



**CITY OF EDGEWOOD
REGULAR COUNCIL MEETING AGENDA**

Tues., April 11, 2017 – 7:00 pm. ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

1. CALL TO ORDER

Pledge of Allegiance, Roll Call, Additions/Deletions

2. PRESENTATION

Mt. View Water Company, Jacki Masters

3. PUBLIC HEARING (pg. 3)

AB17-016, Ordinance No. 17-0496, relating to Land Use and Zoning in the Town Center, Commercial, and Mixed Use Residential Zones, amending Section 18.80.080 of the Edgewood Municipal Code including revising the Use Table, Densities, location of Mixed Uses, and providing for Variances; providing for severability; and establishing an effective date

4. AUDIENCE COMMENT

5. MAYOR'S REPORT

6. CONSENT AGENDA: (pg. 52) *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 March 28, 2017

B. Study Session Meeting Minutes of April 4, 2017

C. AB17-017, a motion approving April 2017 Budgeted Expenditures as follows: Nationwide Retirement Solutions Check Numbers 10600-10601 in the amount of \$4,689.52; IRS 941 ACHs; AWC Employee Benefit Trust; Deferred Compensations Program; Dept. of Retirement Systems; AWC Employee Benefit Trust; Employment Security Dept.; and Payroll Direct Deposit in the amount of \$74,585.37; and Vendor Check Numbers 21907-21930 with EFT Payments in the amount of \$33,581.80. Voided Check Numbers 21753, 21768 in the amount of (\$2,948.47). Total distributions submitted for review & authorization in the amount of \$109,908.22

D. AB17-0363, (pg. 71) a motion approving Resolution No. 17-0363, amending the City of Edgewood Personnel Policies to incorporate a move from a city sponsored Supplemental Retirement Plan (457) currently with Nationwide to the State of Washington DCP Program, and to make changes to the Medical Benefits Plan

7. COUNCIL BUSINESS

A. AB17-0496, (pg. 77) a motion to accept the second reading and adoption of Ordinance No. 17-0496, relating to Land Use and Zoning in the Town Center, Commercial, and Mixed Use Residential Zones, amending Section 18.80.080 of the Edgewood Municipal Code including revising the Use Table, Densities, location of Mixed Uses, and providing for Variances; providing for severability; and establishing an effective date

B. AB17-0364, (pg. 101) a motion adopting Resolution No. 17-0364, relating to Land Use and Zoning, adopting a Public Participation Program as required by the Growth Management Act, RCW 36.70a.140, which identifies procedures adopted by the City in its codes providing for early

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continuous public participation in the development and amendment of Comprehensive Land Use Plans and Development Regulations implementing such plans

- C. **AB17-0365**, (*pg. 110*) a motion adopting Resolution No. 17-0365, authorizing the Mayor to execute a Professional Services Agreement associated with Surface Water Management Plan Updates with Herrera Environmental Consultants (Herrera)
- D. **AB17-0497**, (*pg. 138*) a motion to accept the first reading of Ordinance 17-0497, relating to Land Use and Zoning, adopting procedures for the execution of Development Agreements with property owners, requiring consistency with existing development regulations as required by RCW 36.70B.170, identifying the elements of a complete application for a development agreement, describing the procedure for processing development agreements, clarifying the effect, format, requirements for Public Hearing on development agreements, recording, appeals and revisions to approved development agreements; adopting a new Chapter 18.55 to the Edgewood Municipal Code, repealing Section 18.50.090 and 18.90.015 of the Edgewood Municipal Code and establishing an effective date
- E. **AB17-0498**, (*pg. 150*) a motion to adopt Ordinance 17-0498, relating to land use and zoning, adopting findings and conclusions to support the City's adoption of Interim Zoning Ordinance 17-0494 relating to Quasi-Judicial Map Amendments, which repeals Section 18.40.110 of the Edgewood Municipal Code; describing the elements of a complete application, the criteria for approval, deadline for issuance of a final decision, and expiration of the approval for a period of six months after adoption of Ordinance No. 17-0494 on February 28, 2017 establishing findings of fact associated with Interim Ordinance 17-0494 establishing an Interim Ordinance regarding Quasi-Judicial Map Changes
- F. **AB17-0495**, (*pg. 154*) a motion to adopt Ordinance 17-0495, relating to development standards and subdivision code enforcement, adopting new development standards and subdivision code enforcement procedures which describe violations, explain the process for investigation and enforcement of violations, listing the elements of a notice of violation, describing the procedures for issuance and service of notices violation, stop work orders and emergency orders, providing for hearings on appeals, describing the hearing process, setting penalties for violations, amending sections 16.01.130, 16.01.200 and repealing section 18.30.130 of the Edgewood Municipal Code and adding a new Chapter 18.85 to the Edgewood Municipal Code

8. COUNCIL COMMENTS

9. EXECUTIVE SESSION

10. ADJOURN



CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-016 (PUBLIC HEARING)

Date Action Requested: April 11, 2017

Title: **PUBLIC HEARING** - Ordinance 17-0496, Town Center, Commercial and Mixed Use Residential Code Updates to EMC 18.80.080 related to Commercial and Mixed Use Development within the City of Edgewood.

Attachments: Ordinance 17-0496

Submitted By: Kevin Stender, Community Development Director

Approved For Agenda By: Daryl Eidinger, Mayor

Prepared For Agenda By: Kevin Stender, Community Development Director

Recommendation: Public Hearing to discuss Ordinance 17-0496, an ordinance of the City of Edgewood, Washington, relating to land use and zoning in the Town Center, Commercial and Mixed Use Residential Zones, amending Section 18.80.080 of the Edgewood Municipal Code including revising the use table, densities, location of mixed uses and providing for variances, providing for severability; and establishing an effective date

Discussion: The City Council began discussion with Staff regarding the development regulations that govern the Town Center zone in early spring of 2015 after concern was raised by Council regarding low- density multifamily housing and not the desired mix of housing and commercial or “mixed use development” that Council desires and is supported by the Comprehensive Plan. Since that time the Planning Commission has been tasked with finding solution(s) to this issue. Beginning in 2015 with help from 3-Square Blocks and Community Attributes Inc. (CAI) the Planning Commission was able to use our Consultant’s expertise in helping to guide appropriate changes to meet the intent of the Comprehensive Plan while not requiring too much commercial given our commercial absorption estimates of approximately 50,000 square feet of retail space from our Market Analysis prepared by CAI.

With the direction and help of our consultant team, City Staff prepared DRAFT code changes for the Planning Commission to review and modify accordingly based on their comments and limited comments from the general public. Following the March 6, 2017 planning commission meeting, the Planning Commission asked that the code changes be brought to a Public Hearing. The planning commission conducted a Public Hearing on

March 20, 2017 and after that hearing made a recommendation on proposed code changes. That DRAFT was placed in Ordinance format to review with Council at the March 21, 2017 Study Session and in discussion suggested modifications have been made by the Council. The draft was again reviewed at the April 4, 2017 Study Session and moved to Public Hearing and potential Second reading tonight to consider for adoption.

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

Fiscal Impact: N/A

ORDINANCE NO. 17-0496

AN ORDINANCE OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO LAND USE AND ZONING IN THE TOWN CENTER, COMMERCIAL, AND MIXED USE RESIDENTIAL ZONES, AMENDING SECTION 18.80.080 OF THE EDGEWOOD MUNICIPAL CODE INCLUDING REVISING THE USE TABLE, DENSITIES, AND LOCATION OF MIXED USES, PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council accepted the Town Center and Meridian Corridor Master Plan in Fall of 2004, which established a vision for the Town Center and Meridian Corridor; and

WHEREAS, the City Council incorporated the concepts of the 2004 Town Center and Meridian Corridor Master Plan into the 2015 Comprehensive Plan that helped to define the zones within the Meridian Corridor including the Town Center, Commercial and Mixed Use Residential zones based on the vision of the Master Plan; and

WHEREAS, the Edgewood City Council upon entitlement approval and construction of several new single-use apartment projects beginning in 2015 in the Town Center, Commercial and Mixed Use Residential zones voiced concern over a loss of opportunity to realize the vision from the 2004 Town Center and Meridian Corridor master plan; and

WHEREAS, the existing code allows single-use multifamily residential without requiring a proportional commercial or mixed use component in conflict with the City's established vision for the Town Center and Meridian Corridor; and

WHEREAS, the Edgewood Municipal Code (EMC) Section 18.80.080 Town Center, Mixed Use Residential, Commercial, and Business Park zoning districts regulates development standards for these zones in the City of Edgewood; and

WHEREAS, the Edgewood City Council held numerous discussions during regularly scheduled Council meetings starting in March 2015 regarding ways to preserve commercial development opportunities in the Meridian Corridor on single-use residential projects without prohibiting the development of said projects, the City's development regulations pertaining to the Meridian Corridor and Town Center, Commercial, and Mixed Use Residential zoning districts, and the City's Comprehensive Plan Goals and Policies; and

WHEREAS, the Edgewood City Council approved a scope of work and authorized City Staff to work with 3 Square Blocks, a consulting firm, to further review regulatory options for the Town Center zone; and

WHEREAS, the Planning Commission held numerous meetings reviewing the results from reports generated by 3 Square Blocks and Community Attributes Inc, discussing various methods to preserve commercial development opportunities in the Town Center as well as Commercial and Mixed Use Residential zoning districts; and

WHEREAS, the Edgewood City Council and Planning Commission conducted a joint special meeting on September 21, 2015 to further review the regulatory options, concerns and potential changes to the City's development regulations; and

WHEREAS, the Edgewood City Council enacted Ordinance No. 15-0450, adopting interim Chapter 18.80 EMC code amendments for a duration of 6 months, with an effective date of November 3, 2015 sunset date of May 3, 2016; and

WHEREAS, to allow additional study potential TC, C, and MUR zoning code changes, the Edgewood City Council enacted two extensions of the interim chapter (via Ordinance No. 16-0460 and Ordinance No. 16-0479) that sunset on April 20, 2017; and

WHEREAS, the Edgewood City Council approved a scope of work and authorized City Staff to work with Community Attributes Inc. (CAI) to help determine retail opportunities in the City given current trends and to determine what code changes may be appropriate given the findings; and

WHEREAS, the CAI technical analysis identified opportunity for Edgewood to increase its share of retail, commercial, and mixed use development capture in the region; and

WHEREAS, the City Council and Planning Commission met several times to discuss the CAI analysis, options provided by Three Square Blocks, the Comprehensive Plan goals and policies for the Town Center and Meridian Corridor, consistent with the 2004 Town Center Master Plan; and

WHEREAS, the Planning Commission reviewed a DRAFT code amendment to Section 18.80.080 - Town Center, Commercial, Mixed Use Residential and Business Park zoning districts at the February 27th and March 6, 2017 regular Planning Commission meetings; and

WHEREAS, the proposed DRAFT code amendment to Section 18.80.080 – Town Center, Commercial, Mixed Use Residential and Business Park zoning districts identifies a clear process to implement the City's vision from the Comprehensive Plan and Town Center Meridian Corridor Master Plan, requiring preservation of space for, or development of, retail- or office-type commercial uses in single-use multifamily residential proposals; and

WHEREAS, a State Environmental Policy Act (SEPA) checklist was prepared and a Determination of Nonsignificance (DNS) was issued, a legal notice was published in the City's official newspaper on March 4, 2017, and no appeals were filed; and

WHEREAS, the Washington State Department of Commerce granted expedited review of the proposed changes on March 13, 2017; and

WHEREAS, on March 20, 2017, the Planning Commission held a public hearing to receive public comments on the proposed changes to the Town Center, Commercial, Mixed Use Residential and Business Park zoning districts code; and

WHEREAS, as a result of the City's efforts, numerous Council and Planning Commission meetings the public has had opportunity to participate in the review process and all persons desiring to comment during these scheduled meetings were given a full and complete opportunity to be heard; and

WHEREAS, the Planning Commission unanimously recommended changes to EMC 18.80.080 following the public hearing during regular commission business; and

WHEREAS, the City Council reviewed the Planning Commission's recommendation at the March 21, 2018 Study Session; and

WHEREAS, the City Council unanimously moved the DRAFT ordinance through first reading at the March 28, 2017 regular council meeting; and

WHEREAS, the City Council reviewed the Ordinance and discussed the upcoming public hearing regarding the DRAFT ordinance at the April 4, 2017 Council Study Session; and

WHEREAS, on April 11, 2017, the City Council held a public hearing to receive public comments on the proposed changes to the Town Center, Commercial, Mixed Use Residential and Business Park zoning districts code; 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 September 29, 2015, March 15, 2016, April 5, 2016, August 30, 2016, January 29, 2017, March 21, 2017, April 4, 2017 as well as Council regular sessions on October 27, 2015, April 12, 2016, March 28, 2017 and April 11, 2017 as well as the Planning Commission recommendations of March 20, 2017 and the included agenda bill as additional findings.

Section 2. EMC 18.80.080 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

Table 1: Permitted Use Table

	TC	C	MUR	BP
Use Categories				
Residential (1)				
Dwelling Unit, Accessory	NP	NP	P (1a)	NP
Dwelling Unit, Single-Family Attached	NP	C	P	NP

	TC	C	MUR	BP
Dwelling Unit, Single-Family Detached or Cottage Housing	NP	NP	P	NP
Dwelling Unit, Multifamily	P	P	P	C (1c)
Senior Citizen Assisted Housing	P	P	P	C (1c)
Commercial (2)				
Day Care Center or Home	P	P	P	P
Drive-Through Use	C	P	P	P
Gambling and Card Rooms	NP	P	NP	NP
Home Business	P	P	P	NP
Personal and Beauty Services	P	P	P	P
Professional Office	P	P	P	P
Retail Trade and Services – less than 50,000 sq. ft. for all structures (5)	P (4)	P	P (3)(4)	P (3)
Retail Trade and Services – over 50,000 sq. ft. for all structures	C (4)	P	NP	C
Storage/Self-Storage	NP	P (11)	C (11)	P
Temporary Lodging, Hotel, Motel and Bed and Breakfast	P	P	C	C
Recreation/Cultural				
Cinema, Performing Arts and Museums	P	P	P	NP
Group Assembly/Meeting Hall	P	P	C	P
Private Recreation, Indoor or Outdoor	C	P	P	P
Religious	C	P	C	P
Health Services				
Hospital or Emergency Care Facility	C	C	NP	C
Medical Office/Outpatient Clinic	P	P	P	P
Nursing and Personal Care Facility	C	P	C	P
Group Home – Type I (1b)	P	P	P	NP

	TC	C	MUR	BP
Group Home – Type II and III (1b)	NP	C	NP	NP
Agriculture (5)				
Animal or Crop Processing	NP	NP	NP	C
Family Farm	C	P	P	P
Industrial/Manufacturing (6)				
Light Industrial and Light Manufacturing	NP	C (7)	C (7)	P (7)
Heavy Industrial and Heavy Manufacturing	NP	NP	NP	NP
Civic and Other (8)				
Administrative Government Facilities	P	P	P	P
Essential Public Facilities	NP	P	C	P
Major Utility Facility	NP	C	C	C
Minor Utility Facility	P (9)	P	P	P
Public Park	P	P	P	P
Schools: Compulsory, Vocational and Higher Education	P	P	P	P
Wireless Communication Facilities (10)	C	C	C	C

1. Permit Use Conditions. (Use notes from Table 1 above.)

(1) Residential uses subject to the requirements of EMC Title [16](#), Subdivisions.

a. Accessory unit is only allowed in association with a single-family detached unit.

b. Subject to the provisions of EMC [18.70.050](#)(D), (E) or (F).

c. Provided that multifamily use in BP zone is subject to the development standards contained in Chapter [18.95](#) EMC.

(2) Sexually oriented business is only allowed in the BP district with a conditional use permit.

(3) This use is further restricted to a maximum of 20,000 gross square feet within the MUR and BP districts.

(4) Services, sales, storage and operations other than customer parking and “sidewalk” style merchandise display and outdoor seating must be fully contained within a structure. Gasoline service stations are not permitted in the Town Center.

(5) Farmer’s markets, farm stands and public markets are permitted in all districts. If such a market is temporary, then it requires a temporary use permit.

(6) The director shall determine whether a use is classified as light industrial or heavy industrial based on the industrial classification and its potential to cause negative impacts on residential, civic and commercial uses.

(7) All structures for light industrial uses must meet the required setbacks, landscaping and all other standards contained in this chapter. Equipment storage and manufacturing activities shall be enclosed in a structure or fully screened with Type I landscaping from Meridian Avenue. Warehouse and distribution uses require a conditional use permit in the Commercial district.

(8) Maintenance yards, substations and solid waste transfer stations are not permitted outside of the BP district and must be fully screened with 20 feet of Type IV landscaping.

(9) Minor utility facilities, such as telecom, fiber optics, Internet and similar facilities, shall be located within a fully enclosed structure, unless the director determines this is not feasible.

(10) Please see EMC [18.100.110](#), Personal wireless communications facilities, for additional requirements. In the event of a conflict between the requirements of that section and the requirements of this chapter, the standards contained in EMC [18.100.110](#) shall apply.

(11) Storage/Self Storage project proposals within the C and MUR zones on combined project areas 2 acres or larger shall provide retail- or office-commercial type uses or preserve for future retail-or office-commercial type uses, at minimum, of 30 percent of the land area within the first 150 feet from an arterial ROW.

Table 2: Development Standards Table

	TC	C	MUR	BP
Standards				
Maximum Height (without any bonus) (1)	45 feet	35 feet	35 feet	35 feet
Maximum Height (with FAR Bonus) (1)	55 feet	45 feet	35 feet	35 feet

	TC	C	MUR	BP
	(minimum 3:1 FAR)	(minimum 1.5:1 FAR)		
Maximum Residential Net Density – Single Use Project (3)(5)(14)	48 D.U./acre	N/A	24 D.U./acre	N/A(1)
Maximum Residential Net Density – If Part of a Mixed Use Project (2)(4)(5)(14)	Controlled by maximum height, FAR and Building Code	48 D.U./acre	48 D.U./acre	N/A (1)
Minimum Residential Net Density (5)(6)	24 D.U./acre	N/A	10 D.U./acre	N/A
Minimum Lot Frontage Occupied by a Building (7)	50%	35%	35%	None
Minimum Setback to TC, C, MUR or BP Zones (8)	None	None	None (9)	None, except 20 feet for light industrial
Minimum Setbacks to Zones Other Than TC, C, MUR or BP (10)	25 feet	25 feet	20 feet	25 feet
Maximum Floor Area Ratio (FAR) with Bonus Features (11)	4:1	3:1	2:1 (12)	2:1
Maximum Floor Area Ratio (FAR) without Bonus Features (13)	1:1	0.5:1	0.5:1 (12)	0.5:1
Maximum Hard Surface Area (Including Lot Coverage)	90%	85%	75%	80%
Maximum Effective Impervious Surface	75%	70%	60%	65%

Table 2: Development Standards Exceptions and Notes.

- (1) Multifamily use in BP zones requires a CUP and is limited to multifamily as allowed. Residential use only allowed in Commercial zone if part of mixed use project.
- (2) To qualify for mixed use bonus, uses must be developed in same project either as vertical or horizontal mixed use.
- (3) Residential single-use project proposals within the TC, and C zones on combined project areas 3 acres or larger, shall set back single-use residential structures 150 feet from an arterial ROW line. The setback area shall develop, at minimum, 30 percent of the area into retail- or office-type commercial uses or preserved for future retail- or office-type commercial uses. The remaining area within the first 150 feet from an arterial ROW may be developed into residential uses.
- (4) Mixed use development projects demonstrating a mix (30% commercial minimum) of residential and commercial within the same design may be located throughout the property and not limited to any portion of any specific property.
- (5) Vertical mixed-use projects with ground-floor commercial space may be constructed as fully residential projects with the requirement that the ground floor must be converted to a Commercial use within 3 years of building occupancy. Notice to Title shall be recorded prior to permit issuance if this provision is requested.
- (6) Minimum density only applies for single use residential projects.
- (7) For building lots fronting directly on Meridian the minimum lot frontage occupied by a building in all zones is 35 percent.
- (8) Setbacks may be necessary to accommodate utility easements or to accommodate required landscaping.
- (9) Setbacks for single-family detached dwellings shall be as follows:
 - (a) Front yard/street setback: 15 feet.
 - (b) Garage setback: 20 feet.
 - (c) Principal arterial and state highway setback: 25 feet.
 - (d) Rear yard setback: 10 feet.

(e) Interior setback: five feet or shall meet the minimum fire separation required per the International Fire Code (IFC) as adopted by the city of Edgewood.

(10) Twenty-foot setback required from any public property other than a street.

(11) See Table 3: Development Intensity Bonus Options necessary to achieve maximum FAR.

(12) FAR does not apply to single-family detached dwelling or cottage housing.

(13) There is no minimum FAR in the TC, C, MUR or BP zones.

(14) Director and city engineer may establish administrative rules for allowing partial credit for pervious paving materials.

The following optional features may be used alone or in combination to increase the allowed height and floor area ratio (FAR) up to the maximum limits identified in Table 2 (subsection (D) of this section). Table 3 below identifies the allowed FAR bonus and any additional requirements pertaining to the described bonus feature.

Table 3: Development Intensity Bonus Options

Bonus Feature	FAR Bonus	Description, Additional Requirements and Limitations
1. Parallel Road Network	1.5	Dedication and construction of those portions of the adopted parallel road network that are within or adjacent to the subject property. Design shall be consistent with the adopted street standards, including, but not limited to, travel lanes, on-street parking, landscaping and sidewalk.
2. Significant Public Plaza or Public Green Space	1.0	Available in the Town Center district only, and at the discretion of the director. Location and design shall be consistent with Town Center and Meridian Avenue Corridor master plan, and, if possible, complementary to any planned public plaza or development. Must be a minimum of five percent of the interior floor area of the development and no less than 1,500 square feet. This bonus must be in addition to any pedestrian-oriented space as required in subsection (F) of this

Bonus Feature	FAR Bonus	Description, Additional Requirements and Limitations
		section and EMC 18.95.030 or as required by any underlying land use approval. Plazas and green spaces shall incorporate LID to the maximum extent feasible (per Minimum Requirement No. 5 of the PCM).
3. Through Block Connection or Alley Enhancement	1.0	A pedestrian walkway and accompanying landscaping that shall be at least 15 feet wide and extend along a property line or through a site to allow the public to pass from one street to another street or an alley. The surface shall consist of stone, unit pavers, textured concrete, permeable pavement, or other material approved by the community development director or designee, with pedestrian scale lighting at least every 50 feet. Walkways and landscaping shall incorporate LID to the maximum extent feasible (per Minimum Requirement No. 5 of the PCM).
4. Mixed Use Development	1.0	Ground floor commercial with minimum of 12 feet in height measured from finished floor to finished ceiling and residential uses on upper floors at or above minimum residential density. Note additional required standards for pedestrian-oriented ground floor commercial in No. 8 below shall also apply.
5. Structure Parking, Below Grade	1.0	At least 80 percent of the parking shall be contained within a structure that is below grade.
6. Affordable Housing	1.0	For all new development within the Town Center, total square footage may be increased by two square feet for every one square foot of affordable housing (for a maximum of 1.0 FAR in bonus) provided an affordable housing plan (AHP) is developed and submitted to the director for review and approval. The developer shall commit to implementing the AHP as a part of a signed comprehensive development agreement with the city.

Bonus Feature	FAR Bonus	Description, Additional Requirements and Limitations
		This agreement shall be reviewed by a housing consultant or nonprofit group at the expense of the applicant with recommendations made to the director prior to any city commitment to that agreement.
7. Other Public Plaza or Public Green Space	0.75	Location and design shall be consistent with Town Center and Meridian Avenue Corridor master plan and any planned public plaza or development. Must be a minimum of two percent of the interior floor area of the development and no less than 500 square feet. This bonus must be in addition to the minimum pedestrian-oriented space requirement in subsection (F) of this section and EMC 18.95.030 . Plazas and green spaces shall incorporate LID to the maximum extent feasible (per Minimum Requirement No. 5 of the PCM).
8. Ground Floor Pedestrian-Oriented Commercial	0.75	Ground floor commercial with minimum of 12 feet in height measured from finished floor to finished ceiling. Buildings shall include windows with clear vision glass on at least 50 percent of the area between two and 12 feet above grade for all ground floor building facades that are visible from an abutting street. Weather protection with a minimum of six feet in depth shall be provided over sidewalks and pedestrian connections on 80 percent of the length of the building frontage. This bonus feature may not be used in conjunction with No. 3 above.
9. Structured Parking, At Grade or Above Grade	0.75	At least 80 percent of the parking shall be contained within a structure. The structure may be part of the building or a separate structure. The structure shall be designed to minimize visibility of the parking area from the street. The street level floor shall be mixed use.

Bonus Feature	FAR Bonus	Description, Additional Requirements and Limitations
10. LEED Gold Certification (or Better)	0.75	As certified by the USGBC. Applicant is responsible for providing LEED precertification submittal documentation and annotated checklist to the city. City will review documentation at the applicant's expense. If accepted, the city will make this a condition of approval of the subsequent building permit.
11. Multi-Modal Pathway	0.5	A pathway for the movement of pedestrians and bicyclists that is consistent with the Town Center and Meridian Avenue Corridor master plan, transportation plan, and city's parks and recreation plan and approved by city staff. Pathways shall incorporate LID to the maximum extent feasible (per Minimum Requirement No. 5 of the PCM).
12. Public Meeting Room	0.5	Available in the Town Center district only. A room available to the community for meetings and events. The size shall be a minimum of 500 square feet, with windows on at least one side and shall be directly accessible from the outside or by a controlled lobby that allows public access.
13. LEED Silver Certification	0.5	As certified by the USGBC. Applicant is responsible for providing LEED precertification submittal documentation and annotated checklist to the city. City will review documentation at the applicant's expense. If accepted, the city will make this a condition of approval of the subsequent building permit.
14. Water Feature	0.25	A decorative water feature shall be equivalent to at least one percent of the project's construction cost and shall be directly accessible and visible to the public by being adjacent to a plaza, sidewalk, pathway or through-block connection. Documentation shall be provided of construction value and the cost of the

Bonus Feature	FAR Bonus	Description, Additional Requirements and Limitations
		water feature.
15. Exterior Art Element	0.25	Exterior art element shall be equivalent to at least one percent of the total value of the project's construction cost. Such elements include but are not limited to sculptures, bas-reliefs, metalwork and murals. Documentation shall be provided of the construction value and the value of the art as appraised by an art appraiser. Art elements shall be visible to the public at all times and will be reviewed and approved by an arts body designated by the city.

E. Design Standards.

1. Site and Building Design. Site and building design standards shall be required for all development as set forth in Chapter [18.95](#) EMC. Where the standards in Chapter [18.95](#) EMC conflict with the standards in this section, the development standards contained in this section shall control.
2. Street Design. Location, design and configuration of all streets shall be in accordance with the adopted street standards contained in EMC Title [12](#), Streets, Sidewalks and Public Spaces.

F. Open Space Requirements.

1. Applicability. New development within the Town Center (TC), Business Park (BP), Commercial (C), and Mixed Use Residential (MUR) zoning districts shall be required to meet the open space requirements in this subsection.
2. Numeric Standards. All new development shall provide accessible public space equivalent to one and one-half percent of the gross floor area of all structures. The design and location of public spaces shall consider the design and location of public spaces on adjacent properties and if feasible shall be oriented and connected to those spaces pursuant to the concepts presented in the Town Center and Meridian Corridor master plan.
3. If it can be demonstrated by the applicant to the satisfaction of the director that a required public space is adjacent to, integrated with and can be accessed from a public space on an adjoining property, this requirement may be reduced to one percent of gross floor area.

4. All required public spaces shall be oriented towards, and have direct connections (both physical and visual) to, a public street.
5. Where public spaces are integrated into new development, or where new development abuts an existing or planned public plaza, the primary building entrance shall be oriented towards or connected to that plaza.

G. Landscaping.

1. Applicability. The requirements of EMC [18.90.090](#) shall apply to the TC, C, MUR and BP zones, except as provided in this subsection. Please also see Chapter [18.95](#) EMC for applicable design standards. Where landscape regulations in this section conflict with the provisions in EMC [18.90.090](#) or Chapter [18.95](#) EMC, the regulations in this subsection shall control. Please note: where this section is silent on a specific requirement, such as irrigation requirements or minimum standards for plantings, the standards contained in EMC [18.90.090](#) and [18.95.050](#) shall apply. The standards contained in EMC [18.90.090](#)(G) (Landscaping Types) are specifically modified by this subsection and the standards contained in EMC [18.90.090](#)(H) (Landscaping Requirements by Zoning District) do not apply to TC, C, MUR and BP zones.
2. Street Frontages. In addition to landscape standards contained below, five percent of the total area between the building facade and the curb shall be landscaped. Within the BP zoning district 10 percent of the total area between the building facade and curb shall be landscaped. This shall be in addition to street trees and landscaping provided in public spaces and parking lots that are required in other subsections.
 - a. Required landscaping may be planted within planting areas surrounding trees, in raised planters, and on vegetative walls mounted to the ground-level building facade. Landscaping shall incorporate LID systems to the maximum extent feasible (per Minimum Requirement No. 5 of the PCM).
 - b. Where a building or portion of a building is located more than 10 feet from a public sidewalk or usable public space, all area between the building and the public sidewalk that is not used for vehicle or pedestrian access, circulation, parking or seating shall be landscaped.
 - c. Potted landscape material may be substituted for required landscaping in areas designed for outdoor eating with the approval of the department.
3. Public Spaces. A minimum of 15 percent of the total area of a public space, such as a courtyard or plaza, shall be landscaped.
4. Surface Parking Areas. Surface parking areas shall be landscaped as set forth in EMC [18.90.090](#).

5. Street Frontages. Street frontage design and landscaping shall be provided as contained in Chapter [18.95](#) EMC and EMC Title [12](#), Streets, Sidewalks and Public Places.

6. Landscape Buffers – Standards and When Required.

a. Development in the TC, C and MUR zoning districts shall provide a minimum 20-foot Type IV landscape buffer where they abut Single-Family zoning districts or 15 feet of Type I landscaping where they abut Mixed Residential or Public zoning districts. The director may waive or modify this requirement for pedestrian-oriented development adjacent to the Public zoning district where consistent with the purpose of this section.

b. Development in the BP zoning district shall provide a minimum 25-foot Type IV landscape buffer where it abuts Single-Family or Public zoning districts. In addition, 15 feet of Type I landscaping shall be provided between adjacent BP zoned properties.

c. Commercial or light industrial development in the C and MUR zoning districts shall provide a minimum 10-foot-wide Type I landscape buffer adjacent to the TC zoning district. The director may waive this requirement for pedestrian-oriented commercial development that includes a minimum of 50 percent of the lot frontage occupied by a building. Landscaping for surface parking areas shall still apply.

d. A minimum of a 10-foot Type I landscape buffer shall be provided between more intensive zones and the MUR, and along abutting properties in the MUR district. The director may waive or modify this requirement for pedestrian-oriented commercial development that includes a minimum of 50 percent of the lot frontage occupied by a building or for abutting residential development in the MUR zone in common ownership. Required landscaping for surface parking areas is required in accordance with EMC [18.90.090](#) and Chapter [18.95](#) EMC.

7. Special Landscaping in the Business Park (BP) Zone. In order to achieve the urban design intent and provide an environment suitable to a wide range of employment uses, a minimum of 20 percent of the total site area in the BP zone shall be landscaped.

8. Tree Preservation and Protection Standards.

a. Significant tree identification and preservation and/or replacement shall be required as set forth in EMC [18.90.180](#). Tree preservation, provided mixed use development shall be considered commercial development for the purposes of the tree retention standard contained in EMC [18.90.180](#)(C)(2)(c)(iv).

b. The director shall have the authority to reduce the required tree replacement ratio where such requirement would conflict with the urban design intent of this section and applicable design provisions of Chapter [18.95](#) EMC.

c. If the standards contained in Chapter [18.95](#) EMC are modified, the director shall at a minimum ensure that representative native vegetation is retained or replanted totaling at least five percent of the site area and that such landscaping is provided in excess of the requirements contained in this section.

H. Parking, Access and Circulation.

1. Applicability. Parking facilities and access drives shall be designed in accordance with EMC [18.90.130](#), except as provided below.

a. Where a conflict exists between the standards contained in EMC [18.90.130](#) and the standards contained in this section, the standards contained in this section shall control.

b. If this subsection does not specify a parking requirement for a land use, the director shall establish the minimum requirement based on a study of anticipated demand as provided in EMC [18.90.130](#)(C)(8).

2. Purpose. The purpose of this subsection is to provide adequate parking for all allowed uses; to reduce demand for parking by encouraging alternative transportation such as rideshare, public transit, bikes and pedestrian mobility; to promote a “park once and walk” strategy and to ensure the location and design of parking facilities is consistent with urban design and economic development goals.

3. Parking Location.

a. Site design, including parking lot and building location, shall comply with the minimum lot frontage requirements in subsection (D) of this section.

b. A parking lot shall not be located on a corner where two streets intersect.

c. Within the TC zone, a parking lot shall not be located between the principal building and the street, adjacent to a park or open space or at a street terminus.

d. Within the TC zone, parking structures shall contain ground level commercial uses.

e. Within the C, MUR and BP zones, parking structures that front on a street that are not part of a residential or mixed use building shall contain ground level commercial uses.

4. Parking Facility Design and Integration. It is the city's intent to encourage the integration and connection of parking facilities, including shared parking and physical connections between parking facilities in adjoining developments. Applicants shall demonstrate how they meet this objective, including shared parking, or document why it is not feasible to do so. Please see Chapter [18.95](#) EMC, Design Standards, for additional urban design requirements for parking facilities.

5. Minimum Parking Requirements. Except as provided in subsection (H)(9) of this section, off-street parking areas shall contain the minimum number of parking spaces as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include but are not limited to building maintenance areas, storage areas, closets or restrooms. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down. Please note that maximum parking requirements as contained in subsection (H)(10) of this section also apply.

Table 4: Minimum Parking Requirements

Land Use	Minimum Parking Spaces Required
Residential	
Dwelling unit, multifamily:	
Studio and one-bedroom units	1 per dwelling unit*
Two-bedroom units	1.5 per dwelling unit*
Three-bedroom units	2 per dwelling unit*
Dwelling unit, single-family:	
Dwelling unit, single-family attached	2 per dwelling unit (tandem spaces allowed)
Dwelling unit, single-family detached	2 per dwelling unit
Dwelling unit, accessory or cottage housing	1 per dwelling unit
Retail/Wholesale Trade and Services	
Retail trade and services	3 per 1,000 square feet**

Land Use	Minimum Parking Spaces Required
(nonfood) other than listed below	
Nonfood retail in mixed use development, less than 5,000 square feet and less than 40% of the gross floor area of the development	No off-street parking required**
Food stores, in mixed use development, less than 15,000 square feet and less than 40% of the gross floor area of the development	3 per 1,000 square feet**
Food stores, other than above	4 per 1,000 square feet, plus additional parking as provided below for restaurant portion if applicable
Restaurants	1 per 100 square feet in dining, lounge and customer ordering area
Gasoline service stations	3 per facility plus 1 per 300 square feet of store
General Services	
General services	3 per 1,000 square feet
Professional office	3 per 1,000 square feet
Exceptions:	
Hotel/motel	1.1 per bedroom
Home occupation, including live/work	1 stall in addition to requirement for primary use
Industrial/Manufacturing	
Light industrial/manufacturing	1 per 1,000 square feet, plus additional parking for office or retail areas as noted elsewhere in this table
Culture/Recreation/Religious	
Performing arts/museum/theater	1 per 3 fixed seats, plus 2 spaces for every 3 employees
Church or group assembly	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area

Land Use	Minimum Parking Spaces Required
	without fixed seats used for assembly purposes
Outdoor recreation/indoor recreation/health club	Director determines based on a parking study
Health Services	
Hospital	1 per bed
Medical office or emergency care facility	5 per 1,000 square feet
Nursing and personal care facility	1 per 4 beds
Other	
Government office	3 per 1,000 square feet
All others not specifically listed	Director determines based on a parking study
*Plus guest parking amounting to one extra space for every 10 dwelling units rounded upward to the nearest multiple of 10.	
**The applicant may demonstrate through a traffic study that on-street parking is adequate to wholly or partially fulfill this parking requirement. Off-street parking may be required based on the review of this study.	

6. Loading Areas. Please see EMC [18.90.130\(D\)](#).

7. Disabled Parking. Please see Chapter [19.27](#) RCW, State Building Code, and Chapter [70.92](#) RCW, Public Buildings – Provisions for Aged and Disabled.

8. Bike Parking. In any development required to provide six or more parking spaces, bicycle parking shall be provided. Bicycle parking shall be bike rack or locker-type facilities unless otherwise specified.

a. One bicycle parking space shall be provided for every 12 motor vehicle parking spaces, except as follows:

i. The director may reduce bike rack parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location.

- ii. The director may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination shall include but not be limited to the following uses: park, library, museum, school, sports club or retail business located along a developed trail or designated bicycle route.
 - b. Bicycle parking shall be located within 100 feet of the principal building and directly adjacent to a sidewalk or pedestrian walkway that connects directly to building entrance(s).
 - c. Bicycle frame or wheels to be locked to a structure attached to the pavement.
 - d. All bicycle parking and storage shall be located in safe, visible areas that do not impede traffic flow and shall be well lit for nighttime use.
 - e. When more than 15 people are employed on site, bicycle storage facilities for employees shall be provided. The director shall allocate the required number of parking spaces between bike rack parking and enclosed locker-type facilities.
 - f. One secured bicycle storage space shall be provided for every two dwelling units in attached single-family and multifamily units, unless individual garages are provided for every unit. The director may reduce the number of bike rack parking spaces if indoor storage facilities are available to all residents.
9. Parking Reductions. The amount of off-street parking required by subsection (H)(5) of this section may be reduced by an amount determined by the director pursuant to the provisions below.
- a. Car Share Parking. Required parking for multifamily residential developments (or the residential portion of mixed use developments) containing more than 30 units may be reduced by three spaces for each one dedicated car share space. A signed agreement between the property owner and car share provider must be submitted for approval of the parking reduction.
 - b. Shared-Use Parking. Developments may receive a reduction in required parking of up to 20 percent of the minimum parking requirements, provided:
 - i. The total parking area exceeds 5,000 square feet;
 - ii. The parking facilities are designed and developed as a single on-site common parking facility, or as a system of on-site and off-site facilities, if all facilities are connected with improved pedestrian facilities and no building or use involved is more than 800 feet from the most remote shared facility;

iii. The total number of parking spaces in the common parking facility is not less than the minimum required spaces for any single use;

iv. The director may increase the reduction where compelling evidence is provided in a parking study submitted by the applicant that the proposed reduction is warranted. See criteria in EMC [18.90.130](#);

v. A covenant or other contract for shared parking between the cooperating property owners is approved by the director. This covenant or contract must be recorded with the Pierce County auditor's office as a deed restriction on both properties and cannot be modified or revoked without the consent of the director; and

vi. If any requirements for shared parking are violated, the affected property owners must provide a remedy satisfactory to the director or provide the full amount of required off-street parking for each use, in accordance with the requirements of this chapter, unless a satisfactory alternative remedy is approved by the director.

c. Transit Availability. The director may reduce the number of required off-street parking spaces when one or more scheduled transit routes provide service within 750 feet of the site. The amount of the reduction shall be based on the number of scheduled transit runs between 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m. each weekday up to a maximum reduction of two percent for each transit run up to a maximum of 20 percent.

10. Maximum Parking Requirements. Parking for a specific use in zones covered by this section shall be limited to no more than 50 percent greater than the minimum parking requirement required above. Exceptions to this parking maximum include:

a. Parking spaces are provided above/below grade.

b. If the director determines additional off-street parking spaces are warranted based on a parking study. In making such a decision, the director shall also consider whether the proposal is consistent with the stated purposes, objectives, goals or policies established in this section and the design standards. The director shall also have the authority to restrict parking for a specific use to an amount that is less than the maximum amount allowed in this section if the proposal would substantially conflict with the stated purposes, objectives, goals or policies contained in the Edgewood comprehensive plan and similar plans and policy documents as adopted by the city of Edgewood.

11. Transit Facilities. All development shall provide transit facilities as provided in EMC [18.90.130](#)(E)(2).

12. Parking Stall and Aisle Design and Access. Please see EMC [18.90.130\(C\)\(5\)](#). (Ord. 16-482 § 2 (Exh. F); Ord. 14-426 § 2 (Exh. A); Ord. 14-414 § 2 (Exh. A); Ord. 13-397 § 2 (Exh. A); Ord. 11-359 § 6 (Exh. C); Ord. 10-346 § 7; Ord. 09-323 § 4; Ord. 08-305 § 2; Ord. 08-301 § 3; Ord. 07-284 § 1; Ord. 06-268 § 1; Ord. 03-203 § 1

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 March XX, 2017.

ADOPTED BY THE CITY COUNCIL ON APRIL XX, 2017

Daryl Eiding, Mayor

ATTEST/AUTHENTICATED:

APPROVED AS TO FORM:

Rachel Pitzel, City Clerk

Carol Morris, City Attorney

Date of Publication: April XX, 2017

Effective Date: April XX, 2017

CITY OF EDGEWOOD
2224 104th Avenue East, Edgewood, WA 98372-1513
(253) 952-3299 Fax: (253) 952-3537

LEGAL NOTICE

NOTICE OF ORDINANCE ADOPTED BY EDGEWOOD CITY COUNCIL

The following is a summary of an Ordinance adopted by the City of Edgewood City Council on the XXth day of April 2017, and shall take effect and be in full force on the XX day of April 2017.

ORDINANCE NO. 17-XXXX

AN ORDINANCE OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO LAND USE AND ZONING IN THE TOWN CENTER, COMMERCIAL, AND MIXED USE RESIDENTIAL ZONES, AMENDING SECTION 18.80.080 OF THE EDGEWOOD MUNICIPAL CODE INCLUDING REVISING THE USE TABLE, DENSITIES, AND LOCATION OF MIXED USES, PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of the Ordinance is available at Edgewood City Hall, 2224 104th Avenue East, Edgewood, WA 98372-1513 (253) 952-3299.

Rachel Pitzel, City Clerk

Published in the Tacoma News Tribune on: *Thursday April XX, 2017*

ORDINANCE NO. 17-~~XXXX~~0496

AN ORDINANCE OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO LAND USE AND ZONING IN THE TOWN CENTER, COMMERCIAL, AND MIXED USE RESIDENTIAL ZONES, AMENDING SECTION 18.80.080 OF THE EDGEWOOD MUNICIPAL CODE INCLUDING REVISING THE USE TABLE, DENSITIES, AND LOCATION OF MIXED USES, AND PROVIDING FOR VARIANCES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council accepted the Town Center and Meridian Corridor Master Plan in Fall of 2004, which established a vision for the Town Center and Meridian Corridor; and

WHEREAS, the City Council incorporated the concepts of the 2004 Town Center and Meridian Corridor Master Plan into the 2015 Comprehensive Plan that helped to define defined the zones within the Meridian Corridor including the Town Center, Commercial and Mixed Use Residential zones based on the vision of the Master Plan; and

WHEREAS, the Edgewood City Council upon entitlement approval and construction of several new single-use apartment projects beginning in 2015 in the Town Center, Commercial and Mixed Use Residential zones voiced concern over a loss of opportunity to realize the vision from the 2004 Town Center and Meridian Corridor master plan; and

WHEREAS, the existing code allows single-use multifamily residential without requiring a proportional commercial or mixed use component in conflict with the City's established vision for the Town Center and Meridian Corridor; and

WHEREAS, the Edgewood Municipal Code (EMC) Section 18.80.080 Town Center, Mixed Use Residential, Commercial, and Business Park zoning districts regulates development standards for these zones in the City of Edgewood; and

WHEREAS, the Edgewood City Council held numerous discussions during regularly scheduled Council meetings starting in March 2015 regarding ways to preserve commercial development opportunities in the Meridian Corridor on single-use residential projects without prohibiting the development of said projects, the City's development regulations pertaining to the Meridian Corridor and Town Center, Commercial, and Mixed Use Residential zoning districts, and the City's Comprehensive Plan Goals and Policies; and

WHEREAS, the Edgewood City Council approved a scope of work and authorized City Staff to work with 3 Square Blocks, a consulting firm, to further review regulatory options for the Town Center zone; and

WHEREAS, the Planning Commission held numerous meetings reviewing the results from reports generated by 3 Square Blocks and Community Attributes Inc, discussing various

methods to preserve commercial development opportunities in the Town Center as well as Commercial and Mixed Use Residential zoning districts; and

WHEREAS, the Edgewood City Council and Planning Commission conducted a joint special meeting on September 21, 2015 to further review the regulatory options, concerns and potential changes to the City's development regulations; and

WHEREAS, the Edgewood City Council enacted Ordinance No. 15-0450, adopting interim Chapter 18.80 EMC code amendments for a duration of 6 months, with an effective date of November 3, 2015 sunset date of May 3, 2016; and

WHEREAS, to allow additional study potential TC, C, and MUR zoning code changes, the Edgewood City Council enacted two extensions of the interim chapter (via Ordinance No. 16-0460 and Ordinance No. 16-0479) that sunset on April 20, 2017; and

WHEREAS, the Edgewood City Council approved a scope of work and authorized City Staff to work with Community Attributes Inc. (CAI) to help determine retail opportunities in the City given current trends and to determine what code changes may be appropriate given the findings; and

WHEREAS, the CAI technical analysis identified opportunity for Edgewood to increase its share of retail, commercial, and mixed use development capture in the region; and

WHEREAS, the City Council and Planning Commission met several times to discuss the CAI analysis, options provided by Three Square Blocks, the Comprehensive Plan goals and policies for the Town Center and Meridian Corridor, consistent with the 2004 Town Center Master Plan; and

WHEREAS, the Planning Commission reviewed a DRAFT code amendment to Section 18.80.080 - Town Center, Commercial, Mixed Use Residential and Business Park zoning districts at the February 27th and March 6, 2017 regular Planning Commission meetings; and

WHEREAS, the proposed DRAFT code amendment to Section 18.80.080 – Town Center, Commercial, Mixed Use Residential and Business Park zoning districts identifies a clear process to implement the City's vision from the Comprehensive Plan and Town Center Meridian Corridor Master Plan, requiring preservation of space for, or development of, retail- or office-type commercial uses in single-use multifamily residential proposals; and

WHEREAS, a State Environmental Policy Act (SEPA) checklist was prepared and a Determination of Nonsignificance (DNS) was issued, a legal notice was published in the City's official newspaper on March 4, 2017, and no appeals were filed; and

WHEREAS, the Washington State Department of Commerce granted expedited review of the proposed changes on March 13, 2017; and

WHEREAS, on March 20, 2017, the Planning Commission held a public hearing to receive public comments on the proposed changes to the Town Center, Commercial, Mixed Use Residential and Business Park zoning districts code; and

WHEREAS, as a result of the City's efforts, numerous Council and Planning Commission meetings the public has had opportunity to participate in the review process and all persons desiring to comment during these scheduled meetings were given a full and complete opportunity to be heard; and

WHEREAS, the Planning Commission unanimously recommended changes to EMC 18.80.080 following the public hearing during regular commission business; and

WHEREAS, the City Council reviewed the Planning Commission's recommendation at the March 21, 2018 Study Session; and

WHEREAS, the City Council unanimously moved the DRAFT ordinance through first reading at the March 28, 2017 regular council meeting; and

WHEREAS, the City Council reviewed the Ordinance and discussed the upcoming public hearing regarding the DRAFT ordinance at the April 4, 2017 Council Study Session; and

WHEREAS, on April 11, 2017, the City Council held a public hearing to receive public comments on the proposed changes to the Town Center, Commercial, Mixed Use Residential and Business Park zoning districts code; 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 September 29, 2015, March 15, 2016, April 5, 2016, August 30, 2016, January 29, 2017, March 21, 2017, April 4, 2017 as well as Council regular sessions on October 27, 2015, April 12, 2016, March 28, 2017 and April 11, 2017 as well as the Planning Commission recommendations of March 20, 2017 and the included agenda bill as additional findings.

Section 2. EMC 18.80.080 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

Table 1: Permitted Use Table

	TC	C	MUR	BP
Use Categories				
Residential (1)				

	TC	C	MUR	BP
Dwelling Unit, Accessory	NP	NP	P (1a)	NP
Dwelling Unit, Single-Family Attached	NP	C	P	NP
Dwelling Unit, Single-Family Detached or Cottage Housing	NP	NP	P	NP
Dwelling Unit, Multifamily	P	P	P	C (1c)
Senior Citizen Assisted Housing	P	P	P	C (1c)
Commercial (2)				
Day Care Center or Home	P	P	P	P
Drive-Through Use	C	P	P	P
Gambling and Card Rooms	NP	P	NP	NP
Home Business	P	P	P	NP
Personal and Beauty Services	P	P	P	P
Professional Office	P	P	P	P
Retail Trade and Services – less than 50,000 sq. ft. for all structures (5)	P (4)	P	P (3)(4)	P (3)
Retail Trade and Services – over 50,000 sq. ft. for all structures	C (4)	P	NP	C
Storage/Self-Storage	NP	P (11)	C (11)	P
Temporary Lodging, Hotel, Motel and Bed and Breakfast	P	P	C	C
Recreation/Cultural				
Cinema, Performing Arts and Museums	P	P	P	NP
Group Assembly/Meeting Hall	P	P	C	P
Private Recreation, Indoor or Outdoor	C	P	P	P
Religious	C	P	C	P
Health Services				
Hospital or Emergency Care Facility	C	C	NP	C
Medical Office/Outpatient Clinic	P	P	P	P

	TC	C	MUR	BP
Nursing and Personal Care Facility	C	P	C	P
Group Home – Type I (1b)	P	P	P	NP
Group Home – Type II and III (1b)	NP	C	NP	NP
Agriculture (5)				
Animal or Crop Processing	NP	NP	NP	C
Family Farm	C	P	P	P
Industrial/Manufacturing (6)				
Light Industrial and Light Manufacturing	NP	C (7)	C (7)	P (7)
Heavy Industrial and Heavy Manufacturing	NP	NP	NP	NP
Civic and Other (8)				
Administrative Government Facilities	P	P	P	P
Essential Public Facilities	NP	P	C	P
Major Utility Facility	NP	C	C	C
Minor Utility Facility	P (9)	P	P	P
Public Park	P	P	P	P
Schools: Compulsory, Vocational and Higher Education	P	P	P	P
Wireless Communication Facilities (10)	C	C	C	C

1. Permit Use Conditions. (Use notes from Table 1 above.)

(1) Residential uses subject to the requirements of EMC Title [16](#), Subdivisions.

- a. Accessory unit is only allowed in association with a single-family detached unit.
- b. Subject to the provisions of EMC [18.70.050](#)(D), (E) or (F).
- c. Provided that multifamily use in BP zone is subject to the development standards contained in Chapter [18.95](#) EMC.

(2) Sexually oriented business is only allowed in the BP district with a conditional use permit.

(3) This use is further restricted to a maximum of 20,000 gross square feet within the MUR and BP districts.

(4) Services, sales, storage and operations other than customer parking and “sidewalk” style merchandise display and outdoor seating must be fully contained within a structure. Gasoline service stations are not permitted in the Town Center.

(5) Farmer’s markets, farm stands and public markets are permitted in all districts. If such a market is temporary, then it requires a temporary use permit.

(6) The director shall determine whether a use is classified as light industrial or heavy industrial based on the industrial classification and its potential to cause negative impacts on residential, civic and commercial uses.

(7) All structures for light industrial uses must meet the required setbacks, landscaping and all other standards contained in this chapter. Equipment storage and manufacturing activities shall be enclosed in a structure or fully screened with Type I landscaping from Meridian Avenue. Warehouse and distribution uses require a conditional use permit in the Commercial district.

(8) Maintenance yards, substations and solid waste transfer stations are not permitted outside of the BP district and must be fully screened with 20 feet of Type IV landscaping.

(9) Minor utility facilities, such as telecom, fiber optics, Internet and similar facilities, shall be located within a fully enclosed structure, unless the director determines this is not feasible.

(10) Please see EMC [18.100.110](#), Personal wireless communications facilities, for additional requirements. In the event of a conflict between the requirements of that section and the requirements of this chapter, the standards contained in EMC [18.100.110](#) shall apply.

(11) ~~Storage/Self Storage project proposals within the C, and MUR zones on combined project areas 2 acres or larger must shall provide retail- or office-commercial type uses or preserve for future retail-or office-commercial type uses, at minimum, of 30 percent of the land area within the first 150 feet from an arterial ROW. develop or retain the front 150 feet deep from the lot line abutting at least one arterial as retail or office-commercial type use in order to proceed. In unique situations, the applicant may request relief from this requirement by submitting a written request and associated fee to the City of Edgewood (processed as an Administrative Approval—EMC 18.40.080)~~

Table 2: Development Standards Table

	TC	C	MUR	BP
Standards (4)				
Maximum Height (without any bonus) (1)	45 feet	35 feet	35 feet	35 feet
Maximum Height (with FAR Bonus) (1)	55 feet (minimum 3:1 FAR)	45 feet (minimum 1.5:1 FAR)	35 feet	35 feet
Maximum Residential Net Density – Single Use Project (2)(3)(5)(14)	48 D.U./acre	N/A	24 D.U./acre	N/A (2) (1)
Maximum Residential Net Density – If Part of a Mixed Use Project (3)(2)(4)(5)(14)	Controlled by maximum height, FAR and Building Code	48 D.U./acre	48 D.U./acre	N/A (2) (1)
Minimum Residential Net Density (4) (5)(6)	16-24 D.U./acre	N/A	10 D.U./acre	N/A
Minimum Lot Frontage Occupied by a Building (5) (7)	50%	35%	35%	None
Minimum Setback to TC, C, MUR or BP Zones (6) (8)	None	None	None (7) (9)	None, except 20 feet for light industrial
Minimum Setbacks to Zones Other Than TC, C, MUR or BP (8) (10)	25 feet	25 feet	20 feet	25 feet
Maximum Floor Area Ratio (FAR) with Bonus Features (9) (11)	4:1	3:1	2:1 (10) (12)	2:1
Maximum Floor Area Ratio (FAR) without Bonus Features (11) (13)	1:1	0.5:1	0.5:1 (10) (12)	0.5:1

	TC	C	MUR	BP
Maximum Hard Surface Area (Including Lot Coverage)	90%	85%	75%	80%
Maximum Effective Impervious Surface	75%	70%	60%	65%

Table 2: Development Standards Exceptions and Notes.

~~(1) Mixed Uses. Commercial and residential uses shall be developed in the same project site either in the same building (preferred) or separate buildings. Commercial uses shall constitute a minimum of 10 percent of the gross floor area of the development, not including garage or service areas. Sixty percent of the building's street facing facades, not including parking entrances and loading areas, shall be developed with retail, restaurant or personal service uses.~~

~~(2-1)~~ Multifamily use in BP zones requires a CUP and is limited to multifamily as allowed. Residential use only allowed in Commercial zone if part of mixed use project.

~~(3 2)~~ To qualify for mixed use bonus, uses must be developed in same project either as vertical or horizontal mixed use.

~~(3) Residential single-use project proposals within the TC, and C -zones on combined project areas 3 acres or larger, shall set back single-use residential structures 150 feet from an arterial ROW line. The setback area shall develop, at minimum, 30 percent of the area into retail- or office-type Commercial uses or preserved for future retail- or office-type Commercial uses. The remaining area within the first 150 feet from an arterial ROW may be developed into residential uses, or retain the front 150 feet deep from the property line abutting at least one arterial, as a commercial type use (at minimum on the ground level), in order to proceed.~~

~~(4) Mixed use development projects demonstrating a mix (30% commercial minimum) of residential and commercial within the same design may be located throughout the property and not limited to any portion of any specific property.~~

~~(5) Vertical mixed-use projects with first ground-floor commercial space may be constructed as fully residential projects with the requirement that the first-ground floor must be converted to a Commercial use within 5-3 years of building occupancy. Notice to Title with this restriction shall be recorded prior to permit issuance if this provision is requested. unless the applicant requests an extension by submitting a written request and associated fee to the Community Development Director (processed as an Administrative Approval — EMC 18.40.080).~~

~~(4 6)~~ Minimum density only applies for single use residential projects.

~~(5 7)~~ For building lots fronting directly on Meridian the minimum lot frontage occupied by a building in all zones is 35 percent.

~~(6 8)~~ Setbacks may be necessary to accommodate utility easements or to accommodate required landscaping.

~~(7 9)~~ Setbacks for single-family detached dwellings shall be as follows:

(a) Front yard/street setback: 15 feet.

(b) Garage setback: 20 feet.

(c) Principal arterial and state highway setback: 25 feet.

(d) Rear yard setback: 10 feet.

(e) Interior setback: five feet or shall meet the minimum fire separation required per the International Fire Code (IFC) as adopted by the city of Edgewood.

~~(8-10)~~ Twenty-foot setback required from any public property other than a street.

~~(9 11)~~ See Table 3: Development Intensity Bonus Options necessary to achieve maximum FAR.

~~(10 12)~~ FAR does not apply to single-family detached dwelling or cottage housing.

~~(11 13)~~ There is no minimum FAR in the TC, C, MUR or BP zones.

~~(12-14)~~ Director and city engineer may establish administrative rules for allowing partial credit for pervious paving materials.

The following optional features may be used alone or in combination to increase the allowed height and floor area ratio (FAR) up to the maximum limits identified in Table 2 (subsection (D) of this section). Table 3 below identifies the allowed FAR bonus and any additional requirements pertaining to the described bonus feature.

Table 3: Development Intensity Bonus Options

Bonus Feature	FAR Bonus	Description, Additional Requirements and Limitations
1. Parallel Road Network	1.5	Dedication and construction of those portions of the

Bonus Feature	FAR Bonus	Description, Additional Requirements and Limitations
		adopted parallel road network that are within or adjacent to the subject property. Design shall be consistent with the adopted street standards, including, but not limited to, travel lanes, on-street parking, landscaping and sidewalk.
2. Significant Public Plaza or Public Green Space	1.0	Available in the Town Center district only, and at the discretion of the director. Location and design shall be consistent with Town Center and Meridian Avenue Corridor master plan, and, if possible, complementary to any planned public plaza or development. Must be a minimum of five percent of the interior floor area of the development and no less than 1,500 square feet. This bonus must be in addition to any pedestrian-oriented space as required in subsection (F) of this section and EMC 18.95.030 or as required by any underlying land use approval. Plazas and green spaces shall incorporate LID to the maximum extent feasible (per Minimum Requirement No. 5 of the PCM).
3. Through Block Connection or Alley Enhancement	1.0	A pedestrian walkway and accompanying landscaping that shall be at least 15 feet wide and extend along a property line or through a site to allow the public to pass from one street to another street or an alley. The surface shall consist of stone, unit pavers, textured concrete, permeable pavement, or other material approved by the community development director or designee, with pedestrian scale lighting at least every 50 feet. Walkways and landscaping shall incorporate LID to the maximum extent feasible (per Minimum Requirement No. 5 of the PCM).
4. Mixed Use Development	1.0	Ground floor commercial with minimum of 12 feet in height measured from finished floor to finished ceiling and residential uses on upper floors at or above

Bonus Feature	FAR Bonus	Description, Additional Requirements and Limitations
		minimum residential density. Note additional required standards for pedestrian-oriented ground floor commercial in No. 8 below shall also apply.
5. Structure Parking, Below Grade	1.0	At least 80 percent of the parking shall be contained within a structure that is below grade.
6. Affordable Housing	1.0	For all new development within the Town Center, total square footage may be increased by two square feet for every one square foot of affordable housing (for a maximum of 1.0 FAR in bonus) provided an affordable housing plan (AHP) is developed and submitted to the director for review and approval. The developer shall commit to implementing the AHP as a part of a signed comprehensive development agreement with the city. This agreement shall be reviewed by a housing consultant or nonprofit group at the expense of the applicant with recommendations made to the director prior to any city commitment to that agreement.
7. Other Public Plaza or Public Green Space	0.75	Location and design shall be consistent with Town Center and Meridian Avenue Corridor master plan and any planned public plaza or development. Must be a minimum of two percent of the interior floor area of the development and no less than 500 square feet. This bonus must be in addition to the minimum pedestrian-oriented space requirement in subsection (F) of this section and EMC 18.95.030 . Plazas and green spaces shall incorporate LID to the maximum extent feasible (per Minimum Requirement No. 5 of the PCM).
8. Ground Floor Pedestrian-Oriented Commercial	0.75	Ground floor commercial with minimum of 12 feet in height measured from finished floor to finished ceiling. Buildings shall include windows with clear vision glass on at least 50 percent of the area between two and 12

Bonus Feature	FAR Bonus	Description, Additional Requirements and Limitations
		feet above grade for all ground floor building facades that are visible from an abutting street. Weather protection with a minimum of six feet in depth shall be provided over sidewalks and pedestrian connections on 80 percent of the length of the building frontage. This bonus feature may not be used in conjunction with No. 3 above.
9. Structured Parking, At Grade or Above Grade	0.75	At least 80 percent of the parking shall be contained within a structure. The structure may be part of the building or a separate structure. The structure shall be designed to minimize visibility of the parking area from the street. The street level floor shall be mixed use.
10. LEED Gold Certification (or Better)	0.75	As certified by the USGBC. Applicant is responsible for providing LEED precertification submittal documentation and annotated checklist to the city. City will review documentation at the applicant's expense. If accepted, the city will make this a condition of approval of the subsequent building permit.
11. Multi-Modal Pathway	0.5	A pathway for the movement of pedestrians and bicyclists that is consistent with the Town Center and Meridian Avenue Corridor master plan, transportation plan, and city's parks and recreation plan and approved by city staff. Pathways shall incorporate LID to the maximum extent feasible (per Minimum Requirement No. 5 of the PCM).
12. Public Meeting Room	0.5	Available in the Town Center district only. A room available to the community for meetings and events. The size shall be a minimum of 500 square feet, with windows on at least one side and shall be directly accessible from the outside or by a controlled lobby

Bonus Feature	FAR Bonus	Description, Additional Requirements and Limitations
		that allows public access.
13. LEED Silver Certification	0.5	As certified by the USGBC. Applicant is responsible for providing LEED precertification submittal documentation and annotated checklist to the city. City will review documentation at the applicant's expense. If accepted, the city will make this a condition of approval of the subsequent building permit.
14. Water Feature	0.25	A decorative water feature shall be equivalent to at least one percent of the project's construction cost and shall be directly accessible and visible to the public by being adjacent to a plaza, sidewalk, pathway or through-block connection. Documentation shall be provided of construction value and the cost of the water feature.
15. Exterior Art Element	0.25	Exterior art element shall be equivalent to at least one percent of the total value of the project's construction cost. Such elements include but are not limited to sculptures, bas-reliefs, metalwork and murals. Documentation shall be provided of the construction value and the value of the art as appraised by an art appraiser. Art elements shall be visible to the public at all times and will be reviewed and approved by an arts body designated by the city.

E. Design Standards.

1. Site and Building Design. Site and building design standards shall be required for all development as set forth in Chapter [18.95](#) EMC. Where the standards in Chapter [18.95](#) EMC conflict with the standards in this section, the development standards contained in this section shall control.

2. Street Design. Location, design and configuration of all streets shall be in accordance with the adopted street standards contained in EMC Title [12](#), Streets, Sidewalks and Public Spaces.

F. Open Space Requirements.

1. Applicability. New development within the Town Center (TC), Business Park (BP), Commercial (C), and Mixed Use Residential (MUR) zoning districts shall be required to meet the open space requirements in this subsection.
2. Numeric Standards. All new development shall provide accessible public space equivalent to one and one-half percent of the gross floor area of all structures. The design and location of public spaces shall consider the design and location of public spaces on adjacent properties and if feasible shall be oriented and connected to those spaces pursuant to the concepts presented in the Town Center and Meridian Corridor master plan.
3. If it can be demonstrated by the applicant to the satisfaction of the director that a required public space is adjacent to, integrated with and can be accessed from a public space on an adjoining property, this requirement may be reduced to one percent of gross floor area.
4. All required public spaces shall be oriented towards, and have direct connections (both physical and visual) to, a public street.
5. Where public spaces are integrated into new development, or where new development abuts an existing or planned public plaza, the primary building entrance shall be oriented towards or connected to that plaza.

G. Landscaping.

1. Applicability. The requirements of EMC [18.90.090](#) shall apply to the TC, C, MUR and BP zones, except as provided in this subsection. Please also see Chapter [18.95](#) EMC for applicable design standards. Where landscape regulations in this section conflict with the provisions in EMC [18.90.090](#) or Chapter [18.95](#) EMC, the regulations in this subsection shall control. Please note: where this section is silent on a specific requirement, such as irrigation requirements or minimum standards for plantings, the standards contained in EMC [18.90.090](#) and [18.95.050](#) shall apply. The standards contained in EMC [18.90.090](#)(G) (Landscaping Types) are specifically modified by this subsection and the standards contained in EMC [18.90.090](#)(H) (Landscaping Requirements by Zoning District) do not apply to TC, C, MUR and BP zones.
2. Street Frontages. In addition to landscape standards contained below, five percent of the total area between the building facade and the curb shall be landscaped. Within the BP zoning district 10 percent of the total area between the building facade and curb shall be landscaped. This shall be in addition to street trees and landscaping provided in public spaces and parking lots that are required in other subsections.
 - a. Required landscaping may be planted within planting areas surrounding trees, in raised planters, and on vegetative walls mounted to the ground-level building facade. Landscaping shall incorporate LID systems to the maximum extent feasible (per Minimum Requirement No. 5 of the PCM).

b. Where a building or portion of a building is located more than 10 feet from a public sidewalk or usable public space, all area between the building and the public sidewalk that is not used for vehicle or pedestrian access, circulation, parking or seating shall be landscaped.

c. Potted landscape material may be substituted for required landscaping in areas designed for outdoor eating with the approval of the department.

3. Public Spaces. A minimum of 15 percent of the total area of a public space, such as a courtyard or plaza, shall be landscaped.

4. Surface Parking Areas. Surface parking areas shall be landscaped as set forth in EMC [18.90.090](#).

5. Street Frontages. Street frontage design and landscaping shall be provided as contained in Chapter [18.95](#) EMC and EMC Title [12](#), Streets, Sidewalks and Public Places.

6. Landscape Buffers – Standards and When Required.

a. Development in the TC, C and MUR zoning districts shall provide a minimum 20-foot Type IV landscape buffer where they abut Single-Family zoning districts or 15 feet of Type I landscaping where they abut Mixed Residential or Public zoning districts. The director may waive or modify this requirement for pedestrian-oriented development adjacent to the Public zoning district where consistent with the purpose of this section.

b. Development in the BP zoning district shall provide a minimum 25-foot Type IV landscape buffer where it abuts Single-Family or Public zoning districts. In addition, 15 feet of Type I landscaping shall be provided between adjacent BP zoned properties.

c. Commercial or light industrial development in the C and MUR zoning districts shall provide a minimum 10-foot-wide Type I landscape buffer adjacent to the TC zoning district. The director may waive this requirement for pedestrian-oriented commercial development that includes a minimum of 50 percent of the lot frontage occupied by a building. Landscaping for surface parking areas shall still apply.

d. A minimum of a 10-foot Type I landscape buffer shall be provided between more intensive zones and the MUR, and along abutting properties in the MUR district. The director may waive or modify this requirement for pedestrian-oriented commercial development that includes a minimum of 50 percent of the lot frontage occupied by a building or for abutting residential development in the MUR zone in common ownership. Required landscaping for surface parking areas is required in accordance with EMC [18.90.090](#) and Chapter [18.95](#) EMC.

7. Special Landscaping in the Business Park (BP) Zone. In order to achieve the urban design intent and provide an environment suitable to a wide range of employment uses, a minimum of 20 percent of the total site area in the BP zone shall be landscaped.

8. Tree Preservation and Protection Standards.

a. Significant tree identification and preservation and/or replacement shall be required as set forth in EMC [18.90.180](#). Tree preservation, provided mixed use development shall be considered commercial development for the purposes of the tree retention standard contained in EMC [18.90.180](#)(C)(2)(c)(iv).

b. The director shall have the authority to reduce the required tree replacement ratio where such requirement would conflict with the urban design intent of this section and applicable design provisions of Chapter [18.95](#) EMC.

c. If the standards contained in Chapter [18.95](#) EMC are modified, the director shall at a minimum ensure that representative native vegetation is retained or replanted totaling at least five percent of the site area and that such landscaping is provided in excess of the requirements contained in this section.

H. Parking, Access and Circulation.

1. Applicability. Parking facilities and access drives shall be designed in accordance with EMC [18.90.130](#), except as provided below.

a. Where a conflict exists between the standards contained in EMC [18.90.130](#) and the standards contained in this section, the standards contained in this section shall control.

b. If this subsection does not specify a parking requirement for a land use, the director shall establish the minimum requirement based on a study of anticipated demand as provided in EMC [18.90.130](#)(C)(8).

2. Purpose. The purpose of this subsection is to provide adequate parking for all allowed uses; to reduce demand for parking by encouraging alternative transportation such as rideshare, public transit, bikes and pedestrian mobility; to promote a “park once and walk” strategy and to ensure the location and design of parking facilities is consistent with urban design and economic development goals.

3. Parking Location.

a. Site design, including parking lot and building location, shall comply with the minimum lot frontage requirements in subsection (D) of this section.

- b. A parking lot shall not be located on a corner where two streets intersect.
- c. Within the TC zone, a parking lot shall not be located between the principal building and the street, adjacent to a park or open space or at a street terminus.
- d. Within the TC zone, parking structures shall contain ground level commercial uses.
- e. Within the C, MUR and BP zones, parking structures that front on a street that are not part of a residential or mixed use building shall contain ground level commercial uses.

4. **Parking Facility Design and Integration.** It is the city's intent to encourage the integration and connection of parking facilities, including shared parking and physical connections between parking facilities in adjoining developments. Applicants shall demonstrate how they meet this objective, including shared parking, or document why it is not feasible to do so. Please see Chapter [18.95](#) EMC, Design Standards, for additional urban design requirements for parking facilities.

5. **Minimum Parking Requirements.** Except as provided in subsection (H)(9) of this section, off-street parking areas shall contain the minimum number of parking spaces as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include but are not limited to building maintenance areas, storage areas, closets or restrooms. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down. Please note that maximum parking requirements as contained in subsection (H)(10) of this section also apply.

Table 4: Minimum Parking Requirements

Land Use	Minimum Parking Spaces Required
Residential	
Dwelling unit, multifamily:	
Studio and one-bedroom units	1 per dwelling unit*
Two-bedroom units	1.5 per dwelling unit*
Three-bedroom units	2 per dwelling unit*
Dwelling unit, single-family:	
Dwelling unit, single-family	2 per dwelling unit (tandem spaces allowed)

Land Use	Minimum Parking Spaces Required
attached	
Dwelling unit, single-family detached	2 per dwelling unit
Dwelling unit, accessory or cottage housing	1 per dwelling unit
Retail/Wholesale Trade and Services	
Retail trade and services (nonfood) other than listed below	3 per 1,000 square feet**
Nonfood retail in mixed use development, less than 5,000 square feet and less than 40% of the gross floor area of the development	No off-street parking required**
Food stores, in mixed use development, less than 15,000 square feet and less than 40% of the gross floor area of the development	3 per 1,000 square feet**
Food stores, other than above	4 per 1,000 square feet, plus additional parking as provided below for restaurant portion if applicable
Restaurants	1 per 100 square feet in dining, lounge and customer ordering area
Gasoline service stations	3 per facility plus 1 per 300 square feet of store
General Services	
General services	3 per 1,000 square feet
Professional office	3 per 1,000 square feet
Exceptions:	
Hotel/motel	1.1 per bedroom
Home occupation, including	1 stall in addition to requirement for primary use

Land Use	Minimum Parking Spaces Required
live/work	
Industrial/Manufacturing	
Light industrial/manufacturing	1 per 1,000 square feet, plus additional parking for office or retail areas as noted elsewhere in this table
Culture/Recreation/Religious	
Performing arts/museum/theater	1 per 3 fixed seats, plus 2 spaces for every 3 employees
Church or group assembly	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outdoor recreation/indoor recreation/health club	Director determines based on a parking study
Health Services	
Hospital	1 per bed
Medical office or emergency care facility	5 per 1,000 square feet
Nursing and personal care facility	1 per 4 beds
Other	
Government office	3 per 1,000 square feet
All others not specifically listed	Director determines based on a parking study
*Plus guest parking amounting to one extra space for every 10 dwelling units rounded upward to the nearest multiple of 10.	
**The applicant may demonstrate through a traffic study that on-street parking is adequate to wholly or partially fulfill this parking requirement. Off-street parking may be required based on the review of this study.	

6. Loading Areas. Please see EMC [18.90.130](#)(D).

7. Disabled Parking. Please see Chapter [19.27](#) RCW, State Building Code, and Chapter [70.92](#) RCW, Public Buildings – Provisions for Aged and Disabled.

8. Bike Parking. In any development required to provide six or more parking spaces, bicycle parking shall be provided. Bicycle parking shall be bike rack or locker-type facilities unless otherwise specified.

a. One bicycle parking space shall be provided for every 12 motor vehicle parking spaces, except as follows:

i. The director may reduce bike rack parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location.

ii. The director may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination shall include but not be limited to the following uses: park, library, museum, school, sports club or retail business located along a developed trail or designated bicycle route.

b. Bicycle parking shall be located within 100 feet of the principal building and directly adjacent to a sidewalk or pedestrian walkway that connects directly to building entrance(s).

c. Bicycle frame or wheels to be locked to a structure attached to the pavement.

d. All bicycle parking and storage shall be located in safe, visible areas that do not impede traffic flow and shall be well lit for nighttime use.

e. When more than 15 people are employed on site, bicycle storage facilities for employees shall be provided. The director shall allocate the required number of parking spaces between bike rack parking and enclosed locker-type facilities.

f. One secured bicycle storage space shall be provided for every two dwelling units in attached single-family and multifamily units, unless individual garages are provided for every unit. The director may reduce the number of bike rack parking spaces if indoor storage facilities are available to all residents.

9. Parking Reductions. The amount of off-street parking required by subsection (H)(5) of this section may be reduced by an amount determined by the director pursuant to the provisions below.

a. Car Share Parking. Required parking for multifamily residential developments (or the residential portion of mixed use developments) containing more than 30 units may be reduced by three spaces for each one dedicated car share space. A signed agreement between the property owner and car share provider must be submitted for approval of the parking reduction.

b. Shared-Use Parking. Developments may receive a reduction in required parking of up to 20 percent of the minimum parking requirements, provided:

- i. The total parking area exceeds 5,000 square feet;
- ii. The parking facilities are designed and developed as a single on-site common parking facility, or as a system of on-site and off-site facilities, if all facilities are connected with improved pedestrian facilities and no building or use involved is more than 800 feet from the most remote shared facility;
- iii. The total number of parking spaces in the common parking facility is not less than the minimum required spaces for any single use;
- iv. The director may increase the reduction where compelling evidence is provided in a parking study submitted by the applicant that the proposed reduction is warranted. See criteria in EMC [18.90.130](#);
- v. A covenant or other contract for shared parking between the cooperating property owners is approved by the director. This covenant or contract must be recorded with the Pierce County auditor's office as a deed restriction on both properties and cannot be modified or revoked without the consent of the director; and
- vi. If any requirements for shared parking are violated, the affected property owners must provide a remedy satisfactory to the director or provide the full amount of required off-street parking for each use, in accordance with the requirements of this chapter, unless a satisfactory alternative remedy is approved by the director.

c. Transit Availability. The director may reduce the number of required off-street parking spaces when one or more scheduled transit routes provide service within 750 feet of the site. The amount of the reduction shall be based on the number of scheduled transit runs between 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m. each weekday up to a maximum reduction of two percent for each transit run up to a maximum of 20 percent.

10. Maximum Parking Requirements. Parking for a specific use in zones covered by this section shall be limited to no more than 50 percent greater than the minimum parking requirement required above. Exceptions to this parking maximum include:

- a. Parking spaces are provided above/below grade.

b. If the director determines additional off-street parking spaces are warranted based on a parking study. In making such a decision, the director shall also consider whether the proposal is consistent with the stated purposes, objectives, goals or policies established in this section and the design standards. The director shall also have the authority to restrict parking for a specific use to an amount that is less than the maximum amount allowed in this section if the proposal would substantially conflict with the stated purposes, objectives, goals or policies contained in the Edgewood comprehensive plan and similar plans and policy documents as adopted by the city of Edgewood.

11. Transit Facilities. All development shall provide transit facilities as provided in EMC [18.90.130](#)(E)(2).

12. Parking Stall and Aisle Design and Access. Please see EMC [18.90.130](#)(C)(5). (Ord. 16-482 § 2 (Exh. F); Ord. 14-426 § 2 (Exh. A); Ord. 14-414 § 2 (Exh. A); Ord. 13-397 § 2 (Exh. A); Ord. 11-359 § 6 (Exh. C); Ord. 10-346 § 7; Ord. 09-323 § 4; Ord. 08-305 § 2; Ord. 08-301 § 3; Ord. 07-284 § 1; Ord. 06-268 § 1; Ord. 03-203 § 1

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 March XX, 2017.

ADOPTED BY THE CITY COUNCIL ON APRIL XX, 2017

Daryl Eidinger, Mayor

ATTEST/AUTHENTICATED:

APPROVED AS TO FORM:

4/3/17 DRAFT

Rachel Pitzel, City Clerk

Carol Morris, City Attorney

Date of Publication: April XX, 2017

Effective Date: April XX, 2017

DRAFT

CITY OF EDGEWOOD
2224 104th Avenue East, Edgewood, WA 98372-1513
(253) 952-3299 Fax: (253) 952-3537

LEGAL NOTICE

NOTICE OF ORDINANCE ADOPTED BY EDGEWOOD CITY COUNCIL

The following is a summary of an Ordinance adopted by the City of Edgewood City Council on the XXth day of April 2017, and shall take effect and be in full force on the XX day of April 2017.

ORDINANCE NO. 17-XXXX

AN ORDINANCE OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO LAND USE AND ZONING IN THE TOWN CENTER, COMMERCIAL, AND MIXED USE RESIDENTIAL ZONES, AMENDING SECTION 18.80.080 OF THE EDGEWOOD MUNICIPAL CODE INCLUDING REVISING THE USE TABLE, DENSITIES, AND LOCATION OF MIXED USES, AND PROVIDING FOR VARIANCES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of the Ordinance is available at Edgewood City Hall, 2224 104th Avenue East, Edgewood, WA 98372-1513 (253) 952-3299.

Rachel Pitzel, City Clerk

Published in the Tacoma News Tribune on: *Thursday April XX, 2017*



**CITY OF EDGEWOOD
REGULAR COUNCIL MEETING SUMMARY**

Tues., March 28, 2017 – 7:00 p.m. ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

1. CALL TO ORDER

Mayor Eidinger called the meeting to order at 7:00pm. Councilmember Lowry led the attendees in the Pledge of Allegiance.

ROLL CALL

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

Staff Present: Assistant City Administrator Dave Gray, Assistant City Administrator Aaron Nix, Community Development Director Kevin Stender, Police Chief Micah Lundborg, Carol Morris, City Attorney.

Additions/Deletions to the Agenda

Mayor Eidinger announced he would like to add Resolution No. 17-0362 regarding the Conservation Futures Grant Program for land set aside and the preservation of Open Space to add to our Parks and Recreation inventory in Edgewood.

Motion: To add Resolution No. 17-0362 as read under Council Business as Item D,

Action: Approve, **Moved by** Councilmember Stephanie Shook, **Seconded by** Councilmember Rosanne Tomin. **Motion passed unanimously (6-0).**

2. AUDIENCE COMMENT

Mr. Brown commented on how badly legalized marijuana is affecting our youth. He noted he is very disturbed by the billboards within the City that promote venues for purchasing marijuana; he stated it sends the wrong signal to our youth.

Mr. Henselen commented on his feelings about the City of Edgewood property at 36th and Meridian. Mayor Eidinger asked Mr. Henselen to provide his phone number to the City Clerk and he would call him tomorrow to discuss.

3. PROCLAMATION

PC Reads – Linda Case

Mayor Eidinger introduced Linda Case from the Pierce County Library who discussed the PC Reads program.

Mayor Eidinger read a proclamation which declared March 5th through April 28th Pierce County Reads.

4. PUBLIC HEARINGS

Ordinance No. 17-0495, relating to Planning and Development and Subdivision Code Enforcement, adopting new Planning and Development and Subdivision Code Enforcement procedures which describe violations, explain the process for investigation and enforcement of violations, listing the elements of a notice of violation, describing the procedures for issuance and service of notices of violation, stop work orders and emergency orders, providing for hearings on appeals, describing the hearing process, setting penalties for violations, repealing previous enforcement sections , amending Chapter/Section 16.01.200 and adding a new Chapter 18.85 to the Edgewood Municipal Code

Mayor Eidinger read the rules for the hearing.

Mayor Eidinger opened the public hearing at 7:15pm.

Assistant City Administrator Nix gave an update on the Ordinance.

Mayor Eidinger asked for public comments. There were no comments made. ACA Nix informed the Council that the City Attorney has made slight adjustments to the body of the code changes.

Mayor Eidinger closed the public hearing at 7:18pm.

Ordinance No. 17-0494, relating to Land Use and Zoning, adopting an Interim Zoning Ordinance relating to Quasi-Judicial map amendments, repealing section 18.40.110 of the Edgewood Municipal Code; describing the elements of a complete application, the criteria for approval, deadline for issuance of a final decision, and expiration of the approval, said interim zoning regulations shall be in effect until the City adopts “Permanent” Zoning regulations on the same subject, this Interim Ordinance shall be effective immediately, setting six months as the effective period of the Interim Zoning Ordinance, and establishing the date of a Public Hearing on the Interim Zoning Ordinance.

Mayor Eidinger opened the public hearing at 7:19pm.

Community Development Director Stender gave an update on the Ordinance.

Mayor Eidinger asked for public comments. There were no comments made. CDD Stender addressed the Council to expand on the body of the ordinance as presented.

Mayor Eidinger closed the public hearing at 7:20pm.

Motion: To Continue the Interim Zoning Ordinance for six more months, **Action:** Approve, **Moved by** Councilmember Stephanie Shook, **Seconded by** Deputy Mayor Tyron Christopherson. **Motion passed unanimously (6-0).**

5. MAYOR'S REPORT

Mayor Eidinger spoke about the following:

- Staff working hard and continue to bring every area of operations to be current, understandable and transparent;
- Indoor Movie Nights continue to increase in attendance, thanks to Councilmembers Shook and Tomin;
- Connect over Coffee continues to bring in more residents for great conversations;
- Met with the Master Builders Association to talk about their input into local regulations and discussed maintaining quality in the construction industry in Edgewood;

- Along with Chief Lundborg, they have been attending the Community Academy this is put on by University Place to get people involved in becoming proactive in the public safety of the community;
- Adding an additional item to the agenda regarding Conservation Futures Grant money;
- Attended the “Taste of Hedden” event with Chief Lundborg and Deputy Mayor Christopherson;
- Attended the Pollinator event scheduled by the Parks and Recreation Advisory Board.

Chief Lundborg briefed on the following:

- Coffee with a Cop success at Simons Mill;
- Social Media is up and running. Chief used twitter today to notice a huge traffic jam on West Valley and Jovita Blvd;
- Big community outreach day Wednesday, March 29th.

6. 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 March 14, 2017
- B. Study Session Meeting Minutes of March 21, 2017
- C. **AB 17-015**, a motion approving March 2017 Budgeted Expenditures as follows: Nationwide Retirement Solutions Check Numbers 10598-10599 in the amount of \$4,727.76; IRS 941 ACHs; Deferred Compensations Program; Dept. of Retirement Systems and Payroll Direct Deposit in the amount of \$48,642.83; and Vendor Check Numbers 21884-21906 with EFT Payments in the amount of \$190,031.83. Total distributions submitted for review & authorization in the amount of \$243,402.42
- D. **AB17-0359** – Resolution No. 17-0359, authorizing the Mayor to execute the Maintenance Services Agreement with TCMS, Inc. regarding HVAC Maintenance
- E. **AB17-0360**, Resolution No. 17-0360, repealing and replacing Resolution No. 16-0328, making appointments to positions on External Boards, Commission, Committees, and other Organizations for the Year 2017

Motion: As Read, **Action:** Approve, **Moved by** Councilmember Stephanie Shook,
Seconded by Councilmember Rosanne Tomy. **Motion passed unanimously (6-0).**

7. COUNCIL BUSINESS

- A. **AB17-0361**, a motion approving Resolution No. 17-0361, accepting as complete, the Jovita Boulevard Slope Stabilization Seismic Wall project.

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 (6-0).**

- B. AB 17-0496**, a motion to accept first reading of Ordinance No. 17-0496, relating to Land Use and Zoning in the Town Center, Commercial, and Mixed Use Residential Zones, amending Section 18.80.080 of the Edgewood Municipal Code including revising the Use Table, Densities, location of Mixed Uses, and providing for Variances; providing for severability; and establishing an effective date

Community Development Director Stender briefed on this agenda item.

Community Development Director Stender addressed the question asked from Council regarding the three-acre rule.

Motion: As Read, **Action:** Approve, **Moved by** Deputy Mayor Christopherson, **Seconded by** Councilmember Nate Lowry. **Motion passed unanimously (6-0).**

- C. AB 17-0493**, a motion to accept the second reading and adoption of Ordinance No.17-0493, 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

Community Development Director Stender briefed on the agenda item.

Motion: As Read, **Action:** Approve, **Moved by** Councilmember Stephanie Shook, **Seconded by** Councilmember Roseanne Tomy. **Motion passed unanimously (6-0).**

- D. AB 17-0362**, a motion approving Resolution No. 17-0362, authorizing the Mayor to apply for and commit the City to the Pierce County Conservation Futures Program, including authorized matching fund payments

Citizen Comment – Ms. Rose Hill spoke in favor of the resolution.

Community Development Director Stender briefed on the agenda item.

Motion: As Read, **Action:** Approve, **Moved by** Councilmember Stephanie Shook, **Seconded by** Councilmember Donna O’Ravez. **Motion passed unanimously (6-0).**

8. COUNCIL COMMENTS

Mayor Eidinger reminded the Council has filing requirements.

Deputy Mayor Christopherson spoke about some broken street concrete.

9. EXECUTIVE SESSION

There was no executive session.

10. ADJOURN

Mayor Eidinger adjourned the meeting at 8:12pm.

Rachel Pitzel, City Clerk

Daryl Eidinger, Mayor



**CITY OF EDGEWOOD
COUNCIL STUDY SESSION SUMMARY**

Tues., April 4, 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 led attendees in the Pledge of Allegiance.

ROLL CALL

Present: Mayor Daryl Eidinger (Not voting), Councilmember Mark Creley, Councilmember Luke Meyers, Councilmember Stephanie Shook, Councilmember Rosanne Tomin, Councilmember Nate Lowry. **Excused:** Deputy Mayor Tyron Christopherson. **Staff Present:** Assistant City Administrator Dave Gray, Assistant City Administrator Aaron Nix, City Clerk Rachel Pitzel, Community Development Director Kevin Stender, Senior Engineer Jeremy Metzler, Police Chief Micah Lundborg.

2. COUNCIL BUSINESS

A. Review/Discussion - Community Services Manager job description/position

Assistant City Administrator Dave Gray briefed Council on this agenda item.

Discussion followed between staff and the Council.

Council action: Council recommended staff to change the GED to at least a Bachelor Degree and list that this position goes through a background check; bring back to another study session for final review.

Mayor Eidinger left the meeting at 7:22pm and handed the meeting over to Councilmember Nate Lowry to chair the rest of the meeting.

B. Review/Discussion - Personnel Policy Revision – Retirement & Insurance

Assistant City Administrator Dave Gray briefed Council on this agenda item.

Discussion followed between staff and the Council.

C. Review/Discussion – Amending Ordinance regarding Collective Gardens

Assistant City Administrator Aaron Nix briefed Council on this agenda item.

Discussion followed between staff and the Council.

D. Review/Discussion– Development Agreement Updates

Community Development Director Kevin Stender briefed Council on this agenda item.

Discussion followed between staff and the Council.

E. Review/Discussion – GMA Public Participation Plan Handbook

Community Development Director Kevin Stender briefed Council on this agenda item.

Discussion followed between staff and the Council.

F. Review/Discussion – Town Center/Mixed Residential Code Updates

Community Development Director Kevin Stender briefed Council on this agenda item.

Discussion followed between staff and the Council.

3. OTHER COUNCIL ISSUES

Assistant City Administrator Aaron Nix added an item to discuss:

G. Review/Discussion – Surface Water Management Plan Update

Senior Engineer Metzler briefed Council on this agenda item.

Discussion followed between staff and the Council.

Assistant City Administrator Aaron Nix discussed a water quality test result that was received from the water sample taken from Lake Chalet.

Assistant City Administrator Aaron Nix also commented on a contract regarding Edgemont Park to get the backdrop for baseball season done.

Councilmember Shook asked if the City could notify Chief Backer to come and update Council.

City Clerk Pitzel asked Council about the next Council letter submittal for the summer edition Edgewood magazine; and if they wanted to do a different process. Discussion took place regarding the PRAB and the grants; discussion also took place regarding the 36th Park.

4. ADJOURN

Councilmember Lowry adjourned the meeting at 9:24pm.

Rachel Pitzel, City Clerk

Daryl Eidinger, Mayor



CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-017

Date Action Requested: April 11, 2017

Title: **AB 17-017**, a motion approving April 2017 Budgeted Expenditures as follows: Nationwide Retirement Solutions Check Numbers 10600-10601 in the amount of \$4,689.52; IRS 941 ACHs; Deferred Compensations Program; Dept. of Retirement Systems; AWC Employee Benefit Trust; Employment Security Dept.; and Payroll Direct Deposit in the amount of \$74,585.37; and Vendor Check Numbers 21907-21930 with EFT Payments in the amount of \$33,581.80. Voided Check Numbers 21753, 21768 in the amount of (\$2,948.47). Total distributions submitted for review & authorization in the amount of \$109,908.22

Attachments: Payment Distribution Review & Authorization, Voucher Directory

Submitted By: Dave Gray, Assistant City Administrator, Finance

Approved For Agenda By: Mayor Daryl Eiding

Prepared For Agenda By: Rachel Pitzel, City Clerk

Recommendation: Move to Approve AB17-017

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 \$109,908.22 to authorized Budgeted Expenditures.

Number	Name	Print Date	Amount
US Bank PAYROLL ACCOUNT DISTRIBUTION			
10599 Last Number Issued Previous Authorization			
<u>10600</u>	Nationwide Retirement Solutions-401	3/31/2017	\$4,652.02
<u>10601</u>	Nationwide Retirement Solutions-Council	3/31/2017	\$37.50
	Total		\$4,689.52
<u>AWC EFT 3/31/17</u>	AWC Employee Benefit Trust	3/31/2017	\$22,960.16
<u>DCP 3/31/17</u>	Deferred Compensation Program	3/31/2017	\$1,595.36
<u>Direct Deposit 3/29/17</u>	Payroll Vendor	3/31/2017	\$34,286.99
<u>DRS 3/31/17</u>	Dept of Retirement Systems	3/31/2017	\$6,817.00
<u>IRS 941 3/31/17</u>	IRS 941	3/31/2017	\$5,453.49
<u>UI ESD Q1 2017 EFT</u>	Employment Security Department	3/31/2017	\$3,472.37
	Total		\$74,585.37
	Grand Total		\$79,274.89

Number	Name	Print Date	Amount
CLAIM VOUCHER ACCOUNT DISTRIBUTION			
21906 Last Number Issued Previous Authorization			
<u>21907</u>	A & R Services dba Angela Rojo	4/11/2017	\$785.00
<u>21908</u>	Century Link	4/11/2017	\$209.15
<u>21909</u>	City of Sumner	4/11/2017	\$644.00
<u>21910</u>	Drain-Pro	4/11/2017	\$290.00
<u>21911</u>	East Pierce Fire & Rescue	4/11/2017	\$8,845.09
<u>21912</u>	Fife Milton Edgewood Chamber of Commerce	4/11/2017	\$75.00
<u>21913</u>	Form Source, Inc.	4/11/2017	\$115.74
<u>21914</u>	G & K Services Co.	4/11/2017	\$215.12
<u>21915</u>	Lakehaven Water & Sewer District	4/11/2017	\$82.36
<u>21916</u>	Landau Associates	4/11/2017	\$848.00
<u>21917</u>	Les Schwab Tire Center	4/11/2017	\$57.21
<u>21918</u>	McLendon's Hardware	4/11/2017	\$5.43
<u>21919</u>	NW Safety Consultants, LLC	4/11/2017	\$987.00
<u>21920</u>	Office Depot	4/11/2017	\$440.94
<u>21921</u>	Outdoor Escapes LLC	4/11/2017	\$856.30
<u>21922</u>	Pierce County Budget & Finance-Assessor	4/11/2017	\$1,394.97
<u>21923</u>	Public Finance Inc.	4/11/2017	\$4,179.94
<u>21924</u>	Curbow, Jamie M	4/11/2017	\$88.38
<u>21925</u>	Rick Pederson	4/11/2017	\$274.46
<u>21926</u>	The News Tribune	4/11/2017	\$1,269.70
<u>21927</u>	Transpo Group	4/11/2017	\$2,532.98
<u>21928</u>	Verizon Wireless	4/11/2017	\$612.66
<u>21929</u>	Vision Forms, LLC	4/11/2017	\$523.03
<u>21930</u>	WA State Treasurer	4/11/2017	\$332.50
<u>EFT Payment 4/5/2017</u>	US Bank Corporate Payment System	4/11/2017	\$7,916.84
	Grand Total		\$33,581.80

Total Claims Voucher Distribution	\$33,581.80
Total Distribution Submitted for Review & Authorization	\$112,856.69
Authorization Adjustments: Void Cks 21753, 21768 - Lost in mail; reissued 4/11/17	(\$2,948.47)
Total Distribution Net of Prior Authorized Adjustments	\$109,908.22

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
A & R Services dba Angela Rojo	21907			2017 - April - 1st Council Meeting	
		420			
			April Services		
			001-018-000-518-30-41-01	Professional Services	\$785.00
				Monthly Janitorial Svs. for April	
		Total 420			\$785.00
	Total 21907				\$785.00
Total A & R Services dba Angela Rojo					\$785.00
Century Link	21908			2017 - April - 1st Council Meeting	
		253-927-2018 680B 3/25-4/25/17			
		3/25-4/25/17 Services			
		001-018-000-518-30-42-01		Telecommunications Charges	\$101.35
				Elevator Alarm Line	
		Total 253-927-2018 680B 3/25-4/25/17			\$101.35
		253-952-3537 889B 3/22-4/22/17			
		3/22-4/22/17 Services			
		001-018-000-518-30-42-01		Telecommunications Charges	\$107.80
				Fax and Fire Alarm Line	
		Total 253-952-3537 889B 3/22-4/22/17			\$107.80
	Total 21908				\$209.15
Total Century Link					\$209.15
City of Sumner	21909			2017 - April - 1st Council Meeting	
		033117-COS			
		1st Qtr 2017 Animal Licenses			
		650-000-000-586-10-00-05		Animal Licenses	\$644.00
				Q1 2017 Licenses	
		Total 033117-COS			\$644.00
	Total 21909				\$644.00
Total City of Sumner					\$644.00
Drain-Pro	21910			2017 - April - 1st Council Meeting	
		30932			
		3/26-4/22/17 Services			
		001-076-000-576-80-45-03		Operating Rentals	\$145.00

Vendor	Number	Reference	Account Number	Description	Amount
			Nelson Farm		
		Total 30932			\$145.00
		30933			
			3/26-4/22/17 Services		
			001-076-000-576-80-45-03	Operating Rentals	\$145.00
			Nelson Nature Park		
		Total 30933			\$145.00
	Total 21910				\$290.00
Total Drain-Pro					\$290.00
East Pierce Fire & Rescue					
21911					
			2017 - April - 1st Council Meeting		
		033117-EPF			
			1st Qtr 2017 Fire Plan Review Fees		
			650-000-000-586-10-00-06	Fire Plan Review	\$8,845.09
			1st Qtr 2017		
		Total 033117-EPF			\$8,845.09
	Total 21911				\$8,845.09
Total East Pierce Fire & Rescue					\$8,845.09
Fife Milton Edgewood Chamber of Commerce					
21912					
			2017 - April - 1st Council Meeting		
		1424			
			4/12/17 Chamber Meeting		
			001-013-000-513-10-31-05	Meeting Meals Expense	\$75.00
		Total 1424			\$75.00
	Total 21912				\$75.00
Total Fife Milton Edgewood Chamber of Commerce					\$75.00
Form Source, Inc.					
21913					
			2017 - April - 1st Council Meeting		
		851314			
			March Purchases		
			001-021-000-521-20-31-01	Office & Operational Supplies	\$57.87
			Business Cards-S.Wheeler		
		Total 851314			\$57.87
		851315			
			March Purchases		
			001-021-000-521-20-31-01	Office & Operational Supplies	\$57.87
			Business Cards-B.Ashmore		
		Total 851315			\$57.87
	Total 21913				\$115.74
Total Form Source, Inc.					\$115.74

Vendor	Number	Reference	Account Number	Description	Amount
G & K Services Co.					
	21914			2017 - April - 1st Council Meeting	
		1068404619			
			3/6/17 Weekly Service		
			001-018-000-518-30-41-01	Professional Services	\$52.96
		Total 1068404619			\$52.96
		1068406603			
			3/13/17 Weekly Service		
			001-018-000-518-30-41-01	Professional Services	\$52.96
		Total 1068406603			\$52.96
		1068408593			
			3/20/17 Weekly Service		
			001-018-000-518-30-41-01	Professional Services	\$56.24
		Total 1068408593			\$56.24
		1068410591			
			3/27/17 Weekly Service		
			001-018-000-518-30-41-01	Professional Services	\$52.96
		Total 1068410591			\$52.96
	Total 21914				\$215.12
Total G & K Services Co.					\$215.12
Lakehaven Water & Sewer District					
	21915			2017 - April - 1st Council Meeting	
		3574701 12/1/16-1/31/17			
			12/1/16-1/31/17 Services		
			001-018-000-518-30-47-04	Sewer Charges	\$57.22
			City Hall		
		Total 3574701 12/1/16-1/31/17			\$57.22
		3575901 12/20/16-2/17/17			
			12/20/16-2/17/17 Services		
			001-018-000-518-30-47-04	Sewer Charges	\$25.14
			114th Ave E		
		Total 3575901 12/20/16-2/17/17			\$25.14
	Total 21915				\$82.36
Total Lakehaven Water & Sewer District					\$82.36
Landau Associates					
	21916			2017 - April - 1st Council Meeting	
		0038979			
			Feb Svcs-Prj 0495096.010		
			001-058-000-558-60-41-01	Reim.Engineering - Prof. Serv	\$848.00
			Volente Subdivision		
		Total 0038979			\$848.00
	Total 21916				\$848.00
Total Landau Associates					\$848.00

Vendor	Number	Reference	Account Number	Description	Amount
Les Schwab Tire Center	21917			2017 - April - 1st Council Meeting	
		42700129744			
			March Services		
			001-018-000-518-30-48-07	Maintenance & Repairs-Vehicles	\$57.21
				1999 Dakota-Oil Change	
		Total 42700129744			\$57.21
	Total 21917				\$57.21
Total Les Schwab Tire Center					\$57.21
McLendon's Hardware	21918			2017 - April - 1st Council Meeting	
		603184/3			
			February Purchases		
			101-000-000-542-30-31-01	Operational Supplies	\$5.43
				Silicone Spray	
		Total 603184/3			\$5.43
	Total 21918				\$5.43
Total McLendon's Hardware					\$5.43
NW Safety Consultants, LLC	21919			2017 - April - 1st Council Meeting	
		1091			
			3/30/17 Driver Training		
			001-018-000-518-20-43-01	Travel/Training Costs	\$987.00
				Driver Training-H.Bowers, B.Centen, T.Garvin	
		Total 1091			\$987.00
	Total 21919				\$987.00
Total NW Safety Consultants, LLC					\$987.00
Office Depot	21920			2017 - April - 1st Council Meeting	
		914294169001			
			March Purchases		
			001-018-000-518-20-31-01	Office & Operational Supplies	\$27.76
				Lanyards, Sponges, Detergent	
		Total 914294169001			\$27.76
		914294234001			
			March Purchases		
			001-018-000-518-20-31-01	Office & Operational Supplies	\$91.76
				Speakers, Bookends, Clorox Wipes	
		Total 914294234001			\$91.76
		916003438001			
			March Purchases		
			001-018-000-518-20-31-01	Office & Operational Supplies	\$301.30
				Paper Towels, Kleenex, Highlighters, Wireless Keyboard	
		Total 916003438001			\$301.30

Vendor	Number	Reference	Account Number	Description	Amount
		916003912001			
			March Purchases		
			001-018-000-518-20-31-01	Office & Operational Supplies	\$20.12
			Keyboard		
		Total 916003912001			\$20.12
	Total 21920				\$440.94
Total Office Depot					\$440.94
Outdoor Escapes LLC					
21921					
				2017 - April - 1st Council Meeting	
		11258			
			March Services		
			310-000-000-594-76-62-06	Park Equipment	\$856.30
			Edgemont Park-Repair Broken Water Line		
		Total 11258			\$856.30
	Total 21921				\$856.30
Total Outdoor Escapes LLC					\$856.30
Pierce County Budget & Finance-Assessor					
21922					
				2017 - April - 1st Council Meeting	
		2017 Property Taxes			
			001-018-000-518-30-51-03	Surface Water Charge	\$147.37
			0420102012 City Hall		
			001-018-000-518-30-51-03	Surface Water Charge	\$41.70
			0420102041 City Hall ROW		
			001-076-000-576-80-51-03	Surface Water Fee	\$154.46
			0420104018 Edgemond Park		
			001-076-000-576-80-51-03	Surface Water Fee	\$1.70
			0420098069 28th Street ROW		
			001-076-000-576-80-51-03	Surface Water Fee	\$41.70
			3944000230 Forest Wood Retention Pond		
			001-076-000-576-80-51-03	Surface Water Fee	\$41.70
			6023030170 109th Retention Pond		
			001-076-000-576-80-51-03	Surface Water Fee	\$162.20
			0420112082 Nelson Nature Park		
			001-076-000-576-80-51-03	Surface Water Fee	\$42.10
			0420023091 Crawford Woods		
			001-076-000-576-80-51-03	Surface Water Fee	\$161.82
			0420084019 Mortenson Farm		
			001-076-000-576-80-51-03	Surface Water Fee	\$43.58
			0420235059 Kemp Open Space		
			001-076-000-576-80-51-03	Surface Water Fee	\$41.70
			4845000050 114TH & Jovita ROW		
			001-076-000-576-80-51-03	Surface Water Fee	\$42.30
			0420034059 Interurban ROW		

Vendor	Number	Reference	Account Number	Description	Amount
			001-076-000-576-80-51-03	Surface Water Fee	\$42.01
			0420032014	Interurban Trail ROW	
			001-076-000-576-80-51-03	Surface Water Fee	\$41.70
			6023030190	109th Retention Pond	
			001-076-000-576-80-51-03	Surface Water Fee	\$41.70
			0420106031	Moran Property	
			001-076-000-576-80-51-03	Surface Water Fee	\$43.33
			0420101011	Nelson Nature Park	
			001-076-000-576-80-51-03	Surface Water Fee	\$41.70
			0420144045	Caldwell Retention Pond	
			001-076-000-576-80-51-03	Surface Water Fee	\$41.85
			4845000030	Jovita Crossroads Park	
			001-076-000-576-80-51-03	Surface Water Fee	\$44.40
			0420152006	36th & Meridian	
			001-076-000-576-80-51-03	Surface Water Fee	\$42.43
			0420084024	Mortenson Farm	
			001-076-000-576-80-51-03	Surface Water Fee	\$1.70
			4845000060	Trailhead Park	
			001-076-000-576-80-51-03	Surface Water Fee	\$43.30
			0420022005	Interurban ROW	
			001-076-000-576-80-51-03	Surface Water Fee	\$43.13
			0420031027	Interurban Trail ROW	
			001-076-000-576-80-51-03	Surface Water Fee	\$41.99
			0420023107	Interurban Trail ROW	
			001-076-000-576-80-51-03	Surface Water Fee	\$1.70
			0420117039	32nd Street ROW	
			001-076-000-576-80-51-03	Surface Water Fee	\$1.70
			4845000040	Trailhead Park	
		Total 2017 Property Taxes			\$1,394.97
	Total 21922				\$1,394.97
Total Pierce County Budget & Finance-Assessor					\$1,394.97
Public Finance Inc.					
	21923				
				2017 - April - 1st Council Meeting	
		0001950			
				4th Qtr 2016 Services	
			411-000-000-535-10-41-01	Professional Services	\$1,113.92
				Reissue Ck 21753 lost in mail	
		Total 0001950			\$1,113.92
		0001970			
				1st Qtr 2017 Services	
			411-000-000-535-10-41-01	Professional Services	\$1,834.55
				Reissue Ck 21768 lost in mail	
		Total 0001970			\$1,834.55

Vendor	Number	Reference	Account Number	Description	Amount
		0001992			
			2nd Qtr 2017 Services		
			411-000-000-535-10-41-01	Professional Services	\$1,231.47
		Total 0001992			\$1,231.47
	Total 21923				\$4,179.94
Total Public Finance Inc.					\$4,179.94
Refunds/Reimbursements Vendor					
	21924			2017 - April - 1st Council Meeting	
		032717-JC		Jamie M Curbow	
			Mileage Reimbursement		
			001-058-000-558-60-43-01	Training/Travel Costs	\$88.38
				Mileage-Permit Tech Training	
		Total 032717-JC			\$88.38
	Total 21924				\$88.38
Total Refunds/Reimbursements Vendor					\$88.38
Rick Pederson					
	21925			2017 - April - 1st Council Meeting	
		032717-RP			
			March Mileage Reimbursement		
			101-000-000-542-90-43-03	Mileage Reimbursement	\$82.34
			410-000-000-531-38-43-03	Mileage Reimbursement	\$192.12
		Total 032717-RP			\$274.46
	Total 21925				\$274.46
Total Rick Pederson					\$274.46
The News Tribune					
	21926			2017 - April - 1st Council Meeting	
		255556 2/27-3/26/17			
			2/27-3/26/17 Services		
			001-014-000-511-30-41-02	Legal Publications	\$704.84
				Legal Notice	
			001-058-000-558-60-41-08	Legal Notices/Publications	\$564.86
				Legal Notice	
		Total 255556 2/27-3/26/17			\$1,269.70
	Total 21926				\$1,269.70
Total The News Tribune					\$1,269.70
Transpo Group					
	21927			2017 - April - 1st Council Meeting	
		20114			
			March Svcs-Prj 0.13312.00		
			001-058-000-558-60-41-01	Reim.Engineering - Prof. Serv	\$1,407.98
				Pascolo Estates #3198	
		Total 20114			\$1,407.98

Vendor	Number	Reference	Account Number	Description	Amount
		20115			
			March Svcs-Prj 0.13312.00		
			001-058-000-558-60-41-01	Reim.Engineering - Prof. Serv	\$1,125.00
				Edgewood Terrace #5325	
		Total 20115			\$1,125.00
	Total 21927				\$2,532.98
Total Transpo Group					\$2,532.98
US Bank Corporate Payment System					
	EFT Payment 4/5/2017 4:13:42 PM - 1		2017 - April - 1st Council Meeting		
	032717-USBank				
			March Statement		
			001-013-000-513-10-31-05	Meeting Meals Expense	\$25.00
				D.Eidinger-Fife Chamber-Chamber Luncheon	
			001-013-000-513-10-31-05	Meeting Meals Expense	\$15.12
				D.Eidinger-Poodle Dog-PCCT Mtg	
			001-014-000-514-20-43-01	Training & Travel Costs	\$790.00
				R.Pitzel-NW Clerk Inst-PDII Clerk Training	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$244.00
				A.Nix-Real Truck-1998 Chevy Truck-Car Seat Covers	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$51.97
				A.Nix-Gorilla Case-Cell Phone Case/Glass-Bill Centen	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$32.90
				J.Curbow-Amer Assoc Notaries-Notary Stamp for Jill	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$243.61
				H.Bowers-Red Wing-Work Boots, Leather Conditioner	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$18.67
				A.Nix-Shell-Oil, Antifreeze	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$34.98
				A.Nix-Gorilla Case-Cell Phone Case/Glass-Extra Phone	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$95.23
				A.Nix-DS Services-City Hall Water Delivery	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$43.72
				A.Nix-O'Reilly-Car Cleaners, Steering Wheel Cover	
			001-018-000-518-20-42-02	Postage	\$7.80
				J.Curbow-USPS-Postage	
			001-018-000-518-20-42-02	Postage	\$10.40
				R.Pitzel-USPS-Postage	
			001-018-000-518-20-49-01	Memberships	\$25.00
				R.Pitzel-WAPRO-Membership-Jill	
			001-018-000-518-30-31-01	Office & Operational Supplies	\$94.41
				A.Nix-Best Buy-Cell Phone Charger, Case, Glass Cover	
			001-018-000-518-30-32-01	Fuel	\$32.11
				A.Nix-Shell-2001 Sonoma Fuel	

Vendor	Number	Reference	Account Number	Description	Amount
			001-018-000-518-30-32-01	Fuel	\$54.09
			A.Nix-Shell-1998	Chevy Truck-Fuel	
			001-018-000-518-30-35-01	Small Tools/Minor Equip.	\$6.56
			D.Eidinger-Harbor	Freight-Misc Tools	
			001-018-000-518-30-48-07	Maintenance & Repairs-Vehicles	\$10.00
			A.Nix-Shell-2001	Sonoma Car Wash	
			001-018-000-518-30-48-07	Maintenance & Repairs-Vehicles	\$5.00
			D.Eidinger-Tahoma	Market-Car Wash	
			001-018-000-518-30-48-07	Maintenance & Repairs-Vehicles	\$5.00
			A.Nix-Tahoma	Market-Car Wash	
			001-058-000-558-50-43-01	Training/Travel Costs	\$23.99
			B.Centen-Marriott	Training Class-Parking	
			001-058-000-558-50-43-01	Training/Travel Costs	\$115.00
			D.Mundy-ICC	Renew Certifications	
			001-058-000-558-50-43-02	Lodging Charges	\$350.91
			D.Mundy-Enzian	Inn-Training Class-Hotel	
			001-058-000-558-50-43-04	Conference Meals	\$57.94
			D.Muindy	Training Class-Dinners	
			001-076-000-576-80-35-01	Small Tools/Minor Equipment	\$229.42
			D.Eidinger-Faucet	Direct-Edgemont Park Faucet	
			410-000-000-531-38-31-01	Operational Supplies	\$32.55
			J.Curbow-Stamp	Connection-Stormwater Review Stamp	
			410-000-000-531-38-43-01	Training/Travel Costs	\$32.53
			A.Nix-Blazing	Onion-Lunch Mtg w/Attorney	
			410-000-000-531-38-43-01	Training/Travel Costs	\$6.00
			A.Nix-GoodToGo	Bridge Toll	
			501-000-000-591-59-75-02	Principal - City Vehicle	\$493.90
			D.Eidinger-WA	DOL-2001 GMC Sonoma Licensing	
			501-000-000-591-59-75-02	Principal - City Vehicle	\$4,717.00
			D.Eidinger-WA	State DES-2001 GMC Sonoma	
			501-000-000-591-59-75-02	Principal - City Vehicle	\$12.03
			D.Eidinger-ESI	Security-2001 GMC Sonoma Keys	
			Total 032717-USBank		\$7,916.84
			Total EFT Payment 4/5/2017 4:13:42 PM - 1		\$7,916.84
			Total US Bank Corporate Payment System		\$7,916.84
			Verizon Wireless		
			21928	2017 - April - 1st Council Meeting	
			9782745341		
			3/24-4/23/17 Services		
			001-018-000-518-20-42-01	Telephone Charges	\$612.66
			Total 9782745341		\$612.66
			Total 21928		\$612.66
			Total Verizon Wireless		\$612.66

Vendor	Number	Reference	Account Number	Description	Amount
Vision Forms, LLC	21929			2017 - April - 1st Council Meeting	
		4129			
			April Purchases-Ref j155089		
			001-018-000-518-20-31-01	Office & Operational Supplies	\$523.03
			A/P Checks		
		Total 4129			\$523.03
	Total 21929				\$523.03
Total Vision Forms, LLC					\$523.03
WA State Treasurer	21930			2017 - April - 1st Council Meeting	
		Q1 2017-WA State Treasurer			
			Q1 2017 Building Code Fees		
			650-000-000-586-10-00-04	State Bldg Code Fee	\$332.50
		Total Q1 2017-WA State Treasurer			\$332.50
	Total 21930				\$332.50
Total WA State Treasurer					\$332.50
Grand Total		Vendor Count	25		\$33,581.80



**CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
AGENDA BILL NO. : 17-0363**

Date Action Requested: April 11, 2017

Title: Resolution No. 17-0363, Section 7 Personnel Policy: Partial revision-Retirement & Insurance

Attachments: Resolution No. 17-0363 Personnel Policy: Partial revision-Retirement & Insurance

Submitted By: Dave Gray, ACA/Finance Director

Approved For Agenda By: Daryl Eiding, Mayor

Discussion: Deferred Compensation: Council, Mayor and Staff have discussed moving the City deferred compensation plan from Nationwide to the Washington State DCP plan for over a year. The back and forth with DCP has evolved with several final decision from DCP. They will not accommodate multiple employer contributions to their plan. They have dropped their plan to sponsor a 401(a) plan. In 2016 Council authorized the Mayor to open a State sponsored DCP plan for City employees. Staff now recommends Council authorize the Mayor to move all existing Nationwide plans to the State DCP 457 plan. The attached personnel policy revision outlines what the City will now provide, including how part-time and elected officials matching contributions, wherein the employee or official is already a participant in the State DCP plan will receive the matching benefit.

Insurance: the changes to the policy are already being provided by the City through the budget process. This revision will update the policy to existing budget practices. The Mayor is reviewing pre-existing agreements with individual employees to ensure compliance with the revised policy.

Recommendation: To authorize the Mayor to transfer all Nationwide sponsored plan monies, held on behalf of the City and its employees, to the Washington State DCP plan and to execute the section of the policy that accommodates part-time and elected officials who are already DCP participants.

Fiscal Impact: Any budget impact, which is estimated to be minor, would be borne within the existing budget line items or brought forward to Council in the form of a budget amendment.

RESOLUTION NO. 17-0363

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, AMENDING THE CITY OF EDGEWOOD PERSONNEL POLICIES TO INCORPORATE A MOVE FROM A CITY SPONSORED SUPPLEMENTAL RETIREMENT PLAN (457) CURRENTLY WITH NATIONWIDE TO THE STATE OF WASHINGTON DCP PROGRAM, AND TO MAKE CHANGES TO THE MEDICAL BENEFITS PLAN

WHEREAS, the City Council has authorized moving the City sponsored supplemental retirement plan, currently provided through Nationwide to the State of Washington Deferred Compensation Plan (457); and

WHEREAS, the State 457 plan is available only for government employees employed by jurisdictions required to participate in the Washington State Department of Retirement Systems; and

WHEREAS, the State DCP plan's sole purpose is to provide a secure, low cost retirement plan that is designed to return the highest return to the employee by charging the lowest cost of administering the plan, whereas the Nationwide plan is managed by a "for profit" corporation who has a commitment to produce a profitable return to its shareholder.; and

WHEREAS, Medical Benefit costs and market have changed over time from both regulation and economic forces and require periodic updating for the City to remain competitive and compliant;

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

Section 1. The Edgewood City Council hereby amends its personnel policies to allow employees to participate in the Washington State DCP plan and receive insurance benefits as outlined in the attached hereto as *Personnel Policy-Section 7 Revision of Retirement and Insurance Benefits*.

ADOPTED THIS 11TH DAY OF APRIL 2017

Daryl Eidinger, Mayor

ATTEST:

Rachel Pitzel, City Clerk

Personnel Policy-Section 7 Revision of Retirement and Insurance Benefits

A. RETIREMENT BENEFITS

Federal Law provides States, electing to provide a state-wide retirement system, to exempt State, County and Local Government Employers from the Federal Social Security system. The State of Washington made such an election in 1944 creating the Washington State Department of Retirement Systems. County and Local jurisdictions could opt in or out of the Federal Social Security system by an election of the majority of their employees, at the time the jurisdiction incorporated. Those opting in are required to participate in both the State Department of Retirement Systems and the Federal Social Security system. Many jurisdictions that opted out and do not offer Social Security, enacted supplementary retirement programs such as 401(a) or 457 deferred compensation plans. Many have mandatory participation as a requirement for employment.

Washington State Department of Retirement Systems Public Employee's Retirement Plan (PERS)

All benefit-eligible employees are covered under the Public Employees Retirement System (PERS). The State of Washington sets benefit levels and contribution rates for employee and employer. Participation requirements are set by the Washington State Department of Retirement and are a condition of employment. The City of Edgewood does not participate in the Federal Social Security system.

Washington State Deferred Compensation Plan (DCP)

As a supplement to PERS and in lieu of participation in the Federal Social Security system, the City provides a State of Washington Deferred Compensation 457 Plan. The City sets contribution levels to mirror those of the Social Security system. This is commonly referred to as an employer match plan. The City requires participation as a condition of employment for all benefit eligible employees. The State DCP plan does not accommodate multiple employer contributions. Part-time benefit eligible employees who are employed by another DCP participating employer will have the per payroll employer contribution match added to their regular pay. These employees are encouraged to increase their voluntary employee contributions to the State DCP plan in the amount of this addition.

Employees may elect to make additional voluntary contributions to the DCP 457 plan, which are not matched by the employer. Additional contributions are subject to Federal contribution limitations. Current limitation amounts, which may change from time to time, are available to view through the DCP website.

Medicare

All eligible employees participate in the Federal Medicare system.

B. WORKERS COMPENSATION BENEFITS FOR JOB-RELATED INJURIES/ILLNESSES

All employees are covered by the State Workers' Compensation Program. This insurance covers employees in case of on-the-job injuries or job-related illnesses. For qualifying cases, State Industrial Insurance will pay the employee for workdays lost and medical costs due to job-related injuries or illnesses. All job-related accidents should be reported immediately to the supervisor.

When an employee is absent for one or more days due to an on-the-job accident, he/she is required to file a claim for Workers' Compensation. If the employee files a claim, the City will continue to pay (by use of the employee's unused sick leave) the employee's regular salary pending receipt of Workers' Compensation benefits.

Coordination of Benefits: When the employee receives Workers' Compensation benefits, he/she is required to repay to the City the amount covered by Workers' Compensation and previously advanced by in the form of sick leave the City within two weeks of receiving Worker's Compensation benefits. This policy is to ensure that the employee will receive prompt and regular payment during periods of injury or disability so long as accrued sick leave is available, while ensuring that no employee receives more than he/she would have received had the injury not occurred. Upon the repayment of funds advanced, the appropriate amount of sick leave shall be restored to the employee's account.

The City may require an examination at its expense, performed by a physician of its choice to determine when the employee can return to work and if he/she will be capable of performing the duties of the position.

C. INSURANCE BENEFITS

The City sponsors a Medical, Dental, Vision, Term-Life, Disability and Employee Assistance Plan through the Association of Washington Cities (AWC). Plan participation levels, premiums and plan options change from time to time. The City requires employees to contribute through payroll deduction 10% of the cost of their medical premiums. The City pays 100% of Dental, Vision, Term-Life, Disability and the Employee Assistance Plan.

Opt Out Provision

Employees covered by another medical benefits plan where acceptable documentation and plan benefits are comparable to the City's AWC plan, may opt out of the City sponsored Medical plan. Employees are required to maintain their comparable benefit plan at all times. AWC requires the City maintain enrollment of a minimum of 75% of its eligible employees in its medical plan. Opt out options are therefore available on a "first come first serve" basis. Those opting out will receive a regular pay increase in lieu of the employer sponsored medical benefit in the sum of \$300 dollars per month for the time the employer is not providing medical benefits. *Warning: loss of your comparable medical benefit plan could require you purchase comparable individual medical plan coverage until the City AWC plan opens their enrollment allowing you to opt back in.*

All benefit-eligible employees and their dependents are eligible to participate in the City's various insurance programs on the first day of the month following employment. The programs and criteria for eligibility will be explained upon hire. As with all benefits, the City reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable, without prior notice to affected employees.

D. CONTINUATION OF INSURANCE

Leave of Absence: Subject to applicable law, upon mutual agreement between the employee and the City, and in accordance with the terms and conditions of the insurance policy, the City will continue health insurance coverage at the employee's expense during an approved unpaid leave of absence. COBRA continuation rights may apply in the event coverage is not extended through the City.

Workers Compensation Leave: An employee receiving Workers Compensation benefits continues to accrue vacation leave and sick leave for up to six (6) months. The City also continues to pay for the employer's portion of health insurance premiums, provided that the employee continues to pay their share of premiums, if any. After six (6) months, the employee's benefits shall cease unless the City Manager makes an exception based on the criteria stated in Changing the Policies (Section 1-F) of these policies. The employee may continue health care benefits by self-paying insurance premiums for the remainder of the time he/she receives Workers Compensation benefits.

COBRA Rights: Upon an employee's termination from the City employment or upon an unpaid leave of absence or another qualifying event, the employee may be eligible to continue City health insurance benefits to the extent provided under the federal COBRA regulations. An administrative handling fee over and above the cost of the insurance premium may be charged the employee or his/her dependents who elect to exercise their COBRA continuation rights.

Termination, Retirement, Leave of Absence: For eligible employees who terminate, retire or are on an approved leave of absence, the City will pay the premium through the end of the month in which the employees last day occurs.

E. UNEMPLOYMENT COMPENSATION

City employees may qualify for State Unemployment Compensation after termination from City of Edgewood employment depending on the reason for termination and if certain qualifications are met. Determination is made through the Washington State Employment Security office.

F. BENEFITS UPON HIRE/RETURN FROM LEAVE

Upon hire or return from an unpaid leave, an employee's benefits-leave accruals and insurance coverage will commence on the first of the month following the month of the date of hire or return from leave.

G. BENEFITS FOR PART-TIME AND TEMPORARY EMPLOYEES

Unless noted otherwise in these policies, benefits for benefit-eligible employees are as follows:

Permanent Part-Time Employees:

By providing stable part-time positions with competitive pay and benefits to individuals who are not available for full time employment, the City is better positioned to offer a higher quality service to the public where a full time position budget is not feasible. The City considers part-time employees who work an average work schedule of 18 hours or more per week, available for City sponsored benefits. Part-time employees working less than 18 hours per week are not available for benefits.

Pro-rated:

All leaves, including holidays, and benefit allowances are pro-rated. Pro-rated means the ratio between the number of hours in the employee's normal average schedule of at least 18 hours per week (annual average weekly schedule) and forty (40) hours per week rounded up to the nearest 10 percent. For Medical Benefits sponsored by the employer, the employee premium sharing of 10% will be adjusted up to the actual percent ratio rounded to the nearest whole number. Other employer sponsored insurance benefits will be paid the same as full-time employees.

Contract and Temporary Employees:

Contract and Temporary employees are not eligible to receive Employer sponsored benefits, including leaves, holidays, and insurance.



CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-0496

Date Action Requested: April 11, 2017

Title: Ordinance 17-0496, Town Center, Commercial and Mixed Use Residential Code Updates to EMC 18.80.080 related to Commercial and Mixed Use Development within the City of Edgewood.

Attachments: Ordinance 17-0496

Submitted By: Kevin Stender, Community Development Director

Approved For Agenda By: Daryl Eidingen, Mayor

Prepared For Agenda By: Kevin Stender, Community Development Director

Recommendation: Move to adopt second reading of Ordinance 17-0496, an ordinance of the City of Edgewood, Washington, relating to land use and zoning in the Town Center, Commercial and Mixed Use Residential Zones, amending Section 18.80.080 of the Edgewood Municipal Code including revising the use table, densities, location of mixed uses and providing for variances, providing for severability; and establishing an effective date.

Discussion: The City Council began discussion with Staff regarding the development regulations that govern the Town Center zone in early spring of 2015 after concern was raised by Council regarding low- density multifamily housing and not the desired mix of housing and commercial or “mixed use development” that Council desires and is supported by the Comprehensive Plan. Since that time the Planning Commission has been tasked with finding solution(s) to this issue. Beginning in 2015 with help from 3-Square Blocks and Community Attributes Inc. (CAI) the Planning Commission was able to use our Consultant’s expertise in helping to guide appropriate changes to meet the intent of the Comprehensive Plan while not requiring too much commercial given our commercial absorption estimates of approximately 50,000 square feet of retail space from our Market Analysis prepared by CAI.

With the direction and help of our consultant team, City Staff prepared DRAFT code changes for the Planning Commission to review and modify accordingly based on their comments and limited comments from the general public. Following the March 6, 2017 planning commission meeting, the Planning Commission asked that the code changes be brought to a Public Hearing. The planning commission conducted a Public Hearing on

March 20, 2017 and after that hearing made a recommendation on proposed code changes. That DRAFT was placed in Ordinance format to review with Council at the March 21, 2017 Study Session and in discussion suggested modifications have been made by the Council. The draft was again reviewed at the April 4, 2017 Study Session. Council proposed no changes to the DRAFT Ordinance at that meeting. Council conducted a Public Hearing on the changes to the TC, C, and MUR zones on April 11, 2017 with a second reading and potential adoption.

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

Fiscal Impact: Staff time to prepare code changes and get the adopted Ordinance published in the TNT.

ORDINANCE NO. 17-0496

AN ORDINANCE OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO LAND USE AND ZONING IN THE TOWN CENTER, COMMERCIAL, AND MIXED USE RESIDENTIAL ZONES, AMENDING SECTION 18.80.080 OF THE EDGEWOOD MUNICIPAL CODE INCLUDING REVISING THE USE TABLE, DENSITIES, AND LOCATION OF MIXED USES, PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council accepted the Town Center and Meridian Corridor Master Plan in Fall of 2004, which established a vision for the Town Center and Meridian Corridor; and

WHEREAS, the City Council incorporated the concepts of the 2004 Town Center and Meridian Corridor Master Plan into the 2015 Comprehensive Plan that helped to define the zones within the Meridian Corridor including the Town Center, Commercial and Mixed Use Residential zones based on the vision of the Master Plan; and

WHEREAS, the Edgewood City Council upon entitlement approval and construction of several new single-use apartment projects beginning in 2015 in the Town Center, Commercial and Mixed Use Residential zones voiced concern over a loss of opportunity to realize the vision from the 2004 Town Center and Meridian Corridor master plan; and

WHEREAS, the existing code allows single-use multifamily residential without requiring a proportional commercial or mixed use component in conflict with the City's established vision for the Town Center and Meridian Corridor; and

WHEREAS, the Edgewood Municipal Code (EMC) Section 18.80.080 Town Center, Mixed Use Residential, Commercial, and Business Park zoning districts regulates development standards for these zones in the City of Edgewood; and

WHEREAS, the Edgewood City Council held numerous discussions during regularly scheduled Council meetings starting in March 2015 regarding ways to preserve commercial development opportunities in the Meridian Corridor on single-use residential projects without prohibiting the development of said projects, the City's development regulations pertaining to the Meridian Corridor and Town Center, Commercial, and Mixed Use Residential zoning districts, and the City's Comprehensive Plan Goals and Policies; and

WHEREAS, the Edgewood City Council approved a scope of work and authorized City Staff to work with 3 Square Blocks, a consulting firm, to further review regulatory options for the Town Center zone; and

WHEREAS, the Planning Commission held numerous meetings reviewing the results from reports generated by 3 Square Blocks and Community Attributes Inc, discussing various methods to preserve commercial development opportunities in the Town Center as well as Commercial and Mixed Use Residential zoning districts; and

WHEREAS, the Edgewood City Council and Planning Commission conducted a joint special meeting on September 21, 2015 to further review the regulatory options, concerns and potential changes to the City's development regulations; and

WHEREAS, the Edgewood City Council enacted Ordinance No. 15-0450, adopting interim Chapter 18.80 EMC code amendments for a duration of 6 months, with an effective date of November 3, 2015 sunset date of May 3, 2016; and

WHEREAS, to allow additional study of potential TC, C, and MUR zoning code changes, the Edgewood City Council enacted two extensions of the interim chapter (via Ordinance No. 16-0460 and Ordinance No. 16-0479) that sunset on April 20, 2017; and

WHEREAS, the Edgewood City Council approved a scope of work and authorized City Staff to work with Community Attributes Inc. (CAI) to help determine retail opportunities in the City given current trends and to determine what code changes may be appropriate given the findings; and

WHEREAS, the CAI technical analysis identified opportunity for Edgewood to increase its share of retail, commercial, and mixed use development capture in the region; and

WHEREAS, the City Council and Planning Commission met several times to discuss the CAI analysis, options provided by Three Square Blocks, the Comprehensive Plan goals and policies for the Town Center and Meridian Corridor, consistent with the 2004 Town Center Master Plan; and

WHEREAS, the Planning Commission reviewed a DRAFT code amendment to Section 18.80.080 - Town Center, Commercial, Mixed Use Residential and Business Park zoning districts at the February 27th and March 6, 2017 regular Planning Commission meetings; and

WHEREAS, the proposed DRAFT code amendment to Section 18.80.080 – Town Center, Commercial, Mixed Use Residential and Business Park zoning districts identifies a clear process to implement the City's vision from the Comprehensive Plan and Town Center Meridian Corridor Master Plan, requiring preservation of space for, or development of, retail- or office-type commercial uses in single-use multifamily residential proposals; and

WHEREAS, a State Environmental Policy Act (SEPA) checklist was prepared and a Determination of Nonsignificance (DNS) was issued, a legal notice was published in the City's official newspaper on March 4, 2017, and no appeals were filed; and

WHEREAS, the Washington State Department of Commerce granted expedited review of the proposed changes on March 13, 2017; and

WHEREAS, on March 20, 2017, the Planning Commission held a public hearing to receive public comments on the proposed changes to the Town Center, Commercial, Mixed Use Residential and Business Park zoning districts code; and

WHEREAS, as a result of the City's efforts, numerous Council and Planning Commission meetings the public has had opportunity to participate in the review process and all persons desiring to comment during these scheduled meetings were given a full and complete opportunity to be heard; and

WHEREAS, the Planning Commission unanimously recommended changes to EMC 18.80.080 following the public hearing during regular commission business; and

WHEREAS, the City Council reviewed the Planning Commission's recommendation at the March 21, 2018 Study Session; and

WHEREAS, the City Council unanimously moved the DRAFT ordinance through first reading at the March 28, 2017 regular council meeting; and

WHEREAS, the City Council reviewed the Ordinance and discussed the upcoming public hearing regarding the DRAFT ordinance at the April 4, 2017 Council Study Session; and

WHEREAS, on April 11, 2017, the City Council held a public hearing to receive public comments on the proposed changes to the Town Center, Commercial, Mixed Use Residential and Business Park zoning districts code; 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 September 29, 2015, March 15, 2016, April 5, 2016, August 30, 2016, January 29, 2017, March 21, 2017, April 4, 2017 as well as Council regular sessions on October 27, 2015, April 12, 2016, March 28, 2017 and April 11, 2017 as well as the Planning Commission recommendations of March 20, 2017 and the included agenda bill as additional findings.

Section 2. EMC 18.80.080 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

Table 1: Permitted Use Table

	TC	C	MUR	BP
Use Categories				
Residential (1)				
Dwelling Unit, Accessory	NP	NP	P (1a)	NP
Dwelling Unit, Single-Family Attached	NP	C	P	NP

	TC	C	MUR	BP
Dwelling Unit, Single-Family Detached or Cottage Housing	NP	NP	P	NP
Dwelling Unit, Multifamily	P	P	P	C (1c)
Senior Citizen Assisted Housing	P	P	P	C (1c)
Commercial (2)				
Day Care Center or Home	P	P	P	P
Drive-Through Use	C	P	P	P
Gambling and Card Rooms	NP	P	NP	NP
Home Business	P	P	P	NP
Personal and Beauty Services	P	P	P	P
Professional Office	P	P	P	P
Retail Trade and Services – less than 50,000 sq. ft. for all structures (5)	P (4)	P	P (3)(4)	P (3)
Retail Trade and Services – over 50,000 sq. ft. for all structures	C (4)	P	NP	C
Storage/Self-Storage	NP	P (11)	C (11)	P
Temporary Lodging, Hotel, Motel and Bed and Breakfast	P	P	C	C
Recreation/Cultural				
Cinema, Performing Arts and Museums	P	P	P	NP
Group Assembly/Meeting Hall	P	P	C	P
Private Recreation, Indoor or Outdoor	C	P	P	P
Religious	C	P	C	P
Health Services				
Hospital or Emergency Care Facility	C	C	NP	C
Medical Office/Outpatient Clinic	P	P	P	P
Nursing and Personal Care Facility	C	P	C	P
Group Home – Type I (1b)	P	P	P	NP

	TC	C	MUR	BP
Group Home – Type II and III (1b)	NP	C	NP	NP
Agriculture (5)				
Animal or Crop Processing	NP	NP	NP	C
Family Farm	C	P	P	P
Industrial/Manufacturing (6)				
Light Industrial and Light Manufacturing	NP	C (7)	C (7)	P (7)
Heavy Industrial and Heavy Manufacturing	NP	NP	NP	NP
Civic and Other (8)				
Administrative Government Facilities	P	P	P	P
Essential Public Facilities	NP	P	C	P
Major Utility Facility	NP	C	C	C
Minor Utility Facility	P (9)	P	P	P
Public Park	P	P	P	P
Schools: Compulsory, Vocational and Higher Education	P	P	P	P
Wireless Communication Facilities (10)	C	C	C	C

1. Permit Use Conditions. (Use notes from Table 1 above.)

(1) Residential uses subject to the requirements of EMC Title [16](#), Subdivisions.

- a. Accessory unit is only allowed in association with a single-family detached unit.
- b. Subject to the provisions of EMC [18.70.050](#)(D), (E) or (F).
- c. Provided that multifamily use in BP zone is subject to the development standards contained in Chapter [18.95](#) EMC.

(2) Sexually oriented business is only allowed in the BP district with a conditional use permit.

(3) This use is further restricted to a maximum of 20,000 gross square feet within the MUR and BP districts.

(4) Services, sales, storage and operations other than customer parking and “sidewalk” style merchandise display and outdoor seating must be fully contained within a structure. Gasoline service stations are not permitted in the Town Center.

(5) Farmer’s markets, farm stands and public markets are permitted in all districts. If such a market is temporary, then it requires a temporary use permit.

(6) The director shall determine whether a use is classified as light industrial or heavy industrial based on the industrial classification and its potential to cause negative impacts on residential, civic and commercial uses.

(7) All structures for light industrial uses must meet the required setbacks, landscaping and all other standards contained in this chapter. Equipment storage and manufacturing activities shall be enclosed in a structure or fully screened with Type I landscaping from Meridian Avenue. Warehouse and distribution uses require a conditional use permit in the Commercial district.

(8) Maintenance yards, substations and solid waste transfer stations are not permitted outside of the BP district and must be fully screened with 20 feet of Type IV landscaping.

(9) Minor utility facilities, such as telecom, fiber optics, Internet and similar facilities, shall be located within a fully enclosed structure, unless the director determines this is not feasible.

(10) Please see EMC [18.100.110](#), Personal wireless communications facilities, for additional requirements. In the event of a conflict between the requirements of that section and the requirements of this chapter, the standards contained in EMC [18.100.110](#) shall apply.

(11) Storage/Self Storage project proposals within the C and MUR zones on combined project areas 2 acres or larger shall provide retail- or office-commercial type uses or preserve for future retail-or office-commercial type uses, at minimum, of 30 percent of the land area within the first 150 feet from an arterial ROW.

Table 2: Development Standards Table

	TC	C	MUR	BP
Standards				
Maximum Height (without any bonus) (1)	45 feet	35 feet	35 feet	35 feet
Maximum Height (with FAR Bonus) (1)	55 feet	45 feet	35 feet	35 feet

	TC	C	MUR	BP
	(minimum 3:1 FAR)	(minimum 1.5:1 FAR)		
Maximum Residential Net Density – Single Use Project (3)(5)(14)	48 D.U./acre	N/A	24 D.U./acre	N/A(1)
Maximum Residential Net Density – If Part of a Mixed Use Project (2)(4)(5)(14)	Controlled by maximum height, FAR and Building Code	48 D.U./acre	48 D.U./acre	N/A (1)
Minimum Residential Net Density (5)(6)	24 D.U./acre	N/A	10 D.U./acre	N/A
Minimum Lot Frontage Occupied by a Building (7)	50%	35%	35%	None
Minimum Setback to TC, C, MUR or BP Zones (8)	None	None	None (9)	None, except 20 feet for light industrial
Minimum Setbacks to Zones Other Than TC, C, MUR or BP (10)	25 feet	25 feet	20 feet	25 feet
Maximum Floor Area Ratio (FAR) with Bonus Features (11)	4:1	3:1	2:1 (12)	2:1
Maximum Floor Area Ratio (FAR) without Bonus Features (13)	1:1	0.5:1	0.5:1 (12)	0.5:1
Maximum Hard Surface Area (Including Lot Coverage)	90%	85%	75%	80%
Maximum Effective Impervious Surface	75%	70%	60%	65%

Table 2: Development Standards Exceptions and Notes.

- (1) Multifamily use in BP zones requires a CUP and is limited to multifamily as allowed. Residential use only allowed in Commercial zone if part of mixed use project.
- (2) To qualify for mixed use bonus, uses must be developed in same project either as vertical or horizontal mixed use.
- (3) Residential single-use project proposals within the TC, and C zones on combined project areas 3 acres or larger, shall set back single-use residential structures 150 feet from an arterial ROW line. The setback area shall develop, at minimum, 30 percent of the area into retail- or office-type Commercial uses or preserved for future retail- or office-type Commercial uses. The remaining area within the first 150 feet from an arterial ROW may be developed into residential uses.
- (4) Mixed use development projects demonstrating a mix (30% commercial minimum) of residential and commercial within the same design may be located throughout the property and not limited to any portion of any specific property.
- (5) Vertical mixed-use projects with ground-floor commercial space may be constructed as fully residential projects with the requirement that the ground floor must be converted to a Commercial use within 3 years of building occupancy. Notice to Title shall be recorded prior to permit issuance if this provision is requested.
- (6) Minimum density only applies for single use residential projects.
- (7) For building lots fronting directly on Meridian the minimum lot frontage occupied by a building in all zones is 35 percent.
- (8) Setbacks may be necessary to accommodate utility easements or to accommodate required landscaping.
- (9) Setbacks for single-family detached dwellings shall be as follows:
 - (a) Front yard/street setback: 15 feet.
 - (b) Garage setback: 20 feet.
 - (c) Principal arterial and state highway setback: 25 feet.
 - (d) Rear yard setback: 10 feet.

(e) Interior setback: five feet or shall meet the minimum fire separation required per the International Fire Code (IFC) as adopted by the city of Edgewood.

(10) Twenty-foot setback required from any public property other than a street.

(11) See Table 3: Development Intensity Bonus Options necessary to achieve maximum FAR.

(12) FAR does not apply to single-family detached dwelling or cottage housing.

(13) There is no minimum FAR in the TC, C, MUR or BP zones.

(14) Director and city engineer may establish administrative rules for allowing partial credit for pervious paving materials.

The following optional features may be used alone or in combination to increase the allowed height and floor area ratio (FAR) up to the maximum limits identified in Table 2 (subsection (D) of this section). Table 3 below identifies the allowed FAR bonus and any additional requirements pertaining to the described bonus feature.

Table 3: Development Intensity Bonus Options

Bonus Feature	FAR Bonus	Description, Additional Requirements and Limitations
1. Parallel Road Network	1.5	Dedication and construction of those portions of the adopted parallel road network that are within or adjacent to the subject property. Design shall be consistent with the adopted street standards, including, but not limited to, travel lanes, on-street parking, landscaping and sidewalk.
2. Significant Public Plaza or Public Green Space	1.25	Available in the Town Center district only, and at the discretion of the director. Location and design shall be consistent with Town Center and Meridian Avenue Corridor master plan, and, if possible, complementary to any planned public plaza or development. Must be a minimum of five percent of the interior floor area of the development and no less than 1,500 square feet. This bonus must be in addition to any pedestrian-oriented space as required in subsection (F) of this

Bonus Feature	FAR Bonus	Description, Additional Requirements and Limitations
		section and EMC 18.95.030 or as required by any underlying land use approval. Plazas and green spaces shall incorporate LID to the maximum extent feasible (per Minimum Requirement No. 5 of the PCM).
3. Through Block Connection or Alley Enhancement	1.0	A pedestrian walkway and accompanying landscaping that shall be at least 15 feet wide and extend along a property line or through a site to allow the public to pass from one street to another street or an alley. The surface shall consist of stone, unit pavers, textured concrete, permeable pavement, or other material approved by the community development director or designee, with pedestrian scale lighting at least every 50 feet. Walkways and landscaping shall incorporate LID to the maximum extent feasible (per Minimum Requirement No. 5 of the PCM).
4. Mixed Use Development	1.0	Ground floor commercial with minimum of 12 feet in height measured from finished floor to finished ceiling and residential uses on upper floors at or above minimum residential density. Note additional required standards for pedestrian-oriented ground floor commercial in No. 8 below shall also apply.
5. Structure Parking, Below Grade	1.0	At least 80 percent of the parking shall be contained within a structure that is below grade.
6. Affordable Housing	1.0	For all new development within the Town Center, total square footage may be increased by two square feet for every one square foot of affordable housing (for a maximum of 1.0 FAR in bonus) provided an affordable housing plan (AHP) is developed and submitted to the director for review and approval. The developer shall commit to implementing the AHP as a part of a signed comprehensive development agreement with the city.

Bonus Feature	FAR Bonus	Description, Additional Requirements and Limitations
		This agreement shall be reviewed by a housing consultant or nonprofit group at the expense of the applicant with recommendations made to the director prior to any city commitment to that agreement.
7. Other Public Plaza or Public Green Space	0.75	Location and design shall be consistent with Town Center and Meridian Avenue Corridor master plan and any planned public plaza or development. Must be a minimum of two percent of the interior floor area of the development and no less than 500 square feet. This bonus must be in addition to the minimum pedestrian-oriented space requirement in subsection (F) of this section and EMC 18.95.030 . Plazas and green spaces shall incorporate LID to the maximum extent feasible (per Minimum Requirement No. 5 of the PCM).
8. Ground Floor Pedestrian-Oriented Commercial	0.75	Ground floor commercial with minimum of 12 feet in height measured from finished floor to finished ceiling. Buildings shall include windows with clear vision glass on at least 50 percent of the area between two and 12 feet above grade for all ground floor building facades that are visible from an abutting street. Weather protection with a minimum of six feet in depth shall be provided over sidewalks and pedestrian connections on 80 percent of the length of the building frontage. This bonus feature may not be used in conjunction with No. 3 above.
9. Structured Parking, At Grade or Above Grade	0.75	At least 80 percent of the parking shall be contained within a structure. The structure may be part of the building or a separate structure. The structure shall be designed to minimize visibility of the parking area from the street. The street level floor shall be mixed use.

Bonus Feature	FAR Bonus	Description, Additional Requirements and Limitations
10. LEED Gold Certification (or Better)	0.75	As certified by the USGBC. Applicant is responsible for providing LEED precertification submittal documentation and annotated checklist to the city. City will review documentation at the applicant's expense. If accepted, the city will make this a condition of approval of the subsequent building permit.
11. Multi-Modal Pathway	0.5	A pathway for the movement of pedestrians and bicyclists that is consistent with the Town Center and Meridian Avenue Corridor master plan, transportation plan, and city's parks and recreation plan and approved by city staff. Pathways shall incorporate LID to the maximum extent feasible (per Minimum Requirement No. 5 of the PCM).
12. Public Meeting Room	0.5	Available in the Town Center district only. A room available to the community for meetings and events. The size shall be a minimum of 500 square feet, with windows on at least one side and shall be directly accessible from the outside or by a controlled lobby that allows public access.
13. LEED Silver Certification	0.5	As certified by the USGBC. Applicant is responsible for providing LEED precertification submittal documentation and annotated checklist to the city. City will review documentation at the applicant's expense. If accepted, the city will make this a condition of approval of the subsequent building permit.
14. Water Feature	0.25	A decorative water feature shall be equivalent to at least one percent of the project's construction cost and shall be directly accessible and visible to the public by being adjacent to a plaza, sidewalk, pathway or through-block connection. Documentation shall be provided of construction value and the cost of the

Bonus Feature	FAR Bonus	Description, Additional Requirements and Limitations
		water feature.
15. Exterior Art Element	0.25	Exterior art element shall be equivalent to at least one percent of the total value of the project's construction cost. Such elements include but are not limited to sculptures, bas-reliefs, metalwork and murals. Documentation shall be provided of the construction value and the value of the art as appraised by an art appraiser. Art elements shall be visible to the public at all times and will be reviewed and approved by an arts body designated by the city.

E. Design Standards.

1. Site and Building Design. Site and building design standards shall be required for all development as set forth in Chapter [18.95](#) EMC. Where the standards in Chapter [18.95](#) EMC conflict with the standards in this section, the development standards contained in this section shall control.

2. Street Design. Location, design and configuration of all streets shall be in accordance with the adopted street standards contained in EMC Title [12](#), Streets, Sidewalks and Public Spaces.

F. Open Space Requirements.

1. Applicability. New development within the Town Center (TC), Business Park (BP), Commercial (C), and Mixed Use Residential (MUR) zoning districts shall be required to meet the open space requirements in this subsection.

2. Numeric Standards. All new development shall provide accessible public space equivalent to one and one-half percent of the gross floor area of all structures. The design and location of public spaces shall consider the design and location of public spaces on adjacent properties and if feasible shall be oriented and connected to those spaces pursuant to the concepts presented in the Town Center and Meridian Corridor master plan.

3. If it can be demonstrated by the applicant to the satisfaction of the director that a required public space is adjacent to, integrated with and can be accessed from a public space on an adjoining property, this requirement may be reduced to one percent of gross floor area.

4. All required public spaces shall be oriented towards, and have direct connections (both physical and visual) to, a public street.
5. Where public spaces are integrated into new development, or where new development abuts an existing or planned public plaza, the primary building entrance shall be oriented towards or connected to that plaza.

G. Landscaping.

1. Applicability. The requirements of EMC [18.90.090](#) shall apply to the TC, C, MUR and BP zones, except as provided in this subsection. Please also see Chapter [18.95](#) EMC for applicable design standards. Where landscape regulations in this section conflict with the provisions in EMC [18.90.090](#) or Chapter [18.95](#) EMC, the regulations in this subsection shall control. Please note: where this section is silent on a specific requirement, such as irrigation requirements or minimum standards for plantings, the standards contained in EMC [18.90.090](#) and [18.95.050](#) shall apply. The standards contained in EMC [18.90.090](#)(G) (Landscaping Types) are specifically modified by this subsection and the standards contained in EMC [18.90.090](#)(H) (Landscaping Requirements by Zoning District) do not apply to TC, C, MUR and BP zones.
2. Street Frontages. In addition to landscape standards contained below, five percent of the total area between the building facade and the curb shall be landscaped. Within the BP zoning district 10 percent of the total area between the building facade and curb shall be landscaped. This shall be in addition to street trees and landscaping provided in public spaces and parking lots that are required in other subsections.
 - a. Required landscaping may be planted within planting areas surrounding trees, in raised planters, and on vegetative walls mounted to the ground-level building facade. Landscaping shall incorporate LID systems to the maximum extent feasible (per Minimum Requirement No. 5 of the PCM).
 - b. Where a building or portion of a building is located more than 10 feet from a public sidewalk or usable public space, all area between the building and the public sidewalk that is not used for vehicle or pedestrian access, circulation, parking or seating shall be landscaped.
 - c. Potted landscape material may be substituted for required landscaping in areas designed for outdoor eating with the approval of the department.
3. Public Spaces. A minimum of 15 percent of the total area of a public space, such as a courtyard or plaza, shall be landscaped.
4. Surface Parking Areas. Surface parking areas shall be landscaped as set forth in EMC [18.90.090](#).

5. Street Frontages. Street frontage design and landscaping shall be provided as contained in Chapter [18.95](#) EMC and EMC Title [12](#), Streets, Sidewalks and Public Places.

6. Landscape Buffers – Standards and When Required.

a. Development in the TC, C and MUR zoning districts shall provide a minimum 20-foot Type IV landscape buffer where they abut Single-Family zoning districts or 15 feet of Type I landscaping where they abut Mixed Residential or Public zoning districts. The director may waive or modify this requirement for pedestrian-oriented development adjacent to the Public zoning district where consistent with the purpose of this section.

b. Development in the BP zoning district shall provide a minimum 25-foot Type IV landscape buffer where it abuts Single-Family or Public zoning districts. In addition, 15 feet of Type I landscaping shall be provided between adjacent BP zoned properties.

c. Commercial or light industrial development in the C and MUR zoning districts shall provide a minimum 10-foot-wide Type I landscape buffer adjacent to the TC zoning district. The director may waive this requirement for pedestrian-oriented commercial development that includes a minimum of 50 percent of the lot frontage occupied by a building. Landscaping for surface parking areas shall still apply.

d. A minimum of a 10-foot Type I landscape buffer shall be provided between more intensive zones and the MUR, and along abutting properties in the MUR district. The director may waive or modify this requirement for pedestrian-oriented commercial development that includes a minimum of 50 percent of the lot frontage occupied by a building or for abutting residential development in the MUR zone in common ownership. Required landscaping for surface parking areas is required in accordance with EMC [18.90.090](#) and Chapter [18.95](#) EMC.

7. Special Landscaping in the Business Park (BP) Zone. In order to achieve the urban design intent and provide an environment suitable to a wide range of employment uses, a minimum of 20 percent of the total site area in the BP zone shall be landscaped.

8. Tree Preservation and Protection Standards.

a. Significant tree identification and preservation and/or replacement shall be required as set forth in EMC [18.90.180](#). Tree preservation, provided mixed use development shall be considered commercial development for the purposes of the tree retention standard contained in EMC [18.90.180](#)(C)(2)(c)(iv).

b. The director shall have the authority to reduce the required tree replacement ratio where such requirement would conflict with the urban design intent of this section and applicable design provisions of Chapter [18.95](#) EMC.

c. If the standards contained in Chapter [18.95](#) EMC are modified, the director shall at a minimum ensure that representative native vegetation is retained or replanted totaling at least five percent of the site area and that such landscaping is provided in excess of the requirements contained in this section.

H. Parking, Access and Circulation.

1. Applicability. Parking facilities and access drives shall be designed in accordance with EMC [18.90.130](#), except as provided below.

a. Where a conflict exists between the standards contained in EMC [18.90.130](#) and the standards contained in this section, the standards contained in this section shall control.

b. If this subsection does not specify a parking requirement for a land use, the director shall establish the minimum requirement based on a study of anticipated demand as provided in EMC [18.90.130](#)(C)(8).

2. Purpose. The purpose of this subsection is to provide adequate parking for all allowed uses; to reduce demand for parking by encouraging alternative transportation such as rideshare, public transit, bikes and pedestrian mobility; to promote a “park once and walk” strategy and to ensure the location and design of parking facilities is consistent with urban design and economic development goals.

3. Parking Location.

a. Site design, including parking lot and building location, shall comply with the minimum lot frontage requirements in subsection (D) of this section.

b. A parking lot shall not be located on a corner where two streets intersect.

c. Within the TC zone, a parking lot shall not be located between the principal building and the street, adjacent to a park or open space or at a street terminus.

d. Within the TC zone, parking structures shall contain ground level commercial uses.

e. Within the C, MUR and BP zones, parking structures that front on a street that are not part of a residential or mixed use building shall contain ground level commercial uses.

4. Parking Facility Design and Integration. It is the city's intent to encourage the integration and connection of parking facilities, including shared parking and physical connections between parking facilities in adjoining developments. Applicants shall demonstrate how they meet this objective, including shared parking, or document why it is not feasible to do so. Please see Chapter [18.95](#) EMC, Design Standards, for additional urban design requirements for parking facilities.

5. Minimum Parking Requirements. Except as provided in subsection (H)(9) of this section, off-street parking areas shall contain the minimum number of parking spaces as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include but are not limited to building maintenance areas, storage areas, closets or restrooms. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down. Please note that maximum parking requirements as contained in subsection (H)(10) of this section also apply.

Table 4: Minimum Parking Requirements

Land Use	Minimum Parking Spaces Required
Residential	
Dwelling unit, multifamily:	
Studio and one-bedroom units	1 per dwelling unit*
Two-bedroom units	1.5 per dwelling unit*
Three-bedroom units	2 per dwelling unit*
Dwelling unit, single-family:	
Dwelling unit, single-family attached	2 per dwelling unit (tandem spaces allowed)
Dwelling unit, single-family detached	2 per dwelling unit
Dwelling unit, accessory or cottage housing	1 per dwelling unit
Retail/Wholesale Trade and Services	
Retail trade and services	3 per 1,000 square feet**

Land Use	Minimum Parking Spaces Required
(nonfood) other than listed below	
Nonfood retail in mixed use development, less than 5,000 square feet and less than 40% of the gross floor area of the development	No off-street parking required**
Food stores, in mixed use development, less than 15,000 square feet and less than 40% of the gross floor area of the development	3 per 1,000 square feet**
Food stores, other than above	4 per 1,000 square feet, plus additional parking as provided below for restaurant portion if applicable
Restaurants	1 per 100 square feet in dining, lounge and customer ordering area
Gasoline service stations	3 per facility plus 1 per 300 square feet of store
General Services	
General services	3 per 1,000 square feet
Professional office	3 per 1,000 square feet
Exceptions:	
Hotel/motel	1.1 per bedroom
Home occupation, including live/work	1 stall in addition to requirement for primary use
Industrial/Manufacturing	
Light industrial/manufacturing	1 per 1,000 square feet, plus additional parking for office or retail areas as noted elsewhere in this table
Culture/Recreation/Religious	
Performing arts/museum/theater	1 per 3 fixed seats, plus 2 spaces for every 3 employees
Church or group assembly	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area

Land Use	Minimum Parking Spaces Required
	without fixed seats used for assembly purposes
Outdoor recreation/indoor recreation/health club	Director determines based on a parking study
Health Services	
Hospital	1 per bed
Medical office or emergency care facility	5 per 1,000 square feet
Nursing and personal care facility	1 per 4 beds
Other	
Government office	3 per 1,000 square feet
All others not specifically listed	Director determines based on a parking study
*Plus guest parking amounting to one extra space for every 10 dwelling units rounded upward to the nearest multiple of 10.	
**The applicant may demonstrate through a traffic study that on-street parking is adequate to wholly or partially fulfill this parking requirement. Off-street parking may be required based on the review of this study.	

6. Loading Areas. Please see EMC [18.90.130\(D\)](#).

7. Disabled Parking. Please see Chapter [19.27](#) RCW, State Building Code, and Chapter [70.92](#) RCW, Public Buildings – Provisions for Aged and Disabled.

8. Bike Parking. In any development required to provide six or more parking spaces, bicycle parking shall be provided. Bicycle parking shall be bike rack or locker-type facilities unless otherwise specified.

a. One bicycle parking space shall be provided for every 12 motor vehicle parking spaces, except as follows:

i. The director may reduce bike rack parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location.

ii. The director may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination shall include but not be limited to the following uses: park, library, museum, school, sports club or retail business located along a developed trail or designated bicycle route.

b. Bicycle parking shall be located within 100 feet of the principal building and directly adjacent to a sidewalk or pedestrian walkway that connects directly to building entrance(s).

c. Bicycle frame or wheels to be locked to a structure attached to the pavement.

d. All bicycle parking and storage shall be located in safe, visible areas that do not impede traffic flow and shall be well lit for nighttime use.

e. When more than 15 people are employed on site, bicycle storage facilities for employees shall be provided. The director shall allocate the required number of parking spaces between bike rack parking and enclosed locker-type facilities.

f. One secured bicycle storage space shall be provided for every two dwelling units in attached single-family and multifamily units, unless individual garages are provided for every unit. The director may reduce the number of bike rack parking spaces if indoor storage facilities are available to all residents.

9. Parking Reductions. The amount of off-street parking required by subsection (H)(5) of this section may be reduced by an amount determined by the director pursuant to the provisions below.

a. Car Share Parking. Required parking for multifamily residential developments (or the residential portion of mixed use developments) containing more than 30 units may be reduced by three spaces for each one dedicated car share space. A signed agreement between the property owner and car share provider must be submitted for approval of the parking reduction.

b. Shared-Use Parking. Developments may receive a reduction in required parking of up to 20 percent of the minimum parking requirements, provided:

i. The total parking area exceeds 5,000 square feet;

ii. The parking facilities are designed and developed as a single on-site common parking facility, or as a system of on-site and off-site facilities, if all facilities are connected with improved pedestrian facilities and no building or use involved is more than 800 feet from the most remote shared facility;

iii. The total number of parking spaces in the common parking facility is not less than the minimum required spaces for any single use;

iv. The director may increase the reduction where compelling evidence is provided in a parking study submitted by the applicant that the proposed reduction is warranted. See criteria in EMC [18.90.130](#);

v. A covenant or other contract for shared parking between the cooperating property owners is approved by the director. This covenant or contract must be recorded with the Pierce County auditor's office as a deed restriction on both properties and cannot be modified or revoked without the consent of the director; and

vi. If any requirements for shared parking are violated, the affected property owners must provide a remedy satisfactory to the director or provide the full amount of required off-street parking for each use, in accordance with the requirements of this chapter, unless a satisfactory alternative remedy is approved by the director.

c. Transit Availability. The director may reduce the number of required off-street parking spaces when one or more scheduled transit routes provide service within 750 feet of the site. The amount of the reduction shall be based on the number of scheduled transit runs between 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m. each weekday up to a maximum reduction of two percent for each transit run up to a maximum of 20 percent.

10. Maximum Parking Requirements. Parking for a specific use in zones covered by this section shall be limited to no more than 50 percent greater than the minimum parking requirement required above. Exceptions to this parking maximum include:

a. Parking spaces are provided above/below grade.

b. If the director determines additional off-street parking spaces are warranted based on a parking study. In making such a decision, the director shall also consider whether the proposal is consistent with the stated purposes, objectives, goals or policies established in this section and the design standards. The director shall also have the authority to restrict parking for a specific use to an amount that is less than the maximum amount allowed in this section if the proposal would substantially conflict with the stated purposes, objectives, goals or policies contained in the Edgewood comprehensive plan and similar plans and policy documents as adopted by the city of Edgewood.

11. Transit Facilities. All development shall provide transit facilities as provided in EMC [18.90.130](#)(E)(2).

12. Parking Stall and Aisle Design and Access. Please see EMC 18.90.130(C)(5). (Ord. 16-482 § 2 (Exh. F); Ord. 14-426 § 2 (Exh. A); Ord. 14-414 § 2 (Exh. A); Ord. 13-397 § 2 (Exh. A); Ord. 11-359 § 6 (Exh. C); Ord. 10-346 § 7; Ord. 09-323 § 4; Ord. 08-305 § 2; Ord. 08-301 § 3; Ord. 07-284 § 1; Ord. 06-268 § 1; Ord. 03-203 § 1

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 March 28, 2017

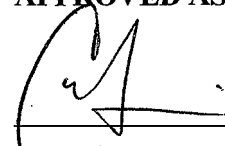
ADOPTED BY THE CITY COUNCIL ON APRIL 11, 2017

Daryl Eiding, Mayor

ATTEST/AUTHENTICATED:

Rachel Pitzel, City Clerk

APPROVED AS TO FORM:



Carol Morris, City Attorney

Date of Publication: April 13, 2017

Effective Date: April 18, 2017



CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-0364

Date Action Requested: April 11, 2017

Title: Public Participation Plan Handbook

Attachments: Resolution 17-0364, Public Participation Plan Handbook (Attachment A)

Submitted By: Kevin Stender, Community Development Director

Approved For Agenda By: Daryl Eidinger, Mayor

Prepared For Agenda By: Kevin Stender, Community Development Director

Recommendation: Move to adopt Resolution 17-0364, relating to Land Use and Zoning, adopting a Public Participation Program as required by the Growth Management Act (GMA), RCW 36.70A.140, which identifies procedures adopted by the City in its codes providing for early and continuous public participation in the development and amendment of the Comprehensive Land Use Plans and Development Regulations implementing such plans.

Discussion: City Staff have brought this item forward for adoption after review with the Planning Commission at the February 27, 2017 and March 6, 2017 regular planning commission meetings and following a planning commission Public Hearing on March 20, 2017. The planning commission provided their recommendation which was reviewed at the Study Session on April 4, 2017. The Public Participation Plan helps the City meet our legal requirements under RCW 36.70A.140 from the GMA. The handbook outlines how the City will continuously involve the public in the review of Code Changes and updates to the Comprehensive Plan.

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

Fiscal Impact: N/A

RESOLUTION NO. 17-0364

A RESOLUTION OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING A PUBLIC PARTICIPATION PROGRAM AS REQUIRED BY THE GROWTH MANAGEMENT ACT, RCW 36.70A.140, WHICH IDENTIFIES PROCEDURES ADOPTED BY THE CITY IN ITS CODES PROVIDING FOR EARLY AND CONTINUOUS PUBLIC PARTICIPATION IN THE DEVELOPMENT AND AMENDMENT OF COMPREHENSIVE LAND USE PLANS AND DEVELOPMENT REGULATIONS IMPLEMENTING SUCH PLANS

WHEREAS, the City of Edgewood plans under the Growth Management Act (“GMA”), chapter 36.70A RCW; and

WHEREAS, the City has adopted procedures for the adoption and amendment of the City’s Comprehensive Land Use Plan and development regulations implementing such plans, as required by the GMA; and

WHEREAS, the GMA requires that each city or county planning under GMA “establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans” (RCW 36.70A.140); and

WHEREAS, RCW 36.70A.140 also requires that these “procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice provision for open discussion, communication programs, information services, and consideration of and response to public comments”; and

WHEREAS, the City of Edgewood Planning Commission reviewed the criteria for the Public Participation Plan, determined a format for which to present it and added definitions at the February 28, 2017 and March 6, 2017 regular planning commission meetings; and

WHEREAS, the Planning Commission held a Public Hearing regarding the plan at the March 20, 2017 and provided recommendations to the Council regarding adoption; and

WHEREAS, the City Council desires to adopt a Public Participation Program meeting the requirements of GMA; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON:

Section 1. The Edgewood City Council hereby adopts the Public Participation Program attached hereto as Exhibit A, which is hereby incorporated herein as if fully set forth below.

Section 2. This Resolution shall take effect and be in force immediately upon its passage.

**PASSED BY THE CITY COUNCIL AT ITS REGULAR MEETING THEREOF
ON THE 11TH DAY OF APRIL, 2017.**

CITY OF EDGEWOOD

Daryl Eiding, Mayor

ATTEST:

Rachel Pitzel, City Clerk

Approved as to Form

Carol Morris, City Attorney

FILED WITH THE CITY CLERK: 04/11/17
PASSED BY THE CITY COUNCIL: 04/11/17
EFFECTIVE DATE: 04/11/17
RESOLUTION NO. 17-0364

GROWTH MANAGEMENT ACT (GMA)
COMPLIANT
PUBLIC PARTICIPATION PLAN
HANDBOOK*



*The City's program includes citizen involvement meeting the legal public notification requirements found in chapter 35A.63 RCW – Planning and Zoning in Code Cities, chapter 36.70A - Growth Management Act, chapter 43.21C RCW -- State Environmental Policy Act, and supplements chapter 42.30 RCW -- the Open Public Meetings Act, and chapter 42.56 RCW the Public Records Act.

Introduction

The City of Edgewood plans our Community consistent with the Growth Management Act and as such has developed this handbook to help the Public understand and get involved with the planning process in Edgewood.

The comprehensive plan development and amendment process, as well as the development and amendment of implementation regulations should be a "bottom up" effort, involving early and continuous public participation. The City's methods and basic framework for achieving an interactive dialogue between local decision-makers, City staff, and the public will be formed through this handbook and will apply throughout the local planning process leading to adoption of the comprehensive plan, development regulations to implement the plan, and legislative amendments to both.

The City's Community Development Department will oversee the public involvement in the local GMA planning process, but it is the City Council that decides on the direction and content of policy documents or regulations that they find to be in the community's best interest. The text that follows is intended to guide and form the basis for public participation programs related to GMA and the City's local planning process.*

This pamphlet is broken into the following sections:

1. Communication and Information
2. Availability of Proposals and Alternatives
3. Public Meetings, Workshops & Hearings
4. Opportunity for Open Discussion
5. Opportunity for Written Comments
6. Consideration of and Response to Public Comment

*RCW 36.70A.140, states that "... errors in exact compliance with the established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed."

**THANK YOU AND IF YOU HAVE ANY
QUESTIONS PLEASE FEEL FREE TO CONTACT
CITY HALL AT (253) 952-3299 FOR ADDI-
TIONAL INFORMATION**

Definitions

City Council – The governing body of the City that reviews and passes or rejects ordinances that are proposed by the members of City Council, Planning Commission, or City Staff.

Comprehensive Plan – A local or county document describing existing conditions and the community's vision for future development. It addresses development issues including use of land, public services, and transportation, among others.

Development Regulations – The regulations of a local or county government that detail the type and size of proposed developments such as subdivisions, commercial projects, and multifamily projects.

Edgewood Municipal Code (EMC) – All the local laws regarding personnel, revenue and finance, health and safety, development, and environmental regulations.

Growth Management Act (GMA) – A Washington State law that requires local county and municipal governments to manage growth by designating urban growth areas, protecting natural resource lands and critical areas, developing comprehensive plans, and implementing them through ordinances and development regulations.

Open Public Meetings Act (OPMA) – A Washington State law that requires all meetings of governing bodies to be open to the public.

Planning Commission – Members of the public appointed for 2-year terms. The Planning Commission initiates and studies proposed development regulation change. Recommendations are then sent to the City Council for or against a code update proposal.

Public Records Act (PRA) – A Washington State law that requires most documents and records kept by local, county, and state governments to be made available to members of the public.

Quorum – Usually a majority of all members of a board or committee unless provided otherwise by code.

Revised Code of Washington (RCW) – The RCW is the compilation of all permanent laws now in force in Washington State. It is a collection of laws enacted by the Legislature, and signed by the Governor, or enacted via the initiative process.

State Environmental Policy Act (SEPA) – A Washington State law that helps local governments identify possible environmental impacts that could result from governmental decisions such as issuing permits for private projects, constructing public facilities, or adopting new regulations.

1. Communication and Information

The City will develop, implement and maintain communication programs and information services for the purpose of involving the broadest cross-section of the community in the planning process. To ensure the overall success of the GMA planning process, there are several things that must occur:

- The public should understand the basic concepts of the GMA, local planning and how their own participation can affect local plans and regulations.
- The public needs to know how and when to get involved.
- The public needs to understand how their input is used.

The City will inform the public through various techniques including but not limited to, the following:

- **Prepare** and make available through the City's website, at City Hall, and at public workshops and hearings, this Public Participation Program Handbook and EMC 18.40.190 and EMC 18.60 (on the subject of comprehensive plan and legislative development regulation adoption/amendment), notices to the public meetings and public hearings regarding comprehensive plan development and amendment process, application forms for amendments to the comprehensive plan and development regulations, etc.; Notice procedures should be reasonably calculated to provide notice to property owners and other affected and interested individuals, government agencies, businesses and organizations.
- **Design, display and distribute** other printed and visual material as needed to inform the public about the local planning process and engage them in relevant discussion;
- **Provide public legal notices** for upcoming special workshops and hearings in our official City newspaper, and through the City's website site, at least 10 days prior to the meeting/hearing date; and
 - ◇ **Regular meetings** - Post agendas on the City's website at least 5 working days prior to the meeting.
 - ◇ **Special meetings** – Post agendas for special meetings on the City's website, at City hall, and at the Community Center, as required by RCW 42.30.080 (min. 48 hours in advance)

- ◇ Interested parties – compile, on an ongoing basis, a list of parties interested in GMA and local planning issues. Names should come from meeting and hearing sign-in sheets, written correspondence, and known community groups as well as specific requests to be included. The list should be used for mailing of public notices as appropriate, or emails to those who have signed up for email notification.

2. Availability of Proposals and Alternatives

The City will maintain documents so that they are readily available to distribute in a timely manner to all who want to review them. Documents that contain or describe proposed plans, policies, maps, regulations, or the amendment of those, as well as supporting documents such as reports, analysis, recommendations, or environmental reviews should be easily accessible. All documents must be available for review in advance of the opportunities for public discussion or testimony at least 5 days prior to a public hearing or public workshop in the following ways:

- **Through** the City's website or by email upon request;
- **Hard copies** will be available for review or reproduction at City Hall or as appropriate, through other agencies;
- **Hearing and workshop notices** should state the availability and location of documents describing proposals and alternatives or other supporting documents under consideration;

At the City's discretion, additional notice may be provided in the following ways:

- **Posting** the property for site-specific purposes;
- **Notifying** public or private groups with known interest in certain proposals or in the type of proposal being considered;
- **Placing** notices in appropriate regional, neighborhood, ethnic, or trade journals; and
- **Publishing** notice in agency newsletters or sending notice to agency mailing lists, including general lists or lists for specific proposals or subject areas.

6. Consideration of and Response to Public Comments

The City will consider relevant public comments and public testimony in the decision-making process. Various methods for informing and involving the public, providing public notice of proposals, and soliciting public opinion or comments have been established above. Many of those represent the initial steps for bringing public comments into the decision-making process. Other guidelines set the stage for decision-makers to consider those comments. (For example, tape recording meetings or hearings and soliciting written comments allow decision-makers the opportunity to review and consider relevant information in detail before a decision is actually made.)

Additional steps will be taken so that comments and recommendations from the public are reviewed by the decision-makers for relevancy. Those would include the following:

- **Time** should be reserved subsequent to the close of a hearing or comment deadline and prior to an actual decision so that the decision maker(s) can adequately review all relevant material or comments. Reconvening a hearing for the purpose of addressing comments is an option that the decision maker(s) may use on a case-by-case basis;
- **Substantive** comments pertaining to studies, analyses, or reports, along with necessary responses, should be included in the published document itself (such as occurs in the SEPA process of developing a Draft Environmental Impact Statement (EIS) and then a Final EIS with comments and responses);
- **The record** (such as tape recordings, written comments or testimony, documents, summaries, etc.) will be compiled and maintained by the City. That record will be made available to the decision maker(s) for their consideration and review prior to a decision. Relevant comments or testimony should be addressed through the findings-of-fact portion of the decision maker's written decision or recommendation.

5. Opportunity for Written Comments

The City will encourage submission of written comments or written testimony throughout the planning process. In many instances, detailed, technical, or personal comments can be best expressed and understood in written format. The following steps should be taken to encourage written comments:

- **As appropriate**, notices for meetings, workshops, and hearings should include the name and address of the person(s) to whom written comments should be sent, along with the deadline for submitting comments;
- **Persons** speaking or testifying should be encouraged to concisely express their comments verbally and provide specific details in written format;
- **The deadline** for submitting written comments, if allowed subsequent to a meeting or hearing, should be clearly announced by the facilitator or chair;
- **Comment** sheets for written public input should be available at all workshops with the deadline for submitting the completed sheets to City Hall noted;
- **Innovative** techniques, as appropriate to a specific planning task, should be developed and implemented to solicit and document the public's concerns, suggestions, or visions for the community. Techniques may include, but are not limited to, surveys, interactive displays, or the innovative use of electronic communication technologies.

3. Public Meetings, Workshops, and Hearings

The City will provide public notice of public workshops and hearings to ensure that the community is made aware of the opportunities to become involved in the planning process. At a minimum, the requirements of Chapter 35A.63 RCW, Chapter 3670A RCW, Chapter 43.21C RCW and Ordinance No 17-XXXX (pertaining to public hearings and notification), will always be met. However, the City may go beyond the legal minimums to ensure the public is aware of meetings or hearings and of their opportunity to be involved in local planning efforts.

Public meetings, workshops, open houses, and design forums are opportunities for open discussion between the public, staff and decision-makers that do not normally involve public testimony.

- As appropriate, given the specific proposal public workshops should be hosted prior to public hearing(s) as a means to involve and educate the public and solicit their opinions, reactions, or suggestions. The number of workshops should be based on the specific circumstances of the case;

Public hearings are more formalized, legal proceedings, where public testimony is presented to a decision-maker for consideration. The result of a public hearing generally consists of an official recommendation in the case of the Planning Commission or a legislative decision by the City Council.

- At least one public hearing will be conducted prior to making either a recommendation or an official decision on a comprehensive plan, a development regulation implementing the plan, or an amendment to either;

The public shall also have the opportunity to attend regular or special meetings to observe and aid in discussion topics before the Council and its various boards and commissions.

Working subgroup meetings may deviate from the above techniques due to the unique circumstances associated with their function. These include the rapid, high volume, recurring meetings of technical committees, subcommittees, or work groups which focus their efforts on specific issues or limited supporting tasks (as opposed to meetings of a quorum of the Planning Commission or City Council in which they consider complete draft plans, regulations, or amendment proposals meant to result in a formal recommendation or official decision.

4. Opportunity for Open Discussion

The City will ensure that public meetings allow for an open discussion of the relevant issues and that hearings allow for appropriate public testimony. When public meetings, workshops, or hearings are conducted, the City will ensure that those who choose to participate in the planning process have the opportunity to take part and have their opinions heard. To ensure participation opportunities, the following actions will be implemented:

- **Establish** an agenda that clearly defines the purpose of the meeting or hearing, the items to be considered, and actions that may be taken. If available early, the agenda should be included or summarized in the notice(s);
- **The scheduled** date, time, and place should be convenient so as to encourage the greatest number of people to attend;
- **A Clearly** identifiable facilitator or chair will conduct the meeting or hearing in an orderly fashion to ensure that all attendees have an opportunity to discuss issues, offer comments, or provide testimony;
- **The facilitator** or chair should provide introductory remarks outlining the purpose of the meeting or hearing and describing how the attendees can best participate and how their input may be used;
- **As appropriate**, City staff may provide a brief overview of any documents or proposals to be considered;
- **All persons** desiring to participate should be allowed to do so. However, specific factors, such as the purpose of the meeting, size of attendance, time factors, or other opportunities to participate, may suggest some appropriate constraints to be applied. Rules of order for the meeting or hearing should be set forth clearly by the chair or facilitator.
- **All attendees** will be encouraged to identify themselves on a sign-in sheet;
- **All meetings** and hearings should be recorded;
- **Written** findings, decisions, and minutes should be prepared and available as soon as possible following a hearing;
- **Special** arrangements for meetings or hearings will be made under the provisions of the Americans with Disabilities Act (ADA) with advance notice;
- **If the City Council** chooses to consider a change to an amendment to the comprehensive plan or development regulation, and the change proposed after the opportunity for review and comment has passed under the City's procedures, an opportunity for public review and comments on the proposed change shall be provided before the City Council votes on the proposed change (per RC 36.70A.035(2)); and
- **As set forth in RCW 36.70A.035(2)(b)**, an additional opportunity for public review and comment is not required if:
 - ◇ An environmental impact statement has been prepared under Chapter 43.21C RCW for the pending resolution or ordinance and the proposed change is within the range of alternatives considered in the environmental impact statement;
 - ◇ The proposed change is within the scope of the alternatives available for public comment;
 - ◇ The proposed change only corrects typographical errors, corrects cross-references, makes address or name changes, or clarifies language of a proposed ordinance or resolution without changing its effect;
 - ◇ The proposed change is to a resolution or ordinance making a capital budget decision as provided in RCW 36.70A.120; or
 - ◇ The proposed change is to a resolution or ordinance enacting a moratorium or interim control adopted under RCW 36.70A.390.



CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-0365

Date Action Requested: April 11, 2017

Title: Surface Water Management Plan Update Consultant Contract

Attachments: Resolution 17-0365, Contract and Exhibit A

Submitted By: Jeremy Metzler, PE –Surface Water Program Manager
Aaron C. Nix, Assistant City Administrator – Municipal Services

Approved For Agenda By: Daryl Eidinger, Mayor

Prepared For Agenda By: Jeremy Metzler, PE –Surface Water Program Manager

Recommendation: Move to approve Resolution No.17-0365, authorizing the Mayor to enter into a contract with Herrera Environmental Consultants (Herrera) to aide City Staff in updating the City’s Surface Water Management Plan and supporting documentation in an amount not to exceed One-Hundred Seventy-Nine Thousand, Seven Hundred Twenty Dollars (\$179,720).

Discussion: Edgewood’s current Surface Water Management Plan (SWMP) was adopted in 1997, with pothole analysis performed in 2006 / 2007 and draft Capital Improvement Program (CIP) developed in 2009. To perform a desperately needed comprehensive update of the SWMP and review of the Surface Water Utility’s rate structure, a Request for Qualifications (RFQ) was issued in January, to which Herrera was selected as the most qualified consultant for the task.

Through the interview and negotiation process, several “optional” tasks have been identified: Groundwater injection flood control and management evaluation, pilot project development, grant fund acquisition assistance, CIP cost estimate refinement, public outreach, and various rate analysis components. Staff strongly believes all of the “optional” tasks identified will ensure the highest quality and well-defined SWMP.

This item was discussed with the City Council at their March 21, 2017 and April 4, 2017 Council Study Sessions.

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

Anticipated Project Schedule:

- 4/12/2017 – Notice to Proceed issued to consultant
- May 2017 – Kickoff Workshop
- June 2017 – CIP Synthesis complete; Hold initial public meeting
- July 2017 – Draft Data Gap & Needs Assessment Complete, Flood Control White Paper Issued
- August 2017 – Financial Analysis and Funding Plan with Service Level Matrix
- September 2017 – Flood Control Pilot Concept Grant Application Submitted; Hold second public meeting
- October 2017 – Rate Design (optional)
- November 2017 – Draft SWMP Update Issued, comment period
- December 2017 – Final SWMP Update Complete

Fiscal Impact: Funds for this task were identified within the 2017 Surface Water Utility Budget in the amount of \$120,000. The additional \$59,720 will be funded through the Surface Water Utility Capital Fund, as the CIP and its projects highly likely to benefit by the SWMP Update being completed. Both the Consultant and City Staff will be bringing forward the entire SWMP Update to the Planning Commission, City Council, and general public for their consideration and input during this process, as outlined above.

RESOLUTION NO. 17-0365

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, PIERCE COUNTY, WASHINGTON AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT ASSOCIATED WITH SURFACE WATER MANAGEMENT PLAN UPDATES WITH HERRERA ENVIRONMENTAL CONSULTANTS (HERRERA)

WHEREAS, the City's current Surface Water Management Plan (SWMP) was developed and adopted in 1997, and while additional study and updates have been drafted since, there has not been a comprehensive update to the SWMP in over 20 years; and

WHEREAS, the City advertised for qualified consultants to aide City Staff in this task and an initial screening panel, including the Assistant City Administrator of Municipal Services, Community Development Director, and Senior Stormwater Engineer reviewed and scored the proposals; and

WHEREAS, the two most-qualified respondents were interviewed by a panel, including the Mayor, Community Development Director, Senior Stormwater Engineer, City Clerk, and Manager of Mountain View – Edgewood Water Company; and

WHEREAS, the interview panel unanimously scored and recommended Herrera Environmental Consultants (Herrera) as the firm most qualified and willing to provide the necessary services; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The Mayor is hereby authorized to execute an agreement for Surface Water Management Plan updates, substantially in the form attached hereto as Exhibit A, for a contract amount not to exceed \$179,720.

PASSED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 11TH DAY OF APRIL, 2017

Daryl Eidinger, Mayor

ATTEST:

Rachel Pitzel, City Clerk

CITY OF EDGEWOOD PROFESSIONAL SERVICES AGREEMENT

THIS Agreement is made effective as of the 13th day of April 2017, by and between the City of Edgewood, a municipal corporation, organized under the laws of the State of Washington, whose address is:

CITY OF EDGEWOOD, WASHINGTON (hereinafter the "CITY")

2224 - 104th Avenue E.

Edgewood, Washington 98372

Contact: Mayor Daryl Eidinger

Phone: 253-952-3299 Fax: 253-952-3537

and Herrera Environmental Consultants, Inc., a corporation, organized under the laws of the State of Washington, doing business at:

Herrera Environmental Consultants, Inc. (hereinafter the "CONSULTANT")

2200 Sixth Avenue, Suite 1100

Seattle, WA 98121

Contact: Joy Michaud

Phone: 360-790-5789 Fax: 206-441-9108

for professional services in connection with the following Project:

2017 Surface Water Management Plan Update

TERMS AND CONDITIONS

1. Services by Consultant.

A. Consultant shall perform the services described in the Scope of Work attached to this Agreement as Exhibit A. The services performed by the Consultant shall not exceed the Scope of Work without prior written authorization from the City.

B. The City may from time to time require changes or modifications in the Scope of Work. Such changes, including any decrease or increase in the amount of compensation, shall be agreed to by the parties and incorporated in written amendments to the Agreement.

2. Schedule of Work.

A. Consultant shall perform the services described in the scope of work in accordance with the Schedule attached to this contract as Exhibit A. If delays beyond Consultant's reasonable control occur, the parties will negotiate in good faith to determine whether an extension is appropriate.

B. Consultant is authorized to proceed with services upon receipt of a written Notice to Proceed.

3. **Terms.** This Agreement shall commence on April 13, 2017 ("Commencement Date") and shall terminate on December 31, 2017 unless extended or terminated in writing as provided herein.

4. Compensation.

- ☐ LUMP SUM. Compensation for these services shall be a Lump Sum of \$ _____, which includes all applicable tax.
- ☒ TIME AND MATERIALS NOT TO EXCEED. Compensation for these services shall not exceed \$179,720, including all applicable tax, without written authorization and will be based on billing rates and reimbursable expenses attached hereto as Exhibit B.
- ☐ TIME AND MATERIALS. Compensation for these services shall be on a time and material basis according to the list of billing rates and reimbursable expenses attached hereto as Exhibit "_____."
- ☐ OTHER. _____

5. Payment.

A. Consultant shall maintain time and expense records and provide them to the City monthly after services have been performed, along with monthly invoices in a format acceptable to the City for work performed to the date of the invoice.

B. All invoices shall be paid by City warrant within sixty (60) days of receipt of a proper invoice. If the City objects to all or any portion of any invoice, it shall so notify the Consultant of the same within fifteen (15) days from the date of receipt and shall pay that portion of the invoice not in dispute, and the parties shall immediately make every effort to settle the disputed portion.

C. Consultant shall keep cost records and accounts pertaining to this Agreement available for inspection by City representatives for three (3) years after final payment unless a longer period is required by a third-party agreement. Copies shall be made available on request.

D. On the effective date of this Agreement (or shortly thereafter), the Consultant shall comply with all federal and state laws applicable to independent contractors, including, but not limited to, the maintenance of a separate set of books and records that reflect all items of income and expenses of the Consultant's business, pursuant to Revised Code of Washington (RCW) 51.08.195, as required by law, to show that the services performed by the Consultant under this Agreement shall not give rise to an employer-employee relationship between the parties, which is subject to Title 51 RCW, Industrial Insurance.

E. If the services rendered do not meet the requirements of the Agreement, Consultant will correct or modify the work to comply with the Agreement. City may withhold payment for such work until the work meets the requirements of the Agreement.

6. Discrimination and Compliance with Laws

A. Consultant agrees not to discriminate against any employee or applicant for employment or any other person in the performance of this Agreement because of race, creed, color, national origin, marital status, sex, age, disability, or other circumstance prohibited by federal, state, or local law or ordinance, except for a bona fide occupational qualification.

B. Even though the Consultant is an independent contractor with the authority to control and direct the performance and details of the work authorized under this Agreement, the work must meet the

approval of the City and shall be subject to the City's general right inspection to secure the satisfactory completion thereof. The Consultant agrees to comply with all federal, state and municipal laws, rules and regulations that are now effective or become applicable within the terms of this Agreement to the Consultant's business, equipment and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations.

C. Consultant shall obtain a City of Edgewood business license prior to receipt of written Notice to Proceed.

D. Violation of this Paragraph 6 shall be a material breach of this Agreement and grounds for cancellation, termination, or suspension of the Agreement by City, in whole or in part, and may result in ineligibility for further work for City.

7. Relationship of Parties. The parties intend that an independent contractor-client relationship will be created by this Agreement. As the Consultant is customarily engaged in an independently established trade which encompasses the specific service provided to the City hereunder, no agent, employee, representative or sub-consultant of the Consultant shall be or shall be deemed to be the employee, agent, representative or sub-consultant of the City. In the performance of the work, the Consultant is an independent contractor with the ability to control and direct the performance and details of the work, the City being interested only in the results obtained under this Agreement. 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 employees, agents, representatives or sub-consultants of the Consultant. The Consultant will be solely and entirely responsible for its acts and for the acts of its agents, employees, representatives and sub-consultants 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 the Consultant performs hereunder.

8. Suspension and Termination of Agreement

A. Termination without cause. This Agreement may be terminated by the City at any time for public convenience, for the Consultant's insolvency or bankruptcy, or the Consultant's assignment for the benefit of creditors.

B. Termination with cause. The Agreement may be terminated by the City upon the default of the Consultant. Upon 30 days' notice and reasonable cause, as determined by the sole discretion of the City, the Agreement may be terminated by the Consultant.

C. Rights Upon Termination.

1. With or Without Cause. Upon termination for any reason, all finished or unfinished documents, reports, or other material or work of Consultant pursuant to this Agreement shall be submitted to City, and Consultant shall be entitled to just and equitable compensation for any satisfactory work completed prior to the date of termination, not to exceed the total compensation set forth herein. Consultant shall not be entitled to any reallocation of cost, profit or overhead. Consultant shall not in any event be entitled to anticipated profit on work not performed because of such termination. Consultant shall use its best efforts to minimize the compensation payable under this Agreement in the event of such termination. Upon termination, the City may take over the work and prosecute the same to completion, by contract or otherwise.

2. Default. If the Agreement is terminated for default, the Consultant shall not be entitled to receive any further payments under the Agreement until all work called for has been fully performed. Any extra cost or damage to the City resulting from such default(s) shall be

deducted from any money due or coming due to the Consultant. The Consultant shall bear any extra expenses incurred by the City in completing the work, including all increased costs for completing the work, and all damage sustained, or which may be sustained by the City by reason of such default.

D. Suspension. The City may suspend this Agreement, at its sole discretion. Any reimbursement for expenses incurred due to the suspension shall be limited to the Consultant's reasonable expenses, and shall be subject to verification. The Consultant shall resume performance of services under this Agreement without delay when the suspension period ends.

E. Notice of Termination or Suspension. If delivered to the Consultant in person, termination shall be effective immediately upon the Consultant's receipt of the City's written notice or such date as stated in the City's notice of termination, whichever is later. Notice of suspension shall be given to the Consultant in writing upon one week's advance notice to Consultant. Such notice shall indicate the anticipated period of suspension. Notice may also be delivered to the Consultant at the address set forth in Section 15 herein.

9. Standard of Care. Consultant represents and warrants that it has the requisite training, skill and experience necessary to provide the services under this agreement and is appropriately accredited and licensed by all applicable agencies and governmental entities. Services provided by Consultant under this agreement will be performed in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing in similar circumstances.

10. Ownership of Work Product.

A. All data materials, reports, memoranda, and other documents developed under this Agreement whether finished or not shall become the property of City, shall be forwarded to City at its request and may be used by City as it sees fit. Upon termination of this agreement pursuant to paragraph 8 above, all finished or unfinished documents, reports, or other material or work of Consultant pursuant to this Agreement shall be submitted to City.

B. All written information submitted by the City to the Consultant in connection with the services performed by the Consultant under this Agreement will be safeguarded by the Consultant to at least the same extent as the Consultant safeguards like information relating to its own business. If such information is publicly available or is already in Consultant's possession or known to it, or is rightfully obtained by the Consultant from third parties, the Consultant shall bear no responsibility for its disclosure, inadvertent or otherwise.

11. Work Performed at the Consultant's Risk. The Consultant shall take all precautions necessary and shall be responsible for the safety of its employees, agents and sub-consultants in the performance of the work hereunder, and shall utilize all protection necessary for that purpose. All work shall be done at the Consultant's own risk, and the Consultant shall be responsible for any loss or damage to materials, tools, or other articles used or held by the Consultant for use in connection with the work.

12. Indemnification. The Consultant shall defend, indemnify and hold the City, its officers, officials, employees, agents and volunteers harmless from any and all claims, injuries, damages, losses or suits, including all legal costs and attorneys' fees, arising out of or resulting from the acts, errors or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City. The City's inspection or acceptance of any of the Consultant's work when completed shall not be grounds to avoid any of these covenants of indemnification.

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 Consultant and the City, its officers, officials, employees, agents and Volunteers, the Consultant's liability hereunder shall be only to the extent of the Consultant's negligence.

IT IS FURTHER SPECIFICALLY AND EXPRESSLY UNDERSTOOD THAT THE INDEMNIFICATION PROVIDED HEREIN CONSTITUTES THE CONSULTANT'S WAIVER OF IMMUNITY UNDER INDUSTRIAL INSURANCE, TITLE 51 RCW, SOLELY FOR THE PURPOSES OF THIS INDEMNIFICATION. THE PARTIES FURTHER ACKNOWLEDGE THAT THEY HAVE MUTUALLY NEGOTIATED THIS WAIVER. THE CONSULTANT'S WAIVER OF IMMUNITY UNDER THE PROVISIONS OF THIS SECTION DOES NOT INCLUDE, OR EXTEND TO, ANY CLAIMS BY THE CONSULTANT'S EMPLOYEES DIRECTLY AGAINST THE CONSULTANT.

13. Insurance. The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

A. Minimum Scope of Insurance

Consultant shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 or a substitute form providing equivalent liability coverage and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The City shall be named by endorsement as an additional insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City.
3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington and Employer's Liability Insurance.
4. Professional Liability insurance appropriate to the Consultant's profession.

B. Minimum Amounts of Insurance

Consultant shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

4. Employer's Liability insurance each accident \$1,000,000; Employer's Liability Disease each employee \$1,000,000; and Employer's Liability Disease – Policy Limit \$1,000,000.

C. Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability and Commercial General Liability insurance:

1. The Consultant's insurance coverage shall be primary insurance as respect the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.
2. The Consultant's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
3. The City will not waive its right to subrogation against the Consultant. The Consultant's insurance shall be endorsed acknowledging that the City will not waive their right to subrogation. The Consultant's insurance shall be endorsed to waive the right of subrogation against the City, or any self-insurance, or insurance pool coverage maintained by the City.
4. If any coverage is written on a "claims made" basis, then a minimum of a three (3) year extended reporting period shall be included with the claims made policy, and proof of this extended reporting period provided to the City.

D. Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

E. Verification of Coverage

Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work.

- 14. Assigning or Subcontracting.** Consultant shall not assign, transfer, subcontract or encumber any rights, duties, or interests accruing from this Agreement without the express prior written consent of the City, which consent may be withheld in the sole discretion of the City.

15. Notice. Any notices required to be given by the City to Consultant or by Consultant to the City shall be in writing and delivered to the parties at the following addresses:

Daryl Eidinger
Mayor
2224 - 104th Avenue E.
Edgewood, WA 98372

Phone: 253-952-3299
Fax: 253-952-3537

Herrera Environmental Consultants, Inc.
Attn: Joy Michaud
2200 Sixth Avenue, Suite 1100
Seattle, WA 98121

Phone: 360 790-5789
Fax: 206-441-9108

16. Resolution of Disputes and Governing Law.

A. Should any dispute, misunderstanding or conflict arise as to the terms and conditions contained in this Agreement, the matter shall first be referred to the Mayor, who shall determine the term or provision's true intent or meaning. The Mayor shall also decide all questions which may arise between the parties relative to the actual services provided or to the sufficiency of the performance hereunder.

B. If any dispute arises between the City and the Consultant under any of the provisions of this Agreement which cannot be resolved by the Mayor or Administrator's determination in a reasonable time, or if the Consultant does not agree with the Mayor or Administrator's decision on a disputed matter, jurisdiction of any resulting litigation shall be filed in Pierce County Superior Court, Pierce County, Washington.

C. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In any suit or action instituted to enforce any right granted in this Agreement, the substantially prevailing party shall be entitled to recover its costs, disbursements, and reasonable attorney's fees from the other party.

17. General Provisions.

A. Non-waiver of Breach. The failure of either party to insist upon strict performance of any of the covenants and agreements contained herein, or to exercise any option herein contained 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 in full force and effect.

B. Modification. No waiver, alteration, 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 the Consultant.

C. Severability. The provisions of this Agreement are declared to be severable. If any provision of this Agreement is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other provision.

D. Entire Agreement. The written provisions of this Agreement, together with any Exhibits attached hereto, shall supersede all prior verbal statements of any officer or other representative of the

Revised 4/6/17

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, the Agreement or the Agreement documents. The entire agreement between the parties with respect to the subject matter hereunder is contained in this Agreement and the Exhibits attached hereto, which may or may not have been dated prior to the execution of this Agreement. All of the above documents are hereby made a part of this Agreement and form the Agreement document as fully as if the same were set forth herein. Should any language in any of the Exhibits to this Agreement conflict with any language contained in this Agreement, then this Agreement shall prevail.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year set forth above.

CITY OF EDGEWOOD, WASHINGTON

CONSULTANT

By: _____
Daryl Eidinger
Mayor

By: _____
Name: _____

Date: _____

Title: _____

Date: _____

Attest:

By: _____
Rachel Pitzel
City Clerk

APPROVED AS TO FORM:

By: _____
Carol A. Morris
City Attorney

EXHIBIT A

SCOPE OF WORK AND SCHEDULE

EXHIBIT A - SCOPE OF WORK

City of Edgewood Stormwater Management Plan

The City of Edgewood (City) has selected Herrera Environmental Consultants (Herrera) to develop a Stormwater Management Plan (SWMP) that provides an evaluation of compliance with current regulations and establishes management goals and projects for the future. The plan will document and guide the City's program for the next 5 to 10 years.

This scope of work includes a discussion of the activities, deliverables, and schedule associated with the following tasks and assumes a Notice to Proceed (NTP) of April 12, 2017:

- Task 1.0 – Project Management
- Task 2.0 – Information Review
- Task 3.0 – Gap Analysis and Needs Assessment
- Task 4.0 – Deep Infiltration Feasibility Assessment (Optional)
- Task 5.0 – Capital Improvement Program for Stormwater Facilities
- Task 6.0 – Public Outreach Support (Optional)
- Task 7.0 – Financial Analysis and Funding Plan
- Task 8.0 – Comprehensive Stormwater Management Plan
- Task 9.0 – Contingency

The full project budget associated with this scope of work is \$179,720; however, without the optional tasks or subtasks, the total is \$134,920. Joy Michaud will be Herrera's Project Manager and Jeremy Metzler will be the City's Project Manager. Two sub-consultants have been identified to assist with the project: FCS Group for the financial analysis, and AESI to provide geotechnical and hydrogeologic support. Upon execution of this Agreement, Herrera is authorized to immediately commence work on tasks and subtasks herein, except those identified as "optional". The City will provide separate written authorization to proceed for all "optional" tasks and subtasks prior to any work.

Task 1.0 – Project Management

Project management includes: developing the scope, budget, and schedule; developing subcontracts; allocating work assignments; tracking the schedule and budget; and addressing day-to-day logistics as well as close communications with the City's project team. This task will involve monthly invoicing and progress reporting, and proactive communication of any issues potentially affecting the scope, schedule or budget.

Assumptions:

- A maximum of 12 invoices and progress reports will be prepared.
- Bi-weekly check-in meetings will be scheduled with the City's project manager.
- Two subcontracts will be prepared.

Deliverables:

- Up to 12 invoices and progress reports.
- Subcontract agreement with FCS Group and AESI

Schedule:

- Subcontracts will be prepared within 1 month of the notice to proceed (NTP).
- Invoices and progress reports will be submitted monthly.

Task 2.0 – Information Review

Herrera will coordinate with the City's project manager and other City staff as appropriate to gather and evaluate applicable data, reports, maps, financial and policy information, and other information related to the City's stormwater management program and capital improvement project (CIP) needs. As part of this review, Herrera will compile all available GIS data for inclusion in a project geodatabase. GIS data of interest include, but are not limited to basin and sub-basin boundaries; land use; soils; topography; critical areas; infrastructure; BMPs; known flooding, habitat, and water quality issues; zoning; and water quality monitoring locations. Collectively, this data review will provide our team with a picture of existing stormwater system conditions, the City's current policies and procedures, the status of City efforts to manage stormwater quantity and quality, and previous stormwater management planning and evaluation work.

As part of this effort Herrera will prepare a questionnaire for City staff to fill in that will provide the team with summary information on the different aspects of the City's stormwater program and CIPs.

Assumptions:

- The City will provide all applicable data, GIS layers, and reports to Herrera within 1 week of the NTP.
- Herrera will submit the questionnaire within 1 week of the NTP.
- City staff will complete the questionnaire within 1 week of our submittal or at least 1 week before the kickoff meeting.

Deliverables:

- Program Questionnaire

Schedule:

- Initial data and information review will occur within 1 month of receiving all the data and/or after the workshop scheduled as Task 3.1.

Task 3.0 – Program Evaluation and Needs Assessment

The purpose of this task is to use the information provided in Task 2 and information provided by City staff to develop a matrix that summarizes the City's existing programs as they relate to stormwater management and the requirements of the National Pollutant Discharge Elimination System Phase II municipal stormwater permit (NPDES Phase II permit), identifies where there may be gaps in program coverage, and prioritizes the gaps in terms of high to low priority for implementation. (All NPDES Phase II permit requirements will be denoted as a high priority.) This task will also help provide a foundation for future CIP work.

Subtask 3.1 – Kickoff Workshop

A workshop will be conducted early in the project with City staff to discuss the key SWMP related issues and to develop specific goals and objectives for the SWMP as well as an understanding of existing CIP projects. An early workshop will help establish mutual understanding of the City's stormwater program needs among the City and Herrera team. Workshop topics may include:

- Overall stormwater program status (what's working and where is there room for improvement)
- Responsibilities each department has with regard to stormwater management, including:
 - public education
 - illicit discharge detection and elimination (IDDE)
 - stormwater site plan review
 - construction site inspections
 - private stormwater facility inspections
 - municipal operations and maintenance, including pollution prevention procedures, , catch basin cleaning, and street sweeping
 - public stormwater infrastructure conditions assessment and facility rehabilitation needs
 - water quality monitoring
- Synthesis of existing CIP projects
- Flooding/high groundwater and water quality problems
- Areas and stormwater facilities in need of rehabilitation
- Opportunities and constraints related to implementing regional stormwater management and low impact development (LID) retrofits
- Future development forecasts
- Other information that City staff identify for comprehensive stormwater planning purposes, such as climate change impacts and adaptation approaches.

The workshop will also help establish active collaboration among key City staff involved in the project and the Herrera team. Once input from City staff has been compiled and discussed, Herrera will work with City staff to identify and prioritize the City's needs and issues at a high level, laying the foundation for subsequent tasks.

We will also use this workshop to launch initial discussions about the previously identified CIP projects and discuss which have been addressed or eliminated and whether other problems should be added to the list.

Subtask 3.2 – Gap Analysis and Needs Assessment

We will use the questionnaires (Task 2), results of the workshop (Subtask 3.1), and subsequent communications with selected City staff, to compare the status of stormwater program elements with regulatory drivers and internal City needs and requirements. We will identify gaps in program coverage and discuss ways to address those gaps with City staff. We will assess and recommend operational and programmatic alternatives to address gaps in program coverage, including but not limited to construction site inspections, IDDE, stormwater site plan review, public infrastructure and facility

maintenance, and private facility inspections. Operational alternatives may include recommendations for; additional funding, equipment, staffing, and/or modifications to City procedures and protocols.

Examples of important components to address in this task include:

- Developing a detailed plan for coordination and completion of NPDES Phase II permit requirements
- Recommendations on prioritization and phasing in improvements to the stormwater program to help the City progress toward a more comprehensive program.
- An assessment of stormwater program staffing needs, equipment needs, and possible contractor needs that would be necessary to meet all program gaps identified as a high priority.

Assumptions:

- Herrera, AESI and appropriate City staff will participate in the kickoff workshop. The City will coordinate with City staff for attendance at the workshop. City staff will come prepared with information to share and discuss.
- The City will coordinate workshop location and IT needs.
- Herrera will prepare an agenda and materials and maps to facilitate the workshop discussions.
- The City will synthesize the existing CIP project list to help identify projects that are completed, off-listed, no longer needed, and that appear to be relevant and high priority
- The City's project manager will coordinate review of the Data Gaps and Needs Assessment matrix and provide one set of approved comments.
- The Data Gaps and Needs Assessment matrix will be integrated as an appendix to the SWMP; a summary of the findings will be included in the main body of the report.

Deliverables:

- Workshop summary notes.
- A Data Gaps and Needs Assessment document, which will consist of a brief cover letter with key recommendations and a matrix that summarizes additional details regarding the stormwater program gaps and needs including, staffing, equipment, and contractor costs. (No Technical Memorandum will be prepared.)

Schedule:

- It is anticipated that the workshop will be scheduled in May 2017 and the draft Data Gaps and Needs Assessment cover letter and matrix would be prepared by July 2017.
- The final Data Gaps and Needs Assessment cover letter and matrix will be prepared within 2 weeks of receiving comments on the draft.

Task 4.0 – Deep Infiltration Feasibility Assessment**Subtask 4.1 – Issue Paper on Deep Infiltration and Treatment Technologies**

Due to the City's unique drainage issues, the long term program of stormwater management needs to address more than specific solutions to individual problems such as occurs via development of a conventional stormwater management plan. The City needs to evaluate the range of alternatives that should be considered to address the city-wide needs for stormwater management of the many 'pothole' basins. One of the more promising solutions may be deep infiltration. However, before this potential solution can be seriously considered, foundational work is needed to define regulatory requirements, evaluate risks and challenges, and define the best available science for existing treatment technologies. This would include; summarizing regulations, agency concerns, and the state of the technology's use, a literature review focused on use and pre-treatment technologies (e.g., bioretention, high performance media, granulated activated carbon (GAC) chambers), and outlining possible study or testing needs that might be addressed through a pilot scale project.

Subtask 4.2-Pilot Concept Development and Grant Application (Optional Subtask)

A key goal of this Task will be to develop one project to put forth in the 2017 grant application cycle that will help to support progress on selecting an alternative; for example, testing pre-treatment techniques for deep infiltration options. Under this task Herrera would develop the pilot testing concept and prepare a grant application for submittal to Ecology.

Assumptions:

- One meeting would be held with Ecology to review regulations and initial concerns. Herrera, AESI and the City's project manager will attend this meeting.
- A 'white paper' would be produced that summarizes regulatory requirements, opportunities and risks, and the state of the technologies use (AESI) as well as provides an overview of potential pre-treatment technologies (Herrera).
- The City would convene a stakeholder group comprised of state and local agencies, local water purveyors, and other interested parties. This group would meet twice during this project time period; the first to review the findings of the white paper and the second to discuss the pilot project. Herrera would prepare materials and presentations for these meetings.

Deliverables:

- A white paper summarizing the state of the regulations and treatment technology around deep infiltration especially as it relates to stormwater management.
- A 2 to 4 page testing concept
- Ecology grant application and entry into Ecology EAGL.

Schedule:

- The white paper would be completed by end of July 2017.
- The testing concept if selected would be completed by end of August 2017, assuming the decision to complete this task is made in early July.

- The grant application by end of September 2017 or within 1 month of completion of the testing concept.

Task 5.0 – Capital Improvement Program for Stormwater Facilities

The City already has an extensive list of CIP projects the construction of which would extend well beyond the 5 to 6 year planning horizon of this SWMP. Therefore, the focus of our work on this CIP plan will be on refining this list, prioritizing the problems, refining the cost estimates, and potentially refining existing solutions and developing new solutions. (Problems stemming from how pothole area flooding is addressed may be set aside during this process if they are directly linked to the bigger picture solutions that would be identified through Optional Task 4 and a longer term project for more detailed alternatives analysis, stakeholder involvement, and cost estimating.)

Subtask 5.1 – Synthesis of Previously Identified Problems and Pothole Flooding Study Project Development

Building from the discussions and information gathered in Tasks 2 and 3, Herrera will work with the City to refine the City's already extensive list of specific flooding, water quality, and habitat issues and these will form the foundation of the CIP project planning work. An initial webmap will be prepared that identifies the location of the previously identified projects and provides more detail and photos for those identified in the most recent capital facilities plan and others the City identifies as a priority. (City staff will also be welcome to assist with populating the map with information for lower priority projects.) The intent of this subtask is to synthesize the existing information, begin development of an easy to access webmap, and develop a common understanding of the highest priority problems and solutions. This will be a desktop analysis step and will require no field assessment, modeling or cost estimating.

Pothole flooding is a major problem in the City, which is expected to require more significant study, stakeholder involvement, and alternatives analysis than can be accomplished during the stormwater comprehensive plan project. Herrera will define a scope of work and cost for more detailed study of pothole flooding, alternatives analysis, and stakeholder involvement so this project can be integrated into the CIP. An order of magnitude costs for implementation of solutions will be included in the financial analysis package to insure the funding need is recognized during preparation of the funding package.

Subtask 5.2 – CIP Project Prioritization

CIP project prioritization ensures the most effective use of stormwater utility funding and the best possible service to the citizens of Edgewood. The purpose of this task is to select those projects that should be prioritized for implementation over the next 5 to 6 years so that these projects can be the focus of the ensuing work. The first step is to develop a method of evaluating and ranking the projects identified and developed in Subtask 5.1. We will provide an initial example of rating criteria and then work with City staff to develop a CIP prioritization framework specific to the needs of the City. Since flooding (and flooding induced water quality concern) is the most critical problem in the City the prioritization process will focus directly on project benefits associated with flooding (such as duration or

magnitude of flooding, frequency, number of properties affected, critical infrastructure impacts, transportation impacts, and water quality impacts). Projects will be prioritized as high, medium, and low. Clear and appropriate project prioritization and scheduling will simplify the process for adoption of the CIP plan.

Subtask 5.3 – Additional CIP Development (Optional Task)

Under this task, Herrera will spend up to 80 hours refining existing concepts, developing new concepts, and developing cost estimates for high priority CIP projects prior to incorporation into the CIP plan and financial analysis. If necessary, a limited field assessment will be planned to evaluate conditions at the priority sites. Work on this task is anticipated to be focused on projects slated for construction during the planning horizon. The projects developed in this subtask may include large scale future projects to address pothole flooding in order to provide budgetary project costs prior to development of an overall plan to address potholes flooding. The number of projects and level of detail will be agreed upon by the City and Herrera project managers prior to beginning work on this subtask.

Assumptions:

- A synthesized list of existing CIPs and problems will be provided by the City and refined at the kickoff workshop.
- One meeting will be held to discuss the list and insure it is comprehensive and to discuss feasibility/concerns with proposed solutions and where possible or necessary to select among solutions.
- The field assessment will be limited to a one-day period will involve two Herrera staff and City staff.
- New cost estimates (optional task) will be prepared using best engineering practices and include appropriate contingencies for the limited level of design detail.
- After ranking criteria are approved, a meeting will be held with key team members and a group process will be used to qualitatively prioritize the projects.
- Project summary sheets will be prepared for at least 5 existing priority CIPs or projects developed as part of the optional work for new / refined CIPs.
- No separate technical memorandum will be prepared to support this task. The process for identification and prioritization of projects and studies will be summarized in the CIP chapter of the Comprehensive Stormwater Management Plan (CSWMP).

Deliverables:

- Up to five project summary sheets will be prepared.
- A completed prioritization spreadsheet will be prepared for inclusion as an appendix to the CSWMP.

Schedule:

- The webmap will be developed prior to the kickoff workshop.
- The goal will be to complete the project synthesis task by June 2017 and the prioritization by July 2017. Optional Subtask 5.3 will be complete by August 2017, assuming approval of this Subtask by July 1, 2017.

Task 6.0 – Public Outreach Support (Optional)

Stormwater induced flooding is a critical issue in the City of Edgewood and establishing a communication pattern and opportunities for public involvement will be important over the long term, especially as the City begins to look at long term solutions to regional flooding.

We have assumed that two public meetings would occur during CSWMP development. The first to discuss the CSWMP development process and deadline, known problems, and to lay out a tentative long term plan for developing regional solutions. At the second meeting, near the end of the CSWMP development process, the process of project identification and prioritization would be discussed and long term funding needs would be presented.

At the first public meeting, Herrera would present an overview of the planning process as well as present the webmap with the problems and provide opportunities for the public to provide input to that database. We would foresee an open discussion with the public at this meeting to get feedback on the City's plan for developing a long term solution to the pothole flooding issues. At the second meeting Herrera would present the prioritization results and FCS Group would present the funding needs.

Assumptions:

- Two public meetings will be held.
- City staff would schedule meetings, provide IT facilities, and any refreshments.
- Two Herrera team staff will attend and present at each meeting.
- If follow up tasks are identified such as preparing meeting summaries, these will be prepared by the City.

Deliverables:

- Presentations and attendance at two public meetings.

Schedule:

- TBD by the City. Tentatively the first public meeting would occur in June 2017 and the second in September 2017.

Task 7.0 – Financial Analysis and Funding Plan

The stormwater utility rate analysis includes a financial plan (including a rate forecast) and several optional tasks that address issues specific to the City of Edgewood. The following scope of services would apply.

Subtask 7.1 Data Collection and Review

FCS Group will prepare an initial data request identifying specific pieces of data to be collected from the City, review the data provided and make formal requests for any additional items or explanations as necessary. Inconsistencies and problems in data collected will be identified and resolved to allow accurate analysis. They will also review and evaluate the City's existing stormwater rate structure and policies.

Subtask 7.2 Policy Framework (OPTIONAL)

To address the City's policy framework FCS Group will write a brief issue summary for each of up to three issues. In each paper, we will define and analyze the issue, present alternative solutions (including industry standards, if applicable), and recommend a course of action. The following issues will likely be included:

- **Fiscal Policies** – Sound fiscal policies help ensure the ongoing financial health of a utility.
- **Rate Structures** – The City's existing rate structure heavily discounts the rate for nonresidential developed property. In this paper, we would evaluate alternative rate structures and recommend a revised rate structure -- or improvements to the existing structure.

Subtask 7.3 Revenue Requirements Analysis

The revenue requirement is defined as the total amount of rate revenue needed to meet an enterprise's financial obligations, including capital, operating, and policy-driven commitments. The results of the revenue requirement analysis will be the recommended percentage rate increases or decreases, as applied to the current rate structure, needed to meet the obligations of the stormwater service.

Herrera will synthesize the information prepared in Tasks 2 through 5 into summary spreadsheets. The spreadsheets will list the program and staffing needs that the City should take to comply with regulatory requirements. We will also list the other (those not required for permit compliance) recommendations related to program improvement and discuss which the City wants to prioritize during the five year planning horizon. The completed staffing and equipment estimates for stormwater program implementation will also include operations and maintenance requirements. Herrera will also compile a list of CIP projects that were identified and prioritized that require funding through the next 5 years. (Projects not scheduled for completion in the next five years will continue to be listed but in one column representing a second 5 year period.) The final spreadsheet will be reviewed with the City before submittal to FCS Group for completion of Subtasks 7.4.

Using an Excel spreadsheet model, and with the input of City staff, FCS Group will construct or adapt an analytical model to project operations and capital revenue requirements for a 10-year period. The model will be constructed with user-friendliness in mind and will accommodate user-entry of key data and assumptions. The model will be flexible and stable enough to analyze multiple scenarios and/or levels of service. Incorporating the policy framework developed in Subtask 7.2, FCS Group will project revenue requirements for a 10-year study period. Revenue requirement findings may be revised in light of feedback from the City.

Subtask 7.4 Service Level Matrix (Optional)

Task 7.4 includes the presentation of revenue requirements analysis results in a matrix format, describing service level options by program or service line, and corresponding rates.

- Work with the project team and City staff to define service levels for consideration. Often these service levels include "existing", "regulatory compliance", "proactive", and sometimes "comprehensive". We will rely on staff and Herrera to estimate the costs of achieving each service level in each program service line.

- Using an Excel spreadsheet model, we will calculate rates for each service level, and compile results in a matrix format, illustrated below, for communication to Council.

	Rate in 2014	Rate in 2019	Maintenance / Staffing	Capital	Regulatory Compliance	System Replacement
Current Rates	\$82.80/yr	\$82.80/yr	• No Change	• Reactive • Unable to fund large capital projects	• Compliance until 2018	• No Asset Management program • Reactive
Limited SWP Implementation	\$99.63/yr	\$141.21/yr	• Proactive Asset Mgt • Necessary equipment • Minimum staffing increases	• Fully funds SWCIP • No debt financing	• Yes	• Proactive Asset Mgt • Fully funded /no debt financing
Full Implementation of SWP	\$106.88/yr	\$182.40/yr	• Limited SWP Scenario Plus • .5 Technician + .5 Public Education Coordinator	• Limited SWP Scenario Plus • Fund roads projects • Assumes debt financing	• Yes	• Proactive Asset Mgt • Fully funded • Assumes debt financing

Subtask 7.5 Rate Design (Optional)

Should the City decide, based on the results of Task 7.2, to make changes to the existing stormwater rate structure, FCS will redesign the rate structure and recalculate based on the target revenue requirement. It is likely this rate structure will include charging residential and non-residential developed property the same rate per unit of impervious surface area, but could include another structure of interest to the City.

Subtask 7.6 Meetings

FCS Group staff and Herrera staff will meet with City staff up to two times to review the financial assessment study results and make appropriate revisions to the analysis and recommendations from these meetings. We will also prepare for and participate in one meeting with the City Council to discuss findings.

Subtask 7.7 Documentation

Under this subtask, a draft Report will be prepared that summarizes all of the findings, recommendations, and supporting materials for this Task for staff review and presentation to Council. A final report will be prepared that includes revisions based on City staff and Council comments. All documents will be provided in electronic format only, unless otherwise requested. Documentation also includes delivery of the spreadsheet model.

Assumptions:

- The City will provide requested revenue data within 2 weeks of the data request.
- Up to three issue summaries will be prepared under Subtask 7.2.
- A spreadsheet model will be developed of revenue requirements and will use a 10 year forecast period.
- FCS Group will be responsible for providing supporting materials related to the funding analysis for all meetings under this Task.
- Herrera and FCS Group staff will participate in up to 3 meetings total under this Task.
- City staff will prepare any notes or documentation required after Council meetings.
- FCS Group will prepare a revenue requirements analysis model as an Excel spreadsheet and provide 6 electronic copies of the model.
- FCS Group will prepare one draft report that summarizes all of the findings, recommendation and supporting materials for this project for staff review and presentation to Council.
- FCS Group will prepare a final report that includes revisions based on City staff and Council comments.

Deliverables:

- Electronic data requests will be submitted under Subtask 7.1
- Up to three issue summaries will be prepared under Subtask 7.2 (Optional)
- Revenue requirements analysis and model in Excel spreadsheet will be prepared under Subtask 7.3.
- A service level matrix will be prepared under Subtask 7.4 (Optional).
- A redesigned rate structure will be developed under Subtask 7.5, but described in the report submitted as Subtask 7.7 (Optional)
- Meeting support materials will be prepared under Subtask 7.6
- Draft and final reports describing the findings of Task 7 will be prepared under Subtask 7.7. This will include 6 electronic copies of the spreadsheet model and 6 hard copies of the final reports. The draft report will be submitted electronically.
- A draft and final Technical Memorandum will be prepared by FCS Group summarizing the financial assessment findings Under Subtask 7.7.

Schedule:

- Spreadsheets with estimates of staffing and equipment costs related to implementation of the routine portions of the comprehensive stormwater plan will be prepared within 1 month of completion of the Final Data Gaps and Needs Assessment Technical Memorandum prepared under Task 3.
- Cost estimates for CIP projects will have been prepared under Task 5.
- Subtask 7.3 would be completed within 1 month of receiving all input from Tasks 1 through 5.
- Meetings under Subtask 7.6 would be scheduled as required.
- The draft report prepared under Subtask 7.7 would be submitted within 6 weeks of completion of the previous subtasks under Task 7. The final would be prepared within 2 weeks of receiving comments on the draft.

- The schedule for Optional Subtasks 7.2 and 7.4 would be developed at the time the Subtask is approved or within 3 months of the approval of the Optional Subtask. Optional Subtask 7.5, if selected would be completed within 2 months of completion of Subtask 7.2 and a formal decision on direction is provided.

Task 8.0 – Comprehensive Stormwater Management Plan

Development of the plan will take advantage of the existing information on drainage basins provided in past plans as well as available GIS data to provide further background information on geology, soils, water resources, land use etc. This information will be used to describe background characteristics. Information collected during Task 2 will be used to describe the existing stormwater management program and program needs required to meet NPDES permit requirements as well as those needed by the City to be able to improve management of their system. The CIP chapter will describe the process used to prioritize CIPs and a separate chapter will be devoted to the regional flooding issues and the approach the City plans to take to develop a list of alternatives and analyze them. Finally, the plan implementation chapter will lay out the five-year plan for implementation.

The draft will be distributed to the City's project manager in electronic form to allow easy distribution and review by City staff.

Herrera will finalize the SWMP incorporating comments received from the City reviewers and/or from other stakeholders if the City elects to allow external reviewers to submit specific comments on the draft plan.

Herrera's project manager and key project staff will assist the City in presenting an overview of the final Comprehensive Stormwater Management Plan and updated stormwater management program components to the City Council in a manner that is clear and concise. FCS Group will be available to support the City budget planning process by providing the necessary information for inclusion in a rate ordinance for City Council action.

Assumptions:

- AESI will provide the geotechnical/hydrogeologic summary for the basin characterization section, which will take advantage of the information provided in the previous plan with updated information where warranted.
- City staff will coordinate review of the draft plan and provide one complete list of approved comments to Herrera.
- At least one key Herrera staff and one key FCS staff member will attend a meeting with the City Council to support presentation of the plan.

Deliverables:

- A draft and final SWMP will be prepared.

Schedule:

- Assuming that none of the optional tasks are selected, the draft plan will be prepared by November 2017.
- The final plan will be prepared within 1 month of receiving comments on the draft.

SCHEDULE											
Task	Title	Timeline (2017)									
		April	May	June	July	Aug	Sept	Oct	Nov	Dec	
1.0	Project Management										
2.0	Information Review										
3.0	Program Evaluation										
3.1	Kickoff Workshop										
3.2	Gap Analysis and Needs Assessment										
4.0	Deep Infiltration Feasibility Assessment										
4.1	Issue Paper										
4.2	Pilot Concept & Grant Appl. (Optional)										
5.0	Capital Improvement Program										
5.1	Synthesis of Identified Problems										
5.2	CIP Project Prioritization										
5.3	Refine Existing CIP Concepts (Optional)										
6.0	Public Outreach Support (Optional)	To be determined									
7.0	Financial Analysis and Funding Plan										
7.1	Data Collection and Review										
7.2	Policy Framework (optional)										
7.3	Revenue Requirements Analysis										
7.4	Service Level Matrix (optional)										
7.5	Rate Design (optional)										
7.6	Meetings	To be determined									
7.7	Documentation										
8.0	Comprehensive SMP										

Schedules for all Tasks and Subtasks marked as Optional are tentative and based on the NTP for the Task or Subtask.

EXHIBIT B

BUDGET

Project Name: City of Edgewood		Table 1.0 Project Management	Table 2.0 Information Review	Subtask 3.1 Record Workshops	Subtask 3.2 Gap Analysis and Needs Assessment	Subtask 4.1 Issue Prioritization and Definition and Prioritization (Optional)	Subtask 4.2 Pilot Concept and Data Application (Optional)	Subtask 5.1 Synthesize and Prioritize Identified Problems	Subtask 5.2 CAP Project Prioritization	Subtask 5.3 Implementation of Existing CAP Concepts and Costs (Optional Task)	Table 6.0 Public Outreach Support (Optional)	Subtask 7.1 Data Collection and Review	Subtask 7.2 Policy Framework (optional)	Subtask 7.3 Revenue Requirements Analysis	Subtask 7.4 Service Level Matrix (optional)	Subtask 7.5 Rate Design (optional)	Subtask 7.6 Identify	Subtask 7.7 Documentation	Table 8.0 Comprehensive Summary Management Plan	Table 9.0 Contingency	TOTAL
Number of Tables: 9																					
COST SUMMARY																					
Labor		\$16,300	\$3,500	\$0.215	\$9,254	\$17,871	\$17,861	\$7,306	\$8,255	\$10,264	\$7,347	\$400	\$646	\$2,705	\$400	\$0	\$3,438	\$800	\$48,871	\$48,145	\$0
Escalation factor on 2017 labor @ 0% (by task)		0%																			
Travel and per diem		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other direct costs (ODCs)		\$0	\$1,575	\$1,050	\$0	\$7,360	\$0	\$1,050	\$0	\$0	\$0	\$1,150	\$3,717	\$10,374	\$1,385	\$2,688	\$3,048	\$8,641	\$255	\$255	\$0
Reallocations		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GRAND TOTAL		\$16,300	\$7,141	\$7,285	\$9,254	\$25,231	\$17,911	\$8,435	\$8,255	\$10,264	\$7,347	\$1,580	\$4,363	\$13,079	\$1,795	\$2,317	\$7,444	\$7,801	\$48,871	\$48,871	\$0
COST REMANDED																					
Labor		(2015 year)																			
Personnel			Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours
Vice President		\$221.77	62	\$13,320	0	\$1,634	0	\$1,710	30	\$666	35	\$222	6	\$1,258	8	\$1,718	2	\$400	16	\$2,438	4
Senior Vice President		\$187.66	12	\$2,252	0	\$1,125	0	\$1,125	6	\$725	8	\$400	3	\$646	0	\$1,718	2	\$400	16	\$2,438	4
Senior Manager		\$187.66	12	\$2,252	0	\$1,125	0	\$1,125	6	\$725	8	\$400	3	\$646	0	\$1,718	2	\$400	16	\$2,438	4
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Senior Manager		\$18																			

[My DOR](#)**HERRERA ENVIRONMENTAL CONSULTANTS, INC.****LICENSE INFORMATION:**[New search](#) [Previous search](#)**Entity name:** HERRERA ENVIRONMENTAL CONSULTANTS, INC.**Business name:** HERRERA ENVIRONMENTAL CONSULTANTS, INC.**Entity type:** [Profit Corporation](#)**UBI:** 600-633-936**Business ID:** 001**Location ID:** 0001**Status:** To check the status of this company, go to [Department of Revenue](#) and [Secretary of State](#)**Location and Mailing address:**

2200 6TH AVE STE 1100

SEATTLE, WA, 98121

[View Additional Locations](#)**ENDORSEMENTS**

Endorsements held at this location	Status	Expiration date	First issuance date
Bellingham General Business	Active	n/a	May-17-2006
Issaquah General Business	Active	Mar-31-2017	Sep-09-2006
Minor Work Permit	Active	Mar-31-2017	Apr-05-2007
Shoreline General Business	Active	Mar-31-2017	Jan-27-2012

4 Rows

GOVERNING PEOPLE MAY INCLUDE GOVERNING PEOPLE NOT REGISTERED WITH SOS

Governing people	Title
CARRASQUERO, JOSE	Vice President
COUGHLAN, PHILIP	Vice President, Chairman of the Board
EWBANK, MARK	Vice President
HERRERA, CARLOS	Director
LENTH, JOHN	Vice President, Secretary
SLAUGHTERBECK, CAROL	Vice President
SPILLANE, MICHAEL	President, Treasurer
WOOD, THERESA	Vice President

8 Rows

Information current as of 6/14/2016 4:29:00 PM

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CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-0497

Date Action Requested: April 11, 2017

Title: Ordinance 17-0497, relating to Land Use and Zoning, adopting procedures for the execution of development agreements with property owners, requiring consistency with existing development regulations as required by RCW 36.70B.170, identifying the elements of a complete application for a development agreement, describing the procedure for processing development agreements, clarifying the effect, format, requirements for Public Hearing on development agreements, recording, appeals and revisions to approved development agreements; adopting a new Chapter 18.55 to the Edgewood Municipal Code, repealing Section 18.50.090 and 18.90.015 of the Edgewood Municipal Code and establishing an effective date.

Attachments: Ordinance 17-0497

Submitted By: Kevin Stender, Community Development Director

Approved For Agenda By: Daryl Eiding, Mayor

Prepared For Agenda By: Kevin Stender, Community Development Director

Recommendation: Move to accept first reading of Ordinance 17-04197, relating to Land Use and Zoning, adopting procedures for the execution of development agreements with property owners, requiring consistency with existing development regulations as required by RCW 36.70B.170, identifying the elements of a complete application for a development agreement, describing the procedure for processing development agreements, clarifying the effect, format, requirements for Public Hearing on development agreements, recording, appeals and revisions to approved development agreements; adopting a new Chapter 18.55 to the Edgewood Municipal Code, repealing Section 18.50.090 and 18.90.015 of the Edgewood Municipal Code and establishing an effective date.

Discussion: As part of our ongoing code updates, Legal Counsel has suggested adopting revisions to the process for Development Agreements processing. More specifically, a Development Agreement cannot modify City adopted regulations. At this time our existing code allows for this to occur. The revised code addresses this along with providing clarification changes to how a request is reviewed. The Planning Commission reviewed the DRAFT Ordinance at the February 27, 2017 Planning Commission meeting

and a new DRAFT Ordinance at the March 6, 2017 Planning Commission meeting. The Planning Commission also held a Public Hearing on the revised Language at the March 20, 2017 Planning Commission meeting and recommends adoption of the DRAFT Ordinance. The City Council reviewed the DRAFT Ordinance at the April 4, 2017 Study Session, did not recommend any changes to the DRAFT and asked Staff to place the Ordinance on the agenda for first reading on April 11, 2017.

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

Fiscal Impact: N/A

DRAFT – 3/29/2017

ORDINANCE NO. 17-~~XXXX~~0497

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING PROCEDURES FOR THE EXECUTION OF DEVELOPMENT AGREEMENTS WITH PROPERTY OWNERS, REQUIRING CONSISTENCY WITH EXISTING DEVELOPMENT REGULATIONS AS REQUIRED BY RCW 36.70B.170, IDENTIFYING THE ELEMENTS OF A COMPLETE APPLICATION FOR A DEVELOPMENT AGREEMENT, DESCRIBING THE PROCEDURE FOR PROCESSING DEVELOPMENT AGREEMENTS, CLARIFYING THE EFFECT, FORMAT, REQUIREMENTS FOR PUBLIC HEARING ON DEVELOPMENT AGREEMENTS, RECORDING, APPEALS AND REVISIONS TO APPROVED DEVELOPMENT AGREEMENTS; ADOPTING A NEW CHAPTER ~~18.55~~18.55 TO THE EDGEWOOD MUNICIPAL CODE, REPEALING SECTIONS 18.50.090 AND 18.90.015 OF THE EDGEWOOD MUNICIPAL CODE, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Edgewood desires to amend its procedures allowing the City to enter into development agreements with property owners, so that such procedures are consistent with RCW 36.70B.170 through RCW 36.70B.200; and

WHEREAS, the City's existing code provisions are incomplete and inconsistent with law, and in addition, because they allow modifications of development regulations through a development agreement; and

WHEREAS, the City ~~further~~ desires to add provisions in its code relating to development agreements that will add provisions better enabling the City to evaluate and approve development agreements, such as a list of materials needed to process a development agreement; and

WHEREAS the SEPA Responsible Official has determined that this Ordinance is categorically exempt from SEPA as affecting only procedural and no substantive standards, pursuant to WAC 197-11-800(19); and

WHEREAS, after providing the requisite public notice, the Planning Commission held a public hearing on ~~_____~~, March 20, 201~~7~~, to consider this Ordinance, together with public testimony, and forwarded its recommendation to the City Council; and

WHEREAS, the City Council consider this Ordinance during its regular City Council meeting on ~~_____~~, April XX, 201~~7~~; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, ORDAINS
AS FOLLOWS:

Section 1. Section 18.50.090 of the Edgewood Municipal Code is hereby repealed.

Section 2. Section 18.90.015 of the Edgewood Municipal Code is hereby repealed.

Section 3. A new Chapter 18.55 is hereby added to the Edgewood Municipal Code, which shall read as follows:

Chapter 18.55
DEVELOPMENT AGREEMENTS

Sections:

<u>18.55.010</u>	Intent and Purpose.
<u>18.55.020</u>	Form of Agreement, Effect and General Provisions.
<u>18.55.030</u>	Application Requirements.
<u>18.55.040</u>	Public Notice of Public Hearing.
<u>18.55.050</u>	SEPA.
<u>18.55.060</u>	Phasing.
<u>18.55.070</u>	Processing Procedures and Appeals.
<u>18.55.080</u>	Revisions to Approved Development Agreements.

18.55.010 **Intent and Purpose.**

The purpose of this chapter is to authorize the use of development agreements, consistent with RCW 36.70B.170 through RCW 36.70B.210. The City may, but

under no circumstances is required to, enter into a development agreement with a person having ownership or control of real property within the City (or real property lying outside the City limits but within the urban growth area). The development agreement may address such project elements as those set forth in RCW 36.70B.170B(3). The development agreement shall be consistent with the applicable portions of the comprehensive plan as well as the development regulations of the City. The consideration provided by the property owner for the City's decision to enter into the development agreement may vary, depending on the benefit the development agreement will provide to the City and/or the public in general.

18.55.020 Form of Agreement, Effect and General Provisions.

A. **Form.** All development agreements shall be on the standard form approved in advance by the City Attorney for this purpose.

B. **Effect.** Development agreements are not project permit applications and are not subject to the permit processing procedures in Chapter 36.70B RCW and Title ~~18.40~~ of the Edgewood Municipal Code. A development agreement shall constitute a binding contract between the City and the property owner and the subsequent owners of any later-acquired interests in the property identified in the development agreement. A development agreement governs the project identified in the development agreement during the term of the development agreement, or for all or that part of the build-out period specified in the development agreement, and may not be subject to an amendment to a zoning ordinance or development standard adopted after the effective date of the agreement. A permit or approval issued/granted by the City after execution of a valid development agreement must be consistent with the development agreement.

C. **Limitations.** Any provision of the development agreement which requires the City to: (1) forego adoption of any development regulations affecting the property identified in the agreement; and/or (2) allow vesting beyond the applicable deadlines for a phased development; shall be limited to a period of **five** ~~(5)~~ years.¹ The development agreement shall also reserve authority to impose new or different regulations during the term of the development agreement, to the extent required by a serious threat to public health and safety. This proviso shall clearly state that the City may, without incurring any liability, engage in action that would otherwise be a breach if the City adopts findings of fact to support a determination on the record that the action is necessary to avoid a serious threat to public health and safety, or if the action is required by federal or state law.

D. **Developer's Compliance.** The development agreement shall include a clause stating that the City's duties under the agreement are expressly conditioned

upon the property owner's substantial compliance with each and every term, condition, provision and/or covenant in the development agreement, all applicable federal, state and local laws and regulations and the property owner's obligations as identified in any approval or project permit for the property identified in the development agreement.

E. No Third Party Rights. Except as otherwise provided in the development agreement, the development agreement shall create no rights enforceable by any party who/which is not a party to the development agreement.

F. Liability. The development agreement shall include clause providing that any breach of the development agreement by the City shall give rise only to damages under state contract law and shall not give rise to any liability under chapter 64.40 RCW, the Fifth and Fourteenth Amendments to the U.S. Constitution or similar state constitutional provisions.

G. Termination. Every development agreement shall have an identified, specific termination date. Upon termination, any further development of the property shall conform to the development regulations applicable to the property.

~~18.55.030~~ **18.55.030 Application Requirements.** A complete application for a development agreement shall consist of the following:

- A. Name, address, telephone number and e-mail address of the property owner. If the applicant is not the property owner, the applicant must submit a verified statement from the property owner that the applicant has the property owner's permission to submit the application. Only the property owner has authority to sign the development agreement;
- B. Address, parcel number and legal description of the property proposed to be subject to the development agreement;
- C. Recent title report confirming that the property identified in the application is owned by the applicant-property owner;
- D. Identification of any application (project permit application, comprehensive plan amendment application, development regulation amendment application) that is related to the proposed development agreement;
- E. SEPA Checklist;
- F. A completed application form and the application fee established by the City for this purpose;

G. Description of the purpose of the development agreement, or the proposed language to be included in the development agreement, and how it complies with both the City's comprehensive plan and development regulations; and

H. Any other information requested by the Community Development Director relevant to the processing of the development agreement.²

18.55.040 Public Notice of the Public Hearing.

A. Project Permit Applications. Public notice of the public hearing on a development agreement associated with an underlying project permit application shall be provided consistent with Section 18.40.190 EMC.

B. Legislative Action. Public notice of the public hearing on development agreements associated with an underlying legislative action or application shall be provided consistent with Section 18.40.190 EMC.

C. No Underlying Application or Action. Public notice of the public hearing on development agreements for which there is no underlying application or action, such as revisions to development agreements, shall be provided consistent with both Chapter Sections 18.55 and Section 18.40.190 EMC.

18.55.050 SEPA. The City shall comply with SEPA, chapter 20.05 EMC, in order to process a development agreement to a final decision. Appeals of the City's SEPA threshold decision shall be consolidated with the public hearing on the underlying project permit application or legislative application/action and addressed as set forth in chapter 20.05 EMC (SEPA).

18.55.060 Phasing.

A. In order to phase a development, and to extend the vested rights associated with an underlying project permit application, a development agreement is required. This ensures the availability of public facilities and services to all of the property in the identified individual phases, allows tracking of the available capacity of public facilities and utilities during each phase of construction, and with the extension of the vested rights associated with the project, provides certainty to the developer in the subsequent development approval process.

B. The deadlines in the City's code relating to each type of project permit application must be consulted to establish the baseline vesting period. The City is not required to extend the vesting period, and the City shall not extend any vested rights to regulations relating to stormwater. If the City decides to do so through a development agreement, it must be in exchange for the property owner's provision of corresponding benefits to the City in the form of, for example, contributions to public facilities and amenities over and above what would

normally be required. In any event, the City shall not allow vesting to extend beyond the established ~~five~~ (5) year period in Section ~~18.55.020~~(C) after approval of the project permit application.

C. A development agreement for a phased development (such as a subdivision) shall include (in addition to all of the information in Section ~~18.55.030~~), all of the following:

1. identification of the phasing schedule;
2. identification of the number of phases and all lots included in each phase;
3. identification of the approximate dates for construction of public streets, public utilities and other improvements in each phase;
4. identification of the approximate dates for commencement of development of each lot, lot sales and building occupancy;
5. identification of the benefits that the property owner will provide to the City in exchange for permission to phase the development according to the proposed schedule;
6. establishment of the deadline for the property owner to submit development applications, including building permit applications, for each phase;
7. a description of the manner in which each phase is designed such that all site requirements are satisfied independently of phases yet to be given final approval and constructed;
8. a description of the manner in which the property owner will ensure that adequate public facilities are available when the impact of development occurs. The property owner shall acknowledge in the development agreement that if the demand for public facilities or services needed to accommodate a subsequent development phase increases following the issuance of a development permit for a prior phase in the approval process, or if public facilities or services included in a concurrency or SEPA determination are not constructed as scheduled in the City's capital facilities plan, final development approval may have to be delayed for future phases pending the achievement of the adopted levels of service.

~~18.55.070~~ **Processing Procedures and Appeals.** Development agreements are not defined as "project permit applications," in RCW 36.70B.020 and are not subject to the permit processing procedures in chapter 36.70B RCW.

A. Project Permit Applications. Development agreements associated with project permit applications shall be processed as follows.

1. *Consolidation.* Whenever possible, the development agreement shall be consolidated for processing with an underlying project permit application or other application for approval. If the development agreement is consolidated with a project permit application, the property owner must agree to waive the deadline in RCW 36.70B.080 ~~and EMC Section~~ for issuance of a final

decision on the underlying application, as well as the prohibition on no more than one open record hearing and one closed record hearing on the underlying project permit application in RCW 36.70B.060(3). ~~and EMC Section ____.~~

2. *Recommendation, Public Hearing and Final Decision.*

a. Hearing Examiner makes final decision. If the final decision on the underlying project permit application is made by the hearing examiner, then he/she shall consider both the project permit application and the proposed development agreement together, during the public hearing. The hearing examiner shall make a recommendation to the council on the development agreement, and his/her decision on the underlying permit application shall be held in abeyance until the city council considers the proposed development agreement in a public hearing. If the city council approves the development agreement, the council shall, by resolution or ordinance, authorize the mayor to execute the development agreement on behalf of the city. At this point, the hearing examiner may issue his/her final decision on the underlying project permit application. Nothing in this section obligates the hearing examiner to forward a recommendation to the city council on the development agreement if the hearing examiner denies the underlying project permit application.

b. Staff makes final decision. If the final decision on the underlying project permit application is made by the city administrative staff, then the city staff shall consider both the project permit application and the proposed development agreement together. The city staff shall make a recommendation to the city council on the development agreement, and the city staff's decision on the underlying project permit application shall be held in abeyance until the city council considers the proposed development agreement in a public hearing. If the city council approves the development agreement, the council shall, by resolution or ordinance, authorize the mayor to execute the development agreement on behalf of the city. At this point, the city staff may then issue its final decision on the underlying project permit application. Nothing in this section obligates the city staff to forward a recommendation to the city council on the development agreement if the city staff denies the underlying project permit application.

B. Legislative Applications. A development agreement associated with a legislative action such as a comprehensive plan amendment or area-wide rezone shall be processed in accordance with the procedures established for legislative actions. The planning commission shall make its recommendation to the city council on any development agreement relating to legislative action. A public hearing shall be held on the development agreement (and underlying legislative action) and if consistent with this chapter, the council may pass a resolution or ordinance authorizing the mayor to execute the development agreement on behalf of the city.

C. Appeal.

1. A development agreement associated with an underlying project permit application may be judicially appealed in the same manner and within the same deadline as the underlying project permit application.

2. A development agreement associated with a legislative approval, such as a comprehensive plan amendment, may be appealed in the same manner and within the same deadline as the legislative approval. Appeals may be directed to the Growth Management Hearings Board, the Shoreline Hearings Board or to the Superior Court, but there is no further administrative appeal before the City.

D. Recording Against the Property. The City shall record the development agreement against the property (at the property owner's cost) in the real property records of the Pierce County Auditor.

~~18.55.080~~ **Revisions to Approved Development Agreements.** All of the provisions of EMC Section ~~18.55.020~~ shall apply to revisions to approved development agreements. A complete application for a revision to an approved development agreement shall consist of the materials described in EMC Section ~~18.55.030~~.

A. Criteria for Approval. The proposed revision to the Development Agreement must be consistent with: (1) the applicable portions of the Comprehensive Plan in effect at the time the revision application is submitted; (2) the applicable portions of the development regulations at the time the revision application is submitted; (3) the decision in the underlying project permit application or the underlying legislative decision. If the revision involves an extension of the termination date, the City Council must make findings and conclusions after evaluation of all of the information in subsection (B) below. The City Council shall not approve any revision of an approved development agreement involving an extension of the termination date for purposes of extension of the applicant's vested rights, unless the Council makes a finding that the extension is in the public interest.

B. Extension of Termination Date. If the applicant requests an extension of the termination date in order to extend his/her vested rights with regard to phasing of the development, the application materials submitted by the applicant shall provide the following additional information for the Council to review:

1. A list of the development regulations that have been amended by the City since the development agreement was originally approved;

2. A comparison of the effect of the amended development regulations (identified in subsection B(1) above) with the development regulations used to approve the original development agreement; and

3. An up-to-date concurrency evaluation of the City's water rights, sewer capacity and transportation system as applied to the proposed revision, and the effect that approval of the proposed revisions to the development agreement would have on the City's water availability, sewer capacity and transportation concurrency.

C. Public Hearing. In order to revise an approved development agreement, the City must follow the procedures associated with approval of the original development agreement. See, EMC Section ~~18.55~~.18.55.050(A).

D. Recording Against the Property and Appeals. Appeals of a revised development agreement shall follow the procedures in EMC Section ~~18.55~~.18.55.050(C). The development agreement shall be recorded against the property as set forth in EMC Section ~~18.55~~.18.55.070(D).

Section 4. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be 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 6. Effective Date. This Ordinance shall become effective five days after publication as provided by law.

PASSED by the Council and approved by the Mayor of the City of Edgewood, this ____th day of ____, 201__.

CITY OF EDGEWOOD

Mayor

|

ATTEST/AUTHENTICATED:

City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO:



CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-0498

Date Action Requested: April 11, 2017

Title: Ordinance 17-0498, an relating to land use and zoning, adopting findings and conclusions to support the City's adoption of Interim Zoning Ordinance 17-0494 relating to Quasi-Judicial Map Amendments, which repeals Section 18.40.110 of the Edgewood Municipal Code; describing the elements of a complete application, the criteria for approval, deadline for issuance of a final decision, and expiration of the approval for a period of six months after adoption of Ordinance No. 17-0494 on February 28, 2017

Attachments: Ordinance 17-0498

Submitted By: Kevin Stender, Community Development Director

Approved For Agenda By: Daryl Eidinger, Mayor

Prepared For Agenda By: Kevin Stender, Community Development Director

Recommendation: Move to adopt Ordinance 17-0498, relating to land use and zoning, adopting findings and conclusions to support the City's adoption of Interim Zoning Ordinance 17-0494 relating to Quasi-Judicial Map Amendments, which repeals Section 18.40.110 of the Edgewood Municipal Code; describing the elements of a complete application, the criteria for approval, deadline for issuance of a final decision, and expiration of the approval for a period of six months after adoption of Ordinance No. 17-0494 on February 28, 2017 establishing findings of fact associated with Interim Ordinance 17-0494 establishing an interim Ordinance regarding Quasi-Judicial Map Changes.

Discussion: As part of the adoption of interim zoning ordinance 17-0494, the Council was required to conduct a public hearing within 60 days of adoption. That occurred on March 28, 2017. Shortly after the hearing, the City's Legal Counsel along with staff drafted findings of fact as also required within the Interim Ordinance. The adoption of this Ordinance would meet the requirements of Ordinance 17-0494 by adopting findings, accordingly.

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

Fiscal Impact: N/A

CITY OF EDGEWOOD, WASHINGTON
ORDINANCE NO. 17-0498

AN ORDINANCE OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING FINDINGS AND CONCLUSIONS TO SUPPORT THE CITY'S ADOPTION OF INTERIM ZONING ORDINANCE 17-0494 RELATING TO QUASI-JUDICIAL MAP AMENDMENTS, WHICH REPEALED SECTION 18.40.110 OF THE EDGEWOOD MUNICIPAL CODE; DESCRIBED THE ELEMENTS OF A COMPLETE APPLICATION, THE CRITERIA FOR APPROVAL, DEADLINE FOR ISSUANCE OF A FINAL DECISION, AND EXPIRATION OF THE APPROVAL, FOR A PERIOD OF SIX MONTHS AFTER ADOPTION OF ORDINANCE NO. 17-0494 ON FEBRUARY 28, 2017.

WHEREAS, Section 36.70A.390 of the Revised Code of Washington authorizes the City Council to adopt an interim zoning ordinance, to be effective for a period of up to six months provided that a public hearing is held within at least sixty days of its adoption; and

WHEREAS, on February 28, 2017, the City Council adopted Ordinance No. 17-0494, which repealed section 18.40.110 of the Edgewood Municipal Code and adopted new regulations to address quasi-judicial rezone applications using the procedure for interim zoning ordinances; and

WHEREAS, on March 10, 2017, the City performed a SEPA review of the proposal and determined that the Interim Ordinance was Categorically exempt pursuant to WAC 197-11-800(19)(a); and

WHEREAS, the City Council established March 28, 2017 as the date for the 60 day public hearing on whether the City would continue the interim zoning ordinance for the six month period; and

WHEREAS, on March 28, 2017, the City Council held a public hearing during its regular City Council meeting;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDGEWOOD DOES ORDAIN AS FOLLOWS:

Section 1. Purpose of Interim Zoning Ordinance. The purpose of the Interim Zoning Ordinance adopted in Ordinance No. 17-0494 is to allow the City to consider and process applications for Quasi-Judicial Map Amendments during the six month period until the City drafts and considers a new “permanent” or interim zoning ordinance adopting “permanent” regulations on the same subject. The City will consider adoption and enforcement of such an ordinance during the next six months, while Interim Zoning Ordinance No. 17-0494 is in effect.

Section 2. Public Hearing. During the public hearing required by RCW 36.70A.390, the following occurred:

A. Community Development Director Kevin Stender described the need for the public hearing and identified the subject of the public hearing.

B. No one wished to present any verbal testimony. No written comments have been received by the City.

Section 3. . Need for Interim Zoning Ordinance. Without an interim zoning ordinance in place, property owners would not be able to submit permit applications for quasi-judicial rezones. The City Council desires to maintain a procedure for property owners to utilize while the City is crafting new development regulations. Otherwise, property owners might be subject to the inconvenience of a moratorium, which would not provide any certainty with regard to the development regulations applicable to their properties or when property owners would be able to submit applications under such development regulations. The Council therefore has voted to maintain Ordinance 17-0494 in place for a period of six months after February 28, 2017.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful 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 5. Publication. This Ordinance shall be in effect five days after it is published by an approved summary consisting of the title.

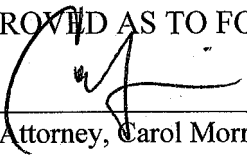
**PASSED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD
THIS 11TH DAY OF APRIL, 2017.**

Mayor Daryl Eidingen

AUTHENTICATED:

Rachel Pitzel, City Clerk

APPROVED AS TO FORM:



City Attorney, Carol Morris



CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-0495

Date Action Requested: April 11, 2017

Title: Development Standards and Subdivision Code Enforcement Ordinance No. 17-0495

Attachments: Ordinance No. 17-0495

Submitted By: Aaron C. Nix, ACA Municipal Services, Acting Public Works Director
Carol Morris, City Attorney

Approved For Agenda By: Mayor Daryl Eidinger

Prepared For Agenda By: Aaron C. Nix, ACA Municipal Services, Acting Public Works Director, Carol Morris, City Attorney

Recommendation: Staff recommends that the Council move to adopt Ordinance No. 17-0495, relating to Development Standards and Subdivision Code Enforcement, adopting new Development Standards and Subdivision Code Enforcement procedures which describe violations, explain the process for investigation and enforcement of violations, listing the elements of a notice of violation, describing the procedures for issuance and service of notices violation, stop work orders and emergency orders, providing for hearings on appeals, describing the hearing process, setting penalties for violations, amending sections 16.01.130, 16.01.200 and repealing section 18.30.130 of the Edgewood Municipal Code and adding a new chapter 18.85 to the Edgewood Municipal Code.

Discussion: As mentioned to the Council on several occasions, Edgewood's code was an extension of Pierce County's code when the City incorporated back in the mid-nineties. As the newly formed City transitioned from Pierce County into Edgewood, many of the codes were formally rolled over from what the County had adopted and slowly tweaked as needed as the City transitioned. As growth has occurred, an audit conducted by current City Staff and comments received from the City Council, as well as the Public, has warranted a re-evaluation of the City's current codes and further refinements beginning with the addition of a code enforcement section, as it pertains to Chapters 16 and 18 of EMC, to identify a process for Staff, as well as the residents of Edgewood, as problems arise, pertaining to these chapters, in the City of Edgewood. This is essential in helping Staff provide fair and appropriate notice to the Public, an appeal process and an ability for Staff to react immediately, if warranted, in cases of emergencies. A public hearing was held at the City Council's March 28th Council meeting, in which no Public comment was

received. Minor adjustments were made to Ordinance No. 17-0495 by Staff and the City Attorney and it is being presented this evening to the Council for formal adoption.

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

Fiscal Impact: Costs related to code enforcement actions are dependent on the actions taken and will need to be evaluated on a case by case basis. This will be evaluated by Staff, the Mayor and the City Council, with legal analysis provided by the City Attorney and risk assessment from the City's insurance provider, if needed. Again, costs for staffing, legal fees, court costs, the hearing examiner and other expenditures will vary on a case by case basis.

ORDINANCE NO. 17-0495

AN ORDINANCE OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO DEVELOPMENT STANDARDS AND SUBDIVISION CODE ENFORCEMENT, ADOPTING NEW DEVELOPMENT STANDARDS AND SUBDIVISION CODE ENFORCEMENT PROCEDURES WHICH DESCRIBE VIOLATIONS, EXPLAIN THE PROCESS FOR INVESTIGATION AND ENFORCEMENT OF VIOLATIONS, LISTING THE ELEMENTS OF A NOTICE OF VIOLATION, DESCRIBING THE PROCEDURES FOR ISSUANCE AND SERVICE OF NOTICES OF VIOLATION, STOP WORK ORDERS AND EMERGENCY ORDERS, PROVIDING FOR HEARINGS ON APPEALS, DESCRIBING THE HEARING PROCESS, SETTING PENALTIES FOR VIOLATIONS, AMENDING SECTIONS 16.01.130, 16.01.200 AND REPEALING SECTION 18.30.130 OF THE EDGEWOOD MUNICIPAL CODE AND ADDING A NEW CHAPTER 18.85 TO THE EDGEWOOD MUNICIPAL CODE.

WHEREAS, the City has decided to update its Development Standards and Subdivision Code enforcement procedures; and

WHEREAS, the City SEPA Responsible Official has determined that this Ordinance is categorically exempt from SEPA as affecting only procedural and no substantive standards, pursuant to WAC 197-11-800(19); and

WHEREAS, on March 28, 2017, the City Council held a public hearing on this Ordinance; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meetings on March 7, 2017 and March 21, 2017, Now, Therefore,

THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, ORDAINS
AS FOLLOWS:

Section 1. Section 16.01.130 of the Edgewood Municipal Code is hereby amended to

read as follows:

16.01.130 Violation -- Penalty. Violations of this Title 16 shall be enforced as set forth in Chapter 18.85 EMC. Any person, firm or corporation violating any of the provisions of this title shall be subject to the penalty provisions of EMC 18.30.130. In the event of a violation the city may seek injunctive or such other relief or recourse as may be appropriate.

Section 2. Section 16.01.200 of the Edgewood Municipal Code is hereby amended to

read as follows:

16.01.200 Appeal. ~~Any administrative decision concerning the interpretation or enforcement of this title~~ Appeals of administrative decisions relating to the permit applications in this Title shall be processed subject to the appeal procedures applicable to the individual permit (Process I, II, III or IV) as set forth in chapter 18.40 EMC.

Section 3. Section 18.30.130 of the Edgewood Municipal Code is hereby repealed.

Section 4. A new Chapter 18.85 is hereby added to the Edgewood Municipal Code, which shall read as follows:

Chapter 18.85 ENFORCEMENT

Sections:

18.85.010 Intent.
18.85.020 Violations.
18.85.030 Responsibility to Enforce.
18.85.040 Investigation and Notice of Violation.
18.85.050 Time to Comply.
18.85.060 Stop Work Order.
18.85.070 Emergency Order
18.85.080 Appeals.
18.85.090 Appeal Hearing.
18.85.100 Civil Penalty.
18.85.110 Criminal Penalties.
18.85.120 Additional Relief.
18.85.130 Penalties for Subdivision Violations.

18.85.010 Intent. This chapter shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons. It is the intent of this chapter to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the land and buildings within the scope of the Development Standards Code, Title 18 and the Subdivision Code, Title 16. No provision of, or any term used in this chapter, is intended to impose any duty to enforce, or any other duty upon the City or any of its officers or employees which would subject them to damages in a civil action.

18.85.020 Violations.

A. It is a violation of the Development Standards Code, Title 18, and the Subdivision Code, Title 16, for any person to initiate, maintain or cause to be initiated or maintained, the use of any structure, land or property within the City, without first obtaining the permits or authorizations required for the use by the aforementioned codes.

B. It is a violation of the Development Standards Code, Title 18, and the Subdivision Code, Title 16, for any person to use, construct, locate, demolish or cause to be used, constructed, located, or demolished any structure, land or property within the City, in any manner that is not permitted by the terms of any permit or authorization issued pursuant to the aforementioned Titles; provided, that the terms or conditions are explicitly stated on the permit or the approved plans.

C. In addition to the above, it is a violation of Titles 18 and 16 to:

1. Remove or deface any sign, notice, complaint or order required by or posted in accordance with the aforementioned Titles; and
2. To misrepresent any material fact in any application, plans or other information submitted to obtain any building or construction authorization.

18.85.030 Responsibility to enforce.

A. The Community Development Director shall have the responsibility to enforce this Chapter. The Director may call upon the police, fire, building, public works or other appropriate City departments to assist in enforcement. As used in this chapter, "Community Development Director" or "Director" shall also mean his or her duly authorized representative.

B. Upon presentation of proper credentials, the Director may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued inspection warrant, enter at reasonable times any building or premises subject to the consent or warrant, in order to perform the responsibilities imposed by this Chapter.

18.85.040 Investigation and Notice of Violation.

A. Investigation. The Director is authorized to investigate any structure or use which he/she reasonably believes does not comply with the standards and requirements of the Development Standards Code, Title 18 or the Subdivision Code, Title 16.

B. Notice of Violation. If, after investigation, the Director determines that the standards or requirements of the Development Standards Code, Title 18, and the Subdivision Code, Title 16 or the provisions of this chapter have been violated, the Director may serve a Notice of Violation upon the owner, tenant or other person responsible for the condition. The Notice of Violation shall contain the following information:

1. The name and address of the person to whom it is directed;
2. The location and specific description of the violation;
3. A statement that the Notice (or Order, in the case of a Stop Work or Emergency Order) is effective immediately upon posting at the site and/or receipt by the person to whom it is directed;
4. The Notice of Violation may include or reference a Stop Work Order or Emergency Order requiring that the violation immediately cease, or that the potential violation be avoided;
5. The Notice of Violation may include or reference a Stop Work or Emergency Order requiring that the person cease all work on the premises until correction and/or remediation of the violation as specified in the Order;
6. A specific identification of each standard, code provision or requirement violated;
7. A specific description of the actions required to correct, remedy or avoid the violation or to comply with the standards, code provision or requirements, including but not limited to, replacement, repair, supplementation, re-vegetation or restoration;
8. A reasonable time for compliance;
9. A statement that the violation may result in the imposition of penalties, and if the violation is not already subject to criminal prosecution, that any subsequent violations may result in criminal prosecution as provided in Section 18.85.110 (or 18.85.130 for subdivision violations);
10. A statement that failure to comply with the Notice of Violation may result in further enforcement actions, including issuance of additional Notices of Violation, civil fines and criminal penalties; and

11. A statement that the Notice of Violation represents a determination that a violation has been committed by the person named in the Notice of Violation, and that the determination shall be final unless appealed as provided in Section 18.85.080, and that the appeal must be timely filed under the procedures set forth in 18.85.080(E) (within 15 calendar days of service of the Notice of Violation).

C. Each Day a Separate Violation. Each day a person or entity fails to comply with the code provision cited in the Notice of Violation may be considered a separate violation for which a citation may be issued.

D. Service. The Notice of Violation shall be served on the owner, tenant or other person responsible for the condition in the manner set forth in RCW 4.28.080 for service of a summons, or personally, as set forth in RCW 4.28.080(15). In lieu of service under RCW 4.28.080(15), where the person cannot with reasonable diligence be served as described, the Notice of Violation may be served as provided in RCW 4.28.080(16).

E. Posting. A copy of the Notice of Violation shall be posted at a conspicuous place on the property, unless posting the notice is not physically possible.

F. Other Actions May Be Taken. Nothing in this chapter shall be deemed to limit or preclude any action or proceeding pursuant to Sections 18.85.060 (Stop Work Order), 18.85.070 (Emergency Order), 18.85.100 (Civil Penalty), 18.85.110 (Criminal Penalties), 18.85.120 (Additional Relief), or 18.85.130 (Subdivision Violations).

G. Additional Notice to Others. The Director may mail, or cause to be delivered to all residential and/or nonresidential rental units in the structure, or post at a conspicuous place on the property, a notice which informs each recipient or resident about the Notice of Violation, Stop Work Order or Emergency Order and the applicable requirements and procedures.

H. Recording. A copy of the Notice of Violation may be filed with the County Auditor when the responsible party fails to correct the violation and no appeal is filed, or the Director requests that the City Attorney take appropriate enforcement action. The Director may choose not to file a copy of the Notice or Order if the Notice or Order is directed only to a responsible person other than the owner of the property.

I. Amendment. A Notice or Order may be amended at any time in order to:

1. Correct clerical errors; or
2. Cite additional authority for a stated violation.

18.85.050 Time to comply. When calculating a reasonable time for compliance in the Notice of Violation, the Director shall consider the following criteria:

A. The type and degree of violation cited in the Notice;

- B. The stated intent, if any, of a responsible party to take steps to comply;
- C. The procedural requirements for obtaining a permit to carry out corrective action;
- D. The complexity of the corrective action, including seasonal considerations, construction requirements and the legal prerogatives of landlords and tenants; and
- E. Any other circumstances beyond the control of the responsible party.

18.85.060 Stop Work Order.

A. Whenever a continuing violation of Titles 18 or 16 will materially impair the Director's ability to secure compliance, or when the continuing violation threatens the health or safety of the public, the Director has the authority to issue a Stop Work Order prohibiting any work or other activity at the site. The Stop Work Order shall be in writing and served upon persons engaged in doing such work or causing such work to be done. The Stop Work Order shall be immediately posted on the property. Failure to comply with a Stop Work Order shall constitute a violation of this chapter.

B. The Stop Work Order shall include the information in Section 18.85.040(B) (1) through (8). In addition, the Stop Work Order shall include a statement that the person to whom the Stop Work Order is directed or the property owner may file an appeal and request an expedited hearing with the Hearing Examiner within seven (7) calendar days after service of the Stop Work Order. If no appeal is filed and compliance is not achieved within the compliance date, the Director may ask the City Attorney to seek additional relief under Section 18.85.120 and/or the Director may file a Notice of Violation for the violation pursuant to 18.85.040, seeking compliance and describing penalties.

C. Expedited appeal. The Hearing Examiner shall hold the expedited appeal hearing on a Stop Work Order according to the applicable procedures in Section 18.85.090. If the Hearing Examiner finds that a violation has occurred which has not been corrected by the deadline established for compliance, the Director may ask the City Attorney to seek additional relief under Section 18.85.120 and/or the Director may issue a Notice of Violation for the violation pursuant to 18.85.040, describing penalties.

18.85.070 Emergency order.

A. Whenever any use or activity in violation of Title 18 or Title 16 threatens the health and safety of the occupants of the premises or any member of the public, the Director has the authority to issue an Emergency Order directing that the use or activity be discontinued and the condition causing the threat to the public health and safety be corrected. The Emergency Order shall be immediately posted on the property and served on the person(s) responsible. Failure to comply with an Emergency Order shall constitute a violation of this Chapter.

B. The Emergency Order shall include all of the information in Section 18.85.040(B) (1) through (8). In addition, the Emergency Order shall include a statement that the person to whom the Emergency Order is directed may file an appeal and request an expedited hearing with the Hearing Examiner within seven (7) calendar days after service or posting of the Emergency Order. If no appeal is filed and compliance is not achieved, the Director may ask the City Attorney to seek additional relief under Section 18.85.120 and/or the Director may issue a Notice of Violation pursuant to 18.85.040, seeking compliance and penalties.

C. Expedited appeal. The Hearing Examiner shall hold the expedited appeal hearing on an Emergency Order according to the applicable procedures in 18.85.090. If the Hearing Examiner finds that the violation described in the Emergency Order occurred or exist, any condition described in the Emergency Order which is not corrected within the time specified is hereby declared to be a public nuisance and the Director may ask that the City Attorney take action to obtain a warrant of abatement for the property in Superior Court. The owner or person responsible (or both) shall be responsible for the costs associated with the abatement, in the manner provided by law.

18.85.080 Appeals.

A. No appeal of a Notice of Violation citing criminal penalties. There is no administrative appeal of a Notice of Violation issued pursuant to 18.85.040 for violations which would subject the violator to criminal prosecution and/or the imposition of criminal penalties. A Notice of Violation or citation for a violation that subjects the violator to criminal penalties is enforced in municipal court.

B. Expedited Appeal Hearings on Stop Work and Emergency Orders. An expedited public hearing shall be held by the Hearing Examiner, according to the procedures in this Section, on an appeal of a Stop Work or Emergency Order, regardless of whether the violations described in the Stop Work Order or Emergency Order would eventually subject the violator to civil or criminal prosecution and/or the imposition of civil or criminal penalties. The expedited appeal hearing shall be for the sole purpose of determining whether the Stop Work or Emergency Order was correctly issued and/or whether a violation occurred. If a violation occurred, the Director may issue a Notice of Violation.

C. Appeal Hearings on Notices of Violations Citing Civil Penalties. Unless an appeal of a Notice of Violation is filed with the Director in accordance with this Section, or an appeal involving an expedited hearing is filed, the Notice of Violation shall become the Final Order of the Director. The Final Order, including the collection of penalties, may be enforced by the City Attorney in Superior Court.

D. Standing to file appeal.

1. *Notice of Violation.* Only parties of record have standing to file an appeal of a Notice of Violation. Parties of record are defined to mean:

- a. The property owner or the person responsible for the condition of the property;
- b. Any person who can demonstrate that he/she is aggrieved by the decision; and
- c. The City Council.

2. *Stop Work Order and Emergency Order.* Only the property owner or the person responsible for the condition of the property may request an expedited appeal hearing for a Stop Work Order or Emergency order.

E. Time to file appeal.

1. Notice of Violation under 18.85.040. The party of record must file an appeal with the Director within fifteen (15) calendar days of service of the Notice of Violation.

2. Stop Work or Emergency Orders under 18.85.060 or 18.85.070. The property owner or the person responsible for the condition of the property may request an expedited appeal hearing within seven (7) calendar days after service of the Stop Work or Emergency Order.

3. Computing deadline for filing appeal. For purposes of computing the time for filing an appeal, the day the decision issued shall not be counted. If the last day of the deadline for filing the appeal is a Saturday, Sunday or holiday designated by RCW 1.16.050 or city ordinance, then the appeal must be filed on the next business day. Appeals shall be delivered to the Director by mail, by personal delivery or by fax before 5:00 p.m. on the last business day of the appeal period. Appeals received by mail after 5:00 p.m. on the last day of the appeal period will not be accepted, no matter when such appeals were mailed or postmarked.

E. Content of appeal. Appeals shall be in writing, be accompanied by the required appeal fee, and contain the following information:

1. Appellant's name, address and phone number;
2. A statement describing appellant's standing to appeal;
3. Appellant's statement of grounds for appeal and the facts upon which the appeal is based with specific references to the facts in the record;
4. The specific relief sought;
5. A statement that the appellant has read the appeal and believe the contents to be true, followed by the appellant's signature.

F. Effect. The timely filing of an appeal shall stay any enforcement action based on a Stop Work Order, Emergency Order or Notice of Violation until the Hearing Examiner's decision issues unless the Director finds that the violation causes an immediate threat to public health or safety.

18.85.090 Appeal Hearing.

A. The public hearing on an appeal shall include the following elements and be conducted as follows:

1. The Hearing Examiner shall set the time and place of the hearing, and arrange for notice of the public hearing to be provided, except in cases involving an expedited hearing. For expedited hearings, notice of the hearing shall be provided to the appellant and every reasonable effort shall be made to schedule the hearing within one week after receipt of the appeal.

2. A party to the hearing may participate personally or by an attorney.

4. The Hearing Examiner shall, at the appropriate stage in the proceeding, give all parties full opportunity to submit and respond to motions and file briefs and objections.

5. If the person requesting the hearing fails to attend or participate in the hearing (other than filing the timely request for an appeal hearing as provided in this chapter), the Hearing Examiner may issue a default order of dismissal.

6. To the extent necessary for full disclosure of all relevant facts and issues, the Hearing Examiner shall afford to all parties the opportunity to respond, present evidence and argument, conduct cross-examination and submit rebuttal evidence.

7. The Hearing Examiner shall cause the hearing to be recorded by a method chosen by the City, which shall allow preparation of a verbatim transcript.

8. The hearing shall be open to public observation.

9. All testimony of parties and witnesses shall be made under oath or affirmation.

10. Ex parte communications shall be addressed as set forth in chapter 42.36 RCW.

11. The scope and standard of review shall be de novo. The City shall have the initial burden of proof in cases involving notices of violation, stop work orders, emergency orders or penalties, to demonstrate by a preponderance of the evidence the existence of a violation or that the legal standard for imposing the penalty has been met. The Examiner shall

grant substantial weight or otherwise accord deference whenever directed by ordinance or statute.

12. After the conclusion of the public hearing, the Hearing Examiner may allow the parties a designated time for the submission of memos, briefs or proposed findings, as long as the Hearing Examiner can still issue his/her final decision according to any applicable deadline established by this chapter.

13. At or after the appeal hearing on a Notice of Violation, the Hearing Examiner may:

- (a) Sustain the notice of violation;
- (b) Withdraw the notice of violation;
- (c) Continue the review to a date certain for receipt of additional information;
- (d) Modify the notice of violation, which may include an extension of the compliance date.

D. Except with regard to expedited hearings, the Hearing Examiner shall issue written findings of fact and conclusions of law within ten (10) calendar days of the date of the completion of the hearing and shall cause the same to be mailed by regular first class mail to the person(s) named on the notice of violation, mailed to the complainant, if possible. A copy of the final decision may be recorded against the property in the County Auditor's office. The decision on expedited hearings shall issue within five (5) business days after the completion of the hearing.

E. The decision of the Hearing Examiner on appeal shall be final, and no further administrative appeal may be filed. In order to appeal the decision of the Hearing Examiner, a person with standing must file an appeal of the decision to superior court as provided under Chapter 36.70C RCW within the deadline set forth in RCW 36.70C.040.

18.85.100 Civil Penalty.

A. In addition to any other sanction or remedial procedure which may be available, any person violating or failing to comply with any of the provisions of this chapter relating to the Development Standards Code (Title 18), shall be subject to a cumulative penalty in the amount of five hundred dollars (\$500.00) per day for each violation from the date set for compliance until compliance is achieved. Each day of noncompliance shall constitute a separate offense.

B. The penalty imposed by this section shall be collected by civil action brought in the name of the City. The Director shall notify the City Attorney in writing of the name of any person subject to the penalty, and the City Attorney shall, with the assistance of the Director, take appropriate action to collect the penalty.

C. The violator may show as full or partial mitigation of liability:

1. That the violation giving rise to the action was caused by the willful act, or neglect, or abuse of another; or
2. That correction of the violation was commenced promptly upon receipt of the notice thereof, but that full compliance within the time specified was prevented by inability to obtain necessary materials or labor, inability to gain access to the subject structure, or other condition or circumstance beyond the control of the defendant.

18.85.110 Criminal penalties.

A. Any person violating or failing to comply with any of the provisions of this chapter or the Development Standards Code (Title 18) who has had a judgment entered against him or her pursuant to 18.85.100 or 18.85.110(B) for the same violation within the past five years shall be subject to criminal prosecution and upon conviction of a subsequent violation shall be fined in a sum not exceeding five thousand dollars (\$5,000) or be imprisoned for a term not exceeding one year or be both fined and imprisoned. Each day of noncompliance shall constitute a separate offense.

B. The above criminal penalty may also be imposed:

1. For any other violation of this chapter or the Development Standards Code, Title 18, for which corrective action is not possible; and
2. For any willful, intentional, or bad faith failure or refusal to comply with the standards or requirements of this chapter or the Development Standards Code, Title 18.

18.85.120 Additional relief.

The Director may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of the Development Standards Code, Title 18 or Title 16, the Subdivision Code, when civil or criminal penalties are inadequate to effect compliance.

18.85.130 Penalties for Subdivision Violations.

A. Any person, firm, corporation or association or any agency or any person, firm, corporation or association who violates any provision of Subdivisions, Title 16, relating to the sale, offer for sale, lease or transfer of any lot, tract, or parcel of land, shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract or parcel of land in violation of any provision of Subdivisions, Title 16, shall be deemed a separate and distinct offense and subject to a separate citation.

B. Whenever land within a subdivision granted final approval is used in a manner or for a purpose which violates any provision of Subdivisions, Title 16, or any condition of plat approval prescribed for the plat by the city, the City Attorney may commence an action to restrain and enjoin such use and compel compliance with the provisions of Subdivisions, Title 16, or with such terms and conditions. The costs of such action shall be taxed against the violator.

Section 5. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 6. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be 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. This Ordinance shall become effective five days after publication as provided by law.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, SIGNED BY THE MAYOR AND ATTESTED BY THE CITY CLERK IN AUTHENTICATION OF SUCH PASSAGE ON THIS 11TH DAY OF APRIL, 2017.

Mayor, Daryl Eiding

ATTEST/AUTHENTICATED:

City Clerk, Rachel Pitzel

APPROVED AS TO FORM:



City Attorney, Carol Morris