



**CITY OF EDGEWOOD
COUNCIL STUDY SESSION AGENDA**

Tues., April 4, 2017 – 7:00 PM ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

1. CALL TO ORDER

Pledge of Allegiance & Roll Call

2. COUNCIL BUSINESS

- A. Review/Discussion** (pg. 2) - Community Services Manager job description/position
- B. Review/Discussion** (pg. 9)- Personnel Policy Revision - Retirement & Insurance
- C. Review/Discussion** (pg. 14) – Amending Ordinance regarding Collective Gardens
- D. Review/Discussion** (pg. 29) - Development Agreement Updates
- E. Review/Discussion** (pg. 42) - GMA Public Participation Plan Handbook
- F. Review/Discussion** (pg. 52) - Town Center/Mixed Residential Code Updates

3. OTHER COUNCIL ITEMS

4. ADJOURN

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



**CITY OF EDGEWOOD
STAFF REPORT**

**STUDY SESSION AGENDA ITEM: Community Services Manager Job
Description**

Date: April 4, 2017

Title: Community Services Manager Job Description

Attachments: Community Services Manager Job Description, Pierce County 2017 Contract Cost breakdowns before and after the reduction for the PCSO Office Assistant.

Submitted By: Dave Gray, Asst. City Administrator

Approved For Agenda By: Daryl Eiding, Mayor

Discussion: The Mayor has led an extensive review of policing services including options to replace the existing Office Assistant with a Community Services Officer provided by the Pierce County Sheriff's Office. After several consultations with PCSO Business Manager Williams and Deputy Chief Masco, and at Council direction, PCSO let a job opening for a CSO to serve on the City of Edgewood force. No applicants were received. After further discussion with PCSO personnel and Chief Lundborg, it was agreed the City would hire a City staff position that best fit the City of Edgewood needs. The position will be funded by the reduction in the PCSO contract, a result of eliminating the PCSO Office Administrator position. Staff presents a draft Community Services Manager job description for review. The basic job functions and essential job functions have been reviewed by Leadership staff, including Chief Lundborg and discussed with PCSO leadership as well.

Recommendation: Approve the Community Service Manager job description and the reduction in the PCSO 2017 contract for services of \$93,594.00.

Fiscal Impact: The Mayor, exercising fund management authority, will cause the Council authorized reduction in the PCSO 2017 contract to be moved to fund the administrative cost of funding the newly created Community Service Manager position on an expenditure neutral basis. The Salary Schedule will be initially set at FT17-08, Code Enforcement.



City of Edgewood

2224 104th Ave E

Edgewood WA 98372-1513

Phone (253) 952-3299 Fax (253) 952-3537

Community Services Manager Job Description

Salary Range: FT17-08 4,726 - \$6,246

Reports to: City Clerk

Opening Date: April 12, 2016

Closing date: Open until filled

First Review: May 3, 2017

General Scope of Work:

The Community Services Manager has primary responsibility for managing the City's communication content, format, message marketing, city-wide coordination of effort and cost-benefit analysis of community support programs and City outreach efforts. In concert with the City Clerk and Communication Coordinator, serves as the City's primary outreach liaison between City Staff and the Edgewood Community. Engages City staff, elected officials and members of the community to promote the City's effort of providing responsive general and targeted services to the Citizens of Edgewood. Receives direction and guidance from the Mayor, Police Chief, Public Works, Community Development, Building Inspection, Parks and Administrative personnel for support program activities. This is a public service position with on-going contact with the public that will involve after hours meetings and events on a routine basis.

Because of the small size of the City staff, each staff member is expected to perform a wide range of office and field duties as may be required from time to time. This is a working manager position and is therefore FLSA exempt, not eligible for overtime compensation. It is an at-will position and serves at the pleasure and discretion of the Mayor.

Supervision:

Works under the broad policy guidance and direction of the City Clerk. This position requires a high degree of independent judgment, initiative, and discretion. Shared supervision and direction of various staff activities is a component of this Management position.

Essential Job Functions:

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position.

Community Services Manager:

1. Work with apartment managers, business owners and citizens to organize and maintain neighborhood crime prevention and reporting programs.
2. Conducts studies and with support of the Mayor and Police Chief crafts community outreach, policing, chronic nuisance, homelessness, community enhancement and public service access policy, process and programs.

3. Act as the City's liaison for interaction, engagement and program management with:
 - a. Metro Animal Services
 - b. Repeat & Sexual Offender Tracking & Alert Programs
 - c. Neighbor City, County and State Emergency Alert and Operations Centers
 - d. Public Safety Programs
 - e. Homeless Programs
4. Interface with the Mayor, Staff, Law Enforcement and the public for administering the Citizen Action Report program with the intent to keep solutions at the lowest escalation resolution point.
5. Support the Police Chief with Community Policing programs and act as outreach point of contact.
6. Data mine and coordinate the presentation of City of Edgewood crime, enforcement and program impact, statistics and assessments.
7. Educate the public on utilization of City services and regulatory requirements and processes.
8. Produce general and targeted community communication content and effectively deliver it via social media and direct public contact, one on one or at public events.
9. Act as the City's point of contact for annual and ad hoc public events.
10. Research, and administer City Communications, Public Safety, Public Health and Community Enhancement grants in coordination with other City staff and outside resources.
11. Act as the first contact for code enforcement efforts of an informational nature (Not citations).
12. Interface with Law Enforcement or City Staff for escalation of code enforcement action.
13. Document and provide metrics to assist the City in understanding public service needs, levels of expectation, and various perceptions of how well the City is accomplishing meeting them.
14. Provide excellent customer service in all areas.
15. Ability to speak in public and make clear presentations in both written and oral form.
16. Serve as back up for the Communications Coordinator.
17. Maintain an open accessible communication process for staff, elected officials and members of the public.
18. Exercise sound judgment and thorough knowledge of city policies and procedures.
19. Assist with answering public inquiries. Works independently and/or within a team on assignments or special projects, which may include coordinating meetings and retreats, disseminating information and organizing City events, and maintaining interagency relations.
20. Performs related work as required and other duties as assigned.

Necessary Knowledge, Skills, and Abilities:

To perform this job successfully, the person in this position must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Community Services Manager:

Ability to:

1. Must be able to deal effectively with the public in a customer-friendly manner and use considerable tact, patience, and courtesy in difficult situations. Provide excellent customer service.
2. Communicate clearly and concisely, both orally and in writing. Understand and carry out oral and written directions.
3. Operate a personal computer, calculator, ruler, copier, fax machine, and multi-line telephone.
4. Knowledge of research methods using a variety of information and data sources.
5. Must be able to use standard word processing programs and computer database systems.

6. Establish and maintain a variety of record and filing systems.
7. Utilize professional standards for business correspondence; in addition, this person will have mastered proper usage, spelling, grammar, and punctuation of the English language.
8. Ability to establish and maintain effective working relationships with a wide variety of others encountered in the course of the work.
9. Work independently and as part of a service oriented team and effectively handle multiple and conflicting tasks simultaneously.
10. Be a self-starter.
11. Ability to pay attention to detail and accuracy.
12. Work under challenging conditions and with frequent interruptions.
13. Ability to plan, organize, prioritize, and coordinate a diverse workload with a minimum amount of supervision.
14. Ability to make sound, accurate, and consistent decisions.
15. Advanced knowledge in social media and other traditional communications processes.
16. A sense of humor and positive attitude are essential.

Minimum Requirements: High school diploma or GED and any combination of experience and education equivalent to two years of college-level course work in communications management, code or law enforcement support, or related field and four years of communications or community program management or experience, preferably in a municipal environment. Applicants who have completed an accredited relevant college degree program and meet the other requirements will receive a preference for interview selection. Valid Washington State Driver License on first day of employment and documentation to fulfill the requirements of the Immigration and Nationality act within 3 days of employment is mandatory.

Physical Demands and Working Conditions:

The physical demands described herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. The work environment characteristics described herein are representative of those an employee may encounter while performing the essential functions of this position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. Work is performed in an office setting with frequent field contact and public interaction off-site. Hand-eye coordination is necessary to operate computers and a variety of office equipment. While performing the duties of this job, the employee is frequently required to stand or sit, walk, climb, talk and hear, use hands and fingers to handle, feel or operate office equipment and controls, and reach with hands and arms. Specific vision abilities required by this job include close vision and the ability to adjust focus. The employee must occasionally lift and/or move up to 25 pounds.

Duties are split between indoor office and outdoor on-site inspection as well as visits to non-city facilities for public interaction and meetings. Duties are usually performed alone, but are also performed as part of a work team comprising both City Staff and Law Enforcement. Attendance at some night meetings and off site activities will be required. The work environment is fast-paced and moderate to very noisy.

Acknowledgements:

The statements contained herein reflect general details as necessary to describe the principal functions of this job, the level of knowledge and skill typically required, and the scope of responsibility, but should not be considered an all-inclusive listing of work requirements. Individuals

may perform other duties as assigned including work in other functional areas to cover absences or relief, to equalize peak work periods or otherwise to balance the workload.

This position description does not constitute a contract for employment. It is subject to change by the City as the needs of the City and requirements change.

The City of Edgewood is an Equal Opportunity Employer.

If you meet the minimum qualifications and are interested in applying for this position, please send a cover letter, resume, and completed City of Edgewood Employment Application to:

**City of Edgewood
Human Resources
2224 104th Ave E
Edgewood, WA 98372-1513**

Applications may also be e-mailed to humanresources@cityofedgewood.org.

The City of Edgewood Employment Application may be found on our website at www.cityofedgewood.org. Incomplete application packets will be disqualified. Only those applicants selected to move forward in the process may be contacted. Applications will be retained in accordance with Records Retention practices. If you have questions regarding the application process, please contact human resources at 253-952-3299 or via e-mail at humanresources@cityofedgewood.org.

EXHIBIT "A" - Before

2017 CITY OF EDGEWOOD COST FOR SHERIFF SERVICES

FUNCTION	NUMBER	TYPE	UNIT COST	ANNUAL COST
Patrol/Traffic	9	Deputies	\$ 169,116	\$ 1,522,044
Supervision/Liaison	1	Contract Chief	211,134	\$ 211,134
		Central Investigations (major crimes and investigative support)		\$ 81,507
SS911		SS911 costing Methodology		\$ 156,690
Professional Support	1	Office Assistant II		\$83,047
Special Services (Canine, SWAT, Hazardous Device, Lab Team)		% of calls per service		No charge
Credit for Unincorporated Responses				\$ (10,760)
TOTAL	11			\$2,043,662

EXHIBIT "A" - Reduced (AFTER)

2017 CITY OF EDGEWOOD COST FOR SHERIFF SERVICES

FUNCTION	NUMBER	TYPE	UNIT COST	ANNUAL COST
Patrol/Traffic	8	Deputies	\$ 169,116	\$ 1,352,928
Supervision/Liaison	1	Contract Chief	211,134	\$ 211,134
		Central Investigations (major crimes and investigative support)		\$ 81,507
SS911		SS911 costing Methodology		\$ 156,690
Special Services (Canine, SWAT, Hazardous Device, Lab Team)		% of calls per service		No charge
Credit for Unincorporated Responses				\$ (10,760)
TOTAL	9 10			\$1,791,499



**CITY OF EDGEWOOD
STAFF REPORT**

**STUDY SESSION AGENDA ITEM: Personnel Policy Revision
Retirement & Insurance**

Date: April 4, 2017

Title: Section 7 Personnel Policy: Partial revision-Retirement & Insurance

Attachments: Personnel Policy: Partial revision-Retirement & Insurance

Submitted By: Dave Gray, Asst. City Administrator

Approved For Agenda By: Daryl Eidinger, 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.

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
STAFF REPORT**

STUDY SESSION AGENDA ITEM: Amendment to Marijuana Ordinance

Date: April 4, 2017

Title: Amendment to Marijuana Ordinance

Attachments: RCW 69.51.250, Ordinance No. 14-0425 Development Standards and Draft Ordinance No. 17-XXX Amended Marijuana Ordinance

Submitted By: Aaron C. Nix, ACA Municipal Services
Carol Morris, City Attorney

Approved For Agenda By: Daryl Eidinger, Mayor

Discussion: With subsequent modifications to State law as it pertains to the legalization of both medicinal and recreational marijuana in the State of Washington, the City of Edgewood has been advised by its legal counsel to update components of its previously passed Ordinance related to development standards geared towards marijuana related uses, more specifically, definitions related to this subject matter. This is an introduction to the City Council and will be forwarded onto the Planning Commission for review, for a Public Hearing and recommendation to the City Council.

Recommendation: N/A

Fiscal Impact: N/A

ORDINANCE NO. 17-____

AN ORDINANCE OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE CITY'S REGULATIONS PROHIBITING ILLEGAL MARIJUANA-RELATED USES AND MARIJUANA-RELATED BUSINESSES, ADDING DEFINITIONS, AND PROHIBITING MARIJUANA COLLECTIVES, AMENDING SECTION 18.100.120 OF THE EDGEWOOD MUNICIPAL CODE, PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Edgewood adopted zoning regulations prohibiting marijuana uses and marijuana related businesses in 2014; and

WHEREAS, since that time, the Washington State Legislature has amended the regulations relating to medical and recreational marijuana; and

WHEREAS, one of the recent amendments has been to eliminate "collective gardens" and to add "cooperatives," and

WHEREAS, RCW 69.51A.250(3)(c) specifically acknowledges that "cooperatives" may not be located in a city if the city has prohibited it in the city's zoning code;

WHEREAS, the City desires to update its regulations to be consistent with State Law and to prohibit "cooperatives" within City limits;

WHEREAS, the SEPA Responsible Official issued a _____ for this ordinance on _____, 2017; and

WHEREAS, the Planning Commission held a public hearing on this ordinance on _____, 2017;

WHEREAS, the Planning Commission submitted a formal recommendation of _____ to the Council dated _____; and

WHEREAS, the City Council considered this ordinance during its regular City Council meeting of _____; and

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

Section 1. Section 18.100.120 of the Edgewood Municipal Code is hereby amended to read as follows:

18.100.120 Marijuana-Related Uses—Prohibited.

A. Definitions.

1. The definitions in Section 69.51A.010 RCW (relating to Medical Cannabis) are hereby adopted by reference.

2. The definitions in Section 69.50.101 RCW are hereby adopted by reference.

~~The following definitions shall apply for purposes of this section:~~

~~1. “Collective garden” means the growing, production, processing, transportation, and delivery of cannabis, by qualifying patients for medical use in accordance with the provisions of Chapter 69.51A RCW.~~

~~2~~ 3. “Marijuana-related business” means any facility for the growing, production, processing, transportation sale and/or delivery of marijuana or marijuana products in accordance with the provisions of Chapter 69.50 RCW. Without limitation of the foregoing, marijuana-related businesses specifically include marijuana producers, marijuana processors and marijuana retailers as defined by Chapter 69.50 RCW. “Cooperatives” as described in RCW 69.51A.250, are included in this definition of “marijuana-related businesses.”

~~3~~ 4. “Illegal marijuana uses” means any growing, production, processing, transportation sale and/or delivery of cannabis or marijuana or marijuana products under Chapters 69.51A and 69.50 RCW which is in violation of either state or federal law. Provided, however, that nothing herein shall be construed as criminalizing the growing or manufacture of cannabis by a qualifying patient or designated provider in accordance with RCW 69.51A.040.

~~Unless the context clearly indicates otherwise, all other terms used in this section shall have the meanings established pursuant to Chapters 69.50 and 69.51A RCW.~~

B. Prohibition. ~~Collective gardens,~~ Cooperatives, marijuana-related businesses and illegal marijuana uses are prohibited in the following zoning districts:

1. All single-family, multi-family and mixed residential zones, including without limitation SF-2, SF-3, SF-5, MR-1, MR-2 and MUR;

2. All town center, commercial and business park zones, including without limitation TC, C, and BP;

3. All industrial zones, including without limitation I;

4. All public zones, including without limitation P; and

5. Any new zoning district established after October 28, 2014.

C. Additional Violations.

1. It is unlawful to own, establish, operate, use or permit the establishment or operation of a marijuana-related business, marijuana cooperative, or to produce, process, dispense, barter, sell or deliver medical or recreational marijuana, except as otherwise allowed in the definition of "illegal marijuana uses" in Section 18.100.120(4). This prohibition extends to producers, processors, retailers and collectives, even if the same are licensed by the State of Washington. This prohibition applies to any person who participates as an employee, contractor, agent or volunteer, or in any other manner or capacity in any marijuana-related business or illegal marijuana use, regardless of whether he/she has a license from the State of Washington.

2. It is unlawful to perform any group marijuana cultivation activities, including cooperatives, anywhere in the City, regardless of whether such group cultivation or cooperatives are addressed in chapter 69.51A RCW and allowed with a license from the State.

3. It is unlawful to lease, rent, or otherwise allow any site, whether located indoors, outdoors, in any building, premises, location or land in the City, for

marijuana-related businesses or illegal marijuana uses, regardless of whether such activity has been licensed by the State of Washington.

4. The City shall not issue any business license for any marijuana-related business or illegal marijuana use. Any business license obtained through misrepresentation of the activities conducted by the individual business or use shall be invalid and of no force and effect.

D. No Vested or Nonconforming Rights. Neither this Section 18.100.120 nor any other City Ordinance, City action, failure to act, statement, representation, certificate, license, approval or permit issued by the City or its departments, or their respective representatives, agents, employees, attorneys or assigns, shall create, confer, or convey any vested or nonconforming right or benefit regarding any marijuana-related business or illegal marijuana use, even if licensed by the State of Washington.

E. Penalty. Violations of this Section 18.100.120 shall be enforced as set forth in chapter 18.85 EMC, or as applicable, the Uniform Controlled Substances Act, chapter 69.50 RCW. In addition to any other applicable remedy and/or penalty, any violation of this section is declared to be a public nuisance per se, and may be abated by the city attorney under applicable provisions of this code or state law, including but not limited to the provisions of Chapter 1.10 EMC, Chapter 8.05 EMC and Chapter 18.30 85 EMC.

Section 2. Pursuant to RCW 35A.12.140, a copy of RCW 69.51A.010, RCW 69.50.101 and RCW 69.51A.250 are attached hereto. These statutes have been filed in the office of the City Clerk for examination by the public as an Exhibit to this Ordinance. These statutes have been available to the public while this Ordinance was under consideration by the Council.

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 this Ordinance shall take effect and be in full force five (5) days after the date of publication.

Presented to Council for its first Reading on _____

Presented to Council for its second Reading on _____

PASSED BY THE CITY COUNCIL ON THE _____

Daryl Eiding, Mayor

ATTEST/AUTHENTICATED:

Rachel Pitzel, City Clerk

APPROVED AS TO FORM:

Carol Morris, CITY ATTORNEY

DATE OF PUBLICATION:

EFFECTIVE DATE:

CITY OF EDGEWOOD
2224 - 104th Ave. East
Edgewood, WA 98371
(253) 952-3299
Fax: (253) 952-3537

LEGAL NOTICE

Date:

NOTICE OF ORDINANCE PASSED BY EDGEWOOD CITY COUNCIL

The full text of the Ordinance is available at the City Clerk's office, Edgewood City Hall, 2224 - 104th Ave. East, Edgewood, WA 98371 (253) 952-3299.

Jane Montgomery, Acting City Clerk

Published in the Tacoma News Tribune on:

ORDINANCE NO. 14-0425

AN ORDINANCE OF THE CITY OF EDGEWOOD, WASHINGTON, AMENDING CHAPTER 18.100 EMC DEVELOPMENT STANDARDS—USE SPECIFIC; ADOPTING PERMANENT ZONING REGULATIONS GOVERNING COLLECTIVE GARDENS, MARIJUANA-RELATED BUSINESSES AND ILLEGAL MARIJUANA USES; PROHIBITING THE ESTABLISHMENT OF SUCH USES WITHIN ALL ZONING DISTRICTS OF THE CITY; REPEALING INTERIM ORDINANCE NO. 14-0418; SETTING FORTH LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in *Cannabis Action Coalition v. City of Kent*, 180 Wn. App. 455, 322 P.3d 1246 (2014), the Washington Court of Appeals, Division I, recently held that the sale of marijuana at retail by collective gardens or collective garden distribution points is illegal under Washington law; and

WHEREAS, the Washington State Attorney General has issued a formal opinion that local jurisdictions may ban marijuana-related businesses (AGO 2014, No. 2); and

WHEREAS, the United States Controlled Substances Act prohibits the cultivation and sale of marijuana as a Schedule I drug; and

WHEREAS, the City is currently operating under interim zoning regulations, most recently adopted under Ordinance No. 14-0418, prohibiting collective gardens, marijuana-related uses and illegal marijuana uses within all zoning districts of the City; and

WHEREAS, the City Council directed the Planning Commission and Community Development staff to conduct a review and develop a formal recommendations concerning marijuana-related land consistent with Section 5 of Ordinance 14-0418; and

WHEREAS, the Planning Commission reviewed marijuana related uses at numerous meetings and held a public hearing on the subject on August 18, 2014; and

WHEREAS, the Planning Commission submitted a formal recommendation to the Council dated August 18, 2014; and

WHEREAS, the City Council wishes to adopt the substance of the City's current interim regulations as the City's permanent zoning regulations governing all marijuana-related land uses; to permanently clarify and amend the City's zoning regulations consistent with the current provisions of EMC 5.05.070(B), which prohibits the operation of any business in Edgewood which is in violation of state or federal law; and to protect the Edgewood community from the negative primary and secondary effects of marijuana-related uses by prohibiting such uses in all of the City's zoning districts;

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

Section 1. Findings. The City Council hereby adopts the above recitals as findings in support of this ordinance. The City Council further adopts by reference as additional findings the content of Agenda Bill 14-0425 and the Planning Commission recommendation dated August 18, 2014 and the Community Development staff public hearing presentation slides of August 18, 2014. The City Council further enters the following additional findings:

A. The City is authorized by State law, including but not limited to Article XI, Section 11 of the Washington Constitution, Chapter 35A.11 RCW, Chapter 36.70A RCW and Chapter 35A.63 RCW, to enact local police power, zoning and land use regulations.

B. The Planning Commission conducted a public hearing on the substance of this ordinance on August 18, 2014, and subsequently recommended adoption by the City Council. The City Council conducted a public hearing on this ordinance on October 28, 2014.

C. The regulations set forth in this ordinance have been processed and considered by the City in material compliance with all applicable procedural requirements, including but not limited to all requirements related to public notice and comment.

D. All relevant requirements of SEPA have been satisfied with respect to this ordinance.

E. The City Council has carefully considered, and the regulations set forth in this ordinance satisfy, all applicable review and approval criteria, including without limitation all applicable criteria of Title 18 EMC and the applicable Planning Goals set forth at RCW 36.70A.020.

F. The regulations set forth in this ordinance bear a substantial relation to and will advance the public health, safety and welfare, and are in the best interests of the residents of the City.

G. The regulations set forth in this ordinance are consistent with and will implement the applicable provisions of the City's Comprehensive Plan.

Section 2. Amendment of Chapter 18.100 EMC. Chapter 18.100 EMC is hereby amended by the addition of a permanent Section 18.100.120 Marijuana-Related Uses—Prohibited to provide in its entirety as follows:

18.100.120 Marijuana-Related Uses—Prohibited.

A. Definitions. The following definitions shall apply for purposes of this section:

1. "Collective garden" means the growing, production, processing, transportation, and delivery of cannabis, by qualifying patients for medical use in accordance with the provisions of Chapter 69.51A RCW.

2. “Marijuana-related business” means any facility for the growing, production, processing, transportation and/or delivery of marijuana in accordance with the provisions of Chapter 69.50 RCW. Without limitation of the foregoing, marijuana-related businesses specifically include marijuana producers, marijuana processors and marijuana retailers as defined by Chapter 69.50 RCW.

3. “Illegal marijuana uses” means any growing, production, processing, transportation and/or delivery of cannabis or marijuana under Chapters 69.51A and 69.50 RCW which is in violation of either state or federal law. Provider, however, that nothing herein shall be construed as criminalizing the growing or manufacture of cannabis by a qualifying patient or designated provider in accordance with RCW 69.51A.040.

Unless the context clearly indicates otherwise, all other terms used in this section shall have the meanings established pursuant to Chapters 69.50 and 69.51A RCW.

B. Prohibition. Collective gardens, marijuana-related businesses and illegal marijuana uses are prohibited in the following zoning districts:

1. All single-family, multi-family and mixed residential zones, including without limitation SF-2, SF-3, SF-5, MR-1, MR-2 and MUR;

2. All town center, commercial and business park zones, including without limitation TC, C, and BP;

3. All industrial zones, including without limitation I;

4. All public zones, including without limitation P;
and

5. Any new zoning district established after October 28, 2014.

C. Penalty. In addition to any other applicable remedy and/or penalty, any violation of this section is declared to be a public nuisance per se, and may be abated by the city attorney under applicable provisions of this code or state law, including but not limited to the provisions of Chapter 1.10 EMC, Chapter 8.05 EMC and Chapter 18.30 EMC.

Section 3. Repealer. Ordinance No. 14-0418 is hereby repealed in its entirety.

Section 4. Copy to Commerce. Pursuant to RCW 36.70A.106, City staff are hereby authorized and directed to provide a copy of this ordinance to the State Department of Commerce within 10 days of adoption.

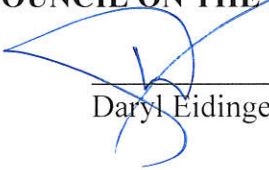
Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. 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 its first Reading on October 14, 2014

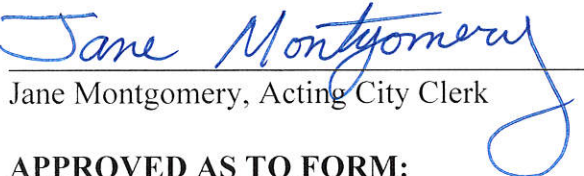
Presented to Council for its second Reading on October 28, 2014

PASSED BY THE CITY COUNCIL ON THE 28TH OF OCTOBER, 2014



Daryl Eiding, Mayor

ATTEST/AUTHENTICATED:



Jane Montgomery, Acting City Clerk

APPROVED AS TO FORM:



CITY ATTORNEY

DATE OF PUBLICATION: *October 30, 2014*

EFFECTIVE DATE: *November 4, 2014*

CITY OF EDGEWOOD
2224 - 104th Ave. East
Edgewood, WA 98371
(253) 952-3299
Fax: (253) 952-3537

LEGAL NOTICE

Date: October 29, 2014

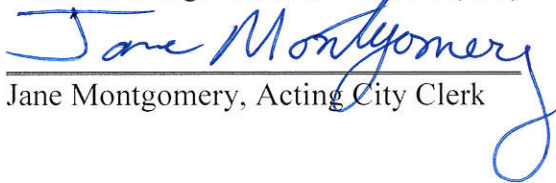
NOTICE OF ORDINANCE PASSED BY EDGEWOOD CITY COUNCIL

The following is a summary of an Ordinance passed by the City of Edgewood City Council on the 28th day of October, 2014, and shall take effect and be in full force on the 4th day of November, 2014.

ORDINANCE NO. 14-0425

AN ORDINANCE OF THE CITY OF EDGEWOOD, WASHINGTON, AMENDING CHAPTER 18.100 EMC DEVELOPMENT STANDARDS—USE SPECIFIC; ADOPTING PERMANENT ZONING REGULATIONS GOVERNING COLLECTIVE GARDENS, MARIJUANA-RELATED BUSINESSES AND ILLEGAL MARIJUANA USES; PROHIBITING THE ESTABLISHMENT OF SUCH USES WITHIN ALL ZONING DISTRICTS OF THE CITY; REPEALING INTERIM ORDINANCE NO. 14-0418; SETTING FORTH LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of the Ordinance is available at the City Clerk's office, Edgewood City Hall, 2224 - 104th Ave. East, Edgewood, WA 98371 (253) 952-3299.


Jane Montgomery, Acting City Clerk

Published in the Tacoma News Tribune on: October 30, 2014

PLANNING COMMISSION RECOMMENDATION

RECOMMENDATIONS OF THE CITY OF EDGEWOOD PLANNING COMMISSION TO ESTABLISH PERMANENT ZONING REGULATIONS REGARDING MARIJUANA RELATED USES WITHIN EDGEWOOD MUNICIPAL CODE (EMC) SECTION 18.100.120, AND ADDING AN ADVISORY RECOMMENDATION TO THE EDGEWOOD CITY COUNCIL TO RE-VISIT THE MATTER IN THE EVENT THAT THE CURRENT LEGAL FRAMEWORK GOVERNING THIS ISSUE ULTIMATELY EVOLVES.

WHEREAS, the City of Edgewood adopted interim zoning regulations through Ordinance 14-0418, concerning marijuana related uses within EMC 18.100.120; and

WHEREAS, the City Council directed the Planning Commission to review the issue and conduct a Public Hearing to address zoning regulations governing permanent marijuana related uses; and

WHEREAS, the Planning Commission reviewed the Council's interim measures and discussed this topic at their June 16, 2014, July 21, 2014 and August 18, 2014 regular meetings; and

WHEREAS, a Public Hearing regarding this matter was advertised in the Tacoma News Tribune on August 3, 2014, noticed on the City's website and public notice board and said hearing conducted on August 18, 2014 during the regular Planning Commission meeting; and

NOW, THEREFORE, SHALL IT BE ADVISED by the Planning Commission made the following recommendation at its August 18, 2014 meeting:

Section 1. Recommends approval to continue and codify the previously established interim regulations pertaining to marijuana related uses as a new permanent zoning regulation under Edgewood Municipal Code Title 18.100.120, said provisions to be confirmed by the Edgewood City Council in accord with their Legislative timeframes for adoption of a permanent rule.

Section 2. Advisory recommendation. The Planning Commission acknowledges that the legal and policy framework guiding the implementation framework for local marijuana regulation is complex and is potentially subject to future evolution. Given the nature of several pending legal challenges involving the marijuana regulations enacted by other Washington municipalities, the Planning Commission believes that future review of the City of Edgewood's measures is likely necessary. The Planning Commission recommends that the City Council closely track and monitor the above-referenced legal challenges and related issues that surround and potentially bear upon this issue with regard to Federal and state law, and to periodically revisit the regulations as these legal challenges are resolved and relevant implementing guidance is further clarified with regard to the implementation of I-502 in the future.

RECOMMENDED ON THE 18 DAY OF AUGUST 2014.


Planning Commission, Chair

Attest by: 
Kevin Stender, Senior Planner

RCW 69.51A.250

Cooperatives—Qualifying patients or designated providers may form— Requirements—Restrictions on locations—State liquor and cannabis board may adopt rules.

(1) Qualifying patients or designated providers may form a cooperative and share responsibility for acquiring and supplying the resources needed to produce and process marijuana only for the medical use of members of the cooperative. No more than four qualifying patients or designated providers may become members of a cooperative under this section and all members must hold valid recognition cards. All members of the cooperative must be at least twenty-one years old. The designated provider of a qualifying patient who is under twenty-one years old may be a member of a cooperative on the qualifying patient's behalf. All plants grown in the cooperative must be purchased or cloned from a plant purchased from a licensed marijuana producer as defined in RCW **69.50.101**.

(2) Qualifying patients and designated providers who wish to form a cooperative must register the location with the state liquor and cannabis board and this is the only location where cooperative members may grow or process marijuana. This registration must include the names of all participating members and copies of each participant's recognition card. Only qualifying patients or designated providers registered with the state liquor and cannabis board in association with the location may participate in growing or receive useable marijuana or marijuana-infused products grown at that location.

(3) No cooperative may be located in any of the following areas:

(a) Within one mile of a marijuana retailer;

(b) Within the smaller of either:

(i) One thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or any game arcade that admission to which is not restricted to persons aged twenty-one years or older; or

(ii) The area restricted by ordinance, if the cooperative is located in a city, county, or town that has passed an ordinance pursuant to RCW **69.50.331**(8); or

(c) Where prohibited by a city, town, or county zoning provision.

(4) The state liquor and cannabis board must deny the registration of any cooperative if the location does not comply with the requirements set forth in subsection (3) of this section.

(5) If a qualifying patient or designated provider no longer participates in growing at the location, he or she must notify the state liquor and cannabis board within fifteen days of the date the qualifying patient or designated provider ceases participation. The state liquor and cannabis board must remove his or her name from connection to the cooperative. Additional qualifying patients or designated providers may not join the cooperative until sixty days have passed since the date on which the last qualifying patient or designated provider notifies the state liquor and cannabis board that he or she no longer participates in that cooperative.

(6) Qualifying patients or designated providers who participate in a cooperative under this section:

(a) May grow up to the total amount of plants for which each participating member is authorized on their recognition cards, up to a maximum of sixty plants. At the location, the qualifying patients or designated providers may possess the amount of useable marijuana that can be produced with the number of plants permitted under this subsection, but no more than seventy-two ounces;

(b) May only participate in one cooperative;

(c) May only grow plants in the cooperative and if he or she grows plants in the cooperative may not grow plants elsewhere;

(d) Must provide assistance in growing plants. A monetary contribution or donation is not to be considered assistance under this section. Participants must provide nonmonetary resources and labor in order to participate; and

(e) May not sell, donate, or otherwise provide marijuana, marijuana concentrates, useable marijuana, or marijuana-infused products to a person who is not participating under this section.

(7) The location of the cooperative must be the domicile of one of the participants. Only one cooperative may be located per property tax parcel. A copy of each participant's recognition card must be kept at the location at all times.

(8) The state liquor and cannabis board may adopt rules to implement this section including:

(a) Any security requirements necessary to ensure the safety of the cooperative and to reduce the risk of diversion from the cooperative;

(b) A seed to sale traceability model that is similar to the seed to sale traceability model used by licensees that will allow the state liquor and cannabis board to track all marijuana grown in a cooperative.

(9) The state liquor and cannabis board or law enforcement may inspect a cooperative registered under this section to ensure members are in compliance with this section. The state liquor and cannabis board must adopt rules on reasonable inspection hours and reasons for inspections.

[2016 c 170 § 2; 2015 2nd sp.s. c 4 § 1001; 2015 c 70 § 26.]



**CITY OF EDGEWOOD
STAFF REPORT**

STUDY SESSION AGENDA ITEM: Development Agreement Code

Updates

Date: 4/4/2017

Title: Development Agreement Code Updates

Attachments: DRAFT Ordinance 17-XXX regarding Development Agreements

Submitted By: Kevin Stender, Community Development Director

Approved For Agenda By: Daryl Eiding, Mayor

Discussion: As part of our ongoing code updates to be consistent with law, 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 further clarifying the process moving forward. The Planning Commission reviewed the attached 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 held a Public Hearing on the revised Language at the March 20, 2017 Planning Commission meeting and recommends adoption of the DRAFT Ordinance.

Recommendation:

Fiscal Impact:

ORDINANCE NO. 17-XXXX

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~~ 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:

18.55.010	Intent and Purpose.
18.55.020	Form of Agreement, Effect and General Provisions.
18.55.030	Application Requirements.
18.55.040	Public Notice of Public Hearing.
18.55.050	SEPA.
18.55.060	Phasing.
18.55.070	Processing Procedures and Appeals.
18.55.080	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:

EDGEWOOD PLANNING COMMISSION RECOMMENDATION:

RECOMMENDATION OF THE CITY OF EDGEWOOD PLANNING COMMISSION 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 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 Planning Commission received information from the Community Development Department that the City's existing code provisions are incomplete and inconsistent with law, and in addition, they allow modifications of development regulations through a development agreement; and

WHEREAS, the City 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

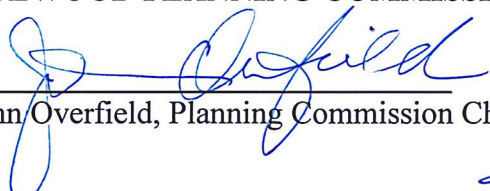
WHEREAS, the Planning Commission met to discuss the DRAFT Development Agreement ordinance and repealed elements of the EMC suggested in the DRAFT ordinance at the February 27, 2017 and March 6, 2017 Planning Commission meeting; and

WHEREAS, the Planning Commission held a Public Hearing to receive public testimony regarding the DRAFT Development Agreement at the March 20, 2017 Planning Commission meeting; and

NOW, THEREFORE SHALL IT BE ADVISED by the Planning Commission that it hereby makes the following recommendations:

The Planning Commission recommends approval of the Development Agreement DRAFT Ordinance, Attached hereto, as presented following the Public Hearing and additional discussion and modification prior to taking action.

THIS RECOMMENDATION WAS UNANIMOUSLY APPROVED BY THE CITY OF EDGEWOOD PLANNING COMMISSION ON THE 20th DAY OF MARCH 2017.



JoAnn Overfield, Planning Commission Chair

Attest by:



Kevin Stender, Community Development Director



**CITY OF EDGEWOOD
STAFF REPORT**

STUDY SESSION AGENDA ITEM: Public Participation Plan Handbook

Date: April 4, 2017

Title: Public Participation Plan (PPP) Handbook for GMA Compliance

Attachments: DRAFT PPP Handbook and DRAFT Resolution 17-XXXX

Submitted By: Kevin Stender, Community Development Director

Approved For Agenda By: Daryl Eiding, Mayor

Discussion: The City's public participation planning efforts at this time are outlined within the text of the Development Standards. By GMA requirements, specifically RCW 36.70A.140, the City shall adopt a Public Participation Plan. Planning Commission met on this on February 27, 2017 and again at the March 6, 2017 meeting and made recommendations to insert into the Edgewood version of the model plan. Included in this packet is that revised PPP handbook along with the Planning Commission recommendation after they conducted a Public Hearing to receive comments regarding the DRAFT plan.

Recommendation: N/A

Fiscal Impact: N/A

**CITY OF EDGEWOOD, WASHINGTON
RESOLUTION NO. 17-XXXX**

**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 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.

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
EFFECTIVE DATE:
RESOLUTION NO.

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 XX DAY OF APRIL, 2017.**

CITY OF EDGEWOOD

Daryl Eiding, Mayor

ATTEST:

Rachel Pitzer, City Clerk

Approved as to Form

Carol Morris, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
EFFECTIVE DATE:
RESOLUTION NO.

EDGEWOOD PLANNING COMMISSION RECOMMENDATION:

RECOMMENDATION OF THE CITY OF EDGEWOOD PLANNING COMMISSION 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

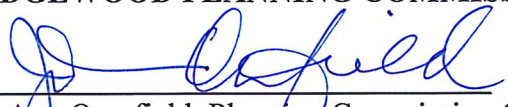
WHEREAS, the Planning Commission met on February 27, 2017 and again on March 6, 2017 to discuss the DRAFT Public Participation Plan; and

WHEREAS, the Planning Commission held a public hearing to review and gather public comment on March 20, 2017, providing recommendations on the proposed amendments; and

NOW, THEREFORE SHALL IT BE ADVISED by the Planning Commission that it hereby makes the following recommendations:

The Planning Commission recommends approval of the DRAFT Public Participation Plan Resolution along with its Exhibit A, as presented following the Public Hearing and additional discussion prior to taking action.

THIS RECOMMENDATION WAS UNANIMOUSLY APPROVED BY THE CITY OF EDGEWOOD PLANNING COMMISSION ON THE 20th DAY OF FEBRUARY 2017.


JoAnn Overfield, Planning Commission Chair

Attest by:


Kevin Stender, Community Development Director

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
STAFF REPORT**

STUDY SESSION AGENDA ITEM: TC, C, MUR Code Updates

Date: April 4, 2017

Title: TC, C, MUR Code Updates

Attachments: Ordinance 17-0496

Submitted By: Kevin Stender, Community Development Director

Approved For Agenda By: Daryl Eidinger, Mayor

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 and also by Legal Counsel and are presented in the text of the DRAFT Ordinance attached in red-line format. The Council accepted first reading of the Ordinance at the March 28, 2017 Regular Council meeting and asked to review the DRAFT version one more time at the April 4, 2017 Study Session. The DRAFT Ordinance incorporating all changes presented in red-line version and the changes found within the memorandum distributed at the meeting is attached hereto.

Recommendation: N/A

Fiscal Impact: N/A

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 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 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

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,
AMENDING ORDINANCE NO. 15-XXXX, AND SECTION 18.80.080
EMC TOWN CENTER, COMMERCIAL, MIXED USE RESIDENTIAL
AND BUSINESS PARK ZONING DISTRICTS; 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*

EDGEWOOD PLANNING COMMISSION RECOMMENDATION

RECOMMENDATION OF THE CITY OF EDGEWOOD PLANNING COMMISSION TO AMEND EMC TITLE 18.80.080 TOWN CENTER, COMMERCIAL, MIXED USE RESIDENTIAL, AND BUSINESS PARK ZONING DISTRICTS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Edgewood Municipal Code (EMC) Title 18 – Development Standards, regulates development standards in the City of Edgewood; and

WHEREAS, the Edgewood City Council has held numerous discussions during regularly scheduled Council meetings starting in March 2015 regarding the Comprehensive Plan, mixed use development, and the City's development regulations pertaining to the Meridian Corridor and Town Center, Commercial, and Mixed Use Residential zoning districts; 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, 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 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, 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

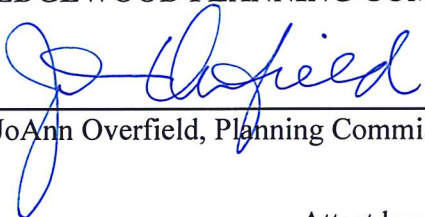
WHEREAS, the Washington State Department of Commerce granted expedited review of the proposed changes on March 13, 2017; and

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;

NOW, THEREFORE SHALL IT BE ADVISED by the Planning Commission that it hereby makes the following recommendation:

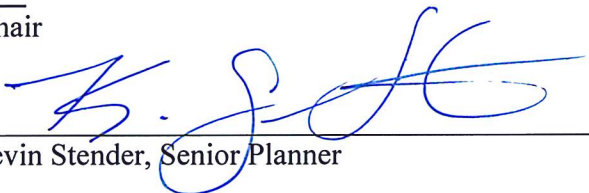
The Planning Commission hereby recommends that the Edgewood City Council amend EMC section 18.80.080 – Town Center, Commercial, Mixed Use Residential and Business Park zoning districts, adopting the proposed changes (see attached DRAFT ordinance) relating to commercial and mixed use requirements in the Town Center, Commercial, and Mixed Use Residential zoning districts into the Edgewood Municipal Code.

THIS RECOMMENDATION WAS UNANIMOUSLY APPROVED BY THE CITY OF EDGEWOOD PLANNING COMMISSION ON THE 20TH DAY OF MARCH 2017.



JoAnn Overfield, Planning Commission Chair

Attest by:



Kevin Stender, Senior Planner