



**CITY OF EDGEWOOD
COUNCIL STUDY SESSION AGENDA**

Tuesday, June 4, 2024 – 7:00 PM ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA
Meeting Link: <https://cityofedgewood-org.zoom.us/j/86916509308>

1. CALL TO ORDER

Roll Call, Pledge of Allegiance

2. COUNCIL BUSINESS

A. Equity, Diversity, and Inclusion (Trainings, Planning, etc.)

B. Surface Water Rate Code Update

C. Six Year Transportation Improvement Plan (TIP) Update

D. Boards and Commissions Interview Process

E. Legislative Decision on Levy Lid Lift

F. PSA - Windmill Property

3. OTHER COUNCIL ITEMS

4. ADJOURN

Study Sessions are meetings for Council to review upcoming and pertinent business of the City, no action is taken by the City Council. Study Sessions are open to the public, but public input is reserved for the regular Council meetings



City Of Edgewood Council Agenda Summary Sheet

Subject: Equity, Diversity, and Inclusion (Trainings, Planning, etc.)	Agenda Item #: 2.A
	For Agenda of: 6/4/2024
	Prepared by: Jill Schwerzler-Herrera
Attachments (list):	
Approval of Materials: Jill Schwerzler-Herrera Rachel Pitzel, Assistant City Administrator Dave Olson 5/31/2024 5/31/2024	Expenditure Required:
	Amount Budgeted:
	Timeline: Topic to be added to all future Study Sessions (see item history below)

Summary Statement:

Item History:

The council has asked that this topic be discussed at all study sessions for the foreseeable future. As such, this has been a reoccurring agenda item since September of 2020.

Recommended Action:

N/A

Fiscal Note/Consideration:

N/A



City Of Edgewood Council Agenda Summary Sheet

Subject: Surface Water Rate Code Update	Agenda Item #: 2.B
	For Agenda of: 6/4/2024
	Prepared by: Jeremy Metzler
Attachments (list): 1. DRAFT Ordinance 24-0xxx	
Approval of Materials: Jeremy Metzler Jill Schwerzler-Herrera 5/30/2024 Rachel Pitzel, Assistant City Administrator 5/31/2024 Dave Olson 5/31/2024	Expenditure Required: N/A Amount Budgeted: N/A Timeline: 05/07/2024 SS 05/21/2024 SS 05/28/2024 RCM PH 06/04/2024 SS 06/11/2024 RCM

Summary Statement: The Edgewood City Council establishes storm water rates charged for various land use classifications according to factors set forth in RCW 35.67.020(2) and (3), which are then adopted in the Edgewood Municipal Code. The city is required to impose uniform charges for the same class of customers or service and facilities furnished [RCW 35.67.020(2)]. In classifying customers served or service and facilities furnished by the storm water utility, the city may consider *“the difference in cost of maintenance, operation, repair and replacement of various parts of the system,”* and *“any other matters which present a reasonable difference as a ground for distinction.”*

A detailed financial analysis was prepared by the FCS Group (FCS) in 2018, as a part of the Comprehensive Surface Water Management Plan Update adopted by the Edgewood City Council under Ordinance 18-0527, which provided recommendations for annual service charge increases to support the Surface Water Utility. In summary, council increased the annual service charges following the recommendations of the financial analysis for Fiscal Year (FY) 2020, but due to a number of factors, rates have not been increased since then.

Following a review of the 2018 FCS financial analysis, staff recently updated the FCS model to reflect current conditions and updates to capital improvement plans. In an effort to maintain existing levels of service, which requires an annual service charge that is not eroded by the effects of inflation, staff recommends updating Edgewood Municipal Code (EMC) 13.10.070 to facilitate an annual update based on the regional Consumer Price Index (CPI). Summarizing the additional information discussed at the May 21, 2024, study session:

- Rate Structure: Edgewood's rate structure mirrors that of Pierce County, and Pierce County collects this annual service charge on Edgewood's behalf. Charges are based on impervious surface area, with an average impervious surface area being assumed for individual residences to establish a flat rate for

those customers.

- **Rate Exemptions:** Edgewood's exemptions are based on Pierce County Code, but Pierce County has several additional exemptions that may be worth considering:
 - Parcels which are: (1) used for church, community center, community hall, or grange purposes; and (2) owned by an organization with a nonprofit public benefit status as defined by RCW 24.03.490.
 - Tribal lands held in trust by the Federal Government.
 - Parcels qualifying for a property tax exemption under [RCW 84.36.260](#) where the primary purpose of the qualifying nonprofit corporation or association is to conduct or facilitate scientific research or to conserve natural resources or open space for the general public.
 - Parcels qualifying for a property tax exemption under [RCW 84.36.060](#) where the qualifying organization is a nonprofit miscellaneous scientific or historical society.
 - Low income senior exemptions (tiered system similar to property tax exemptions):
 - If eligible under RCW 84.36.381(5)(a), property is 40% exempt
 - If eligible under RCW 84.36.381(5)(b)(i), property is 60% exempt
 - If eligible under RCW 84.36.381(5)(b)(ii), property is 80% exempt
- **Rate Credits:** Edgewood currently offers a 10% credit for properties that have rainwater harvesting systems, pursuant to EMC 13.10.070(B). Pierce County offers a similar credit, or up to a 30% credit for compliant and maintained onsite detention and/or retention systems.
- **Current Rates:** Annual rates range from \$131.36 to \$426, with Edgewood currently at \$257.58.

Attached is a copy of the draft ordinance for council's consideration, with one redline change modifying the last sentence of EMC 13.10.070(A)(1): "*The charge shall not be adjusted for inflation if the index is negative or remains unchanged.*" This item is scheduled for potential action at next week's regular meeting.

Item History:

N/A

Recommended Action:

Hold a discussion and provide staff guidance regarding Surface Water Rate Code Update

Fiscal Note/Consideration:

The Surface Water Utility's annual service charges have remained unchanged since 2020, when they were set to \$257.58 per residential unit under Ordinance 19-0561 on October 22, 2019. In order to continue the current level of service for operations and maintenance, develop and construct the capital projects currently programmed, and fulfill the obligations of the City's Municipal Stormwater Permit, staff anticipates the need to increase rates approximately 2.5% annually, effective January 1, 2025. Since this rate is similar to the historical increase in the Consumer Price Index (CPI), staff is recommending the attached proposed code modification.

ORDINANCE NO. 24-0xxx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, PIERCE COUNTY, WASHINGTON, RELATING TO ANNUAL SERVICE CHARGES FOR THE SURFACE WATER UTILITY; AMENDING EMC 13.10.070; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Edgewood has established a storm drainage and surface water management utility under Chapter 13.10 Edgewood Municipal Code (EMC), and has codified regulations governing the calculation, assessment, collection, credit, and administration of such charges therein; and

WHEREAS, following review of the financial analysis prepared by FCS Group for the 2018 Comprehensive Surface Water Management Plan, staff has updated the rate model to reflect current conditions and capital plans; and

WHEREAS, in an effort to maintain an annual service charge that is not eroded by the effects of inflation, staff recommends updating EMC 13.10.070 to facilitate an annual update based on the regional Consumer Price Index (CPI); and

WHEREAS, the City Council reviewed the proposed code amendment at their study sessions held on May 7, 2024, May 21, 2024, and June 4, 2024; and

WHEREAS, a public hearing was held on May 28, 2024 regarding annual service charges for the Surface Water Utility, where all interested persons were given an opportunity to be heard, and any written comments were received and considered; and

WHEREAS, the City Council considered the proposed code amendment at their regular meetings held on May 28, 2024 and June 11, 2024;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The recitals above are hereby adopted as legislative findings in support of this ordinance. The City Council further adopts by reference the previously held study session agenda bill of May 7, 2024 as an additional finding.

Section 2. EMC Section 13.10.070(A), Amended. EMC Section 13.10.070(A) is hereby amended as follows:

- A. Annual service charges for all parcels shall be as set forth in the city of Edgewood fee schedule. Said annual service charges shall be automatically updated for inflation annually using the following procedures:

1. The Public Works Director shall use the Seattle-Tacoma-Bellevue Consumer Price Index for all urban consumers (CPI-U) for the last 12 months (June-June) published by the United States Bureau of Labor Statistics to calculate annual inflation adjustments in the annual service charge. The charge shall not be adjusted for inflation if the index is negative or remains unchanged.
2. The indexed annual service charge shall be effective January 1 beginning in 2025, and on January 1 of each year thereafter. A copy of the indexed annual service charge shall be provided to the City Council each September, but the indexed annual service charge shall become effective without further Council action.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of final passage.

PASSED BY THE CITY COUNCIL ON THE 11TH DAY OF JUNE, 2024

Dave Olson, Mayor

ATTEST/AUTHENTICATED:

Rachel Pitzel, CMC
City Clerk

APPROVED AS TO FORM:

NAME, City Attorney

Date of Publication: June 13, 2024
Effective Date: June 18, 2024



City Of Edgewood Council Agenda Summary Sheet

Subject: Six Year Transportation Improvement Plan (TIP) Update	Agenda Item #: 2.C																		
	For Agenda of: 6/4/2024																		
	Prepared by: Jeremy Metzler																		
Attachments (list): 1. DRAFT RESOLUTION 24.0xxx (TIP) 2. DRAFT - 2025 TIP Budget Spreadsheet 3. 2025_2030 TIP MAP 4. SIGNED DNS 24-004-CODE 5. Planning and Land Use Application 6. 2025 TIP SEPA Checklist																			
<table><tr><td>Approval of Materials:</td><td>Expenditure Required:</td></tr><tr><td>Jeremy Metzler</td><td>N/A</td></tr><tr><td>Jill Schwerzler-Herrera 5/30/2024</td><td>Amount Budgeted:</td></tr><tr><td>Rachel Pitzel, Assistant City Administrator 5/31/2024</td><td>N/A</td></tr><tr><td>Dave Olson 5/31/2024</td><td>Timeline:</td></tr><tr><td></td><td>06/04/2024 SS</td></tr><tr><td></td><td>06/11/2024 RCM PH</td></tr><tr><td></td><td>06/18/2024 SS</td></tr><tr><td></td><td>06/25/2024 RCM</td></tr></table>		Approval of Materials:	Expenditure Required:	Jeremy Metzler	N/A	Jill Schwerzler-Herrera 5/30/2024	Amount Budgeted:	Rachel Pitzel, Assistant City Administrator 5/31/2024	N/A	Dave Olson 5/31/2024	Timeline:		06/04/2024 SS		06/11/2024 RCM PH		06/18/2024 SS		06/25/2024 RCM
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	06/18/2024 SS																		
	06/25/2024 RCM																		

Summary Statement:

The City is required to prepare a Transportation Improvement Plan (TIP), in accordance with RCW 35.77.010 and the Transportation Element of the City's adopted Comprehensive Plan. The TIP outlines the projects, estimated costs, anticipated timelines, and the expected funding sources for the next six years. These plans serve as the guiding documents for Staff to implement as resources are made available through City financial resources or other identified funding sources (i.e. TIB, WSDOT funding, other grants, loans, etc.).

The attached DRAFT resolution and plan represents Staff's recommendation as it pertains to project priorities, funding sources and timelines for implementation, as required under GMA. Staff relies on the City Council to guide this planning effort in alignment with Council's desires and the City's financial resources. While this year's Annual Concurrency Report has yet to be prepared, the recommendations provided in last year's report are still relevant. Staff is bringing this year's TIP update forward at this time to stay ahead of upcoming grant funding opportunities.

Please note that traffic concurrency will not be met if the Level of Service deficiencies are not addressed at three intersections with Meridian: 13th, 29th and 32nd. Staff is working with the City's consultant to complete the Meridian Avenue Preliminary Design Study, and efforts continue to design and implement the Parallel Road Network.

Finally, this draft TIP is scheduled for Public Hearing at next week's Regular Council Meeting. Staff has also completed a State Environmental Policy Act (SEPA) Environmental Checklist for review, with comments due by June 7, 2024. The SEPA review is subject to appeal until June 21, 2024. This TIP is scheduled for potential action at Council's June 25, 2024 regular meeting, being after the SEPA appeal deadline.

Item History:

N/A

Recommended Action:

Hold a discussion and provide staff guidance regarding Six Year Transportation Improvement Plan (TIP) Update

Fiscal Note/Consideration:

As the Transportation Improvement Plan (TIP) is a component of the annual budgeting process, the anticipated impacts to the City's budget and General Fund are outlined therein. TIPs are planning documents that express the Council's desires for future transportation improvements within the City. Local agency TIPs are also utilized by State and other planning agencies, for evaluating projects on a regional scale and consideration for outside funding resources. This TIP represents an anticipated six-year program cost of \$26,604,000 - However, the TIP is not a final budget document; this is reserved for the actual budget that is adopted by the City Council towards the end of the City's fiscal year.

This TIP considers a total of \$7,648,287 in TIF funding from 2024 through 2030. Other funding sources considered herein (but yet to be secured unless noted otherwise) include TIB Grants, FHWA Grants, other unidentified grants, and the General Fund, for a total of \$18,955,713.

RESOLUTION NO. 24-0xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO STREETS AND TRANSPORTATION, ADOPTING THE 2025-2030 SIX-YEAR TRANSPORTATION IMPROVEMENT PLAN

WHEREAS, per RCW 35.77.010, the City is required to annually update its Six-Year Transportation Improvement Plan (TIP) before July 1st of each year and file the updated Transportation Improvement Plan with the Washington State Department of Transportation within thirty (30) days of adoption; and

WHEREAS, per RCW 35.77.010, the purpose of the requirement for annual updates is to assure that each city shall perpetually have advanced plans available, looking to the future for not less than six years as a guide in carrying out a coordinated transportation program; and

WHEREAS, it is also an eligibility requirement of many grant programs that the City update its Transportation Improvement Plan as required by RCW 35.77.010; and

WHEREAS, the transportation element of the City's Comprehensive Plan must also include and be consistent with the Six-Year Transportation Improvement Plan required by RCW 35.77.010; and

WHEREAS, per RCW 35.77.010, a duly-noticed public hearing was held on June 11, 2024 on the proposed updates to the Transportation Improvement Plan; and

WHEREAS, per Chapter 43.21C RCW and WAC 197-11-340, a Determination of Nonsignificance was issued on May 24, 2024, which allowed for a 14-day comment period ending June 7, 2024, and a 14-day appeal period ending June 21, 2024, where no comments or appeals were received;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. The City Council does hereby adopt the 2025-2030 Six-Year Transportation Improvement Plan (TIP), a copy of which is attached as Exhibit A and incorporated herein by reference.

Section 2. Effective Date. This resolution will take effect immediately upon passage by City Council.

ADOPTED THIS 25TH DAY OF JUNE, 2024

Dave Olson, Mayor

ATTEST:

Jill Schwerzler-Herrera, CMC
City Clerk

DRAFT

Exhibit A
2025-2030 Transportation Improvement Plan (TIP)

DRAFT

Transportation Improvement Program (TIP)
Years 2025-2030

Project No.		Transportation Project	Estimated Annual Project Expenditures									Total Project Cost	Comments
TIP	TIF Program		Prior Years (Actual)	2024 Estimate	2025	2026	2027	2028	2029	2030	Future Years		
1	R-3, R-9	Meridian/32nd & Meridian/36th Intersection improvements	\$ 35,000	\$ -	\$ -	TBD - Pending results of Project No. 2, below					\$ -	TBD	Coordinate intersection needs and alternatives with WSDOT, then construct improvements.
2	S-1	Meridian Ave E (SR-161) Preliminary Design	\$ 338,075	\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 438,075	Corridor Study reviewing cross section and intersection treatment needs south of 24th. (80% TIF Eligible)
3	N/A	Emergency Road Repair (Weather Related - Annual)		\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000		\$ 175,000	Annual Program - Repair failures due to severe weather, wear and tear from freeze/thaw events and other causes.
4	R-4	Edgewood Drive Safety Improvements	\$ 562,225	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,535,000	\$ 11,097,225	Roadway widening, curb & gutter, stormwater system and pedestrian walkway. (40% TIF Eligible)
5	R-10	Chrisella Road East Safety Improvements	\$ 370,150	\$ 1,680,730	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,420,000	\$ 8,470,880	2021-2024: Improved markings, signage, lighting, sight distance, possible traffic calming measures; 2024+: Sidewalk, repair slopes south of 48th St E (40% TIF Eligible)
6	N/A	Citywide Road Preservation Program (Annual)		\$ 415,000	\$ 1,004,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000		\$ 2,669,000	Annual program - Full width rubberized chipseal and/or 2" HMA grind and overlay. Minor crack sealing and repairs are included. (2024/2025: Added 48th St E Grant Funds)
7	S-3, N-1	Interurban Trail Phase III, Connection Feasibility Study	\$ 116,436	\$ 500,000	\$ 1,500,000	\$ 4,000,000	\$ 6,000,000	\$ 4,000,000	\$ -	\$ -	\$ -	\$ 16,116,436	Develop approximately 1.05-mile corridor as a trail from 114th Avenue East to the City of Pacific. (20% TIF Eligible)
8	TBD - "N" Projects	Citywide Pedestrian Mobility and Safety Improvements (Annual)		\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000		\$ 525,000	Annual Program - Walkways and/or trails with vegetated buffers for traffic safety, low level pedestrian lighting where appropriate, signs and pavement markings, as shown in the 2004 Pedestrian Study (20% TIF Eligible)
9	N/A	Citywide Traffic Safety Program (Annual)		\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000		\$ 350,000	Annual program - Neighborhood Traffic Calming Projects, Safety Projects and reconstruction of ADA deficiencies.
10	N/A	Citywide Road Maintenance Program (Annual)		\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000		\$ 525,000	Annual program - Repair and maintenance of City transportation infrastructure, including traffic operations, signing and markings
11	MCE-2, MCE-7, MCE-16	Meridian Parallel Road Network Construction - Various Segments	\$ 288,426	\$ -	\$ -	\$ 290,000	\$ 1,310,000	\$ 900,000	\$ -	\$ -	\$ 5,470,000	\$ 8,258,426	Construct high-priority parallel road segments, closing gaps and fixing access deficiencies - Priority Order: MCE-16 (Chrisella), MCE-7, MCE-2. (60% TIF Eligible)
12	S-2, N-9	36th Street E Walkway Extension Feasibility/Design/Build	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 750,000	\$ 750,000	Design and construct extension of existing walkway to new park property. (20% TIF Eligible)
13	R-6	Meridian & 12th/13th Intersection Improvements	\$ -	\$ -	\$ -	\$ -	\$ 500,000	\$ 250,000	\$ 2,000,000	\$ 1,900,000	\$ -	\$ 4,650,000	Design and construct intersection improvement(s) to address deficiencies. (60% TIF Eligible)
14	N/A	108th Ave E (north of 32nd St E) - Rebuild Failing Roadway	\$ -	\$ 50,000	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 250,000	Gather information and prepare construction plans to repair, prevent any other unexpected failures.
15	N/A	Caldwell Rd E & 129th Ave E - Intersection Regrade	\$ -	\$ -	\$ -	\$ 150,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 150,000	Repave the intersection and remove the non-compliant grade transition.
Annual Totals			\$ 1,710,312	\$ 2,970,730	\$ 2,929,000	\$ 4,915,000	\$ 8,285,000	\$ 5,625,000	\$ 2,475,000	\$ 2,375,000	\$ 23,175,000	\$ 54,425,042	

				Proposed 6-Year Program Total:						\$ 26,604,000			
TIB Funding:		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -		
RCO WWRP Trails Grant:		\$ 168,217	\$ 1,500,000	\$ 1,331,783	\$ -	\$ -	\$ -	\$ -	\$ -		\$ 3,000,000	2024-2026: Interurban Trail Funded	
FHWA Funding (PSRC/PCRC):		\$ 331,783	\$ 600,000	\$ 2,480,000	\$ 350,000	\$ -	\$ -	\$ -	\$ -		\$ 3,761,783	2024/2026: Interurban Trail Funded	
WSDOT Funding:		\$ 1,680,730	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ 1,680,730	2025: 48th St E Preservation; 2027: Meridian & 12th/13th Chrisella HSIP Grant (work in progress)	
Public Works Trust Fund Loan:		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -		
Other Grant Funds:		\$ -	\$ -	\$ -	\$ 3,000,000	\$ 2,500,000	\$ 800,000	\$ 760,000			\$ 7,060,000	2027/8: Interurban Trail; 2029/30: Meridian & 12th/13th	
Total Anticipated Grant Funding:		\$ 2,180,730	\$ 2,100,000	\$ 3,811,783	\$ 3,350,000	\$ 2,500,000	\$ 800,000	\$ 760,000			\$ 15,502,513		
Total City Funds Needed:		\$ 790,000	\$ 829,000	\$ 1,103,217	\$ 4,935,000	\$ 3,125,000	\$ 1,675,000	\$ 1,615,000			\$ 14,072,217		
Traffic Impact Fees		\$ 95,000	\$ 15,000	\$ 377,217	\$ 3,186,070	\$ 1,605,000	\$ 1,215,000	\$ 1,155,000			\$ 7,648,287		
REET Funds		\$ 435,000	\$ 404,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000			\$ 2,089,000		
School Zone Camera Fees		\$ 110,000	\$ 110,000	\$ 110,000	\$ 110,000	\$ 110,000	\$ 110,000	\$ 110,000			\$ 770,000		
Park Impact Fees		\$ -	\$ -	\$ -	\$ 764,930	\$ 700,000	\$ -	\$ -			\$ 1,464,930	2027/2028: Interurban Trail (balance)	
General Fund		\$ 150,000	\$ 300,000	\$ 366,000	\$ 624,000	\$ 460,000	\$ 100,000	\$ 100,000			\$ 2,100,000		

Prepared by: Jeremy Metzler, P.E.
Date Prepared: 5/17/2024

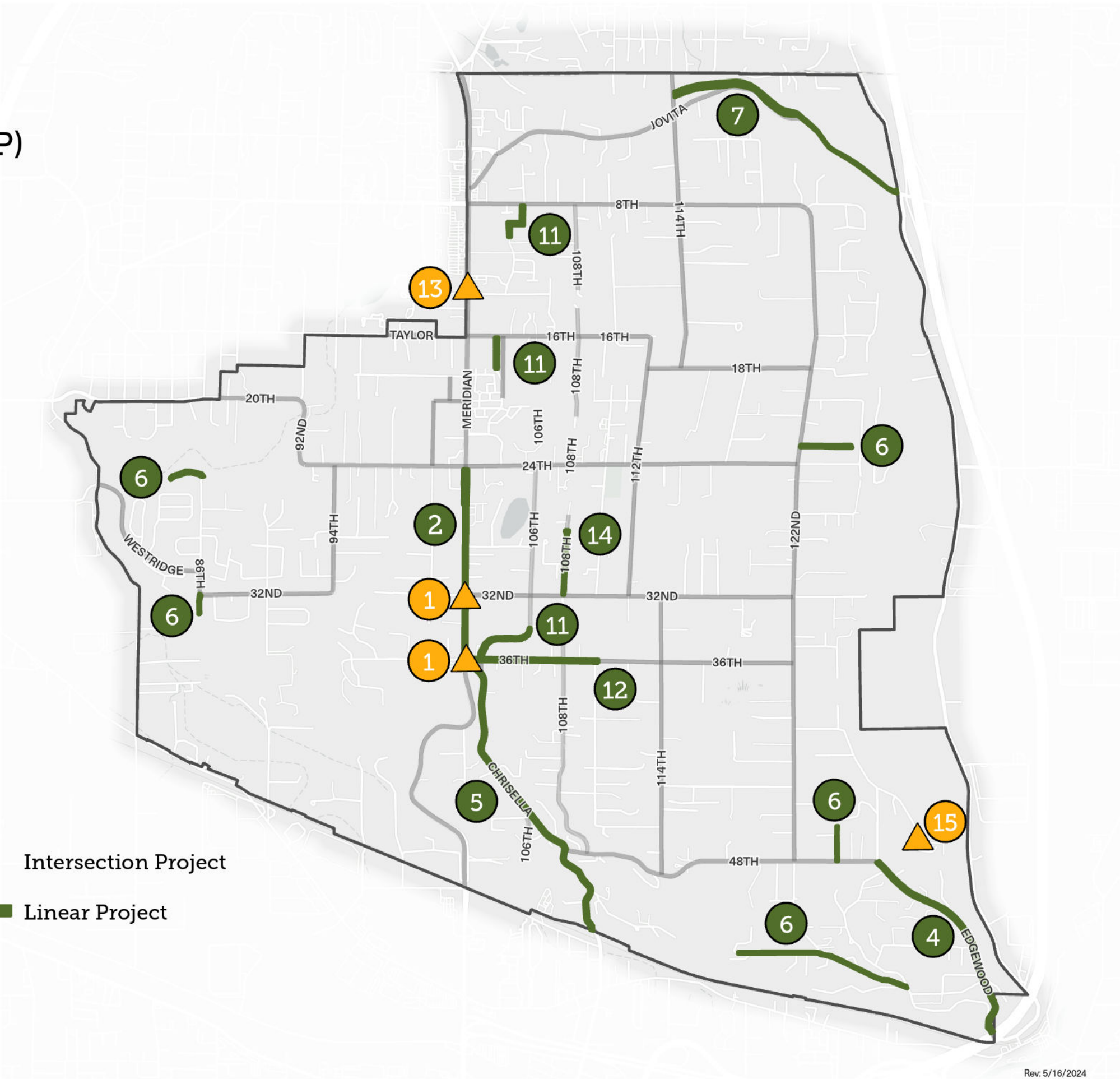


Transportation Improvement Plan (TIP) 2025-2030

Project No.		Transportation Project
TIP	TIF Program	
1	R-3, R-9	Meridian/32nd & Meridian/36th Intersection improvements
2	S-1	Meridian Ave E (SR-161) Preliminary Design
4	R-4	Edgewood Drive Safety Improvements
5	R-10	Chrisella Road East Safety Improvements
6	N/A	Citywide Road Preservation Program (<i>Annual</i>)
7	S-3, N-1	Interurban Trail Phase III, Connection Feasibility Study
11	MCE-2, MCE-7, MCE-16	Meridian Parallel Road Network Construction - Various Segments
12	S-2, N-9	36th Street E Walkway Extension Feasibility/Design/Build
13	R-6	Meridian & 12th/13th Intersection Improvements
14	N/A	108th Ave E (north of 32nd St E) - Rebuild Failing Roadway
15	N/A	Caldwell Rd E & 129th Ave E - Intersection Regrade

 Intersection Project

 Linear Project





Determination of Non-significance (DNS)

City of Edgewood 2224 104th Ave East Edgewood, Washington 98372-1513 253-952-3299

Date of Issuance:	May 24, 2024	
Project Name:	2025 – 2030 TRANSPORTATION IMPROVEMENT PLAN (TIP) UPDATE	
File:	#24-004-CODE	
Lead Agency:	City of Edgewood, 2224 104th Ave E, Edgewood, WA 98372	
Agency Contact:	Josh Kubitza, AICP, Planning Consultant 253-952-3299 comdev@cityofedgewood.org	
Applicant:	Edgewood Public Works Department 253-952-3299 cityhall@cityofedgewood.org	
Location:	Non-Project Action (Citywide) – See project map in application documents	
Project Description:	This is an annual update to the Transportation Improvement Plan (TIP), consistent with Revised Code of Washington (RCW) Chapter 35.77. A TIP is a short-range planning document showing funding sources and estimated amounts for motorized and non-motorized transportation projects planned for design and/or construction in the next six (6) years. It must be consistent with the City of Edgewood Comprehensive Plan and is intended to ensure coordination between the local jurisdiction and other agencies.	
Existing Documents:	• Application Form • SEPA Checklist • TIP Budget Spreadsheet • TIP Project Map	
SEPA Determination:	The lead agency for this proposal has determined that it does not have a probably significant adverse impact on the environment, and an environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist, the Edgewood Comprehensive Plan, and other municipal policies, plans, rules, and regulations designated as a basis for exercise of substantive authority under the State Environmental Protection Act (SEPA) pursuant to RCW 43.21C. This information is available to the public by request and at: http://noa.cityofedgewood.org/. This Determination of Nonsignificance (DNS) is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date of issuance. Comments must be submitted by 5:00 PM on June 7, 2024. Comments can be submitted to the Community & Economic Development Department at 2224 104th Avenue E, Edgewood, WA 98372 or comdev@cityofedgewood.org.	
Responsible SEPA Official:		5/24/2024
	Responsible Official Signature	Date
	Jeremy Metzler, Community Development Director 253-952-3299 comdev@cityofedgewood.org	
Appeal Period and Process:	Unless modified by the City, this determination will become final following the above comment deadline. Any person aggrieved by the City’s final determination may file an appeal no later than 5:00 PM on June 21, 2024 . Appeals must be submitted in writing and contain the information required in EMC 20.05.250(J) along with the required appeal fee. You should be prepared to make specific factual objections. All appeals shall contain a specific statement of reasons why the decision of the SEPA Responsible Official is alleged to be in error. Appeals may be in person, by mail, or via the City’s permit portal: portal.cityofedgewood.org .	

Please call (253) 952-3299 if you have any questions.

Any interested person/party has the right to comment on the proposal, review file materials, request a copy of the decision, and appeal the decision subject to requirements outlined in Edgewood Municipal Code Chapter 18 and the applicable regulations as adopted by the City.

Planning and Land Use Application



Community and Economic Development
2224 104th Avenue East
Edgewood, WA 98372
253.952.3299
comdev@cityofedgewood.org

For Office Use

FILE NUMBER:

PROJECT NAME		PERMIT TYPE	
APPLICANT	PHONE	EMAIL	
ADDRESS			
PROPERTY OWNER(S)*	PHONE	EMAIL	
ADDRESS			
*Complete an Owner Authorization form for each applicable legal entity			
PROJECT ADDRESS			
PRIMARY PARCEL NUMBER	ADDITIONAL PARCEL NUMBER(S)		
By my signature, I certify that: • I am the owner or have been granted authorization by the owner to submit this application; and • I have reviewed all submittals for completeness and accuracy; and • I have reviewed and am familiar with the applicable elements of the City of Edgewood Comprehensive Plan and provisions of the Edgewood Municipal Code (EMC); and • I acknowledge my proposal shall not be approved unless the proposal conforms to those applicable elements of the City of Edgewood Comprehensive Plan, provisions of the Edgewood Municipal Code (EMC), and the approval criteria for the subject application type.			
Applicant Name: _____			
Applicant Signature: _____		Date: _____	

Owner Authorization



Community and Economic Development

2224 104th Avenue East

Edgewood, WA 98372

253.952.3299

comdev@cityofedgewood.org

For Office Use

FILE NUMBER:

PROJECT NAME		TAX PARCEL NUMBER(S)	
OWNER			
SITE ADDRESS			
OWNER MAILING ADDRESS	OWNER PHONE	OWNER EMAIL	
I/We, _____, am/are the legal owner(s)* of the above parcel. I/We consent to the proposed project permit application as it has been made with the free consent and in accordance with my/our desires. I hereby grant the right to enter the above-described location to inspect the proposed, in-progress or completed work to the agencies to which this application is made or forwarded. These inspections shall occur at reasonable times and, if practical, with prior notice to the applicant. <u>Agent as Applicant Authorization</u> I/We grant _____ permission to file and coordinate the project permit with the City of Edgewood on my behalf as an authorized agent and applicant for this proposed project.			
Owner Name: _____ Signature: _____ Date: _____ SUSCRIBED AND SWORN to before me this _____ day of _____, 20____ _____ NOTARY PUBLIC in and for the State of Washington residing at _____ My commission expires on _____			

FINANCIALLY RESPONSIBLE PARTY FORM



Community and Economic Development
2224 104th Avenue East
Edgewood, WA 98372
253.952.3299
comdev@cityofedgewood.org

For Office Use

FILE NUMBER:

PROJECT NAME

RESPONSIBLE PARTY NAME

BILLING ADDRESS (Street, City, State, Zip)

CONTACT PERSON

PHONE

EMAIL

I, _____, understand that by signing below, I agree to be the financially responsible party for the above listed project. Any and all fees for this project will be my responsibility to coordinate payment to ensure fees are paid within the required remittance timeframe. These fees include, but not limited to:

Permit Fees

Fees will be applied as outlined within the City of Edgewood Fee Schedule. Additional fees may be necessary as your project progresses based upon individual project/permit circumstances. Joint project meetings requested by an applicant with multiple review staff, managers and/or directors will be subject to Staff Billable Hourly Rates.

Deposit for Reimbursement of Costs (EMC 3.35.03) – Third Party Review Fees

Processing and/or review costs incurred by the City for professional services performed by a third-party shall be paid by the Financially Responsible Party in addition to the basic permit fee, if any.

The City will request an estimate for services, which will be invoiced and collected to be held as a Deposit on Account. When the service provider completes all or portions of the review, the City will use the Deposit on Account to cover the invoiced fees. Projects may require multiple 3rd party reviews resulting in multiple invoices to the responsible party. The City will attempt to maintain a positive Deposit on Account balance for the project through timely communication and invoicing. Project progress will depend on the responsible party maintaining a positively funded Deposit on Account balance.

I understand that any positive fund balance after the completion of the project will be returned to the above party via City Check. If at any point during the project, a new financially responsible party needs to be designated, the City of Edgewood will be notified, and a new affidavit will be submitted. The City is not responsible for private agreements regarding the transfer of financial responsibility.

Name: _____

Signature: _____ Date: _____

Project Narrative



Community and Economic Development

2224 104th Avenue East

Edgewood, WA 98372

253.952.3299

comdev@cityofedgewood.org

For Office Use

FILE NUMBER:

PROJECT NAME

PERMIT TYPE

Project Description

An explanation of intent, stating the nature of the proposed development, reasons for the permit request, pertinent background information, information required on the application form, technical reports, studies and data required to address conditions on the site or criteria of the permit or approval requested, and other information that may have a bearing in determining the action to be taken. ([EMC 18.40.140\(A\)\(2\)](#))

*Attach additional sheets or use separate document if needed.



Community & Economic Development Department

2224 104th Avenue East, Edgewood, WA 98372

(253) 952-3299 | <https://www.cityofedgewood.org/>

STATE ENVIRONMENTAL POLICY ACT (SEPA)

ENVIRONMENTAL CHECKLIST

FILE#: _____

Purpose of Checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of Checklist for Nonproject Proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [supplemental sheet for nonproject actions \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background (to be completed by applicant)

1. Name of proposed project, if applicable:			
2025 – 2030 Transportation Improvement Plan (TIP)			
2. Applicant	Address (Street, City, State, Zip)	Phone	Email
City of Edgewood	2224 104 th Ave E Edgewood, WA 98372	253-952-3299	cityhall@cityofedgewood.org
3. Contact Person	Address (Street, City, State, Zip)	Phone	Email
Jeremy Metzler, PE	Same	253-831-4266	jeremy@cityofedgewood.org
4. DATE CHECKLIST PREPARED			
May 17, 2024			
5. AGENCY REQUESTING CHECKLIST			
City of Edgewood			

6. Proposed timing or schedule (including phasing, if applicable):

- 1st Presentation to City Council at June 4, 2024 Study Session
- City Council Public Hearing held on June 11, 2024
- 2nd Presentation to City Council at June 18, 2024 Study Session
- Council Action scheduled for June 25, 2024 Regular Meeting

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Yes; Per RCW 35.77.010, the TIP is to be updated annually and to be consistent with the City's adopted Comprehensive Plan.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Projects are selected for inclusion in the TIP based on the latest Capital Improvement Plan (CIP), the City's Concurrency Model, and recommendations contained in the Annual Concurrency Report. Each project contained in the TIP will be required to undergo an independent SEPA analysis, unless an individual project is determined to be exempt from SEPA.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

N/A; This is a citywide non-project action.

10. List any government approvals or permits that will be needed for your proposal, if known.

Following a public hearing, the TIP is adopted by the City Council, then submitted to WSDOT.

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

The City is required to prepare a TIP in accordance with RCW 35.77.010 and the Transportation Element of the City's adopted Comprehensive Plan. The TIP outlines the projects, estimated costs, anticipated timelines, and the expected funding sources for the next six years. These plans serve as the guiding documents for Staff to implement as resources are made available through City financial resources or other identified funding sources (i.e. TIB, WSDOT funding, other grants, loans, etc.).

TIPs are planning documents that express the Council's desires for future transportation improvements within the City. Local agency TIPs are also utilized by State and other planning agencies, for evaluating projects on a regional scale and consideration for outside funding resources. As the TIP is a component of the annual budgeting process, the anticipated impacts to the City's budget and General Fund are outlined therein – However, the TIP is not a final budget document; this is reserved for the actual budget that is adopted by the City Council towards the end of the City's fiscal year.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Citywide.

B. Environmental Elements [\[help\]](#)

1. Earth [\[help\]](#)

- a. General description of the site:

Citywide, non-project action.

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

- b. What is the steepest slope on the site (approximate percent slope)?

N/A; non-project action.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

N/A; non-project action.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

N/A; non-project action.

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

N/A; non-project action.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

N/A; non-project action.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

N/A; non-project action.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

N/A; non-project action.

2. Air [\[help\]](#)

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

N/A; non-project action.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

N/A; non-project action.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

N/A; non-project action.

3. Water [\[help\]](#)

- a. Surface Water: [\[help\]](#)

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

N/A; non-project action.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

N/A; non-project action.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

N/A; non-project action.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

N/A; non-project action.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

N/A; non-project action.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

N/A; non-project action.

b. Ground Water: [\[help\]](#)

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

N/A; non-project action.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

N/A; non-project action.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow?

N/A; non-project action.

Will this water flow into other waters? If so, describe.

N/A; non-project action.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

N/A; non-project action.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

N/A; non-project action.

- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

N/A; non-project action.

4. Plants [\[help\]](#)

- a. Check the types of vegetation found on the site: N/A; non-project action.

___deciduous tree: alder, maple, aspen, other

___evergreen tree: fir, cedar, pine, other

___shrubs

___grass

___pasture

___crop or grain

___orchards, vineyards, or other permanent crops

___wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

___water plants: water lily, eelgrass, milfoil, other

___other types of vegetation

- b. What kind and amount of vegetation will be removed or altered?

N/A; non-project action.

- c. List threatened and endangered species known to be on or near the site.

N/A; non-project action.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

N/A; non-project action.

- e. List all noxious weeds and invasive species known to be on or near the site.

N/A; non-project action.

5. Animals [\[help\]](#)

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

N/A; non-project action.

Examples include:

birds: hawk, heron, eagle, songbirds, other: _____

mammals: deer, bear, elk, beaver, other: _____

fish: bass, salmon, trout, herring, shellfish, other: _____

other: _____

- b. List any threatened and endangered species known to be on or near the site.

N/A; non-project action.

- c. Is the site part of a migration route? If so, explain.

N/A; non-project action.

- d. Proposed measures to preserve or enhance wildlife, if any:

N/A; non-project action.

- e. List any invasive animal species known to be on or near the site.

N/A; non-project action.

6. Energy and Natural Resources [\[help\]](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

N/A; non-project action.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

N/A; non-project action.

- c. What kinds of energy conservation features are included in the plans of this proposal?

N/A; non-project action.

List other proposed measures to reduce or control energy impacts, if any:

N/A; non-project action.

7. Environmental Health [\[help\]](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

N/A; non-project action.

- 1) Describe any known or possible contamination at the site from present or past uses.

N/A; non-project action.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

N/A; non-project action.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

N/A; non-project action.

- 4) Describe special emergency services that might be required.

N/A; non-project action.

- 5) Proposed measures to reduce or control environmental health hazards, if any:

N/A; non-project action.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

N/A; non-project action.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

N/A; non-project action.

- 3) Proposed measures to reduce or control noise impacts, if any:

N/A; non-project action.

8. *Land and Shoreline Use* [\[help\]](#)

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

N/A; non-project action.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

N/A; non-project action.

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

N/A; non-project action.

- c. Describe any structures on the site.

N/A; non-project action.

- d. Will any structures be demolished? If so, what?

N/A; non-project action.

- e. What is the current zoning classification of the site?

N/A; non-project action.

- f. What is the current comprehensive plan designation of the site?

N/A; non-project action.

- g. If applicable, what is the current shoreline master program designation of the site?

N/A; non-project action.

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

N/A; non-project action.

- i. Approximately how many people would reside or work in the completed project?

N/A; non-project action.

- j. Approximately how many people would the completed project displace?

N/A; non-project action.

- k. Proposed measures to avoid or reduce displacement impacts, if any:

N/A; non-project action.

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

N/A; non-project action.

- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

N/A; non-project action.

9. *Housing* [\[help\]](#)

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

N/A; non-project action.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

N/A; non-project action.

- c. Proposed measures to reduce or control housing impacts, if any:

N/A; non-project action.

10. *Aesthetics* [\[help\]](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

N/A; non-project action.

- b. What views in the immediate vicinity would be altered or obstructed?

N/A; non-project action.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

N/A; non-project action.

11. Light and Glare [\[help\]](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

N/A; non-project action.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

N/A; non-project action.

- c. What existing off-site sources of light or glare may affect your proposal?

N/A; non-project action.

- d. Proposed measures to reduce or control light and glare impacts, if any:

N/A; non-project action.

12. Recreation [\[help\]](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity?

N/A; non-project action.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

N/A; non-project action.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

N/A; non-project action.

13. Historic and cultural preservation [\[help\]](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

N/A; non-project action.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

N/A; non-project action.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic

preservation, archaeological surveys, historic maps, GIS data, etc.

N/A; non-project action.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

N/A; non-project action.

14. Transportation [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

N/A; non-project action.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

N/A; non-project action.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

N/A; non-project action.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

N/A; non-project action.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

N/A; non-project action.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?

N/A; non-project action.

- g. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

N/A; non-project action.

- h. Proposed measures to reduce or control transportation impacts, if any:

N/A; non-project action.

15. Public Services [\[help\]](#)

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

N/A; non-project action.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

N/A; non-project action.

16. Utilities [\[help\]](#)

- a. Circle utilities currently available at the site: N/A; non-project action.

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

N/A; non-project action.

C. Signature [\[help\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:  _____

Name of signee: Jeremy Metzler

Position and Agency/Organization: Community Development Director / Interim Public Works Director
City of Edgewood

Date Submitted: May 17, 2024

D. Supplemental sheet for nonproject actions [\[help\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

This non-project action proposal will not result in: increased discharges to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise. However, implementation of the projects listed in the TIP may result in increased impervious surface areas, altered vehicular air emission patterns, and/or production of noises.

Proposed measures to avoid or reduce such increases are:

All projects will be evaluated in accordance with all plans, policies, rules and regulations in effect when applications are submitted for their development.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

This non-project action proposal will not affect plants, animals, fish, or marine life. However, implementation of the projects listed in the TIP may alter plant, animal, and/or fish habitats.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

All projects will be evaluated in accordance with all plans, policies, rules and regulations in effect when applications are submitted for their development.

3. How would the proposal be likely to deplete energy or natural resources?

This non-project action proposal will not deplete energy or natural resources. However, implementation of the projects listed in the TIP may result in energy and/or natural resource depletion.

Proposed measures to protect or conserve energy and natural resources are:

All projects will be evaluated in accordance with all plans, policies, rules and regulations in effect when applications are submitted for their development.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

This non-project action proposal will not use or affect the aforementioned environmentally sensitive or otherwise protected areas. However, implementation of the projects listed in the TIP may impact said areas as follows:

TIP Project No.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
EMC 14.40 (Wetlands)		X			X		X				X	X		X	X
EMC 14.50 (Fish & Wildlife Habitat)		X					X				X				
EMC 14.60 (Aquifer Rech. & Wellhd. Prot.)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
EMC 14.70 (Volcanic Hazard)		X		X	X		X	X	X						
EMC 14.80 (Flood Hazard)		X					X	X				X			
EMC 14.90 (Landslide Hazard)		X		X	X		X								X
EMC 14.100 (Seismic Hazard)		X			X		X								
EMC 14.110 (Erosion Hazard)		X		X	X		X								X
EMC 14.120 (Natural Resource Lands)															

Proposed measures to protect such resources or to avoid or reduce impacts are:

All projects will be evaluated in accordance with all plans, policies, rules and regulations in effect when applications are submitted for their development.

- How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

This non-project action proposal will not affect land and shoreline uses.

Proposed measures to avoid or reduce shoreline and land use impacts are:

All projects will be evaluated in accordance with all plans, policies, rules and regulations in effect when applications are submitted for their development.

- How would the proposal be likely to increase demands on transportation or public services and utilities?

This non-project action proposal will not increase demands on transportation or public services and utilities. However, implementation of the projects listed in the TIP may affect transportation patterns and/or increase demands on public services and utilities.

Proposed measures to reduce or respond to such demand(s) are:

All projects will be evaluated in accordance with all plans, policies, rules and regulations in effect when applications are submitted for their development, including any increased demand for public services. Furthermore, every effort will be made to coordinate impacts to utilities prior to any activity.

- Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

This non-project action proposal will be in compliance with all local, state, and federal laws and requirements for the protection of the environment.



City Of Edgewood Council Agenda Summary Sheet

Subject: Boards and Commissions Interview Process	Agenda Item #: 2.D
	For Agenda of: 6/4/2024
	Prepared by: Rachel Pitzel
Attachments (list):	
Approval of Materials: Rachel Pitzel Rachel Pitzel, Assistant City Administrator 5/28/2024 Dave Olson 5/28/2024	Expenditure Required: N/A
	Amount Budgeted: N/A
	Timeline:

Summary Statement:

This item is being brought forward from a discussion at a previous study session, suggesting that the Council Rules of Procedure change in regard to Boards and Commissions. The suggestion was to have the rules modified to let the Mayor and City Clerk interview applicants outside a council meeting in order for the Mayor to bring forward a recommendation and council confirmation of appointment by Council.

This is a discussion only. The Council Rules of Procedures will be modified to reflect any changes (if necessary) at a later council study for review.

Item History:

Recommended Action:

Hold a discussion and provide staff direction to Boards and Commissions Interview Process

Fiscal Note/Consideration:



City Of Edgewood Council Agenda Summary Sheet

Subject: Legislative Decision on Levy Lid Lift	Agenda Item #:
	For Agenda of: 6/4/2024
	Prepared by: Hardeep Goraya
Attachments (list): 1. DRAFT RES Levy Lid Lift 5-31-2024(10876463.3_Clean) 2. Levy Lid Lift - Single Year Permanent	
Approval of Materials: Hardeep Goraya Rachel Pitzel, Assistant City Administrator 5/31/2024 Dave Olson 5/31/2024	Expenditure Required:
	Amount Budgeted: \$2.3M
	Timeline: 03/02/2024 Council Retreat 04/27/2024 Budget Retreat 05/21/2024 SS Discussion 05/28/2024 RCM Legislative Decision 06/11/2024 RCM Approval

Summary Statement: The City currently receives about seven cents for every dollar taxpayers pay in property tax, and the City dedicates all of it to public safety and general govt. purposes. State law generally limits the city's property tax revenue growth to 1% annually, even if property values increase by more than 1%. Because this additional revenue is less than the annual increase in the City's public safety and general govt. costs, the City lacks funding to keep up the current service level.

This proposal increases the City's levy rate by approximately \$0.60 per \$1000 of assessed value for collection in 2025 and would be used to calculate the statutory limitation for future levy increases. For a home assessed at \$625,000, this levy would increase a homeowner's property tax by approximately \$32 per month. Low-income seniors and low-income disabled homeowners may qualify for an exemption from this increase.

A levy lid lift will not only defer the budget constraints that are pending on Edgewood's horizon but will also create longer-term stability for the City to ensure that Edgewood can continue to maintain a current level of service for police and other governmental services which are funded by the City's general fund.

The Council has studied four alternatives for a potential levy lid lift:

1. Single Year - Temporary
2. Multi-Year (up to 6 years) – Temporary
3. Single Year – Permanent
4. Multi-Year (up to 6 years) – Permanent

The council discussed at length these four alternatives at their May 28, 2024, regular council meeting and recommended option 3, Single Year, Permanent.

Tonight's discussion is intended to get council consensus to bring a resolution forward to next week's (June 11) regular council meeting using staff's recommendation of option 3, Single Year - Permanent, to be placed on the November 5, 2024, General Election ballot, and specifying the rate amount.

Item History:

N/A

Recommended Action:

Hold a discussion and provide staff guidance regarding Legislative Decision on Levy Lid Lift and specify the rate amount

Fiscal Note/Consideration:

RESOLUTION NO. 24-0XXX

A RESOLUTION OF THE CITY OF EDGEWOOD, WASHINGTON, PROVIDING FOR SUBMISSION OF A PROPOSITION TO THE QUALIFIED VOTERS OF THE CITY OF EDGEWOOD AT THE NOVEMBER 2024 GENERAL ELECTION, OF A PROPOSITION AUTHORIZING THE CITY TO INCREASE ITS REGULAR PROPERTY TAX LEVY ABOVE THE LIMIT ESTABLISHED IN RCW 84.55 TO PROVIDE FOR STABLE FUNDING OF PUBLIC SAFETY AND GENERAL GOVERNMENTAL SERVICES AS PERMITTED BY LAW; SETTING FORTH THE BALLOT PROPOSITION; REQUESTING THAT THE PIERCE COUNTY AUDITOR PLACE THE PROPOSITION ON THE NOVEMBER 5, 2024 BALLOT; DIRECTING ACTS CONSISTENT WITH THE AUTHORIZATIONS HEREIN; AND ESTABLISHING THE TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City Council of the City of Edgewood, Washington (the “City”) desires to provide for (1) the stable funding for public safety (police) services; and (2) other governmental services pursuant to RCW 36.70A.070; and

WHEREAS, in order to provide for the foregoing, the City is in need of additional funds to supplement existing City general fund revenue which is applied for these purposes; and

WHEREAS, the City’s current regular property tax levy is \$0.6956 per \$ 1,000 of assessed value, which is \$0.9044 per \$1,000 of assessed value less than what is statutorily authorized, on a total assessed value of \$3,323,844,293, for a levy total of \$2,312,122; and

WHEREAS, the City’s 2023 regular property tax levy was \$0.6869 per \$1,000 of assessed value, which is \$0.9131 per \$1,000 of assessed value less than what is statutorily authorized, on a total assessed value of \$3,264,007,334, for a levy total of \$2,237,893; and

WHEREAS, RCW 84.55.050 provides for the levy of regular property taxes in an amount exceeding the limitations specified in RCW Chapter 84.55 if such increased levy is authorized by a ballot proposition approved by a majority of the voters at an election held within the taxing district (a “levy lid lift”); and

WHEREAS, the City Council has determined that it is in the best interests of the City and its residents to submit a levy lid lift proposition under RCW 84.55.050(1) to the voters for their approval or rejection;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Levy Lid Lift Election Called For. Pursuant to RCW 84.55.050 and RCW 29A.04.330, an election is hereby called, to be conducted election conducted and held in conjunction with the November 5, 2024, General Election, for the purpose of submitting a proposition to the qualified electors of the City asking whether the City shall levy regular property taxes in excess of the limitation established in RCW 84.55.010. The Pierce County Auditor, as supervisor of elections in Pierce County, is hereby requested to call and conduct the election referenced herein in the City of Edgewood on November 5, 2024. The proposition to be submitted to the qualified voters of the City for their approval or rejection is to authorize an increase in the City's regular property tax levy by \$ **INSERT** per \$1,000 of assessed value, to a total regular property tax levy rate of \$ **INSERT** per \$1,000 of assessed value, for collection beginning on January 1, 2025.

Section 2. Purpose of Levy Lid Lift. The purpose of the proposed levy lid lift is to provide for the stable funding for public safety (police) and general governmental services.

Section 3. Ballot Title. The ballot title and proposition to be submitted to the voters shall be in substantially the following form:

City of Edgewood Proposition No. 1

Public Safety and General Governmental Services

For the purpose providing continual funding for public safety (police) and general governmental services. This proposition would increase the City's regular property tax rate by \$ **INSERT** to a total authorized rate of \$ **INSERT** per \$1,000 of assessed valuation for collection starting in 2025 and annually thereafter. The maximum allowable levy rate in 2025 shall serve as the base for subsequent levy limitations as provided by Chapter 84.55 RCW. Taxpayers who qualify for an exemption under RCW 84.36.381 are exempt from the increase. Should this proposition be approved?

YES ()
NO ()

Section 4. Changes. The Mayor and the City Attorney are authorized to make such minor adjustments to the wording of the proposition as may be recommended or required by the Pierce County Auditor, as long as the intent of the proposition remains clear and as approved by the City Council.

Section 5. Notices Relating to Ballot Proposition. For purposes of receiving notice of the exact language of the ballot proposition required by RCW 29A.36.080, the City Council hereby designates (1) the City Clerk, Jill Schwerzler-Herrera (phone 253-831-4250, jill@cityofedgewood.org); and (2) the Deputy City Attorney Jennifer Robertson (phone 425-450-4204, jrobertson@insleebest.com) as the individuals whom such notice should be provided.

Section 6. Authorization of Local Voters' Pamphlet. To the extent a local voters' pamphlet and/or online voters' guide (the "Pamphlet") will be produced for the November 5, 2024

General Election, or a later election as allowed, the preparation and distribution of information on the ballot title for inclusion in the Pamphlet is hereby authorized; provided that, the City reserves the right not to participate in the preparation and distribution of the Pamphlet if such participation would create undue financial hardship for the City or not be in the best interests of the City. The Mayor is authorized to exercise the City's right to appoint a committee to prepare arguments advocating voters' approval of the measure ("Pro Committee") and a committee to prepare arguments advocating voters' rejection of the measure ("Con Committee"); and, to not participate in the preparation and distribution of the Pamphlet. The Pamphlet shall include, if applicable, an explanatory statement and statements in favor of and in opposition to the ballot title. The preparation of the explanatory statement, the appointment of pro/con committees, the preparation of statements in favor of and in opposition to the ballot title, and the payment of the costs of the Pamphlet shall be in accordance with Chapter 29A.32 RCW and the rules and guidelines of the Auditor, as applicable.

Section 7. Authorization To Deliver Resolution and to Perform Other Necessary Duties. The City Clerk or designee is authorized and directed no later than August 6, 2024, to certify a copy of this Resolution to the Auditor and to perform such other duties as are necessary or required by law to the end that the proposition described herein should appear on the ballot at the special election identified in Section 1 of this Resolution.

Section 8. Election Notice. The Pierce County Auditor's Office shall cause a notice of election to be published at least once in a newspaper of general circulation within the City. Such publication shall take place not more than ten days or less than three days prior to the election date.

Section 9. Severability. If any section, subsection, sentence, clause, phrase, or word of this Resolution should be held to be invalid or unconstitutional or inapplicable by a court of competent jurisdiction, such invalidity or unconstitutionality or inapplicability thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this Resolution.

Section 10. Corrections. Upon the approval of the city attorney, the city clerk is authorized to make any necessary technical corrections to this Resolution, including but not limited to the correction of scrivener's/clerical errors, references, Resolution numbering, section/subsection numbers, and any reference thereto.

Section 11. Effective Date. This Resolution shall be effective upon passage as provided by law.

ADOPTED THIS 11TH DAY OF JUNE 2024.

Dave Olson, Mayor

ATTEST/AUTHENTICATED:

Jill Schwerzler-Herrera, CMC
City Clerk

APPROVED AS TO FORM:

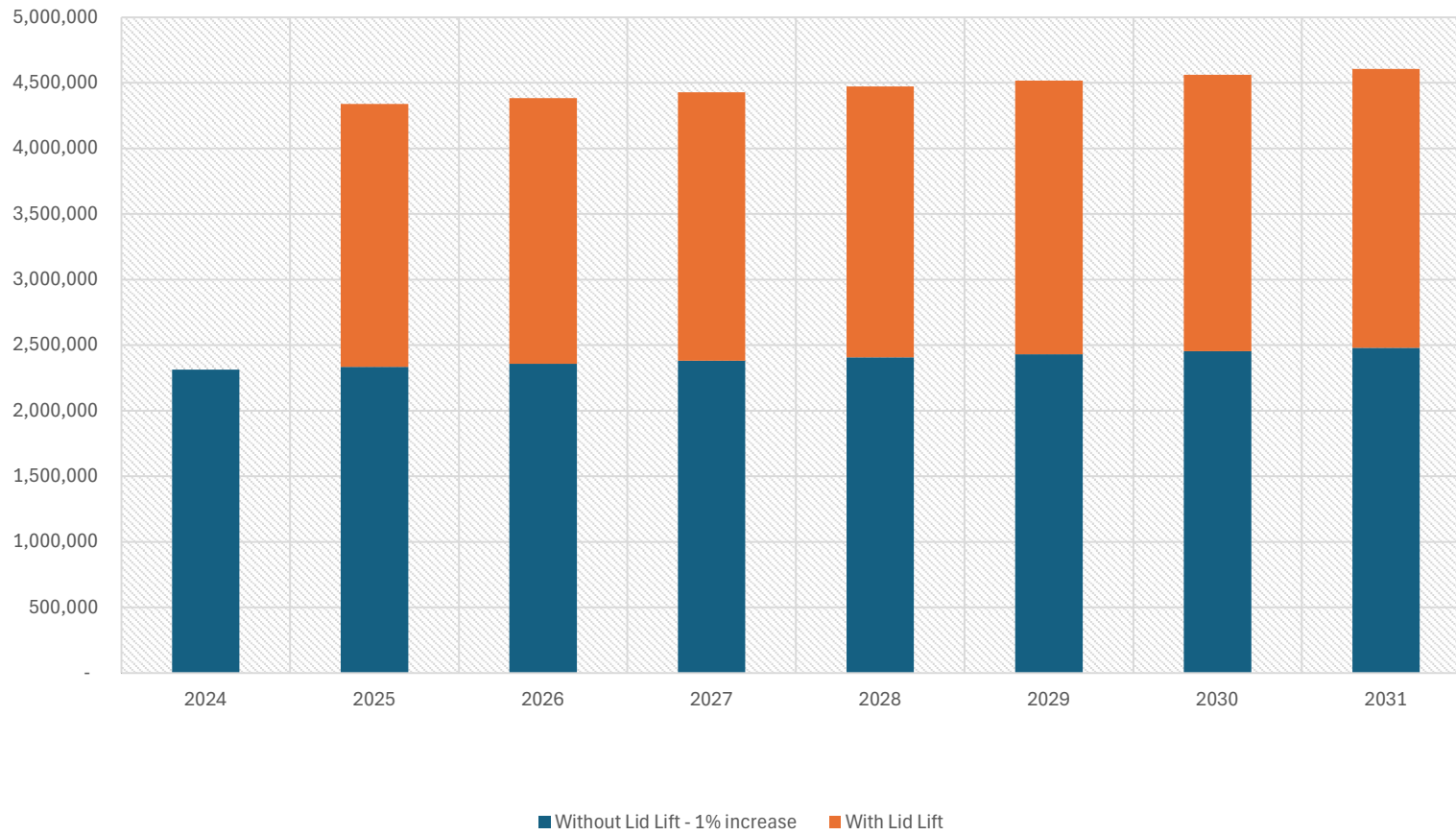
Mali C. Barber, City Attorney

Current Levy

Single Year - Permanent Lift

Tax Year	Levy with 1% annual increase	Levy rate without Lid Lift	New Levy Rate					
			1.25	1.26	1.27	1.28	1.29	1.30
2024	2,312,122	0.69253	2,312,122	2,312,122	2,312,122	2,312,122	2,312,122	2,312,122
2025	2,335,243	0.67255	4,340,257	4,374,979	4,409,701	4,444,423	4,479,145	4,513,867
2026	2,358,596	0.65315	4,383,659	4,418,729	4,453,798	4,488,867	4,523,936	4,559,006
2027	2,382,182	0.63431	4,427,496	4,462,916	4,498,336	4,533,756	4,569,176	4,604,596
2028	2,406,003	0.61601	4,471,771	4,507,545	4,543,319	4,579,093	4,614,868	4,650,642
2029	2,430,063	0.59824	4,516,489	4,552,621	4,588,752	4,624,884	4,661,016	4,697,148
2030	2,454,364	0.58099	4,561,654	4,598,147	4,634,640	4,671,133	4,707,626	4,744,120
2031	2,478,908	0.56423	4,607,270	4,644,128	4,680,986	4,717,845	4,754,703	4,791,561
	19,157,481		33,620,717	33,871,186	34,121,654	34,372,123	34,622,592	34,873,061
Levy lid lift - Additional Revenue			14,463,236	14,713,704	14,964,173	15,214,642	15,465,111	15,715,580
Assessed value			\$625,000					
Monthly Impact			29.03	29.56	30.08	30.60	31.12	31.64
Yearly Impact			348.42	354.67	360.92	367.17	373.42	379.67

Single- Year Permanent Levy Lid Lift





City Of Edgewood Council Agenda Summary Sheet

Subject: PSA - Windmill Property	Agenda Item #: 2.F
	For Agenda of: 6/4/2024
	Prepared by: Maili Barber
Attachments (list): 1. Resolution 24-XXXX Nyholm Windmill Purchase 2. PSA_WindmillProperty dg EQ Rev 5-30-2024	
Approval of Materials: Maili Barber Rachel Pitzel, Assistant City Administrator 5/31/2024 Dave Olson 5/31/2024	Expenditure Required: Property Purchase is \$172,00, closing costs are estimated as less than \$2,000 including title report, Mt. View Water Metered Transfer cost is \$7,000.
	Amount Budgeted: Budgeted funds are from Park Impact Fees, Real Estate Excise Taxes and any amount ineligible from the General Fund.
	Timeline: 06/04/2024 Study Session for Council Review and direction. 06/11/2024 Regular Council Meeting for potential action on the consent agenda.

Summary Statement:

The City Council and Mayor have been working to secure the Nyholm Windmill, an iconic feature of the community since the early 1900s, for years. It was moved from its original construction site to the current site by a group of community volunteers in the late 70s where it has remained on property leased from the fire department, now part of East Pierce Fire & Rescue.

After many discussions with members of the community, fire commissioners, fire personnel, council members and several mayors over the years, an agreement was reached to transfer ownership to the city. This will ensure the continued longevity of this valued symbol of the community's long history and agricultural heritage. Discussions of moving it to various park properties sparked concerns about cost, the effect of such a move on the structure itself and the fact that it has been at home in its present location, front and center in the community, for over five decades, made the purchase of the property recently surplussed by East Pierce, an elegant solution at a much better cost.

Item History:

Recommended Action:

Review the purchase document and resolution, offer any suggestions for modification, and ask the mayor to place the resolution on the June 11th Regular Council Meeting consent agenda for potential council action

Fiscal Note/Consideration:

It is anticipated the majority of all related costs will be able to be covered utilizing park impact fees.

RESOLUTION NO. 24-0XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE SALE AGREEMENT FOR THE PURCHASE OF THE NYHOLM WINDMILL PROPERTY FROM EAST PIERCE FIRE & RESCUE.

WHEREAS, after multi-year negotiations between the Edgewood Nyholm Windmill Association, owners of the windmill building, East Pierce Fire & Rescue, owners of the real estate the building uses a lease to occupy, and previous and current Edgewood city council members, the parties agreed the long-term preservation of this iconic community landmark would be best served by the city taking ownership of the land and the building; and

WHEREAS, executing the purchase of the land the windmill is constructed on, is the least cost solution for realizing the community's long-term goal of protecting the Nyholm Windmill as a park feature, without the tremendous cost and risk of trying to move the structure; and

WHEREAS, the city wishes to thank the work and consideration of both the Edgewood Nyholm Windmill Association and the Fire Commissioners and staff of East Pierce Fire & Rescue, who worked with the Mayor and Council to realize this mutual goal; and

WHEREAS, the city has taken ownership of the windmill building through a purchase agreement with members of the Edgewood Nyholm Windmill Association, and East Pierce Fire & Rescue Board of Commissioners has recently resolved to sell the parcel of land the windmill building occupies to the city for a price established via a commercial appraisal; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. The mayor is authorized to finalize and execute the draft Purchase Sale Agreement attached hereto and incorporated herein as Exhibit A, utilizing funds from the Parks Impact Fee, Real Estate Excise Tax and General Funds in this order in amounts allowed by state law.

Section 2. Effective Date. This resolution will take effect immediately upon passage by the City Council.

ADOPTED THIS 11th DAY OF JUNE 2024

Dave Olson, Mayor

ATTEST:

Jill Schwerzler-Herrera, CMC
City Clerk

REAL ESTATE PURCHASE AND SALE AGREEMENT

THIS REAL ESTATE PURCHASE AND SALE AGREEMENT (hereinafter "Agreement") is entered into by and between East Pierce Fire and Rescue, a municipal corporation of the State of Washington (hereinafter "Seller") and the City of Edgewood, a municipal corporation and political subdivision of the state of Washington (hereinafter "Purchaser") dated as of the last of the signature dates below. Seller and Purchaser may hereinafter collectively be referred to as "Parties" or individually as a "Party."

AGREEMENT

FOR AND IN CONSIDERATION of the mutual promises and covenants contained herein, the sufficiency of which is unconditionally acknowledged by Seller and Purchaser, the Parties agree as follows:

1. **The Property.** Seller is the sole owner in fee simple of certain real property located in Pierce County, Washington legally described on the attached **Exhibit A (the "Property")**, with the following address: 10105 24th Street East, Edgewood, WA, Pierce County parcel number 0420091157 and any and all buildings, improvements located upon the land, to extent assignable, including but not limited to air rights, water rights, permits, development rights, licenses, warranties, plans and specifications.
2. **Purchase and Sale.** Seller shall sell and convey to Purchaser, and Purchaser shall purchase and accept from Seller, upon the terms, covenants, and conditions set forth in this Agreement, all of Seller's right, title, and interest in and to the Property. Seller warrants that Seller has full right, title, authority, and capacity to execute this Agreement and sell the Property. Purchaser warrants that Purchaser has full right, title, authority, and capacity to execute this Agreement and purchase the Property.
3. **Purchase Price and Payment.** The total purchase price for the Property (hereinafter "Purchase Price") is One Hundred Seventy-Two Thousand and NO/100 Dollars (\$172,000) and shall be deposited by purchaser into escrow upon execution by both parties of this agreement as immediately available funds to Seller at closing.
4. **Conveyance of Title.** Seller shall convey title to the Property legally described on the attached Exhibit A to Purchaser by Statutory Warranty Deed (hereinafter "Deed").
5. **Closing; Possession.** Closing shall occur upon payment of the Purchase Price to Seller from Purchaser and delivery of the executed Deed from Seller to Purchaser (hereinafter "Closing Date"), but in no event later than **June 30, 2024, unless mutually agreed upon by the parties.** The Parties agree to execute any and all documents necessary to effectuate the intent of this Agreement. Purchaser shall be entitled to possession of the Property legally described on the attached Exhibit A as of the Closing Date. The Parties to this Agreement understand that this Agreement shall not be deemed accepted by or binding on the Buyer until approved by the Edgewood City Council in an open public meeting.
6. **Risk of Loss.**
Risk of loss or damage to the Property shall be borne by the Seller until the Closing Date. After this date, the Purchaser shall bear the risk of loss. If there is a material loss or damage to the Property before the Closing Date, the Seller must promptly notify the Purchaser in writing. The Seller is not required to restore the Property or pay damages to the Purchaser for such loss or damage.

Upon receiving the Seller's aforementioned notice, the Purchaser has five (5) business days to:

- a. Terminate this Agreement by providing written notice to the Seller. The termination is effective immediately upon delivery of this notice; *or*
- b. Elect to purchase the Property in its current condition by delivering a notice of this election to the Seller within five (5) business days of receiving the Seller's notice of loss or damage.

All notices related to this section should be sent in accordance with the procedures outlined in Section 8.

7. The Closing Date may be extended by mutual agreement of the Parties. If Closing and the consummation of the transaction herein contemplated does not occur as herein provided, or as otherwise agreed to by the Parties, and said failure of Closing is by reason of any default of Buyer, and Buyer fails to complete the purchase of the Property as a result thereof, Seller may seek remedies in Pierce County Superior Court. Closing Costs & Prorations. In connection with the performance of this Agreement, Seller shall pay only its own attorney fees. Purchaser shall pay the cost of recording the Deed, its own attorney fees, and all other costs and expenses allocated to Purchaser and Seller pursuant to the terms of this Agreement; excepting only the Seller's payment of its own attorney fees as provided for above in this Section 7 and any prorations for which it is responsible pursuant to the following sentence: Any taxes, liens, assessments, insurance, or charges imposed by law upon the Property shall be prorated as of the Closing Date, with such prorations to be a final settlement between the Parties.

8. **Notices.** Except as specifically set forth herein, any demand, request or notice which either Party desires or may be required to make or deliver to the other shall be in writing and shall be deemed given when personally delivered, or when delivered by private courier service (such as Federal Express), or three days after being deposited in the United States Mail first class, postage prepaid and addressed as follows:

PURCHASER	SELLER
City of Edgewood c/o Jill Schwerzler-Herrera, City Clerk 2224 104th Ave E, Edgewood, WA 98372	East Pierce Fire and Rescue c/o Chief Jon Parkinson 18421 Veterans Memorial Drive East Bonney Lake, WA 98391

The foregoing addresses may be changed by written notices to the other party as provided herein.

9. **Time.** Unless otherwise specified in this Agreement, any period of time measured in days in this Agreement shall start on the day following the event commencing the period and shall expire at 9:00 p.m. of the last calendar day of the specified time period. If the last day is a Saturday, Sunday or legal holiday, as defined in RCW 1.16.050, the specified period of time shall expire on the next day that is not a Saturday, Sunday or legal holiday. Any specified period of five (5) days or less shall not include Saturdays, Sundays or legal holidays. Time is of the essence in every provision herein contained.

10. **Binding Agreement.** This Agreement shall inure to the benefit of and be binding upon the heirs, personal representative, successors, and assigns of the Parties.

11. **Attorneys' Fees.** In the event of any litigation regarding the rights and obligations of the parties under this Agreement, the substantially prevailing party shall recover its costs and attorneys' fees, including such costs and attorneys' fees for appeals.

12. **Negotiation and Construction.** This Agreement was negotiated by the Parties and shall be construed according to its fair meaning and not strictly for or against either Party.

13. **Entire Agreement.** This Agreement contains the entire understanding between the Parties and supersedes any prior understandings and agreements between them regarding the subject matter hereof. There are no other representations, agreements, or understandings, oral or written, between the Parties relating to the subject matter of this Agreement. No amendment of, or supplement to, this Agreement shall be valid or effective unless made in writing and executed by the Parties.

14. **Counterparts.** This Agreement may be signed in two or more counterparts, which taken together shall constitute the complete Agreement.

15. **Invalid Provision.** If any provision of this Agreement is held to be illegal, invalid or unenforceable under present or future laws, such provision shall be fully severable; this Agreement shall be construed and enforced as if such illegal, invalid or unenforceable provision had never comprised a part of this Agreement; and the remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by such illegal, invalid or unenforceable provision or by its severance from this Agreement.

16. **Indemnification.** Each Party agrees to defend, indemnify and to hold harmless the other Party, from all claims, loss or damage, including costs and reasonable attorney fees, resulting from the indemnifying Party's negligence and from actions or omissions that are attributable to any employee, official, or agent of such Party. No Party to this agreement shall be deemed an agent of the other Party.

17. **Miscellaneous.** The failure of either Party to insist upon strict performance of this Agreement shall not impact that Party's right to insist upon strict performance at a later time. This Agreement shall be governed by Washington State law. There are no third-party beneficiaries to this Agreement, which creates rights only between the Parties hereto. The signatories below covenant that they have been delegated full authority to execute this Agreement and fulfill its intent.

18. **Governing Law and Venue.** This Agreement and any dispute arising hereunder shall be governed by and interpreted in accordance with the laws of the State of Washington without regard to the choice of law provisions of such laws of the State. The venue for any dispute arising out of the terms or performance of this Agreement shall be in Pierce County Superior Court.

[SIGNATURES & ACKNOWLEDGEMENTS APPEAR ON FOLLOWING PAGES]

EXHIBIT A

ADDRESS AND PARCEL NUMBER

10105 24th Street East
Pierce County Parcel Number 0420091157

LEGAL DESCRIPTION OF THE PROPERTY

Section 09 Township 20 Range 04 Quarter 14 PARCEL B OF ROS FOR BLA 2021-07-20-5001 A PARCEL OF LD LY
WITHIN SE OF NE BEING MORE PARTICULARLY DESC AS FOLL COM AT SE COR OF NE OF SEC TH N 01 DEG 44
MIN 15 SEC E 328.38 FT TH N 88 DEG 29 MIN 55 SEC W 48.5 FT TO POB TH CONT N 88 DEG 29 MIN 55 SEC W 116.5
FT TH S 01 DEG 44 MIN 15 SEC W 133.49 FT TH S 88 DEG 32 MIN 18 SEC E 116.5 FT TH N 01 DEG 44 MIN 15 SEC E
133.41 FT TO POB EASE OF REC OUT OF 04-20-09-1-052 SEG 2022-0093 09/13/21 JP