespass** over the adjacent property or right-of-way line (Figure 4.5). If an external shield is used, the surface of the shield facing the lamp must be a dark or flat black color.

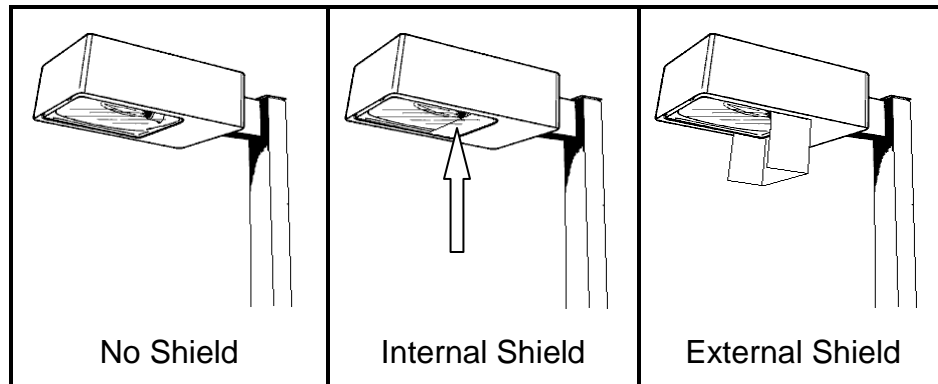


Figure 4.5. House-side shield configurations

- 4.6. Effective Shielding Standard. All **light fixtures** that are required to be **fully shielded** shall be installed and maintained in such a manner that the shielding is effective as described in the definition in Section 15 for **fully shielded fixtures**.
- 4.7. **Multi-Class Lighting** Standard. **Multi-Class lighting** must conform to the shielding and timing restrictions, if any, that apply to the most restrictive included **Lighting Class**.
- 4.8. **Luminous Tube** Lighting. Lighting using **luminous tubes** is included in the total outdoor light output calculations for the site. Lumens for neon lighting are calculated on a per foot basis, rather than per "fixture." Any unshielded neon lighting is limited by the **partially shielded** + unshielded lighting limits of Section 4.2.
- 4.9. Internally Illuminated Architecture. Any architectural element including walls, portions of buildings or canopy edges that is internally illuminated and that is not a sign or fenestration (windows or doors) shall have 100 percent of the initial lamp output of all lamps used to provide such illumination considered **partially shielded** lighting for the purposes of calculating **total outdoor light output** for the site.
- 4.10. Indoor Lighting. Any indoor lighting fixture within a non-residential structure containing a lamp with initial output over 2,500 lumens and mounted such that

any part of the fixture is lower than the upper edge of a window or door must be fully shielded (See Figure 4.10).

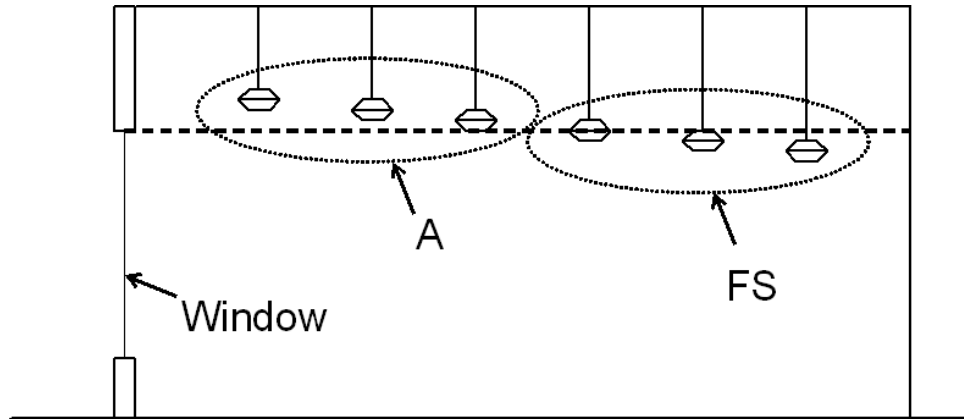


Figure 4.10. Elevation cross-section view showing required shielding for indoor non-residential lighting (FS = **fully shielded**; A = allowed, **fully shielded**, **partially shielded** or unshielded)

4.11. Time Limits.

- A. **Class 3 lighting** shall be extinguished between 10:00pm (or when the business closes, whichever is later) and the time the business re-opens.
- B. **Class 2 lighting** located 75 feet or more from the nearest building, **display area** or storage area shall be extinguished between 10:00pm (or within 30 minutes of the business closing, whichever is later) and the time the business re-opens.

Section 5. Outdoor Advertising Sign Lighting Standards.

5.1 **Externally Illuminated Sign** Lighting Standards. External illumination for signs, including **billboards**, shall conform to the provisions of this Code. Such lighting shall be treated as **Class 1 lighting** and shall conform to the lamp source, shielding restrictions and **total outdoor light output** limits of Section 4 (except as provided in Section A below). All upward-directed sign lighting is prohibited.

- A. Lighting for externally illuminated **billboards** may use up to 200 initial lamp **lumens** per square foot of sign face. Lighting for billboards is not included toward the **total outdoor light output** limits of Section 4.2.

5.2 **Internally Illuminated Sign, Neon Sign, Multicolor Fixed-Copy LED Sign** and **Single-Color LED Sign** Lighting Standards.

- A. Outdoor ***internally illuminated signs*** must either be constructed with an ***opaque*** background and translucent text and symbols, or with a colored background and generally LIGHTER text and symbols (Figure 5.2.A). Lamps used for internal illumination of ***internally illuminated signs*** shall not be counted toward the ***total outdoor light output*** limits in Section 4.2.







| Light Background ✗ | Colored Background ✓ | Opaque Background ✓ |
|---|---|--|
|  |  |  |
|  |  |  |

Figure 5.2.A. ***Internally illuminated sign*** styles

- B. ***Neon signs, multicolor fixed-copy LED Signs*** and ***single-color LED signs*** (Figure 5.2.B) shall be treated as ***internally illuminated signs*** for the purposes of this Code, and shall not have their outputs counted toward the ***total outdoor light output*** limits in Section 4.2. Any lighting extending beyond the area considered to be the sign area (as defined in the Sign Code of this jurisdiction) shall conform to all provisions of this Code. In particular, such lighting shall be treated as ***Class 3 lighting*** (decorative) and shall conform to the ***total outdoor light output*** limits of Section 4.




| Neon | Multicolor Fixed-Copy LED | Single-Color LED |
|---|---|--|
|  |  |  |

Figure 5.2.B. ***Neon, multicolor fixed-copy LED*** and ***single-color LED signs***

- C. Other internally-illuminated panels or decorations not considered to be signage according to the sign code of this jurisdiction (such as illuminated

canopy margins or building faces), shall be considered **Class 3 lighting** (decorative), and shall be subject to the standards applicable for such lighting, including but not limited to the lamp source, shielding standards and **total outdoor light output** limits of Section 4.2.

5.3 Multicolor Changeable-Copy LED Sign Lighting Standards. Lighting for **multicolor changeable-copy LED signs** (Figure 5.3.A) must meet the following:

A. [ALTERNATIVE A] **Multicolor changeable-copy LED signs** are not permitted.

[ALTERNATIVE B] **Multicolor changeable-copy LED signs** must be adjusted to prevent overly bright **luminance** at night: automatic controls must limit night **luminance** to a maximum of 100 **nits** when the display is set to show maximum brightness white (100% full white mode). The applicant shall provide a written certification from the sign manufacturer that the nighttime light intensity has been factory pre-set not to exceed this level, and that this setting is protected from end-user modification by password-protected software or other method as deemed appropriate by the Planning Director.



Figure 5.3.A. **Multicolor changeable-copy LED sign**

5.4 Time Limits. Illumination for all **on-site advertising signs** except **billboards**, shall be turned off by the times listed in Table 5.4 or when the business closes, whichever is later. Signs subject to time limits are required to have functioning and properly adjusted automatic shut-off timers. Light background (white, off-white, light gray, cream or yellow) **internally illuminated signs, installed** legally before enactment of this code [enter date], may continue to be used and illuminated but must conform to the time limits as indicated.

Table 5.4. ILLUMINATED SIGN TIME LIMITS

| Sign Type | <i>Lighting Zone</i> | |
|--|----------------------|-------------|
| | <i>LZ 1</i> | <i>LZ 2</i> |
| <i>Internally illuminated</i> , light background | 6pm | 8pm |
| <i>Multicolor Changeable-Copy LED</i> | 6pm | 8pm |
| All other types | 9pm | 10pm |

Section 6: Special Use Lighting Standards.

6.1 Recreational Facilities.

- A. Class of Play: Fields designed primarily for use by municipal or amateur leagues, training, recreational or social levels, shall be considered ***Sports Class IV*** as defined by the Illuminating Engineering Society of North America (IESNA). Fields designed primarily for college, semiprofessional, professional or national levels shall be considered ***Sports Class I***, ***Sports Class II*** or ***Sports Class III*** as defined by IESNA.
- B. Lighting Class and Amount: Lighting for outdoor athletic fields, courts or tracks shall be considered ***Class 1 lighting*** (Color Rendition), and shall be exempt from the ***lumens*** per acre limits of Section 4.2. ***Illuminance*** shall be designed to achieve no greater than the minimal levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA) for the ***Sports Class*** as described in Section 6.1.A.
- C. Shielding:
 1. Facilities designed for ***Sports Class III*** and ***Sports Class IV***: lighting for the field shall use ***fully shielded lighting fixtures***. Where ***fully shielded fixtures*** are not available, ***lighting fixtures*** using external louvers or shields that, in the final installed configuration, extend to within 3 inches on the lowest portion of the light fixture opening are required (Figure 6.1.C.1). The fixtures shall be ***installed*** and maintained with aiming angles that permit no greater than 1% of the light emitted by each fixture to project above the horizontal.

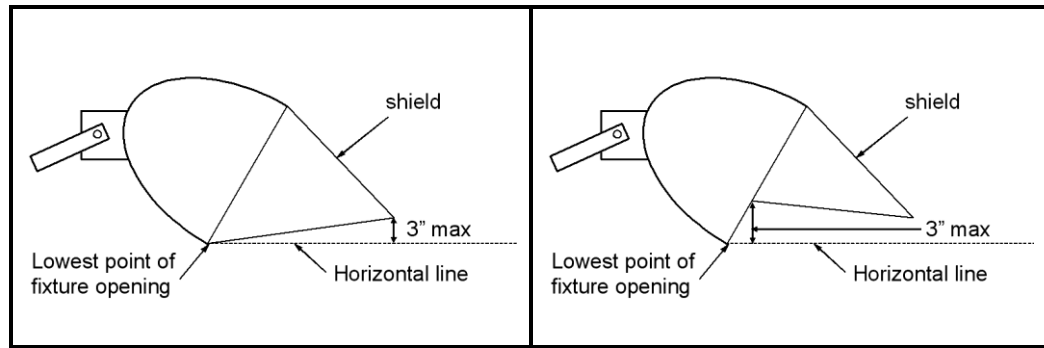


Figure 6.1.C.1. **Sports Class III** and **IV** lighting shield configurations.

2. Facilities designed for **Sports Class I** and **Sports Class II**: lighting for the field shall use **lighting fixtures** with internal and/or external control louvers or shields to minimize off-site **glare** and **light trespass**. The fixtures shall be **installed** and maintained with aiming angles that permit no greater than 5% of the light emitted by each fixture to project above the horizontal.
- D. Certification: Every such lighting system design and installation shall be certified by a registered engineer, architect or landscape architect as conforming to all applicable restrictions of this Code.
- E. Time Limit: All field lighting shall be extinguished within 30 minutes of cessation of play, and events shall be scheduled so as to complete activity before 11pm. Illumination of the playing field, court or track shall be permitted after the time limit only to conclude a scheduled event that did not conclude before the time limit due to unusual circumstances.

6.2. **Frontage Row of Vehicle Display Areas**

- A. Lighting Class: Lighting for **frontage row of vehicle display areas** shall be considered **Class 1 lighting** (Color Rendition).
- B. Shielding: All **frontage row vehicle display area** lighting shall utilize **fully shielded light fixtures** that are **installed** in a fashion that maintains the **fully shielded** characteristics.
- C. **Lumen** Limit: **Total outdoor light output** for the **frontage row of vehicle display areas** is exempt from the **total outdoor light output** limits in Section 4.2, but shall not exceed 60 **lumens** per square foot.
- D. Time Limit: The **frontage row of vehicle display area** lighting exceeding the **lumens** per acre cap of Section 4.2 shall be turned off at 10 p.m. or within thirty minutes after closing of the business, whichever is later. Lighting in the **frontage row of vehicle display areas** after the time limit

shall be considered **Class 2 lighting**, and shall conform to all restrictions of this Code applicable for **Class 2 lighting**, including the **total outdoor light output** limits in Section 4.2.

6.3 Service Station Canopies.

- A. Lighting for service station canopies shall be considered **Class 1 lighting** (Color Rendition).
- B. Shielding: All **light fixtures** mounted on or recessed into the lower surface of service station canopies shall be **fully shielded** and utilize flat lenses.
- C. Total Under-Canopy Output: The total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial bare-lamp outputs in **lumens**, shall not exceed 60 **lumens** per square foot of canopy. All lighting mounted under the canopy, including but not limited to **light fixtures** mounted on the lower surface or recessed into the lower surface of the canopy and any lighting within signage or illuminated panels over the pumps, is to be included toward the total at full initial **lumen** output.
- D. The **lumen** output of lamps mounted on or within the lower surface of a canopy is included toward the **total outdoor light output** limits in Section 4.2 according to the method defined for **total outdoor light output**. Other lighting located under a canopy but not mounted on or within the lower surface is included toward the **total outdoor light output** limits in Section 4.2 at full initial output.

6.4 Other Lighting on Parcels with Special Uses. All lighting not directly associated with the special use areas above shall conform to the lighting standards described in this Code at all times, including but not limited to the shielding requirements of Section 4.1, the **total outdoor light output** limits of Section 4.2 and the lamp type standards of Section 4.3. The **net acreage** for the determination of compliance with Section 4.2 shall not include the area of the athletic field or **frontage row of vehicle display area**; the area of any service station canopy shall be included in the **net acreage**.

Section 7. Submission of Plans and Evidence of Compliance with Code, Subdivision Plats.

7.1 Submission Contents. The applicant for any permit required by any provision of the laws of this jurisdiction in connection with proposed work involving **outdoor lighting fixtures** shall submit (as part of the application for permit) evidence that the proposed work will comply with this Code. Even should no other such permit be required, the installation or modification of any exterior lighting (except for routine servicing and same-type lamp replacement) shall

require submission of the information described below. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in the laws of this jurisdiction upon application for the required permit:

- A. plans indicating the total number and location on the premises of all **outdoor lighting fixtures**, both proposed and any already existing on the site;
- B. description of all **outdoor lighting fixtures**, both proposed and existing. The description may include, but is not limited to, catalog cuts and illustrations by manufacturers (including sections where required); lamp types, wattages and initial **lumen** outputs;

7.2 Additional Submission. The above required plans, descriptions and data shall be sufficiently complete to enable the designated official to readily determine whether compliance with the requirements of this Code will be secured. If such plans, descriptions and data are not sufficient, the applicant shall submit such additional evidence as reasonably requested by the jurisdiction, including certified reports of tests performed and certified by a recognized testing laboratory.

7.3 Subdivision Plats. If any subdivision proposes to have **installed** street or other common or public area outdoor lighting, submission of the information as described in Section 7.1 shall be required for all such lighting.

7.4 Lamp or Fixture Substitution. Should any **outdoor light fixture** or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the designated official for approval, together with adequate information to assure compliance with this Code. Approval must be received prior to substitution.

7.5 Plan Approval. If the designated official determines that the proposed lighting does not comply with this Code, the permit shall not be issued or the plan approved.

7.6 Certification of Installation. For projects using 200,000 lumens or more a registered engineer shall certify in writing to the City that all lighting was installed in accordance with the approved plans.

Section 8. Prohibitions.

8.1 Sale of Non-Conforming Fixtures and Lamps. The installation, sale, offering for sale, lease or purchase of any outdoor lighting fixture or lamp the use of which is not allowed by this Code is prohibited.

8.2 Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.

8.3 Searchlights. The operation of searchlights for advertising purposes is prohibited.

Section 9. Temporary Exemption.

9.1 Request; Renewal; Information Required. Any person may submit, on a form prepared by the jurisdiction, to the designated official, a temporary exemption request. The request shall contain the following information:

- A. specific Code exemption(s) requested;
- C. duration of requested exemption(s);
- E. proposed location on premises of the proposed light fixture(s);
- B. purpose of proposed lighting;
- D. information for each light fixture and lamp combination as required in section 7.1;
- F. previous temporary exemptions, if any, and addresses of premises thereunder;
- G. such other data and information as may be required by the designated official.

9.2 Approval; Duration. The designated official shall have five (5) business days from the date of submission of the request for temporary exemption to act, in writing, on the request. If approved, the exemption shall be valid for not more than thirty (30) days from the date of issuance of the approval. The approval shall be renewable upon further written request, at the discretion of the designated official, for a maximum of one (1) additional thirty (30) day period. The designated official is not authorized to grant more than one (1) temporary permit and one (1) renewal for a thirty (30) day period for the same property within one (1) calendar year.

9.3 Disapproval; Appeal. If the request for temporary exemption or its extension is disapproved, the person making the request will have the appeal rights provided in Section 11.

Section 10. Other Exemptions.

10.1 Nonconformance

- A. Bottom-mounted or unshielded outdoor advertising sign lighting shall not be used beginning five years after enactment of this Code.

B. All other outdoor light fixtures lawfully installed prior to and operable on the effective date of this Code are exempt from all requirements of this Code. There shall be no change in use or lamp type, or any replacement (except for same-type and same-output lamp replacement) or structural alteration made, without conforming to all applicable requirements of this Code. Further, if the property is abandoned, or if there is a change in use of the property, the provisions of this Code will apply when the abandonment ceases or the new use commences.

10.2 State and Federal Facilities. Compliance with the intent of this Code at all State and Federal facilities is encouraged.

10.3 Emergency Lighting. Emergency lighting, used by police, firefighting, or medical personnel, or at their direction, is exempt from all requirements of this code for as long as the emergency exists.

10.4 Swimming Pool and Fountain Lighting. Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and shielding standards of Section 4.1, though it must conform to all other provisions of this code.

Section 11. Appeals.

Any person substantially aggrieved by any decision of the designated official made in administration of the Code has the right and responsibilities of appeal to the Advisory/Appeals Board of this jurisdiction.

Section 12. Law Governing Conflicts.

Where any provision of federal, state, county, township or city statutes, codes, or laws conflicts with any provision of this Code, the most restrictive shall govern unless otherwise regulated by law.

Section 13. Violation and Penalty.

It shall be a civil infraction for any person to violate any of the provisions of this Code. Each and every day or night during which the violation continues shall constitute a separate offense. A fine shall be imposed of not less than fifty dollars nor more than seven hundred dollars for any individual or not less than 100 nor more than ten thousand dollars for any corporation, association, or other legal entity for each offense. The imposition of a fine under this Code shall not be suspended.

Section 14. Severability.

If any of the provisions of this Code or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this Code which can be given effect, and to this end, the provisions of this Code are declared to be severable.

Section 15. Definitions.

As used in this Code, unless the context clearly indicates otherwise, certain words and phrases shall mean the following:

15.1 **Abandoned.** Abandonment shall be determined as provided in Section _____ of the City/Town's Zoning Ordinance. [Consider "cessation of use" here instead, depending on advice of local counsel]

15.2 **Billboard.** Any sign designed for use with changeable advertising copy and which is normally used for the advertisement of goods produced or services rendered at locations other than the premises on which the sign is located.

15.3 **CCT.** Correlated color temperature. A numerical figure used to describe the apparent color of white or nearly white light sources such as LEDs or metal halide.

15.4 **Class 1 Lighting.** All outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly or repair areas, advertising and other signs, recreational facilities and other similar applications where COLOR RENDITION IS IMPORTANT to preserve the effectiveness of the activity. Designation of lighting as **Class 1 lighting** requires a finding by the Planning Director of the essential nature of color rendition for the application. Recognized **Class 1 lighting** uses are: outdoor eating and retail food or beverage service areas; outdoor maintenance areas where regularly scheduled maintenance activity occurs after dark; **display areas**; assembly areas such as concert or theater amphitheaters.

15.5 **Class 2 Lighting.** All outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots and outdoor security where GENERAL ILLUMINATION for visibility, safety or security of the grounds is the primary concern.

15.6 **Class 3 Lighting.** Any outdoor lighting used for DECORATIVE effects including, but not limited to, architectural illumination, flag and monument lighting, and illumination of trees, bushes, etc.

15.7 Development Project. Any residential, commercial, industrial or mixed-use subdivision plan or development plan which is submitted to the City for approval.

15.8 Display Area. Outdoor areas where active nighttime sales activity occurs AND where accurate color perception of merchandise by customers is required. Recognized **display area** uses include automobile and recreational vehicle sales, boat sales, tractor sales, building supply sales, gardening or nursery sales, swap meets. Uses not on this list must be approved as **display area** uses by the Planning Director.

15.9 Frontage Row of Vehicle Display Area. That portion of a **display area** used for vehicles located adjacent to the parcel frontage. Includes only the front row of vehicles adjacent to the parcel frontage; does not include the driving area located behind the parked vehicles or the remainder of the **display area** not adjacent to the frontage. (Figure 15.9)

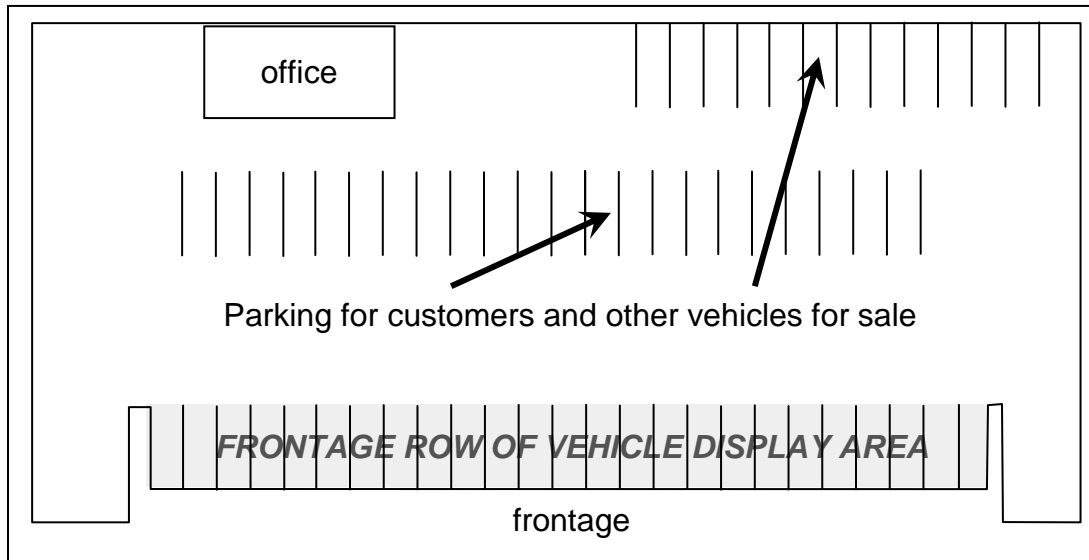


Figure 15.9. **Frontage Row of Vehicle Display Area**

15.10 Flood Lamp. See **Spot Lamp**.

15.11 Footcandle. The standard imperial unit used to measure **illuminance**, or the amount of light falling onto a surface, such as a roadway or athletic field. One **footcandle** equals one **lumen** per square foot. One **footcandle** equals approximately 10 **lux**.

15.12 Fully Shielded (Light Fixture). A **light fixture** constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the **fixture**, is projected below the horizontal. Any structural part of the **light**

fixture providing this shielding must be permanently affixed, and part of the fixture, not part of any surrounding building or architectural elements.

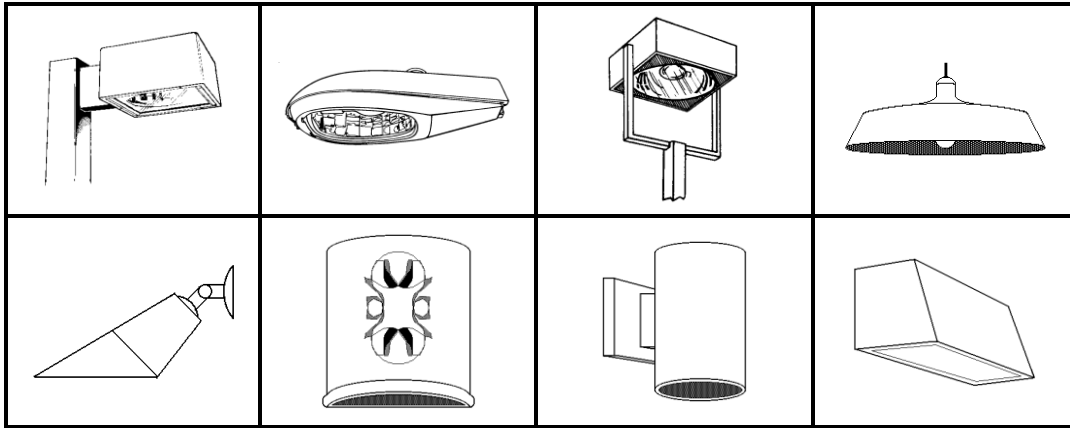


Figure 15.12a. Examples of **fully shielded fixtures**.

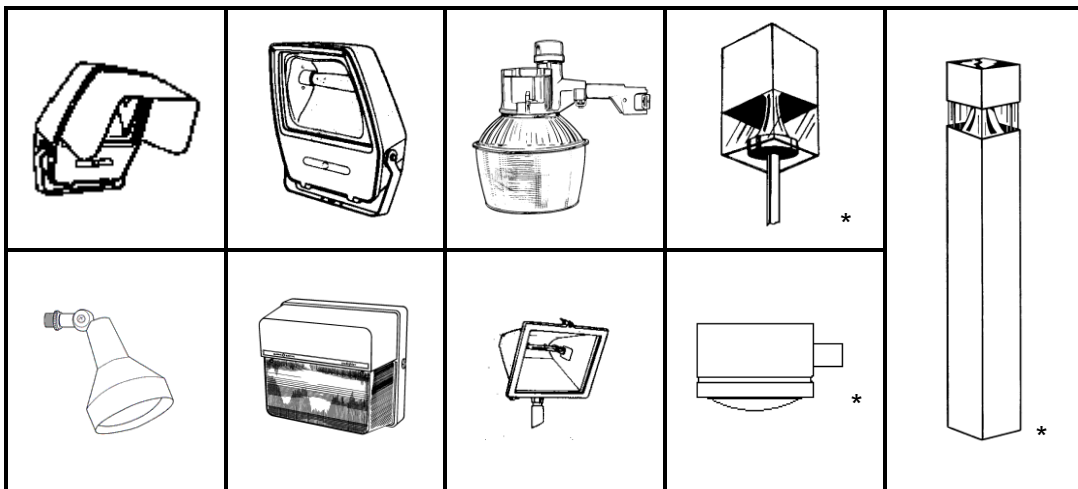


Figure 15.12b. Examples of fixtures that are NOT **fully shielded** (*even though the lamp in these fixtures is shielded from direct view when viewed from the side or above, reflective surfaces and/or lens covers are visible from the side).

15.13 **Glare**. The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light.

15.14 **Illuminance**. The amount of light falling onto a unit area of surface (luminous flux per unit area) - measured in **footcandles** or **lux**.

15.15 **Installed**. The attachment, or assembly fixed in place, whether or not connected to a power source, of any **outdoor light fixture**.

15.16 **LED.** Light emitting diode.

15.17 **Light Fixture, Outdoor.** A complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket). Includes **luminous tubes**, lamps or similar devices, permanently **installed** or portable, used for illumination, decoration, or advertisement. Such devices shall include, but are not limited to lights used for:

- A. parking lot or **parking garage** lighting;
- B. roadway and driveway lighting;
- C. pedestrian or walkway lighting;
- D. entryway lighting;
- E. recreational areas;
- F. landscape lighting;
- G. **billboards** and other signs (advertising or other);
- H. **display area** lighting;
- I. building or structure decoration;
- J. building overhangs and open canopies.

For purposes of determining **total light output from a light fixture**, lighting assemblies which include multiple lamps within a single **light fixture** or on a single pole or standard shall be considered as a single unit (Figure 15.18).

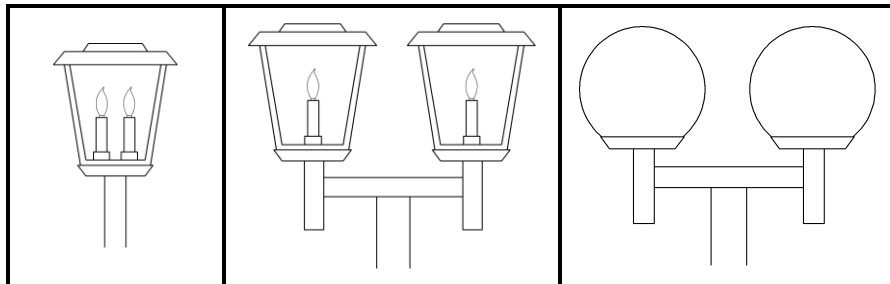


Figure 15.17. **Light fixtures** with multiple lamps in a single fixture (left) and on a single pole or bracket (center, right)

15.18 **Light Trespass.** Light falling across property boundaries, onto property not containing the originating light source.

15.19 **Lighting Zones.** The **lighting zones** are defined on the Lighting Zone Map, by this reference made a part of this Code. Guidelines used to guide the delineation of the **lighting zones** are:

- A **Lighting Zone LZ 1.** This Zone includes predominantly residential areas, including small neighborhood commercial or industrial areas mostly surrounded by residential areas

B Lighting Zone LZ 2. This Zone includes urban areas with primary land uses for commercial, business and industrial activity, including urban multi-family residential areas mostly surrounded by commercial areas.

15.20 **Lumen.** Unit of luminous flux; used to measure the amount of light emitted by lamps.

15.21 **Luminaire.** See *Light Fixture, (Outdoor)*.

15.22 **Luminance.** The intensity of light reflected or emitted from a unit area of surface, such as a sign face - measured in *nits*.

15.23 **Luminous Tube.** A glass tube filled with a gas or gas mixture (including neon, argon, mercury or other gasses), usually of small diameter (10-15 millimeter), caused to emit light by the passage of an electric current, and commonly bent into various forms for use as decoration or signs. A "neon" tube. Does not include common fluorescent tubes or compact fluorescent lamps.

15.24 **Lux.** The standard metric unit used to measure *illuminance*, or the amount of light falling onto a surface, such as a roadway or athletic field. One *lux* equals one *lumen* per square meter. One *lux* equals approximately 0.1 *footcandles*.

15.25 **Multi-Class Lighting.** Any outdoor lighting used for more than one purpose, such as security and decoration, such that its use falls under the definition of two or more Classes as defined for *Class 1, 2 and 3 Lighting*.

15.26 **Neon Tube.** See *Luminous Tube*.

15.27 **Net Acreage.** The remaining area after deleting all portions for proposed and existing streets within a parcel, subdivision or multiple contiguous parcels proposed for development. For parcels including special uses listed in Section 6 that are exempted from the *total outdoor light output* limits of Section 4.2, the area devoted to the special use only shall also be excluded from the *net acreage*.

15.28 **Nit.** The standard unit used to measure the brightness of a surface, such as a sign.

15.29 **Outdoor Light Fixture.** See *Light Fixture, Outdoor*.

15.30 **Opaque.** *Opaque* means that a material does not transmit light from an internal illumination source. Applied to sign backgrounds, means that the area surrounding any letters or symbols on the sign allows no light from an internal source to shine through it.

15.31 **Outdoor Light Output, Total.** The initial total amount of light, measured in **lumens**, from all lamps used in **outdoor light fixtures**. Includes all lights and **luminous tubes** used for **Class 1, Class 2, Class 3** and **multi-Class lighting**, and lights used for external illumination of signs, but does not include lights used to illuminate **internally illuminated signs**, **luminous tubes** used in **neon signs**, or seasonal lighting from typical low-output lamps permitted between Thanksgiving and January 15th. For lamp types that vary in their output as they age (such as high pressure sodium, fluorescent and metal halide), the initial lamp output, as defined by the manufacturer, is the value to be considered. For **LED** fixtures, the light output of the fixture, as defined by the manufacturer, is the value to be considered. For determining compliance with Section 4.2 [**Total Outdoor Light Output**] of this Code, the light emitted from lamps and **luminous tubes** is to be included in the total output as follows (see Figures 15.31a/b):

- A. **outdoor light fixtures installed** on poles (such as parking lot **light fixtures**) and **light fixtures** or **luminous tubes installed** on the sides of buildings or other structures, when not shielded from above by the structure itself as defined in parts B, C and D below, are to be included in the **total outdoor light output** by simply adding the initial **lumen** outputs of the lamps and tubes;
- B. **outdoor light fixtures** and **luminous tubes installed** under canopies, buildings (including **parking garage** decks), overhangs or roof eaves where all parts of the lamp, tube or **light fixture** are located at least five (5) feet but less than ten (10) feet from the nearest edge of the canopy or overhang are to be included in the **total outdoor light output** as though they produced only one-quarter (0.25) of the lamp's rated initial **lumen** output;
- C. **outdoor light fixtures** and **luminous tubes installed** under canopies, buildings (including **parking garage** decks), overhangs or roof eaves where all parts of the lamp, tube or **light fixture** are located at least ten (10) feet but less than thirty (30) feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-tenth (0.10) of the lamp's or tube's rated initial **lumen** output.
- D. **outdoor light fixtures** and **luminous tubes installed** under canopies, buildings (including **parking garage** decks), overhangs or roof eaves where all parts of the lamp or light fixture are located thirty (30) or more feet from the nearest edge of the canopy or overhang are not to be included in the **total outdoor light output**. Such lamps and tubes must however conform to the lamp source and shielding requirements of Section 4.

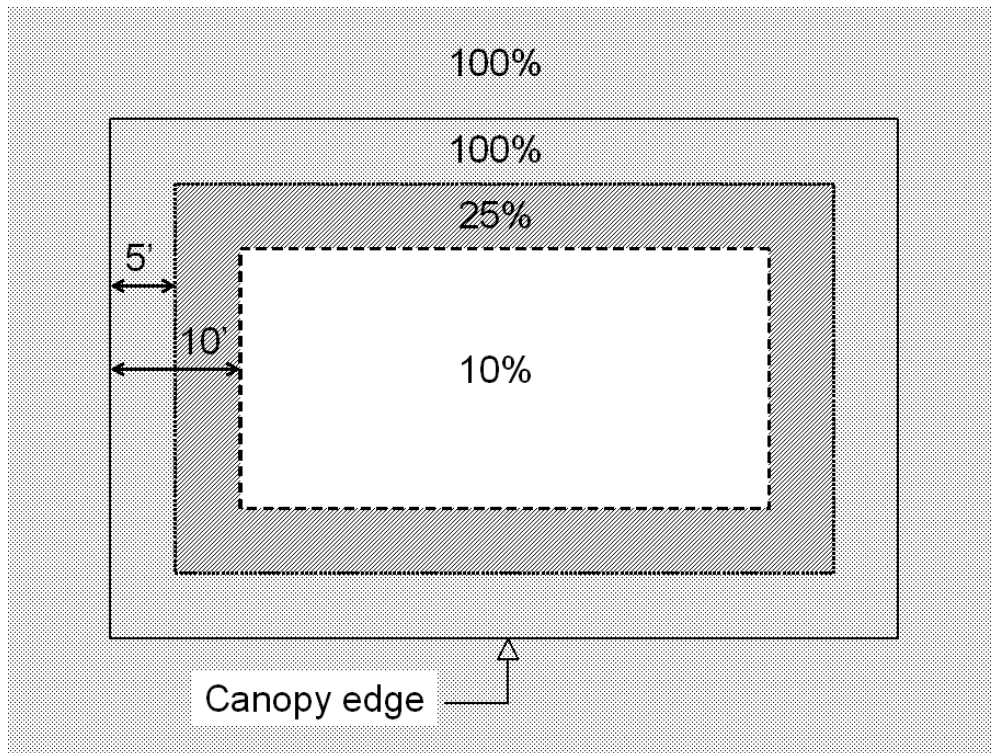


Figure 15.31a. Plan view of a canopy, showing fixture location and initial lamp output percentage counted toward **Total Outdoor Light Output**.

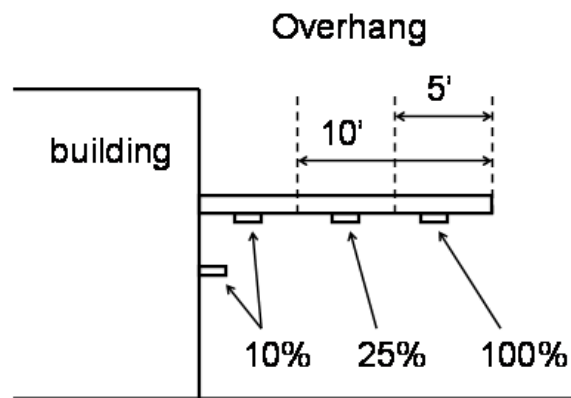


Figure 15.31b. Elevation view of a canopy or overhang attached to a building, showing location of **fully shielded fixtures** and initial lamp output percentage counted toward **Total Outdoor Light Output**.

15.32 Parking Garage. A multi-level or covered structure for parking that is open to the outside air. Includes parking facilities under buildings when the area is open to the outside at more locations than just the automobile entries and exits.

15.33 **Partially Shielded** (Light Fixture). A **light fixture** constructed and mounted such that most light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal. Light emitted at or above the horizontal direction (sideways or upwards) arises only from decorative elements or strongly colored or diffusing materials such as "honey" or colored glass or plastic. Fixtures using spot or flood lamps are considered **partially shielded** if the lamps are aimed no higher than 45 degrees above straight down (half-way between straight down and straight to the side).

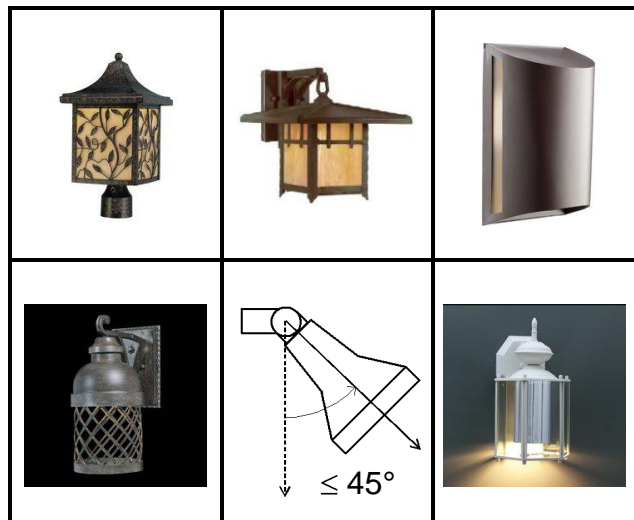


Figure 15.33. Examples of **partially shielded fixtures**:

15.34 **Person**. any individual, tenant, lessee, owner, or any commercial entity including but not limited to firm, business, partnership, joint venture, or corporation.

15.35 **Searchlight**. A lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp, and with a swiveled or gimbaled mount to allow the assembly to be easily redirected. Such lights are used commonly to sweep the sky for advertisement purposes.

15.36 **Sign, Externally Illuminated**. A sign illuminated by light sources from the outside.

15.37 **Sign, Internally Illuminated**. A sign illuminated by light sources enclosed entirely within the sign cabinet and not directly visible from outside the sign.

15.38 **Sign, Multicolor Changeable-Copy LED**. A sign composed of **LEDs** of more than one color and programmable to allow changing displays.

- 15.39 **Sign, Multicolor Fixed-Copy LED.** A sign composed of **LEDs** of more than one color with a fixed (not changeable or programmable) copy display.
- 15.40 **Sign, Neon.** A sign including **luminous tubes** formed into text, symbols or decorative elements and directly visible from outside the sign cabinet.
- 15.41 **Sign, On-Site Advertising.** A sign used primarily to advertise goods or services offered on the same parcel on which the sign is located. Such a sign may include incidental non-advertising information (for example time and temperature; does not include publicly owned signs providing general interest information exclusively (such as road names or highway conditions)
- 15.42 **Sports Class I/II/III/IV.** Level of sports play as defined by the Illuminating Engineering Society of North America. This level is primarily determined by the number and distance of spectators; the higher recommended illumination levels facilitate the spectator's ability to view the action. **Sports Class IV** is the most common level, and is typical of municipal and amateur league and social level sports, with minimal accommodations for spectators, typically including bleachers located close to the field. **Sports Class III** includes increased accommodation for spectators. **Sports Class II** and **Sports Class I** apply to large sports facilities where thousands of spectators may be located hundreds of feet from the field, and television broadcasting may be a consideration.
- 15.43 **Spot Lamp.** A specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, and with a clear or nearly clear glass envelope: Such lamps are so designated by the manufacturers, and typically used in residential outdoor area lighting (Figure 15.43).

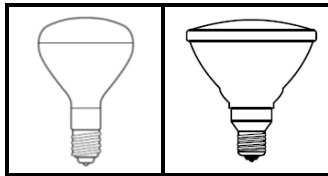


Figure 15.43. **Spot lamps**

- 15.44 **Spot Light.** A **light fixture** containing a **Spot Lamp**.
- 15.45 **Temporary Lighting.** Lighting which does not conform to the provisions of this Code and which will not be used for more than one thirty (30) day period within a calendar year, with one thirty (30) day extension. Temporary lighting is intended for uses which by their nature are of limited duration; for example holiday decorations, civic events, or construction projects in.

WAC 173-60-030 State Noise Standards

Identification of environments.

(1) Except when included within specific prior designations as provided in subsections (2), (3), and (4) of this section, the EDNA of any property shall be based on the following typical uses, taking into consideration the present, future, and historical usage, as well as the usage of adjacent and other lands in the vicinity.

(a) Class A EDNA - Lands where human beings reside and sleep. Typically, Class A EDNA will be the following types of property used for human habitation:

- (i) Residential
- (ii) Multiple family living accommodations
- (iii) Recreational and entertainment, (e.g., camps, parks, camping facilities, and resorts)
- (iv) Community service, (e.g., orphanages, homes for the aged, hospitals, health and correctional facilities)

(b) Class B EDNA - Lands involving uses requiring protection against noise interference with speech. Typically, Class B EDNA will be the following types of property:

- (i) Commercial living accommodations
- (ii) Commercial dining establishments
- (iii) Motor vehicle services
- (iv) Retail services
- (v) Banks and office buildings
- (vi) Miscellaneous commercial services, property not used for human habitation
- (vii) Recreation and entertainment, property not used for human habitation (e.g., theaters, stadiums, fairgrounds, and amusement parks)
- (viii) Community services, property not used for human habitation (e.g., educational, religious, governmental, cultural and recreational facilities).

(c) Class C EDNA - Lands involving economic activities of such a nature that higher noise levels than experienced in other areas is normally to be anticipated. Persons working in these areas are normally covered by noise control regulations of the department of labor and industries. Uses typical of Class A EDNA are generally not permitted within such areas. Typically, Class C EDNA will be the following types of property:

- (i) Storage, warehouse, and distribution facilities.
- (ii) Industrial property used for the production and fabrication of durable and nondurable man-made goods
- (iii) Agricultural and silvicultural property used for the production of crops, wood products, or livestock.

(d) Where there is neither a zoning ordinance in effect nor an adopted comprehensive plan, the legislative authority of local government may, by ordinance or resolution, designate specifically described EDNAs which conform to the above use criteria and, upon departmental approval, EDNAs so designated shall be as set forth in such local determination.

(e) Where no specific prior designation of EDNAs has been made, the appropriate EDNA for properties involved in any enforcement activity will be determined by the investigating official on the basis of the criteria of (a), (b), and (c) of this subsection.

(2) In areas covered by a local zoning ordinance, the legislative authority of the local government may, by ordinance or resolution designate EDNAs to conform with the zoning ordinance as follows:

- (a) Residential zones - Class A EDNA
- (b) Commercial zones - Class B EDNA
- (c) Industrial zones - Class C EDNA

Upon approval by the department, EDNAs so designated shall be as set forth in such local determination. EDNA designations shall be amended as necessary to conform to zone changes under the zoning ordinance.

(3) In areas not covered by a local zoning ordinance but within the coverage of an adopted comprehensive plan the legislative authority of the local government may, by ordinance or resolution designate EDNAs to conform with the comprehensive plan as follows:

- (a) Residential areas - Class A EDNA
- (b) Commercial areas - Class B EDNA
- (c) Industrial areas - Class C EDNA

Upon approval by the department EDNAs so designated shall be as set forth in such local determination. EDNA designations shall be amended as necessary to conform to changes in the comprehensive plan.

(4) The department recognizes that on certain lands, serenity, tranquillity, or quiet are an essential part of the quality of the environment and serve an important public need. Special designation of such lands with appropriate noise level standards by local government may be adopted subject to approval by the department. The director may make such special designation pursuant to the procedures of the Administrative Procedure Act, chapter [34.04](#) RCW.

WAC 173-60-040

Maximum permissible environmental noise levels.

(1) No person shall cause or permit noise to intrude into the property of another person which noise exceeds the maximum permissible noise levels set forth below in this section.

(2)(a) The noise limitations established are as set forth in the following table after any applicable adjustments provided for herein are applied.

| | EDNA OF NOISE SOURCE | | | EDNA OF RECEIVING PROPERTY | | |
|---------|-------------------------|---------|---------|----------------------------------|---------|---------|
| | Class A | Class B | Class C | Class A | Class B | Class C |
| CLASS A | 55 dBA | 57 dBA | 60 dBA | | | |
| CLASS B | 57 | 60 | 65 | | | |
| CLASS C | 60 | 65 | 70 | | | |

(b) Between the hours of 10:00 p.m. and 7:00 a.m. the noise limitations of the foregoing table shall be reduced by 10 dBA for receiving property within Class A EDNAs.

(c) At any hour of the day or night the applicable noise limitations in (a) and (b) above may be exceeded for any receiving property by no more than:

- (i) 5 dBA for a total of 15 minutes in any one-hour period; or
- (ii) 10 dBA for a total of 5 minutes in any one-hour period; or
- (iii) 15 dBA for a total of 1.5 minutes in any one-hour period.