



CITY OF EDGEWOOD
REGULAR COUNCIL MEETING AGENDA

Tues., February 28, 2017 – 7:00 pm. ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

1. CALL TO ORDER

Pledge of Allegiance, Roll Call, Additions/Deletions

2. PUBLIC HEARINGS

- 1.) **AB17-007** (pg. 3), Ordinance No. 17-0490, relating to School Impact Fees, increasing the maximum School Impact Fee authorized by the City for per Multi-Family units up to \$2,000, amending Section 4.10.110 of the Edgewood Municipal Code; providing for severability and establishing an effective date
- 2.) **AB17-008** (pg. 8), Ordinance No. 17-0491, relating to Traffic Impact Fees, establishing a newly updated, Traffic Impact Fee schedule, based on a revised Traffic Impact Fee study published in October 2016 by Transpo Engineers, Inc.; amending Sections 4.30.030, 4.30.060, 4.30.080, 4.30.090, 4.30.100, 4.30.130, 4.30.135, 4.30.150, 4.30.160 and adding a new Section 4.30.075 to the Edgewood Municipal Code, providing for severability; and establishing an effective date
- 3.) **AB17-009** (pg. 23), Ordinance No. 17-0492, relating to Critical Areas regulation, adding definitions relating to Flood Control, adding criteria for Flood Hazard Area Variances, adopting the Flood Insurance Study for Pierce County, Washington and incorporated areas, dated March 7, 2017, with accompanying Flood Insurance Rate Maps (FIRMs) as appendices; maintaining eligibility in the National Flood Insurance Program (NFIP); adding the installation of manufactured and mobile homes to the list of Regulated Uses and activities for purposes of Critical Areas Regulation, amending the provisions relating to Flood Hazard Areas, amending the procedures for Flood Hazard Area review; amending Sections 14.10.060, 14.10.085, 14.10.130, 14.10.140, 14.20.020, 14.70.020, 14.70.030 And 14.70.040, providing for severability; and establishing an effective date

3. AUDIENCE COMMENT

4. MAYOR'S REPORT

- 5. CONSENT AGENDA** (pg. 64): *The consent agenda includes items that are routine in nature and are adopted by one motion. Should Council wish to discuss a consent agenda item, the item would be removed from the consent agenda and discussed under Council Business.*

The following items are presented for Council approval:

- A. Regular City Council Meeting Minutes of February 14, 2017,
- B. Study Session Meeting Minutes of February 21, 2017.
- C. **AB 17-010**, a motion approving February 2017 Budgeted Expenditures as follows:
Nationwide Retirement Solutions Check Numbers 10594-10595 in the amount of \$4,735.98; IRS 941 ACHs; Deferred Compensations Program; Dept. of Retirement Systems and Payroll Direct Deposit in the amount of \$48,124.23; and Vendor Check Numbers 21842-21865 with EFT Payments in the amount of \$56,865.36. Voided Check Number 21830 (\$1,414.52). Total distributions submitted for review & authorization in the amount of \$108,311.05

This meeting is accessible to persons with disabilities. For individuals who may require special accommodations, please contact City Hall at (253) 952.3299, 24 hours in advance.

D. AB17-0357(*pg. 81*), Resolution No. 17-0357, authorizing the Mayor to execute Addendum No. 1 to the Public Finance Inc. Professional Services Agreement

6. COUNCIL BUSINESS

A. AB 17-011 (*pg. 98*), a motion confirming the Mayoral appointment of Janice Sloan, to the City of Edgewood Parks and Recreation Advisory Board

B. AB17-0490 (*pg. 100*), a motion to accept second reading and adoption of Ordinance No.17-0490, relating to School Impact Fees, increasing the maximum School Impact Fee authorized by the City for per Multi-Family units up to \$2,000, amending Section 4.10.110 of the Edgewood Municipal Code; providing for severability and establishing an effective date

C. AB17-0491(*pg. 105*), a motion to accept second reading and adoption of Ordinance No.17-0491 relating to Traffic Impact Fees, establishing a newly updated, Traffic Impact Fee schedule, based on a revised Traffic Impact Fee study published in October 2016 by Transpo Engineers, Inc.; amending Sections 4.30.030, 4.30.060, 4.30.080, 4.30.090, 4.30.100, 4.30.130, 4.30.135, 4.30.150, 4.30.160 and adding a new Section 4.30.075 to the Edgewood Municipal Code, providing for severability; and establishing an effective date

D. AB17-0492 (*pg. 121*), a motion to accept second reading and adoption of Ordinance No.17-0492, relating to Critical Areas regulation, adding definitions relating to Flood Control, adding criteria for Flood Hazard Area Variances, adopting the Flood Insurance Study for Pierce County, Washington and incorporated areas, dated March 7, 2017, with accompanying Flood Insurance Rate Maps (FIRMs) as appendices; maintaining eligibility in the National Flood Insurance Program (NFIP); adding the installation of manufactured and mobile homes to the list of Regulated Uses and activities for purposes of Critical Areas Regulation, amending the provisions relating to Flood Hazard Areas, amending the procedures for Flood Hazard Area review; amending Sections 14.10.060, 14.10.085, 14.10.130, 14.10.140, 14.70.020, 14.70.030 And 14.70.040, providing for severability; and establishing an effective date

E. AB17-0493 (*pg. 143*), granting unto the City of Milton, a municipal corporation of the State of Washington, its successors and assigns, the right, privilege, authority and nonexclusive franchise, to construct, maintain, operate, replace and repair water system infrastructure, in, across, over, along, under, through and below the public rights-of-way of the City of Edgewood, Washington; providing for severability; and establishing an effective date

7. COUNCIL COMMENTS

8. EXECUTIVE SESSION

9. ADJOURN



CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-007 (PUBLIC HEARING)

Date Action Requested: February 28, 2017

Title: **Public Hearing** - Ordinance No. 17-0490 relating to school impacts fees, increasing the maximum school impact fee authorized by the City for per Multi-family units up to \$2,000.00, amending Section 4.10.110 of the Edgewood Municipal Code; providing for severability and establishing an effective date.

Attachment: Ordinance 17-0490, School Impact Fees

Submitted By: Mayor Daryl Eiding

Approved For Agenda By: Mayor Daryl Eiding

Prepared For Agenda By: Community Development Director Kevin Stender

Recommendation: Move to adopt Ordinance No. 17-0490 an Ordinance relating to school impacts fees, increasing the maximum school impact fee authorized by the City for per Multi-family units up to \$2,000.00, amending Section 4.10.110 of the Edgewood Municipal Code; providing for severability and establishing an effective date.

Discussion: In 2002 the City of Edgewood adopted an Ordinance allowing the Fife, Puyallup and Sumner School Districts (serving the City) to collect School Impact Fees as authorized under RCW 82.02. Consistent with individual Interlocal Agreements with each District (executed in 2004) the City's impact fee code authorizes the District(s) to collect a school impact fee for new residential development that occurs in the City of Edgewood. The Council had previously set this rate in 2015, in coordination with the Districts, not to exceed \$3,500 per single family unit and \$1,755 per multi-family unit. Each year the three Districts submit their respective annual updates to their Capital Facility Plans to the City for review and consideration of incorporation by reference into the City's Capital Facility Element of the Comprehensive Plan.

In October the Council received presentations by the three districts regarding their updated CFP. During the review the three districts each requested that the Planning Commission consider increasing the impact fee rates for both single family and multi-family to be in-line with their updated CFP from what the City currently allows through the imposition of impact fees identified in EMC 4.10.110.

On the following page you will find the redline mark-up of the proposed changes to EMC 4.10.110. Staff presented the recommendation to Council at the January 17, 2017 Council Study Session and again in DRAFT ordinance format to the Council on February 7, 2017. The Council at that time directed staff to modify the code to not increase the Maximum Fee Obligation (MFO) single family rate beyond \$3,500 and to increase the MFO for multi-family to \$2,000 as shown in the table below. Council moved the Ordinance forward to Public Hearing and Second Reading at the February 14, 2017 Regular Council Meeting unanimously and reviewed the DRAFT Ordinance one final time at the February 21, 2017 Study Session. The public hearing this evening is to receive Public feedback again on the proposed Ordinance.

The proposed Ordinance provides for the change in the MFO Multi-family rate as proposed amending the rate table included in EMC 4.10.110 as follows:

4.10.110 Imposition of impact fees

SCHOOL DISTRICT	PER SINGLE-FAMILY DWELLING UNIT		PER MULTI-FAMILY DWELLING UNIT	
	School District Need Fee Calculation for 2015-2016-2016-2017	2015-2016 <u>2016-2017</u> Impact Fee (Maximum Fee Obligation Allowed by Edgewood)	School District Need Fee Calculation for 2015-2016-2016-2017	2015-2016 <u>2016-2017</u> Impact Fee (Maximum Fee Obligation Allowed by Edgewood)
Fife	\$3,216 <u>6,670</u>	\$3,216 <u>3,500.00</u>	\$6875 <u>1,772.00</u>	\$1,755 <u>1,772.00</u>
Puyallup	\$8,144,168,918.87	\$3,500.00	\$2,202,482,010.57	\$1,755 <u>2,000.00</u>
Sumner	\$12,749,741 <u>11,851.30</u>	\$3,500.00	\$4,301,511,946.16	\$1,755 <u>1,946.16</u>

Following the public hearing the Council will see this item before them for second reading and potential adoption.

Alternatives: N/A

ORDINANCE NO. 17-0490

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO SCHOOL IMPACT FEES, INCREASING THE MAXIMUM SCHOOL IMPACT FEE AUTHORIZED BY THE CITY FOR PER MULTI-FAMILY UNITS UP TO \$2,000.00, AMENDING SECTION 4.10.110 OF THE EDGEWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 82.02 RCW, the City of Edgewood has adopted a school impact fee program and has codified regulations governing the calculation, assessment, collection, refund and administration of such fees at Chapter 4.10 EMC; and

WHEREAS, Section 4.10.070, EMC requires that the City of Edgewood Council review each school district's updates to their respective Capital Facilities Plans (CFPs) in conjunction with the annual Comprehensive Plan updates; and

WHEREAS, the Sumner, Fife and Puyallup School Districts' annual CFPs respectively provide an accounting of the recommended maximum School Impact Fee that should be assessed for each District for new residential development; and

WHEREAS, the City has adopted the Sumner, Fife and Puyallup School Districts' most current year's Capital Facilities Plans by reference; and

WHEREAS, the City Council has previously set the maximum allowable fee collected for single family units (SFU) at \$3,500 per unit and multi-family units (MFUs) at \$1,120 per unit; and

WHEREAS, based on the Districts' Capital Facilities Plans and their written requests, the City desires to amend the existing fee schedule and increase the multi-family school impact fee rate to a maximum of \$2,000 per MFU and maintain the existing rate of \$3,500 per single family unit; and

WHEREAS, the Fife and Sumner School Districts' adopted fee calculations include a recommended impact fee collection that is below the maximum amount allowed by the City of Edgewood; and

WHEREAS, the City Council reviewed the recommendations within the Staff Memorandum at the January 17, 2017; reviewed the DRAFT Ordinance at the February 7, 2016 Study Session, and requested staff to forward an ordinance incorporating the changes as recommended; and

WHEREAS, the City desires to amend Section 4.10.110 EMC to reflect these annual changes and confirm the schedule of School Impact Fees imposed under said chapter;

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

Section 1. Findings. The above recitals, together with the content of Agenda Bill No. 17-0490 are hereby adopted as legislative findings in support of this ordinance.

Section 2. Amendment of EMC 4.10.110. Section 4.10.110 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

4.10.110 Imposition of impact fees

A. Impact fees shall be imposed upon development activity in the city as follows:

SCHOOL DISTRICT	PER SINGLE-FAMILY DWELLING UNIT		PER MULTI-FAMILY DWELLING UNIT	
	School District Need Fee Calculation for 2015-2016 <u>2016-2017</u>	2015-2016 <u>2016-2017</u> Impact Fee (Maximum Fee Obligation Allowed by Edgewood)	School District Need Fee Calculation for 2015-2016 <u>2016-2017</u>	2015-2016 <u>2016-2017</u> Impact Fee (Maximum Fee Obligation Allowed by Edgewood)
Fife	\$3,216 <u>6,670</u>	\$3,216 <u>\$3,500.00</u>	\$687 <u>51,772.00</u>	\$1,755 <u>1,772.00</u>
Puyallup	\$8,144.16 <u>8,918.87</u>	\$3,500.00	\$2,202.48 <u>2,010.57</u>	\$1,755 <u>2,000.00</u>
Sumner	\$12,749.74 <u>11,851.30</u>	\$3,500.00	\$4,301.51 <u>1,946.16</u>	\$1,755 <u>1,946.16</u>

1. Fees are established based on the annual calculation of impact fee need as documented in each school district's adopted Capital Facilities Plan annually.
2. The Maximum school impact fee authorized by the City of Edgewood is \$3,500 per single family unit, and \$2,000 per multi-family unit.
3. The Impact Fee adopted represents the fee calculations as presented by the Fife, Puyallup and Sumner School Districts in their adopted Capital Facilities Plans updated annually. Where recommended fees exceed the maximum amount authorized for collection by the City of Edgewood they are shown at the maximum amount allowed.

B. At the time of application for development activity, an applicant will be notified of the requirement to pay school impact fees to each district based on the fee schedule adopted by the city as a part of the impact fee program. Upon receipt of the impact fee payments, each district shall issue a certificate or identifying receipt to the applicant indicating that the school impact fee has been paid. Prior

to approving or permitting any development activities subject to the impact fees adopted pursuant to this chapter, the city shall require that the applicant provide to the city the original of the certificate or receipt issued by the school district. Each school district shall develop standardized forms for this purpose, showing that impact fees have been paid to the district, and that the city may proceed to issue the permit or grant the necessary approval. Impact fees may be paid to the districts under protest pursuant to the procedures set forth in EMC 4.10.120(I).

C. The city shall not issue a required building permit for any development subject to the imposition of impact fees under this chapter until the impact fees set forth in the impact fee schedule have been paid or payment has been properly deferred in accordance with Chapter 4.05 EMC. (Ord. 16-475 § 3; Ord. 15-458 § 2; Ord. 13-403 § 3; Ord. 07-280 § 2; Ord. 06-264 § 2; Ord. 04-231 § 2; Ord. 02-187 § 12).

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 publication.

Presented to Council for first reading on February 14, 2017

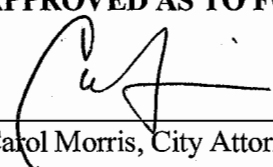
Presented to Council for its Second Reading and Adoption on February 28, 2017.

Daryl Eiding, Mayor

ATTEST/AUTHENTICATED:

City Clerk, Rachel Pitzel

APPROVED AS TO FORM:



Carol Morris, City Attorney

Date of Publication: March 2, 2017
Effective Date: March 7, 2017



CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-008(Public Hearing)

Date Action Requested: February 28, 2017

Title: **Public Hearing** Transportation Impact Fee Code and Fee Update Ordinance

Attachments: Draft Ordinance No. 17-0491 and Exhibit A Schedule of Transportation Impact Fees

Submitted By: Aaron C. Nix, ACA- Municipal Services

Approved For Agenda By: Daryl Eiding, Mayor

Prepared For Agenda By: Aaron C. Nix, ACA – Municipal Services

Recommendation: N/A

Discussion: The City Council initiated a study with Transpo consultants last year to conduct a study on the current state of the City's transportation infrastructure, the level of service that this infrastructure provides under current traffic conditions and projections of these service levels, as growth occurs in the future, with specific projects identified in order to help the City maintain the level of service standards that the City Council previously established. In addition, Transpo was asked to analyze these projects in order to scientifically establish percentages of costs that could be utilized and funded with the use of developer funded Transportation Impact Fees, in accordance with local and state law.

This study, as well as recommended projects, fees and modifications to the City's current code was taken through the City's Planning Commission, where a Public Hearing was held and a recommendation was given to the City Council was given to move forward with the current version of the Transportation Impact Fee Ordinance and accompanying fee schedule. These materials are before the Council again this evening for an additional Public Hearing for the Council to receive Public feedback again on the proposed Ordinance.

Alternatives: N/A

Fiscal Impact: Transportation Impact Fees have been adjusted up based on the most recent Transportation Impact Fee Study, conducted by Transpo. The PM peak trip rate is suggested to raise from its current value of \$1,827 to \$4,413, with associated adjustments made to the City's updated Transportation Impact Fee Schedule, as shown within Exhibit A of Ordinance No. 17-0491.

ORDINANCE NO. 17-0491

AN ORDINANCE OF THE CITY OF EDGEWOOD, WASHINGTON, ~~RELATING TO TRAFFIC IMPACT FEES, AMENDING ORDINANCE NO. 15-4038, AND CHAPTER 4.30 EMC TRAFFIC IMPACT FEES;~~ ESTABLISHING A NEWLY UPDATED, TRAFFIC IMPACT FEE ~~RATE~~SSCHEDULE, BASED ON A REVISED TRAFFIC IMPACT FEE STUDY PUBLISHED IN OCTOBER 2016 BY TRANSPON ENGINEERS, INC.; AMENDING SECTIONS 4.30.030, 4.30.060, 4.30.080, 4.30.090, 4.30.100, 4.30.130, 4.30.135, 4.30.150, 4.30.160 AND ADDING A NEW SECTION 4.30.075 TO THE EDGEWOOD MUNICIPAL CODE, PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, pursuant to Chapter 82.02 RCW, the City of Edgewood has adopted a traffic impact fee program and has codified regulations governing the calculation, assessment, collection, refund and administration of such fees at Chapter 4.30 EMC; and

WHEREAS, on April 28, 2015, the City Council adopted Ordinance No. 15-0438, which established changes to impact fee rates and EMC Chapter 4.30, which were both previously amended by Ordinance 14-0423 and 13-0391 accordingly; and

WHEREAS, the City Council in 2016 commissioned a new Traffic Impact Fee Study underlying Chapter 4.30 EMC in order to more closely align the impact fee and EMC 4.30 with the City's adopted Capital Improvement Plan and the associated Transportation Improvement Plan as supported within the Capital Facilities element of the Comprehensive Plan; and

WHEREAS, Public Works Staff submitted a completed a complete SEPA Environmental Checklist and supporting documents to the City of Edgewood on January 12, 2017 and the City of Edgewood's SEPA Official Issued a DNS on February 8, 2017; and

WHEREAS, on January 17, 2017, the City Council reviewed the updated DRAFT Traffic Impact Fee Study and proposed impact fee rate and asked that City Staff bring the Ordinance forward for Public Hearing with the Planning Commission; and

WHEREAS, on February 13, 2017, the Planning Commission held a public hearing to receive public comments on the proposed changes to the Traffic Impact Fee code and associated fee; and

WHEREAS, one public comment was received via email from the Master Builders Association prior to the public hearing, presented and explained to the Planning Commission and the City of Edgewood Planning Commission voted unanimously to forward the Traffic Impact Fee Study and proposed revisions to Chapter 4.30, Traffic Impact Fees to the City Council for review and adoption; and

WHEREAS, on February 28, 2017, the City Council held a public hearing to receive public comments on the proposed changes to the Traffic Impact Fee code and associated fee; and

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 previously held study session staff reports of January 17, 2017, Planning Commission recommendations of February 13, 2017 and the included agenda bill as additional findings.

Section 2. EMC 4.30.030 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

4.30.030 Definitions.

- A. “Dwelling unit” means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen, sleeping, and sanitary facilities for use solely by one family.
- B. “Encumber” means to transfer impact fee dollars from the traffic mitigation impact fee fund to a fund for a particular system improvement that is fully in the current year’s budget. Funds may only be encumbered by an action of the city council.
- C. “Project improvements” means site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in the city’s capital improvement plan or transportation improvement program approved by the city council shall be considered a project improvement.
- D. “System improvements” means transportation facilities that are included in the city’s six-year capital improvement plan and are designed to provide service to the community at large, in contrast to project improvements.
- E. “Applicant” means a person, individual, or organization seeking permission to develop land within the city of Edgewood by applying for a building permit.
- F. “Interest” means the interest earned by the account during the period the fees were retained.
- G. “Traffic mitigation impact fee” means payment of money imposed by the city of Edgewood upon development activity pursuant to this chapter as a condition of granting development approval and/or a building permit in order to pay for the public facilities needed to serve new growth and development. Traffic mitigation impact fees do not include permit fees, an application fee, the administrative fee for collecting and handling impact fees, the cost of reviewing independent fee calculations or the administrative fee required for an appeal.

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H. "Peak hour" means the consecutive 60-minute period during the 4:00 p.m. to 6:00 p.m. peak period during which the highest volume occurs.

I. "Traffic mitigation impact fee fund" means the fund established by the adoption of Ordinance 05-253 on August 23, 2005, for the public facilities for which traffic impact fees are collected, in compliance with the requirements of RCW [82.02.060](#).

J. "Traffic impact fee study" means the study which determined the traffic mitigation impact fee dated ~~October~~February 2016~~07~~.

K. "Transportation Improvement Plan" means a schedule of intended transportation improvements."

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Section 3. EMC 4.30.~~068~~⁰⁶⁸⁰ of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

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4.30.060 Service area.

This section establishes one service area which shall be consistent with the city limits of the city of Edgewood, in accordance with RCW 82.02.060 (7).

Section 4. EMC 4.30.075 of the Edgewood Municipal Code is hereby added as follows:

EMC 4.30.075 Project list.

(A) The director shall annually review the city's six-year road plan and shall:

- 1 Identify each project in the comprehensive plan that is growth-related and the proportion of each such project that is growth-related;
- 2 Forecast the total money available from taxes and other public sources for park and transportation improvements for the next six years;
- 3 Update the population, building activity and demand and supply data for park and transportation facilities and the impact fee schedule for the next six-year period;
- 4 Calculate the amount of impact fees already paid;
- 5 Identify those comprehensive plan projects that have been or are being built but whose performance capacity has not been fully utilized.

(B) The director shall use this information to prepare an annual draft amendment to the project list and to the fee schedule in Exhibit A, which shall comprise:

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

(C) The city council, at the same time that it adopts the annual budget and appropriates funds for capital improvement projects, shall, by separate ordinance, establish the annual project list by adopting, with or without modification, the director's draft amendment.

(D) Once a project is integrated into the project list and Fee Schedule in Exhibit A, a fee shall be imposed on every development until the project is removed from the project list by one of the following means:

- 1 The city council by ordinance removes the project from the project list, in which case the fees already collected will be refunded if necessary to ensure that impact fees remain reasonably related to transportation impacts of development that have paid an impact fee; provided, that a refund shall not be necessary if the council transfers the fees to the budget of another project that the council determines will mitigate essentially the same transportation impacts; or

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Comment [cm1]: This ordinance is only for traffic fees, right?

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2 The capacity created by the project has been fully utilized, in which case the director shall remove the project from the project list.

Section 5. EMC 4.30.080 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

4.30.080 Impact fee determination and Collection.

A. At the time of building permit issuance, city staff shall determine the total impact fee owed based on the fee schedule in effect at the time of such issuance, in accordance with EMC 4.30.160.

B. Factors Used in Impact Fee Calculations. The calculation of impact fees shall include the factors identified in RCW 82.02.040 through 82.02.070 and shall:

1. Determine the standard fee for similar types of development, which shall be reasonably related to each development's proportionate share of the cost of projects described in the project list for each type of impact fee.
2. Reduce the proportionate share by applying the benefit factors described in EMC 4.30.100.

C. Proportionate Share. In calculating proportionate share, the following factors shall be considered:

1. Identification of all transportation facilities that will be impacted by users from development;
2. Identification of the point at which the capacity of a transportation facility has been fully utilized;
3. Updating of the data as often as practicable, but at least annually;
4. Estimation of the cost of construction of the projects in the Transportation Improvement Program (TIP) for roads at the time they are placed on the list and to then update the cost estimates at least annually, considering the:
 - (i) Availability of other means of funding transportation facilities;
 - (ii) Cost of existing transportation facility improvements;
 - (iii) Methods by which transportation facility improvements were financed; and
 - (iv) An adjustment to the cost of the transportation facilities for past or future payments or reasonably anticipated to be made by new development to pay for particular system improvements in the form of user fees, debt service payments, taxes or other payments earmarked for or pro-ratable to the particular system improvement.

CB. Impact fee collection shall also occur at the time of building permit issuance unless payment has been properly deferred in accordance with Chapter 4.05 EMC.

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~~DC~~. An applicant may request that the impact fee be calculated in advance of building permit issuance, but any such advance calculation shall not be binding upon the city and should only be used as guidance by the applicant. If the city council revises the impact fee formula or the impact fees prior to the time that a building permit is issued for a particular development, the formula or fee amount in effect at the time of building permit issuance shall apply to the development.

~~Section 4.~~Section 6. EMC 4.30.090 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

4.30.090 Impact fee adjustments, independent calculations.

An applicant may request an adjustment to the impact fees determined, in accordance with RCW 82.02.060 (6), according to the fee schedule adopted by the ordinance codified in this chapter by preparing and submitting to the mayor or designee an independent fee calculation for the development activity for which a building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made. Independent fee calculations for traffic impact fees shall use the same formulas and methodology used to establish the impact fees in this chapter and shall be limited to adjustments in trip generation rates used in the traffic impact fee study, and shall not include travel demand forecasts, trip distribution, traffic assignment, transportation service areas, costs of road projects, or cost allocation procedures.

A. If the mayor or designee agrees with the independent fee calculation, a written agreement to accept such amount shall be transmitted to the applicant who shall, in turn, present it to the city upon impact fee collection.

B. If the mayor or designee does not agree with the independent fee calculation, the fee payer may appeal this decision to the hearing examiner through procedures outlined in Chapter 2.40 EMC.

~~Section 5.~~Section 7. EMC 4.30.100 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

4.30.100 Impact fee credits.

A. An applicant shall be entitled to a credit against the applicable traffic impact fee collected, in accordance with RCW 82.02.060 (4), under the fee schedule adopted by the ordinance codified in this chapter for the value of any dedication of land for, improvement to, or new construction of, any system improvements provided by the applicant, to facilities that are:

1. Included within the six-year transportation improvement program and identified as system improvements that are to be funded in part by traffic impact fees; and
2. At suitable sites and constructed at an acceptable quality as determined by the city; and
3. Completed, dedicated, or otherwise transferred to the city prior to the determination and award of a credit as set forth in this section.

B. No credit shall be given for project improvements.

C. The value of a credit for improvements shall be established by original receipts provided by the applicant for one or more of the same system improvements for which the impact fee is charged.

D. The value of a credit for land shall be established on a case-by-case basis by an appraiser selected by, or acceptable to, the city. The appraiser must be licensed and in good standing with the state of Washington for the category of the property appraised. The appraisal shall be in accordance with the most recent version of the Uniform Standards of Professional Appraisal Practice and shall be subject to review and acceptance by the city. The appraisal and review shall be at the expense of the applicant.

E. Whenever a development is granted approval subject to a condition the system improvements that are identified in the six-year transportation improvement program be constructed or provided, or whenever the applicant has agreed, pursuant to the terms of a voluntary agreement with the city of Edgewood, to donate or dedicate land for road facilities that are identified in the six-year transportation improvement program, and which are included in the list of road projects that are used to determine the traffic impact fee, as listed in the traffic impact fee study, the applicant shall be entitled to a credit for the value of the land or actual costs of capital facility construction against the fee that would be chargeable under the formula provided. The land value or costs of construction shall be determined pursuant to this section.

F. This subsection applies only to residential developments and the residential portion of a mixed use development. In cases where a developer would be entitled to a credit under this section, but the amount of the credit has yet to be determined on a per dwelling unit basis, the city shall take the total credit amount available to the entire plat or project, calculated by applying subsections (A) through (E) of this section, and divide that amount by the number of dwelling units approved for that plat or project. The impact fee and credit may then be calculated and collected on a per dwelling unit basis as building permits are issued for those dwelling units. Where building

permits for some, but not all, of the dwelling units within a plat or project have already been obtained at the time the ordinance codified in this chapter becomes effective, the credit for the unpermitted dwelling units will be calculated to arrive at a per dwelling unit amount in the same manner. For example, if a plat has been approved for 20 dwelling units, and building permits have only been issued for 10 of those units, the per dwelling unit credit for the remaining 10 units will equal the total credit amount divided by 20 dwelling units.

G. This subsection applies to nonresidential developments, or the nonresidential portion of a mixed use development. In cases where a developer would be entitled to a credit under this section, but the amount of the credit has yet to be determined on a per square foot basis, the city shall take the total credit amount available to the entire plat or project, calculated by applying subsections (A) through (C) of this section, and divide that amount by the number of square feet approved for that plat or project. The impact fee and credit may then be calculated and collected on a per square foot basis as building permits are issued for that square footage. Where building permits for some, but not all, of the dwelling units within a plat or project have already been obtained at the time the ordinance codified in this chapter becomes effective, the credit for the unpermitted square footage will be calculated to arrive at a per square footage amount in the same manner. For example, if a 20,000 square foot commercial project has been approved, and building permits have only been issued for 10,000 square feet of the project, the per square foot credit for the remaining 10,000 square feet will equal the total credit amount divided by 20,000 square feet.

H. Pursuant to and consistent with the requirements of RCW [82.02.060 \(1\)\(b\)](#), impact fee schedules have been adjusted for future taxes and other revenue sources to be paid by the new development which are earmarked or pro-ratable to the same new public facilities which will serve the new development.

I. After receiving the receipts for improvements, the appraisal of land value, the receipts and calculations of prior payments earmarked or pro-ratable to the same system improvements for which the impact fee is imposed, the mayor or designee shall provide the applicant with a letter setting forth the dollar amount of the credit, the reason for the credit, the legal description of the site donated where applicable, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter indicating their agreement to the terms of the letter and return such signed document to the city before the impact fee credit will be awarded. The failures of the applicant to sign, date, and return such document within 60 calendar days shall nullify the credit.

J. If the amount of the credit is less than the calculated fee amount, the difference remaining shall be chargeable as an impact fee and paid at the time of application for the building permit. In the event the amount of the credit is calculated to be greater than the amount of the impact fee due, no further sums shall be due from the applicant.

K. A claim for credit will be processed by the city using whichever of the following options is selected by the applicant:

1. Claims for credits that are submitted prior to, or with, an application for a building permit for which an impact fee will be due will be processed by the city before payment of the impact fee is due in order to allow any credit authorized by the city to reduce the amount of the impact fee; or
2. Claims for credits that are submitted no later than 30 days after the issuance of a building permit for which an impact fee is due shall be processed by the city after the impact fee is paid in full, and any credit authorized by the city will be refunded to the applicant within 90 days of receipt of the claim for credit.

L. Claims for credits that are submitted more than six months after the issuance of a building permit for which an impact fee is due are deemed to be waived and shall be denied.

M. Determinations made by the mayor or designee pursuant to this section shall be subject to appeal to the examiner subject to the procedures set forth in Chapter [2.40](#) EMC.

~~Section 6.~~Section 8. EMC 4.30.130 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

4.30.130 Council review of impact fees.

The impact fee schedule adopted by the ordinance codified in this chapter shall be reviewed by the city council, as it deems necessary and appropriate in conjunction with the update of the city's transportation improvement program.

~~Section 7.~~Section 9. EMC 4.30.135 of the Edgewood Municipal Code is hereby added as follows:

4.30.135 Funding of projects,

(A) An impact fee fund is hereby created for transportation impact fees. Separate accounts shall be established for each fee type. The City's Finance director shall be the manager of the city's

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fund. The city shall place transportation impact fees in appropriate deposit accounts within the impact fee fund.

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(B) The transportation impact fees paid to the city shall be held and disbursed as follows:

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1. The fees collected for each project shall be placed in a deposit account within the impact fee fund, with the exception of school impact fees, which shall be collected by the school district;

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2. When the council appropriates TIP funds for a transportation project on the project list, the transportation fees held in the impact fee fund shall be transferred to the TIP fund. The nonimpact fee monies appropriated for the project shall comprise both the public share of the project cost and an advancement of that portion of the private share that has not yet been collected in transportation impact fees;

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3. The first money spent by the director on a project after a council appropriation shall be deemed to be the fees from the impact fee fund;

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4. Fees collected after a project has been fully funded by means of one or more council appropriations shall constitute reimbursement to the city of the funds advanced for the private share of the project. The public monies made available by such reimbursement shall be used to pay the public share of other projects;

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5. All interest earned on impact fees paid shall be retained in the account and expended for the purpose or purposes for which the impact fees were imposed.

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(C) Projects shall be funded by a balance between impact fees and public funds, and shall not be funded solely by impact fees.

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(D) Impact fees shall be expended or encumbered for a permissible use for 10 years after receipt, unless there exists an extraordinary or compelling reason for fees to be held longer than 10 years. The director may recommend to the council that the city hold transportation fees beyond 10 years in cases where extraordinary or compelling reasons exist. Such reasons shall be identified in written findings by the council.

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~~Section 8.~~Section 10. EMC 4.30.150 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

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4.30.150 Impact fee calculations.

The traffic impact fee shall be calculated using a schedule that identifies a particular fee amount for a particular type of development, as supported by and consistent with the City of Edgewood Transportation Impact Fee Program Report dated ~~October~~December 2016~~2~~, attached hereto as Exhibit A, and incorporated herein by this reference as if set forth in full. Accessory dwelling units shall be calculated using ITE number 220, Apartment customer type.

Section 11. EMC 4.30.160 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

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4.30.160 Schedule of fees.*

A traffic impact fee shall be assessed against all new development as set forth in Exhibit A – Transportation Impact Fee Schedule, attached to the ordinance codified in this chapter and incorporated herein by reference as if set forth in full. This fee schedule represents the city's determination of the appropriate share of system improvement costs to be paid by new growth and development.

~~*Code reviser's note: Section 2 of Ordinance No. 15-438 provides, "The Fee Schedule attached to Ordinance No. 07-0282 and incorporated by reference into Chapter 4.30 EMC pursuant to EMC 4.30.160 is hereby amended to provide in its entirety as set forth in Exhibit A to this ordinance, attached hereto and incorporated herein by this reference as if set forth in full. The provisions of this section shall take effect at the close of business on April 30, 2015, simultaneously with the expiration of the temporary Fee Schedule set forth in Section 5."~~

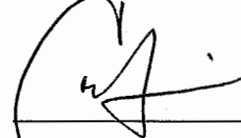
~~Section 3 of Ordinance No. 15-438 provides, "The Fee Schedule attached to Ordinance No. 07-0282 and incorporated by reference into Chapter 4.30 EMC pursuant to EMC 4.30.160 is hereby amended to provide in its entirety as set forth in Exhibit B to this ordinance, attached hereto and incorporated herein by this reference as if set forth in full. The provisions of this section shall sunset automatically at the close of business on April 30, 2015, simultaneously with the effective date of the permanent Fee Schedule set forth in Section 2."~~

Daryl Eiding, Mayor

ATTEST/AUTHENTICATED:

Rachel Pitzel, City Clerk

APPROVED AS TO FORM:



Carol Morris, City Attorney

Date of Publication: March 2, 2017

Effective Date: March 7, 2017

City of Edgewood
Schedule of Transportation Impact Fees

Cost per PM peak hour trip end = \$4,413

Land Use Category - ITE 9th Edition	Notes	ITE Land Use Code	ITE Average PM Peak Hour Trip Rate (1)	Unit*	Pass-By Trip Reduction Factor ** (2)	Net New Trip Rate (3)	Impact Fee Per Unit (4)
RESIDENTIAL							
Detached Housing	3	210	1.00	Dwelling Unit	1.00	1.00	\$4,413
Attached and Stacked Housing	3	220, 221, 230, 233	0.62	Dwelling Unit	1.00	0.62	\$2,736
Senior Housing	3	251, 252	0.27	Dwelling Unit	1.00	0.27	\$1,192
Nursing Home	3	620	0.22	Bed	1.00	0.22	\$971
Congregate Care/Asst. Living	3	253	0.17	Dwelling Unit	1.00	0.17	\$750
INSTITUTIONAL							
County Park	1	412	0.09	Acre	1.00	0.09	\$397
Beach Park	1	415	1.30	Acre	1.00	1.30	\$5,737
Regional Park	1	417	0.20	Acre	1.00	0.20	\$883
Golf Course		430	2.92	Hole	1.00	2.92	\$12,886
Multi-Purpose Recreational Facility	1	435	3.58	1,000 sf GFA	1.00	3.58	\$15,799
Multiplex Movie Theater	1	445	0.08	Seat	1.00	0.08	\$353
Casino/Video Lottery Establishment		473	13.43	1,000 sf GFA	1.00	13.43	\$59,267
Tennis Courts	1	490	3.88	Court	1.00	3.88	\$17,122
Racquet / Tennis Club		491	3.53	Court	1.00	3.53	\$15,578
Elementary School		520	0.15	Student	1.00	0.15	\$662
Middle/Junior High School		522	0.16	Student	1.00	0.16	\$706
High School		530	0.13	Student	1.00	0.13	\$574
Church		560	0.55	1,000 sf GFA	1.00	0.55	\$2,427
Day Care Center	5	565	12.34	1,000 sf GFA	1.00	12.34	\$54,456
Library		590	7.30	1,000 sf GFA	1.00	7.30	\$32,215
Hospital	1	610	0.93	1,000 sf GFA	1.00	0.93	\$4,104
Nursing Home	1	620	0.74	1,000 sf GFA	1.00	0.74	\$3,266
BUSINESS & COMMERCIAL							
Hotel		310	0.6	Room	1.00	0.60	\$2,648
All Suites Hotel	1	311	0.4	Room	1.00	0.40	\$1,765
Motel		320	0.47	Room	1.00	0.47	\$2,074
Resort Hotel		330	0.42	Room	1.00	0.42	\$1,853
Building Materials/Lumber	2(a), 3	812	4.49	1,000 sf GFA	0.75	3.37	\$14,861
Free-Standing Discount Superstore		813	4.35	1,000 sf GFA	0.73	3.18	\$14,013
Variety Store	2(b)	814	6.82	1,000 sf GLA	0.66	4.50	\$19,864
Free-Standing Discount Store		815	4.98	1,000 sf GFA	0.83	4.13	\$18,241
Hardware/Paint Store	3	816	4.84	1,000 sf GFA	0.74	3.58	\$15,806
Nursery-Retail (Garden Center)	2(a)	817	6.94	1,000 sf GFA	0.75	5.21	\$22,970
Nursery-Wholesale	2(a)	818	5.17	1,000 sf GFA	0.75	3.88	\$17,111
Shopping Center	6	820	n/a	1,000 sf GLA	0.66	n/a	n/a
Factory Outlet Center	2(b), 3	823	2.29	1,000 sf GFA	0.66	1.51	\$6,670
Quality Restaurant		931	7.49	1,000 sf GFA	0.56	4.19	\$18,510
High Turnover Sit-Down Restaurant		932	9.85	1,000 sf GFA	0.57	5.61	\$24,777
Fast Food Restaurant w/out Drive-Through	1	933	26.15	1,000 sf GFA	0.50	13.08	\$57,700
Fast Food Restaurant w/ Drive-Through		934	32.65	1,000 sf GFA	0.50	16.33	\$72,042
Quick Lubrication Vehicle Shop	2(c)	941	5.19	Servicing Position	0.72	3.74	\$16,490
Auto Care Center	2(c)	942	3.11	1,000 sf GLA	0.72	2.24	\$9,882
New Car Sales	2(a), 3	841	2.62	1,000 sf GFA	0.75	1.97	\$8,672
Auto Parts Sales	1,3	843	5.98	1,000 sf GFA	0.72	4.31	\$19,001
Gasoline/Service Station		944	13.87	Vehicle Fueling Position	0.58	8.04	\$35,501
Gasoline/Service Station w/ Convenience Market		945	13.51	Vehicle Fueling Position	0.44	5.94	\$26,233
Gasoline/Service Station w/ Convenience Market & Car Wash		946	13.86	Vehicle Fueling Position	0.44	6.10	\$26,912
Self-Service Car Wash		947	5.54	Wash Stall	0.65	3.60	\$15,891
Tire Store		848	4.15	1,000 sf GFA	0.72	2.99	\$13,186
Tire Superstore	2(e)	849	2.11	1,000 sf GFA	0.72	1.52	\$6,704
Supermarket	3	850	9.48	1,000 sf GFA	0.64	6.07	\$26,775
Convenience Market (24 Hr)		851	52.41	1,000 sf GFA	0.49	25.68	\$113,330
Convenience Market (16 Hr)	1	852	34.57	1,000 sf GFA	0.39	13.48	\$59,497
Convenience Market w/ Gas Pump		853	19.07	Vehicle Fueling Position	0.34	6.48	\$28,613
Discount Supermarket	3	854	8.34	1,000 sf GFA	0.79	6.59	\$29,075
Discount Club	2(f)	861	4.18	1,000 sf GFA	0.79	3.30	\$14,573
Home Improvement Superstore		862	2.33	1,000 sf GFA	0.58	1.35	\$5,964
Electronics Superstore	1	863	4.5	1,000 sf GFA	0.60	2.70	\$11,915
Toy/Children's Superstore	1, 2(b)	864	4.99	1,000 sf GFA	0.66	3.29	\$14,534
Apparel Store	2(b)	876	3.83	1,000 sf GFA	0.66	2.53	\$11,155
Pharmacy/Drug Store w/out Drive-Through		880	8.4	1,000 sf GFA	0.47	3.95	\$17,423
Pharmacy/Drug Store w/ Drive-Through		881	9.91	1,000 sf GFA	0.51	5.05	\$22,304
Furniture Store		890	0.45	1,000 sf GFA	0.47	0.21	\$933
Video Rental	2(d), 3	896	13.6	1,000 sf GFA	0.65	8.84	\$39,011
Bank/Savings: Walk-in	2(d)	911	12.13	1,000 sf GFA	0.65	7.88	\$34,794
Bank/Savings: Drive-in		912	24.3	1,000 sf GFA	0.65	15.80	\$69,703

City of Edgewood
Schedule of Transportation Impact Fees

Cost per PM peak hour trip end = \$4,413

Land Use Category - ITE 9th Edition	Notes	ITE Land Use Code	ITE Average PM Peak Hour Trip Rate (1)	Unit*	Pass-By Trip Reduction Factor ** (2)	Net New Trip Rate (3)	Impact Fee Per Unit (4)
OFFICE							
Clinic	1	630	5.18	1,000 sf GFA	1.00	5.18	\$22,859
General Office	3	710	1.49	1,000 sf GFA	1.00	1.49	\$6,575
Corporate Headquarters	3	714	1.41	1,000 sf GFA	1.00	1.41	\$6,222
Single Tenant Office	3	715	1.74	1,000 sf GFA	1.00	1.74	\$7,679
Medical-Dental Office Building	3	720	3.57	1,000 sf GFA	1.00	3.57	\$15,754
U.S. Post Office		732	11.22	1,000 sf GFA	1.00	11.22	\$49,514
Office Park	3	750	1.48	1,000 sf GFA	1.00	1.48	\$6,531
Research and Development Center	3	760	1.07	1,000 sf GFA	1.00	1.07	\$4,722
Business Park	3	770	1.26	1,000 sf GFA	1.00	1.26	\$5,560
INDUSTRIAL							
General Light Industrial	3	110	0.97	1,000 sf GFA	1.00	0.97	\$4,281
General Heavy Industrial	1	120	0.19	1,000 sf GFA	1.00	0.19	\$838
Industrial Park		130	0.85	1,000 sf GFA	1.00	0.85	\$3,751
Manufacturing	3	140	0.73	1,000 sf GFA	1.00	0.73	\$3,221
Warehouse	3	150	0.32	1,000 sf GFA	1.00	0.32	\$1,412
Mini-Warehouse		151	0.26	1,000 sf GFA	1.00	0.26	\$1,147
Utilities	1	170	0.76	1,000 sf GFA	1.00	0.76	\$3,354
PORT and TERMINAL							
Truck Terminal	1	30	0.83	1,000 sf GFA	1.00	0.83	\$3,663
Park and Ride Lot with Bus Service	3	90	0.62	Parking Space	1.00	0.62	\$2,736

* Abbreviations include: GFA = Gross Floor Area, sf = square feet, and GLA = Gross Leasable Area.

** The Pass-By Trip Reduction Factor reduces the Average Trip Rate based on average Pass-By trip percentages published in the *ITE Trip Generation Handbook* (3rd Edition, 2014).

NET NEW TRIP RATE CALCULATION:

ITE Trip Rate	Pass-By Reduction Factor	Net New Trip Rate
(1)	X (2)	= (3)

IMPACT FEE CALCULATION:

Net New Trip Rate		\$4,413 Per New PM Peak Hour Trip	Impact Fee per Unit of Development
(3)	X	=	(4)

NOTES:

- (1) *Trip Generation* (9th Edition, 2012) has less than 6 studies supporting this average rate. Applicants are strongly encouraged to conduct, at their own expense, independent trip generation studies in support of their application.
- (2) No pass-by rates are available. Pass-by rates were estimated from other similar uses.

Code	Land Use	Pass-By Trip Reduction Factor
2 (a)	No Data Available 25% Estimated Pass-by	0.75
2 (b)	Shopping Center (850)	0.66
2 (c)	Auto Parts Sales (843)	0.72
2 (d)	Bank/Drive-In (912)	0.65
2 (e)	Tire Store (848)	0.72
2 (f)	Discount Supermarket (854)	0.79

- (3) Alternatively, the PM peak hour trip regression equation in *Trip Generation* can be used instead of the average trip rate identified in the table. However the equation must be used according to the instructions in *Trip Generation*.
- (4) No Average PM peak hour trip rate available. Need to perform own PM peak hour traffic count for the identified land use to calculate impact fee.
- (5) No pass-by data available in *Trip Generation Handbook*; applicants can conduct and provide pass-by study data to support application.
- (6) *ITE Trip Generation* (9th Edition, 2012) equation used instead of trip rate.
- (7) The City of Edgewood has established Traffic Impact Fees (TIF) through Edgewood Municipal Code 4.30, as authorized by RCW 82.02 and RCW 36.70A. Unless otherwise noted, the City of Edgewood utilizes the weekday PM peak hour trip as the base measurement of trip generation. The City utilizes trip generation methodologies as identified in the most recent edition of the Institute of Traffic Engineers Trip Generation Manual.
- (8) No reduction in the City's base cost per trip may be considered at any time, although the City may consider variations to trip reduction rates for non-single family development when documented by the applicant utilizing methodologies accepted by the City.



CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-009 (PUBLIC HEARING)

Date Action Requested: February 28, 2017

Title: **Public Hearing** Ordinance No. 17-0492 – Flood Code Update (New FEMA Maps)

Attachments: Exhibit A (redline version)

Submitted By: Jeremy Metzler, P.E., Senior Stormwater Engineer

Aaron C. Nix, Assistant City Administrator – Municipal Services

Approved For Agenda By: Daryl Eidinger, Mayor

Prepared For Agenda By: Jeremy Metzler, P.E., Senior Stormwater Engineer

Recommendation: N/A

Discussion: In order to maintain eligibility in the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP), the City must adopt “The Flood Insurance Study for Pierce County, Washington and Incorporated Areas,” with effective date of March 7, 2017, and update floodplain management regulations contained in EMC Title 14 to remain consistent with federal regulations, as required by FEMA. This has been reviewed in detail by the Planning Commission, forwarded to Council following their Public Hearing, and discussed with Council at a previous Regular Meeting and Council Study Sessions.

In an effort to meet the federal standards, Staff is proposing amendments to the following sections of EMC: 14.10.060, 14.10.085, 14.10.130, 14.10.140 A, 14.20.020, 14.70.020, 14.70.030, and 14.70.040.

Fiscal Impact: None directly to the City’s budget resulting from the proposed amendments, but there may be impacts to future development in meeting these updated code requirements. It is Staff’s intent to meet these requirements, as imposed by these Permit-mandated amendments, with the least amount of fiscal impact and greatest benefit to the residents of Edgewood.

Chapter 14.10
GENERAL PROVISIONS

Sections:

- 14.10.010 Authority.**
- 14.10.020 Repeal.**
- 14.10.025 Title.**
- 14.10.030 Purpose.**
- 14.10.040 Interpretation.**
- 14.10.050 Applicability.**
- 14.10.060 Definitions.**
- 14.10.070 Administration.**
- 14.10.080 Critical area protective measures.**
- 14.10.085 Variances to critical areas.**
- 14.10.090 Reconsideration and appeal procedures.**
- 14.10.100 Fees.**
- 14.10.110 Compliance.**
- 14.10.120 Warning and disclaimer of liability.**
- 14.10.130 Severability.**
- 14.10.135 Violation – Civil infraction.**
- 14.10.140 Appendices.**
- 14.10.150 Figures.**

14.10.010 Authority.

This title is established and adopted pursuant to:

- A. Environmental policies and procedures for this title are established pursuant to Chapter [43.21C](#) RCW, as amended and entitled the "State Environmental Policy Act" (SEPA), and Chapter [197-11](#) WAC, as amended and entitled "State Environmental Policy Act Rules"; and
- B. The city adopts by reference WAC [197-11-300](#) through [197-11-800](#); and
- C. Chapter [173-22](#) WAC; and
- D. Chapter [86.16](#) RCW; and
- E. The Growth Management Act (RCW [36.70A.060](#)); and
- F. The Tri-County Response to the 4(D) Rule-Land Management Development Regulations; and
- G. RCW [36.70A.172](#). Critical areas – Designation and protection. (Ord. 02-200 § 2).

14.10.020 Repeal.

The current EMC Title [19](#), Shoreline Management, and EMC Title [20](#), Critical Areas, are hereby repealed in their entirety and EMC Title [20](#) is replaced with this title (effective December 24, 2002). Repeal of EMC Title [20](#) does not affect any existing permits, land use applications or requirements, or existing enforcement actions. (Ord. 02-200 § 2).

14.10.025 Title.

The current EMC Title [14](#), Environment, is hereby renamed EMC Title [20](#), SEPA, and the new EMC Title [14](#) shall be known as EMC Title [14](#), Critical Areas (effective December 24, 2002). (Ord. 02-200 § 2).

14.10.030 Purpose.

The purpose of this title is to protect environmentally sensitive critical areas of Edgewood from the impacts of development and protect development from the impacts of hazard areas by establishing minimum standards for development of sites which contain or are adjacent to identified critical areas and thus promote the public health, safety, and welfare by:

- A. Avoiding impacts to critical areas;
- B. Mitigating unavoidable impacts by regulating development;
- C. Protecting critical areas from impacts of development;
- D. Protecting the public against losses from:
 - 1. Costs of public emergency rescue and relief operations where the causes are avoidable; and
 - 2. Degradation of the natural environment and the expense associated with repair or replacement;
- E. Preventing adverse impacts on water availability, water quality, wetlands, and streams;
- F. Protecting unique, fragile, and valuable elements of the environment, including critical fish and wildlife habitat;
- G. Providing department staff with sufficient information to adequately protect critical areas and proposed development when approving, conditioning, or denying public or private development proposals;
- H. Providing the public with sufficient information and notice of potential risks associated with development in natural hazard critical areas; and
- I. Implementing the goals and requirements of the Growth Management Act of 1990, the State Environmental Policy Act, the Puget Sound Water Quality Management Plan, the Pierce County Charter, the Pierce County Interim Growth Management Policies, the city of Edgewood comprehensive plan, and all updates and amendments, functional plans, and other land use policies formally adopted or accepted by the city of Edgewood.
- J. This title also consolidates procedures and regulations that shall promote compatibility between the natural and built environment within the city of Edgewood. Chapters within this title detail the procedures for activities related to critical areas and natural resource lands. (Ord. 02-200 § 2).

14.10.040 Interpretation.

In the interpretation and application of this title, all provisions shall be:

- A. Considered the minimum necessary;
- B. Liberally construed to serve the purposes of this title; and
- C. Deemed neither to limit nor repeal any other powers under state statute. (Ord. 02-200 § 2).

14.10.050 Applicability.

- A. This title shall apply to all lands and waters within Edgewood that are designated as critical areas.
- B. No development (see "development" definition) shall hereafter be affected without full compliance with the terms of this title.

C. When the requirements of this title are more stringent than those of other Edgewood codes and regulations, including the International Building Code, the requirements of this title shall apply.

D. Compliance with these regulations does not remove an applicant's obligation to comply with applicable provisions of any other federal, state, or local law or regulation.

E. Criteria for determining critical areas is contained within each chapter of this title.

F. When a site contains two or more critical areas, the site shall meet the minimum standards and requirements for each identified critical area as set forth in this title.

G. Critical areas, as defined and regulated by this title, are identified, but not limited to the following Edgewood critical areas atlas maps:

1. Wetland inventory maps; and
2. Landslide hazard area maps; and
3. Erosion hazard area maps; and
4. Seismic hazard area maps; and
5. Volcanic hazard area maps; and
6. Aquifer recharge and wellhead protection areas maps; and
7. Fish and wildlife habitat, and stream typing area maps; and
8. Flood hazard area maps; and
9. Resource lands maps; and
10. Soils maps; and
11. FIRM (flood insurance rate maps) maps.

H. The exact boundary of each critical area depicted on the critical areas atlas maps is approximate and is only intended to provide an indication of the presence of a critical area on a particular site. Additional critical areas that have not been mapped may be present on a site. The actual presence of a critical area, or areas and the applicability of these regulations shall be determined based upon the classification or categorization criteria and review procedures established for each critical area. City staff and/or consultant(s) may conduct on-site inspections to assess the site in order to determine if additional studies or reports identified in this title are necessary. An inspection report of findings shall be written after the on-site inspection and will become a part of any site development application as a future reference.

I. The Edgewood critical areas atlas maps shall be updated and maintained by the city's department of community development geospatial information system (GIS) division.

J. Development of the city's critical areas atlas maps were derived from the sources listed in EMC [14.10.140](#), Appendix A. These sources may be updated from time to time and will result in a correlating update to the applicable critical areas atlas maps. (Ord. 02-200 § 2).

14.10.060 Definitions.

A. This title shall rely on the definitions contained in Chapter [18.20](#) EMC, Definitions. The city also adopts by reference the definitions stated in WAC [197-11-700](#) through [197-11-799](#) as now or hereafter amended. In addition, the definitions in subsection (B) of this section shall also apply:

B. Additional definitions that apply to this title are:

"Abutting" means bordering upon, to touch upon, in physical contact with. Sites are considered abutting even though the area of contact may be only a point.

Act. See "State Environmental Policy Act (SEPA)."

"Actions" include, as further specified below:

1. New and continuing activities (including projects and programs) entirely or partly financed, assisted, conducted, regulated, licensed, or approved by agencies;
2. New or revised agency rules, regulations, plans, policies, or procedures; and legislative proposals. Actions fall within one of two categories:
 - a. Project Actions. Involves a decision on a specific project, such as a construction or management activity located in a defined geographic area. Projects include and are limited to agency decisions to:
 - i. License, fund, or undertake any activity that will directly modify the environment, whether the activity will be conducted by the agency, an applicant, or under contract;
 - ii. Purchase, sell, lease, transfer, or exchange natural resources, including publicly owned land, whether or not the environment is directly modified.
 - b. Nonproject Actions. Involve decisions on policies, plans, or programs.
 - i. The adoption or amendment of legislation, ordinances, rules, or regulations that contain standards controlling use or modification of the environment;
 - ii. The adoption or amendment of comprehensive land use plans or zoning ordinances;
 - iii. The adoption of any policy, plan, or program that will govern the development of a series of connected actions (WAC [197-11-060](#)), but not including any policy, plan, or program for which approval must be obtained from any federal agency prior to implementation;
 - iv. Creation of a district or annexations to any city, town or district;
 - v. Capital budgets; and
 - vi. Road, street, and highway plans.

"Actions" do not include the activities listed above when an agency is not involved, or include bringing judicial or administrative civil or criminal enforcement actions (categorical exemptions in WAC [197-11-800](#) identify in more detail governmental activities that would not have any environmental impacts and for which SEPA review is not required).

"Activity" means any use conducted on a site.

"Addition" means an alteration to an existing structure that increases the floor area. There are two types of additions: additions affixed to the side of an existing structure and an upper story addition.

"Adjacent" means within 500 feet from the exterior boundaries of designated resource lands pursuant to RCW [36.70A.060](#).

"Addendum" means an environmental document used to provide additional information or analysis that does not substantially change the analysis of significant impacts and alternatives in the existing environmental document. The term does not include supplemental EISs. An addendum may be used at any time during the SEPA process.

"Aggrieved person" means the project sponsor, or any person affected by the proposal.

"Agricultural activities" means the production of crops and/or raising or keeping livestock, including operation and maintenance of farm and stock ponds, drainage ditches, irrigation systems, and normal operation, maintenance, and repair of existing serviceable agricultural structures, facilities, or improved areas, and the practice of aquaculture. Forest practices regulated under Chapter [76.09](#) RCW and WAC Title [222](#) are not included in this definition.

"Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW [84.33.100](#) through [84.33.140](#), finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

"Alluvial geologic unit" means geologically recent stream, lake, swamp, and beach deposits of gravel, sand, silt, and peat.

"Animal containment area" means a site where two or more animal units of large animals per acre or 0.75 of an animal unit of small animals per acre are kept, and where a high volume of waste material is deposited in quantities capable of impacting groundwater resources.

"Animal unit" means the equivalent of 1,000 pounds of animal.

"Appeal" means a request for a review of the interpretation of any provision of this ordinance, per EMC 14.10.090.

"Applicant" means any person or entity, including an agency, applying for a license from an agency.

"Application" means a request for a license.

"Aquifer" means a saturated geologic formation, which will yield a sufficient quantity of water to serve as a private or public water supply.

"Aquifer recharge area" means areas that have a critical recharging effect on groundwater used for potable water supplies and/or that demonstrate a high level of susceptibility or vulnerability to groundwater contamination from land use activities. Examples of aquifer recharge areas include:

1. Wellhead protection areas delineated pursuant to the Federal Safe Drinking Water Act; and
2. Other areas with a high level of susceptibility or vulnerability to contamination as demonstrated through the use of the DRASTIC (see DRASTIC) model.

"Area of Shallow Flooding" means areas designated as AO or AH zones on the FIRM(s). AO zones are characterized as sheet flows, having base flood depths that range from one to three feet above the natural ground, where a clearly defined channel does not exist. the path of flooding is unpredictable and

indeterminate, and velocity flow may be evident. AH zones indicate similar depth ponding, shown with standard base flood elevations on the FIRM(s).

"Area of Special Flood Hazard" means land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. Designation on FIRM(s) always includes the letters A or V.

"Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, also referred to as the "100-year flood," and is designated on FIRM(s) by the letters A or V.

"Basement" means any area of the building having its floor sub-grade (below ground level) on all sides, for the purposes of this title.

"Best available science" means as defined by WAC [365-195-905](#). Criteria for determining which information is the "best available science."

"Best available technology" means the technology that provides the greatest degree of protection to the natural resource, taking into consideration processes that are developed, or could feasibly be developed given overall reasonable expenditures on research and development, and processes that are currently in use. In determining what is best available technology, the local government shall consider the effectiveness, engineering feasibility and commercial availability of the technology.

"Best management plan" means a plan developed for a property, which specifies best management practices for the control of animal wastes, stormwater runoff, and erosion.

"Breakaway Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"Buffer" means an area contiguous with a critical area that is required for the integrity, maintenance, function, and structural stability of the critical area.

"Building footprint" means the horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

"Cave" means a natural subterranean chamber greater than one foot in diameter and greater than three feet deep.

"City" means the city of Edgewood.

"Class" means one of the wetland classes in the United States Fish and Wildlife Service (USFWS) December 1979 publication, Classification of Wetlands and Deep Water Habitats of the United States.

"Classification" means defining value and hazard categories to which critical areas and land resource lands will be assigned.

"Clearing" means the removal of timber, brush, grass, ground cover, or other vegetative matter from a site, which exposes the earth's surface on the site.

"Cliff" means a steep vertical or overhanging face of rock or earth greater than 25 feet in height.

"Colluvium" means materials deposited by gravity at the foot of a slope (e.g., talus, soil creep, etc.).

"Compensatory mitigation" means mitigation to compensate for loss of wetland habitat due to filling of wetlands or other regulated activities in wetlands.

"Conservation easement" means a recorded deed restriction or covenant that runs in perpetuity on a parcel of land restricting the use of the property by preventing future real estate development such as residential, industrial, or commercial use. Conservation easements may allow for continued current uses (e.g., residential, recreational, agriculture, forestry, or ranching); however, conservation easements most often restrict both the current use as well as future uses of the land to some important conservation quality such as habitat preservation, open space, or scenic views. A land trust or governmental entity that manages properties for long-term goals typically holds conservation easements.

"Contaminant" means any chemical, physical, biological, or radiological substance that does not occur naturally or occurs at concentrations and duration as to be injurious to human health or welfare or shown to be ecologically damaging.

"Council" means the Edgewood city council.

"County" means Pierce County.

"Crawl space" means the shallow space beneath the bottom floor of a house with no basement; used for access and inspection of framing, electrical, plumbing, insulation, vapor barriers, or duct work. For purposes of the National Flood Insurance Program Elevation Certificate, a crawl space that has subgrade around all sides shall be considered a basement.

"Creation" means producing or forming a wetland through artificial means from an upland (nonwetland) site.

"Critical areas" means erosion, landslide, seismic, volcanic, and flood hazard areas; streams; wetlands; fish and wildlife habitat; and aquifer recharge and (depressional) pothole areas as defined by RCW [36.70A.030](#). All of these areas are of special concern to the people of Edgewood and the state of Washington.

"Critical facilities" means those facilities occupied by populations or which handle dangerous substances including but not limited to hospitals, medical facilities, nursing homes; structures housing, supporting, or containing toxic or explosive substances; covered public assembly structures; school buildings through secondary, including daycare centers; buildings for colleges or adult education; police, fire, and emergency response installations; jails and detention facilities; and all structures with occupancy of greater than 5,000 people. These facilities are such that even a slight chance of flooding might be too great. Essential public facilities (as defined under EMC 18.20.080) are considered critical facilities, for floodplain management purposes.

"Debris flow" means the rapid downslope movement of a viscous mass of water-saturated regolith.

"Degraded" means to have suffered a decrease in naturally occurring functions and values due to activities undertaken or managed by persons on or off a site.

"Delineation" means a wetland study conducted in accordance with the Corps of Engineers Wetlands Delineation Manual 1987 edition and corresponding guidance letters and the Washington State Wetlands Identification and Delineation Manual.

"Delineation report" means a written document prepared by a wetland specialist, which includes data sheets, findings of the delineation, and a site plan, which identifies the wetland boundaries.

"Department" means any division, subdivision, or organizational unit of the city, established by regulations, resolution or order.

"Depressional pothole" means a relatively sunken or low-lying area of the earth's surface, especially one having no natural outlet for surface drainage.

"Designation" means taking formal legislative action to adopt classifications, inventories, and regulations.

"Determination of":

1. Nonsignificance (DNS).
2. Significance (DS).
3. Mitigated determination of nonsignificance (MDNS).

"Development" means any human-induced change to improved or unimproved real property, including, but not limited to, the construction of buildings or other structures, placement of a manufactured home, mobile, mining, dredging, clearing, filling, grading, paving, excavation, drilling operations, storage of equipment or materials located within an Area of Special Flood Hazard, or activities otherwise governed by EMC Title [16](#), Subdivisions.

"Development activity" means any construction, development, earth movement, clearing, or other site disturbance of the land, except as listed under exemptions.

"Director" means the mayor or designee.

"Downed logs" means trees that have fallen or toppled which are dead or in the process of dying, and exhibit sufficient decay characteristics to enable use by fish or wildlife species as habitat. Also referred to as "large woody debris (LWD)."

"DRASTIC" is an acronym for a computer model developed by the National Water Well Association and Environmental Protection Agency used to measure aquifer susceptibility.

"Drift" means a nearly horizontal mine passageway driven on or parallel to the course of a vein or rock stratum.

"Dwelling unit" means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen facilities for use solely by one family.

"Earth/earth material" means naturally occurring rock, soil, stone, sediment, or combination thereof.

"Earthflow" means a slow downslope movement in which saturated regolith sags downward in a series of irregular terraces.

"Ecotone" means a transition area between two adjacent vegetation communities.

"Elevation Certificate" means the official form (FEMA Form 81-31) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate with Section B completed by Community Officials.

"Elevated Building" means for insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

"Encroachment" means any development or regulated activity conducted inside the boundaries of a designated critical area and/or its associated buffer.

"Engineer" as defined by Chapter [18.43](#) RCW.

"Engineering geologist" means a geologist who, by reason of his or her knowledge of engineering geology, acquired by education and practical experience, is qualified to engage in the practice of engineering geology, has met the qualifications in engineering geology established under Chapter 18.220 RCW, and has been issued a license in engineering geology by the Washington State Geologist Licensing Board.

"Engineering geology" means a specialty of geology affecting the planning, design, operation, and maintenance of engineering works and other human activities where geological factors and conditions impact the public welfare or the safeguarding of life, health, property, and the environment.

"Enhancement" means actions performed to improve the condition of existing degraded wetlands and/or buffers so that the quality of wetland functions increases (e.g., increasing plant diversity, increasing wildlife habitat, installing environmentally compatible erosion controls, removing nonindigenous plant or animal species, removing fill material or solid waste).

"Environmental determination" means that the responsible official or proponent has determined whether or not there are significant adverse effects on quality of the environment and if so, can they be mitigated.

"Environmental Impact Statements (EISs) – Types." See Chapter 197-11 WAC, SEPA Rules.

"Environmental Review." See Chapter 197-11 WAC, SEPA Rules.

"Erosion" means the wearing away of the earth's surface as a result of the movement of wind, water, or ice.

"Erosion hazard areas" means those areas that because of natural characteristics, including vegetative cover, soil texture, slope, gradient, and rainfall patterns, or human-induced changes to such characteristics, are vulnerable to erosion.

"Excavation" means the mechanical removal of earth material.

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Extirpation" means the elimination of a species from a portion of its original geographic range.

"Facility" means all structures, contiguous land, appurtenances, and other improvements on the land used for recycling, reusing, reclaiming, transferring, storing, treating, disposing, or otherwise handling a hazardous substance. Use of the term "facility" includes underground and aboveground tanks and operations, which handle, use, dispose of, or store hazardous substances.

"Fill/fill material" means a deposit of earth material placed by human or mechanical means.

"Filling" means the act of placing fill/fill material on any surface, including temporary stockpiling of fill material.

"Finished floor" means the top of the next higher floor above the lowest floor. For purposes of the National Flood Insurance Program Elevation Certificate, the finished floor referenced in this regulation shall equal the top of the next higher floor.

"Fish and wildlife habitat areas" means those areas identified as being of critical importance to maintenance of fish, wildlife, and plant species, including areas with which endangered, threatened, and sensitive species have a primary association; habitats and species of local importance; naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat; waters of the state; lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity, or private organization; state natural area preserves and natural resource conservation areas. This does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

"Fisheries biologist" means a professional with a degree in fisheries or certification by the American Fisheries Society, or with five years' professional experience as a fisheries biologist.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

"Flood hazard areas" means areas of flooding identified by verifiable flooded areas using:

1. Aerial photographs of the city, especially those taken in wintertime 1996 and 1997; or
2. Relevant and verifiable information from the city's capacity analysis technical review ad hoc committee (CATRAC) draft report, 2000; or
3. Relevant and verifiable government and citizen photographs, notes, observations, etc. regarding historic ponding/flooding levels; or
4. Relevant and verifiable information available through Pierce County; or
5. Relevant and verifiable information available through the Federal Emergency Management Agency (FEMA); or
6. Areas of land located in floodplains, which are subject to a one percent or greater chance of flooding in any given year, including, but not limited to, streams, rivers, lakes, ponds, wetlands, depressional potholes and the like.

"Flood Insurance Rate Map (FIRM)" means the official map ~~of a community~~ on which the Federal Insurance Administration (FIA) ~~administrator~~ has delineated both the areas of special flood hazard areas and the risk premium zones applicable to the community.

"Flood Insurance Study (FIS)" means the official report provided by the Federal Insurance Administration (FIA) that includes flood profiles, FIRM(s), and the water surface elevation of the base flood.

"Floodfringe" means the area subject to inundation by the base flood, but outside the limits of the floodway, and which may provide needed temporary storage capacity for floodwaters.

"Floodplain" means the total area subject to inundation by the base flood, including the floodfringe and the floodway areas.

"Floodway" means the channel of a river or other watercourse, and the adjacent land areas that must be reserved in order to convey and discharge the base flood without cumulatively increasing the water surface elevation by more than one foot, and those areas designated as deep and/or fast-flowing water.

"Foundation footing setback" means a typical geotechnical recommendation intended to assure that a proposed structure is protected in the event of a slope failure or sloughage. A foundation footing setback is measured horizontally from the face of the foundation footing to the face of the slope. A foundation footing setback for this purpose should not be confused with a building or construction setback from a landslide hazard area buffer. A foundation footing setback is also not a buffer (see Figure 14.10-1 in EMC [14.10.150](#)).

"Geological assessment" means an assessment prepared by a professional engineer licensed by the state of Washington with expertise in geotechnical engineering or prepared by a licensed professional geologist, hydrologist, or soils scientist, as specified later in this section, who has earned the related bachelor's degree from an accredited college or university, or equivalent educational training, and has five years' experience assessing the relevant geologic hazard. A geological assessment must detail the surface and subsurface conditions of a site and delineate the areas of a property that might be subject to specified geologic hazards.

"Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

"Geologist" means engineering geologist, or hydrogeologist, registered in the state of Washington.

"Geotechnical professional" means a person with experience and training in analyzing, evaluating, and mitigating landslide, erosion, and/or seismic hazards. A geotechnical professional shall be licensed in the state of Washington as a geologist or professional engineer, and must have five or more years experience specializing in landslide, erosion, or seismic hazards, as applicable.

"Geotechnical report" means a report prepared by a professional engineer licensed by the state of Washington with expertise in geotechnical engineering, evaluating the site conditions and mitigating measures necessary to reduce the risks associated with development in geologically hazardous areas.

"Grading" means any excavating, filling, clearing, or creating of impervious surfaces or combination thereof.

"Ground amplification" means an increase in the intensity of earthquake-induced ground shaking which occurs at a site whereby thick deposits of unconsolidated soil or surficial geologic materials are present.

"Groundwater" means all water found beneath the ground surface, including slowly moving subsurface water present in aquifers and recharge areas.

"Group A water system" means a water system:

1. With 15 or more service connections; or
2. A system that services an average of 25 or more people per day for 60 or more days within a calendar year.

"Habitat assessment" means a report prepared by a professional wildlife biologist or fisheries biologist, which identifies the presence of fish and wildlife habitat conservation areas near the proposed development site.

"Habitat evaluation" means a procedure for determining the abundance and quality of habitat features for a species or other taxonomic group (in this case, salmonid fishes) at or on a particular site or property.

"Habitat evaluation report package" means the combined materials that compose a report on a habitat evaluation (see definition in this section), including narrative on methods and findings, as well as maps and data in tabular and graphic form.

"Habitat management plan" means a report prepared by a professional wildlife biologist or fisheries biologist, which discusses and evaluates the measures necessary to maintain fish and wildlife habitat conservation areas on a proposed development site.

"Habitat of local importance" means an area, range, or habitat within which a species has a primary association and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. Examples include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. These areas may also include habitats that are of limited availability or high vulnerability to alteration.

"Hard armoring" means the use of large rock and/or human-made materials to protect property from shoreline erosion. Such techniques include cement/concrete bulkheads, steel structures, rock wall revetments, and rock gabion structures. Hard armoring typically does not utilize or integrate any of soft armoring or soil bioengineering techniques.

"Hazardous substance(s)" means any liquid, solid, gas, or sludge, including any materials, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste; and including waste oil and petroleum products.

"Hazardous substance processing or handling" means the use, storage, manufacture, or other land use activity involving hazardous substances, but does not include individually packaged household consumer products or quantities of hazardous substances of less than five gallons in volume per container. Hazardous substances shall not be disposed on-site unless in compliance with Dangerous Waste Regulations, Chapter [173-303](#) WAC, and any pertinent local ordinances such as sewer discharge standards.

"Hazardous waste" means and includes all dangerous waste and extremely hazardous waste as designated pursuant to Chapter [70.105](#) RCW and Chapter [173-303](#) WAC.

1. "Dangerous waste" means any discarded, useless, unwanted, or abandoned substances including but not limited to certain pesticides or any residues or containers of such substances which are disposed of in such quantity or concentrations as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

- a. Have short-lived, toxic properties that may cause death, injury, or illness, or have mutagenic, teratogenic, or carcinogenic properties; or
- b. Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

2. "Extremely hazardous waste" means any waste which:

- a. Will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of humans or wildlife; and

b. Is disposed of at a disposal site in such quantities as would present an extreme hazard to humans or the environment.

"Hazardous waste treatment and storage facility" means a facility that treats and stores hazardous waste and is authorized pursuant to Chapter [70.105](#) RCW and Chapter [173-303](#) WAC. It includes all contiguous land and structures used for recycling, reusing, reclaiming, transferring, storing, treating, or disposing of hazardous waste. Treatment includes using physical, chemical, or biological processing of hazardous wastes to make such waste nondangerous or less dangerous and safer for transport, amenable for energy or material resource recovery. Storage includes the holding of waste for a temporary period, but not the accumulation of waste on the site of generation as long as the storage complies with applicable requirements of Chapter [173-303](#) WAC.

1. "On-site treatment and storage facility" means a facility that treats or stores hazardous wastes generated on the same geographically contiguous property.
2. "Off-site treatment and storage facility" means a facility that treats or stores hazardous wastes generated on property other than those on which the off-site facility is located.

Hearing Examiner or Examiner. See EMC [18.20.110](#), "H" definitions.

"Holocene epoch" means that part of the geologic record that post-dates the youngest deposits associated with the late Pleistocene Age Fraser Glaciation.

"Hydrogeologic assessment" means a report detailing the subsurface conditions, the design of a proposed land use action, and the facilities operation which indicates the susceptibility and potential for contamination of groundwater supplies.

"Hydrologically connected" means a connection between two or more surface water bodies including, but not limited to, wetlands, streams or lakes as evidenced by:

1. The presence of surface water in a perennial or intermittent stream, through a culvert or otherwise above ground;
2. The presence of contiguous hydric soil; or
3. The location of a water body within or contiguous to a 100-year floodplain of a wetland, stream or lake.

"Hydrologically isolated wetland" means a wetland which:

1. Is not contiguous to any 100-year floodplain of a lake, river, or stream; and
2. Has no contiguous surface hydrology, hydric soil, or hydrophytic vegetation between the wetland and any other wetland or stream system.

"Impervious surface" means a hard surface, which prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area, which causes water to run off the surface in greater quantities or at an increased rate of flow than the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, gravel parking lots, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces.

"Increased Cost of Compliance (ICC)" means a flood insurance claim payment up to \$30,000 directly to a property owner for the cost to comply with floodplain management regulations after a direct physical loss caused by a flood. Eligibility for an ICC claim can be through a single instance of "substantial damage" or as a result of a "cumulative substantial damage." (more information can be found in FEMA ICC Manual 301)

"In-kind mitigation" means to replace wetlands with substitute wetlands whose characteristics and functions and values are intended to replicate those destroyed or degraded by a regulated activity.

"Interspersion between wetland classes" means the degree to which different wetland classes are scattered among each other.

"Lahar" means a mudflow or debris flow mobilized by water, which originates on the slopes of a volcano.

"Lakes" means impoundments of open water 20 acres or larger.

Landfill. See EMC [18.20.150](#), "L" definitions.

"Landslide" means the abrupt downslope movement of soil, rocks, or other surface matter on a site. Landslides may include but are not limited to slumps, mudflows, earthflows, rockfalls, and snow avalanches.

"Landslide hazard areas" means areas which are potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

"Large animal" means an animal with an average weight of 100 pounds or more.

"License" means any form of written permission given to any person, organization, or agency to engage in any activity, as required by law or agency rule. A license includes all or part of a city permit, certificate, approval, registration, charter, or plat approvals or rezones to facilitate a particular proposal. The term does not include a license required solely for revenue purposes.

"Liquefaction" means a process by which a water-saturated granular (sandy) soil layer loses strength because of ground shaking commonly caused by an earthquake.

"Long-term commercial significance" means the growing capacity, productivity, and soil composition of land, which makes it suitable for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of land.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement and crawl space). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this title. **For purposes of the National Flood Insurance Program Elevation Certificate, the lowest floor referenced in this regulation shall equal the top of the bottom floor.**

"Maintenance" means those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition without any expansion of or significant change from that originally established condition. For the purposes of this document, activities within landscaped areas within areas subject to native vegetation retention requirements may be considered maintenance only if they maintain or enhance the canopy and understory cover.

"Manufactured home/mobile home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured

home/mobile home" also includes park trailers, travel trailers, and other similar recreational vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home/mobile home" does not include park trailers, travel trailers, recreational vehicles, or other similar vehicles.

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Minerals" include gravel, sand, or other resources that are extracted from the ground, and valuable metallic substances.

"Mineral resource lands" means lands primarily devoted to the extraction of minerals or which have known or potential long-term commercial significance for the extraction of minerals.

"Mitigation" means:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;
6. Monitoring the impact and taking appropriate corrective measures; and
7. Measures used in sequential order to eliminate, reduce, or compensate for adverse impacts to habitat resulting from a development proposal or alteration.

"Mudflow" means a debris flow containing an abundance of fine particles.

"Native vegetation" means a mix of plant species comprising herbs, grasses, grass-like plants, shrubs and trees indigenous to the Puget Sound region that reasonably could be expected to naturally occur on the site.

"Natural resource lands" means agricultural and mineral resource lands, which have long-term commercial significance.

"New Construction" means structures for which the "start of construction" commenced on or after the following:

1. for the purposes of determining flood insurance rates, the effective date of an initial FIRM (i.e. August 19, 1987, or August 4, 1988 for Panel 350 only), and includes any subsequent improvements to such structures.
2. for floodplain management purposes, the effective date of this floodplain management ordinance and includes any subsequent improvements to such structures.
3. for all other cases, the effective date of the applicable critical areas ordinance.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be

affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the adopted floodplain management regulations.

"Oak woodlands" means those areas where Oregon white oak comprises more than 20 percent of the trees in a stand, and where the stand size is one acre or greater; provided, that stand size may be smaller where white oak serves as linkages between larger stands. Trees should be greater than 15 inches in diameter at breast height and greater than 16 feet tall.

"Old growth forests" means a stand of trees generally containing mature and overmature trees in the overstory, a multi-layered canopy and trees of several age classes, and standing dead trees and down material.

"Ordinance" means the ordinance, resolution, or other procedure used by the city to adopt regulatory requirements.

"Ordinary high water mark (OHWM)" means the mark on all lakes, streams and tidal waters that will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland and vegetation, as that condition exists on the effective date of the ordinance codified in this title, or as it may naturally change thereafter. In any area where the ordinary high water mark cannot be found, the ordinary high water mark shall be the line of mean higher high tide in areas adjoining saltwater, and the line of mean high water in areas adjoining freshwater.

"Out-of-kind mitigation" means to replace wetlands with substitute wetlands whose characteristics do not approximate those destroyed or degraded by a regulated activity.

"Parties of record" are those persons with legal standing with respect to an application including the applicant, property owner as identified by the records available from the Pierce County assessor's office, or any person who testified at the open record public hearing on the application; and/or any person who submitted written comments during administrative review or has submitted written comments concerning the application at the open record public hearing, excluding persons who have only signed petitions or mechanically produced form letters.

"Permanent erosion control" means continuous on-site and off-site control measures that are needed to control conveyance and/or deposition of earth, turbidity, or pollutants after development, construction, or restoration.

Person. See EMC 18.20.190, "P" definitions.

"Plat" means:

1. "Short subdivision" or "short plat" means the division or redivision of land into four-six or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.
2. "Subdivision" or "formal subdivision" means the division or redivision of land into five-seven or more lots, tracts, parcels, sites, or division for the purpose of sale, lease, or transfer of ownership. For floodplain management regulation purposes, this includes land over 5 acres in area situated within a flood hazard area.

"Ponds" means naturally occurring impoundments of open water less than 20 acres in size and larger than 2,500 square feet, which maintain standing water throughout the year. Also see "depressional pothole."

"Private organization" means a nonprofit corporation organized pursuant to Chapter [24.03](#) RCW, which includes the planting of game fish among its purposes for organizing as a nonprofit corporation.

"Project permit" means any land use or environmental permit or license required from the city for a project action, including but not limited to building permits, site development permits, land use preparation permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, development plan review, site specific rezones authorized by the comprehensive plan; but excluding adoption or amendment of the comprehensive plan and development regulations, zoning of newly annexed land, area-wide rezones, and zoning map amendments except as otherwise specifically included in this subsection.

"Professional engineer" means an engineer currently licensed and registered in the state of Washington.

"Public services" means fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

"Recessional outwash geologic unit" means sand and gravel materials deposited by melt-water streams from receding glaciers.

"Reconstruction" means the rebuilding of an existing structure which has been partially or completely destroyed by any cause, such as but not limited to fire, wind, landslides, and water, without increasing the original floor area or square footage area.

"Recreational Vehicle (RV)" means a vehicle built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

"Rectification" means an action which repairs an alteration to habitat and its functions.

"Regolith" means any body of loose, noncemented particles overlying and usually covering the bedrock.

"Regulated activities" means, but is not limited to, any of the following activities which are directly undertaken or originate in a regulated critical area or its buffer: building permit, commercial or residential; binding site plan; franchise right-of-way construction permit; site development permit; right-of-way permit; shoreline permits; short subdivision; use permits; subdivision; utility permits; or any subsequently adopted permit or required approval not expressly exempted by this title.

"Rehabilitation" means any improvements and repairs which are made to the interior and exterior of an existing structure, but which do not result in any increase in the floor area of the structure. This is also commonly referred to as a "remodel" of an existing structure.

"Restoration" means an action which returns habitat to a state in which its stability and functions approach its unaltered state as closely as possible.

"Revised Code of Washington (RCW)" means all laws of a general and permanent nature heretofore or hereafter enacted by the legislature, and assign permanent numbers as provided by law to all new titles, chapters, and sections thereof.

"Riparian" means the area adjacent to aquatic systems with flowing water that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other. Riparian habitat begins at the ordinary high water mark and includes the entire extent of the floodplain and riparian areas of wetlands that are directly connected to the stream course.

"Seismic hazard areas" means areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.

"Sensitive areas" mean agricultural lands and mineral resource lands and all associated buffers.

"Shoreline" for this title means the line where a body of water and the shore meet or the strip of land along the shoreline. There are no waters within the city of Edgewood meeting the criteria of shorelines of statewide significance as defined by RCW [90.58.030](#).

"Single-family dwelling" means a detached building designed exclusively for occupancy by one family and containing one dwelling unit.

"Site" means a lot, parcel, tract, or combination of lots, parcels, or tracts on which a regulated activity is proposed.

"Slope" means an inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance.

"Sludge" means a semisolid substance consisting of settled solids combined with varying amounts of water and dissolved materials generated from a wastewater treatment plant or system or other sources, including septage sludge, sewage sludge, and industrial sludge.

"Sludge land application site" means a site where stabilized sludge, septage, and other organic wastes are applied to the surface of the land in accordance with established agronomic rates for fertilization or soil conditioning.

"Slump" means the downward and outward movement of a mass of bedrock, colluvium, or regolith along a distinct surface of failure.

"Small animal" means an animal with an average weight of less than 100 pounds.

"Snag-rich areas" means forested areas which contain concentrations of standing dead trees, averaging 10 snags or greater per acre, and averaging greater than 15 inches in diameter at breast height.

"Special occupancy structures" means those structures that have the potential to provide capacity for large numbers of people or special groups of people or assemblies such as but not limited to schools, jails and detention facilities, and resident incapacitated patients.

"Species of local importance" means species that are of local concern due to their population status or their sensitivity to habitat manipulation.

"Soft armoring techniques" means the use of woody plants and limited structural-mechanical systems that are integrated in a structurally and environmentally sound manner to repair and protect slopes and shorelines against shallow mass wasting and surface erosion. Measures such as live stake, live fascine, brushlayer, live cribwall, vegetated geogrid, branchpacking, live slope grading, beach berms, or earthen berms are examples of soft armoring techniques. Soft armoring techniques may also be referred to as soil bioengineering methods.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include

excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Environmental Policy Act (SEPA)" means RCW [43.21C.010](#), to declare a state policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere; stimulate the health and welfare of man; and to enrich the understanding of the ecological systems and natural resources important to the state and nation.

"State Environmental Policy Act (SEPA) Rules" means Chapter [197-11](#) WAC adopted by Washington State Department of Ecology as now, or hereafter, amended.

"Stockpiling" means the placement of material with the intent to remove it later.

"Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground.

"Subbasin" means a drainage area which drains to marine water, lakes or the mainstem of a watershed water resource inventory area.

"Subclass" means one of the subclasses identified in the United States Fish and Wildlife Service (USFWS) December 1979 publication, Classification of Wetlands and Deep Water Habitats of the United States.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction, addition, rehabilitation, or other improvement of a structure, whereby the ~~cost current permit valuation~~ for the work exceeds 50 percent of the ~~market value current permit valuation~~ of the existing structure ~~before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.~~

~~The building official shall determine the current permit valuation based on the cost per square foot values in effect at the time of permit application. Substantial improvement shall be accumulative from the effective date of the ordinance codified in this chapter. For purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:~~

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Except for floodplain management regulation, the "cost" and "market value" may be determined using the current permit valuation. The building official shall determine the current permit valuation based on the

cost per square foot values in effect at the time of permit application. Substantial improvement shall be accumulative from the effective date of the ordinance codified in this chapter.

"Substrate" means the soil, sediment, decomposing organic matter, or combination of those located on the bottom surface of a wetland.

"Talus" means a homogenous area of rock rubble ranging in average size 0.15 to 2.0 meters (0.5 to 6.5 feet) composed of basalt, andesite, and/or sedimentary rock, including riprap slides and mine tailings. Talus areas may be associated with cliffs.

"Ten-year time travel zone boundary" means the maximum distance around a pumping well from which a contaminant hypothetically present in groundwater could travel to the well within a 10-year time period.

"Temporary erosion control" means on-site and off-site control measures that are needed to control conveyance or deposition of earth, turbidity, or pollutants during development, construction, or restoration.

"Toe of slope" means a distinct topographic break in slope at the lowermost limit of the landslide or erosion hazard area.

"Top of slope" means a distinct topographic break in slope at the uppermost limit of the landslide or erosion hazard area.

"TPCHD" means the Tacoma-Pierce County Health Department.

"Underground storage tank" means any one or a combination of tanks (including underground pipes connected thereto) which are used to contain or dispense an accumulation of hazardous substances or hazardous wastes, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground.

"Urban governmental services" means those governmental services historically and typically delivered by cities, and includes storm and sanitary sewer systems, domestic water systems, street cleaning services, and other public utilities associated with urban areas and normally not associated with nonurban areas.

"Urban growth" means growth that makes intensive use of the land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. 'Characterized by urban growth' refers to land having urban growth located on it or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

"Utility line" means pipe, conduit, cable, or other similar facility by which services are conveyed to the public or individual recipients. Such services shall include, but are not limited to, water supply, electric power, gas, communications, and sanitary sewers.

"Variance" means a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance, per EMC 14.10.085.

"Violation" means the failure of a structure or other development activity to be fully compliant with the provisions of this title. With regard to the floodplain management regulations, projects without the elevation certificate, other certifications, or other evidence of compliance required in EMC 14.70 is presumed to be in violation until such time as that documentation is provided. See EMC 1.10 for penalties.

"View corridor" means an area, which affords views of lakes, mountains, or other scenic amenities normally enjoyed by residential property owners.

"Volcanic hazard areas" means those areas subject to pyroclastic flows, lava flows, and inundation by debris flows, mudflows, or related flooding resulting from geologic or volcanic events on Mount Rainier.

"Washington Administrative Code (WAC)" means state of Washington Administrative Code.

"Water Dependent" means a structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

"Wellhead protection area" means the area within the 10-year time-of-travel zone boundary of a group A public water system well, as delineated by the water system purveyor or its designee, pursuant to WAC [246-290-135](#).

"Wetland" means any area which is inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. For the purpose of this definition:

1. Where the vegetation has been removed or substantially altered, the presence of a wetland is determined by the presence or evidence of hydric soil, by other documentation such as aerial photographs of the previous existence of wetland vegetation or by any other manner authorized in the "Washington State Wetlands Identification and Delineation Manual," 1997, Department of Ecology;
2. A wetland may occur along the shoreline of tidal water, a lake, a stream or in a depression in the landscape. For any wetland occurring along a shoreline, the wetland's waterward boundary is where the water's depth exceeds six and six-tenths feet below low water or, if low water cannot be determined, six and six-tenths feet below the outlet's invert elevation;
3. Except for artificial features intentionally made for the purpose of mitigation, a wetland does not include an artificial feature made from a nonwetland area which may include, but is not limited to, a surface water conveyance for drainage or irrigation, a grass-lined swale, a canal, a flow control facility, a wastewater treatment facility, a farm pond, a wetpond, landscape amenities or a wetland made after July 1, 1990, which was unintentionally made as a result of the construction of a road, street, or highway; and
4. Wetlands shall include those wetlands intentionally created from nonwetland areas, formed to mitigate conversion of wetlands.

"Wetland, isolated" means a wetland, which is not hydrologically connected, does not have permanent open water and is often of low function.

"Wetland specialist" means a person with experience and training in wetlands issues and with experience in performing a wetland delineation, analyzing wetland functions and values, analyzing wetland impacts, and recommending wetland mitigation and restoration.

Qualifications include:

1. Bachelor of Science or Bachelor of Arts or equivalent degree in biology, botany, environmental studies, fisheries, soil science, wildlife, agriculture, or related field, and two years of related work experience, including a minimum of one year experience delineating wetlands using the Unified Federal Manual and preparing wetland reports and mitigation plans. Additional education may substitute for one year of related work experience; or

2. Four years of related work experience and training, with a minimum of two years experience delineating wetlands using the Unified Federal Manual and preparing wetland reports and mitigation plans. The person should be familiar with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, Corps of Engineers Wetlands Delineation Manual 1987 edition and corresponding guidance letters, Washington State Wetlands Identification and Delineation Manual, the city site development regulations, and the requirements of this title.

"Wildlife biologist" means a professional with a degree in wildlife, or certification by the Wildlife Society, or with five years' professional experience as a wildlife biologist. (Ord. 16-461 § 2; Ord. 15-447 § 1 (Exh. A); Ord. 02-200 § 2).

14.10.070 Administration.

A. Approvals Required. An approval must be obtained from the city when the department determines that the site or project area is or may be located within a critical area, as set forth in each chapter.

B. Application Requirements.

1. Preliminary Review. The provisions for conducting a preliminary review of an application is set forth in EMC [18.40.070](#), Process types.

2. Application Filing.

- a. Applications shall be reviewed for completeness in accordance with department submittal standards checklists and pursuant to EMC [18.40.150](#), Determination of completeness.
- b. Applications and associated reports shall not be submitted without an accompanying permit application for an underlying action (parent application) such as, but not limited to, a building permit, subdivision or boundary alteration action, site development application, TPCHD permit, or use permit, with the exception of applications required by the department as a result of an enforcement action.

3. Modifications. The department may request an update of any required assessment, report, delineation, etc., due to the potential for change in the existing environment that may have been caused by a natural event (e.g., seismic event, landslides, flooding, etc.) or human induced activity that degraded the existing conditions that occurred after the original document was initially submitted.

C. Public Notice. Public notice provisions for notice of application; public hearing, if applicable; and final decision pursuant to this title are outlined in EMC [18.40.190](#), Notice of public hearing.

D. Review.

1. Initial Review. The department shall conduct an initial review of any application in accordance with the provisions outlined in EMC [18.40.150](#), Determination of completeness.

2. Review Responsibilities.

- a. The department is responsible for administration, circulation, and review of any applications and approvals required by this title.
- b. The examiner shall be the decision authority for reasonable use applications.
- c. Other city or county departments and state agencies, as determined by the department, may review an application and forward their respective recommendations to the director or examiner, as appropriate.

3. Review Process.

- a. The department shall perform a critical area review for any building or land use application submitted for a regulated activity, including, but not limited to, those set forth in EMC [14.20.020](#). Reviews for multiple critical areas shall occur concurrently.
- b. The department shall, to the extent reasonable, consolidate the processing of related aspects of other Edgewood regulatory programs which affect activities in regulated critical areas, such as subdivision or site development, with the approval process established herein so as to provide a timely and coordinated review process.
- c. As part of the initial review of all development or building-related approvals or permit applications, the department shall review the information submitted by the applicant to:
 - i. Confirm the nature and type of the critical area and evaluate any required assessments, reports, or studies;
 - ii. Determine whether the development proposal is consistent with this title;
 - iii. Determine whether any proposed alterations to the site containing critical areas are necessary; and
 - iv. Determine if the mitigation and monitoring plans proposed by the applicant are sufficient to protect the public health, safety, and welfare consistent with the goals, purposes, objectives, and requirements of this title.
- d. Regulated activities subject to SEPA shall also be reviewed with consideration for impacts on critical areas as identified in this title. Regulated activities that pose a significant adverse impact which are not addressed by the standards and criteria established in this title (gaps), may be subject to additional mitigation measures as determined through the SEPA process. A threshold determination issued pursuant to EMC Title [20](#), SEPA, may not be made prior to departmental review of any special studies or technical reports required by this title, except where the applicant requests a declaration of significance so that environmental review is required.
- e. Critical area applications required under this title shall be approved prior to approval of any related action (parent application) such as, but not limited to, a building permit, subdivision action, site development action, forest practice application, or use permit.
- f. The requirement to submit a critical area assessment, report, etc., required under this title, may be waived at the department's discretion when the proposed project area for a regulated activity is located in an area that has been the subject of a previously submitted and approved assessment, report, etc., if all of the following conditions have been met:
 - i. The provisions of this title have been previously addressed as part of another approval.
 - ii. There has been no material change in the potential impact to the critical area or required buffer since the prior review.
 - iii. There is no new information available that is applicable to any critical review of the site or particular critical area.
 - iv. The permit or approval has not expired or, if there is no expiration date, no more than five years have elapsed since the issuance of that permit or approval.

- v. Compliance with any standards or conditions placed upon the prior permit or approval has been achieved or secured.

4. Burden of Proof. The applicant has the burden of proving that a proposed application complies with the standards set forth in this title.

5. Approval.

- a. The department may approve, approve with conditions, or deny any development proposal in order to comply with the requirements and carry out the goals, purposes, objectives, and requirements of this title based on the department's or examiner's, as applicable, evaluation of the ability of any proposed mitigation measures to reduce risks associated with the critical area and compliance with required standards. Approval of a development proposal does not discharge the obligation of the applicant to comply with the provisions of this title.
- b. Applicants shall comply with the recommendations and/or mitigation measures contained in final approved assessments or reports and any department or examiner conditions of approval.
- c. Approval of an application required under this title must be given prior to the start of any development activity on a site.

6. Denial. The department or examiner, as applicable, shall have the authority to deny any application for development or building-related approvals or permits when the criteria established in this title have not been met.

7. Time Period for Final Decision. The provisions for issuing a notice of final decision on any application filed pursuant to this title is set forth in EMC [18.40.040](#), Coordination of development permit procedures.

E. Time Limitations.

1. Expiration of Approval.

- a. Approvals granted under this title shall be valid for the same time period as the underlying permit (e.g., preliminary plat, site development, building permit). If the underlying permit does not contain a specified expiration date then approvals granted under this title shall be valid for a period of three years from the date of issue, unless a longer or shorter period is specified by the department.
- b. The approval shall be considered null and void upon expiration, unless a time extension is requested and granted as set forth in subsection (E)(2) of this section.

2. Time Extensions.

- a. The applicant or owner(s) may request in writing a one-time, one-year extension of the original approval.
- b. Knowledge of the expiration date and initiation of a request for a time extension is the responsibility of the applicant or owner(s).
- c. A written request for a time extension shall be filed with the department at least 60 days prior to the expiration of the approval.

d. Upon filing of a written request for a time extension, a copy shall be sent to each party of record together with governmental departments or agencies that were involved in the original approval process. By letter, the department shall request written comments be delivered to the department within 30 days of the date of the letter.

e. Prior to the granting of a time extension, the department may require a new application(s), updated study(ies), and fee(s) if:

- i. The original intent of the approval is altered or enlarged by the renewal;
- ii. The circumstances relevant to the review and issuance of the original approval have changed substantially; or
- iii. The applicant failed to abide by the terms of the original approval.

f. If approved, the one-year time extension shall be calculated from the date of granting said approval.

F. Recording.

1. Approvals.

a. Critical area regulation approvals are to be recorded on the title of the project parcel(s) at the Pierce County auditor's office within six months of issuance. Failure to record an approval in this timeframe may result in the project being placed into inactive status. A new application(s) and fee(s) may be required to remove the project from inactive status. Also refer to EMC [14.10.080](#)(C), Title and Land Division Notification, for additional recording requirements.

b. Recording of a wetland approval for work completed within utility line easements on lands not owned by the jurisdiction conducting the regulated activity shall be required.

2. Right of Entry Agreement. The city may require the applicant to record a right of entry agreement, which shall be consistent with a format approved by the department. The right of entry agreement shall:

- a. Allow director or agent to access the site for purposes of inspection during the course of application review, construction, and post-construction monitoring.
- b. Allow the director or agent to enter a property to construct required improvements, mitigation measures, or monitoring that have been financially guaranteed.
- c. Run with the land, and be binding on all parties having or acquiring any right, title, interest, or any part thereof of the site, including the grantor, heirs, successors, and assigns. (Ord. 02-200 § 2).

14.10.080 Critical area protective measures.

A. General. All critical area tracts, conservation easements, land trust dedications, and other similarly preserved areas shall remain undeveloped in perpetuity, except as they may be allowed to be altered pursuant to each chapter.

B. Financial Guarantees.

1. The city may require an applicant to submit one or more financial guarantees to the city, as set forth in each chapter of this title (and other titles of Edgewood's Municipal Code as required), to

guarantee any performance, mitigation, maintenance, or monitoring required as a condition of permit approval. The approval for the project will not be granted until the financial guarantee is received by the department. Projects where the city or one of its departments is the applicant shall not be required to post a financial guarantee.

2. Financial guarantees required under this title shall be:

- a. In addition to any other site development guarantees required for project approval.
- b. Submitted on financial guarantee forms approved by the city.
- c. In the amount of 125 percent of the estimate of the cost of mitigation or monitoring to allow for inflation and administration should the city have to complete the mitigation or monitoring, unless the provisions set forth in subsection (B)(2)(D) of this section are applicable.
- d. Released by the city only when the applicant's appropriate technical professional has provided written confirmation that the performance, mitigation, or monitoring requirements have been met and department staff, or agent, inspected the site(s) for compliance.

3. Failure to complete any performance, mitigation, or monitoring may result in the forfeiture of the guarantee. Applicants who have previously defaulted will no longer be allowed to post a guarantee for improvements necessary for approval of a land use application. Applicants who have previously defaulted will be allowed to post guarantees for subsequent critical area mitigation work needed for approval of a land use application or permit, but the guarantee must be by bond and must be for two times the required amount.

C. Title and Land Division Notification.

1. General.

- a. Title and/or land division notice shall be required to be recorded with the Pierce County auditor on each site that contains a critical area, prior to approval of any regulated activity on a site.
- b. If more than one critical area subject to the provisions of this title exists on the site, then one notice which addresses all of the critical areas shall be sufficient.
- c. Title and land division notifications and notes shall be approved by the department and shall be consistent with Appendix B in EMC [14.10.140](#).

2. Title Notification.

- a. When the city determines that activities not exempt from this title are proposed, the property owner shall file a notice with the Pierce County auditor. The notice shall provide a public record of the presence of a critical area and associated buffer, if applicable; the application of this title to the property; and that limitations on actions in or affecting such critical area and associated buffer, if applicable, may exist.
- b. The notice shall be notarized and shall be recorded with the Pierce County auditor prior to approval of any regulated use or activity for the site.
- c. Notice on title is not required for utility line easements on lands not owned by the jurisdiction conducting the regulated activity (e.g., gas pipelines).

3. Land Division Notification and Notes. The applicant shall include notes, as referenced in EMC [14.10.140](#), Appendix B, on the face of any proposed activity as defined in EMC Title [16](#), Subdivisions (i.e., final plat, binding site plan, large lot, short subdivision, boundary line adjustment, or lot combination), for projects that contain critical areas or critical area buffers. The applicant shall also clearly identify the critical area boundaries and the boundary of any associated buffers on the face of these documents.

D. Conservation Easements. Prior to any final critical area approval, the part of the critical area and required buffer which is located on the site shall be protected with a conservation easement or other similar permanent deed restriction. The conservation easement shall indicate allowable and prohibited uses within the critical area and required buffer.

E. Tracts. Prior to final approval of any subdivisions, short subdivisions, large lot divisions, or binding site plans, the part of the critical area and required buffer which is located on the site, shall be placed in a separate tract or tracts (see Figure 14.10-2 in EMC [14.10.150](#)). In lieu of a separate tract, an applicant may propose to establish an alternative permanent protective mechanism; however, approval of such is based upon the department's or hearing examiner's, as applicable, determination that such alternative mechanism provides the same level of permanent protection as designation of a separate tract or tracts.

F. Homeowner's Covenants. A description of the critical area and required buffer shall be placed in any required homeowner's covenants. Such covenants shall contain a detailed description of the allowable uses within the critical area and, if applicable, associated buffer and long-term management and maintenance requirements of that critical area.

G. Identification of Critical Areas and Required Buffers on Construction Plans. Critical areas and required buffers shall be clearly identified on all construction plans such as, but not limited to, site development plans, residential building plans, commercial building plans, forest harvest plans, etc.

H. Markers, Fencing, and Signage.

1. Markers. Prior to final approval of any critical area application, the outer edge of the critical area boundaries or, if applicable, required buffer boundaries on the site shall be flagged by the qualified professional, as outlined in each chapter. These boundaries shall then be identified with permanent markers (rebar and cap) and flagged by a licensed surveyor, unless otherwise stated in this title. The permanent markers shall be clearly visible, durable, and permanently affixed to the ground.

2. Fencing.

a. Temporary Construction Fencing. Temporary fencing is required when vegetation is to be retained in an undisturbed condition within the critical area and required buffer. In such cases, the applicant will be required to construct silt fencing, construction fencing, or other city-approved method of temporary fencing at the edge of the critical area or, if applicable, the edge of the required buffer prior to beginning construction on the site.

b. Permanent Fencing. Where deemed necessary by the department to provide protection to the critical area, the applicant will be required to construct permanent fencing along the buffer boundary.

3. Signage.

a. The department shall require permanent signage to be installed at the edge of the critical area or, if applicable, the edge of the required buffer.

b. The sign shall indicate the type of critical area and if the area is to remain in a natural condition as permanent open space.

c. Exact sign locations, wording, size, and design specifications shall be established by the department. Required signage shall be clearly visible, durable, and permanently affixed to the ground.

d. Prior to final approval of any critical area application, the applicant shall submit an affidavit of posting to the department as proof that the required signs were posted on the site.

I. Building Setbacks.

1. Unless otherwise provided in this title, buildings and other structures shall be set back a distance of 15 feet from the edge of all critical area buffers or, where no buffers are required, the edge of the critical area.

2. The following uses and activities may be allowed in the building setback area:

a. Landscaping;

b. Uncovered decks;

c. Building overhangs if such overhangs do not extend more than 18 inches into the setback area;

d. Impervious ground surfaces, such as driveways, parking lots, roads, and patios; provided, that such improvements conform to the water quality standards set forth in the city's adopted stormwater management manual and that construction equipment does not enter the buffer during the construction process; and

e. Clearing and grading. (Ord. 02-200 § 2).

14.10.085 Variances to critical areas.

A. General. Variances are reviewed pursuant to EMC [18.50.080](#). Variances. Conditions may be attached to a critical area(s) variance, which will serve to meet the goals, objectives, and policies of this title.

B. Criteria for Priority Habitat Buffer Variances. In order to grant a priority habitat buffer variance, requirements pursuant to EMC [18.50.080](#). Variances, shall apply. In addition, the applicant must also demonstrate, and the examiner must find, that the requested buffer width modification preserves adequate vegetation to:

1. Maintain proper water temperature;

2. Minimize sedimentation; and

3. Provide food and cover for listed species.

C. Criteria for Flood Hazard Area Variances. In order to grant a flood hazard area variance, requirements pursuant to EMC 18.50.080. Variances, shall apply. In addition, the applicant must also demonstrate, and the examiner must find, that the proposal satisfies all of the following:

1) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.

2) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4) Variances shall only be issued upon:

i) A showing of good and sufficient cause;

ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant;

iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

5) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.

6) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 4.4 1), and otherwise complies with Sections 5.1-1, 5.1-3, and 5.1-4 of the GENERAL STANDARDS.

7) Any applicant to whom a variance is granted shall be given written notice that the permitted structure will be built with its lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk.

D. Should a variance be denied, the application will be reviewed as a reasonable use exception pursuant to EMC [14.20.050](#). (Ord. 02-200 § 2).

14.10.090 Reconsideration and appeal procedures.

Procedures for appeal of an administrative decision and procedures for reconsideration or appeal of a hearing examiner decision issued pursuant to this title are set forth in EMC [18.40.090](#), Process II – Administrative action. (Ord. 02-200 § 2).

14.10.100 Fees.

Fees for applications and/or review of reports, studies, or plans filed pursuant to this title are set forth in the adopted fee schedule and as stipulated below:

A. Fee Establishment. The city, by resolution, shall establish fees for filing of critical area review processing and other services provided by the city as required by this title. These fees shall be based on the anticipated sum of direct costs incurred by the city for any individual development or action and may be established as a sliding scale that will recover all of the city costs. Basis for these fees shall include, but not be limited to, the cost of engineering and planning review time, cost of inspection time, costs for administration, and any other special costs attributable to the critical area review process.

B. Applicant Responsibilities. Unless otherwise indicated in this title, the applicant shall be responsible for the initiation, preparation, submission, and expense of all required reports, assessment(s), studies, plans,

reconnaissance(s), peer review(s) by qualified consultants, and other work prepared in support of or necessary to review the application.

C. Fee Schedule. The director is charged with the responsibility of collecting appropriate fees charged to applicants for any permits or discretionary approval processes provided for in this title. The amount of the fees charged shall be as established by resolution or ordinance of the city council filed in the office of the city clerk and may be, from time to time, changed without amendment to this title.

D. Payment. Fees established in accordance with this title shall be paid upon submission of a signed application or petition for appeal, or as otherwise provided by any fee ordinance or resolution adopted by the city council. A department of the city shall not be required to pay application fees when applying for a permit regulated under this title. Where such an application will require substantial review time or expenditures, the city manager may, at his/her sole discretion, direct that the department initiating the permit request to reimburse the community development department for some or all of costs expended for the application review.

E. Investigation Fee. To investigate violations of this title, all city fees associated with investigation of violations of this title may be assessed at the adopted billable staff hour rate in addition to any required consultant costs, legal costs, and other expenses necessary to complete the investigation of the violation. The payment of such investigation fees shall not exempt any person from compliance with all other provisions of this title, nor from penalties prescribed by law.

F. Fees for Environmental Assessments and EISs. Environmental assessment/checklist fees for the construction, alteration, or repair of single- or two-family dwellings may be waived when the application provides sufficient documentation showing, to the satisfaction of the city, who shall make written findings, that all of the following conditions exist:

1. The single- or two-family dwelling is intended for low-income families. Low-income families are those families who meet the low-income guidelines as set forth by the city of Edgewood community development department; Department of Housing and Urban Development (HUD) annual guidelines, Section 8;
2. The construction, alteration, or repair of the single- or two-family dwelling involves some volunteer labor; and
3. The construction, alteration, or repair is being undertaken by an organization classified as a 501(c)(3) nonprofit organization by the Internal Revenue Service; or
4. The construction, alteration, or repair is being undertaken by Pierce County department of community services housing rehabilitation or authorized agent. (Ord. 02-200 § 2).

14.10.110 Compliance.

A. The regulations for compliance with the provisions of this title are set forth in EMC [18.30.040](#), Scope and compliance.

B. When a critical area or its required buffer has been altered in violation of this title, the department shall require the property owner to bring the site into compliance. The property owner shall be required to submit the appropriate critical area application and commence a departmental review, as applicable for each chapter of this title. In addition to any required site investigation, delineations, assessments, reports, etc., the property owner shall be required to submit a restoration plan that identifies the proposed mitigation to bring the subject property into compliance with the requirements of this title. (Ord. 02-200 § 2).

14.10.120 Warning and disclaimer of liability.

The degree of protection required through application of this title is deemed to be reasonable for regulatory purposes and is based on scientific and engineering considerations; however, natural events that may exceed the geographic boundaries regulated under this title can and will occur (e.g., flood heights that are higher than anticipated). This title does not mean to imply that land outside designated hazard areas or uses permitted within such areas will be free from damages. Application of this title shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration for any damages that may result from the administration of this title or any administrative decision lawfully made hereunder. (Ord. 02-200 § 2).

14.10.130 Severability.

If any provision of this title or its application to any person or circumstance is held to be invalid or unconstitutional, then said holding shall in no way affect the validity or application of the remainder of this regulation or the application of the provision to other persons or circumstances shall not be affected. (Ord. 02-200 § 2).

14.10.135 Violation – Civil infraction.

A. In addition to any other sanction or penalty, or any remedial, judicial or administrative procedure available under city code or state law, violation of any provision of this title or failure to comply with a decision of the responsible official, hearing examiner, or city council issued pursuant to this title constitutes a civil infraction.

B. Each day or portion thereof during which a violation occurs or exists shall be deemed a separate civil infraction. A person found to have committed a civil infraction shall be assessed a monetary penalty. The maximum penalty and the default amount for a civil infraction shall be \$250.00, not including statutory assessments. In addition:

1. The court may consider dismissing with costs only upon a showing that the violation was corrected within 30 days.
2. Whenever a monetary penalty is imposed by a court under this title, it is immediately payable. If the person is unable to pay at that time, the court may grant an extension. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting attorney of the failure to pay.
3. Payment of a monetary penalty or performance of the required community service shall not relieve a person of the duty to correct the violation.
4. The court may also order a person found to have committed a civil infraction to make restitution. (Ord. 02-200 § 2).

14.10.140 Appendices.

A. Mapping Sources.

B. Title and Plat Notification Forms.

APPENDIX A

MAPPING SOURCES

The following sources of information and/or best available science may be used to indicate the presence of critical areas within Edgewood and provide data used in the development of the city of Edgewood critical areas atlas maps:

A. The following sources identify wetlands that are depicted in the Edgewood wetland inventory map and/or used as indicators of wetland presence:

1. Soil Survey of Pierce County Area, Washington, 1979, Soil Conservation Service, United States Department of Agriculture (USDA);
2. National Wetland Inventory Maps, U.S. Department of Interior, Fish and Wildlife Service, 1973;
3. ~~FEMA FIRM Maps and flood insurance study maps~~ Potential flood hazard areas as identified under subsection G.;
4. Aerial photographs, Department of Natural Resources, 1985 (Assessor's Office aeriels) or city-acquired aerial photographs;
5. Applicant supplied and verified data;
6. Ongoing field investigation to categorize and delineate wetlands; and
7. Buildable Lands Wetland Inventory, 2001.

B. The following sources identify landslide and erosion hazard areas that are depicted in the critical areas landslide hazard area map and erosion hazard areas map and/or used as indicators of landslide and erosion hazard area presence:

1. Soil Survey of Pierce County Area, Washington, 1979, Soil Conservation Service, United States Department of Agriculture (USDA);
2. Areas designated as slumps, earthflows, mudflows, lahars, or landslides on maps published by the United States Geological Survey or Washington Department of Natural Resources Division of Geology and Earth Resources;
3. The city of Edgewood topographic data;
4. United States Geologic Survey Quadrangle maps;
5. Applicant supplied and verified data of active landslide areas and potentially unstable areas; and
6. Buildable Lands Slope Data, 2001.

C. The following sources identify seismic hazard areas which are depicted in the critical areas seismic hazard areas map and/or used as indicators of seismic hazard areas presence:

1. Washington State Department of Natural Resources Division of Geology and Earth Resources 1-100,000 Scale Digital Geology of Washington State; and
2. Areas designated as faults or subject to liquefaction or dynamic settlement on maps or data published by the United States Geological Survey or Washington Department of Natural Resources Division of Geology and Earth Resources.

D. The following sources identify volcanic hazard areas that are depicted in the Critical Areas Atlas – Volcanic Hazard Areas Map:

1. "Map Showing Debris Flows and Debris Avalanches at Mount Rainier, Washington – Historical and Potential Future Inundation Areas," Hydrogeologic Investigations Atlas HA-729, U.S. Department of Interior, Geologic Survey, 1995, as amended by Kevin Scott, USGS, on November 10, 1997, to be consistent with the reports listed in subsections (D)(1) and (2) of this section;

2. Volcano Hazards from Mount Rainier, Washington by Hoblitt, Walder, Driedger, Scott, Pringle, and Valance, U.S. Geological Survey Open File Report 95-273, 1995;
3. Sedimentology, Behavior, and Hazards of Debris Flows at Mount Rainier, Washington, U.S. Geological Survey Professional Paper 1547, 1995; and
4. Table of Estimated Lahar Travel Times for Lahars 107 to 108 Cubic Meters in Volume (Approaching a "Case I" Lahar in Magnitude) in the Puyallup River Valley, Mount Rainier, Pierson, T.C., 1998, An empirical method for estimating travel times for wet volcanic mass flows; Bulletin of Volcanology, v. 60, p. 98-109.

E. The following sources identify fish and wildlife habitats or presence and/or are used as indicators of critical fish or wildlife presence:

1. Water Type Reference Maps, Washington Department of Natural Resources, were used as sources to identify fish and wildlife habitat areas that are depicted in the Critical Areas Fish and Wildlife Habitat Areas – Stream Typing Map;
2. Priority Habitats and Species Program and Priority Habitat Species Maps, Washington Department of Fish and Wildlife (WDFW);
3. Water Resource Index Areas (WRIA), Washington Department of Fish and Wildlife; and
4. Salmon Distribution Maps, WDFW and Washington State Conservation Commission Data, January 2000.

F. The following sources identify the aquifer recharge, pothole and wellhead protection areas that are depicted in the Critical Areas Aquifer Recharge Area – DRASTIC Zones Map and Aquifer Recharge Area:

1. The boundaries of the two highest DRASTIC zones which are rated 180 and above on the DRASTIC index range, as identified in Map of Groundwater Pollution Potential, Edgewood, Washington, National Water Well Association, U.S. Environmental Protection Agency;
2. Wellhead protection areas as identified by the Mountain-View/Edgewood Water Company.

G. The following sources identify flood hazard areas:

1. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Pierce County, Washington and Incorporated Areas" dated March 7, 2017~~August 19, 1987~~, with accompanying FIRMs ~~and floodway maps~~ and any map amendments or corrections are hereby adopted by reference and declared to be a part of this title. The Flood Insurance Study and FIRMs are on file at Edgewood City Hall, 2224 104th Avenue East, Edgewood, Washington. 98371. The city may add or delete land from areas of special flood hazard or revise base flood elevations, utilizing best available information for flood hazard identification in accordance with federal regulations.
2. The city's Surface Water Management Plan, 1997, or as amended thereafter.
3. Aerial photographs of the city, especially those taken in wintertime 1996 and 1997.
4. The city's two-foot elevation contour mapping performed by Nies Mapping Group Inc., 1999, or as subsequently updated.
5. Relevant and verifiable information from the City's Capacity Analysis Technical Review AdHoc Committee draft report, 2000.

6. Relevant and verifiable government and citizen photographs, notes, observations, etc., regarding historic ponding/flooding levels.
7. Relevant and verifiable information available through Pierce County.
8. Relevant and verifiable information available through FEMA.

~~9. The flood insurance study and maps provide the base information used in the administration of this title. The flood insurance study is on file at the Pierce County Public Works and Utilities Department, 2401 South 35th Street, Tacoma, Washington.~~

~~109.~~ Where the flood insurance study, FIRM, and floodway maps do not provide adequate, best, or most recent information, the city may utilize flood information that is more restrictive or detailed than the FEMA data which can be used for identifying flood hazard areas. This information may include, but is not limited to, new and more accurate mapping or data on: channel migration, high water elevations from flood events, base flood elevations, groundwater flooding areas, potholes, maps showing increased flood inundation based on future build-out or changed hydrologic conditions, specific maps from watershed basin plans or related studies, studies by federal or state agencies, or other information deemed appropriate by the city.

APPENDIX B

TITLE AND PLAT NOTIFICATION FORMS

A. Notice for Title Notification.

1. (Example: Appropriate Critical Area from EMC [14.10.030](#))

Tax Parcel Number:

Address:

Legal Description:

Present Owner:

NOTICE: This property contains (e.g., wetlands or wetland buffers) as defined by EMC [14.10.030](#). The site was the subject of a development proposal for _____ application number filed on _____ (date). Restrictions on use or alteration of the site may exist due to natural conditions of the property and resulting regulations. Review of such application has provided information on the location of the (e.g., wetland or wetland buffers) and any restriction on use.

Date Signature of owner

Notary acknowledgment and notary seal

B. Additional Title Notification Statements.

1. Title notification for liquefaction and dynamic settlement hazard areas shall include a statement of the performance criteria (i.e., protection of life safety only, provision for minimal structural damage so that post-earthquake functionality is substantially unchanged, no structural damage for the design earthquake).

2. Title notification for fault rupture hazard areas shall include a statement that a fault rupture hazard area or associated buffer exists on the site. The title notification shall include a site plan of the subject property with the fault rupture hazard area and associated buffer identified.

3. Properties that contain flood hazard areas pursuant to Chapter 14.70 EMC shall include the following statement:

Flood Elevation Certificates are kept on file by the Department.

C. Notice for Plat Notification/Plat Notes.

1. General. The following notice shall be placed on the face of the final plat, short plat, large lot, or binding site plan documents when said subdivision contains critical areas or critical area buffers:

Notice: This site lies within a (e.g., landslide hazard area) as defined in EMC Title 14. Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation.

2. Native/Natural Vegetation Preservation Areas. The following notice shall be placed on the face of the final plat, short plat, large lot, or binding site plan documents when said subdivision contains critical areas or critical area buffers and when said critical areas or critical area buffers have been identified as native/natural vegetation preservation areas.

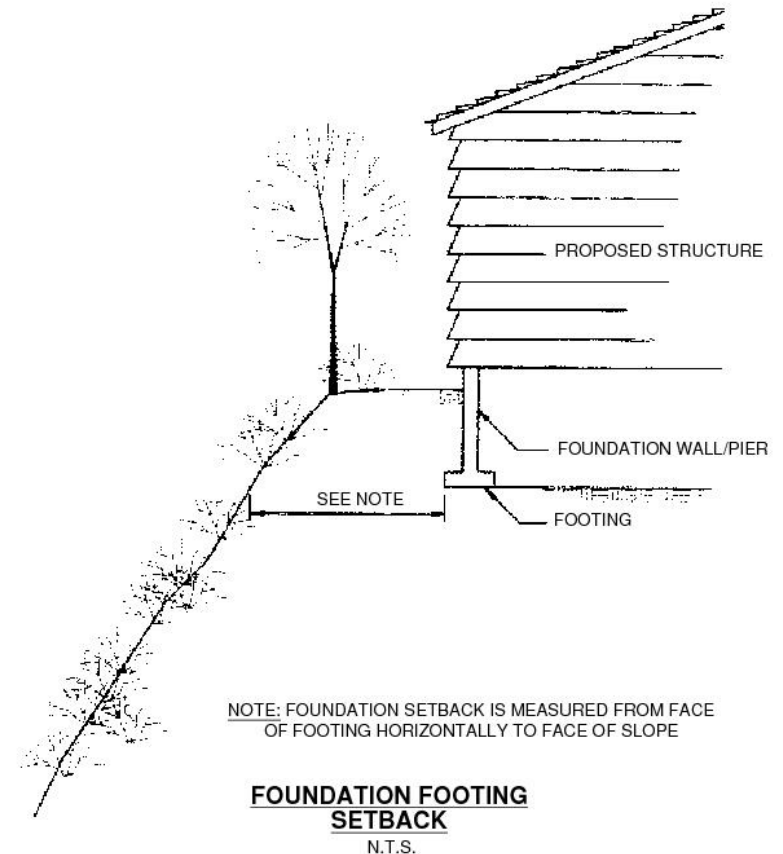
Notice: The Critical Areas (e.g., Oregon White Oak Preservation Areas) appearing on this (final site plan/preliminary plat/final plat/short plat/large lot/engineering drawing) contain areas of natural/native vegetation intended to buffer the Critical Area from the adverse effects of development. These Critical Areas (e.g., Oregon White Oak Preservation Areas) shall remain and be maintained in a natural, undeveloped, open space state. There shall be no clearing, grading, filling, or construction within the Critical Areas (e.g., Oregon White Oak Preservation Areas), except as shown on plans or documents approved by the City of Edgewood and contained in the official files for this development. Each Critical Area (e.g., Oregon White Oak Preservation Area) shall remain undisturbed except for periodic watering and hand weeding of plants designated as noxious by the State of Washington.

3. Plat Notes for Flood Hazard Areas. The following notes shall be placed on the face of any of final plat, short plat, large lot, or binding site plan documents which lie within a flood hazard area.

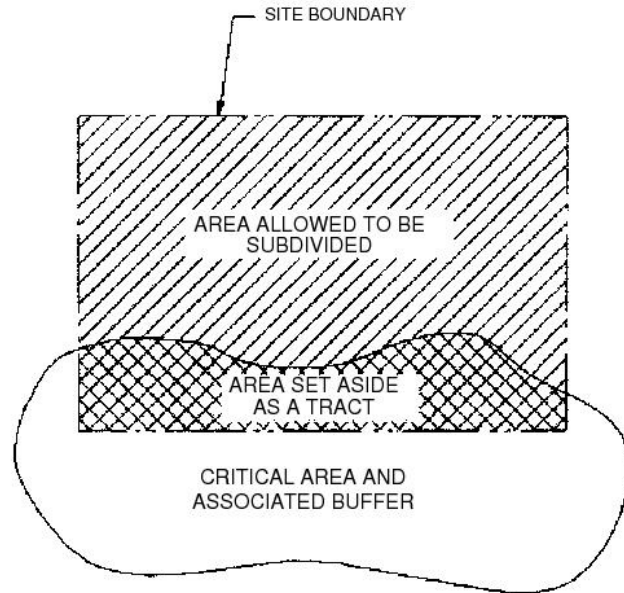
- a. Grading, clearing, and/or filling within the limits of the 100-year floodplain is prohibited except for watercourse related construction, repair, and/or maintenance work that is done by the city for management operations.
- b. If a higher frequency event occurs or if existing conditions upon which the flood hazard area boundaries were based were to change or occur differently than depicted, then the level of protection afforded by the existing levee, if applicable, and flood hazard area standards may not be adequate to prevent the subject site from flooding.
- c. All purchasers and developers (and/or their agents) of property within the subject development area and/or parcel shall take notice of the above conditions and hereby agree to defend, indemnify, and hold harmless Edgewood from any and all claims, losses, costs, liabilities, or damages of any nature imposed upon or asserted against Edgewood arising out of or caused by the city's issuance of approval or by issuance of any other permits arising out of this approval.
- d. All occupants and/or owners of property in the subject area assume the risk of flooding which may occur and waive any claims against Edgewood arising out of damage or injury to person or property resulting therefrom. (Ord. 16-461 § 3; Ord. 02-200 § 2).

14.10.150 Figures.

A. Figure 14.10-1, Foundation Footing Setback.



B. Figure 14.10-2, Critical Area Protective Measures – Tracts.



CRITICAL AREA PROTECTIVE MEASURES – TRACTS

N.T.S.

(Ord. 02-200 § 2).

**Chapter 14.20
USE AND ACTIVITY REGULATIONS**

Sections:

- 14.20.010 Permitted uses.**
- 14.20.020 Regulated uses and activities.**
- 14.20.030 Exemptions.**
- 14.20.040 Nonconforming uses and structures.**
- 14.20.050 Reasonable use exceptions.**
- 14.20.060 Current use assessment program.**

14.20.010 Permitted uses.

Uses permitted on properties designated as critical areas shall be the same as those permitted in the zone classification shown in the city's zoning atlas unless specifically prohibited by this title. (Ord. 02-200 § 2).

14.20.020 Regulated uses and activities.

A. Unless the requirements of this title are met, the department shall not grant any approval or permission to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement regulated through the following: building permit, commercial or residential; binding site plan; franchise right-of-way construction permit; site development permit; right-of-way permit; short subdivision; large lots; use permits; subdivision; utility permits; or any subsequently adopted permit or required approval not expressly exempted by this chapter.

B. The following activities are regulated within a critical fish and wildlife habitat area, wetland, aquifer recharge area, landslide or erosion hazard area, flood hazard area, and/or their buffers unless exempted by EMC 14.20.030:

1. Removing, excavating, disturbing, or dredging soil, sand, gravel, minerals, organic matter, or materials of any kind;
2. Dumping, discharging, or filling;
3. Draining, flooding, or disturbing the water level or water table. In addition, an activity which involves intentional draining, flooding, or disturbing the water level or water table in a wetland or stream in which the activity itself occurs outside the regulated area shall be considered a regulated activity;
4. Driving, piling or placing obstructions, including placement of utilities;
5. Constructing, reconstructing, installing, demolishing, or altering the size of any structure or infrastructure, including manufactured and/or mobile homes;
6. Altering the character of a regulated area by destroying or altering vegetation through clearing, harvesting, cutting, intentional burning, shading, or planting;
7. Activities which result in significant changes in water temperature or physical or chemical characteristics of wetland or stream water sources, including changes in quantity of water and pollutant level;
8. Application of pesticides, fertilizers, and/or other chemicals unless demonstrated not to be harmful to the regulated area;
9. The division or redivision of land;

10. The creation of ~~impervious-hard~~ surfaces.
11. The city adopts the Forest Practice Act (Chapter [76.09](#) RCW) by reference. (Ord. 02-200 § 2).

14.20.030 Exemptions.

The following activities are exempt from the provisions of this title:

A. Existing agricultural activities established prior to February 2, 1992; that after that date, do not cause permanent conversion of a critical area through actions such as filling, ditching, draining, clearing, grading, etc.; provided, that:

1. Existing agricultural activities and structures shall comply with the provisions of Chapter [14.70](#) EMC, Flood Hazard Areas; and
2. Determination of an agricultural exemption status is limited to the specific area(s) upon which lawfully established agricultural activities are being conducted. A determination that an activity is exempt within one portion of a property does not necessarily extend to other portions of the property.

B. Maintenance or reconstruction of existing, lawfully established public facilities; provided, that reconstruction does not involve expansion of the facility:

1. Roads, paths, bicycle ways, trails, bridges, and associated storm drainage facilities or other public rights-of-way;
2. Flood control improvements such as, but not limited to, levees, revetments, floodwalls, regional storm drainage facilities, drainage structures, or channel capacity projects to protect public infrastructure and/or existing development, when administered by Edgewood public works and utilities; provided, that the work shall:
 - a. Not increase the height of the facility or linear length of the affected stream edge;
 - b. Not expand the footprint of the facility waterward or into any landward aquatic habitat; and
 - c. Use approved fish-friendly bioengineering techniques to the extent feasible.

C. Maintenance or reconstruction of existing private roads, driveways, on-site septic systems, and wells; provided, that reconstruction does not involve expansion of facilities, widening, or relocation.

D. For the following utility activities, when undertaken pursuant to best management practices to avoid impacts to critical areas:

1. Normal and routine maintenance or repair of existing utilities that does not include any expansion.
2. Installation, replacement, operation, repair, alteration, extension, or construction of all utility lines, equipment, or appurtenances in improved city road rights-of-way.

E. Reconstruction, remodeling, or maintenance of existing single-family residential structures and accessory structures that are located outside a flood hazard area and active landslide hazard area; provided, that a one-time only expansion of the building footprint does not increase by more than 25 percent and that the new construction or related activity does not further intrude into the critical area or related buffer. The exemption shall not apply to reconstruction which is proposed as a result of structural damage associated with a critical area, such as slope failure in a landslide hazard area or flooding in a flood hazard area.

F. Reconstruction, remodeling, or maintenance of structures, other than single-family structures and accessory structures that are located outside a flood hazard area or active landslide hazard area; provided, that such reconstruction, remodeling, or maintenance does not increase the floor area nor extend beyond the existing ground coverage. The exemption shall not apply to reconstruction which is proposed as a result of site or structural damage associated with a critical area, such as slope failure in a landslide hazard area or flooding in a flood hazard area.

G. Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests, and other related activities. Critical area impacts shall be minimized and disturbed areas shall be immediately restored.

H. Emergency action necessary to prevent imminent threat or danger to public health or safety, or to public or private property, or serious environmental degradation.

1. The department shall review all proposed emergency actions to determine the existence of the emergency and reasonableness of the proposed actions taken; however, post-emergency actions, such as submittal of permits, completion of city review, modification or removal of the emergency repair work, or mitigation shall be required by the department.
2. Shoreline erosion protection measures shall only be allowed as an emergency action when the owner can demonstrate that there is an imminent threat to an existing residential, commercial, industrial, or agricultural structure. The owner shall retain either city staff or an engineering geologist to conduct a site investigation and provide adequate documentation that the situation is actually an emergency. An emergency action is not warranted when the structure is located outside the active landslide or shoreline erosion hazard area.

I. Activities in artificial wetlands, except those artificial wetlands intentionally created from nonwetland sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities; or, those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas, created to mitigate conversion of wetlands, if permitted by the department.

J. Activities affecting:

1. Category III wetlands less than 2,500 square feet in size which fail to meet the definition of an associated wetland, and which are not part of a mosaic wetland system as set forth in EMC [14.30.020](#)(E)(2).
2. Category IV wetlands less than 10,000 square feet in size and which fail to meet the definition of an associated wetland, and which are not part of a mosaic wetland system as set forth in EMC [14.30.020](#)(E)(2).
3. Category III and IV wetlands exempted under this section may still be regulated under the provisions of the city's adopted stormwater management manual.

K. Placement of access roads, utility lines, and utility poles across a Category IV wetland and/or a buffer for a Category IV wetland if there is no reasonable alternative.

L. Activities on improved portions of roads, rights-of-way, or easements; provided, there is no expansion of ground coverage.

M. Activities in wetlands in areas managed according to a special area management plan or other plan adopted by the department and specifically designed to protect wetland resources.

N. Removal by hand of manmade litter and control of noxious weeds that are included on the state noxious weed list (Chapter [16-750](#) WAC) or invasive plant species as identified by the city. Control may be conducted by clipping, pulling, or digging, or by an alternative nonmechanical method upon approval of a plan by the department.

O. Activities undertaken to comply with a United States Environmental Protection Agency superfund order, or a Washington Department of Ecology order, pursuant to the Model Toxics Control Act, including the following activities:

1. Remediation or removal of hazardous or toxic substances;
2. Source control; and
3. Natural resource damage restoration.

P. Maintenance activities of landscaping and gardens in a required buffer, including but not limited to, mowing lawns, weeding, harvesting, and replanting of garden crops, pruning and planting of vegetation to maintain the condition and appearance of the site existing on February 1, 1992.

Q. Activities designed for previously approved maintenance and enhancement of critical areas and/or their associated buffers.

R. Activities undertaken on the site of an existing holding pond where the water flow and/or water table is controlled by a previously approved pump system.

S. A residential building permit for a lot which was created through a land division action subject to previous reports and assessments as required under this title; provided, that the previous reports and assessments adequately identified the impacts associated with the current development proposal.

T. Maintenance of individual cemetery plots in established and approved cemeteries.

U. Activities within a portion of a wetland buffer or fish and wildlife habitat area buffer located landward of an existing, substantially developed area, such as a paved area, dike, levee, or permanent structure which eliminates or greatly reduces the impact of the proposed activities on the wetland or fish and wildlife habitat area. The department shall review the proposal to determine the likelihood of associated impacts.

V. Passive recreation such as hunting, hiking, fishing, and wildlife viewing that does not involve the construction of trails.

W. Enhancement actions that do not involve clearing, grading, or construction activities (e.g., revegetation with native plants and installation of nest boxes). Enhancement activity proposals shall be reviewed by the department.

X. Maintenance or repair of existing shoreline erosion protection measures or structures; provided, that the repair shall not serve to expand any existing structures or increase the impacts of such structure on critical fish or wildlife habitat.

Y. In addition to the general exemptions listed in this section, the following uses or activities are exempt from the provisions of Chapter [14.50](#) EMC, Aquifer Recharge and Wellhead Protection Areas:

1. Sewer lines and appurtenances;
2. Biosolids and sludge land application sites; provided, that these activities comply with the requirements established in Chapters [173-200](#), [173-216](#), and [173-304](#) WAC; and

3. Single-family and two-family dwellings and associated accessory structures. (Ord. 02-200 § 2).

14.20.040 Nonconforming uses and structures.

An established use or existing structure located in a wetland, critical fish and wildlife habitat area, landslide or erosion hazard area, flood hazard area, and their associated buffers that was lawfully permitted prior to February 1, 1992, but which is not currently in compliance with this title, may continue subject to the following:

A. Nonconforming Use Expansion. Nonconforming uses shall not be expanded or changed in any way that increases the nonconformity without a permit issued pursuant to the provisions of this title.

B. Nonconforming Structure Expansion. Existing structures shall not be expanded or altered in any manner that will increase the nonconformity without a permit issued pursuant to the provisions of this title, except as provided in EMC [14.20.030](#)(F) and (G).

C. Discontinued Uses. Activities or uses which are discontinued for 12 consecutive months shall be allowed to resume only if they are in compliance with this title.

D. Substantial Damage. Nonconforming structures, except for structures located in a flood hazard area or active landslide hazard area which are damaged or destroyed by fire, explosion, flood, or other casualty, may be restored or replaced if reconstruction is commenced within one year of such damage and is substantially completed within 18 months of the date such damage occurred. The reconstruction or restoration shall not serve to expand, enlarge, or increase the nonconformity except as allowed through the provisions in EMC [14.20.030](#)(F) and (G). Structures in a floodway or active landslide hazard area may be allowed to be restored only up to the limits of substantial improvement, as set forth in each chapter. (Ord. 02-200 § 2).

14.20.050 Reasonable use exceptions.

A. General Requirements.

1. If the application of this title would deny all reasonable use of a site, development may be allowed which is consistent with the general purposes of this title and the public interest. Nothing in this title is intended to preclude all reasonable use of property.
2. The provisions outlined in this section shall only be used when application of this title would deny all reasonable use of a site.
3. Reasonable use provisions shall apply to new construction, expansions, additions, replacements, and redevelopment projects.
4. Applications for a reasonable use shall automatically constitute an application for a variance to reduce front, side, or rear yard setback requirements. The hearing examiner shall examine the feasibility of reducing setbacks as a method of locating a structure outside a critical area or its associated buffer prior to granting a reasonable use exception for allowing construction to occur within a critical area or its associated buffer. Reductions in setback requirements shall be given preference over granting of a reasonable use exception.
5. The creation of new lots within critical areas and their associated buffers is prohibited.
6. The proposal must comply with all provisions in Chapter [14.70](#) EMC, Flood Hazard Areas, and Chapter [14.80](#) EMC, Landslide Hazard Areas.

B. Application Requirements. An application for a reasonable use exception shall include the following information:

1. A description of the areas of the site that contains a critical area, buffers, or within setbacks required under this title;
2. A description of the amount of the site that is within setbacks required by other standards of the zoning code;
3. A description of the proposed development, including a site plan;
4. An analysis of the impact that the amount of development described in subsection (B)(3) of this section would have on the critical area(s);
5. An analysis of whether any other reasonable use with less impact on the critical area(s) and associated buffer(s) is possible;

6. A design of the proposal so that the amount of development proposed as reasonable use will have the least impact practicable on the critical area(s);
7. An analysis of the modifications needed to the standards of this title to accommodate the proposed development;
8. A description of any modifications needed to the required front, side, and rear setbacks; building height; and buffer widths to provide for a reasonable use while providing greater protection to the critical area(s);
9. Such other information as the department determines is reasonably necessary to evaluate the issue of reasonable use as it relates to the proposed development, such as but not limited to a wetland analysis report, mitigation plan, habitat evaluation study, and/or a buffer enhancement plan.

C. Review.

1. Public Hearing Required. The department shall set a date for a public hearing before the hearing examiner after all requests for additional information or plan correction, as set forth in EMC [18.40.150](#), have been satisfied. The public hearing shall follow the procedures set forth in EMC [18.40.190](#). Notice of public hearing.
2. Decision Criteria. The hearing examiner may approve a reasonable use exception if the examiner determines the following criteria are met:
 - a. The proposed development is located on an existing lot of record that was created prior to the effective date of the ordinance codified in this title and there is no other reasonable use or feasible alternative to the proposed development with less impact on the critical area(s) and/or associated buffers including phasing or project implementation, change in timing of activities, buffer averaging or reduction, setback variance, relocation of driveway, or placement of structure.
 - b. The development cannot be located outside the critical area and/or its associated buffer due to topographic constraints of the parcel or size and/or location of the parcel in relation to the limits of the critical area and/or its associated buffer and a building setback variance or road variance has been reviewed, analyzed, and rejected as a feasible alternative.
 - c. The proposed development does not pose a threat to the public health, safety, or welfare on or off the site, nor shall it damage nearby public or private property.
 - d. Any alteration of the critical area(s) shall be the minimum necessary to allow for reasonable use of the property.
 - e. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant in subdividing the property or adjusting a boundary line thereby creating the undevelopable condition after February 1, 1992.
 - f. The proposal mitigates the impacts on the critical area(s) to the maximum extent possible, while still allowing reasonable use of the site.
 - g. The proposed activities will not jeopardize the continued existence of species listed by the state or federal government as endangered, threatened, sensitive, or documented priority species or priority habitats.
 - h. The proposed activities will not cause significant degradation of groundwater or surface water quality.
3. Additional Decision Criteria for Wetlands and Associated Buffers. In addition to the decision criteria listed in subsection (C)(2) of this section, a reasonable use exception for wetlands and associated buffers shall also demonstrate that the proposed activity will result in minimum feasible alteration or impairment to the wetland's functional characteristics and existing contours, vegetation, fish and wildlife resources, and hydrological conditions.
4. Additional Decision Criteria for Critical Fish and Wildlife Habitat Areas and Associated Buffers. In addition to the decision criteria listed in subsection (C)(2) of this section, the hearing examiner may approve a reasonable use exception for critical fish and wildlife habitat areas and associated buffers if the examiner determines that the proposal complies with the mitigation measures as set forth in EMC [14.40.050](#).
5. Examiner's Authority. The examiner has the authority to approve an application for a reasonable use exception, approve with additional requirements above those specified in this title, require modification of the proposal to comply with specified requirements or local conditions, or deny the application if it fails to comply with the requirements of this title.

6. Required Written Findings and Determinations. A reasonable use exception may be approved by the examiner only if all of the following findings can be made regarding the proposal and are supported by the record:
 - a. The granting of the proposal will not be detrimental to the public health, safety, and general welfare.
 - b. The granting of the proposal will not be injurious to the property, regulated critical area(s), or improvements adjacent to and in the vicinity of the proposal.
 - c. The proposal minimizes adverse environmental impacts to the maximum practicable extent and provides mitigation to offset any impacts.
 - d. The granting of the proposal is consistent and compatible with the goals, objectives, and policies of the comprehensive plan; community plan, if applicable; and the provisions of this title. (Ord. 02-200 § 2).

14.20.060 Current use assessment program.

- A. An owner of agricultural land, timberland, or open space desiring current use classification under Chapter [84.34](#) RCW may file for such current use classification with the Pierce County assessor-treasurer's office.
- B. The department shall notify the assessor-treasurer's office when restrictions on development occur on a particular site.
- C. The assessor-treasurer's office shall consider the critical areas and buffering requirements of this title in determining the fair market value of land. Any owner of an undeveloped buffer which has been placed in a separate tract or tracts, protective easement, public or private land trust dedication, or other similarly preserved area shall have that portion of land assessed consistent with those restrictions. (Ord. 02-200 § 2).

Chapter 14.70 FLOOD HAZARD AREAS

Sections:

- 14.70.010 Purpose.
- 14.70.020 Flood hazard areas.
- 14.70.030 Flood hazard area review procedures.
- 14.70.040 Flood hazard area standards.
- 14.70.050 Appendices.
- 14.70.060 Figures

14.70.010 Purpose.

The purpose of this chapter is to promote the public health, safety, and general welfare of the citizens of Edgewood. The standards contained in this chapter are intended to minimize public and private losses due to flood conditions in flood hazard areas and provide special criteria necessary for regulated activities located within flood hazard areas of the city. The following statements describe the purpose of this chapter:

- A. Protect human life and health;
- B. Minimize expenditure of public money and costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public infrastructure, facilities and utilities;
- F. Minimize damage to critical fish and wildlife habitat areas;
- G. Minimize net loss of ecological functions of floodplains;
- H. Ensure that potential buyers are notified that property is in a flood hazard area;
- I. Ensure that those who occupy flood hazard areas assume responsibility for their actions; and
- J. Qualify Edgewood for participation in the National Flood Insurance Program, thereby giving the citizens of Edgewood the opportunity to purchase flood insurance with particular emphasis to those in flood hazard areas. (Ord. 02-200 § 2).

14.70.020 Flood hazard areas.

Edgewood regulates the following flood hazard areas:

A. Potential Flood Hazard Areas.

1. Potential flood hazard areas, as depicted on the Critical Areas Atlas – Flood Hazard Area Map, include:

a. Detailed Study Areas.

- i. FEMA Flood Insurance Rate Map and Floodway Map AE and AH zones.
- ii. Areas within 300 feet horizontal distance from the base flood elevation established for the mapped AE and AH zones (see EMC 14.70.060(A), Figure 14.70-1).

- iii. Areas within five feet of vertical height from the base flood elevation established for the mapped AE and AH zones.

- b. Unstudied Areas. FEMA Flood Insurance Rate Map unnumbered-A zones and B-shaded X zones, and areas within 300 feet horizontal distance from the said mapped areas of the mapped A-zones (see EMC 14.70.060(B), Figure 14.70-2).

- c. Natural Waters/Watercourse. Areas within five feet of vertical height above the ordinary high water mark of an identified natural watercourse (see EMC 14.70.060(C), Figure 14.70-3).

- d. Groundwater Flooding Areas. Areas within 300 feet horizontal distance from a mapped groundwater flooding area (see EMC 14.70.060(D), Figure 14.70-4).

- e. Potholes. Areas not identified as a mapped flood hazard area as described above, but within 10 feet of vertical relief from the bottom of an identified pothole or within two feet of vertical relief of a potential surface water spillway or other type of outlet (see EMC 14.70.060(E) and (F), Figure 14.70-5 and Figure 14.70-6). Potholes may be identified by city topographic mapping, field survey, or site inspections.

- f. Channel Migration Zones (CMZs). Channel migration zones shall apply only to those watercourses specifically identified by the city or listed in subsection (B)(4) of this section. In those areas where detailed CMZ studies have been completed and accepted by the department, additional horizontal and vertical review threshold criteria (i.e., 300 feet horizontal and five feet vertical) shall not apply (see EMC 14.70.060(G), Figure 14.70-7).

2. The Critical Areas Atlas – Flood Hazard Areas Map may not show all potential flood hazard areas that may be necessary for a specific site analysis. The department may make interpretations, where needed, as to the approximate location of the boundaries of potential flood hazard areas. When there is a conflict between the elevations and the mapped potential flood hazard area boundaries, the elevations shall govern.

3. Where there is insufficient information shown on the potential flood hazard area maps, the department may require the applicant to verify that the site is out of the flood hazard area using the flood hazard area review procedures set forth in EMC 14.70.030.

- B. Floodway. A floodway is an extremely hazardous area due to the depth and/or velocity of floodwaters, which carry debris, potential projectiles, and have erosion potential (see Figure EMC 14.70.060(H), 14.70-8). The following areas are regulated by the city as floodways:

1. Regulatory Floodway. Regulatory floodway designated by flood hazard area maps.

2. Deep and/or Fast Flowing Water Areas. Areas of deep and/or fast flowing water shall be regulated as a floodway. Based on the criteria set forth in EMC 14.70.030(E), the department shall make the determination after review and approval of applicant's analysis of whether the project site falls within the floodway area based on deep and/or fast flowing waters (see EMC 14.70.060(I), Figure 14.70-9).

3. Potholes and B-shaded X Zones. That portion of a pothole and B zone area that is three feet or greater in depth shall be regulated as a floodway (see EMC 14.70.060(J), Figure 14.70-10).

4. Channel Migration Zones (CMZs).

- a. Channel migration zones shall be regulated as a floodway.

b. Channel migration zones are equivalent to the base flood elevation limits (i.e., 100-year floodplain limits).

C. Flood Fringe. All areas subject to inundation by the base flood, but outside the limits of the floodway as set forth in subsection (B) of this section. Those portions of the A, ~~AE, AH, and B-shaded X~~ zones not defined as floodway, and that portion of a pothole and FEMA ~~B-shaded X~~ zone area that is between zero feet (base flood elevation) and three feet in depth shall be regulated as a flood fringe.

D. Other Areas of Special Flood Hazard.

1. Groundwater Flooding Areas. Groundwater flooding areas are those areas identified by Edgewood and shown on flood hazard maps and are subject to flood inundation from subsurface waters that result from a fluctuation of the groundwater table. Groundwater flooding areas shall be regulated as a floodway or flood fringe pothole.

2. Natural Waters/Watercourse. Natural waters/watercourse as identified on city topographic, planimetric or orthophoto maps, WDNR stream classification maps, USGS quadrangle maps, or other source maps that are not identified as a flood hazard area on the FEMA maps. That portion of the natural watercourse located between the ordinary high water mark and a topographic elevation five feet above the ordinary high water mark shall be regulated as a floodway or flood fringe. If the applicant chooses to accept the five-foot topographic elevation line above the ordinary high water mark as the base flood elevation (i.e., floodplain elevation limits), a flood study shall not be required for a natural water/watercourse.

3. Frequently Flooded Areas. See EMC 14.70.030(A)(9) as the areas defined by this section. (~~Ord. 02-200 § 2-~~).

14.70.030 Flood hazard area review procedures.

A. General Requirements.

1. The city's Critical Areas Atlas – Flood Hazard Area Map provides an indication of where potential flood hazard areas are located within the city. The actual presence or location of a flood hazard area shall be determined using the procedures and criteria contained in this chapter.
2. The department will complete a review of the flood hazard area maps, and other source documents, for any development proposal to determine whether the proposed project area for a regulated activity falls within a potential flood hazard area. When there is a conflict between the elevations and the mapped 100- or 500-year floodplain or floodway boundaries, the elevations shall govern. In the instance where base flood elevation data has not been provided within a mapped A zone, the department shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source to complete their review.
3. When the department's maps or sources indicate that the proposed project area for a regulated activity is or may be located within a potential flood hazard area (except for coastal flood hazard areas), the department shall require a flood boundary verification survey as outlined in subsection (C) of this section, and may require a flood study as outlined in subsection (D) of this section, a deep and/or fast flowing water analysis as outlined in subsection (E) of this section, and/or a zero-rise analysis as outlined in subsection (F) of this section. except for coastal flood hazard areas which shall not be required to submit a flood study, deep and/or fast flowing water analysis, or a zero-rise analysis.
4. Any proposed development located within a flood hazard area shall comply with the flood hazard area standards set forth in EMC 14.70.040.
- 4-5. Prior to approval of any proposed flood hazard area development, all necessary permits from those governmental agencies from which prior approval is required by Federal or State law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, must be provided to the City by the applicant.

~~5-6.~~ A FEMA letter of map amendment (LOMA) or letter of map revision (LOMR) shall not be submitted to FEMA until review and approval has been granted by the department. The city shall not recognize any LOMA or LOMR as an amendment to the department's flood hazard maps unless the department has granted prior approval.

~~6-7.~~ Unless otherwise stated in this chapter, the critical area protective measure provisions contained in EMC 14.10.080 shall apply.

~~7-8.~~ The Federal Emergency Management Agency (FEMA) administers the nation's floodplain management program. FEMA has identified some of the flood prone areas in the city; however, it is generally recognized that FEMA's Flood Insurance Rate Maps (FIRMs) do may not accurately reflect the degree or frequency of flooding within all areas of the city and do not accurately show 100-year base flood elevations or 500-year flood boundaries. Therefore, existing city specific information available through FEMA does may not meet best available science criteria and cannot be used exclusively to address frequently flooded areas.

~~8-9.~~ The city has determined that the following documents and sources are the most current and accurate information concerning frequently flooded areas within the city, and therefore represent best available science:

- a. The City's Surface Water Management Plan, 1997, or as amended thereafter.
- b. Aerial photographs of the city, especially those taken in wintertime 1996 and 1997.
- c. The city's two-foot elevation contour mapping performed by Nies Mapping Group, Inc., 1999, or as subsequently updated.
- d. Relevant and verifiable information from the City's Capacity Analysis Technical Review AdHoc Committee draft report, 2000.
- e. Relevant and verifiable government and citizen photographs, notes, observations, etc., regarding historic ponding/flooding levels, including but not limited to the City of Edgewood Potholes Water Level Monitoring 2006-2007 report prepared by Robinson Engineers, LLC.
- f. Relevant and verifiable information available through Pierce County.
- g. Relevant and verifiable information available through FEMA.

~~9-10.~~ Flooding conditions within the city generally falls into three distinct hydrologic settings: (1) upland areas within enclosed depressions, (2) streams that flow off the upland areas, and (3) valley lowlands. Accordingly, the city manages frequently flooded areas within these three zones, as described below:

- a. Upland Areas Within Enclosed Depressions. From the above list use the historic ponding elevation experienced during the 1996 and 1997 flood events, determined by subsections (A)(~~89~~)(a), (b), (c), (d) and/or (e) of this section, or the accurate and yet to be determined FEMA 100-year base flood elevation, whichever is highest.
- b. Streams Which Flow Off the Upland Areas. From the above list use the historic flood elevation experienced during the 1996 and 1997 flood events, determined by subsections (A)(~~89~~)(a), (b), (c) and/or (e) of this section, or the accurate and yet to be determined FEMA 100-year base flood elevation, whichever is highest.
- c. Valley Lowlands. From the above list use the historic flood elevation experienced during the 1996 and 1997 flood events, determined by subsections (A)(~~89~~)(a), (b), (c), (d), (e) and/or (f) of this section, or the accurate and yet to be determined FEMA 100-year base flood elevation, whichever is highest.

- ~~10.11.~~ The city will provide local flood information to FEMA, and request FEMA's assistance in accurately mapping and evaluating frequently flooded areas.
- ~~11.12.~~ Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside frequently flooded areas or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

B. Channel Migration Zone Study.

1. In areas where Edgewood has not conducted a detailed channel migration zone study, an applicant may submit an independent channel migration zone study to demonstrate that the channel migration zone limits for those watercourses listed in EMC [14.70.020\(B\)\(4\)](#) are located inside the 100-year floodplain limits.
2. The channel migration zone study shall be prepared, signed, and dated by a professional engineer or professional geologist with at least five years of experience in fluvial geomorphology, river dynamics, or geotechnical engineering.
3. The channel migration zone study shall, at a minimum, contain the information set forth in EMC [14.70.050](#), Appendix B.
4. The department shall review the channel migration zone study and either accept the new channel migration zone limits or reject the study and require the use of the 100-year floodplain limits. Once the department has reviewed and approved the channel migration zone study, the applicant shall be required to provide a flood boundary verification survey, as outlined in subsection (C) of this section, utilizing the newly established channel migration zone limits as the floodway limits.

C. Flood Boundary Verification Survey.

1. A flood boundary verification survey that delineates the horizontal and vertical limits of the base flood elevation shall be submitted to the department when the department's maps or sources indicate that the proposed project area for a regulated activity is located within a potential flood hazard area.
 - a. Where a base flood elevation has not been determined, a flood study shall be required pursuant to subsection (D) of this section.
 - b. A base flood elevation that has been established through a detailed flood study accepted by the department may be used in lieu of conducting a flood study.
 - c. The base flood elevation for a natural watercourse as set forth in EMC [14.70.020\(D\)\(2\)](#) shall be established at the five-foot topographic elevation line above the ordinary high water mark.
2. The requirement to submit a flood boundary verification survey may be waived at the department's discretion, when the department can determine, using contour elevations, base flood data, orthophotos, and parcel data, that the extent of the regulated activity is clearly above the base flood elevation.

3. The flood boundary verification survey shall be prepared, signed, and dated by a registered land surveyor ~~or professional engineer~~.
4. The department shall review the flood boundary verification survey to determine if the proposed development is located within a flood hazard area.
5. If the proposed development lies within the flood hazard area, the limits of the floodway, as well as the base flood elevation shall be shown on the flood boundary verification survey.

D. Flood Study.

1. A flood study shall be conducted when the department's maps or sources indicate that the proposed project area for a regulated activity is, or may be located within, a potential flood hazard area where base flood elevation data is not available through the flood insurance study or other authoritative sources, or when an established base flood elevation is contested. A full engineering analysis to determine the base flood elevation shall be required by the department. Base flood elevations shall be determined using the detailed methods established in EMC [14.70.050](#), Appendix A. The department may approve alternative methods.
2. The flood study shall be prepared, signed, and dated by a professional engineer.
3. Once the department has reviewed and approved the flood study, the applicant shall be required to provide a flood boundary verification survey, utilizing the newly established base flood elevation, as outlined in subsection (C) of this section.
4. Flood studies shall not be required for coastal flood hazard areas.

E. Deep and/or Fast Flowing Water Analysis.

1. When the department determines that a proposed project area for a regulated activity is located within a flood hazard area, a deep and/or fast flowing water analysis based on EMC [14.70.060\(I\)](#), Figure 14.70-9 and EMC [14.70.050](#), Appendix A, shall be required to determine the floodway limits.
2. The floodway limits and flood fringe limits identified in the deep and/or fast flowing water analysis shall be depicted on the flood boundary verification survey, as outlined in subsection (C) of this section.
3. The deep and/or fast flowing water analysis shall be prepared, signed, and dated by a professional engineer.
4. Deep and/or fast flowing water analysis shall not be required for coastal flood hazard areas.

F. Zero-Rise Analysis.

1. When the department determines that a proposed project area for a regulated activity is located within a flood hazard area, a zero-rise analysis shall be required to determine that no increase in base flood elevation, displacement of flood volume, or flow conveyance reduction will occur as a result of the development.
2. The zero-rise analysis shall be conducted utilizing HEC-RAS (Hydrologic Engineering Center – River Analysis System); [modeling methodology \(for stream / channel floodways\), the Western Washington Hydrology Model \(i.e. WWHM, for pothole / closed depression floodways\), or by other alternative methodologies approved by the city \(see EMC 14.70.050, Appendix A\), which HEC-RAS can be found at the following web site: <http://www.hec.usace.army.mil/software/hecras/>. WWHM can be found here: <http://www.ecv.wa.gov/programs/wd/stormwater/wwhmintraining/index.html>. The](#)

analysis shall show that no rise (0.01 foot or less) has occurred as a result of the proposed development. The proposed development may need to be reduced or specially engineered (such as utilizing piers or pilings) to achieve zero-rise.

http://www.hec.usace.army.mil/software/software_distrib/hec-ras/hecrasprogram.html

modeling methodology or by other alternative methodologies approved by the city (see EMC 14.70.050, Appendix A). The analysis shall show that no rise (0.01 foot or less) has occurred as a result of the proposed development. The proposed development may need to be reduced or specially engineered (such as utilizing piers or pilings) to achieve zero-rise.

3. The zero-rise analysis shall be prepared, signed, and dated by a professional engineer.
4. The zero-rise analysis shall be documented on the zero-rise analysis form, as set forth in EMC 14.70.050, Appendix A, and shall be attached to the flood hazard area permit.
5. Zero-rise analysis shall not be required for coastal flood hazard areas.
6. When structures are elevated by pier or pilings and no fill is placed in the flood hazard area, the requirement to submit a zero rise analysis may be waived at the department's discretion. ~~(Ord. 02-200 S-2).~~

14.70.040 Flood hazard area standards.

A. General.

1. New construction done by or for the city, such as bridges, roads, flood control works, revetments, retaining walls, drainage structures, sewer or water lines, parks, or other structures necessary to promote the public's health, safety, and welfare shall be allowed in a flood hazard area when:

a. The project is prepared, dated, and stamped by a registered professional engineer in the state of Washington and is designed so the project does not result in any increase in flood levels during the occurrence of the base flood discharge (zero-rise) and shall not obstruct the floodway or cause an adverse impact to critical fish or wildlife habitat or adjacent, cross-channel, or upstream or downstream properties; and

b. The improvements utilize appropriate flood hazard protection standards.

2. Elevation Certificate. A Federal Emergency Management Agency (FEMA) elevation certificate shall be required for new construction, additions affixed to the side of a structure, and substantial improvements located within flood hazard areas. The most current version of the FEMA elevation certificate must be completed and certified by ~~an engineer or~~ a professional land surveyor, currently licensed in the state of Washington, ~~and~~ kept on file by the city for public inspection, recording the actual (as-built) elevation (in relation to mean sea level) of:

- a. the lowest floor (including basement) of all new or substantially improved structures, whether or not the structure contains a basement.
- a-b. (for floodproofed nonresidential structures) where the structure was floodproofed (including floodproofing certifications).

B. Floodways. Any development, encroachments, filling, clearing or grading, new construction, and substantial improvements shall be prohibited within the floodway (including structures that do not require a building permit), except as allowed in the following standards:

1. ~~Structures that do not require a building permit and that do not have any associated fill.~~

21. Agricultural activities that do not require the installation of structures and that do not have any associated fill.
32. Park and recreational uses and facilities that do not require the installation of structures and that do not have any associated fill.
43. Individual recreational vehicles, not located in an RV park, that are licensed and ready for highway use, on its wheels or jacking system, and are not permanently attached to the site (attached only by quick disconnect type utilities and security devices, with no permanently attached additions).
54. Habitat enhancement/stream restoration activities are permitted subject to the provisions outlined in subsection (D) of this section.
65. Rehabilitation, reconstruction, or an upper story addition to an existing structure that does not exceed the limits for a substantial improvement.
76. Private bridges may be allowed to cross the floodway; provided, that the structure meets the requirements contained in EMC 14.70.030 and the following:
 - a. The lowest structural member of a private bridge proposed to cross ~~the floodway portion of any of the rivers listed in EMC 14.70.020(B)(4)~~ a Channel Migration Zone shall be a minimum of six feet above the base flood elevation.
 - b. The lowest structural member of a private bridge proposed to cross the floodway portion of any other watercourse shall be a minimum of one foot above the base flood elevation.

C. Flood Fringe Areas. All activities allowed in subsection (B) of this section shall be permitted in a flood fringe area. Any other proposed development, encroachments, filling, clearing or grading, new construction, and substantial improvements are prohibited in a flood fringe area except as permitted under the following standards:

1. Structures that do not require a building permit and that do not have any associated fill are ~~permitted~~ allowed, subject to flood hazard area review and permitting.
2. All other regulated activities shall only be allowed when the proposed development is located on an existing lot of record that was created prior to the effective date of the ordinance codified in this chapter. Applicants shall demonstrate there are no other feasible alternatives that would allow the proposed development to occur completely outside the flood hazard area. At a minimum, the following shall be demonstrated:
 - a. The development cannot be located outside the flood hazard area due to topographic constraints of the parcel or size and/or location of the parcel in relation to the limits of the flood hazard area and a building setback variance has been reviewed, analyzed, and rejected as a feasible alternative to encroachment into the flood hazard area; and
 - b. The proposed development shall not cause an adverse impact to adjacent, cross-channel, or upstream or downstream properties.
3. Roads, Bridges, Trails, and Parking Lots.
 - a. Roads, bridges, driveways, trails, emergency vehicle access, and access routes and easements, where allowed, shall be constructed and armored based on the standards in subsection (C)(4) of this section and elevated a minimum of one foot above the base flood elevation.

b. Parking lots shall be elevated to a minimum of one-half foot below the base flood elevation.

4. Grading and Filling. When development is permitted under this subsection, it shall be designed to a zero-rise standard as set forth in EMC 14.70.030(F) and 14.70.050, Appendix A. Any filling, grading, or clearing associated with the permitted development shall not increase flood hazards, water velocities, or flood elevations. In addition to meeting the requirements for zero-rise, all permitted development must also meet the following requirements:

a. Compensatory Storage. New excavated storage volume shall be equivalent to the flood storage capacity eliminated by filling or grading within the flood fringe. Equivalent shall mean that the storage removed shall be replaced by equal live storage volume between corresponding one-foot contour intervals that are hydraulically connected to the floodplain through their entire depth (refer to EMC 14.70.060(K), Figure 14.70-11).

b. Flow Conveyance. New excavated conveyance areas shall be equivalent to existing conveyance within the flood fringe. Equivalent shall mean a mechanism for transporting water from one point to another using an open channel system.

c. Erosion Protection. Development shall be protected from flow velocities greater than two feet per second through the use of bio-engineering methods or, when bioengineering methods have been deemed insufficient to protect development, then hard armoring may be utilized. All erosion protection shall extend one to three feet, depending on development requirements, above the base flood elevation and shall be covered with topsoil and planted with native vegetation (see EMC 14.70.060(L), Figure 14.70-12).

5. Critical Facilities.

a. New construction, additions affixed to the side of an existing structure, and substantial improvement of hazardous facilities, and special occupancy structures are prohibited.

b. New construction of an essential facility, reconstruction of an existing essential facility, or additions to an existing essential facility that exceed the threshold for substantial improvement shall be permitted when no feasible alternative site is available outside the flood hazard area. Such regulated activities are subject to the following:

i. Essential facilities with a crawlspace elevated by fill shall have the lowest floor and any utilities and ductwork elevated a minimum of three feet above base flood elevation (see Figure 14.70-12), or to the height of the 500-year flood, whichever is higher.

ii. Essential facilities elevated by piers or pilings shall have the finished floor and any utilities and ductwork elevated a minimum of three feet above the base flood elevation (or to the height of the 500-year flood, whichever is higher) and must be designed by a professional structural engineer (see Figure 14.70-13).

iii. Access to and from the critical facility shall be protected to the height utilized under i and/or ii, above. Access routes shall be elevated to or above the same elevation to the maximum extent possible.

iv. Essential facilities shall be armored based on the standards in subsection (C)(4) of this section.

iv. Flood proofing and sealing measures must be taken to ensure that toxic or explosive substances will not be displaced or released into floodwaters.

6. Structures. Single-family, two-family, multifamily, mobile/manufactured homes, commercial, industrial, etc., except for critical facilities as set forth in subsection (C)(5) of this section, shall be allowed subject to the following standards:

a. New construction, additions affixed to the side of an existing structure, and substantial improvement of any structure with a crawlspace shall have the lowest floor elevated a minimum of two feet above base flood elevation (see EMC 14.70.060(L), Figure 14.70-12).

b. New construction, additions affixed to the side of an existing structure, and substantial improvement of any structure elevated by piers or pilings shall have the bottom of the lowest horizontal structural member elevated a minimum of two feet above the base flood elevation and must be designed by a professional structural engineer. Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities and associated ductwork shall be elevated a minimum of two feet above base flood elevation; however, the department may approve a lesser minimum distance above base flood elevation; provided, that the systems are designed to prevent floodwater from entering or accumulating within the components (see EMC 14.70.060(M), Figure 14.70-13). Areas below the lowest horizontal structural member shall not be enclosed and shall remain free of obstructions.

c. Mobile / manufactured homes shall be anchored to prevent floatation, collapse, or lateral movement, and shall be installed using methods and practices to minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This is in addition to applicable State and local anchoring requirements for resisting wind forces.

7. Agricultural Accessory Structures. The lowest floor in an agricultural accessory structure shall be located at the base flood elevation or higher; provided, that the structure be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a professional engineer in the state of Washington or must meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

b. The bottom of all openings shall be no higher than one foot above grade; and

c. Openings may be equipped with screens, louvers, or other covering or devices; provided, that they permit the automatic entry and exit of floodwaters.

8. Construction Standards.

a. Construction of a basement is prohibited.

b. Crawl spaces shall be backfilled with clean earth material and shall meet International Building Code requirements. Finished grade within the crawlspace shall be at least two feet above the base flood elevation.

c. Flood proofing in lieu of elevating the structure is prohibited.

d. All single-family, two-family, multifamily, mobile/manufactured homes, commercial, and industrial structures shall be placed on standard concrete stemwall/footing foundations or piles, piers, or column foundations and engineered pursuant to International Building Code requirements.

9. Sewage Disposal and Potable Water Installation.

- a. New and replacement public water sources (i.e., wells and water supply lines) and public sanitary sewage conveyance systems are allowed. These systems shall be designed to withstand scour resulting from flow velocity, minimize or eliminate infiltration of floodwaters into the systems, and minimize or eliminate discharge from the systems into floodwaters
- b. All replacement wells and replacement on-site sewage system (OSS) shall be designed to minimize or eliminate impairment to them or contamination from/to them during flooding (i.e., infiltration of floodwaters into or discharge out of the systems). They shall not be located in pothole or no-outlet floodplains.
- c. All new individual wells and new on-site sewage system (OSS) shall be prohibited. Conveyance systems from a structure to a well or OSS located outside of the flood hazard area shall be allowed provided these systems are designed to meet the standards in subsection (C)(4) of this section.

D. Alteration of Watercourses. Any alteration of a watercourse shall comply with the following standards:

1. The city will notify adjacent communities and the Washington State Department of Ecology prior to any alteration or relocation of a watercourse proposed by the applicant and submit evidence of such notification to the Federal Insurance Administration.
2. The city shall require that maintenance be provided within the altered or relocated portion of said watercourse, so that the flood-carrying capacity is not diminished. Therefore, if the maintenance program calls for future cutting of planted native vegetation used in performing the alteration, the system shall be oversized at the time of construction to compensate for said vegetation growth or any other natural factor that may need future maintenance.
3. Alterations and relocations, including stabilization projects, shall not degrade fish habitat and shall be subject to the following provisions:
 - a. Structures that cross all watercourses and water bodies shall meet fish habitat requirements of WDFW.
 - b. Any culverts that are used on fish-bearing watercourses shall be arch/bottomless culverts or equivalent that provide comparable fish protection, and must meet fish habitat requirements of the latest edition of WDFW's Design Manual for Culverts.
 - c. Bridges or other crossings shall allow for uninterrupted downstream movement of wood and gravel, be as close to perpendicular to the watercourse as possible, and be designed to minimize fill and to pass the base flood flows.
 - d. Watercourse alterations shall maintain natural meander patterns, channel complexity, and floodplain connectivity. Where feasible, such characteristics shall be restored as part of the watercourse alteration.
 - e. The applicant shall identify the channel migration zone for the watercourse at the project site and for a reasonable reach upstream and downstream of the site, and shall not undertake actions as part of the alteration that would in any way inhibit movement of the channel.
 - f. Existing culverts that do not meet fish habitat requirements shall be removed or replaced as part of the approved watercourse alteration project.

g. Watercourse alteration projects shall not result in a fish blockage of side channels. Known fish barriers into side channels shall be removed as part of the approved watercourse alteration project.

h. For any watercourse alteration of a Type S or F water (pursuant to EMC [14.40.060\(B\)](#)) whose channel is subject to migration, bioengineered (soft) armoring of streambanks is required to allow for woody debris recruitment, gravels for spawning, and creation of side channels. The bioengineering technique used must be designed in accordance with the latest edition of WDFW's Integrated Streambank Protection Guidelines.

4. The project engineer shall design the watercourse alteration so the activity does not increase the water surface elevation (zero-rise); decrease the capacity, storage, and conveyance of the watercourse; or cause an adverse impact to adjacent, cross-channel, or upstream or downstream properties. (~~Ord. 02-200 § 2~~).

14.70.050 Appendices.

- A. Floodplain/Floodway Analysis.
- B. Channel Migration Zone Study.

APPENDIX A

FLOODPLAIN/FLOODWAY ANALYSIS

This Appendix describes the flood hazard analyses and studies as required by Chapter [14.70](#) EMC, Flood Hazard Areas. Flood hazard studies establish the base flood elevation and delineate floodplain and/or floodway(s) when a proposed project contains or is adjacent to a river, stream, lake, or closed depression.

Flood hazard studies must conform to FEMA regulations described in Part 65 of [44](#) Code of Federal Regulations (CFR). In addition, the following information must be provided and procedures performed for flood hazard studies used under Chapter [14.70](#) EMC to examine development proposals or improvements within a floodplain.

Article I. Floodway Determination

The city recognizes two distinct floodways. The FEMA floodway describes the limit to which encroachment into the natural conveyance channel can cause one foot or less rise in water surface elevation. The deep and/or fast flowing (DFF) water floodways are hazardous areas and conditions of the floodplain for both people and habitable structures. Life safety and protection to improved properties are compromised if encroached upon. Encroachment cannot occur within these areas.

- A. FEMA Floodways.

1. FEMA floodways are determined through the procedures outlined in the FEMA publication Guidelines and Specifications for Study Contractors using the one-foot maximum allowable rise criteria.

2. Transitions shall take into account obstructions to flow such as road approach grades, bridges, piers, culverts, or other restrictions. General guidelines for transitions may be found in HEC-RAS, Water Surface Profiles – Users Manual, Appendix IV, Application of HEC-RAS Bridge Routines, published by the Hydrologic Engineering Center, Davis, California.

B. Deep and/or Fast Flowing (DFF) Floodways.

1. DFF floodways are generally assumed to include the entire 100-year floodplain until the department approves a detailed floodway analysis that defines areas of DFF within the entire floodplain area based on the criteria.

2. The hydraulic model must adequately be calibrated to known or recorded stage elevations of past flood events with computed recurrence frequency intervals for the 100-year flood recurrence interval. This is to ensure model accuracy.

Article II. Flood Study Content and Required Information

Three copies of the completed floodplain/floodway analysis study report and the modeling digital files shall be submitted. The report submittal must be stamped by a licensed professional civil engineer and include the following information in addition to that required for the drainage plan of a proposed project:

A. Floodplain/Floodway Map.

1. A scaled survey base map stamped by a licensed professional land surveyor registered in the state of Washington. The map must accurately locate the proposed development with respect to the floodplain and floodway, the channel of the subject stream, river, and/or pothole location, and the existing improvements within the subject study area. It must also supply all pertinent information such as the nature of the proposed project, legal description of the property on which the project would be located, fill quantity, limits and elevation, the building floor elevations, and use of compensatory storage.

2. The map must show elevation contours at a minimum of two-foot vertical intervals and shall comply with survey and map guidelines published in the FEMA publication Guidelines and Specifications for Study Contractors. The map must show the following:

a. Elevations and ground contours, spot elevations, and vertical datum NAVD 88 (North American Vertical Datum of 1988) (or most recent vertical datum accepted by the department).

b. Elevations and dimensions of existing structures, fill, and compensatory storage areas.

c. Size, location, elevation and spatial arrangement of all proposed structures on the site.

d. Location and elevations of roadways, drainage facilities, water supply lines, and sanitary sewer facilities.

e. Areas of DFF must clearly be shown and plotted on the map sheet depicting the bounded area of the floodway on both sides of the study channel through the subject site. DFF floodway studies must reflect all transitions as referenced above as well.

f. The base maps must also be accompanied by all field survey notes/computations, drawings, etc., for each cross-section with water surface elevation at the time the cross-section field survey was done.

B. Study Report.

1. Soil maps, groundcover maps, and photographs.

2. A narrative report containing the purpose of the study and description of the study area, data collection, methodology for both the hydrology and hydraulics, detailed discussion on the input parameters used, modeling results, and conclusions.

3. A floodplain/floodway analysis must include calculations and all computer analysis input and output information, supporting graphical illustrations, as well as the following additional information:

a. Scaled cross-sections showing the current/existing conditions of the river/stream channel, the floodplain adjoining each side of the channel, the computed floodway, the cross-sectional area to be occupied by any proposed development and all historic high water information.

b. Profiles showing the bottom of the channel, the top of both left and right banks and computed base flood water surface elevations for the 10-, 25-, 50- and 100-year events.

c. Plans and specifications of any flood protection for structures, construction areas, filling, dredging, channel improvements, storage of materials, water supply, and sanitary facilities within the floodplain.

- d. Complete printout of input and output data of the model that was used for the analysis. Liberal use of comments and written discussion will assist considerably in understanding the model logic and minimize misinterpretations and/or questions.
- e. A map, showing the graphical/plotted location and limits of the computed floodway and/or floodplain.
- f. Three copies of ready-to-run digital files of both the hydrologic and hydraulic model and its input and output files used in the study. Data shall be submitted on a disk in standard ASCII format, ready to use on an IBM-compatible personal computer and in the applicable software application (i.e., HEC-RAS, HSPF – Hydrological Simulation Program – Fortran, SBUH, etc.).
- g. A section on the flood flow including computer modeling and/or calculations (see below for additional requirements on flood flow determinations).
- h. Aerial photographs of the site including pre-February 1996 and post-February 1996 photos of the site.
- i. All field survey notes/computations, maps, and drawings for each cross-section with water surface elevation at the time of the cross-section field survey.

C. Computer Modeling Information. Floodway/floodplain studies submitted to the city for review must include output summary tables and include the following (but not limited to) items:

1. Cross-section(s) identification number.
2. Range of flows being examined.
3. Computed water surface elevation at each cross-section.
4. Energy grade line at each cross-section.
5. Graphical plots of the channel cross-sections with computed water surface elevations for all model runs including calibrated model runs.
6. All model input and output printouts.
7. Graphical plots of the model output data that show the points and segments along each cross-section where deep and/or fast flowing water occurs. This shall include cross-section plots of depth and velocity in one-unit increments. The plots shall also be accompanied with a table listing the

- station distance (right and left bank), flow rate, area, hydraulic depth, velocity, and whether each point is a floodway.
8. A plan sheet clearly showing the graphical representation of the bounded area of the floodway based on DFF criteria through the entire study site and reach. Note that identified islands or pockets within the middle of the bounded floodway area are generally considered as part of the floodway, unless otherwise approved by the department.
9. Discussion on the starting water surface elevation for the hydraulic model.

Article III. Determining Flood Flows

The three techniques used to determine the flows used in a flood study depend on whether gauge data is available, whether a basin plan has been adopted, or a detailed flood study has been done and approved for use by the Department. The first technique is for basins with adopted basin plan areas. The second technique is used if a gauging station exists on the stream. The third technique is used on ungauged catchments or those with an insufficient length of record. In all cases, the engineer shall be responsible for assuring that the hydrologic methods used are technically reasonable, conservative, conform to the FEMA publication, Guidelines and Specifications for Study Contractors, and are acceptable by FEMA and the department.

A. Flood Flows from Adopted Basin Plan Information. Flood flows may be determined using information from the city's basin plan. The hydrologic model used in the basin plan shall be updated to include the latest changes in zoning or any additional information regarding the basin which has been acquired since the adoption of the basin plan.

B. Flood Flows from Stream Gauge Data. Determining flood flows from stream gauge data uses the Log-Pearson Type III distribution method as described in the Guidelines for Determining Flood Flow Frequency, Bulletin 17B of the Hydrology Committee, United States Water Resources Council (revised October 1981).

1. This technique may be used only if data from a gauging station in the basin is available for a period of at least 10 years.
2. If the difference in the drainage area on the stream at the study site and the drainage area to a gauging station on the stream at a different location in the same basin is less than or equal to 50 percent, the flow at the study site shall be determined by transferring the calculated flow at the

gauge to the study site using a drainage area ratio raised to the 0.86 power, as in the following

equation:
$$Q_{SS} = Q_S (A_{SS}/A_G)^{0.86}$$

where

Q_{SS} = estimated flow for the given return frequency on the stream at the study site.

Q_G = flow for the given return frequency on the stream at the gauge site.

A_{SS} = drainage area tributary to the stream at the study site.

A_G = drainage area tributary to the stream at the gauge site.

3. If the difference in the drainage area at the study site and the drainage area at a gauging station in the basin is more than 50 percent and a basin plan has not been prepared, a continuous model shall be used as described below to determine the flood flows at the study site.

4. In all cases where dams or reservoirs, floodplain development, or land use upstream may have altered the storage capacity or runoff characteristics of the basin so as to affect the validity of this technique, a continuous model shall be used to determine flood flows at the study site.

C. Flood Flows from a Calibrated Continuous Model. Flood flows may be determined by utilizing a continuous flow simulation model such as HSPF or other equivalent continuous flow simulation model, as approved by the city. Where flood elevation or stream gauging data are available, the model shall be calibrated to the known data. Otherwise, regional parameters may be used.

Article IV. Determining Flood Elevations, Profiles and Floodways (Hydraulic Model)

A. Reconnaissance. The applicant's project engineer is responsible for the collection of all existing data with regard to flooding in the study area. This shall include a literature search of all published reports in the study area and adjacent communities and an information search to obtain all unpublished information on flooding in the immediate and adjacent areas from federal, state, and local units of government. This search shall include specific information on past flooding in the area, drainage structures such as bridges and culverts that affect flooding in the area, available topographic maps, available community maps,

photographs of past flood events, and general flooding problems within the community. Documented discussions with nearby property owners should also be done to obtain a witness account of the flooding extent. A field reconnaissance shall be made by the applicant's project engineer to determine hydraulic conditions of the study area, including type and number of structures, locations of cross-sections, and other parameters including the roughness values necessary for the hydraulic analysis.

B. Base Data. Channel cross-sections used in the hydraulic analysis shall be current/existing at the time the study is performed and shall be obtained by field survey. Topographic information obtained from aerial photographs/mapping may be used in combination with surveyed channel cross-sections in the hydraulic analysis. The elevation datum of all information used in the hydraulic analysis shall be verified. All information shall be referenced directly to NAVD 1988 (and include local correlation to NGVD) unless otherwise approved by the city.

C. Methodology. Flood studies and analysis (including deep and/or fast flowing floodways and zero-rise analysis) shall be calculated using the U.S. Army Corps of Engineers HEC-RAS computer model (or subsequent revision) unless otherwise approved by the city.

D. Adequacy of the Hydraulic Model. Edgewood considers the following (but not limited to) factors when determining the adequacy of the hydraulic model for use in the floodway/floodplain model:

1. Cross-section of a downstream starting location and spacing.
2. Differences in energy grade line (significant differences in the energy grade line from cross-section to cross-section are an indication that cross-sections should be more closely spaced or that other inaccuracies exist in the hydraulic model).
3. Methods and results for analyzing the hydraulics of structures such as bridges and culverts.
4. Lack of flow continuity.
5. Use of a gradually varied flow model. In certain cases, rapidly varied flow techniques may need to be used in combination with a gradually varied flow model such as weir flow over a levee, flow through a spillway of a dam, or special application of bridge flow (pressure flow if bridge superstructure is shown to be submerged for the study event).
6. Mannings "n" value.
7. Calibration of hydraulic model to known and/or observed flow stage elevations including past flood events.

8. Special applications. In some cases, steady state one-dimensional hydraulic models may not be sufficient for preparing the floodplain/floodway analysis. This may occur where sediment transport, two-dimensional flow, or other unique hydraulic circumstances affect the accuracy of the model. In these cases, the project engineer must propose and obtain department approval of alternative models for establishing the water surface elevations.

9. All reported error and/or warning messages by the model must be properly and adequately addressed and/or resolved and included in the report for review verification.

Article V. Zero-Rise Analysis (ZRA)

A. Zero-rise analysis (ZRA) is required where encroachment within the flood fringe area is allowed and approved by the department. The ZRA must show that the proposed development encroachment in the flood fringe area will not show a measurable rise in the base flood elevation (i.e., less than 0.01 foot), resulting from a comparison of existing conditions and proposed conditions. This is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, coefficients, discharge, and other hydraulic parameters.

B. In addition to those items listed in subsection (A) of this article, the following shall be included in a ZRA:

1. Floodway boundaries (based on zero-rise) are to follow the stream lines and reasonably balance the rights of property owners on either side of the floodway. Use of the automatic equal conveyance encroachment option in the model will be considered equitable.
2. The ZRA must include a sufficient number of cross-sections in order to accurately model the subject fill and compensatory storage areas of the site. In all cases, cross-sections shall be located downstream, through the subject site and upstream of the site at a very minimum. They shall also be located where changes in channel and the fill material characteristics occur, such as slope, shape, and roughness. The sections shall also be located perpendicular to the flow path in the channel and the outside overbank areas. The department shall review and approve the proposed number and location of cross-sections. All cross-sections and surveys shall be prepared and certified by a professional land surveyor or registered professional engineer in the state of Washington.
3. The difference between two profiles of water surface elevation at the cross-section (e.g., difference between existing and encroached water surface). The model must report 0.01 feet or

less an allowable change in the water surface elevation. This must be shown in the profile graphical plot as well.

4. The difference between profiles of the energy grade line at the cross-section. The model must report 0.01 feet or less. This is the allowable change in the energy grade line. This must be shown in the profile graphical plot as well.

C. Conveyance Capacity.

1. The ZRA must also show that the proposed development encroachment in the flood fringe area will not show a measurable decrease (less than 0.01 CFS) in the conveyance capacity of the channel, resulting from a comparison of existing conditions and proposed conditions, for each of the cross-sections. This is also directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, coefficients, discharge, and other hydraulic parameters.
2. The analysis must provide calculations of the reduction in conveyance caused by the proposed development encroachment, assuming no change in the water surface elevation, and using the roughness coefficient value(s) appropriate for the proposed development.
3. The analysis must then provide calculations for the increase in conveyance of the proposed compensatory measure, using the roughness coefficient value(s) appropriate for the proposed development.
4. Include a comparison analysis and discussion from subsections (C)(2) and (3) of this article. The comparison must adequately show that the conveyance capacity has not measurably decreased between the existing condition and proposed development condition.

Floodplain/Floodway Zero-Rise Certification

This is to certify that I am a duly qualified professional engineer licensed to practice in the state of Washington.

This is to further certify that the attached floodplain/floodway zero-rise analysis conclusively shows that the proposed development of:

(Name of Development) Parcel Number

will not increase the 100-year base flood elevation(s) and widths nor reduce the conveyance capacity of the floodplain/floodway and its associated channel to the

(Name of River, Stream, Pothole or other Watercourse)

Supporting Data

Base Flood Elevation (Pre-Development) = _____ FT (NAVD 88)

Base Flood Elevation (Post-Development) = _____ FT (NAVD 88)

Conveyance Capacity (Pre-Development) = _____ CFS

Conveyance Capacity (Post-Development) = _____ CFS

with compensatory storage)

Signature Date

Title Firm Name

Seal, Signature, and Date

Address

City

State Zip Code

APPENDIX B

CHANNEL MIGRATION ZONE STUDY REQUIREMENTS

The channel migration zone (CMZ) is the area within the lateral extent of likely stream channel movement due to stream bank destabilization and erosion, rapid stream incision, and shifts in location of stream channels. The CMZ will define areas in which, to the best information available, development should be regulated due to the dangers expected from erosion.

Article I. Determining Channel Migration Zone Limits

A. The CMZ shall be based on available historic records of channel migration, or 100 years of calculated channel migration whichever is greater, and will generally include those areas that encompass:

1. The limit of geologic controls, such as hill slope, bedrock outcrop, or abandoned floodplain terrace;
2. Side channels, abandoned channels, and oxbows; and
3. Outside edges of progressive bank erosion at meander bends.

B. Channel migration over the 100-year time frame can be estimated and predicted from geomorphic analysis of annual bank erosion rates, historic meander belt width, and measured meander bend amplitudes, potential avulsion sites, and previous river channel locations as depicted on historic aerial photographs and maps. The 100-year time span represents the time required to grow mature trees that can provide functional large woody debris to streams.

C. The CMZ boundaries will be determined using the following specific criteria:

1. The representative average annual rate of channel migration in the affected river reach is calculated by dividing the lateral distance eroded with the corresponding elapsed time shown in sequential aerial photographs or historic maps (distance/time equals channel movement). Measurements from reaches that have had some form of bank armoring shall not be included. Historical records will need to be checked closely for this information.
2. Identify the width of the channel migration zone by multiplying the representative average annual erosion rate by 100 years.

D. Areas separated from the active channel by legally existing artificial channel constraints (levees, roads, driveways, etc.) that limit bank erosion and channel avulsion to the 100-year recurrence interval flood elevation plus three feet of freeboard shall serve as a boundary for the outer limit of the CMZ.

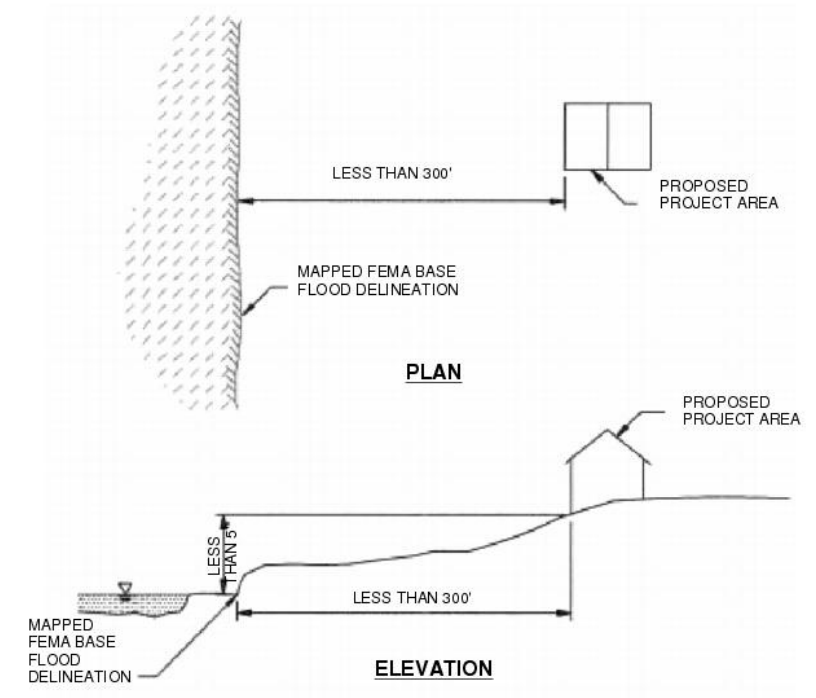
Article II. Channel Migration Zone Study Content and Required Information

Three copies of the completed channel migration zone study shall be submitted. The study submittal must be stamped by a licensed professional engineer or professional geologist with five years experience in fluvial geomorphology, river dynamics, or geotechnical engineering. The CMZ study shall include the following information in addition to that required for the drainage plan of a proposed project. The CMZ study will consist of a written technical report including:

- A. Detailed methods, techniques, and assumptions used in determining the location of the CMZ.
- B. A vicinity map and site with scale, north arrow, and parcel number(s) or specific site being studied.
- C. A clear statement of the requested revision to the county's determination of the 100-year floodplain limits as the CMZ.
- D. A clearly stated conclusion of the study results that support the requested revision. The conclusion needs to document the basis for the revision, show how the data presented refutes the 100-year floodplain limits as the CMZ, and calculates the new results using the new information.
- E. A map clearly delineating the subject property and the CMZ of the adjacent watercourse. In addition to providing a hard copy of the CMZ map, the CMZ map shall also be provided in ARC-View shapefile format. Contact the city GIS department for mapping and aerial imaging standards. (~~Ord. 02-200 S-2~~).

14.70.060 Figures.

A. Figure 14.70-1, Potential Flood Hazard Areas – Detailed Study Areas.

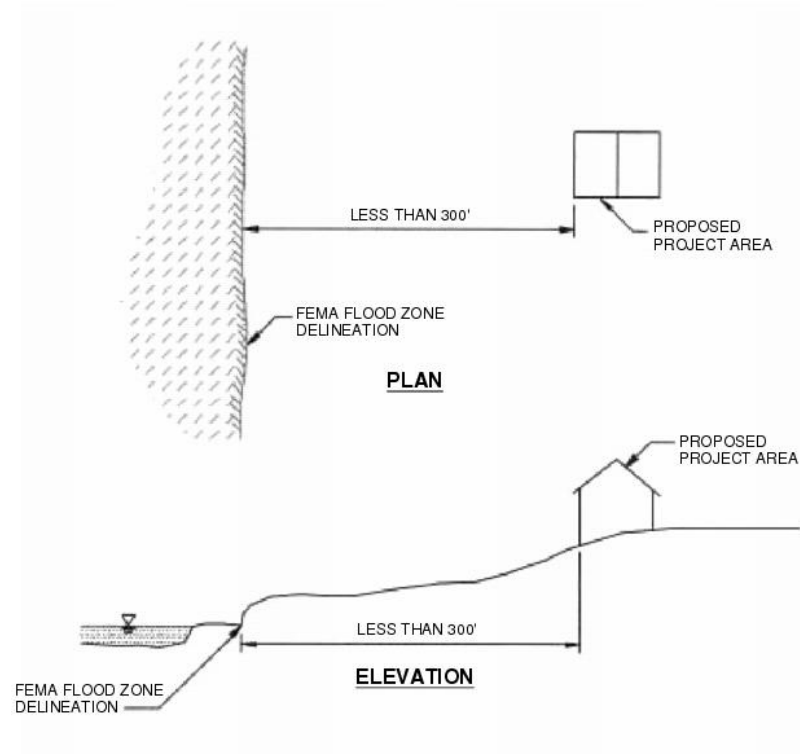


NOTE: AS SHOWN ABOVE, AREAS LESS THAN 300' HORIZONTAL DISTANCE FROM THE MAPPED FEMA BASE FLOOD DELINEATION, AND AREAS LESS THAN 5' VERTICAL HEIGHT ABOVE THE ESTABLISHED BASE FLOOD ELEVATION, ARE WITHIN THE POTENTIAL FLOOD HAZARD AREA.

POTENTIAL FLOOD HAZARD AREAS
DETAILED STUDY AREAS

N.T.S.

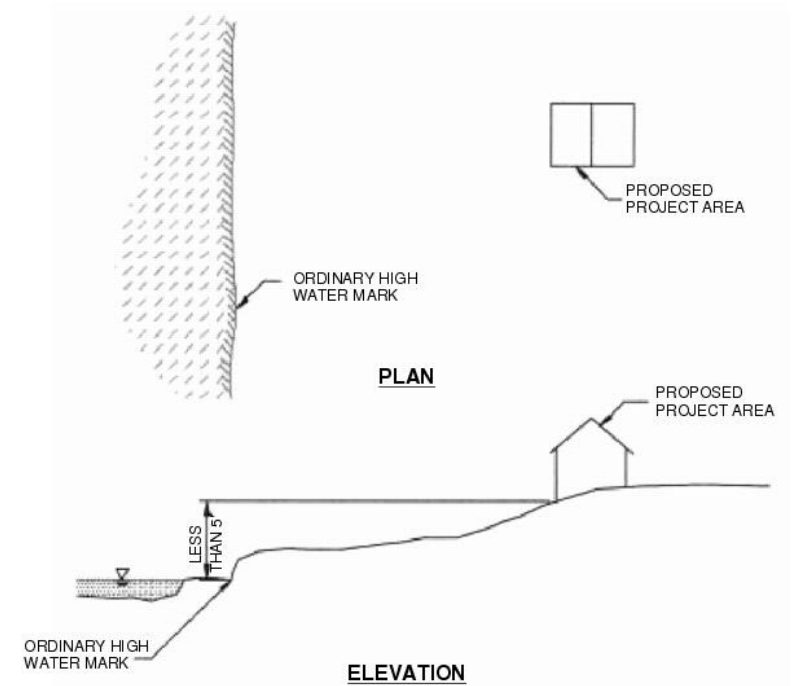
B. Figure 14.70-2, Potential Flood Hazard Areas – Unstudied Areas.



NOTE: AS SHOWN ABOVE, AREAS LESS THAN 300' HORIZONTAL DISTANCE FROM THE MAPPED DELINEATION OF THE FEMA FLOOD ZONE ARE WITHIN THE POTENTIAL FLOOD HAZARD AREA.

POTENTIAL FLOOD HAZARD AREAS
UNSTUDIED AREAS
N.T.S.

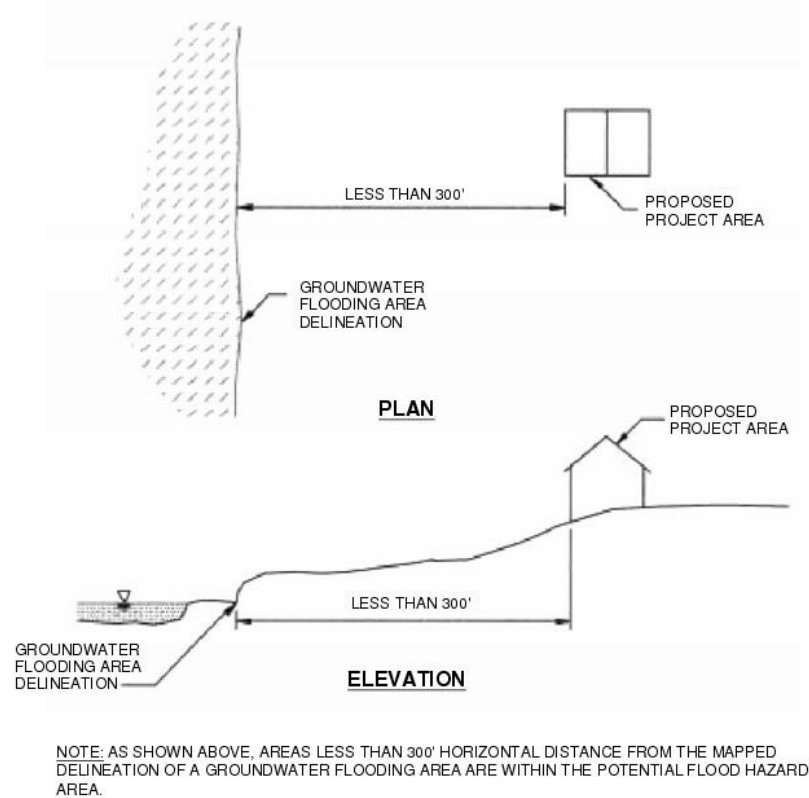
C. Figure 14.70-3, Potential Flood Hazard Areas – Natural Watercourse.



NOTE: AS SHOWN ABOVE, AREAS LESS THAN 5' VERTICAL HEIGHT ABOVE THE ORDINARY HIGH WATER MARK OF AN IDENTIFIED NATURAL WATER ARE WITHIN THE POTENTIAL FLOOD HAZARD AREA.

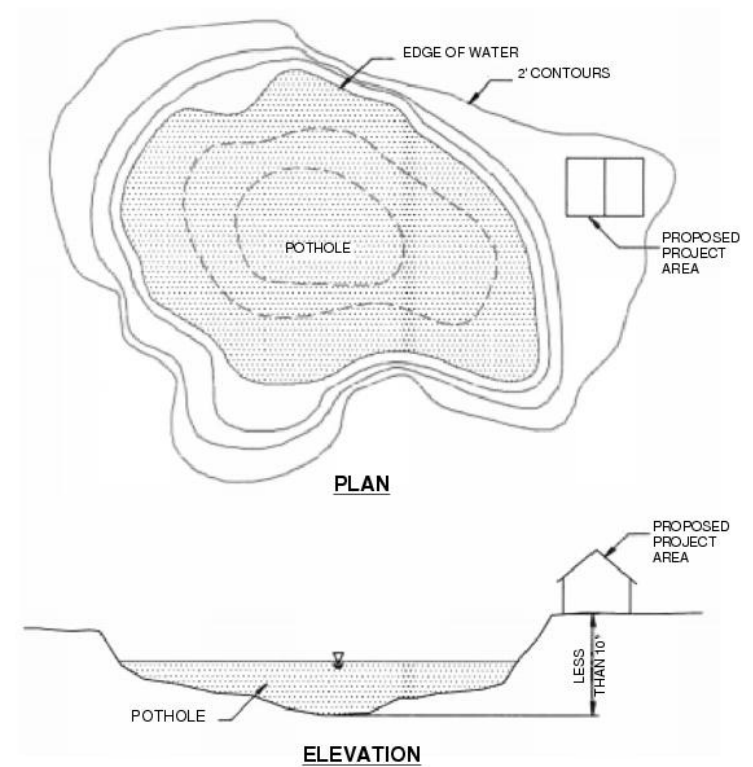
POTENTIAL FLOOD HAZARD AREAS
NATURAL WATERCOURSE
N.T.S.

D. Figure 14.70-4, Potential Flood Hazard Areas – Groundwater Flooding Areas.



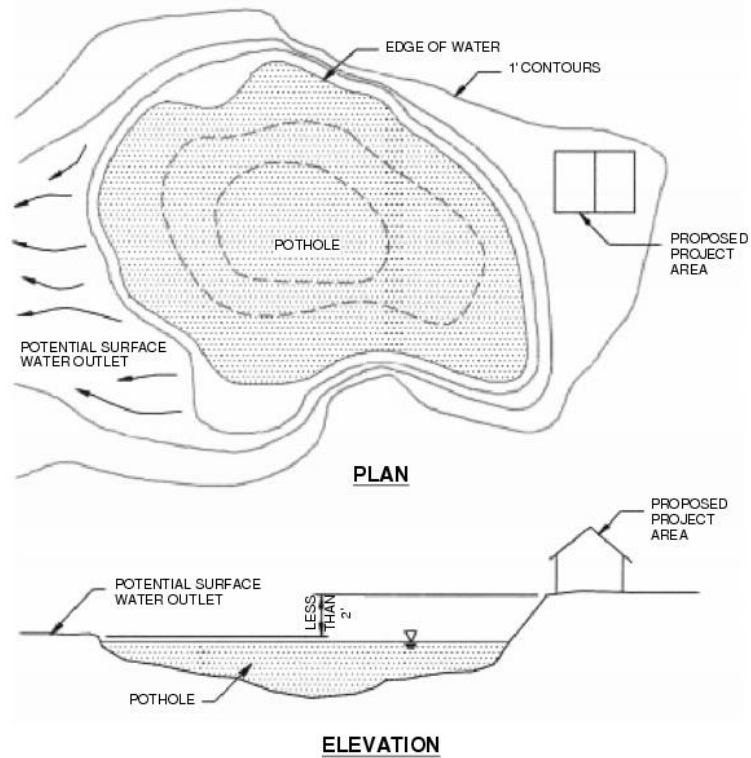
POTENTIAL FLOOD HAZARD AREAS
GROUNDWATER FLOODING AREAS
N.T.S.

E. Figure 14.70-5, Potential Flood Hazard Areas – Potholes.



POTENTIAL FLOOD HAZARD AREAS
POTHOLES
N.T.S.

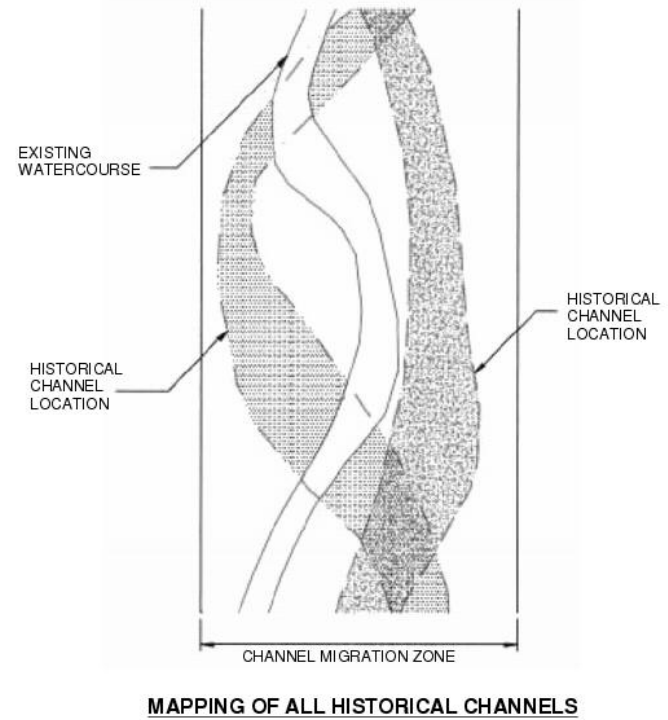
F. Figure 14.70-6, Potential Flood Hazard Areas – Potholes.



NOTE: AS SHOWN ABOVE, AREAS LOCATED WITHIN 2' OF VERTICAL HEIGHT OF A POTENTIAL SURFACE WATER SPILLWAY FROM THE POT HOLE ARE WITHIN THE POTENTIAL FLOOD HAZARD AREA.

POTENTIAL FLOOD HAZARD AREAS
POT HOLES
N.T.S.

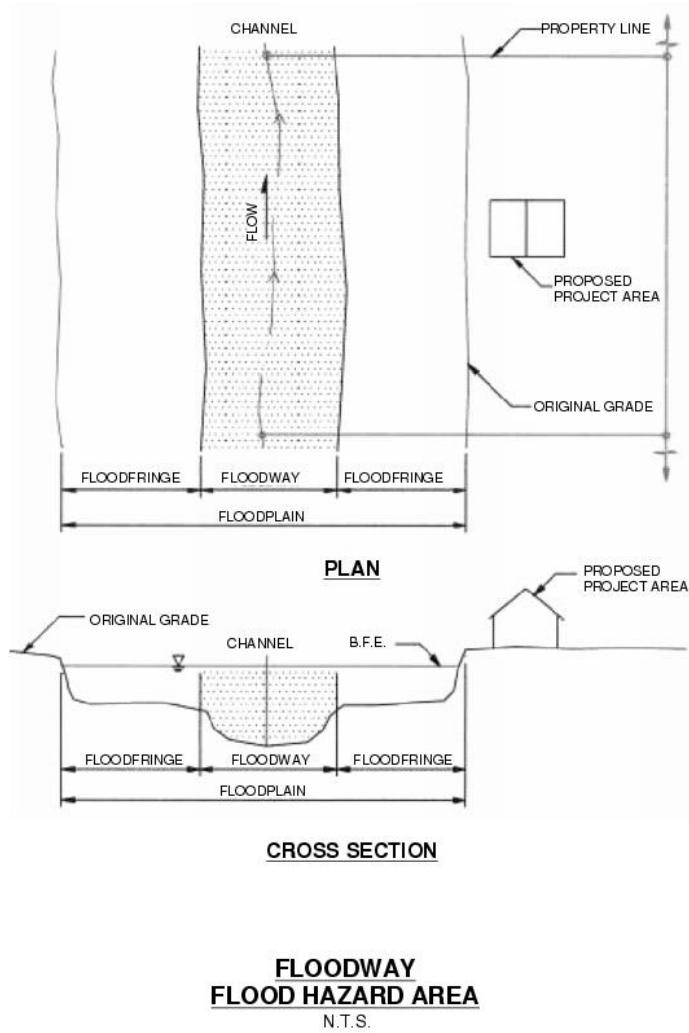
G. Figure 14.70-7, Potential Flood Hazard Areas – Channel Migration Zone.



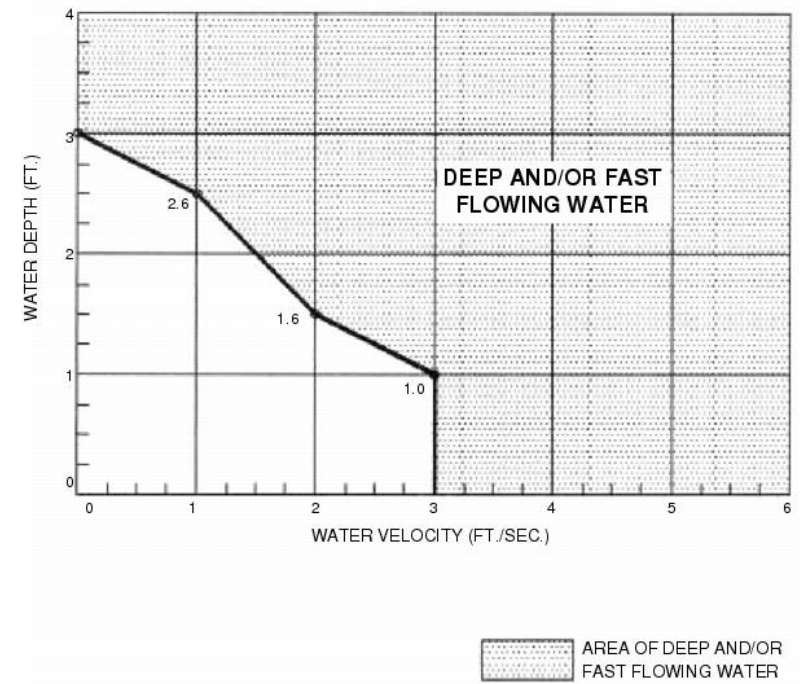
NOTE: THE LOCATION OF MANY RIVER CHANNELS CHANGE OVER TIME. THE CHANNEL MIGRATION ZONE (CMZ) IS THAT AREA THAT CAN BE IDENTIFIED BY EVIDENCE OF PAST CHANNEL MOVEMENTS, INCLUDING THE PRESENT CHANNEL LOCATION. THE CMZ AREA IS CONSIDERED TO BE AT RISK FROM EROSION AND FLOODING, AND HAS SIMILAR TOPOGRAPHIC CHARACTERISTICS TO PRESENT AND HISTORIC STREAM CHANNELS.

POTENTIAL FLOOD HAZARD AREAS
CHANNEL MIGRATION ZONES
N.T.S.

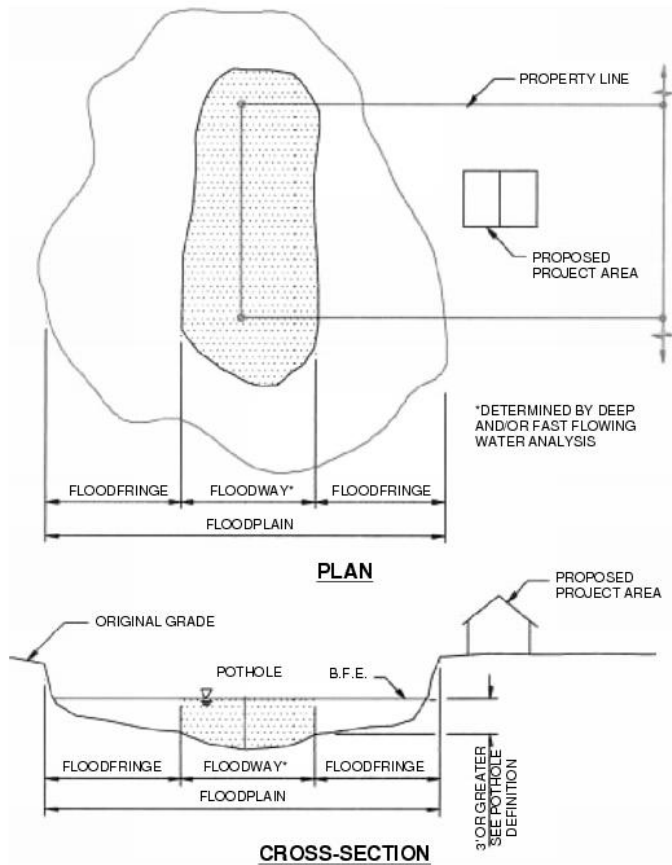
H. Figure 14.70-8, Floodway – Flood Hazard Area.



I. Figure 14.70-9, Deep and/or Fast Flowing Water Graph.



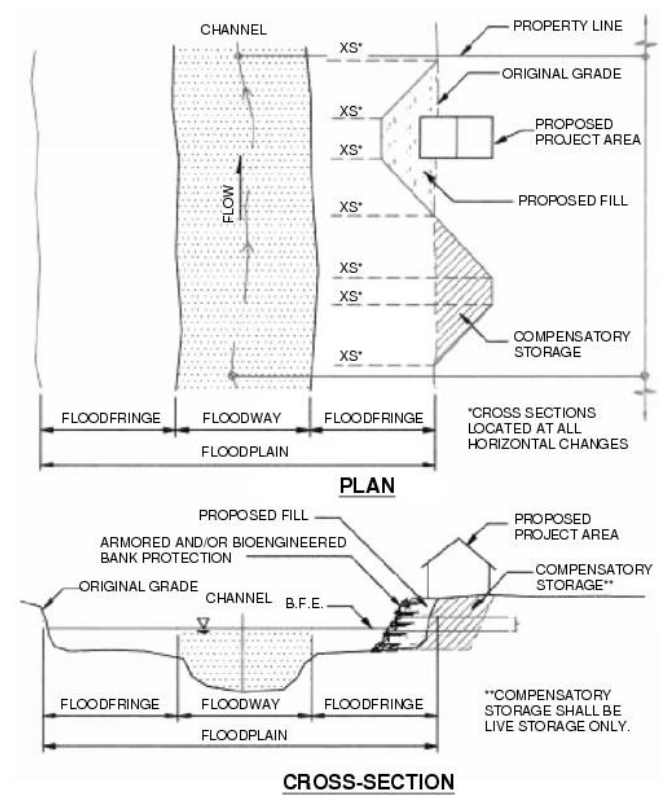
J. Figure 14.70-10, Pothole and B Zone Flood Hazard Area.



POT HOLE and B ZONE FLOOD HAZARD AREA

N.T.S.

K. Figure 14.70-11, Compensatory Storage.

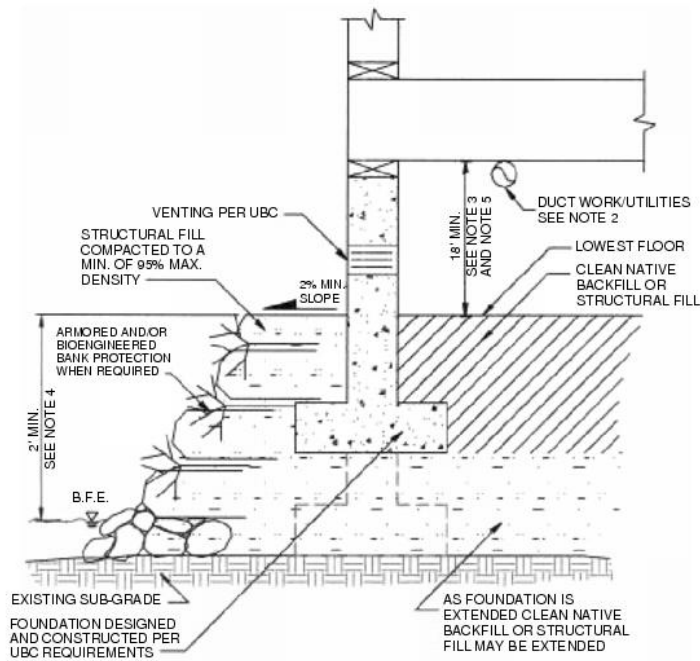


NOTE: EXAMPLE PURPOSES ONLY. ACTUAL DESIGNS MAY/WILL VARY DEPENDING UPON POTENTIAL IMPACTS TO FLOW REGIME. COMPENSATORY STORAGE MUST NOT IMPACT FLOW CONVEYANCE.

COMPENSATORY STORAGE

N.T.S.

L. Figure 14.70-12, Structure with Crawlspace Elevation by Fill.



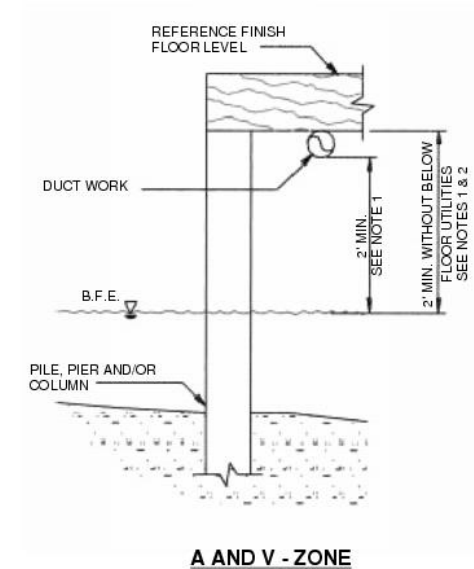
NOTES:

1. FILL MATERIAL SHALL MEET THE NO-RISE CRITERIA WITH SUPPORTING ANALYSIS.
2. ALL BUILDING CONSTRUCTION MATERIALS (I.E., DUCT WORK, UTILITIES, SIDING, ETC.) SHALL HAVE 2' MIN VERTICAL SEPARATION FROM THE B.F.E.
3. APPLIES TO NON-PRESSURE TREATED FLOOR JOISTS.
4. VERTICAL SEPARATION SHALL BE 3' MIN. FOR CRITICAL FACILITIES.
5. LOWEST FLOOR ELEVATION WILL AFFECT FLOOD INSURANCE PREMIUMS.

**STRUCTURE WITH CRAWLSPACE
ELEVATION BY FILL**

N.T.S.

M. Figure 14.70-13, Building on Piles, Piers or Columns.



NOTES:

1. BOTTOM OF LOWEST HORIZONTAL STRUCTURAL MEMBER ELEVATION AND ALL BUILDING CONSTRUCTION MATERIALS (I.E., DUCT WORK, UTILITIES, SIDING, FLOOR JOISTS, ETC.) SHALL HAVE 2' MIN. VERTICAL SEPARATION FROM THE B.F.E.
2. BOTTOM OF LOWEST HORIZONTAL STRUCTURAL MEMBER SHALL HAVE 3' MIN. VERTICAL SEPARATION FROM THE B.F.E. FOR CRITICAL FACILITIES IN A AND V ZONES.

**BUILDING ON PILES, PIERS OR
COLUMNS**

N.T.S.

(Ord. 02-200 § 2).



**CITY OF EDGEWOOD
REGULAR COUNCIL MEETING SUMMARY**

Tues., February 14, 2017 – 7:00 p.m. ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

1. CALL TO ORDER

Deputy Mayor Christopherson called the meeting to order at 7:00pm. City Clerk Pitzel led the attendees in the Pledge of Allegiance.

ROLL CALL

Present: Councilmember Donna O'Ravez, Councilmember Mark Creley, Councilmember Luke Meyers, Deputy Mayor Tyron Christopherson, Councilmember Stephanie Shook, Councilmember Rosanne Tomin, Councilmember Nate Lowry. **Excused:** Mayor Daryl Eidinger

Staff Present: Assistant City Administrator Aaron Nix, City Clerk Rachel Pitzel, Community Development Director Kevin Stender, Senior Engineer Jeremy Metzler, Police Chief Micah Lundborg, Carol Morris, City Attorney

Additions/Deletions to the Agenda

There were no additions or deletions to the agenda.

2. PUBLIC HEARING

Ordinance No. 17-0489, relating to the regulation of right-of-way use by Telecommunication and Cable Television Providers

Deputy Mayor Christopherson read the rules for the hearing.

Deputy Mayor Christopherson opened the public hearing at 7:03pm.

Assistant City Administrator Aaron Nix gave an update on the ordinance and wanted to address the question on the permitting process that Council asked about last week and the Master Permitting process.

City Attorney Morris directed Council to page 4 on the Council packet of definition of "Master Permit" and explained the definition.

Deputy Mayor Christopherson asked for public comments. There were no comments made. There were no additional staff comments.

Deputy Mayor Christopherson closed the public hearing at 7:08pm.

3. AUDIENCE COMMENT

There were no audience comments.

4. MAYOR'S STATE OF THE CITY ADDRESS

Deputy Mayor Christopherson read Mayor Eidinger's State of the City Address for the record:

"As your Mayor, it is an honor and a privilege to present the 2017 State of the City Address. I would like to begin by acknowledging members of the Edgewood City Council: Deputy Mayor Tyron Christopherson, Councilmembers Donna O'Ravez, Mark Creley, Luke Meyers, Stephanie Shook, Rosanne Tomin, and Nate Lowry, I cannot thank you enough for the support you provide. Each of you plays an important part in making our City a better place to live, work and play."

I wish to recognize and thank the City's Boards and Commission members for their commitment to serve our city, and their efforts to make a lasting difference in our community. I would also like to thank the volunteers who provide hundreds of hours in support of our police, parks and our annual picnic and tree lighting events.

The Staff has undertaken a tremendous workload this past year and their accomplishments are great. Just to name a few:

- *Completed design and construction of the Jovita Seismic Wall Stabilization Project*
- *Updated and Implemented both Capital Improvement and Transportation Improvement Plan*
- *Chip sealed 6.8 lane miles of city roadway*
- *Completed major updates to the City's Stormwater Design Manual*
- *Processed and approved 407 building permits, which included Taco Time and Starbucks*
- *With your approval we refinanced City Hall for a total debt reduction of \$230,000 over 10 years*
- *The city designed and instituted a comprehensive Fee for Services Schedule*
- *For citizen convenience, the city now takes credit cards*
- *The city has welcomed a new Police Chief and increased patrol officers on our streets*
- *For communications, we have added our electronic sign, Facebook and Twitter*
- *We have added to our staff to better deal with storm water issues and better serve the public*

There is still a lot going on in Edgewood's future. Our population is expected to climb by about 2,000 people over the next few years. We have planned for this increase. Hopefully, in the near future, additional businesses will find our City as an attractive place to build for success.

Thank you again Councilmembers and Staff for your hard work and commitment. I would like to thank the Residents of Edgewood for their ongoing support and contributions that continue to make our community a great place to live, work, and play! Thank you, Daryl Eiding, Mayor"

5. CONSENT AGENDA

The consent agenda includes items that are routine in nature and are adopted by one motion. Should Council wish to discuss a consent agenda item, the item would be removed from the consent agenda and discussed under Council Business.

The following items are presented for Council approval:

- A.** Regular City Council Meeting Minutes of January 24, 2017,
- B.** Special Meeting Minutes of January, 29, 2017,
- C.** Study Session Meeting Minutes of January 31, 2017,
- D.** Study Session Meeting Minutes of February 7, 2017.
- E. AB 17-005**, a motion approving December 2016 (Period 13) and February 2017 Budgeted Expenditures as follows: Nationwide Retirement Solutions Check Numbers 10592-10593 in the amount of \$4,302.40; AWC Employee Benefit Trust; IRS 941 ACHs; Deferred Compensation Program; Dept. of Retirement Systems and Payroll Direct Deposit in the amount of \$67,844.83; and Vendor Check Numbers 21808-21841 with EFT Payments in the amount of \$94,075.59; voided Check Number 21806 in the amount of (\$387.55). Total distributions submitted for review & authorization in the amount of \$165,835.27

Motion: As Read, **Action:** Approve, **Moved by** Councilmember Rosanne Tomin, **Seconded by** Councilmember Luke Meyers. **Motion passed unanimously (7-0).**

6. COUNCIL BUSINESS

- A. **AB17-006**, a motion confirming the Mayoral appointment of Andrew Loe to Position No. 6, to the City of Edgewood Planning Commission

Community Development Director Stender briefed on the agenda item.

Motion: As Read, **Action:** Approve, **Moved by** Councilmember Stephanie Shook, **Seconded by** Councilmember Rosanne Tomin. **Motion passed unanimously (7-0).**

- B. **AB17-0489**, a motion to adopt Ordinance No. 17-0489, relating to the regulation of right-of-way use by Telecommunication and Cable Television providers, describing the situations in which Leases, Franchises and Master Use Permits are required for the use of City right-of-way, listing the elements of a complete application for a Master Use Permit, the procedure for approval, rights granted, the process for renewal and amendment of a Master Use Permit, explaining the procedure for notification of service providers of the City's plans for Street Improvement projects, including those requiring relocation of facilities, describing the procedures for relocation and cost recovery, emergency relocation and when the City may require a service provider to install additional ducts or conduits; adding a new Chapter 12.08 to the Edgewood Municipal Code

Assistant City Administrator Nix briefed on the agenda item.

Motion: As Read, **Action:** Approve, **Moved by** Councilmember Nate Lowry, **Seconded by** Councilmember Luke Meyers. **Motion passed unanimously (7-0).**

- C. **AB17-0356**, a motion adopting Resolution No. 17-0356, authorizing the inclusion of the Edgemont Junior High School campus specifically, Pierce County parcel No. 0420102018, into the City's Phase I Sanitary Sewer Service Area, in accordance with the Interlocal Agreement signed between the City Of Edgewood and the Puyallup School District on November 26, 2008

Assistant City Administrator Nix briefed on the agenda item.

Motion: As Read, **Action:** Approve, **Moved by** Councilmember Donna O'Ravez, **Seconded by** Councilmember Stephanie Shook. **Motion passed unanimously (7-0).**

- D. **AB17-0490**, a motion to accept first reading of Ordinance No.17-0490, relating to School Impact Fees, increasing the maximum School Impact Fee authorized by the City for per Multi-Family units up to \$2,000, amending Section 4.10.110 of the Edgewood Municipal Code; providing for severability and establishing and effective date

Community Development Director Stender briefed on the agenda item.

Motion: As Read, **Action:** Approve, **Moved by** Councilmember Donna O'Ravez, **Seconded by** Councilmember Rosanne Tomin. **Motion passed unanimously (7-0).**

- E. **AB17-0491**, a motion to accept first reading of Ordinance No.17-0491, amending Ordinance No. 15-4038, and Chapter 4.30 EMC Traffic Impact Fees; establishing newly updated,

Traffic Impact Fee rate, based on a revised Traffic Impact Fee study published in October 2016 by Transpo Engineers, Inc.; providing for severability; and establishing an effective date

Assistant City Administrator Nix briefed on the agenda item.

Motion: As Read, **Action:** Approve, **Moved by** Councilmember Stephanie Shook, **Seconded by** Councilmember Nate Lowry. **Motion passed unanimously (7-0).**

- F. AB17-0492**, a motion to accept first reading of Ordinance No.17-0492, relating to Critical Areas regulation, adding definitions relating to Flood Control, adding criteria for Flood Hazard Area Variances, adopting the Flood Insurance Study for Pierce County, Washington and incorporated areas, dated March 7, 2017, with accompanying Flood Insurance Rate Maps (FIRMs) as appendices; maintaining eligibility in the National Flood Insurance Program (NFIP); adding the installation of manufactured and mobile homes to the list of Regulated Uses and activities for purposes of Critical Areas Regulation, amending the provisions relating to Flood Hazard Areas, amending the procedures for Flood Hazard Area review; amending Sections 14.10.060, 14.10.085, 14.10.130, 14.10.140, 14.20.020, 14.70.020, 14.70.030 And 14.70.040, providing for severability; and establishing an effective date

Senior Engineer Metzler briefed on the agenda item noted the analysis regarding the questions on critical facility and essential facility - he incorporated a reference under critical facilities.

Councilmember Meyers asked about transparency and asked about any changes on the maps regarding citizens who may now be on the flood area maps that perhaps were not on there before.

Motion: As Read, **Action:** Approve, **Moved by** Councilmember Nate Lowry, **Seconded by** Councilmember Luke Meyers. **Motion passed unanimously (7-0).**

G. COUNCIL COMMENTS

Deputy Mayor Christopherson reminded folks to attend Connect over Coffee on Feb. 18 at 9:30 am with Mayor Eiding and Councilmembers Lowry and Meyers.

Chief Lundborg introduced Officer Johnson and Hooper – discussed other event in the City and noted criminal activities; traffic lights; training; he noted the department received three accommodations – Jerry Johnson, helping a citizen who ran out of gas; Brian Anderson, regarding prior assignment as Firearms Instructor; Phil Bernal, who located an unsecure door in a citizens home and helped them secure the area. Chief Lundborg also noted upcoming projects: the CSO position has been opened and advertised; Safe Streets Program March 29th; April 29 from 10am – 1pm is the Annual Shredding Event.

Councilmember O’Ravez, discussed comments from a citizen regarding city staff, namely Jeremy Metzler, she noted they said he was kind and helpful.

Councilmember Tomynt noted she would also like to thank Staff with the help they did removing the garbage for one of her neighbors and getting rid of the mess.

H. EXECUTIVE SESSION

There was no executive session.

I. ADJOURN

Deputy Mayor Christopherson adjourned the meeting at 8:06pm.

Rachel Pitzel, City Clerk

Daryl Eiding, Mayor



CITY OF EDGEWOOD COUNCIL STUDY SESSION SUMMARY

Tues., February 21, 2017 – 7:00 PM ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

1. CALL TO ORDER

Mayor Eidinger called the meeting to order at 7:00pm and Deputy Mayor Christopherson led attendees in the Pledge of Allegiance.

ROLL CALL

Present: Mayor Daryl Eidinger (Not voting), Councilmember Mark Creley, Councilmember Luke Meyers, Deputy Mayor Tyron Christopherson, Councilmember Stephanie Shook, Councilmember Rosanne Tomyn, Councilmember Nate Lowry. **Excused:** Councilmember Donna O'Ravez.

Staff Present: Assistant City Administrator Dave Gray, Assistant City Administrator Aaron Nix, City Clerk Rachel Pitzel, Community Development Director Kevin Stender, Police Chief Micah Lundborg.

2. COUNCIL BUSINESS

A. Interviews – Parks and Recreation Advisory Board

Assistant City Administrator Nix reviewed the interview process with Council and introduced the two candidates. For fairness, the second candidate was asked if they would mind waiting outside the chamber area while the first candidate was interviewed. Each candidate was asked the following questions:

1. Why do you want to be on the Parks and Recreation Advisory Board?
2. In what capacity have you worked within your community in the past and/or served on an Advisory Board?
3. The PRAB meets once a month for approximately an hour each meeting. You will be asked to take the time to research and study the issues and materials necessary to be an educated and involved participant. An 80 percent attendance at Board meetings is required of each member in any 12-month period. Is there anything that would preclude you from committing the time necessary to be an effective member of the PRAB?
4. The PRAB is a diverse group with varying opinions and backgrounds. How would you express yourself and participate in the process of consensus in this environment?
5. What do you consider to be important issues facing the City in regard to parks, recreation and open space in the City of Edgewood?
6. How would you suggest the City encourage and stimulate citizens to become involved in neighborhood and volunteer-related activities?
7. Is there anything that you'd like to add as we evaluate candidates for this open position on the PRAB?
8. Partnerships to help fund parks?

Councilmembers ranked each applicant and turned their rankings in to the City Clerk to tally and give to the Mayor for further review.

B. Discussion – Online Reporting for Property Crimes

Chief Lundborg discussed South Sound 911 and online reporting instructions.
Discussion followed between staff and the Council.

C. Recap – Flood Code Update

Assistant City Administrator Nix briefed Council on this agenda item.
Discussion followed between staff and the Council.

D. Recap– School Impact Fees

Community Development Director Kevin Stender briefed Council on this agenda item.
Discussion followed between staff and the Council.

E. Recap – City of Milton Franchise Agreement

Assistant City Administrator Nix briefed Council on this agenda item and discussed the process that he and the Mayor went through to get the City of Milton the agreement for their comments.
Discussion followed between staff and the Council.

F. Review/Discussion – Traffic Impact Fees

Assistant City Administrator Nix briefed Council on this agenda item and the version of our Code needing to be updated regarding justifying how we came up with the fees, our City Attorney wanted to see language in the code. He noted the additional language and highlighted it for Council to review. Mr. Nix also discussed the fee schedule and the science behind it; he noted he agreed with the consultant and the City Attorney that it should remain as an exhibit.
Discussion followed between staff and the Council.

G. Review/Discussion– Public Finance Contract Renewal (LID Notice & Billing Service Vendor)

Assistant City Administrator Gray briefed Council on this agenda item.
Discussion followed between staff and the Council.

3. OTHER COUNCIL ISSUES

Deputy Mayor Christopherson discussed an article he read regarding ST3 project.

Mayor Eidinger noted that Councilmember Lowry would be the new PRSC representative and we will have that on a future agenda for approval.

Councilmember Meyers asked if there could be a larger conversation about Utility Tax and the ST3 project at a future study session.

Councilmember Meyers also noted there were a few people in attendance at the Connect over Coffee and wanted to thank the Mayor and the citizens.

4. ADJOURN

Mayor Eidinger adjourned the meeting at 8:17pm.

Rachel Pitzel, City Clerk

Daryl Eidinger, Mayor



**CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-010**

Date Action Requested: February 28, 2017

Title: **AB 17-010**, a motion approving February 2017 Budgeted Expenditures as follows: Nationwide Retirement Solutions Check Numbers 10594-10595 in the amount of \$4,735.98; IRS 941 ACHs; Deferred Compensations Program; Dept. of Retirement Systems and Payroll Direct Deposit in the amount of \$48,124.23; and Vendor Check Numbers 21842-21865 with EFT Payments in the amount of \$56,865.36. Voided Check Number 21830 (\$1,414.52). Total distributions submitted for review & authorization in the amount of \$108,311.05

Attachments: Payment Distribution Review & Authorization, Voucher Directory

Submitted By: Dave Gray, Assistant City Administrator, Finance

Approved For Agenda By: Mayor Daryl Eidinger

Prepared For Agenda By: Rachel Pitzel, City Clerk

Recommendation: Move to Approve AB17-010

Discussion: Approval of Claims and Payroll Expenditures.

Alternatives: 1) Do not approve. 2) Refer to Council Study Session for Further Review.

Fiscal Impact: An increase in the sum of \$108,311.05 to authorized Budgeted Expenditures.

Number	Name	Print Date	Amount
US Bank PAYROLL ACCOUNT DISTRIBUTION			
10593 Last Number Issued Previous Authorization			
<u>10594</u>	Nationwide Retirement Solutions-Council	2/15/2017	\$37.50
<u>10595</u>	Nationwide Retirement Solutions-401	2/15/2017	\$4,698.48
	Total		\$4,735.98
<u>DCP 2/15/17</u>	Deferred Compensation Program	2/15/2017	\$1,560.54
<u>Direct Deposit Run -</u>	Payroll Vendor	2/15/2017	\$34,381.43
<u>DRS 2/15/17</u>	Dept of Retirement Systems	2/15/2017	\$6,893.98
<u>IRS 941 2/15/17</u>	IRS 941	2/15/2017	\$5,288.28
	Total		\$48,124.23
	Grand Total		\$52,860.21

Number	Name	Print Date	Amount
CLAIM VOUCHER ACCOUNT DISTRIBUTION			
21841 Last Number Issued Previous Authorization			
<u>21842</u>	3 Square Blocks, LLC	2/28/2017	\$315.00
<u>21843</u>	City of Sumner	2/28/2017	\$2,677.13
<u>21844</u>	Comcast	2/28/2017	\$110.76
<u>21845</u>	Copiers Northwest	2/28/2017	\$30.99
<u>21846</u>	Drain-Pro	2/28/2017	\$232.32
<u>21847</u>	Form Source, Inc.	2/28/2017	\$113.56
<u>21848</u>	Gray & Osborne, Inc	2/28/2017	\$9,027.90
<u>21849</u>	Jiffy Lube #2755	2/28/2017	\$54.62
<u>21850</u>	Kennedy/Jenks Consultants Inc.	2/28/2017	\$5,985.00
<u>21851</u>	Legend Data Systems, Inc., dba Legend ID	2/28/2017	\$55.52
<u>21852</u>	Mt. View-Edgewood Water Co.	2/28/2017	\$463.97
<u>21853</u>	Pierce County Budget & Finance 2% Dist	2/28/2017	\$632.33
<u>21854</u>	Pierce County Budget & Finance Court	2/28/2017	\$4,500.00
<u>21855</u>	Pierce County Budget and Finance Dept.	2/28/2017	\$4,137.38
<u>21856</u>	Pierce County Clerks & Finance Officers' Assoc.	2/28/2017	\$20.00
<u>21857</u>	Puget Sound Energy	2/28/2017	\$9,116.08
<u>21858</u>	RW Scott	2/28/2017	\$4,037.50
<u>21859</u>	Smarsh, Inc.	2/28/2017	\$171.55
<u>21860</u>	State Auditor's Office	2/28/2017	\$2,830.60
<u>21861</u>	Transpo Group	2/28/2017	\$2,923.75
<u>21862</u>	United States Postal Service	2/28/2017	\$1,093.24
<u>21863</u>	US Bank	2/28/2017	\$300.00
<u>21864</u>	Wa. Cities Insurance Authority	2/28/2017	\$40.00
<u>21865</u>	Washington Tractor	2/28/2017	\$63.00
<u>EFT Payment 2/23/2017</u>	Shell	2/28/2017	\$258.92
<u>EFT Payment 2/23/2017</u>	US Bank Corporate Payment System	2/28/2017	\$7,588.71
<u>EFT Payment 2/23/2017</u>	Wells Fargo Financial Leasing	2/28/2017	\$85.53
	Grand Total		\$56,865.36

Total Claims Voucher Distribution	\$56,865.36
Total Distribution Submitted for Review & Authorization	\$109,725.57
Authorization Adjustments: Void Check 21830	(\$1,414.52)
Total Distribution Net of Prior Authorized Adjustments	\$108,311.05

Claims Voucher Approval: I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Edgewood, and that I am authorized to authenticate and certify to said claim.

Mayor, Daryl Eidinger

Council Member



Voucher Directory

Vendor	Number	Reference	Account Number	Description	Amount
3 Square Blocks, LLC	21842			2017 - February - 2nd Council Meeting	
		1362-20			
			January Services - AB 13-0047		
			001-058-000-558-60-41-23	Professional Serv-GMA	\$315.00
			Contract # 13-0047		
		Total 1362-20			\$315.00
	Total 21842				\$315.00
Total 3 Square Blocks, LLC					\$315.00
City of Sumner	21843			2017 - February - 2nd Council Meeting	
		03377			
			February Services		
			001-018-000-554-30-51-01	Animal Control Services	\$2,677.13
				Animal Control Svs. for February	
		Total 03377			\$2,677.13
	Total 21843				\$2,677.13
Total City of Sumner					\$2,677.13
Comcast	21844			2017 - February - 2nd Council Meeting	
		8498 35 021 0458551 2/25-3/24/17			
			2/25/17-3/24/17 Services		
			001-018-000-518-30-42-01	Telecommunications Charges	\$110.76
				City Hall Internet	
		Total 8498 35 021 0458551 2/25-3/24/17			\$110.76
	Total 21844				\$110.76
Total Comcast					\$110.76
Copiers Northwest	21845			2017 - February - 2nd Council Meeting	
		INV1520154			
			1/14-2/13/17 Overage Charges		
			001-018-000-518-30-45-06	Copier Lease	\$30.99
				Lexmark Overage Charges	
		Total INV1520154			\$30.99
	Total 21845				\$30.99
Total Copiers Northwest					\$30.99

Vendor	Number	Reference	Account Number	Description	Amount
Drain-Pro	21846			2017 - February - 2nd Council Meeting	
		28134			
				11/8-11/30/16 Rental; Nelson Farm	
			001-076-000-576-80-45-03	Operating Rentals	\$116.16
				11/8-11/30 Nelson Farm	
		Total 28134			\$116.16
		28135			
				11/8-11/30/16 Rental; Nelson Nature Park	
			001-076-000-576-80-45-03	Operating Rentals	\$116.16
				11/8-11/30 Nelson Nature Park	
		Total 28135			\$116.16
	Total 21846				\$232.32
Total Drain-Pro					\$232.32
Form Source, Inc.	21847			2017 - February - 2nd Council Meeting	
		851086			
				February Services	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$56.78
				Business Cards-J.Schwerzler-Herrera	
		Total 851086			\$56.78
		851087			
				February Services	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$56.78
				Business Cards-T. Garvin	
		Total 851087			\$56.78
	Total 21847				\$113.56
Total Form Source, Inc.					\$113.56
Gray & Osborne, Inc	21848			2017 - February - 2nd Council Meeting	
		1-G&O prj 16463.06			
				January Services	
			001-058-000-558-60-41-01	Reim.Engineering - Prof. Serv	\$3,438.48
				Westridge Construction Oversight	
		Total 1-G&O prj 16463.06			\$3,438.48
		2-G&O prj 16463.05			
				January Services	
			001-058-000-558-60-41-03	Prof. Services (Non-reimbursable)	\$634.58
				Wampold SP	
		Total 2-G&O prj 16463.05			\$634.58
		3-G&O prj 16463.03			
				January Services	
			001-058-000-558-60-41-03	Prof. Services (Non-reimbursable)	\$1,906.11

Vendor	Number	Reference	Account Number	Description	Amount
				Westridge Slope Monitoring	
		Total 3-G&O prj 16463.03			\$1,906.11
		31-G&O prj 14590.00			
		January Services			
		340-000-000-595-80-41-02		STPUL HLP 3290(010) Jovita Seismic Walls Construction Mgmt	\$2,917.48
		Total 31-G&O prj 14590.00			\$2,917.48
		4-G&O prj 16463.02			
		January Services			
		410-000-000-531-38-41-01		Professional Service	\$131.25
				108th Ave E Hydrologic SW Report	
		Total 4-G&O prj 16463.02			\$131.25
	Total 21848				\$9,027.90
Total Gray & Osborne, Inc					\$9,027.90
Jiffy Lube #2755					
	21849			2017 - February - 2nd Council Meeting	
		14887922			
		February Services			
		001-018-000-518-30-48-07		Maintenance & Repairs-Vehicles	\$54.62
				Silverado-Oil Change	
		Total 14887922			\$54.62
	Total 21849				\$54.62
Total Jiffy Lube #2755					\$54.62
Kennedy/Jenks Consultants Inc.					
	21850			2017 - February - 2nd Council Meeting	
		109166			
		Jan Svcs-Prj 1096032*05			
		410-000-000-531-38-41-02		Prof. Service-Plan Update	\$5,985.00
				LID Municipal Code Update	
		Total 109166			\$5,985.00
	Total 21850				\$5,985.00
Total Kennedy/Jenks Consultants Inc.					\$5,985.00
Legend Data Systems, Inc., dba Legend ID					
	21851			2017 - February - 2nd Council Meeting	
		115882			
		February Services			
		001-018-000-518-20-31-01		Office & Operational Supplies	\$55.52
				Photo ID Badges	
		Total 115882			\$55.52
	Total 21851				\$55.52
Total Legend Data Systems, Inc., dba Legend ID					\$55.52

Vendor	Number	Reference	Account Number	Description	Amount
Mt. View-Edgewood Water Co.	21852			2017 - February - 2nd Council Meeting	
		15690-6429	12/11/16-2/10/17		
			12/11/16-2/10/17 Services		
			001-018-000-518-20-47-02	Water	\$242.11
				Nelson Farm	
		Total 15690-6429	12/11/16-2/10/17		\$242.11
		19143-7198	12/11/16-2/10/17		
			12/11/16-2/10/17 Services		
			001-018-000-518-20-47-02	Water	\$57.85
				Nelson Nature Park	
		Total 19143-7198	12/11/16-2/10/17		\$57.85
		2-3001	12/11/16-2/10/17		
			12/11/16-2/10/17 Services		
			001-018-000-518-20-47-02	Water	\$164.01
				Edgemont Park	
		Total 2-3001	12/11/16-2/10/17		\$164.01
		Total 21852			\$463.97
Total Mt. View-Edgewood Water Co.					\$463.97
Pierce County Budget & Finance 2% Dist	21853			2017 - February - 2nd Council Meeting	
		CI-228225			
			4th Qtr 2016		
			001-021-000-521-10-52-01	Intergov. Chemical Dependency	\$632.33
		Total CI-228225			\$632.33
		Total 21853			\$632.33
Total Pierce County Budget & Finance 2% Dist					\$632.33
Pierce County Budget & Finance Court	21854			2017 - February - 2nd Council Meeting	
		CI-228397			
			1st Qtr 2017 Court Services		
			001-018-000-512-50-51-01	Court Services	\$4,500.00
		Total CI-228397			\$4,500.00
		Total 21854			\$4,500.00
Total Pierce County Budget & Finance Court					\$4,500.00
Pierce County Budget and Finance Dept.	21855			2017 - February - 2nd Council Meeting	
		CI-228307			
			Jan-Jun 2017 Emergency Mgmt Svcs		
			001-018-000-525-60-51-01	Emergency Services	\$4,137.38
				Jan-Jun 2017	
		Total CI-228307			\$4,137.38
		Total 21855			\$4,137.38
Total Pierce County Budget and Finance Dept.					\$4,137.38

Vendor	Number	Reference	Account Number	Description	Amount
Pierce County Clerks & Finance Officers' Assoc.	21856			2017 - February - 2nd Council Meeting	
		020117-PCCFOA			
			2017 Dues-Rachel Pitzel, City of Edgewood		
			001-014-000-514-30-49-01	Memberships	\$20.00
		Total 020117-PCCFOA			\$20.00
	Total 21856				\$20.00
Total Pierce County Clerks & Finance Officers' Assoc.					\$20.00
Puget Sound Energy	21857			2017 - February - 2nd Council Meeting	
		300000011233 Jan 2017			
			January Services		
			001-018-000-518-20-47-01	Electricity	\$9,116.08
		Total 300000011233 Jan 2017			\$9,116.08
	Total 21857				\$9,116.08
Total Puget Sound Energy					\$9,116.08
RW Scott	21858			2017 - February - 2nd Council Meeting	
		PE #4			
			Jovita Slope Stabilization		
			340-000-000-595-80-63-01	STPUL HLP 3290(010) Jovita Seismic Walls Construction	\$4,250.00
			642-000-000-386-10-00-02	Retainage-Contractor	(\$212.50)
			RW Scott		
		Total PE #4			\$4,037.50
	Total 21858				\$4,037.50
Total RW Scott					\$4,037.50
Shell					
		EFT Payment 2/23/2017 3:09:49 PM - 1		2017 - February - 2nd Council Meeting	
		8000093974702			
			January Purchases		
			001-018-000-518-30-32-01	Fuel	\$258.92
		Total 8000093974702			\$258.92
		Total EFT Payment 2/23/2017 3:09:49 PM - 1			\$258.92
Total Shell					\$258.92
Smarsh, Inc.	21859			2017 - February - 2nd Council Meeting	
		INV00211097			
			January Services		
			001-014-000-518-80-49-03	Computer Subscriptions	\$171.55
		Total INV00211097			\$171.55
	Total 21859				\$171.55
Total Smarsh, Inc.					\$171.55

Vendor	Number	Reference	Account Number	Description	Amount
State Auditor's Office	21860			2017 - February - 2nd Council Meeting	
		L118795			
			Audit 41769; 2014-2015		
			001-014-000-514-23-41-01	Accounting & Auditing Services	\$2,830.60
				2014-2015; Audit 41769	
		Total L118795			\$2,830.60
Total 21860					\$2,830.60
Total State Auditor's Office					\$2,830.60
Transpo Group	21861			2017 - February - 2nd Council Meeting	
		19947			
			Jan Svcs-Prj 13312.00		
			001-058-000-558-60-41-23	Professional Serv-GMA	\$1,692.50
				Traffic Impact Fee Study	
		Total 19947			\$1,692.50
		19966			
			Feb Svcs-Prj 13312.00		
			001-058-000-558-60-41-01	Reim.Engineering - Prof. Serv	\$1,231.25
				Edgewood Terrace #5325	
		Total 19966			\$1,231.25
Total 21861					\$2,923.75
Total Transpo Group					\$2,923.75
United States Postal Service	21862			2017 - February - 2nd Council Meeting	
		022817-USPS			
			Spring 2017 Magazine		
			001-018-000-518-20-42-02	Postage	\$1,093.24
				Edgewood Magazine-Spring 2017	
		Total 022817-USPS			\$1,093.24
Total 21862					\$1,093.24
Total United States Postal Service					\$1,093.24
US Bank	21863			2017 - February - 2nd Council Meeting	
		4363216			
			Admin Fees EDGLTG07 7/1/16-6/30/17		
			001-014-000-514-20-42-05	Bank & Bond Fees	\$300.00
		Total 4363216			\$300.00
Total 21863					\$300.00
Total US Bank					\$300.00
US Bank Corporate Payment System					

Vendor	Number	Reference	Account Number	Description	Amount
EFT Payment 2/23/2017 3:09:49 PM - 2			2017 - February - 2nd Council Meeting		
012517-USBank			January 2017 Statement		
			001-013-000-513-10-31-05	Meeting Meals Expense	\$20.00
				D.Eidinger-Fife Milton Chamber Luncheon	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$47.98
				K.Stender-Amazon-10W Bulbs	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$284.85
				J.Curbow-Staples-Highlighters,File Pockets,Steno Books	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$147.80
				R.Pitzel-Office Depot-Pocket Folders	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$237.74
				J.Curbow-Staples-Binder Clips,Copy Paper,Post Its	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$10.93
				J.Curbow-Staples-Magnetic Clips	
			001-018-000-518-20-31-01	Office & Operational Supplies	(\$5.00)
				J.Metzler-Sterling Financial-Reverse Fraud Charge	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$17.99
				K.Stender-Amazon-LED Lights	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$58.73
				A.Nix-DS Services-Office Water Delivery	
			001-018-000-518-30-31-01	Office & Operational Supplies	\$218.69
				D.Eidinger-Costco-Folding Chairs	
			001-018-000-518-30-31-01	Office & Operational Supplies	\$1,375.31
				D.Eidinger-Library Store-Shelving	
			001-018-000-518-30-48-07	Maintenance & Repairs-Vehicles	\$979.44
				D.Eidinger-Jet Chevrolet-1998 Chevy 2500 Repairs	
			001-058-000-558-50-35-01	Small Tools/Minor Equipment	\$181.27
				K.Stender-Amazon-Knee Boots-Bldg Dept, Bill & Dean	
			001-058-000-558-50-43-01	Training/Travel Costs	\$695.00
				J.Curbow-Construction Exam Center-Permit Training Class	
			001-058-000-558-50-43-01	Training/Travel Costs	\$199.00
				J.Curbow-Code Council Exam-Permit Certification Exam	
			001-058-000-558-50-43-01	Training/Travel Costs	\$475.00
				D.Mundy-CESCL Recertification-Bill & Dean	
			001-058-000-558-60-31-04	Office Publications	\$504.56
				K.Stender-Amazon-Books-AICP Preparation	
			001-058-000-558-60-43-01	Training/Travel Costs	\$70.00
				K.Stender-APA-AICP Exam Application	
			001-076-000-576-80-31-01	Operational Supplies	\$224.98
				K.Stender-Amazon-LED Ballasts & Lights	
			001-076-000-576-80-31-10	Outdoor Gear	\$149.70
				K.Stender-Amazon-2 pr Knee Boots	

Vendor	Number	Reference	Account Number	Description	Amount
			101-000-000-542-30-31-01	Operational Supplies	\$231.79
				A.Nix-DES State Printer-WSDOT Documents	
			101-000-000-542-30-31-01	Operational Supplies	\$1,462.95
				A.Nix-Coral Sales Co.-Steel Painted Bollards	
		Total 012517-USBank			\$7,588.71
		Total EFT Payment 2/23/2017 3:09:49 PM - 2			\$7,588.71
Total US Bank Corporate Payment System					\$7,588.71
Wa. Cities Insurance Authority					
	21864			2017 - February - 2nd Council Meeting	
		13912			
			Notary Bond-J. Schwerzler-Herrera		
			001-018-000-518-20-41-01	Professional Service	\$40.00
				Notary Bond-J.Schwerzler-Herrera	
		Total 13912			\$40.00
	Total 21864				\$40.00
Total Wa. Cities Insurance Authority					\$40.00
Washington Tractor					
	21865			2017 - February - 2nd Council Meeting	
		1200477			
			February Purchases		
			101-000-000-542-30-31-01	Operational Supplies	\$63.00
				Chainsaw Parts	
		Total 1200477			\$63.00
	Total 21865				\$63.00
Total Washington Tractor					\$63.00
Wells Fargo Financial Leasing					
		EFT Payment 2/23/2017 3:12:13 PM - 1		2017 - February - 2nd Council Meeting	
		5003725031			
			3/4-4/3/17 Lease Payment		
			001-018-000-518-30-45-06	Copier Lease	\$85.53
				Lexmark Printers	
		Total 5003725031			\$85.53
	Total EFT Payment 2/23/2017 3:12:13 PM - 1				\$85.53
Total Wells Fargo Financial Leasing					\$85.53
Grand Total		Vendor Count	27		\$56,865.36



**CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
AGENDA BILL NO.: 17-0357**

Date Action Requested: February 28, 2017

Title: Public Finance, Inc. Professional Service Agreement Addendum No. 1

Attachments: Resolution 17-0357; Public Finance, Inc. Addendum No. 1; and Public Finance April 9, 2013 Professional Service Agreement

Submitted By: Dave Gray, Assistant City Administrator/Finance

Approved For Agenda By: Daryl Eiding, Mayor

Discussion: Public Finance, Inc. entered a Professional Service Agreement with the City to manage the LID No. 1 Sewer Assessment process in 2013. They have provided an excellent service, generating completely accurate records showing the status of debt, interest, principal and penalty for each parcel assessed. In addition to providing very responsive customer service to any LID member inquiry, including payoff data, they ensure the LID debt administration is properly reported to the City, interface with staff on payment allocation between principal, interest and penalty, and lend an additional level of assurance to the LID members as a professional service provider specializing in LID administration.

Recommendation: Move to request the Mayor execute the First Addendum to the PFI Professional Service agreement extending said agreement for another three years.

Alternatives: 1) Do not adopt. 2) Forward to Study Session for further review.

Fiscal Impact: Current annual cost for the service is about \$4,500 with the Agreement annual maximum not to exceed \$5,500. This cost is provided by the LID assessment as stipulated in the LID original assessment. It is included in the annual LID budget.

RESOLUTION NO. 17-0357

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE A THREE-YEAR CONTRACT EXTENSION ADDENDUM TO THE EXISTING PUBLIC FINANCE, INC. SERVICE AGREEMENT

WHEREAS, the City has contracted with Public Finance, Inc. since 2011 to provide LID assessment tracking, payoff calculations, delinquency and default tracking, principal, interest and penalty calculations, tracking and historical data as well as notice preparation and mailing, direct customer (parcel owner) support and City legal interface; and

WHEREAS, the City Council desires to formally authorize the Mayor to extend their service agreement with Public Finance, Inc. for another three year period, with the same scope of work and fee schedule in the 2013 agreement;

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

Section 1. Authorize the Mayor to execute the attached Public Finance, Inc. addendum, extending the 2013 Service Agreement through December 31, 2019.

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

ADOPTED THIS 28TH DAY OF FEBRUARY, 2017

Daryl Eiding, Mayor

ATTEST:

Rachel Pitzel, City Clerk

**ADDENDUM NO. 1
TO PROFESSIONAL SERVICES AGREEMENT
PUBLIC FINANCE, INC.**

THIS FIRST ADDENDUM is made by and between the City of Edgewood (hereinafter referred to as “City”), a Washington municipal corporation, and Public Finance, Inc. (hereinafter referred to as “Service Provider”), collectively the “Parties.”

WHEREAS, on April 9, 2013 the Parties entered into that certain Professional Services Agreement (“the Agreement”) for the provision of services related to the LID No. 1 Assessment Roll maintenance, notice and debt retirement administration; and

WHEREAS, the Parties desire to amend the Agreement in order to extend the Agreement for three years, replacing the Duration of Work (section 5) to December 31, 2019.

NOW, THEREFORE, IN CONSIDERATION OF the mutual promises, terms and conditions set forth in the Agreement and contained herein, the Parties hereby agree as follows:

Section 1. Amendment of Section 5, Duration of Work. Section 5 of the Agreement is hereby revised to provide in its entirety as follows:

5. Duration of Work. This Agreement shall be effective as of date set forth above and shall expire automatically on December 31, 2019, unless extended by mutual agreement of the Parties or terminated earlier pursuant to Section 6.

Section 2. Effect of Addendum. This First Addendum is in addition to the Agreement. Except as otherwise provided herein, the provisions of this First Addendum modify, but do not supersede, the provisions of the original Agreement. Except as otherwise provided herein, each provision of the Agreement shall continue in full force and effect as if this First Addendum did not exist. Except as otherwise provided herein, capitalized words and phrases shall have the meanings ascribed to them in the Agreement.

DATED THIS 28TH DAY OF FEBRUARY, 2017.

CITY OF EDGEWOOD

By: _____
Mayor Daryl Eiding

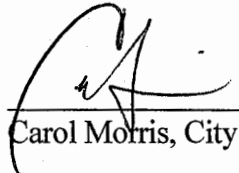
ATTEST/AUTHENTICATED:

Rachel Pitzel, City Clerk

ATTEST/AUTHENTICATED:

Rachel Pitzel, City Clerk

APPROVED AS TO FORM
OFFICE OF THE CITY ATTORNEY:

By: _____
Carol Morris, City Attorney

SERVICE PROVIDER

By: _____
Rick Knopf, PFI

ORIGINAL

**AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN THE CITY OF EDGEWOOD AND PUBLIC FINANCE, INC.**

THIS AGREEMENT, is made this 9th day of April, 2013, by and between the City of Edgewood (hereinafter referred to as "City"), a Washington Municipal Corporation, and Public Finance, Inc.(hereinafter referred to as "Service Provider"), doing business at 17519 NE 137th Street, Redmond WA 98052-2182.

WHEREAS, Service Provider is in the business of providing certain services specified herein; and

WHEREAS, the City desires to contract with Service Provider for the provision of such services for Local Improvement District Administration Services, and Service Provider agrees to contract with the City for same;

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed by and between the parties as follows:

TERMS

1. **Description of Work.** Service Provider shall perform work as described in Exhibit A, Scope of Services, which is attached hereto and incorporated herein by this reference, according to the existing standard of care for such services. Service Provider shall not perform any additional services without the expressed written permission of the City.
2. **Payment.**
 - A. The City shall pay Service Provider at the rate set forth in Exhibit A, but not more than a total of Five Thousand, Five Hundred dollars (\$5,500) annually for the services described in this Agreement. This is the maximum amount to be paid under this Agreement, and shall not be exceeded without prior written authorization from the City in the form of a negotiated and executed supplemental agreement.
 - B. Service Provider shall submit quarterly payment invoices to the City after such services have been performed, and the City shall make payment within four (4) weeks after the submittal of each approved invoice. Such invoice shall detail the hours worked, a description of the tasks performed, and shall separate all charges for clerical work and reimbursable expenses.
 - C. If the City objects to all or any portion of any invoice, it shall so notify Service Provider of the same within five (5) days from the date of receipt and shall pay that portion of the invoice not in dispute. The parties shall immediately make every effort to settle the disputed portion.

3. **Relationship of Parties.** The parties intend that an independent contractor - client relationship will be created by this Agreement. As Service Provider is customarily engaged in an independently established trade which encompasses the specific service provided to the City hereunder, no agent, employee, representative or subcontractor of Service Provider shall be or shall be deemed to be the employee, agent, representative or subcontractor of the City. None of the benefits provided by the City to its employees, including, but not limited to, compensation, insurance and unemployment insurance, are available from the City to the Service Provider or its employees, agents, representatives or subcontractors. Service Provider will be solely and entirely responsible for its acts and omissions and for the acts and omissions of Service Provider's agents, employees, representatives and subcontractors during the performance of this Agreement. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that Service Provider performs hereunder.

4. **Project Name.** Local Improvement District- Administration Services

5. **Duration of Work.** This Agreement shall be effective as of date set forth above and shall expire automatically on December 31, 2016, unless extended by mutual agreement of the Parties or terminated earlier pursuant to Section 6.

6. **Termination.**

A. Termination Upon the City's Option. The City shall have the option to terminate this Agreement at any time. Termination shall be effective upon ten (10) days written notice to the Service Provider.

B. Termination for Cause. If Service Provider refuses or fails to complete the tasks described in Exhibit A, or to complete such work in a manner unsatisfactory to the City, then the City may, by written notice to Service Provider, give notice of its intention to terminate this Agreement. After such notice, Service Provider shall have ten (10) days to cure, to the satisfaction of the City or its representative. If Service Provider fails to cure to the satisfaction of the City, the City shall send Service Provider a written termination letter which shall be effective upon deposit in the United States mail to Service Provider's address as stated below.

C. Rights upon Termination. In the event of termination, the City shall only be responsible to pay for all services satisfactorily performed by Service Provider to the effective date of termination, as described in the final invoice to the City. The City Manager shall make the final determination about what services have been satisfactorily performed.

7. **Nondiscrimination.** In the hiring of employees for the performance of work under this Agreement or any subcontract hereunder, Service Provider, its subcontractors or any person acting on behalf of Service Provider shall not, by reason of race, religion, color, sex, sexual orientation, marital status, national origin or the presence of any sensory, mental, or physical disability, discriminate against any person who is qualified and available to perform the work to which the employment relates.

8. **Indemnification / Hold Harmless.** Service Provider shall fully protect, defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits, including attorney fees, arising out of, resulting from or in connection with Service Provider's acts, errors or omissions in the performance of this Agreement, except for injuries and damages caused by the sole negligence of the City. The Service Provider's obligations under this section shall specifically include, but are not limited to, responsibility for claims, injuries, damages, losses and suits arising out of or in connection with the acts and omissions of Service Provider's employees, contractors, consultants and agents.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Service Provider and the City, its officers, officials, employees, and volunteers, the Service Provider's liability, including the duty and cost to defend, hereunder shall be only to the extent of the Service Provider's negligence.

It is further specifically and expressly understood that the indemnification provided herein constitutes the Service Provider's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties.

The provisions of this section shall survive the expiration or termination of this Agreement.

9. **Insurance.** The service provider shall be and remain self-insured for the duration of this Agreement in an amount not less than \$300,000.
10. **Entire Agreement.** The written provisions and terms of this Agreement, together with all documents attached hereto, shall supersede all prior verbal statements of any officer or other representative of the City, and such statements shall not be effective or be construed as entering into or forming a part of, or altering in any manner whatsoever, this Agreement. The provisions contained in the body of this Agreement preceding the parties' signatures shall supersede any conflicting provisions set forth in the exhibits or attachments hereto; provided, that without prejudice to the foregoing, any provision contained in such exhibits or attachments purporting to limit the Service Provider's liability or modify the indemnity provisions set forth in Section 8 shall be null and void.
11. **City's Right of Supervision, Limitation of Work Performed by Service Provider, and Legal Compliance.** Even though Service Provider works as an independent contractor in the performance of his duties under this Agreement, the work must meet the approval of the City and be subject to the City's general right of inspection and supervision to secure the satisfactory completion thereof. In the performance of work under this Agreement, Service Provider shall comply with all federal, state and municipal laws, ordinances, rules and regulations that are applicable to Service Provider's business, equipment, and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations.

12. **Work Performed at Service Provider's Risk.** Service Provider shall be responsible for the safety of its employees, agents and subcontractors in the performance of the work hereunder and shall take all protections reasonably necessary for that purpose. All work shall be done at Service Provider's own risk, and Service Provider shall be responsible for any loss of or damage to materials, tools, or other articles used or held for use in connection with the work.
13. **Ownership of Products and Premises Security.**
- A. All reports, plans, specifications, data maps, and documents produced by the Service Provider in the performance of services under this Agreement, whether in draft or final form and whether written, computerized, or in other form, shall be the property of the City.
 - B. While working on the City's premises, the Service Provider agrees to observe and support the City's rules and policies relating to maintaining physical security of the City's premises.
14. **Modification.** No waiver, alteration or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of the City and Service Provider.
15. **Assignment.** Any assignment of this Agreement by Service Provider without the written consent of the City shall be void.
16. **Written Notice.** All communications regarding this Agreement shall be sent to the parties at the addresses listed below, unless notified to the contrary. Any written notice hereunder shall become effective as of the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addressee at the address stated in this Agreement or such other address as may be hereafter specified in writing.
17. **Non-Waiver of Breach** The failure of the City to insist upon strict performance of any of the covenants and agreements contained herein, or to exercise any option herein conferred in one or more instances shall not be construed to be a waiver or relinquishment of said covenants, agreements or options, and the same shall be and remain in full force and effect.
18. **Resolution of Disputes, Venue and Governing Law.** Should any dispute, misunderstanding or conflict arise under this Agreement, the matter shall be referred to the City Manager, whose decision shall be final. The Superior Court for Pierce County, Washington, shall be the exclusive venue for any litigation arising out of this Agreement. Both parties hereby consent to the jurisdiction of said court. In the event of any such litigation, the prevailing party shall be reimbursed for its reasonable attorney fees from the other party. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.
19. **Public Records Disclosure.** Service Provider acknowledges that the City is an agency governed by the public records disclosure requirements set forth in Chapter 42.56 RCW. Service Provider shall fully cooperate with and assist the City with respect to any request for

public records received by the City concerning any public records generated, produced, created and/or possessed by Service Provider and related to the services performed under this Agreement. Service Provider shall retain all such records for a period of six years. Upon written demand by the City, the Service Provider shall furnish the City with full and complete copies of any such records within five business days.

Service Provider's failure to timely provide such records upon demand shall be deemed a material breach of this Agreement. To the extent that the City incurs any monetary penalties, attorneys' fees, and/or any other expenses as a result of such breach, Service Provider shall fully indemnify and hold harmless the City as set forth in Section 8.

For purposes of this section, the terms "public records" and "agency" shall have the same meaning as defined by Chapter 42.56 RCW, as said chapter has been construed by Washington courts.

The provisions of this section shall survive the expiration or termination of this Agreement.

- 20. Service Provider Claims.** Any claims by the Service Provider against the City for monetary damages, including without limitation claims for expenses, costs, losses, reimbursement, extras, and compensation, arising out of or otherwise related to this Agreement shall strictly comply with the provisions of this section.

A. All such claims must be submitted in writing, together with a written explanation of each claim, to the City within thirty (30) days after discovery by Service Provider, and in no event later the date of Service Provider's final invoice to the City for services rendered hereunder. Failure to comply with said deadlines shall be construed as a conclusive waiver of such claims.

B. Anything contained in this Agreement to the contrary notwithstanding, Service Provider must look solely to the corporate entity of the City for the collection of any judgment or other judicial process requiring the payment of money by the City for any default or breach by the City under this Agreement. No officers, officials, employees or volunteers of the City shall be subject to levy, execution or other judicial process for the satisfaction of any such claim.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year above written.

CITY OF EDGEWOOD

By: 

City Manager

SERVICE PROVIDER

By: 

Title: Managing Director

Taxpayer ID #: 556-37-5045

CITY CONTACT

City of Edgewood
2221 Meridian Avenue E.
Edgewood, WA 98371-1010
Phone: 253-952-3299
Fax: 253-952-3537

SERVICE PROVIDER CONTACT

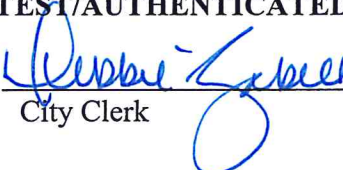
Rick Knopf

Public Finance Inc.

17519 NE 137th Street

Redmond WA 98052-2182
Phone: 425-885-1604
Fax: N/A

ATTEST/AUTHENTICATED

By: 
City Clerk

APPROVED AS TO FORM

By: 
Office of the City Attorney

FOR REVIEW PURPOSES ONLY - ORIGINAL CONTRACT OF 04/09/13



Public Finance Inc.

LID Administration / Debt Management

ORIGINAL

**Agreement to Provide
Local Improvement District
Administration Services**

City of Edgewood

February 26, 2013

FOR REVIEW PURPOSES ONLY - ORIGINAL CONTRACT OF 04/09/13

SCOPE OF SERVICES

Setup and Data Verification

After we import the assessment data into our system we go through an extensive verification process to ensure a reliable starting point. This examination includes the following elements:

- Make sure individual assessments add up to the displayed total. The sum of final assessments does not always equal the reported total due to the complexity of benefit formulas. Although each final assessment is displayed with two decimal points, the spreadsheet amount may not have been rounded to the nearest penny.
- Compare the final assessment roll to current County Assessor's data to make sure all tax parcel numbers are still valid.
- Update property owner name and mailing address information with real property data. A number of ownership transfers and other changes will likely have occurred. If the Treasurer's Notice of Collection is not sent to the correct party following confirmation of the final assessment roll you may have difficulty collecting annual installments and enforcing the lien.
- Generate a balance report to establish a reliable starting point to match against receipts posted during the 30-day interest free collection period and reconcile subsequent year-end balance reports.
- Track and review the accuracy of any discount offered during the 30-day interest free collection period to ensure that the sum of the receipted amount and the discount credit equal the final assessment amount.
- Provide electronic copies of the final assessment roll to local title companies. There is no legal requirement to do this, but making the information available helps guard against the possibility of overlooked assessments in the future.

Records Access and Retention

- We maintain complete electronic billing and collection archives along with copies of relevant documentation that can be quickly accessed as needed.

- Physical documents are also kept for the entire term of the project and turned over to city staff for permanent storage.
- Whenever possible, documents and reports are generated, transmitted and stored electronically for the purposes of efficiency, energy conservation and convenience to city staff.

Assessment Administration

- We become the primary contact for inquiries from property owners, attorneys, title and escrow companies, the state auditor and all other interested parties.
- We calculate annual installment amounts, generate billing statements and mail them to property owners each year until the final assessment is paid in full. Statements include a remittance coupon to facilitate receipt processing.
- Payments are receipted by city staff or a designated agent and the information relayed to our office. At no time will Public Finance Inc. handle or have access to any LID funds. Besides the benefit of having backup information in separate locations, this practice ensures the clear separation of billing and collection functions as mandated by state law.
- We monitor each account and post late penalties at the close of each annual collection period.
- We prepare a list of delinquent accounts and identify any assessments subject to foreclosure action.
- We research property ownership changes and re-send any returned mail.
- We respond to requests for pre-payment quotes, overdue amounts, amortization schedules, release of lien confirmations, etc.
- We generate monthly payment reports showing the amounts posted to current and past due principal, interest and penalties for each account.
- We generate quarterly trial balance reports to ensure that payments and adjustments are allocated correctly and that totals match city records.
- We produce year-end reports and advise city staff regarding debt service recommendations, fund management and cost recovery.
- We provide assessment roll data to local title companies. This helps guard against the possibility of missed assessments even when liens are not formally recorded at the county office.

Delinquency Management

- We mail overdue notices to delinquent property owners 30-45 days after a missed installment due date.
- Unresponsive property owners will receive a second overdue notice.
- If the assessment is subject to foreclosure we send a "final warning" notice to make sure the property owner is aware of the potential legal action.
- When necessary, we send a Notice of Intent to Foreclose in accordance with Section 35.50.030 of the *Revised Code of Washington*. Copies of the notice are sent both via certified mail and regular US mail.
- Unresponsive accounts are turned over to the foreclosure attorney for commencement of foreclosure proceedings. We provide copies of all relevant documentation to the foreclosure attorney along with a notarized affidavit of mailing in accordance with state law.
- We serve as liaison to the foreclosure attorney throughout the entire process.

Segregation of Assessments

- We create an application form for property owners to request segregation of the existing assessment in accordance with RCW 35.44.410.
- The property owner must pay the engineering and clerical costs required to make the requested segregation in advance.
- We confirm that all previously billed installments are paid current; delinquent assessments cannot be segregated.
- We re-apportion the existing assessment to the newly created lots as nearly as possible on the same basis as the original assessment was levied and make sure the total of the segregated parts of the assessment equal the original assessment amount.
- The resolution will describe the parent parcel and amount of the original assessment, define the boundaries of the child parcels and the amount of each new assessment, and order said changes to the final assessment roll.
- We also prepare the staff report, including maps, exhibits and other documentation for the council agenda package.
- We modify the final assessment roll to reflect the approved changes.

CHARGES FOR SERVICES

Initial Setup and Data Verification

There is a one-time charge of \$285 to import, format and reconcile electronic assessment record data and district balance information.

Assessment Administration

Monthly charges are based on a tiered schedule that reflects the actual number of active assessments as presented in the table below.

Accounts	Monthly Fee	Accounts	Monthly Fee
100 – 140	\$360	25 – 49	\$235
75 – 99	\$320	10 – 24	\$180
50 – 74	\$275	1 – 9	\$125

Automatic Reduction of Fees

As assessments are paid in full we automatically adjust our fees to reflect the smaller number of accounts under active management.

Incidental Expenses are Included

This fee schedule includes all incidental costs except postage, paper stock, envelopes or other items approved in advance by city staff. All such expenses are reimbursed at actual cost.

Delinquency Management

- Notices of Overdue Account \$18 per account
- Final Warning Notices \$24 per account
- Notices of Intent to Foreclose \$54 per account

Segregation of Assessments

Segregation fees are collected in advance from the property owner submitting the application as a condition of final map approval.

- Less than 5 new lots \$850
- 5 - 10 new lots \$925
- More than 10 new lots \$925 + \$15 per lot

Inflation Adjustments

Annual fee adjustments are determined by the 12-month percentage change in the *Average Wage Earners and Clerical Workers Consumer Price Index for Seattle/Tacoma/Bremerton* published by the U.S. Department of Labor.

Cost Recovery

Assessment districts are intended to be self-supporting, but in practice, administrative functions are usually assigned to existing staff without consideration for the added responsibility. Operating costs are simply absorbed into the department budget. We work with city staff to recover ongoing administrative costs from sources within the LID program itself.

Payment for Services

Charges for Assessment Administration services will be invoiced on a quarterly basis. Charges for Delinquency Management and Segregation services will be invoiced when provided.

Contractor Status

Neither Public Finance Inc. nor anyone employed by Public Finance Inc. shall be deemed agents of the City of Edgewood for any purpose other than as specified herein. Public Finance Inc. shall be deemed an independent contractor and be responsible in full for payment of its employees, including worker's compensation, insurance, payroll deductions, and all related costs.

Cancellation of Agreement

The City of Edgewood may cancel this agreement at anytime, for any reason, by providing written Notice of Intent to Cancel at least 30 days prior to cancellation. Public Finance Inc. will turn over all electronic information and related documents within 5 business days of the effective cancellation date.

Indemnification / Hold Harmless

Public Finance Inc. shall defend, indemnify, and hold the City of Edgewood, its officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, efforts or omissions of Public Finance Inc. in performance of these services, except for injuries or damages caused by the sole negligence of the City of Edgewood.

ACCEPTED BY:

PUBLIC FINANCE INC.

CITY OF EDGEWOOD


Rick M. Knopf
Managing Director

Name

Title

February 26, 2013

Date



**CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-011**

Date: February 28, 2017

Title: Appointment of Janice Sloan to the Parks and Recreation Advisory Board

Attachments: Spreadsheet of Ranked Applicants-Post Interview

Submitted By: Aaron C. Nix, ACA – Municipal Services

Approved For Agenda By: Daryl Eidinger, Mayor

Discussion: Procedurally, new appointments to the Parks and Recreation Advisory Board are made following EMC Chapter 2.30 and the Council Rules of Procedure. At the February 21, 2017 Council Study Session the City Council interviewed the two applications who had applied for the open PRAB position. At that meeting, the Council was asked to rank on a 70 point scale the applicants after each interview and provide those rankings to the City Clerk without further discussion at the Study Session. The City Clerk tallied the rankings accordingly and presented that information to the Mayor for a final recommendation to the City Council In accordance with the Council Rules and Procedures section 17.3, Citizen board, commission, committee, and task force members outlined within 17.3 (A- H) or by any other lawful process. Accordingly, the Mayor shall appoint and the Council shall confirm or deny appointments proposed by the Mayor.

After tallying the ranking, the Mayor reviewed the findings and recommends appointment of Janice Sloan to the Parks and Recreation Advisory Board.

Recommendation: Appointment by Mayor Daryl Eidinger, confirm the appointment of Janice Sloan to the City of Edgewood Parks and Recreation Advisory Board.

Fiscal Impact: None.

Total Ratings								
	1	2	3	4	5	6	*Total	
Libby Hume-Gaspar	49	54	67	64	63	51	348	83%
Janice Sloan	56	57	69	63	64	54	363	86%

1-7 does not reflect Councilmember Posistion No. it reflects the number of Councilmembers present and ranking

**Total possible points = 420*

Rankings:

Libby Hume-Gaspar	2
Janice Sloan	1



CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-0490

Date Action Requested: February 28, 2017

Title: Ordinance No. 17-0490 relating to school impacts fees, increasing the maximum school impact fee authorized by the City for per Multi-family units up to \$2,000.00, amending Section 4.10.110 of the Edgewood Municipal Code; providing for severability and establishing an effective date.

Attachment: Ordinance 17-0490, School Impact Fees

Submitted By: Mayor Daryl Eiding

Approved For Agenda By: Mayor Daryl Eiding

Prepared For Agenda By: Community Development Director Kevin Stender

Recommendation: Move to adopt Ordinance No. 17-0490 an Ordinance relating to school impacts fees, increasing the maximum school impact fee authorized by the City for per Multi-family units up to \$2,000.00, amending Section 4.10.110 of the Edgewood Municipal Code; providing for severability and establishing an effective date.

Discussion: In 2002 the City of Edgewood adopted an Ordinance allowing the Fife, Puyallup and Sumner School Districts (serving the City) to collect School Impact Fees as authorized under RCW 82.02. Consistent with individual Interlocal Agreements with each District (executed in 2004) the City's impact fee code authorizes the District(s) to collect a school impact fee for new residential development that occurs in the City of Edgewood. The Council had previously set this rate in 2015, in coordination with the Districts, not to exceed \$3,500 per single family unit and \$1,755 per multi-family unit. Each year the three Districts submit their respective annual updates to their Capital Facility Plans to the City for review and consideration of incorporation by reference into the City's Capital Facility Element of the Comprehensive Plan.

In October the Council received presentations by the three districts regarding their updated CFP. During the review the three districts each requested that the Planning Commission consider increasing the impact fee rates for both single family and multi-family to be in-line with their updated CFP from what the City currently allows through the imposition of impact fees identified in EMC 4.10.110.

On the following page you will find the redline mark-up of the proposed changes to EMC 4.10.110. Staff presented the recommendation to Council at the January 17, 2017 Council Study Session and again in DRAFT ordinance format to the Council on February 7, 2017. The Council at that time directed staff to modify the code to not increase the Maximum Fee Obligation (MFO) single family rate beyond \$3,500 and to increase the MFO for multi-family to \$2,000 as shown in the table below. Council moved the Ordinance forward to Public Hearing and Second Reading at the February 14, 2017 Regular Council Meeting unanimously and reviewed the DRAFT Ordinance one final time at the February 21, 2017 Study Session. The public hearing this evening was to receive Public feedback again on the proposed Ordinance.

The proposed Ordinance provides for the change in the MFO Multi-family rate as proposed amending the rate table included in EMC 4.10.110 as follows:

4.10.110 Imposition of impact fees

SCHOOL DISTRICT	PER SINGLE-FAMILY DWELLING UNIT		PER MULTI-FAMILY DWELLING UNIT	
	School District Need Fee Calculation for 2015-2016 2016-2017	2015-2016 2016-2017 Impact Fee (Maximum Fee Obligation Allowed by Edgewood)	School District Need Fee Calculation for 2015-2016 2016-2017	2015-2016 2016-2017 Impact Fee (Maximum Fee Obligation Allowed by Edgewood)
Fife	\$3,216 6,670	\$3,216 3,500.00	\$6875 1,772.00	\$1,755 1,772.00
Puyallup	\$8,144.168 918.87	\$3,500.00	\$2,202.482 010.57	\$1,755 2,000.00
Sumner	\$12,749.741 1,851.30	\$3,500.00	\$4,301.511 946.16	\$1,755 1,946.16

Alternatives: 1) Amend the proposal 2) Forward to Study Session for further review

Fiscal Impact: School Impact Fees are collected directly by the Districts. The only fiscal impact is the staff time involved with annual updates to the Plan and code.

ORDINANCE NO. 17-0490

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO SCHOOL IMPACT FEES, INCREASING THE MAXIMUM SCHOOL IMPACT FEE AUTHORIZED BY THE CITY FOR PER MULTI-FAMILY UNITS UP TO \$2,000.00, AMENDING SECTION 4.10.110 OF THE EDGEWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 82.02 RCW, the City of Edgewood has adopted a school impact fee program and has codified regulations governing the calculation, assessment, collection, refund and administration of such fees at Chapter 4.10 EMC; and

WHEREAS, Section 4.10.070, EMC requires that the City of Edgewood Council review each school district's updates to their respective Capital Facilities Plans (CFPs) in conjunction with the annual Comprehensive Plan updates; and

WHEREAS, the Sumner, Fife and Puyallup School Districts' annual CFPs respectively provide an accounting of the recommended maximum School Impact Fee that should be assessed for each District for new residential development; and

WHEREAS, the City has adopted the Sumner, Fife and Puyallup School Districts' most current year's Capital Facilities Plans by reference; and

WHEREAS, the City Council has previously set the maximum allowable fee collected for single family units (SFU) at \$3,500 per unit and multi-family units (MFUs) at \$1,120 per unit; and

WHEREAS, based on the Districts' Capital Facilities Plans and their written requests, the City desires to amend the existing fee schedule and increase the multi-family school impact fee rate to a maximum of \$2,000 per MFU and maintain the existing rate of \$3,500 per single family unit; and

WHEREAS, the Fife and Sumner School Districts' adopted fee calculations include a recommended impact fee collection that is below the maximum amount allowed by the City of Edgewood; and

WHEREAS, the City Council reviewed the recommendations within the Staff Memorandum at the January 17, 2017; reviewed the DRAFT Ordinance at the February 7, 2016 Study Session, and requested staff to forward an ordinance incorporating the changes as recommended; and

WHEREAS, the City desires to amend Section 4.10.110 EMC to reflect these annual changes and confirm the schedule of School Impact Fees imposed under said chapter;

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

Section 1. Findings. The above recitals, together with the content of Agenda Bill No. 17-0490 are hereby adopted as legislative findings in support of this ordinance.

Section 2. Amendment of EMC 4.10.110. Section 4.10.110 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

4.10.110 Imposition of impact fees

A. Impact fees shall be imposed upon development activity in the city as follows:

SCHOOL DISTRICT	PER SINGLE-FAMILY DWELLING UNIT		PER MULTI-FAMILY DWELLING UNIT	
	School District Need Fee Calculation for 2015-2016-2016- <u>2017</u>	2015-2016 2016- <u>2017</u> Impact Fee (Maximum Fee Obligation Allowed by Edgewood)	School District Need Fee Calculation for 2015-2016-2016- <u>2017</u>	2015-2016 2016-2017 Impact Fee (Maximum Fee Obligation Allowed by Edgewood)
Fife	\$3,216 <u>6,670</u>	\$3,216 <u>3,500.00</u>	\$687 <u>51,772.00</u>	\$1,755 <u>1,772.00</u>
Puyallup	\$8,144.16 <u>8,918.87</u>	<u>\$3,500.00</u>	\$2,202.48 <u>2,010.57</u>	\$1,755 <u>2,000.00</u>
Sumner	\$12,749.74 <u>11,851.30</u>	<u>\$3,500.00</u>	\$4,301.51 <u>1,946.16</u>	\$1,755 <u>1,946.16</u>

1. Fees are established based on the annual calculation of impact fee need as documented in each school district's adopted Capital Facilities Plan annually.
2. The Maximum school impact fee authorized by the City of Edgewood is \$3,500 per single family unit, and \$2,000 per multi-family unit.
3. The Impact Fee adopted represents the fee calculations as presented by the Fife, Puyallup and Sumner School Districts in their adopted Capital Facilities Plans updated annually. Where recommended fees exceed the maximum amount authorized for collection by the City of Edgewood they are shown at the maximum amount allowed.

B. At the time of application for development activity, an applicant will be notified of the requirement to pay school impact fees to each district based on the fee schedule adopted by the city as a part of the impact fee program. Upon receipt of the impact fee payments, each district shall issue a certificate or identifying receipt to the applicant indicating that the school impact fee has been paid. Prior

to approving or permitting any development activities subject to the impact fees adopted pursuant to this chapter, the city shall require that the applicant provide to the city the original of the certificate or receipt issued by the school district. Each school district shall develop standardized forms for this purpose, showing that impact fees have been paid to the district, and that the city may proceed to issue the permit or grant the necessary approval. Impact fees may be paid to the districts under protest pursuant to the procedures set forth in EMC 4.10.120(I).

C. The city shall not issue a required building permit for any development subject to the imposition of impact fees under this chapter until the impact fees set forth in the impact fee schedule have been paid or payment has been properly deferred in accordance with Chapter 4.05 EMC. (Ord. 16-475 § 3; Ord. 15-458 § 2; Ord. 13-403 § 3; Ord. 07-280 § 2; Ord. 06-264 § 2; Ord. 04-231 § 2; Ord. 02-187 § 12).

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 publication.

Presented to Council for first reading on February 14, 2017

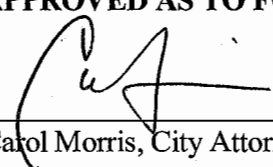
Presented to Council for its Second Reading and Adoption on February 28, 2017.

Daryl Eiding, Mayor

ATTEST/AUTHENTICATED:

City Clerk, Rachel Pitzel

APPROVED AS TO FORM:



Carol Morris, City Attorney

Date of Publication: March 2, 2017
Effective Date: March 7, 2017



CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-0491

Date Action Requested: February 28, 2017

Title: Transportation Impact Fee Code and Fee Update Ordinance

Attachments: Redline/Strikethrough Version of Ordinance 17-0491, and Exhibit A (Schedule of Transportation Impact Fees).

Submitted By: Aaron C. Nix, ACA-Municipal Services

Approved For Agenda By: Daryl Eidinger, Mayor

Prepared For Agenda By: Aaron C. Nix, ACA-Municipal Services

Recommendation: Move to adopt Ordinance No.17-0491, relating to Traffic Impact Fees, establishing a newly updated, Traffic Impact Fee schedule, based on a revised Traffic Impact Fee study published in October 2016 by Transpo Engineers, Inc.; amending Sections 4.30.030, 4.30.060, 4.30.080, 4.30.090, 4.30.100, 4.30.130, 4.30.135, 4.30.150, 4.30.160 and adding a new Section 4.30.075 to EMC, providing for severability and establishing an effective date.

Discussion: The City Council initiated a study with Transpo consultants last year to conduct a study on the current state of the City's transportation infrastructure, the level of service that this infrastructure provides under current traffic conditions and projections of these service levels, as growth occurs in the future, with specific projects identified in order to help the City maintain the level of service standards that the City Council previously established. In addition, Transpo was asked to analyze these projects in order to scientifically establish percentages of costs that could be utilized and funded with the use of developer funded Transportation Impact Fees, in accordance with local and state law.

This study, as well as recommended projects, fees and modifications to the City's current code was taken through the City's Planning Commission, where a Public Hearing was held and a recommendation was given to the City Council was given to move forward with the current version of the Transportation Impact Fee Ordinance and accompanying fee schedule. These materials are before the Council again this evening after an additional Public Hearing (Before the City Council) and at the Council's discretion if they are ready to adopt Ordinance No. 17-0491.

Alternatives: 1) Do not adopt. 2) Forward to Study Session for further review

Fiscal Impact: Transportation Impact Fees have been adjusted up based on the most recent Transportation Impact Fee Study, conducted by Transpo. The rate is suggested to raise from its current value of \$1,827 to \$4,413 per PM peak trip, with associated adjustments made to the City's updated Transportation Impact Fee Schedule, as shown within Exhibit A of Ordinance #17-0491.

ORDINANCE NO. 17-0491

AN ORDINANCE OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO TRAFFIC IMPACT FEES, AMENDING ORDINANCE NO. 15-4038, AND CHAPTER 4.30 EMC TRAFFIC IMPACT FEES; ESTABLISHING A NEWLY UPDATED, TRAFFIC IMPACT FEE RATE SCHEDULE, BASED ON A REVISED TRAFFIC IMPACT FEE STUDY PUBLISHED IN OCTOBER 2016 BY TRANSPON ENGINEERS, INC.; AMENDING SECTIONS 4.30.030, 4.30.060, 4.30.080, 4.30.090, 4.30.100, 4.30.130, 4.30.135, 4.30.150, 4.30.160 AND ADDING A NEW SECTION 4.30.075 TO THE EDGEWOOD MUNICIPAL CODE, PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, pursuant to Chapter 82.02 RCW, the City of Edgewood has adopted a traffic impact fee program and has codified regulations governing the calculation, assessment, collection, refund and administration of such fees at Chapter 4.30 EMC; and

WHEREAS, on April 28, 2015, the City Council adopted Ordinance No. 15-0438, which established changes to impact fee rates and EMC Chapter 4.30, which were both previously amended by Ordinance 14-0423 and 13-0391 accordingly; and

WHEREAS, the City Council in 2016 commissioned a new Traffic Impact Fee Study underlying Chapter 4.30 EMC in order to more closely align the impact fee and EMC 4.30 with the City's adopted Capital Improvement Plan and the associated Transportation Improvement Plan as supported within the Capital Facilities element of the Comprehensive Plan; and

WHEREAS, Public Works Staff submitted a completed a complete SEPA Environmental Checklist and supporting documents to the City of Edgewood on January 12, 2017 and the City of Edgewood's SEPA Official Issued a DNS on February 8, 2017; and

WHEREAS, on January 17, 2017, the City Council reviewed the updated DRAFT Traffic Impact Fee Study and proposed impact fee rate and asked that City Staff bring the Ordinance forward for Public Hearing with the Planning Commission; and

WHEREAS, on February 13, 2017, the Planning Commission held a public hearing to receive public comments on the proposed changes to the Traffic Impact Fee code and associated fee; and

WHEREAS, one public comment was received via email from the Master Builders Association prior to the public hearing, presented and explained to the Planning Commission and the City of Edgewood Planning Commission voted unanimously to forward the Traffic Impact Fee Study and proposed revisions to Chapter 4.30, Traffic Impact Fees to the City Council for review and adoption; and

WHEREAS, on February 28, 2017, the City Council held a public hearing to receive public comments on the proposed changes to the Traffic Impact Fee code and associated fee; and

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 previously held study session staff reports of January 17, 2017, Planning Commission recommendations of February 13, 2017 and the included agenda bill as additional findings.

Section 2. EMC 4.30.030 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

4.30.030 Definitions.

- A. “Dwelling unit” means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen, sleeping, and sanitary facilities for use solely by one family.
- B. “Encumber” means to transfer impact fee dollars from the traffic mitigation impact fee fund to a fund for a particular system improvement that is fully in the current year’s budget. Funds may only be encumbered by an action of the city council.
- C. “Project improvements” means site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in the city’s capital improvement plan or transportation improvement program approved by the city council shall be considered a project improvement.
- D. “System improvements” means transportation facilities that are included in the city’s six-year capital improvement plan and are designed to provide service to the community at large, in contrast to project improvements.
- E. “Applicant” means a person, individual, or organization seeking permission to develop land within the city of Edgewood by applying for a building permit.
- F. “Interest” means the interest earned by the account during the period the fees were retained.
- G. “Traffic mitigation impact fee” means payment of money imposed by the city of Edgewood upon development activity pursuant to this chapter as a condition of granting development approval and/or a building permit in order to pay for the public facilities needed to serve new growth and development. Traffic mitigation impact fees do not include permit fees, an application fee, the administrative fee for collecting and handling impact fees, the cost of reviewing independent fee calculations or the administrative fee required for an appeal.

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H. "Peak hour" means the consecutive 60-minute period during the 4:00 p.m. to 6:00 p.m. peak period during which the highest volume occurs.

I. "Traffic mitigation impact fee fund" means the fund established by the adoption of Ordinance 05-253 on August 23, 2005, for the public facilities for which traffic impact fees are collected, in compliance with the requirements of RCW [82.02.060](#).

J. "Traffic impact fee study" means the study which determined the traffic mitigation impact fee dated ~~October~~^{February} 2016~~07~~.

K. "Transportation Improvement Plan" means a schedule of intended transportation improvements."

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Section 3. EMC 4.30.~~068~~⁰⁶⁸⁰ of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

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4.30.060 Service area.

This section establishes one service area which shall be consistent with the city limits of the city of Edgewood, in accordance with RCW 82.02.060 (7).

Section 4. EMC 4.30.075 of the Edgewood Municipal Code is hereby added as follows:

EMC 4.30.075 Project list.

(A) The director shall annually review the city's six-year road plan and shall:

- 1 Identify each project in the comprehensive plan that is growth-related and the proportion of each such project that is growth-related;
- 2 Forecast the total money available from taxes and other public sources for park and transportation improvements for the next six years;
- 3 Update the population, building activity and demand and supply data for park and transportation facilities and the impact fee schedule for the next six-year period;
- 4 Calculate the amount of impact fees already paid;
- 5 Identify those comprehensive plan projects that have been or are being built but whose performance capacity has not been fully utilized.

(B) The director shall use this information to prepare an annual draft amendment to the project list and to the fee schedule in Exhibit A, which shall comprise:

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

(C) The city council, at the same time that it adopts the annual budget and appropriates funds for capital improvement projects, shall, by separate ordinance, establish the annual project list by adopting, with or without modification, the director's draft amendment.

(D) Once a project is integrated into the project list and Fee Schedule in Exhibit A, a fee shall be imposed on every development until the project is removed from the project list by one of the following means:

- 1 The city council by ordinance removes the project from the project list, in which case the fees already collected will be refunded if necessary to ensure that impact fees remain reasonably related to transportation impacts of development that have paid an impact fee; provided, that a refund shall not be necessary if the council transfers the fees to the budget of another project that the council determines will mitigate essentially the same transportation impacts; or

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Comment [cm1]: This ordinance is only for traffic fees, right?

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2 The capacity created by the project has been fully utilized, in which case the director shall remove the project from the project list.

Section 5. EMC 4.30.080 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

4.30.080 Impact fee determination and Collection.

A. At the time of building permit issuance, city staff shall determine the total impact fee owed based on the fee schedule in effect at the time of such issuance, in accordance with EMC 4.30.160.

B. Factors Used in Impact Fee Calculations. The calculation of impact fees shall include the factors identified in RCW 82.02.040 through 82.02.070 and shall:

1. Determine the standard fee for similar types of development, which shall be reasonably related to each development's proportionate share of the cost of projects described in the project list for each type of impact fee.
2. Reduce the proportionate share by applying the benefit factors described in EMC 4.30.100.

C. Proportionate Share. In calculating proportionate share, the following factors shall be considered:

1. Identification of all transportation facilities that will be impacted by users from development;
2. Identification of the point at which the capacity of a transportation facility has been fully utilized;
3. Updating of the data as often as practicable, but at least annually;
4. Estimation of the cost of construction of the projects in the Transportation Improvement Program (TIP) for roads at the time they are placed on the list and to then update the cost estimates at least annually, considering the:
 - (i) Availability of other means of funding transportation facilities;
 - (ii) Cost of existing transportation facility improvements;
 - (iii) Methods by which transportation facility improvements were financed; and
 - (iv) An adjustment to the cost of the transportation facilities for past or future payments or reasonably anticipated to be made by new development to pay for particular system improvements in the form of user fees, debt service payments, taxes or other payments earmarked for or pro-ratable to the particular system improvement.

CB. Impact fee collection shall also occur at the time of building permit issuance unless payment has been properly deferred in accordance with Chapter 4.05 EMC.

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~~DC~~. An applicant may request that the impact fee be calculated in advance of building permit issuance, but any such advance calculation shall not be binding upon the city and should only be used as guidance by the applicant. If the city council revises the impact fee formula or the impact fees prior to the time that a building permit is issued for a particular development, the formula or fee amount in effect at the time of building permit issuance shall apply to the development.

~~Section 4.~~Section 6. EMC 4.30.090 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

4.30.090 Impact fee adjustments, independent calculations.

An applicant may request an adjustment to the impact fees determined, in accordance with RCW 82.02.060 (6), according to the fee schedule adopted by the ordinance codified in this chapter by preparing and submitting to the mayor or designee an independent fee calculation for the development activity for which a building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made. Independent fee calculations for traffic impact fees shall use the same formulas and methodology used to establish the impact fees in this chapter and shall be limited to adjustments in trip generation rates used in the traffic impact fee study, and shall not include travel demand forecasts, trip distribution, traffic assignment, transportation service areas, costs of road projects, or cost allocation procedures.

A. If the mayor or designee agrees with the independent fee calculation, a written agreement to accept such amount shall be transmitted to the applicant who shall, in turn, present it to the city upon impact fee collection.

B. If the mayor or designee does not agree with the independent fee calculation, the fee payer may appeal this decision to the hearing examiner through procedures outlined in Chapter 2.40 EMC.

~~Section 5.~~Section 7. EMC 4.30.100 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

4.30.100 Impact fee credits.

A. An applicant shall be entitled to a credit against the applicable traffic impact fee collected, in accordance with RCW 82.02.060 (4), under the fee schedule adopted by the ordinance codified in this chapter for the value of any dedication of land for, improvement to, or new construction of, any system improvements provided by the applicant, to facilities that are:

1. Included within the six-year transportation improvement program and identified as system improvements that are to be funded in part by traffic impact fees; and
2. At suitable sites and constructed at an acceptable quality as determined by the city; and
3. Completed, dedicated, or otherwise transferred to the city prior to the determination and award of a credit as set forth in this section.

B. No credit shall be given for project improvements.

C. The value of a credit for improvements shall be established by original receipts provided by the applicant for one or more of the same system improvements for which the impact fee is charged.

D. The value of a credit for land shall be established on a case-by-case basis by an appraiser selected by, or acceptable to, the city. The appraiser must be licensed and in good standing with the state of Washington for the category of the property appraised. The appraisal shall be in accordance with the most recent version of the Uniform Standards of Professional Appraisal Practice and shall be subject to review and acceptance by the city. The appraisal and review shall be at the expense of the applicant.

E. Whenever a development is granted approval subject to a condition the system improvements that are identified in the six-year transportation improvement program be constructed or provided, or whenever the applicant has agreed, pursuant to the terms of a voluntary agreement with the city of Edgewood, to donate or dedicate land for road facilities that are identified in the six-year transportation improvement program, and which are included in the list of road projects that are used to determine the traffic impact fee, as listed in the traffic impact fee study, the applicant shall be entitled to a credit for the value of the land or actual costs of capital facility construction against the fee that would be chargeable under the formula provided. The land value or costs of construction shall be determined pursuant to this section.

F. This subsection applies only to residential developments and the residential portion of a mixed use development. In cases where a developer would be entitled to a credit under this section, but the amount of the credit has yet to be determined on a per dwelling unit basis, the city shall take the total credit amount available to the entire plat or project, calculated by applying subsections (A) through (E) of this section, and divide that amount by the number of dwelling units approved for that plat or project. The impact fee and credit may then be calculated and collected on a per dwelling unit basis as building permits are issued for those dwelling units. Where building

permits for some, but not all, of the dwelling units within a plat or project have already been obtained at the time the ordinance codified in this chapter becomes effective, the credit for the unpermitted dwelling units will be calculated to arrive at a per dwelling unit amount in the same manner. For example, if a plat has been approved for 20 dwelling units, and building permits have only been issued for 10 of those units, the per dwelling unit credit for the remaining 10 units will equal the total credit amount divided by 20 dwelling units.

G. This subsection applies to nonresidential developments, or the nonresidential portion of a mixed use development. In cases where a developer would be entitled to a credit under this section, but the amount of the credit has yet to be determined on a per square foot basis, the city shall take the total credit amount available to the entire plat or project, calculated by applying subsections (A) through (C) of this section, and divide that amount by the number of square feet approved for that plat or project. The impact fee and credit may then be calculated and collected on a per square foot basis as building permits are issued for that square footage. Where building permits for some, but not all, of the dwelling units within a plat or project have already been obtained at the time the ordinance codified in this chapter becomes effective, the credit for the unpermitted square footage will be calculated to arrive at a per square footage amount in the same manner. For example, if a 20,000 square foot commercial project has been approved, and building permits have only been issued for 10,000 square feet of the project, the per square foot credit for the remaining 10,000 square feet will equal the total credit amount divided by 20,000 square feet.

H. Pursuant to and consistent with the requirements of RCW [82.02.060 \(1\)\(b\)](#), impact fee schedules have been adjusted for future taxes and other revenue sources to be paid by the new development which are earmarked or pro-ratable to the same new public facilities which will serve the new development.

I. After receiving the receipts for improvements, the appraisal of land value, the receipts and calculations of prior payments earmarked or pro-ratable to the same system improvements for which the impact fee is imposed, the mayor or designee shall provide the applicant with a letter setting forth the dollar amount of the credit, the reason for the credit, the legal description of the site donated where applicable, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter indicating their agreement to the terms of the letter and return such signed document to the city before the impact fee credit will be awarded. The failures of the applicant to sign, date, and return such document within 60 calendar days shall nullify the credit.

J. If the amount of the credit is less than the calculated fee amount, the difference remaining shall be chargeable as an impact fee and paid at the time of application for the building permit. In the event the amount of the credit is calculated to be greater than the amount of the impact fee due, no further sums shall be due from the applicant.

K. A claim for credit will be processed by the city using whichever of the following options is selected by the applicant:

1. Claims for credits that are submitted prior to, or with, an application for a building permit for which an impact fee will be due will be processed by the city before payment of the impact fee is due in order to allow any credit authorized by the city to reduce the amount of the impact fee; or
2. Claims for credits that are submitted no later than 30 days after the issuance of a building permit for which an impact fee is due shall be processed by the city after the impact fee is paid in full, and any credit authorized by the city will be refunded to the applicant within 90 days of receipt of the claim for credit.

L. Claims for credits that are submitted more than six months after the issuance of a building permit for which an impact fee is due are deemed to be waived and shall be denied.

M. Determinations made by the mayor or designee pursuant to this section shall be subject to appeal to the examiner subject to the procedures set forth in Chapter [2.40](#) EMC.

~~Section 6.~~Section 8. EMC 4.30.130 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

4.30.130 Council review of impact fees.

The impact fee schedule adopted by the ordinance codified in this chapter shall be reviewed by the city council, as it deems necessary and appropriate in conjunction with the update of the city's transportation improvement program.

~~Section 7.~~Section 9. EMC 4.30.135 of the Edgewood Municipal Code is hereby added as follows:

4.30.135 Funding of projects,

(A) An impact fee fund is hereby created for transportation impact fees. Separate accounts shall be established for each fee type. The City's Finance director shall be the manager of the city's

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fund. The city shall place transportation impact fees in appropriate deposit accounts within the impact fee fund.

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(B) The transportation impact fees paid to the city shall be held and disbursed as follows:

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1 The fees collected for each project shall be placed in a deposit account within the impact fee fund, with the exception of school impact fees, which shall be collected by the school district;

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2 When the council appropriates TIP funds for a transportation project on the project list, the transportation fees held in the impact fee fund shall be transferred to the TIP fund. The nonimpact fee monies appropriated for the project shall comprise both the public share of the project cost and an advancement of that portion of the private share that has not yet been collected in transportation impact fees;

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3 The first money spent by the director on a project after a council appropriation shall be deemed to be the fees from the impact fee fund;

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4 Fees collected after a project has been fully funded by means of one or more council appropriations shall constitute reimbursement to the city of the funds advanced for the private share of the project. The public monies made available by such reimbursement shall be used to pay the public share of other projects;

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5 All interest earned on impact fees paid shall be retained in the account and expended for the purpose or purposes for which the impact fees were imposed.

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(C) Projects shall be funded by a balance between impact fees and public funds, and shall not be funded solely by impact fees.

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(D) Impact fees shall be expended or encumbered for a permissible use for 10 years after receipt, unless there exists an extraordinary or compelling reason for fees to be held longer than 10 years. The director may recommend to the council that the city hold transportation fees beyond 10 years in cases where extraordinary or compelling reasons exist. Such reasons shall be identified in written findings by the council.

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~~Section 8.~~Section 10. EMC 4.30.150 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

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4.30.150 Impact fee calculations.

The traffic impact fee shall be calculated using a schedule that identifies a particular fee amount for a particular type of development, as supported by and consistent with the City of Edgewood Transportation Impact Fee Program Report dated ~~October~~December 2016~~2~~, attached hereto as Exhibit A, and incorporated herein by this reference as if set forth in full. Accessory dwelling units shall be calculated using ITE number 220, Apartment customer type.

Section 11. EMC 4.30.160 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

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4.30.160 Schedule of fees.*

A traffic impact fee shall be assessed against all new development as set forth in Exhibit A – Transportation Impact Fee Schedule, attached to the ordinance codified in this chapter and incorporated herein by reference as if set forth in full. This fee schedule represents the city's determination of the appropriate share of system improvement costs to be paid by new growth and development.

~~*Code reviser's note: Section 2 of Ordinance No. 15-438 provides, "The Fee Schedule attached to Ordinance No. 07-0282 and incorporated by reference into Chapter 4.30 EMC pursuant to EMC 4.30.160 is hereby amended to provide in its entirety as set forth in Exhibit A to this ordinance, attached hereto and incorporated herein by this reference as if set forth in full. The provisions of this section shall take effect at the close of business on April 30, 2015, simultaneously with the expiration of the temporary Fee Schedule set forth in Section 5."~~

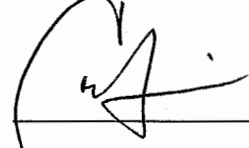
~~Section 3 of Ordinance No. 15-438 provides, "The Fee Schedule attached to Ordinance No. 07-0282 and incorporated by reference into Chapter 4.30 EMC pursuant to EMC 4.30.160 is hereby amended to provide in its entirety as set forth in Exhibit B to this ordinance, attached hereto and incorporated herein by this reference as if set forth in full. The provisions of this section shall sunset automatically at the close of business on April 30, 2015, simultaneously with the effective date of the permanent Fee Schedule set forth in Section 2."~~

Daryl Eiding, Mayor

ATTEST/AUTHENTICATED:

Rachel Pitzel, City Clerk

APPROVED AS TO FORM:



Carol Morris, City Attorney

Date of Publication: March 2, 2017

Effective Date: March 7, 2017

City of Edgewood
Schedule of Transportation Impact Fees

Cost per PM peak hour trip end = \$4,413

Land Use Category - ITE 9th Edition	Notes	ITE Land Use Code	ITE Average PM Peak Hour Trip Rate (1)	Unit*	Pass-By Trip Reduction Factor ** (2)	Net New Trip Rate (3)	Impact Fee Per Unit (4)
RESIDENTIAL							
Detached Housing	3	210	1.00	Dwelling Unit	1.00	1.00	\$4,413
Attached and Stacked Housing	3	220, 221, 230, 233	0.62	Dwelling Unit	1.00	0.62	\$2,736
Senior Housing	3	251, 252	0.27	Dwelling Unit	1.00	0.27	\$1,192
Nursing Home	3	620	0.22	Bed	1.00	0.22	\$971
Congregate Care/Asst. Living	3	253	0.17	Dwelling Unit	1.00	0.17	\$750
INSTITUTIONAL							
County Park	1	412	0.09	Acre	1.00	0.09	\$397
Beach Park	1	415	1.30	Acre	1.00	1.30	\$5,737
Regional Park	1	417	0.20	Acre	1.00	0.20	\$883
Golf Course		430	2.92	Hole	1.00	2.92	\$12,886
Multi-Purpose Recreational Facility	1	435	3.58	1,000 sf GFA	1.00	3.58	\$15,799
Multiplex Movie Theater	1	445	0.08	Seat	1.00	0.08	\$353
Casino/Video Lottery Establishment		473	13.43	1,000 sf GFA	1.00	13.43	\$59,267
Tennis Courts	1	490	3.88	Court	1.00	3.88	\$17,122
Racquet / Tennis Club		491	3.53	Court	1.00	3.53	\$15,578
Elementary School		520	0.15	Student	1.00	0.15	\$662
Middle/Junior High School		522	0.16	Student	1.00	0.16	\$706
High School		530	0.13	Student	1.00	0.13	\$574
Church		560	0.55	1,000 sf GFA	1.00	0.55	\$2,427
Day Care Center	5	565	12.34	1,000 sf GFA	1.00	12.34	\$54,456
Library		590	7.30	1,000 sf GFA	1.00	7.30	\$32,215
Hospital	1	610	0.93	1,000 sf GFA	1.00	0.93	\$4,104
Nursing Home	1	620	0.74	1,000 sf GFA	1.00	0.74	\$3,266
BUSINESS & COMMERCIAL							
Hotel		310	0.6	Room	1.00	0.60	\$2,648
All Suites Hotel	1	311	0.4	Room	1.00	0.40	\$1,765
Motel		320	0.47	Room	1.00	0.47	\$2,074
Resort Hotel		330	0.42	Room	1.00	0.42	\$1,853
Building Materials/Lumber	2(a), 3	812	4.49	1,000 sf GFA	0.75	3.37	\$14,861
Free-Standing Discount Superstore		813	4.35	1,000 sf GFA	0.73	3.18	\$14,013
Variety Store	2(b)	814	6.82	1,000 sf GLA	0.66	4.50	\$19,864
Free-Standing Discount Store		815	4.98	1,000 sf GFA	0.83	4.13	\$18,241
Hardware/Paint Store	3	816	4.84	1,000 sf GFA	0.74	3.58	\$15,806
Nursery-Retail (Garden Center)	2(a)	817	6.94	1,000 sf GFA	0.75	5.21	\$22,970
Nursery-Wholesale	2(a)	818	5.17	1,000 sf GFA	0.75	3.88	\$17,111
Shopping Center	6	820	n/a	1,000 sf GLA	0.66	n/a	n/a
Factory Outlet Center	2(b), 3	823	2.29	1,000 sf GFA	0.66	1.51	\$6,670
Quality Restaurant		931	7.49	1,000 sf GFA	0.56	4.19	\$18,510
High Turnover Sit-Down Restaurant		932	9.85	1,000 sf GFA	0.57	5.61	\$24,777
Fast Food Restaurant w/out Drive-Through	1	933	26.15	1,000 sf GFA	0.50	13.08	\$57,700
Fast Food Restaurant w/ Drive-Through		934	32.65	1,000 sf GFA	0.50	16.33	\$72,042
Quick Lubrication Vehicle Shop	2(c)	941	5.19	Servicing Position	0.72	3.74	\$16,490
Auto Care Center	2(c)	942	3.11	1,000 sf GLA	0.72	2.24	\$9,882
New Car Sales	2(a), 3	841	2.62	1,000 sf GFA	0.75	1.97	\$8,672
Auto Parts Sales	1,3	843	5.98	1,000 sf GFA	0.72	4.31	\$19,001
Gasoline/Service Station		944	13.87	Vehicle Fueling Position	0.58	8.04	\$35,501
Gasoline/Service Station w/ Convenience Market		945	13.51	Vehicle Fueling Position	0.44	5.94	\$26,233
Gasoline/Service Station w/ Convenience Market & Car Wash		946	13.86	Vehicle Fueling Position	0.44	6.10	\$26,912
Self-Service Car Wash		947	5.54	Wash Stall	0.65	3.60	\$15,891
Tire Store		848	4.15	1,000 sf GFA	0.72	2.99	\$13,186
Tire Superstore	2(e)	849	2.11	1,000 sf GFA	0.72	1.52	\$6,704
Supermarket	3	850	9.48	1,000 sf GFA	0.64	6.07	\$26,775
Convenience Market (24 Hr)		851	52.41	1,000 sf GFA	0.49	25.68	\$113,330
Convenience Market (16 Hr)	1	852	34.57	1,000 sf GFA	0.39	13.48	\$59,497
Convenience Market w/ Gas Pump		853	19.07	Vehicle Fueling Position	0.34	6.48	\$28,613
Discount Supermarket	3	854	8.34	1,000 sf GFA	0.79	6.59	\$29,075
Discount Club	2(f)	861	4.18	1,000 sf GFA	0.79	3.30	\$14,573
Home Improvement Superstore		862	2.33	1,000 sf GFA	0.58	1.35	\$5,964
Electronics Superstore	1	863	4.5	1,000 sf GFA	0.60	2.70	\$11,915
Toy/Children's Superstore	1, 2(b)	864	4.99	1,000 sf GFA	0.66	3.29	\$14,534
Apparel Store	2(b)	876	3.83	1,000 sf GFA	0.66	2.53	\$11,155
Pharmacy/Drug Store w/out Drive-Through		880	8.4	1,000 sf GFA	0.47	3.95	\$17,423
Pharmacy/Drug Store w/ Drive-Through		881	9.91	1,000 sf GFA	0.51	5.05	\$22,304
Furniture Store		890	0.45	1,000 sf GFA	0.47	0.21	\$933
Video Rental	2(d), 3	896	13.6	1,000 sf GFA	0.65	8.84	\$39,011
Bank/Savings: Walk-in	2(d)	911	12.13	1,000 sf GFA	0.65	7.88	\$34,794
Bank/Savings: Drive-in		912	24.3	1,000 sf GFA	0.65	15.80	\$69,703

City of Edgewood
Schedule of Transportation Impact Fees

Cost per PM peak hour trip end = \$4,413

Land Use Category - ITE 9th Edition	Notes	ITE Land Use Code	ITE Average PM Peak Hour Trip Rate (1)	Unit*	Pass-By Trip Reduction Factor ** (2)	Net New Trip Rate (3)	Impact Fee Per Unit (4)
OFFICE							
Clinic	1	630	5.18	1,000 sf GFA	1.00	5.18	\$22,859
General Office	3	710	1.49	1,000 sf GFA	1.00	1.49	\$6,575
Corporate Headquarters	3	714	1.41	1,000 sf GFA	1.00	1.41	\$6,222
Single Tenant Office	3	715	1.74	1,000 sf GFA	1.00	1.74	\$7,679
Medical-Dental Office Building	3	720	3.57	1,000 sf GFA	1.00	3.57	\$15,754
U.S. Post Office		732	11.22	1,000 sf GFA	1.00	11.22	\$49,514
Office Park	3	750	1.48	1,000 sf GFA	1.00	1.48	\$6,531
Research and Development Center	3	760	1.07	1,000 sf GFA	1.00	1.07	\$4,722
Business Park	3	770	1.26	1,000 sf GFA	1.00	1.26	\$5,560
INDUSTRIAL							
General Light Industrial	3	110	0.97	1,000 sf GFA	1.00	0.97	\$4,281
General Heavy Industrial	1	120	0.19	1,000 sf GFA	1.00	0.19	\$838
Industrial Park		130	0.85	1,000 sf GFA	1.00	0.85	\$3,751
Manufacturing	3	140	0.73	1,000 sf GFA	1.00	0.73	\$3,221
Warehouse	3	150	0.32	1,000 sf GFA	1.00	0.32	\$1,412
Mini-Warehouse		151	0.26	1,000 sf GFA	1.00	0.26	\$1,147
Utilities	1	170	0.76	1,000 sf GFA	1.00	0.76	\$3,354
PORT and TERMINAL							
Truck Terminal	1	30	0.83	1,000 sf GFA	1.00	0.83	\$3,663
Park and Ride Lot with Bus Service	3	90	0.62	Parking Space	1.00	0.62	\$2,736

* Abbreviations include: GFA = Gross Floor Area, sf = square feet, and GLA = Gross Leasable Area.

** The Pass-By Trip Reduction Factor reduces the Average Trip Rate based on average Pass-By trip percentages published in the *ITE Trip Generation Handbook* (3rd Edition, 2014).

NET NEW TRIP RATE CALCULATION:

ITE Trip Rate	X	Pass-By Reduction Factor	=	Net New Trip Rate
(1)		(2)		(3)

IMPACT FEE CALCULATION:

Net New Trip Rate	X	\$4,413 Per New PM Peak Hour Trip	=	Impact Fee per Unit of Development
(3)				(4)

NOTES:

- (1) *Trip Generation* (9th Edition, 2012) has less than 6 studies supporting this average rate. Applicants are strongly encouraged to conduct, at their own expense, independent trip generation studies in support of their application.
- (2) No pass-by rates are available. Pass-by rates were estimated from other similar uses.

Code	Land Use	Pass-By Trip Reduction Factor
2 (a)	No Data Available 25% Estimated Pass-by	0.75
2 (b)	Shopping Center (850)	0.66
2 (c)	Auto Parts Sales (843)	0.72
2 (d)	Bank/Drive-In (912)	0.65
2 (e)	Tire Store (848)	0.72
2 (f)	Discount Supermarket (854)	0.79

- (3) Alternatively, the PM peak hour trip regression equation in *Trip Generation* can be used instead of the average trip rate identified in the table. However the equation must be used according to the instructions in *Trip Generation*.
- (4) No Average PM peak hour trip rate available. Need to perform own PM peak hour traffic count for the identified land use to calculate impact fee.
- (5) No pass-by data available in *Trip Generation Handbook*; applicants can conduct and provide pass-by study data to support application.
- (6) *ITE Trip Generation* (9th Edition, 2012) equation used instead of trip rate.
- (7) The City of Edgewood has established Traffic Impact Fees (TIF) through Edgewood Municipal Code 4.30, as authorized by RCW 82.02 and RCW 36.70A. Unless otherwise noted, the City of Edgewood utilizes the weekday PM peak hour trip as the base measurement of trip generation. The City utilizes trip generation methodologies as identified in the most recent edition of the Institute of Traffic Engineers Trip Generation Manual.
- (8) No reduction in the City's base cost per trip may be considered at any time, although the City may consider variations to trip reduction rates for non-single family development when documented by the applicant utilizing methodologies accepted by the City.



CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-0492

Date Action Requested: February 28, 2017

Title: Ordinance No. 17-0492 – Flood Code Update (New FEMA Maps)

Attachments: Ordinance No. 17-0492 and Exhibit A

Submitted By: Jeremy Metzler, P.E., Senior Stormwater Engineer

Aaron C. Nix, Assistant City Administrator – Municipal Services

Approved For Agenda By: Daryl Eidinger, Mayor

Prepared For Agenda By: Jeremy Metzler, P.E., Senior Stormwater Engineer

Recommendation: Staff recommends that the City Council move to accept the second reading and adoption of Ordinance No. 17-0492, revising Title 14 of Edgewood Municipal Code in order to maintain eligibility in the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP), adopting “The Flood Insurance Study for Pierce County, Washington and Incorporated Areas,” dated March 7, 2017, and updating floodplain management regulations to remain consistent with federal regulations, as required by FEMA.

Discussion: As discussed with Council at a previous Regular Meeting and Council Study Session, the City of Edgewood must adopt the recently released flood insurance study update and associated Flood Insurance Rate Maps (FIRMs) to maintain NFIP eligibility.

In an effort to meet the federal standards, Staff is proposing amendments to the following sections of EMC: 14.10.060, 14.10.085, 14.10.130, 14.10.140 A, 14.20.020, 14.70.020, 14.70.030, and 14.70.040.

Alternatives:

- 1) Accept and adopt as presented
- 2) Propose amendment(s) and consider adoption
- 3) Forward to Study Session for further review

Fiscal Impact: None directly to the City’s budget resulting from the proposed amendments, but there may be impacts to future development in meeting these updated code requirements. It is Staff’s intent to meet these requirements, as imposed by these Permit-mandated amendments, with the least amount of fiscal impact and greatest benefit to the residents of Edgewood.

ORDINANCE NO. 17-0492

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO CRITICAL AREAS REGULATION, ADDING DEFINITIONS RELATING TO FLOOD CONTROL, ADDING CRITERIA FOR FLOOD HAZARD AREA VARIANCES, ADOPTING THE FLOOD INSURANCE STUDY FOR PIERCE COUNTY, WASHINGTON AND INCORPORATED AREAS, DATED MARCH 7, 2017, WITH ACCOMPANYING FLOOD INSURANCE RATE MAPS (FIRMS) AS APPENDICES; MAINTAINING ELIGIBILITY IN THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP); ADDING THE INSTALLATION OF MANUFACTURED AND MOBILE HOMES TO THE LIST OF REGULATED USES AND ACTIVITIES FOR PURPOSES OF CRITICAL AREAS REGULATION, AMENDING THE PROVISIONS RELATING TO FLOOD HAZARD AREAS, AMENDING THE PROCEDURES FOR FLOOD HAZARD AREA REVIEW; AMENDING SECTIONS 14.10.060, 14.10.085, 14.10.130, 14.10.140, 14.20.020, 14.70.020, 14.70.030 AND 14.70.040, PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Edgewood (City) adopted its current floodplain management regulations with its Critical Areas Ordinance (No. 02-0200), establishing continued eligibility under the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP); and

WHEREAS, FEMA recently released “The Flood Insurance Study for Pierce County, Washington and Incorporated Areas,” with an effective date of March 7, 2017; and

WHEREAS, in order to maintain eligibility in the NFIP, amendments must be made to the City’s floodplain management regulations prior to said effective date, in accordance with Section 60.3 of the Code of Federal Regulations (CFR); and

WHEREAS, a State Environmental Policy Act (SEPA) Determination of Nonsignificance (DNS) was issued for the amendments on January 9, 2017, and no timely appeals of said determination were filed; and

WHEREAS, a Notice of Proposed Amendment – Request for Expedited review was sent to the Washington State Department of Commerce on January 6, 2017 pursuant to RCW 36.70A.106, and granted with confirmation on January 23, 2017; and

WHEREAS, the City of Edgewood Planning Commission met to discuss the proposed amendments at the January 9, 2017 special and February 6, 2017 regular planning commission meetings; and

WHEREAS, the Planning Commission held a public hearing to review and gather public comment on February 6, 2017, providing recommendations on the proposed amendments; and

WHEREAS, the City Council met to discuss the proposed amendments at the February 7 and February 21, 2017 study sessions; and

WHEREAS, the first reading of this ordinance was performed at the February 14, 2017 regular City Council meeting; and

WHEREAS, the City Council held a public hearing to review and gather any remaining public comment on February 28, 2017, finalizing recommendations on the proposed amendments; and

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

Section 1. Findings. The above recitals, together with the Agenda Bill No. 17-0492, are hereby adopted by reference as legislative findings in support of this ordinance. The City Council further enters the following additional findings:

- A.** The regulation updates set forth herein are necessary to protect public health, safety and welfare.
- B.** The regulation updates set forth herein are compatible with and advance the guiding principles, vision, and overall goals and policies of the comprehensive plan.
- C.** Being weighed in light of cumulative effects of other amendments being considered, the regulation updates set forth herein are in the best interest of City of Edgewood residents.
- D.** The regulation updates set forth herein address needs or changing circumstances of the city and region as a whole.
- E.** The regulation updates set forth herein will not result in development that has significant adverse effects on community resources including, but not limited to, water resources, utilities, transportation, parks or schools.

- F. The regulation updates set forth herein are consistent with the land uses and growth projections which were the basis of the comprehensive plan.
- G. The regulation updates set forth herein are compatible with neighboring land uses and surrounding neighborhoods.
- H. The regulation updates set forth herein are consistent with the remaining provisions and overall intent of the comprehensive plan.
- I. The regulation updates set forth herein satisfy all relevant criteria for approval and adoption, including but not limited to the standards codified in EMC.
- J. The regulation updates set forth herein have been processed, reviewed, considered and adopted in material compliance with all applicable state and local procedural requirements, in compliance with the Growth Management Act and other state and federal laws, including but not limited to the requirements codified in EMC and Chapter 36.70A RCW.
- K. All relevant procedural requirements of the State Environmental Policy Act have been satisfied with respect to this ordinance.
- L. The regulation updates set forth herein are based upon best available science.

Section 2. Amendments to EMC. Those sections and subsections codified within Edgewood Municipal Code (EMC) associated with the regulation updates consistent with the requirements and findings stated herein are hereby updated consistent with requirements in their entirety as follows, attached hereto and incorporated herein by this reference as if set forth in full: Title 14 EMC, “Critical Areas”, as indicated in Exhibit A.

Section 3. Purpose; Intent. The purpose of this ordinance is to ensure that the City’s code maintains FEMA NFIP eligibility per Section 60.3 CFR.

Section 4. Transmittal to State. Pursuant to RCW 36.70A.106, a copy of this ordinance shall be submitted to the Washington State Department of Commerce, Growth Management Services.

Section 5. Adoption by Reference. Pursuant to RCW 35A.12.140, one copy of the Flood Insurance Study for Pierce County, Washington and Incorporated areas, Dated March 7, 2017, with the Accompanying Flood Insurance Maps (FIRMs) have been filed in the office of the City Clerk for use and examination by the public while this ordinance is under consideration and shall be maintained thereafter once the ordinance is adopted.

Section 6. 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 7. 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 on five days after publication (March 7, 2017).

Presented to Council for its First Reading on February 14, 2017.

Presented to Council for its Second Reading and Adoption on February 28, 2017.

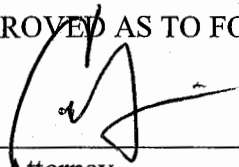
PASSED BY THE CITY COUNCIL ON THE 28TH DAY OF FEBRUARY, 2017

ATTEST/AUTHENTICATED:

Mayor Daryl Eiding

Rachel Pitzel, CMC, City Clerk

APPROVED AS TO FORM:



City Attorney,

DATE OF PUBLICATION: March 2, 2017

EFFECTIVE DATE: March 7, 2017

Chapter 14.10
GENERAL PROVISIONS

Sections:

- 14.10.010 Authority.
- 14.10.020 Repeal.
- 14.10.025 Title.
- 14.10.030 Purpose.
- 14.10.040 Interpretation.
- 14.10.050 Applicability.
- 14.10.060 Definitions.
- 14.10.070 Administration.
- 14.10.080 Critical area protective measures.
- 14.10.085 Variances to critical areas.
- 14.10.090 Reconsideration and appeal procedures.
- 14.10.100 Fees.
- 14.10.110 Compliance.
- 14.10.120 Warning and disclaimer of liability.
- 14.10.130 Severability.
- 14.10.135 Violation – Civil infraction.
- 14.10.140 Appendices.
- 14.10.150 Figures.

14.10.010 Authority.

NO CHANGES PROPOSED

14.10.020 Repeal.

NO CHANGES PROPOSED

14.10.025 Title.

NO CHANGES PROPOSED

14.10.030 Purpose.

NO CHANGES PROPOSED

14.10.040 Interpretation.

NO CHANGES PROPOSED

14.10.050 Applicability.

NO CHANGES PROPOSED

14.10.060 Definitions.

A. **NO CHANGES PROPOSED**

B. **ADD AND/OR MODIFY THE FOLLOWING DEFINITIONS:**

“Appeal” means a request for a review of the interpretation of any provision of this ordinance, per EMC 14.10.090.

“Area of Shallow Flooding” means areas designated as AO or AH zones on the FIRM(s). AO zones are characterized as sheet flows, having base flood depths that range from one to three feet above the natural ground, where a clearly defined channel does not exist, the path of flooding is unpredictable and

indeterminate, and velocity flow may be evident. AH zones indicate similar depth ponding, shown with standard base flood elevations on the FIRM(s).

“Area of Special Flood Hazard” means land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. Designation on FIRM(s) always includes the letters A or V.

“Base flood” means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, also referred to as the “100-year flood,” and is designated on FIRM(s) by the letters A or V.

“Basement” means any area of the building having its floor sub-grade (below ground level) on all sides, for the purposes of this title.

“Breakaway Wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

“Critical facilities” means those facilities occupied by populations or which handle dangerous substances including but not limited to hospitals, medical facilities, nursing homes; structures housing, supporting, or containing toxic or explosive substances; covered public assembly structures; school buildings through secondary, including daycare centers; buildings for colleges or adult education; police, fire, and emergency response installations; jails and detention facilities; and all structures with occupancy of greater than 5,000 people. These facilities are such that even a slight chance of flooding might be too great. Essential public facilities (as defined under EMC 18.20.080) are considered critical facilities, for floodplain management purposes.

“Development” means any human-induced change to improved or unimproved real property, including but not limited to: the construction of buildings or other structures, placement of a manufactured home / mobile, mining, dredging, clearing, filling, grading, paving, excavation, drilling operations, storage of equipment or materials located within an Area of Special Flood Hazard, or activities otherwise governed by EMC Title [16](#), Subdivisions.

“Elevation Certificate” means the official form (FEMA Form 81-31) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate with Section B completed by Community Officials.

“Elevated Building” means for insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

“Existing Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

“Expansion to an Existing Manufactured Home Park or Subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Insurance Administration (FIA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

“Flood Insurance Study (FIS)” means the official report provided by the Federal Insurance Administration (FIA) that includes flood profiles, FIRM(s), and the water surface elevation of the base flood.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to convey and discharge the base flood without cumulatively increasing the water surface elevation by more than one foot, and those areas designated as deep and/or fast-flowing water.

“Increased Cost of Compliance (ICC)” means a flood insurance claim payment up to \$30,000 directly to a property owner for the cost to comply with floodplain management regulations after a direct physical loss caused by a flood. Eligibility for an ICC claim can be through a single instance of “substantial damage” or as a result of a “cumulative substantial damage.” (more information can be found in FEMA ICC Manual 301)

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement and crawl space). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this title.

“Manufactured home/mobile home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term “manufactured home/mobile home” also includes park trailers, travel trailers, and other similar recreational vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term “manufactured home/mobile home” does not include park trailers, travel trailers, recreational vehicles, or other similar vehicles.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“New Construction” means structures for which the “start of construction” commenced on or after the following:

1. for the purposes of determining flood insurance rates, the effective date of an initial FIRM (i.e. August 19, 1987, or August 4, 1988 for Panel 350 only), and includes any subsequent improvements to such structures.
2. for floodplain management purposes, the effective date of this floodplain management ordinance and includes any subsequent improvements to such structures.
3. for all other cases, the effective date of the applicable critical areas ordinance.

“New Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the adopted floodplain management regulations.

“Plat” means:

1. “Short subdivision” or “short plat” means the division or redivision of land into six or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.
2. “Subdivision” or “formal subdivision” means the division or redivision of land into seven or more lots, tracts, parcels, sites, or division for the purpose of sale, lease, or transfer of ownership. For floodplain management regulation purposes, this includes land over 5 acres in area situated within a flood hazard area.

“Recreational Vehicle (RV)” means a vehicle built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

“Start of Construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, including a gas or liquid storage tank that is principally above ground.

“Substantial Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any repair, reconstruction, addition, rehabilitation, or other improvement of a structure, whereby the cost for the work exceeds 50 percent of the market value of the existing structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed.

The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration will not preclude the structure's continued designation as a “historic structure”.

Except for floodplain management regulation, the “cost” and “market value” may be determined using the current permit valuation. The building official shall determine the current permit valuation based on the cost per square foot values in effect at the time of permit application. Substantial improvement shall be accumulative from the effective date of the ordinance codified in this chapter.

“Variance” means a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance, per EMC 14.10.085.

“Violation” means the failure of a structure or other development activity to be fully compliant with the provisions of this title. With regard to the floodplain management regulations, projects without the elevation certificate, other certifications, or other evidence of compliance required in EMC 14.70 is presumed to be in violation until such time as that documentation is provided. See EMC 1.10 for penalties.

“Water Dependent” means a structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

14.10.070 Administration.
NO CHANGES PROPOSED

14.10.080 Critical area protective measures.
NO CHANGES PROPOSED

14.10.085 Variances to critical areas.

A. General. Variances are reviewed pursuant to EMC [18.50.080](#), Variances. Conditions may be attached to a critical area(s) variance, which will serve to meet the goals, objectives, and policies of this title.

B. NO CHANGES PROPOSED

C. Criteria for Flood Hazard Area Variances. In order to grant a flood hazard area variance, requirements pursuant to EMC 18.50.080, Variances, shall apply. In addition, the applicant must also demonstrate, and the examiner must find, that the proposal satisfies all of the following:

- 1) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.
- 2) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- 3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 4) Variances shall only be issued upon:
 - i) A showing of good and sufficient cause;
 - ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- 5) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.
- 6) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 4.4 1), and otherwise complies with Sections 5.1-1, 5.1-3, and 5.1-4 of the GENERAL STANDARDS.

7) Any applicant to whom a variance is granted shall be given written notice that the permitted structure will be built with its lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk.

D. Should a variance be denied, the application will be reviewed as a reasonable use exception pursuant to EMC [14.20.050](#).

14.10.090 Reconsideration and appeal procedures.

NO CHANGES PROPOSED

14.10.100 Fees.

NO CHANGES PROPOSED

14.10.110 Compliance.

NO CHANGES PROPOSED

14.10.120 Warning and disclaimer of liability.

NO CHANGES PROPOSED

14.10.130 Severability.

If any provision of this title or its application to any person or circumstance is held to be invalid or unconstitutional, then said holding shall in no way affect the validity or application of the remainder of this regulation to other persons or circumstances..

14.10.135 Violation – Civil infraction.

NO CHANGES PROPOSED

14.10.140 Appendices.

APPENDIX A

MAPPING SOURCES

The following sources of information and/or best available science may be used to indicate the presence of critical areas within Edgewood and provide data used in the development of the city of Edgewood critical areas atlas maps:

A. The following sources identify wetlands that are depicted in the Edgewood wetland inventory map and/or used as indicators of wetland presence:

1. Soil Survey of Pierce County Area, Washington, 1979, Soil Conservation Service, United States Department of Agriculture (USDA);
2. National Wetland Inventory Maps, U.S. Department of Interior, Fish and Wildlife Service, 1973;
3. Potential flood hazard areas as identified under subsection G.;
4. Aerial photographs, Department of Natural Resources, 1985 (Assessor's Office aeriels) or city-acquired aerial photographs;
5. Applicant supplied and verified data;
6. Ongoing field investigation to categorize and delineate wetlands; and
7. Buildable Lands Wetland Inventory, 2001.

B. **NO CHANGES PROPOSED**

C. **NO CHANGES PROPOSED**

D. **NO CHANGES PROPOSED**

E. **NO CHANGES PROPOSED**

F. **NO CHANGES PROPOSED**

G. The following sources identify flood hazard areas:

1. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Pierce County, Washington and Incorporated Areas" dated March 7, 2017, with accompanying FIRMs and any map amendments or corrections are hereby adopted by reference and declared to be a part of this title. The Flood Insurance Study and FIRMs are on file at Edgewood City Hall, 2224 104th Avenue East, Edgewood, Washington, 98371. The city may add or delete land from areas of special flood hazard or revise base flood elevations, utilizing best-available information for flood hazard identification in accordance with federal regulations.

2. The city's Surface Water Management Plan, 1997, or as amended thereafter.

3. Aerial photographs of the city, especially those taken in wintertime 1996 and 1997.

4. The city's two-foot elevation contour mapping performed by Nies Mapping Group Inc., 1999, or as subsequently updated.

5. Relevant and verifiable information from the City's Capacity Analysis Technical Review AdHoc Committee draft report, 2000.

6. Relevant and verifiable government and citizen photographs, notes, observations, etc., regarding historic ponding/flooding levels.

7. Relevant and verifiable information available through Pierce County.

8. Relevant and verifiable information available through FEMA.

9. Where the flood insurance study, FIRM, and floodway maps do not provide adequate, best, or most recent information, the city may utilize flood information that is more restrictive or detailed than the FEMA data which can be used for identifying flood hazard areas. This information may include, but is not limited to, new and more accurate mapping or data on: channel migration, high water elevations from flood events, base flood elevations, groundwater flooding areas, potholes, maps showing increased flood inundation based on future build-out or changed hydrologic conditions, specific maps from watershed basin plans or related studies, studies by federal or state agencies, or other information deemed appropriate by the city.

APPENDIX B

TITLE AND PLAT NOTIFICATION FORMS

NO CHANGES PROPOSED

14.10.150 Figures.

NO CHANGES PROPOSED

Chapter 14.20
USE AND ACTIVITY REGULATIONS

Sections:

- 14.20.010 Permitted uses.
- 14.20.020 Regulated uses and activities.
- 14.20.030 Exemptions.
- 14.20.040 Nonconforming uses and structures.
- 14.20.050 Reasonable use exceptions.
- 14.20.060 Current use assessment program.

14.20.010 Permitted uses.

NO CHANGES PROPOSED

14.20.020 Regulated uses and activities.

A. **NO CHANGES PROPOSED**

B. The following activities are regulated within a critical fish and wildlife habitat area, wetland, aquifer recharge area, landslide or erosion hazard area, flood hazard area, and/or their buffers unless exempted by EMC [14.20.030](#):

1. Removing, excavating, disturbing, or dredging soil, sand, gravel, minerals, organic matter, or materials of any kind;
2. Dumping, discharging, or filling;
3. Draining, flooding, or disturbing the water level or water table. In addition, an activity which involves intentional draining, flooding, or disturbing the water level or water table in a wetland or stream in which the activity itself occurs outside the regulated area shall be considered a regulated activity;
4. Driving, piling or placing obstructions, including placement of utilities;
5. Constructing, reconstructing, installing, demolishing, or altering the size of any structure or infrastructure, including manufactured and/or mobile homes;
6. Altering the character of a regulated area by destroying or altering vegetation through clearing, harvesting, cutting, intentional burning, shading, or planting;
7. Activities which result in significant changes in water temperature or physical or chemical characteristics of wetland or stream water sources, including changes in quantity of water and pollutant level;
8. Application of pesticides, fertilizers, and/or other chemicals unless demonstrated not to be harmful to the regulated area;
9. The division or redivision of land;
10. The creation of hard surfaces.
11. The city adopts the Forest Practice Act (Chapter [76.09](#) RCW) by reference. (Ord. 02-200 § 2).

14.20.030 Exemptions.

NO CHANGES PROPOSED

14.20.040 Nonconforming uses and structures.
NO CHANGES PROPOSED

14.20.050 Reasonable use exceptions.
NO CHANGES PROPOSED

14.20.060 Current use assessment program.
NO CHANGES PROPOSED

Chapter 14.70 FLOOD HAZARD AREAS

Sections:

- 14.70.010 Purpose.**
- 14.70.020 Flood hazard areas.**
- 14.70.030 Flood hazard area review procedures.**
- 14.70.040 Flood hazard area standards.**
- 14.70.050 Appendices.**
- 14.70.060 Figures**

14.70.010 Purpose.

NO CHANGES PROPOSED

14.70.020 Flood hazard areas.

Edgewood regulates the following flood hazard areas:

A. Potential Flood Hazard Areas.

1. Potential flood hazard areas, as depicted on the Critical Areas Atlas – Flood Hazard Area Map, include:

a. Detailed Study Areas.

i. FEMA Flood Insurance Rate Map and Floodway Map AE and AH zones.

ii. Areas within 300 feet horizontal distance from the base flood elevation established for the mapped AE and AH zones (see EMC [14.70.060](#)(A), Figure 14.70-1).

iii. Areas within five feet of vertical height from the base flood elevation established for the mapped AE and AH zones.

b. Unstudied Areas. FEMA Flood Insurance Rate Map A zones and shaded X zones, and areas within 300 feet horizontal distance from said mapped areas (see EMC [14.70.060](#)(B), Figure 14.70-2).

c. Natural Waters/Watercourse. Areas within five feet of vertical height above the ordinary high water mark of an identified natural watercourse (see EMC [14.70.060](#)(C), Figure 14.70-3).

d. Groundwater Flooding Areas. Areas within 300 feet horizontal distance from a mapped groundwater flooding area (see EMC [14.70.060](#)(D), Figure 14.70-4).

e. Potholes. Areas not identified as a mapped flood hazard area as described above, but within 10 feet of vertical relief from the bottom of an identified pothole or within two feet of vertical relief of a potential surface water spillway or other type of outlet (see EMC [14.70.060](#)(E) and (F), Figure 14.70-5 and Figure 14.70-6). Potholes may be identified by city topographic mapping, field survey, or site inspections.

f. Channel Migration Zones (CMZs). Channel migration zones shall apply only to those watercourses specifically identified by the city or listed in subsection (B)(4) of this section. In those areas where detailed CMZ studies have been completed and accepted by the department, additional horizontal and vertical review threshold criteria (i.e., 300 feet horizontal and five feet vertical) shall not apply (see EMC [14.70.060](#)(G), Figure 14.70-7).

2. The Critical Areas Atlas – Flood Hazard Areas Map may not show all potential flood hazard areas that may be necessary for a specific site analysis. The department may make interpretations, where needed, as to the approximate location of the boundaries of potential flood hazard areas. When there is a conflict between the elevations and the mapped potential flood hazard area boundaries, the elevations shall govern.

3. Where there is insufficient information shown on the potential flood hazard area maps, the department may require the applicant to verify that the site is out of the flood hazard area using the flood hazard area review procedures set forth in EMC [14.70.030](#).

B. Floodway. A floodway is an extremely hazardous area due to the depth and/or velocity of floodwaters, which carry debris, potential projectiles, and have erosion potential (see Figure EMC [14.70.060](#)(H), 14.70-8). The following areas are regulated by the city as floodways:

1. Regulatory Floodway. Regulatory floodway designated by flood hazard area maps.

2. Deep and/or Fast Flowing Water Areas. Areas of deep and/or fast flowing water shall be regulated as a floodway. Based on the criteria set forth in EMC [14.70.030](#)(E), the department shall make the determination after review and approval of applicant's analysis of whether the project site falls within the floodway area based on deep and/or fast flowing waters (see EMC [14.70.060](#)(I), Figure 14.70-9).

3. Potholes and shaded X Zones. That portion of a pothole and B zone area that is three feet or greater in depth shall be regulated as a floodway (see EMC [14.70.060](#)(J), Figure 14.70-10).

4. Channel Migration Zones (CMZs).

a. Channel migration zones shall be regulated as a floodway.

b. Channel migration zones are equivalent to the base flood elevation limits (i.e., 100-year floodplain limits).

C. Flood Fringe. All areas subject to inundation by the base flood, but outside the limits of the floodway as set forth in subsection (B) of this section. Those portions of the A, AE, AH, and shaded X zones not defined as floodway, and that portion of a pothole and FEMA shaded X zone area that is between zero feet (base flood elevation) and three feet in depth shall be regulated as a flood fringe.

D. Other Areas of Special Flood Hazard.

1. Groundwater Flooding Areas. Groundwater flooding areas are those areas identified by Edgewood and shown on flood hazard maps and are subject to flood inundation from subsurface waters that result from a fluctuation of the groundwater table. Groundwater flooding areas shall be regulated as a floodway or flood fringe pothole.

2. Natural Waters/Watercourse. Natural waters/watercourse as identified on city topographic, planimetric or orthophoto maps, WDNR stream classification maps, USGS quadrangle maps, or other source maps that are not identified as a flood hazard area on the FEMA maps. That portion of the natural watercourse located between the ordinary high water mark and a topographic elevation five feet above the ordinary high water mark shall be regulated as a floodway or flood fringe. If the applicant chooses to accept the five-foot topographic elevation line above the ordinary high water mark as the base flood elevation (i.e., floodplain elevation limits), a flood study shall not be required for a natural water/watercourse.

3. Frequently Flooded Areas. See EMC [14.70.030](#)(A)(9) as the areas defined by this section.

14.70.030 Flood hazard area review procedures.

A. General Requirements.

1. The city's Critical Areas Atlas – Flood Hazard Area Map provides an indication of where potential flood hazard areas are located within the city. The actual presence or location of a flood hazard area shall be determined using the procedures and criteria contained in this chapter.
2. The department will complete a review of the flood hazard area maps, and other source documents, for any development proposal to determine whether the proposed project area for a regulated activity falls within a potential flood hazard area. When there is a conflict between the elevations and the mapped 100- or 500-year floodplain or floodway boundaries, the elevations shall govern. In the instance where base flood elevation data has not been provided within a mapped A zone, the department shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source to complete their review.
3. When the department's maps or sources indicate that the proposed project area for a regulated activity is or may be located within a potential flood hazard area (except for coastal flood hazard areas), the department shall require a flood boundary verification survey as outlined in subsection (C) of this section, and may require a flood study as outlined in subsection (D) of this section, a deep and/or fast flowing water analysis as outlined in subsection (E) of this section, and/or a zero-rise analysis as outlined in subsection (F) of this section.
4. Any proposed development located within a flood hazard area shall comply with the flood hazard area standards set forth in EMC [14.70.040](#).
5. Prior to approval of any proposed flood hazard area development, all necessary permits from those governmental agencies from which prior approval is required by Federal or State law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, must be provided to the City by the applicant.
6. A FEMA letter of map amendment (LOMA) or letter of map revision (LOMR) shall not be submitted to FEMA until review and approval has been granted by the department. The city shall not recognize any LOMA or LOMR as an amendment to the department's flood hazard maps unless the department has granted prior approval.
7. Unless otherwise stated in this chapter, the critical area protective measure provisions contained in EMC [14.10.080](#) shall apply.
8. The Federal Emergency Management Agency (FEMA) administers the nation's floodplain management program. FEMA has identified some of the flood prone areas in the city; however, it is generally recognized that FEMA's Flood Insurance Rate Maps (FIRMs) may not accurately reflect the degree or frequency of flooding within all areas of the city. Therefore, information available through FEMA may not meet best available science criteria and cannot be used exclusively to address frequently flooded areas.
9. The city has determined that the following documents and sources are the most current and accurate information concerning frequently flooded areas within the city, and therefore represent best available science:
 - a. The City's Surface Water Management Plan, 1997, or as amended thereafter.
 - b. Aerial photographs of the city, especially those taken in wintertime 1996 and 1997.
 - c. The city's two-foot elevation contour mapping performed by Nies Mapping Group, Inc., 1999, or as subsequently updated.
 - d. Relevant and verifiable information from the City's Capacity Analysis Technical Review AdHoc Committee draft report, 2000.
 - e. Relevant and verifiable government and citizen photographs, notes, observations, etc., regarding historic ponding/flooding levels, including but not limited to the City of Edgewood Potholes Water Level Monitoring 2006-2007 report prepared by Robinson Engineers, LLC.

- f. Relevant and verifiable information available through Pierce County.
 - g. Relevant and verifiable information available through FEMA.
10. Flooding conditions within the city generally falls into three distinct hydrologic settings: (1) upland areas within enclosed depressions, (2) streams that flow off the upland areas, and (3) valley lowlands. Accordingly, the city manages frequently flooded areas within these three zones, as described below:
- a. Upland Areas Within Enclosed Depressions. From the above list use the historic ponding elevation, determined by subsection (A)(9) of this section, or the FEMA 100-year base flood elevation, whichever is highest.
 - b. Streams Which Flow Off the Upland Areas. From the above list use the historic flood elevation, determined by subsection (A)(9) of this section, or the FEMA 100-year base flood elevation, whichever is highest.
 - c. Valley Lowlands. From the above list use the historic flood elevation determined by subsection (A)(9) of this section, or the FEMA 100-year base flood elevation, whichever is highest.
11. The city will provide local flood information to FEMA, and request FEMA's assistance in accurately mapping and evaluating frequently flooded areas.
12. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside frequently flooded areas or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

B. Channel Migration Zone Study.

NO CHANGES PROPOSED

C. Flood Boundary Verification Survey.

1. A flood boundary verification survey that delineates the horizontal and vertical limits of the base flood elevation shall be submitted to the department when the department's maps or sources indicate that the proposed project area for a regulated activity is located within a potential flood hazard area.
- a. Where a base flood elevation has not been determined, a flood study shall be required pursuant to subsection (D) of this section.
 - b. A base flood elevation that has been established through a detailed flood study accepted by the department may be used in lieu of conducting a flood study.
 - c. The base flood elevation for a natural watercourse as set forth in EMC [14.70.020\(D\)\(2\)](#) shall be established at the five-foot topographic elevation line above the ordinary high water mark.
2. The requirement to submit a flood boundary verification survey may be waived at the department's discretion, when the department can determine, using contour elevations, base flood

data, orthophotos, and parcel data, that the extent of the regulated activity is clearly above the base flood elevation.

3. The flood boundary verification survey shall be prepared, signed, and dated by a registered land surveyor.

4. The department shall review the flood boundary verification survey to determine if the proposed development is located within a flood hazard area.

5. If the proposed development lies within the flood hazard area, the limits of the floodway, as well as the base flood elevation shall be shown on the flood boundary verification survey.

D. Flood Study.

NO CHANGES PROPOSED

E. Deep and/or Fast Flowing Water Analysis.

NO CHANGES PROPOSED

F. Zero-Rise Analysis.

1. When the department determines that a proposed project area for a regulated activity is located within a flood hazard area, a zero-rise analysis shall be required to determine that no increase in base flood elevation, displacement of flood volume, or flow conveyance reduction will occur as a result of the development.

2. The zero-rise analysis shall be conducted utilizing HEC-RAS (Hydrologic Engineering Center – River Analysis System) modeling methodology (for stream / channel floodways), the Western Washington Hydrology Model (i.e. WWHM, for pothole / closed depression floodways), or by other alternative methodologies approved by the city (see EMC [14.70.050](#), Appendix A). HEC-RAS can be found at the following web site: <http://www.hec.usace.army.mil/software/hecras/>. WWHM can be found here: <http://www.ecy.wa.gov/programs/wq/stormwater/wwhmtraining/index.html>. The analysis shall show that no rise (0.01 foot or less) has occurred as a result of the proposed development. The proposed development may need to be reduced or specially engineered (such as utilizing piers or pilings) to achieve zero-rise.

3. The zero-rise analysis shall be prepared, signed, and dated by a professional engineer.

4. The zero-rise analysis shall be documented on the zero-rise analysis form, as set forth in EMC [14.70.050](#), Appendix A, and shall be attached to the flood hazard area permit.

5. Zero-rise analysis shall not be required for coastal flood hazard areas.

6. When structures are elevated by pier or pilings and no fill is placed in the flood hazard area, the requirement to submit a zero rise analysis may be waived at the department's discretion.

14.70.040 Flood hazard area standards.

A. General.

1. New construction done by or for the city, such as bridges, roads, flood control works, revetments, retaining walls, drainage structures, sewer or water lines, parks, or other structures necessary to promote the public's health, safety, and welfare shall be allowed in a flood hazard area when:

a. The project is prepared, dated, and stamped by a registered professional engineer in the state of Washington and is designed so the project does not result in any increase in flood levels during the occurrence of the base flood discharge (zero-rise) and shall not obstruct the floodway or cause an adverse impact to critical fish or wildlife habitat or adjacent, cross-channel, or upstream or downstream properties; and

b. The improvements utilize appropriate flood hazard protection standards.

2. Elevation Certificate. A Federal Emergency Management Agency (FEMA) elevation certificate shall be required for new construction, additions affixed to the side of a structure, and substantial improvements located within flood hazard areas. The most current version of the FEMA elevation certificate must be completed and certified by a professional land surveyor, currently licensed in the state of Washington, kept on file by the city for public inspection, recording the actual (as-built) elevation (in relation to mean sea level) of:

- a. the lowest floor (including basement) of all new or substantially improved structures, whether or not the structure contains a basement,
- b. (for floodproofed nonresidential structures) where the structure was floodproofed (including floodproofing certifications).

B. Floodways. Any development, encroachments, filling, clearing or grading, new construction, and substantial improvements shall be prohibited within the floodway (including structures that do not require a building permit), except as allowed in the following standards:

1. Agricultural activities that do not require the installation of structures and that do not have any associated fill.

2. Park and recreational uses and facilities that do not require the installation of structures and that do not have any associated fill.

3. Individual recreational vehicles, not located in an RV park, that are licensed and ready for highway use, on its wheels or jacking system, and are not permanently attached to the site (attached only by quick disconnect type utilities and security devices, with no permanently attached additions).

4. Habitat enhancement/stream restoration activities are permitted subject to the provisions outlined in subsection (D) of this section.

5. Rehabilitation, reconstruction, or an upper story addition to an existing structure that does not exceed the limits for a substantial improvement.

6. Private bridges may be allowed to cross the floodway; provided, that the structure meets the requirements contained in EMC [14.70.030](#) and the following:

a. The lowest structural member of a private bridge proposed to cross a Channel Migration Zone shall be a minimum of six feet above the base flood elevation.

b. The lowest structural member of a private bridge proposed to cross the floodway portion of any other watercourse shall be a minimum of one foot above the base flood elevation.

C. Flood Fringe Areas. All activities allowed in subsection (B) of this section shall be permitted in a flood fringe area. Any other proposed development, encroachments, filling, clearing or grading, new construction, and substantial improvements are prohibited in a flood fringe area except as permitted under the following standards:

1. Structures that do not require a building permit and that do not have any associated fill are allowed, subject to flood hazard area review and permitting.
2. **NO CHANGES PROPOSED**
3. Roads, Bridges, Trails, and Parking Lots. **NO CHANGES PROPOSED**
4. Grading and Filling. **NO CHANGES PROPOSED**
5. Critical Facilities.
 - a. New construction, additions affixed to the side of an existing structure, and substantial improvement of hazardous facilities, and special occupancy structures are prohibited.
 - b. New construction of an essential facility, reconstruction of an existing essential facility, or additions to an existing essential facility that exceed the threshold for substantial improvement shall be permitted when no feasible alternative site is available outside the flood hazard area. Such regulated activities are subject to the following:
 - i. Essential facilities with a crawlspace elevated by fill shall have the lowest floor and any utilities and ductwork elevated a minimum of three feet above base flood elevation (see Figure 14.70-12), or to the height of the 500-year flood, whichever is higher.
 - ii. Essential facilities elevated by piers or pilings shall have the finished floor and any utilities and ductwork elevated a minimum of three feet above the base flood elevation (or to the height of the 500-year flood, whichever is higher) and must be designed by a professional structural engineer (see Figure 14.70-13).
 - iii. Access to and from the critical facility shall be protected to the height utilized under i and/or ii, above. Access routes shall be elevated to or above the same elevation to the maximum extent possible.
 - iv. Essential facilities shall be armored based on the standards in subsection (C)(4) of this section.
 - v. Flood proofing and sealing measures must be taken to ensure that toxic or explosive substances will not be displaced or released into floodwaters.
6. Structures. Single-family, two-family, multifamily, mobile/manufactured homes, commercial, industrial, etc., except for critical facilities as set forth in subsection (C)(5) of this section, shall be allowed subject to the following standards:
 - a. New construction, additions affixed to the side of an existing structure, and substantial improvement of any structure with a crawlspace shall have the lowest floor elevated a minimum of two feet above base flood elevation (see EMC [14.70.060\(L\)](#), Figure 14.70-12).
 - b. New construction, additions affixed to the side of an existing structure, and substantial improvement of any structure elevated by piers or pilings shall have the bottom of the lowest horizontal structural member elevated a minimum of two feet above the base flood elevation and must be designed by a professional structural engineer. Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities and associated ductwork shall be elevated a minimum of two feet above base flood elevation; however, the department may approve a lesser minimum distance above base flood elevation; provided, that the systems are designed to prevent floodwater from entering or accumulating within the

components (see EMC [14.70.060](#)(M), Figure 14.70-13). Areas below the lowest horizontal structural member shall not be enclosed and shall remain free of obstructions.

c. Mobile / manufactured homes shall be anchored to prevent floatation, collapse, or lateral movement, and shall be installed using methods and practices to minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This is in addition to applicable State and local anchoring requirements for resisting wind forces.

7. Agricultural Accessory Structures. **NO CHANGES PROPOSED**

8. Construction Standards. **NO CHANGES PROPOSED**

9. Sewage Disposal and Potable Water Installation. **NO CHANGES PROPOSED**

D. Alteration of Watercourses. **NO CHANGES PROPOSED**

14.70.050 Appendices.
NO CHANGES PROPOSED

14.70.060 Figures.
NO CHANGES PROPOSED



CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-0493

Date Action Requested: February 28, 2017

Title: Franchise Agreement Ordinance with the City of Milton, WA

Attachments: Ordinance No. 17-0493

Submitted By: Aaron C. Nix, ACA – Municipal Services

Approved For Agenda By: Daryl Eiding, Mayor

Prepared For Agenda By: Aaron C. Nix, ACA – Municipal Services

Recommendation: Move to approve Ordinance No. 17-0493, granting the City of Milton the right, privilege, authority, and nonexclusive franchise to construct, maintain, operate, replace, and repair water system infrastructure in, across, over, along, under, through, and below the Public Rights of Way of the City of Edgewood, Washington, providing for severability, and establishing an effective date.

Discussion: City of Edgewood Staff began working with City of Milton Public Works Staff in 2016 on specifics associated with entering into a Franchise Agreement in accordance with Edgewood Municipal Code, section 12.06. Based on Staff's initial review, a Franchise Agreement has not been in place with this utility and Staff has been asked to bring these issues current with all utilities utilizing City of Edgewood Right of Way. After many attempts, little feedback has been received from the City of Milton in regard to the particulars associated with the Draft Franchise Agreement that Edgewood Staff originally supplied Milton Staff with. With no progress, Staff has been advised by the Mayor and Council to move forward with drafting a final Ordinance for the Council to review and approve so that it can be approved by the Edgewood City Council and forwarded onto Milton for their review and approval/denial so that Edgewood Staff can move onto other Utilities in which franchise agreements are needed to be completed. Currently, the backlog is significant and work with these other utilities is necessary in order to move these other franchise agreements forward. This issue has been discussed with the Edgewood City Council at two Study Sessions - February 7th and 21st meetings.

Alternatives: 1) Do not adopt. 2) Forward to Study Session for further review

Fiscal Impact: None. Historically, any work within the City of Edgewood's Right of Way required that a utility obtain a right of way permit in accordance with EMC 12.06, in addition to obtaining and maintaining a current franchise agreement in order to protect both the City and the relevant utilities. This franchise does not change these requirements, nor does it add additional provisions that may add additional costs to either the City or the Utility in question.

ORDINANCE NO. 17-0493

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, GRANTING UNTO THE CITY OF MILTON, A MUNICIPAL CORPORATION OF THE STATE OF WASHINGTON, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE, AUTHORITY AND NONEXCLUSIVE FRANCHISE, TO CONSTRUCT, MAINTAIN, OPERATE, REPLACE AND REPAIR WATER SYSTEM INFRASTRUCTURE, IN, ACROSS, OVER, ALONG, UNDER, THROUGH AND BELOW THE PUBLIC RIGHTS-OF-WAY OF THE CITY OF EDGEWOOD, WASHINGTON; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, The City of Milton, WA, (hereinafter referred to as "Milton") has been asked to obtain a nonexclusive franchise by Edgewood Staff in accordance with EMC 12.06.020 on several occasions throughout 2016 and 2017; and

WHEREAS, Milton has authority to contract with municipal corporations, and to construct, add to, maintain and supply water works; and

WHEREAS, the City Council has the authority to grant franchises for the use of its streets and other public properties pursuant to RCW 35A.47.040; and

WHEREAS, The Milton Water Utility provides public drinking water to portions of citizens within the City of Edgewood, as a publicly owned municipal water utility regulated by the Washington State Department of Health; and

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

Section 1. Franchise Granted; Term. Pursuant to RCW 35A.47.040, the City of Edgewood, a Washington municipal corporation (hereinafter the "City"), hereby grants to Milton, a Municipal public utility owned by City taxpayers and organized under the laws of the state of Washington, its heirs, successors, legal representatives and assigns, subject to the terms and conditions hereinafter set forth and all applicable City codes and regulations, a nonexclusive franchise beginning on the effective date set forth in Section 23 herein. The term of the franchise shall be five (5) years.

This franchise shall grant Milton the right, privilege and authority to construct, operate, maintain, replace, and repair all necessary facilities for water delivery, in, under, on, across, over, through, along or below the public rights-of-way located in the City of Edgewood ("the Franchise Area"), as approved under City permits issued pursuant to this franchise. "Rights-of-way" as used herein means all public streets, roads, alleys and highways of the City as now or hereafter laid out, platted, dedicated or improved.

Section 2. Non-Exclusive Franchise Grant. This franchise is granted upon the express condition that it shall not in any manner prevent the City from granting other or further franchises in, along, over, through, under, below or across any of said rights-of-way. Such franchise shall in no way prevent or prohibit the City and/or the public from using any of said roads, streets or

other public properties or affect its jurisdiction over them or any part of them, and the City shall retain power to make all necessary changes, relocations, repairs, maintenance, establishment, improvement, dedication of same as the City may deem fit, including the dedication, vacation, establishment, maintenance, and improvement of all new rights-of-way, thoroughfares and other public properties of every type and description.

Section 3. Relocation of Water System Facilities.

3.1 MILTON agrees and covenants to, at MILTON's sole expense, protect, support, temporarily disconnect, relocate or remove from any rights-of-way any of MILTON's facilities when so required by the City by reason of traffic conditions, public safety, dedications of new rights-of-way and the establishment and improvement thereof, widening and improvement of existing rights-of-way, street vacations, road and walkway construction, change or establishment of street grade, and/or the construction of any public improvement or structure by any governmental agency acting in a governmental capacity (a "governmental project").

3.2 Any condition or requirement imposed by the City upon any person or entity (including without limitation any condition or requirement imposed pursuant to any contract or in conjunction with approvals for permit for zoning, land use, construction or development) which reasonably necessitates the relocation of MILTON's Facilities within the franchise area shall be a required relocation for purposes of subsection 3.1 above.

3.3 If the City determines that a government project or other event or condition, as defined in subsections 3.1 and 3.2, necessitates the relocation of MILTON's Facilities, the City shall, to the extent reasonably practicable:

- A. Notify MILTON during the planning phase to ensure collaborative effort is made to reduce project expense (to the City and MILTON), allow budgeting for the project and facilitate joint applications for grants and low-interest funding by the parties. The City will provide written notification requiring relocation of MILTON's Facilities at least ninety (90) days or additional days, approved by the Mayor or his/her designee prior to the commencement of the government project or other event or condition necessitating the relocation.
- B. Provide MILTON with copies of pertinent portions of the plans and specifications for such project and where possible propose an alternative location for MILTON's Facilities so that MILTON may relocate its facilities within the current right-of-way or to other rights-of-way.
- C. After receipt of such notice and such plans and specifications, MILTON shall complete relocation of its facilities at least ten (10) days prior to commencement of the project at no charge or expense to the City. Relocation shall be accomplished in such a manner as to accommodate the project, event or condition necessitating the relocation.

3.4 Without limitation of the foregoing, MILTON shall specifically indemnify the City, its officers, employees, agents and representatives, for any damages, claims, additional costs or expenses assessed against, or payable by, the City related to, arising out of, or resulting, directly or indirectly, from MILTON's failure to timely remove, adjust or relocate any of its facilities in accordance with any requirement hereunder. The provisions of this subsection shall

survive the expiration or termination of this franchise.

3.5 MILTON may, after receipt of written notice requesting relocation of its facilities, submit to the City written alternatives to such relocation. The City shall evaluate such alternatives in good faith and advise MILTON in writing if one or more of the alternatives are suitable to accommodate the work which would otherwise necessitate relocation of MILTON's Facilities. If so requested by the City, MILTON shall submit additional information to assist the City in making such evaluation. The City shall give each alternative proposed by MILTON full and fair consideration. In the event the City in its sole discretion ultimately determines that there is no other reasonable or feasible alternative, MILTON shall relocate its facilities as otherwise provided in this Section.

3.6 The provisions of this Section shall in no manner preclude or restrict MILTON from making any arrangements it may deem appropriate when responding to a request for relocation of its facilities by any person or entity other than the City or another governmental entity, where the facilities to be constructed by said person or entity are not or will not become governmentally-owned, operated or maintained facilities, provided that such arrangements do not unduly delay a governmental project.

Section 4. Maps and Records. After construction of any new facilities in the City rights-of-way, and as a condition of this franchise, MILTON shall make available to the City upon request and at no cost, a copy of all as-built plans, maps and records revealing the final location and condition of MILTON's facilities within the public rights-of-way. Said plans will be maintained at MILTON per Department of Homeland Security measures.

Section 5. Excavations. All construction work performed by MILTON or its contractors under or in relation to this franchise, specifically including without limitation any relocation, construction or maintenance of MILTON's facilities, shall be accomplished in a safe and workmanlike manner, so to minimize interference with the free passage of traffic and the free use of adjoining property, whether public or private, and shall comply with all applicable laws and regulations. MILTON shall at all times post and maintain proper barricades and comply with all applicable safety regulations during such period of construction as required by the ordinances of the City or the laws of the state of Washington, including RCW 39.04.180 for the construction of trench safety systems.

Excavation in City-owned rights-of-way shall be governed by the provisions of the Edgewood Municipal Code (EMC) Chapter 12.06 - "Right-of-Way Franchises and Permits for Public and Private Utilities". MILTON, at its own expense, shall secure any applicable permits required for excavating in any public right-of-way and shall give the City at least five (5) working days notice of its intent to commence work in the public right-of-way. In no case shall any work commence on City-owned and maintained public road surfaces, without the required permit(s).

If either the City or MILTON shall at any time plan to make excavations in any area covered by this franchise and as described in this Section, the party planning such excavation shall afford the other, upon receipt of a written request to do so, a reasonable opportunity to share such excavation, PROVIDED THAT:

- A. Such joint use shall not unreasonably delay the work of the party causing the excavation to be made; and

- B. Such joint use shall be arranged and accomplished on terms and conditions satisfactory to both parties; and
- C. Either party may deny such request for safety reasons. The provisions of this Section shall survive the expiration or termination of this franchise.

Section 6. Restoration after Construction. MILTON shall, after abandonment, installation, construction, relocation, maintenance or repair of its facilities within the Franchise Area, restore the surface of the right-of-way to at least the same condition in which the property existed immediately prior to any such installation, construction, relocation, maintenance or repair. The City's Public Works Director shall have final approval of the condition of such rights-of-way after restoration. All concrete encased monuments which have been disturbed or displaced by such work shall be restored pursuant to all federal, state and local standards and specifications. MILTON agrees to promptly complete all such restoration work and to promptly repair any damage caused by such work at its sole cost and expense. The provisions of this Section shall survive the expiration, revocation or termination by other means of this franchise.

Section 7. WSDOT Standards. The parties expressly acknowledge that some rights-of-way within the franchise area, specifically including without limitation the Meridian Avenue / State Route 161 corridor, are part of the state highway system ("State Highways") and are governed by the provisions of Chapter 47.24 RCW and applicable Washington State Department of Transportation (WSDOT) requirements in addition to local ordinances and other regulations. Without limitation of any other provision of this franchise, MILTON agrees that:

- (1) any pavement trenching and restoration performed by MILTON within State Highways shall meet or exceed applicable WSDOT requirements;
- (2) any portion of a State Highway damaged or injured by MILTON shall be restored, repaired and/or replaced by MILTON to a condition that meets or exceeds applicable WSDOT requirements; and
- (3) without prejudice to any right or privilege of the City, WSDOT is authorized to enforce in an action brought in the name of the State of Washington any condition of this franchise with respect to any portion of a State Highway.

Section 8. Emergency Work. Permit Waiver. In the event of any emergency in which any of MILTON's Facilities located in or under any right-of-way breaks, becomes damaged, or if MILTON's construction area is otherwise in such a condition as to immediately endanger the property, life, health or safety of any individual, MILTON shall immediately take the proper emergency measures to repair its facilities, and to cure or remedy the dangerous condition(s) for the protection of property, life, health or safety of individuals without first applying for and obtaining a permit as required by this franchise. However, this shall not relieve MILTON from the requirement of obtaining any permits necessary for this purpose, and MILTON shall apply for all such permits not later than the next succeeding day during which the Edgewood City Hall is open for business.

Section 9. Dangerous Conditions. Authority for City to Abate. Whenever the construction, installation or excavation of facilities authorized by this franchise has caused or contributed to a condition that appears to substantially impair the lateral support of the adjoining street or public place, or otherwise endangers the public, an adjoining public place, street utilities or City property, the Mayor may direct MILTON, at MILTON's own expense, to take actions to

protect the public, adjacent public places, City property or street utilities, and such action may include compliance within a prescribed time.

In the event that MILTON fails or refuses to promptly take the actions directed by the City, or fails to fully comply with such directions, or if emergency conditions exist which require immediate action, before the City can timely contact MILTON to request MILTON affect the immediate repair, the City may enter upon the property and take such actions as are necessary to protect the public, the adjacent streets, or street utilities, or to maintain the lateral support thereof, or actions regarded as necessary safety precautions. The provisions of this Section shall survive the expiration, revocation or termination of this franchise.

Section 10. Indemnification. MILTON hereby releases, covenants not to bring suit and agrees to indemnify, defend and hold harmless the City, its officers, employees, agents and representatives from any and all claims, costs, judgments, awards or liability to any person, including attorneys' fees and including claims by MILTON's own employees for which MILTON might otherwise be immune under Title 51 RCW, for injury or death of any person or damage to property caused by or arising, in whole or in part, out of the acts or omissions of MILTON, its agents, contractors, subcontractors, servants, officers or employees in the performance of this franchise, and any rights granted hereunder. The above waiver of immunity under Title 51 RCW has been mutually negotiated by the parties.

Inspection or acceptance by the City of any work performed by MILTON at the time of completion of construction shall not be grounds for avoidance by MILTON of any of its obligations under this Section. Said indemnification obligations shall extend to claims which are not reduced to a suit and any claims which may be compromised prior to the culmination of any litigation or the institution of any litigation.

In the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of MILTON and the City, MILTON's liability hereunder shall be only to the extent of MILTON's negligence. The provisions of this Section shall survive the expiration or termination of this franchise.

Section 11. Insurance. MILTON shall procure and maintain for the duration of the franchise the following liability insurance policies, insuring both MILTON and naming the City, and its elected and appointed officers, officials, agents, representatives, and employees as additional insureds:

- A. Comprehensive general liability insurance with limits not less than:
 - 1. \$2,000,000 for bodily injury or death to each person;
 - 2. \$2,000,000 for property damage resulting per occurrence; and
 - 3. \$2,000,000 for all other types of liability.
- B. Automobile liability for owned, non-owned and hired vehicles with a limit of \$1,000,000 for each person and \$3,000,000 for each accident.
- C. Worker's compensation within statutory limits and employer's liability insurance with limits of not less than \$1,000,000.
- D. Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed operation hazard policies with limits of not less than \$2,000,000.

- E. The liability insurance policies required by this Section shall be maintained at all times by the MILTON. Each such insurance policy shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until 90 days after receipt by the City, by registered mail, of a written notice addressed to the City Risk Manager of such intent to cancel or not to renew."

MILTON may satisfy the requirements of this section by a self-insurance program or membership in an insurance pool providing substantially the same coverage as set forth above and approved by the City.

Section 12. Restoration Bond. In lieu of a restoration bond pursuant to EMC 12.06.218, MILTON hereby warrants all work performed under this franchise and further specifically represents and warrants that all required restoration of the right-of-way shall be performed timely, in a workmanlike manner, and in full compliance with all applicable regulatory standards.

Section 13. Modification. The City and MILTON hereby reserve the right to mutually alter, amend or modify the terms and conditions of this franchise upon written agreement of both parties to such alteration, amendment or modification. No such alteration, amendment or modification shall be effective without a writing signed by both parties.

Section 14. Forfeiture and Revocation. If MILTON willfully violates or fails to comply with any of the provisions of this franchise, or through willful misconduct or negligence fails to heed or comply with any notice given by the City under the provisions of this franchise, then MILTON shall forfeit all rights conferred hereunder and this franchise may be revoked or annulled by the Edgewood City Council after a hearing held upon notice to MILTON.

Section 15. Remedies to Enforce Compliance. The City may elect, in lieu of revocation and without any prejudice to any of its other legal rights and remedies, to obtain an order from the superior court having jurisdiction compelling MILTON to comply with the provisions of this franchise. In addition to any other remedy provided herein, the City reserves the right to pursue any remedy to compel or force MILTON and/or its successors and assigns to comply with the terms hereof, and the pursuit of any right or remedy by the City shall not prevent the City from thereafter declaring a forfeiture or revocation for breach of the conditions herein.

Section 16. Legal Compliance. City Ordinances and Regulations. MILTON shall comply with applicable federal, state and local laws, rules and regulations, unless otherwise modified as part of this franchise, at all times relevant to this franchise. Nothing herein shall be deemed to restrict the City's ability to adopt and enforce all necessary and appropriate ordinances regulating the performance of the conditions of this franchise, including any valid ordinance made in the exercise of its police powers in the interest of public safety and for the welfare of the public. In the event of a conflict between the provisions of this franchise and any other ordinance(s) enacted under the City's police power authority, such other ordinance(s) shall take precedence over the provisions set forth herein.

Section 17. Planning Coordination.

17.1 Growth Management, The parties agree, as follows, to participate in the development of, and reasonable updates to, the each other's planning documents:

17.1.1 For MILTON's service within the City limits, the District will participate in a cooperative effort with the City of Edgewood to develop a Comprehensive Plan Utilities Element that meets the requirements described in RCW 36.70A.070(4).

17.1.2 MILTON will participate in a cooperative effort with the City to ensure that the Utilities Element of Edgewood's Comprehensive plan is accurate as it relates to the MILTON's operations and is updated to ensure continued relevance at reasonable intervals.

17.1.3 MILTON shall submit information relates to the general location, proposed location, and capacity of all existing and proposed facilities within the City as requested by the Public Works Director within a reasonable time frame, not exceeding sixty (60) days from receipt of a written request for such information, provided that such information is in the MILTON's possession, or can be reasonably developed from the information in MILTON's possession.

17.1.4 MILTON will update information provided to the City under Section 17 – Planning Coordination, whenever there are major changes in MILTON's system plans for the City of Edgewood.

17.1.5 The City will provide information relevant to MILTON's operations within a reasonable period of written request to assist MILTON in the development or update of its Comprehensive Water System Plan, provided that such information is in the City's possession, or can be reasonably developed from the information in the City's possession.

17.2 System Development Information. MILTON and the City will each assign a representative whose responsibility shall be to coordinate planning for CIP projects including those that involve undergrounding. At a minimum, such coordination shall include the following:

17.2.1 By February 1st of each year, MILTON shall provide the City with a schedule of its planned capital improvements, which may affect the right of way for that year.

17.2.2 By February 1st of each year, the City shall provide MILTON with a schedule of its planned capital improvements which may affect the right of way for that year including, but not limited to street overlays and repairs, storm drainage improvements and construction, and all other right of way activities that could affect MILTON's capital improvements and infrastructure.

17.2.3 MILTON shall meet with the City, other franchises and users of the right of way, as necessary, to schedule and coordinate construction activities.

17.2.4 MILTON shall ensure that all MILTON's construction locations, activities, and schedules shall be coordinated, to minimize public inconvenience, disruption, or damages.

17.3 Emergency Management. The City and MILTON agree to cooperate in emergency management planning, emergency operations response procedures, and recover activity strategies, including identifying potential hazards and risks in the MILTON's facilities so that they can be either mitigated or minimized. Provided, that nothing herein shall be construed as altering or otherwise reducing MILTON's obligations under this franchise, specifically including without limitation MILTON's obligations under Section 10.

Section 18. Acceptance. Within sixty (60) days after the passage and approval of this Ordinance, this franchise may be accepted by MILTON by its filing with the City Clerk an unconditional written acceptance thereof. Failure of MILTON to so accept this franchise within said period of time shall be deemed a rejection thereof by MILTON, and the rights and privileges herein granted shall be of no effect whatsoever, unless extended by Ordinance.

Section 19. Survival. All of the provisions, conditions and requirements of Sections 3 (Relocation of Water Facilities); Section 5 (Excavation); Section 6 (Restoration after Construction); Section 9 (Dangerous Conditions); and Section 10 (Indemnification); of this franchise shall be in addition to any and all other obligations and liabilities MILTON may have to the City at common law, by statute, or by contract, and shall survive the expiration or termination of this franchise. All of the provisions, conditions, regulations and requirements contained in this franchise shall further be binding upon the heirs, successors, executors, administrators, legal representatives and assigns of MILTON and all privileges, as well as all obligations and liabilities of MILTON shall inure to its heirs, successors and assigns equally as if they were specifically mentioned wherever MILTON is named herein.

Section 20. Assignment. This franchise may not be assigned or transferred without the written approval of the City, except MILTON may freely assign this franchise in whole or in part to a parent, subsidiary, or affiliated corporation or as part of any corporate financing, reorganization or refinancing. In the case of transfer or assignment as security by mortgage or

other security instrument in whole or in part to secure indebtedness, such consent shall not be required unless and until the secured party elects to realize upon the collateral. MILTON shall provide prompt, written notice to the City of any such assignment.

Section 21. Notice. Any notice or information required or permitted to be given to the parties under this franchise may be sent to the following addresses unless otherwise specified:

CITY OF EDGEWOOD

Mayor
2224 104th Avenue East
Edgewood, Washington 98372

CITY OF MILTON

Mayor
1000 Laurel Street
Milton, Washington 98354

Section 22. 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 unless such invalidity or unconstitutionality materially alters the rights, privileges, duties, or obligations hereunder, in which event either party may request renegotiation of those remaining terms of this franchise materially affected by such court's ruling.

Section 23. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect (5) days after passage and publication of an approved summary thereof consisting of the title. Provided, that the franchise granted by this ordinance shall not take effect until the City's receipt of MILTON's signed acceptance of the terms set forth herein in accordance with Section 18.

Section 24. Regulatory Authority Reserved; Water Utility Service. The parties mutually acknowledge that the City is a municipal corporation organized under the Optional Municipal Code of Title 35A RCW. Nothing herein shall be construed as a waiver, abridgement or other limitation of the City's regulatory authority and/or police power, which the City hereby expressly reserves in full. Without limitation of the forgoing, MILTON shall be required to apply for and obtain all applicable City permits, licenses and/or approvals and otherwise operate in full compliance with the requirements thereof. Any water utility service provided by MILTON to City-owned properties shall be governed by a separate contract between the parties.

Section 25. Nonwaiver of Breach. The failure of either party at any time to require performance by the other of any provision hereof shall in no way affect the right of the other party hereafter to enforce the same. Nor shall the waiver by either party of any breach of any provision hereof be taken or held to be a waiver of any succeeding breach of such provision, or as a waiver of the provision itself or any other provision.

Section 26. Entire Agreement. This franchise represents the entire understanding and agreement between the parties hereto with respect to the subject matter hereof and shall supersede all prior oral negotiations and written agreements between the parties.

Section 27. No Third Party Beneficiary. This franchise has been negotiated and executed for the exclusive benefit of the signatory parties and is enforceable only by the same. Nothing herein shall be construed as creating any rights in or for any third parties.

Section 28. Governing Law. Venue. This franchise shall be governed in all respects by the laws of the state of Washington. The exclusive venue for any dispute related to this franchise shall be the Pierce County Superior Court. The substantially prevailing party in any such dispute shall be entitled to an award of its reasonable attorney fees.

Section 29. Abandonment. If MILTON abandons any or all of its facilities during the franchise term, the City, at its option, may operate said facilities or designate another entity to operate the same temporarily until MILTON restores service under conditions acceptable to the City, or until the franchise is revoked and a new franchisee is selected by the City. If the City designates another entity to operate the water utility system, MILTON shall reimburse the City for all reasonable costs, expenses and damages incurred, including reasonable attorney fees, court expenses and attributed expenses for work conducted by the City's staff or agents.

Section 30. Taxes and Fees. Nothing contained in this franchise shall exempt MILTON from MILTON's obligation to pay any applicable utility tax, business tax, or ad valorem property tax, now or hereafter levied against real or personal property within the City, or against any local improvement assessment imposed on MILTON. Any fees, charges and/or fines provided for in the Edgewood Municipal Code or any other City ordinance, and any compensation charged and paid for the Public Rights-of-Way, whether pecuniary or in-kind, are separate from, and additional to, any and all federal, state, local, and City taxes as may be levied, imposed or due from MILTON .

**Presented to Council for first reading on February 21, 2017
Presented to Council for second reading on, February 28, 2017**

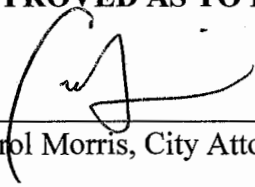
ADOPTED BY THE CITY COUNCIL ON FEBRUARY 28TH, 2017

Daryl Eidinger, Mayor

ATTEST/AUTHENTICATED:

Rachel Pitzel, City Clerk

APPROVED AS TO FORM:



Carol Morris, City Attorney

Published: March 2, 2017

Effective: March 7, 2017

ACCEPTANCE OF FRANCHISE

The undersigned authorized representative of Milton, WA hereby declares on behalf of Milton, WA, the acceptance of the nonexclusive franchise to Milton, WA approved by the Edgewood City Council on the 28th day of February, 2017 by the adoption of Edgewood City Ordinance No. 17-0493.

DATED this _____ day of, 2017

Milton, WA

By: _____

Its: _____