



**CITY OF EDGEWOOD  
COUNCIL STUDY SESSION AGENDA**

Tuesday, December 1, 2020 – 7:00 PM ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

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**1. CALL TO ORDER**

Roll Call, Pledge of Allegiance

**2. COUNCIL BUSINESS**

- A. Discussion – Equity, Diversity and Inclusion (Trainings, Planning, etc.)
- B. Discussion – Revised Credit Card Policy
- C. Discussion – Ordinance – Flood Hazard Areas
- D. Discussion - Ordinance - Comprehensive Plan Annual Updates
- E. Discussion - Ordinance - Construction Work Hours
- F. Discussion - Ordinance - Notice of Application requirements
- G. Discussion - Code Compliance Manager and Development Review Coordinator job descriptions
- H. Discussion - Final 2021 Budget
- I. Discussion – LID Refinance

**3. OTHER COUNCIL ITEMS**

**4. ADJOURN**

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



## City Of Edgewood Council Agenda Summary Sheet

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|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| <b>Subject:</b><br>Discussion – Equity, Diversity and Inclusion (Trainings, Planning, etc.) | <b>Agenda Item #:</b> 2.A                                                                   |
|                                                                                             | <b>For Agenda of:</b> 12/1/2020                                                             |
|                                                                                             | <b>Prepared by:</b> Daryl Eiding                                                            |
| <b>Attachments (list):</b>                                                                  |                                                                                             |
| <b>Approval of Materials:</b><br><br>Daryl Eiding                                           | <b>Expenditure Required:</b>                                                                |
|                                                                                             | <b>Amount Budgeted:</b>                                                                     |
|                                                                                             | <b>Timeline:</b><br>Topic to be added to all future Study Sessions (see item history below) |

### Summary Statement:

City Council is committed to creating a stronger and more inclusive community and believe that equity, diversity and inclusion is essential for our present and our future.

### Item History:

Council has asked that this topic be a discussion item at all future study sessions for the foreseeable future. Council has discussed Equity, Diversity and Inclusion trainings and planning at the following meetings:

09/01/2020 Study Session  
 09/15/2020 Study Session  
 09/29/2020 Study Session  
 10/06/2020 Study Session  
 10/20/2020 Study Session  
 11/03/2020 Study Session  
 11/17/2020 Study Session

### Recommended Action:

N/A

### Fiscal Note/Consideration:

N/A



## City Of Edgewood Council Agenda Summary Sheet

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|------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| <b>Subject:</b><br>Discussion – Revised Credit Card Policy                                                             | <b>Agenda Item #:</b> 2.B                                                                 |
|                                                                                                                        | <b>For Agenda of:</b> 12/1/2020                                                           |
|                                                                                                                        | <b>Prepared by:</b> Stephanie Goff                                                        |
| <b>Attachments (list):</b><br>1. Credit Card Policy - RBT edits<br>2. Resolution 20-xxx credit card policy - RBT edits |                                                                                           |
| <b>Approval of Materials:</b><br>Stephanie Goff<br>Dave Gray      11/24/2020<br>Daryl Eidinger    11/24/2020           | <b>Expenditure Required:</b><br>N/A<br><b>Amount Budgeted:</b><br>N/A<br><b>Timeline:</b> |

**Summary Statement:**

Amendment to the City Credit Card Policy previously adopted by Resolution No. 18-0428, specifically to clarify distribution of credit cards and administrator duties.

**Item History:**

**Recommended Action:**

Hold a discussion and provide staff guidance regarding Discussion – Revised Credit Card Policy

**Fiscal Note/Consideration:**

## **CITY CREDIT CARD PROGRAM**

### **US BANK VISA CARD (Washington State Purchase Procurement Card/PCard)**

#### **Sections:**

- 1.0 Introduction**
- 2.0 Distribution**
- 3.0 Application**
- 4.0 Authorization and Control**
- 5.0 Approved Uses for Credit Card Purchases**
- 6.0 Disallowed Charges**
- 7.0 Credit Limits**
- 8.0 Receipt of Goods and Services**
- 9.0 Payment of Bills**
- 10.0 Card Security**
- 11.0 Renewal of an Existing Card**
- 12.0 Extended Absence**
- 13.0 Audits & Enforcement**
- 14.0 Resources**

#### **1.0 Introduction**

The implementation of a City credit card program is recognized by the State of Washington as usual and customary for official government purchases as provided in RCW 43.09.2855. The State of Washington WSCA-NASPO Program, administered by the State Department of Enterprise Services, contracts with US Bank to provide local governments a Purchase Card ~~P~~program. The US Bank Visa Card is this current product and operates much as a commercial credit card with the exception that no debt balance may accrue as the outstanding balance must be paid monthly in total.

The City of Edgewood City Council recognizes the use of credit cards is a customary and economical business practice to improve cash management, reduce costs, and increase efficiency and authorized the Mayor to enroll the City in the WSCA-NASPO Purchase Card Program in the Regular Council Session of April 14, 2015 (AB15-0015).

The City of Edgewood also recognizes the use of credit cards to be an appropriate and useful means of making payment for a variety of types of purchases; some examples may include travel expenses, departmental supplies, subscriptions, on-line purchases and recurring vendor payments (where appropriate).

The Mayor shall implement and administer the following procedures and processes related to the

use of credit cards by City officials and employees.

### 2.0 Distribution

City credit cards will be directly issued to all ~~non-probationary~~ City of Edgewood employees. The exception is the Finance Director/Card Administrator, who is not eligible to receive a city credit card due to the access given in order to administer the credit card program.

### 3.0 Application

Employees to be issued a City of Edgewood US Bank VISA Card shall make application for a card as follows.

1. Employee completes the City of Edgewood US Bank VISA Card Application Form (see Exhibit A) and signs the City of Edgewood Credit Card User Agreement (see Exhibit B).
2. Mayor approves the application and forwards it along with the signed user agreement to the City Credit Card Administrator.
3. The Administrator will process the application with the issuing bank.
4. Card is received and given to the employee to activate and retain, or return to the Administrator for safekeeping until the card is needed by the employee.
- 4.5. The Administrator may assign specific duties within the administrator's direct line of control to perform some or all of the daily duties associated with administering the credit card program, but will remain the controller and auditor regardless.

### 4.0 Authorization & Control

#### Issuing Bank

US Bank is the issuer of the City of Edgewood VISA Credit Card. They provide an on-line portal at: <https://access.usbank.com/cpsApp1/index.jsp> in which authorized users may review their credit card transactions within 2 days after the purchase is made. City Credit Card holders will also use this portal to print and reconcile their monthly statements. (Review Exhibit C for detailed how-to instructions)

#### Finance Director

The Finance Director will be the responsible authority acting as the City Credit Card Administrator who will set up and maintain each credit card account(s) with the banking facility. The Finance Director shall be responsible to perform the audit required under RCW 42.24.080.<sup>1</sup>

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<sup>1</sup> This statute requires that every credit card invoice presented to the City by an employee for the furnishing of materials, rendering of services or performing labor, or for any other contractual purpose, shall be audited before payment. The invoice shall be submitted to the City Credit Card Administrator and allow the Finance Director to authenticate and certify that the materials have been furnished, the services rendered, the labor performed as described, or that any advance payment is due and payable pursuant to a contract, and

### City Credit Card Administrator

The City Credit Card Administrator will be responsible for the overall administration of the procurement card program by reviewing, reporting and coordinating all aspects of the program. This administrator will act as the liaison between US Bank and the individual city credit cardholders.

### Employee (Cardholder)

Before being issued a City of Edgewood US Bank VISA Credit Card each employee will be required to sign a City of Edgewood Credit Card User Agreement ([see Exhibit B](#)) acknowledging that they have read and understand this policy, that they understand violation of the policy will subject them to disciplinary action, and that in the event they make any unauthorized charges they expressly authorize the City to deduct the same from any wages or other sums due or to become due to the employee from the City.

### State and Local Compliance

The Use of Purchase Cards shall fully comply with all applicable State and Local requirements governing purchase of good and services, specifically including without limitation the City's adopted Purchasing Policy.

### Annual Control & Disclosure

The Finance Director will conduct an annual physical card inventory test to verify all city issued cards have been accounted for.

The Finance Director will also prepare an annual disclosure for city council that includes a review of credit limits, past year spending pattern, number of unauthorized expenditures (i.e. fraudulent charges), number of employee errors reimbursed (cards mistakenly used for personal purchases), any losses to the City, amount of PCard Revenue (rebates), and results of the physical inventory test.

## **5.0 Approved Uses for Credit Card Purchases**

The use of the City of Edgewood US Bank Visa Credit Cards is a facilitating process for purchases pursuant to the City of Edgewood Purchasing and Personnel Policies and the City of Edgewood City Council Rules. All credit card purchases shall only be made for budgeted expenditures authorized by the City Council at the time of the purchase (current year budget).

Examples of allowable purchases may include advance payment of airline fares, lodging, registration fees, tuition, conferences, on-line training, internet purchases, emergency purchases in the field, and specialized office/field equipment and supplies not ordered on a schedule. Authorized users may use their card for pre-approved one-time or recurring purchases from vendors. The use of the card for these purchases will be for timeliness and/or online access to goods and services not available through existing purchase policy processes (checks). These credit cards may be used anywhere that VISA is accepted.

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that the invoice represents a just, due and unpaid obligation against the City. No credit card invoice will be paid without such authentication and certification.

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Authorized users may use the credit card to purchase meals while in travel status. Those meals must fall within the normal and customary rates for the geographical area where the meals are purchased. All meals charged must have the original ~~detailed~~ itemized receipt showing what was specifically purchased. Receipts that only have the total paid for meals are not acceptable. If the receipt does not show the detail or if the meal is over the normal and customary rate, the user will be responsible to reimburse the City for this purchase.

When considering use of the city credit card, you should:

1. ~~Can I~~ Determine whether they can make the purchase through the existing check issue process.
2. Identify goods and services required to perform job-related task.
3. Determine if purchase is within your credit card limits.
4. Ensure that the items are not on the disallowed charges list (following page).
5. Obtain pricing and in-stock availability and only order items that are immediately available.
6. Ensure that the vendor immediately authorizes the purchase with VISA and provides you a ~~detailed~~ itemized copy of the credit card purchase receipt.
7. Retain all receipts, packing lists and backup authorizing documents and attach to your pcard expense form (shared/forms/employee forms/purchase card expenditure report template.xls).

It is required that all credit card receipts and/or other documents identifying the credit card expenditures be ~~in complete~~ detailed and itemized. Your pcard expense form(s) is due by the 5th of each month to the Credit Card Administrator or designee for review and preparation for the month vendor payment cycle.

Keep in mind that when involved in any aspect of purchasing, you are acting as an agent of the City of Edgewood. Therefore, you are responsible to act in the best interest of the City. Your actions must NOT show, or appear to show, personal favoritism to a vendor at the expense of the City.

## 6.0 Disallowed Charges

A. Types of Disallowed Charges. The following uses are not authorized credit card purchases:

- Capital Equipment (unless approved by the Mayor)
- Personal Items and Services
- Cash Advances of any kind
- Alcoholic Beverages
- Money Orders/Travelers Checks/Gift Cards
- Charges made without pre-approval

### B. Procedure to be used when Disallowed Charges Have Been Incurred.

Any charges against the credit card that are not properly itemized or identified as required by this Policy on the expense voucher/invoice as required by this Policy, or not allowed following the audit of the invoice by the Finance Director, shall be paid by the official or employee by check, U.S. currency or salary deduction. If, for any reason, disallowed charges are not repaid before the charge card billing is due and payable, the City has a right to withhold any and all funds payable or to become payable to the official or employee, in an amount up to the amount of the disallowed charges and interest, at the same rate as charged by the credit card company.

Any official or employee who has been issued a charge card by the City shall not use the card if any disallowed charges are outstanding and shall surrender the card upon demand by the Finance Director. The City shall have unlimited authority, as provided in RCW 42.24.115(3), to revoke the use of any issued charge card, and once notice of this revocation has been delivered to the charge card company, the City shall not be liable for any costs.

Any employee with a demonstrated history of charge card defaults or misuse may be barred from using any City credit cards by the Mayor as appropriate.

### 7.0 Credit Limits

Credit limits are set to match field needs and are generally set at \$1500 for employees and \$2500 for Directors and Supervisors. Card limits can be temporarily raised for travel or a specific authorized purchase.

If an increase or decrease to these transaction limits is deemed necessary by the Mayor, the request must be submitted in writing to the City Credit Card Administrator. Please specify within this increase request whether this is a temporary or permanent request.

There also may be limitations on acceptable merchant category codes (MCC). In other words, some vendors may be disallowed and thus will cause a decline of any attempted purchase with them (allowable or not). If after adhering to the proper guidelines and limits stated above, you feel that your purchase has been mistakenly declined, contact your City Credit Card Administrator for assistance.

### 8.0 Receipt of Goods & Services

The cardholder is responsible for ensuring the receipt of the goods and services as ordered and any follow-up with the vendor to resolve any delivery problems, discrepancies or damaged goods. Should any item(s) need to be returned to the vendor, the cardholder will follow the vendors return policy and also be responsible to ensure that proper credit is posted for said return item(s). In most cases, returns and errors can be resolved directly between the cardholder and the vendor.

If for any reason the cardholder is unable to reach agreement with the vendor, the cardholder must contact US Bank and explain the dispute and the reason behind it. In addition to contacting US Bank, the reporting cardholder will also contact the City Credit Card Administrator and apprise them of the situation. We will follow US Bank procedures in relation to the dispute and its process.

### **9.0 Payment of Bills**

Monthly Billing statements will be retrieved on the first business day of the month by each cardholder via the on-line portal provided. Each cardholder will complete a pcard expense form and attach appropriate receipts and proper account coding, for the total amount of the monthly billing and submit to the City Credit Card Administrator or designee by the 5<sup>th</sup> of the month following the charges.

The City Credit Card Administrator will be responsible for reconciling the complete combined City card statement each month. The City of Edgewood will not pay interest and/or penalties on any credit card. The City of Edgewood is responsible for the VISA card payment and liability and it will not affect any City cardholder's personal credit in any way.

### **10.0 Card Security**

Your City of Edgewood VISA Card should always be treated with great care and should be kept in a secured location. You are the only person authorized to use the card and it should not be lent to another person.

Be sure not to write the credit card number(s) down in any location and do not allow any vendor to write down your credit card number.

It is the responsibility of the cardholder to immediately report a lost or stolen City credit card. The City of Edgewood is liable for all transactions until the card is reported lost or stolen to, and only to, the extent expressly required by law. A cardholder must report a lost or stolen credit card by phone directly to US Bank Customer Service at 1-800-344-5696 and also to the City Credit Card Administrator. Verbal reports of lost or stolen credit cards must be followed up in writing to the City Credit Card Administrator. A replacement card will be sent within 10 days after report is filed.

### **11.0 Renewal of an Existing Credit Card**

A renewal credit card will be sent automatically to the City Credit Card Administrator by the issuing bank approximately 30 days prior to the expiration date of the card. This renewed card will in turn be forwarded to the cardholder.

### **12.0 Extended Absence**

If you will be absent from the City for an extended period, please seek assistance from the City Credit Card Administrator to determine the best options to cover your procurement responsibilities.

### **13.0 Audits & Enforcement**

To ensure the continued success of the City Credit Card Program, as well as adherence to the policies as outlined, all individual credit card accounts will be open to internal audit requirements.

Statement Reconciliations not received by due date or without complete receipt detail – Your credit card limits may be set to ZERO until reconciliation is received. For continual offenders, your credit card may

## City of Edgewood

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be cancelled at the discretion of the Mayor. See *also*, Section 6 on Disallowed Charges.

Personal Use – Personal use of a city credit card will NOT be tolerated and will result in:

- Disciplinary measures up to and including that may include termination and/or legal action
- Permanent revocation of the card
- Direct payroll deductions for any unauthorized or personal charges made on the city credit card

Termination – You must return your credit card to the City Credit Card Administrator when you leave/terminate your employment with the City of Edgewood

### 14.0 Resources

Who to Call:

#### City of Edgewood

Mayor – Daryl Eiding

Phone: 253-952-3299

Email: [Mayor@cityofedgewood.org](mailto:Mayor@cityofedgewood.org)

City Credit Card Administrator – Dave Gray

Phone: 253-952-3299

Email: [dave@cityofedgewood.org](mailto:dave@cityofedgewood.org)

#### VISA – US Bank

|                                        |                   |
|----------------------------------------|-------------------|
| General account inquiries including:   | 1-800-344-5696 or |
|                                        | 701-461-2010      |
| Statements, transactions, and balances |                   |
| Lost or stolen cards                   |                   |
| PINs                                   |                   |

|                                      |                   |
|--------------------------------------|-------------------|
| Password Resets & General Navigation | 1-877-887-9260 or |
|                                      | 701-461-2042      |

*\*\* Cardholders needing further Access Online support should contact their Program Administrator \*\**

### Documents

City Credit Card Application – see Exhibit A City Credit Card

User Agreement – see Exhibit B

US Bank Web Portal How-To Instructions – see Exhibit C

## City of Edgewood

### City Credit Card Application – Exhibit A



## **CITY OF EDGEWOOD** **PURCHASE CARD APPLICATION**

**Please forward application to: City of Edgewood- Credit Card Administrator**

#### EMPLOYEE INFORMATION

First Name

Middle Initial

Last Name

Business Address

City

State

Zip

( )

Business Phone

#### CITY OF EDGEWOOD INFORMATION

City of Edgewood

Company Name

2224 104<sup>th</sup> Avenue East Edgewood, WA 98372-1513

Company

#### APPROVAL INFORMATION

Monthly Credit Limit

Single Transaction Limit

#### EMPLOYEE / APPROVAL SIGNATURE

Printed Applicant Name

Signature of Applicant / Date

Printed Mayor Name

Signature of Mayor

## City Credit Card User Agreement – Exhibit B

### **CITY OF EDGEWOOD CREDIT CARD USER AGREEMENT**

*Your signature below verifies that you have read and understand the City of Edgewood Credit Card Program guidelines listed below and agree to comply with them.*

1. I understand the City Credit Card is intended to facilitate the purchase of business-related goods and services for the conduct of City business and is not for my personal use.
2. I understand that my card may be revoked at any time based on change of assignment or location and that use of this card is not an entitlement nor reflective of title or position.
3. I understand that if I am issued a card with my name specifically, I am the only person authorized to use the card and I am responsible for all charges made against the card.
4. I understand that improper use of the card can be considered misappropriation of City funds, which may result in disciplinary action, up to and including termination.
5. I understand that all charges are billed directly to and paid directly by the City of Edgewood and any personal charges on the card could be considered misappropriation of funds since VISA/US Bank cannot accept any payment from me directly.
6. I understand that I will be required to provide detailed itemized receipts, to reconcile monthly statements and to comply with internal control procedures designed to protect the City assets. This may include being asked to produce the credit card to verify its existence and providing assistance in an audit review of its use.
7. I understand that I am responsible for resolving any discrepancies that may occur by contacting the vendor and/or US Bank directly.
8. I will safeguard use of the issued credit card and use appropriate security whenever and wherever I use the card. If my card is lost or stolen, I agree to immediately notify VISA as well as the City Credit Card Administrator.
9. I understand that the VISA card is the property of the City of Edgewood and it must be surrendered upon termination of employment or demand of surrender by the City Credit Card Administrator and/or the Mayor. At that point, no further use of the account will be authorized.

I hereby acknowledge receipt of the City Credit Card (ending in last 4 digits) \_\_\_\_\_

As a Corporate Cardholder, I agree to comply with the terms and conditions of the agreement, including the City of Edgewood's City Credit Card Program.

**I HAVE READ AND UNDERSTAND THE ABOVE CONDITIONS.**

Card Holder: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

### US Bank Web Portal How-To Instructions - Exhibit C

- Log onto: <https://access.usbank.com/cpsApp1/index.jsp>
- Type in where indicated the following Organization
  - Short Name = CEDGE
  - User ID = specific to the user
  - Password = specific to the user
- To Review Transactions:
  - Choose Transaction Management on the left side of screen
  - Choose Transaction Listing
  - Enter in Last Name of Account you are reviewing
- To Review/Print Statements:
  - Choose Account Information on the left side of screen
  - Choose Cardholder Account Statement
  - View

RESOLUTION NO. ~~18-0428~~ 20-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, AMENDING THE EXISTING PURCHASE CARD (STATE SPONSORED VISA) POLICY TO ~~IMPROVE INTERNAL CONTROLS, ACKNOWLEDGE THE INCREASING UTILIZATION OF “ON-LINE” PURCHASES BY MUNICIPAL GOVERNMENTS, AND TO PROVIDE INCREASED TRANSPARENCY TO THE CITY COUNCIL AND PUBLIC~~ CLARIFY DISTRIBUTION OF CREDIT CARDS AND APPLICATION OF ADMINISTRATOR DUTIES

WHEREAS, since 2015 the City of Edgewood has been utilizing the WSCA-NASPO purchase card program, administered by the Washington State Enterprise Services Purchase Card Program, that operates as a governmental credit card system ~~since 2015~~; and

WHEREAS, the Purchase Card Program provides State level operational efficiency and security that protects all governments participating, including the City of Edgewood, the highest level of credit card purchasing protection as well as a small source of shared program revenue; and

WHEREAS, municipal government use of credit card purchase has been a usual and customary form of payment for government travel, training, and supplies that has expanded greatly in recent years with the proliferation of “on-line” internet purchases for goods and services; and

WHEREAS, the Mayor has recently reviewed the City of Edgewood Internal Accounting and Administrative Control Policy for Purchase Card Use and recommended ~~several changes and improvements more specifically for distribution of cards and application of administrator duties identifying use, controls of use, and adding an annual disclosure to the City Council to ensure a more transparent oversight by the City’s legislative branch;~~

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

Section 1. ~~The Move to adopt~~ the amended Purchase Card Policy, ~~hereto~~ attached hereto as Exhibit A is hereby adopted.

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

ADOPTED THIS ~~14<sup>TH</sup>~~ \_\_ DAY OF ~~AUGUST~~ DECEMBER, 20~~18~~20

\_\_\_\_\_  
Daryl Eiding, Mayor

ATTEST:

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Rachel Pitzel, City Clerk

**Exhibit A**  
**Credit Card Policy**



## City Of Edgewood Council Agenda Summary Sheet

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|----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| <b>Subject:</b><br>Discussion – Ordinance – Flood Hazard Areas                                                                   | <b>Agenda Item #:</b> 2.C                                                                                                            |
|                                                                                                                                  | <b>For Agenda of:</b> 12/1/2020                                                                                                      |
|                                                                                                                                  | <b>Prepared by:</b> Jeremy Metzler                                                                                                   |
| <b>Attachments (list):</b><br>1. DRAFT Ordinance 20-0xxx                                                                         |                                                                                                                                      |
| <b>Approval of Materials:</b><br>Jeremy Metzler<br>Rachel Pitzel 11/20/2020<br>Dave Gray 11/24/2020<br>Daryl Eidinger 11/24/2020 | <b>Expenditure Required:</b><br>N/A<br><br><b>Amount Budgeted:</b><br>N/A<br><br><b>Timeline:</b><br>12/01/2020 SS<br>12/08/2020 RCM |

### Summary Statement:

The City of Edgewood’s Flood Hazard Areas code was last substantially updated in 2017, adopting the latest Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) for Pierce County. Some additional minor updates were made with the adoption of the latest Critical Areas Ordinance in July 2018. On December 9, 2019, a new model flood damage prevention ordinance was released by FEMA and the Washington State Department of Ecology.

While an update to EMC 14.80 has not been mandated at this time, staff finds it prudent to revise Edgewood’s current ordinance to: 1) be consistent with the new model and comply with legal requirements reflected therein, 2) retain local provisions that are more restrictive than the State’s new model ordinance, and 3) take the opportunity to remove any outdated and irrelevant references or provisions. Attached herewith is a draft ordinance with proposed amendments to EMC.

As discussed in July with the Planning Commission, the threshold applied to the “zero rise analysis” under 14.80.050(E) is more restrictive under the model ordinance (Zero vs. 0.01-foot). After further review and consultation with Ecology, staff understands this is meant to address those projects proposing work within the special flood hazard area. For projects that are outside of, but tributary to, a special flood hazard area, staff has included clarifying language allowing the existing EMC provision of 0.01-foot rise in the special flood hazard area.

Finally, the proposed ordinance contains some housekeeping edits to EMC, removing Channel Migration Zones (CMZs) and some other non-applicable provisions that were apparent carry-overs from the Pierce County Code in the original ordinance. These code modifications have been reviewed and accepted by Ecology, sent to FEMA to concurrence, and notice of the proposed changes has been sent to Commerce.

### Item History:

07/13/2020 Planning Commission

10/29/2020 SEPA DNS  
10/12/2020 Planning Commission  
11/09/2020 Planning Commission PH  
11/17/2020 Council SS  
11/24/2020 Council RCM (PH)

**Recommended Action:**

Hold a discussion and provide staff guidance regarding Flood Hazard Areas Ordinance

**Fiscal Note/Consideration:**

N/A

**ORDINANCE NO. 20-xxxx**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, PIERCE COUNTY, WASHINGTON, RELATING TO FLOOD HAZARD REDUCTION; AMENDING EMC CH. 14.80; AMENDING EMC SECTION 14.20.010; AMENDING EMC SECTION 13.05.170; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, the flood hazard areas of the City of Edgewood (“City”) are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare; and

**WHEREAS**, flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas and uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss; and

**WHEREAS**, the City participates in the National Flood Insurance Program (“NFIP”); and

**WHEREAS**, as a condition of participation in the NFIP, communities are required to adopt and enforce a flood hazard reduction ordinance that meets the minimum requirements of the NFIP; and

**WHEREAS**, the City adopted a flood hazard reduction ordinance in 2017; and

**WHEREAS**, the Federal Emergency Management Agency (“FEMA”) and the Washington Department of Ecology (“Ecology”) released a revised model flood damage prevention ordinance for Washington cities in December of 2019; and

**WHEREAS**, revisions are necessary to the City’s current flood hazard reduction ordinance to comply with legal requirements as reflected in the model ordinance; and

**WHEREAS**, the City submitted the text of the proposed amendments to Ecology for review on July 31, 2020; and

**WHEREAS**, Ecology provided comments on the proposed amendments to the City for revisions on August 26, 2020; and

**WHEREAS**, following said revisions, the City submitted the text of the proposed amendments to FEMA and Ecology for review on September 17, 2020; and

**WHEREAS**, the City submitted the proposed amendments to the Department of Commerce for review on September 30, 2020; and

**WHEREAS**, the City's SEPA responsible official issued a Determination of Non-Significance on October 29, 2020; and

**WHEREAS**, the City held a public hearing before the Planning Commission on the proposed amendments at the November 9, 2020 Planning Commission regular meeting; and

**WHEREAS**, the City Council held a public hearing on the proposed amendments at their November 24, 2020 regular meeting; and

**WHEREAS**, the City Council of the City of Edgewood find the proposed amendments to be necessary to bring the City's flood hazard reduction ordinance into compliance with current laws and regulations;

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

**Section 1.** EMC Chapter 14.80, Flood Hazard Areas, Amended. Chapter 14.80 of the Edgewood Municipal Code, Flood Hazard Areas, is hereby amended in as reflected in the attached Exhibit A.

**Section 2.** EMC Section 14.20.010, Definitions, Amended. Section 14.20.010, Definitions, of the Edgewood Municipal Code, is hereby amended in as reflected in the attached Exhibit B.

**Section 3.** EMC Section 13.05.170, Modifications to the PCM, Amended. Section 13.05.170, Modifications to the PCM, is hereby amended to replace all references to EMC Section 14.80.050(F) with references to EMC 14.80.050(E). All other portions of EMC Section 13.05.170 shall remain unchanged.

**Section 4.** 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 5.** 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 publication, as provided by law. The full text of this Ordinance shall be mailed without charge, upon request.

**PASSED BY THE CITY COUNCIL ON THE 8<sup>TH</sup> DAY OF DECEMBER, 2020**

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Mayor Daryl Eidinger

ATTEST/AUTHENTICATED:

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Rachel Pitzel, CMC  
City Clerk

APPROVED AS TO FORM:

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City Attorney, Ann Marie J. Soto

*Date of Publication: December 10, 2020*  
*Effective Date: December 15, 2020*

DRAFT

## Exhibit A

### **14.80.010 Purpose and applicability.**

The purpose of this chapter is to promote the public health, safety, and general welfare of the citizens of Edgewood, thereby reducing the annual cost of flood insurance. This ordinance shall apply to all special flood hazard areas within the boundaries of the City of Edgewood.

The standards contained in this chapter are intended to minimize public and private losses due to flood conditions in ~~flood hazard-specific areas,~~ and provide special criteria necessary for regulated activities located within ~~flood hazardsaid areas, by provisions designed to-of the city,~~ thereby reducing the annual cost of flood insurance. The following statements describe the purpose of this chapter:

- A. Protect human life and health;
- B. Minimize expenditure of public money ~~and for~~ costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public infrastructure, facilities and utilities, such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in flood hazard areas;
- F. Minimize damage to critical fish and wildlife habitat areas;
- G. Minimize net loss of ecological functions of floodplains;
- H. ~~Ensure that~~ Notify potential buyers ~~are notified~~ that property is in a Special- ~~Fflood Hhazard~~ Aarea;
- I. ~~Ensure that~~ Notify those who occupy flood hazard areas that they assume responsibility for their actions; ~~and~~
- J. Qualify Edgewood for participation in the National Flood Insurance Program, thereby giving the citizens of Edgewood the opportunity to purchase flood insurance with particular emphasis to those in flood hazard areas and maintain eligibility for disaster relief; and
- K. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding.

Lands to which this ordinance applies.

~~This ordinance shall apply to all special flood hazard areas within the boundaries of the City of Edgewood.~~

#### **14.80.011 Abrogation and Greater Restrictions.**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **14.80.012 Interpretation.**

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

- 1) Considered as minimum requirements;
- 2) Liberally construed in favor of the governing body; and,
- 3) Deemed neither to limit nor repeal any other powers granted under state statutes.

#### **14.80.013 Methods of Reducing Flood Losses:**

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- A. Restricting or prohibiting development that is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that development vulnerable to floods be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, or other development, which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas.

#### **14.80.014 Designation of the Floodplain Administrator**

The Public Works Director is hereby appointed as the Edgewood Floodplain Administrator to administer, implement, and enforce this ordinance by granting or denying development permits

in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

#### **14.80.015 Duties & Responsibilities of the Floodplain Administrator**

Duties of the Floodplain Administrator shall include, but not be limited to:

##### A. Permit Review

Review all development permits to determine that:

1. The permit requirements of this Chapter have been satisfied;
2. All other required state and federal permits have been obtained;
3. The site is reasonably safe from flooding;
4. The proposed development is not located in the floodway. If located in the floodway, assure that the encroachment provisions of EMC 14.80.060(D) are met; and
5. Notify FEMA when annexations occur in the Special Flood Hazard Area.

##### B. Use of Other Base Flood Data (In A Zones)

When base flood elevation data has not been provided (in A zones), the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer EMC 14.80.060(B), Specific Standards, and 14.80.060(D), Floodways.

##### C. Information to be Obtained and Maintained

1. Where base flood elevation data is provided through the FIS, FIRM, or as required as in EMC 14.80.015(B), obtain and maintain a record of the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in EMC 14.80.015(B):
  - i. Obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was floodproofed.
  - ii. Maintain the floodproofing certifications required in EMC 14.80.045(B)(3).

3. Certification required by EMC 14.80.050(F) / 14.80.060(D)(1).
4. Records of all variance actions, including justification for their issuance.
5. Improvement and damage calculations.
6. Maintain for public inspection all records pertaining to the provisions of this ordinance.

D. Alteration of Watercourse. Whenever a watercourse is to be altered or relocated:

1. Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means.
2. Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

E. Interpretation of FIRM Boundaries

Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (e.g. where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP.

F. Review of Building Permits

Where elevation data is not available either through the FIS, FIRM, or from another authoritative source (EMC 14.80.015(B), Use of Other Base Flood Data (In A Zones)), applications for floodplain development shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

G. Changes to Special Flood Hazard Area

1. If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR.

2. If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the floodplain development permit, including all required property owner notifications.

#### **14.80.020 ~~Flood insurance study adoption~~ Basis for Establishing the Areas of Special Flood Hazard.**

The ~~areas of~~ special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled “The Flood Insurance Study for Pierce County, Washington and Incorporated Areas,” dated March 7, 2017, with accompanying FIRMs dated March 7, 2017, and any map amendments or corrections-revisions thereto, are hereby adopted and incorporated herein by reference ~~and declared to be a part of this title.~~ The ~~flood insurance study~~ FIS and FIRMs are on file at Edgewood City Hall, 2224 104th Avenue East, Edgewood, Washington, 98371. The best available information for flood hazard area identification as outlined in EMC 14.80.015(B) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under EMC 14.80.015(B). ~~The city may add or delete land from areas of special flood hazard or revise base flood elevations, utilizing best available information for flood hazard identification in accordance with federal regulations.~~

In addition, for the purposes of this Title, the City of Edgewood may regulate those areas listed under EMC 14.80.040 as special flood hazard areas.

#### **14.80.030 Definitions.**

A. Refer to Chapter 14.20 EMC for definitions of any word or phrase not otherwise contained herein. For this chapter the definitions listed below shall apply:

1. “Alteration of watercourse” means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

2. “Appeal” means a request for a review of the interpretation of any provision of this chapter, per EMC 14.10.110, or request for a flood hazard area variance per EMC 14.80.070.

23. “Area of shallow flooding” means a designated zone AO, AH, AR/AO or AR/AH on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area. ~~areas designated as AO or AH zones on the FIRM(s). AO zones are characterized as sheet flows, having base flood depths that range from one to three feet above the natural ground, where a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident. AH zones indicate similar depth ponding, shown with standard base flood elevations on the FIRM(s).~~

34. “Area of special flood hazard” means the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR. “Special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”. ~~land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on FIRM(s) always includes the letter A or V.~~

5. “ASCE 24” means the most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.

6. “Base Flood” has the same meaning as defined in EMC Ch. 14.20.

7. “Base Flood Elevation”, or “BFE”, means the elevation to which floodwater is anticipated to rise during the base flood.

48. “Basement” means any area of the building having its floor subgrade (below ground level) on all sides, for the purposes of this title.

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

610. “Building” shall have the same meaning as “structure” in this title.

11. “Building Code” means the currently effective versions of the International Building Code and the International Residential Code adopted by the State of Washington Building Council, as adopted under EMC 15.05.

12. Critical Facilities. See EMC 14.20.010(B)(22). For floodplain management purposes, “essential facilities” as defined herein, and “essential public facilities” as defined under EMC 18.20.080 and 18.100.050, are considered critical facilities.

713. “Development” means any human-induced change to improved or unimproved real estate, including but not limited to: the construction of buildings or other structures, placement of a manufactured home/mobile home, mining, dredging, clearing, filling, grading, paving, excavation, drilling operations, storage of equipment or materials located within an area of special flood hazard, or activities otherwise governed by EMC Title 16, Subdivisions.

814. “Elevated building” means a nonbasement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

15. “Essential facility” means the same thing as “essential facility” defined in ASCE 24. Table 1-1 in ASCE further identifies building occupancies that are essential facilities.

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

107. “Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

148. “Flood” or “flooding” means

a. a general and temporary condition of partial or complete inundation of normally dry land areas from:

ai. The overflow of inland or tidal waters; or

bii. The unusual and rapid accumulation of runoff of surface waters from any source; or

iii. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a. of this definition.

192. “Flood elevation study” means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

20. “Flood Insurance Rate Map” or “FIRM” has the same meaning as defined in EMC 14.20. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

21. “Flood ~~insurance~~ elevation study (FIS)” means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).~~the official report provided by the Federal Insurance Administration (FIA) that includes flood profiles, FIRM(s), and the water surface elevation of the base flood.~~

22. “Floodplain or flood-prone area” -means any land area susceptible to being inundated by water from any source. See “Flood or Flooding.”has the same meaning as defined in EMC 14.20.

23. “Floodplain administrator” means the community official designated by this Chapter to administer and enforce the floodplain management regulations.

24. “Flood proofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

25. “Floodway” has the same meaning as defined in EMC 14.20. Also referred to as “regulatory floodway.”

26. “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

2713. “Historic structure” means any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

i. By an approved state program as determined by the Secretary of the Interior, or

ii. Directly by the Secretary of the Interior in states without approved programs.

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

~~1429.~~ “Lowest floor” has the same meaning as defined in EMC 14.20.

30. “Manufactured home or mobile home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term “manufactured home or mobile home” also includes park trailers, travel trailers, and other similar recreational vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term “manufactured home or mobile home” does not include park trailers, travel trailers, recreational vehicles, or other similar vehicles.

~~1531.~~ “Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

32. “Mean sea level” means for purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

~~1633.~~ “New construction” means structures for which the start of construction commenced on or after the following:

a. For the purposes of determining flood insurance rates, the effective date of an initial FIRM (i.e., August 19, 1987, or specifically for Panel 350, August 4, 1988), and includes any subsequent improvements to such structures.

b. For floodplain management purposes, December 15, 2020 ~~March 7, 2017~~ (the effective date of the city’s floodplain management ordinance), including any subsequent improvements to such structures.

~~1734.~~ “New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the

manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after December 15, 2020 ~~March 7, 2017~~ (the effective date of the city's floodplain management ordinance).

~~1835.~~ “Reasonably safe from flooding” means development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.

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

~~3719.~~ “Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the “actual start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

~~2038.~~ “Structure”, for the purposes of floodplain management, means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

39. “Substantial damage” has the same meaning as defined in EMC 14.20.

40.

~~21. “Substantial improvement” has the same meaning as defined in EMC 14.20. means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:~~

~~a. Before the improvement or repair is started; or~~

~~b. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.~~

~~The term “substantial improvement” does not, however, include either:~~

~~a. Any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or~~

~~b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places; provided, that the alteration will not preclude the structure’s continued designation as a historic structure.~~

~~2241. “Variance” means a grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited, per EMC 14.80.070.~~

~~2342. Violation. See EMC 14.20.010(B)(91). With regard to floodplain management, projects without an elevation certificate, other certifications, or other evidence of compliance required in this chapter are presumed to be in violation until such time as said documentation is provided.~~

~~2443. “Water dependent” means a structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.~~

44. “Water surface elevation” means the height, in relation to the vertical datum utilized in the applicable flood insurance study of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**14.80.040 Additional special flood hazard areas.**

In addition to those areas identified under EMC 14.80.020, the City of Edgewood may regulate the following as special flood hazard areas:

A. Potential Flood Hazard Areas. Unless otherwise approved under a Development Permit (EMC 14.80.045), the following areas shall be regulated as special flood hazard areas:-

1. Potential City Identified Flood Hazard Areas, as depicted on the Frequently Flooded Areas Critical Areas Atlas—Flood Hazard Area Map adopted under EMC 14.10.040(G).  
include:

a. Detailed Study Areas.

i. FEMA Flood Insurance Rate Map (FIRM) and Floodway Map AE and AH zones.

ii. Areas within 300 feet horizontal distance and five feet of vertical height from the base flood elevation established for the mapped AE and AH zones.

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

b. Unstudied Areas. FEMA Flood Insurance Rate Map (FIRM) A zones and shaded X zones, and areas within 300 feet horizontal distance from said mapped areas.

c. Natural Waters or Watercourse. Areas within five feet of vertical height above the ordinary high water mark of an identified natural watercourse.

d. Groundwater Flooding Areas. Areas within 300 feet horizontal distance from a mapped groundwater flooding area.

e. Potholes/Closed Depressions. Areas not identified as a mapped flood hazard area as described above, but within 10 feet of vertical relief from the bottom of an identified closed depression or within two feet of vertical relief of a potential surface water spillway

or other type of outlet. ~~Pothole~~Closed depressions may be identified by city topographic mapping, field survey, or site inspections.

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

~~76. 2. The Frequently Flooded Areas Map (EMC 14.10.040(G)) Critical Areas Atlas— Flood Hazard Areas Map~~ may not show all potential flood hazard areas that may be necessary for a specific site analysis. The department may make interpretations, where needed, as to the approximate location of the boundaries of potential flood hazard areas. When there is a conflict between the elevations and the mapped potential flood hazard area boundaries, the elevations shall govern. ~~3. Further, where there is insufficient information shown on the potential flood hazard area maps, the department may require the applicant to verify that the site is out of the flood hazard area using the flood hazard area review procedures set forth in EMC 14.80.050.~~

B. Floodway. A floodway is an extremely hazardous area due to the depth and/or velocity of floodwaters which could carry debris, potential projectiles, and have erosion potential. The following areas are regulated by the city as special flood hazard areas and floodways:

1. Regulatory Floodway. Regulatory floodway designated by flood hazard area maps.
2. Deep or Fast-Flowing Water Areas. Areas of deep or fast-flowing water shall be regulated as a floodway. Based on the criteria set forth in this chapter, the department shall make the determination after review and approval of applicant's analysis of whether the project site falls within the floodway area based on deep or fast-flowing waters.
3. Closed Depressions~~Potholes~~ and Shaded X Zones. That portion of ~~a pothole and zone said areas~~ that is three feet or greater in depth shall be regulated as a floodway. This includes, but is not limited to, the City-Identified Floodway areas as depicted on the Frequently Flooded Areas Map adopted under EMC 14.10.040(G).
4. ~~Channel Migration Zone (CMZ).~~
  - a. ~~CMZs shall be regulated as a floodway.~~

~~b. CMZs are equivalent to the base flood elevation limits, i.e., 100-year floodplain limits.~~

C. Flood Fringe. All areas subject to inundation by the base flood, but outside the limits of the floodway as set forth in subsection (B) of this section. Those portions of the A, AE, AH, and shaded X zones not defined as floodway, and that portion of a closed depression ~~pothole~~ and FEMA shaded X zone area that is between zero feet (base flood elevation) and three feet in depth (City-Identified 100-year Floodplain areas as depicted on the Frequently Flooded Areas Map adopted under EMC 14.10.040(G)), shall be regulated as a flood fringe.

D. Other Areas of Special Flood Hazard.

1. Groundwater Flooding Areas. Groundwater flooding areas are those areas ~~identified by Edgewood and shown on flood hazard maps and are~~ subject to flood inundation from subsurface waters that result from a fluctuation of the groundwater table. Groundwater flooding areas shall be regulated as closed depressions per subsections (B)(3) and (C) of this section, above a floodway or flood fringe ~~pothole~~.

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

~~3. Frequently Flooded Areas. See EMC 14.80.050(A)(9) as the areas defined by this section.~~

#### **14.80.045 Establishment of Development Permit.**

A. Development permit required. A development permit shall be obtained before construction or development begins within any area of Special Flood Hazard. The permit shall be for all structures including manufactured homes, as set forth in the “Definitions,” and for all development including fill and other activities, also as set forth in the “Definitions.”

B. Application for Development Permit. Application for a development permit shall be on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate, completed and certified by a professional land surveyor currently licensed in the state of Washington, with Section B of such certificate completed by the Floodplain Administrator.

2. Elevation in relation to mean sea level to which any structure has been floodproofed;

3. Where a structure is to be floodproofed, certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in EMC 14.80.060(B)(2), Nonresidential Construction;

4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;

5. Where development is proposed in a floodway, an engineering analysis indication no rise of the Base Flood Elevation, and

6. Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

#### **14.80.050 Flood hazard area review procedures.**

##### **A. General Requirements.**

1. The city's ~~Frequently Flooded Areas Map (EMC 14.10.040(G))~~Critical Areas Atlas—Flood Hazard Area Map only provides an indication of where potential flood hazard areas ~~are~~may be located within the city. The actual presence or location of a flood hazard area shall be determined using the procedures and criteria contained in this chapter.

2. The department will complete a review of the flood hazard area maps, and other source documents, for any development proposal to determine whether the proposed project area for a regulated activity falls within a potential flood hazard area. When there is a conflict between the elevations and the mapped 100- or 500-year floodplain or floodway

boundaries, the elevations shall govern. In the instance where base flood elevation data has not been provided within a mapped A zone, the department shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source to complete their review.

3. When the department's maps or sources indicate that the proposed project area for a regulated activity is or may be located within a potential flood hazard area, ~~except for coastal flood hazard areas~~, the department shall require a flood boundary verification survey as outlined in subsection (~~CB~~) of this section, and may require a flood study as outlined in subsection (~~DC~~) of this section, a deep or fast-flowing water analysis as outlined in subsection (~~ED~~) of this section, or a zero-rise analysis as outlined in subsection (~~FE~~) of this section.

4. Any proposed development located within a flood hazard area shall comply with the provisions for flood hazard reduction area standards set forth in EMC 14.80.060.

5. Prior to City approval of any proposed flood hazard area development, ~~all~~ any necessary permits from those governmental agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, must be provided to the city by the applicant.

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

7. Unless otherwise stated in this chapter, the critical area protective measure provisions contained in EMC 14.10.070 shall apply.

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

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

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

10. Flooding conditions within the city generally fall into three distinct hydrologic settings: (a) upland areas within enclosed depressions, (b) streams that flow off the upland areas, and (c) valley lowlands. Accordingly, the city manages frequently flooded areas within these three zones, as described below:

- a. Upland Areas within Enclosed Depressions. From the above list use the historic ponding elevation, determined by subsection (A)(9) of this section, or the FEMA 100-year base flood elevation, whichever is highest.
- b. Streams Which Flow Off the Upland Areas. From the above list use the historic flood elevation, determined by subsection (A)(9) of this section, or the FEMA 100-year base flood elevation, whichever is highest.
- c. Valley Lowlands. From the above list use the historic flood elevation determined by subsection (A)(9) of this section, or the FEMA 100-year base flood elevation, whichever is highest.

~~11. The city will provide local flood information to FEMA, and request FEMA's assistance in accurately mapping and evaluating frequently flooded areas.~~

~~128.~~ Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards~~frequently flooded areas~~ or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Ceity of Edgewood, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

#### ~~B. Channel Migration Zone Study.~~

~~1. In areas where Edgewood has not conducted a detailed channel migration zone study, an applicant may submit an independent channel migration zone study to demonstrate that the channel migration zone limits for those watercourses listed in this chapter are located inside the 100-year floodplain limits.~~

~~2. The channel migration zone study shall be prepared, signed, and dated by a professional engineer or engineering geologist with at least five years of experience in fluvial geomorphology, river dynamics, or geotechnical engineering.~~

~~3. The channel migration zone study shall, at a minimum, contain the information set forth in EMC 14.80.080, Appendix B.~~

~~4. The department shall review the channel migration zone study and either accept the new channel migration zone limits or reject the study and require the use of the 100-year floodplain limits. Once the department has reviewed and approved the channel migration zone study, the applicant shall be required to provide a flood boundary verification survey, as outlined in subsection (C) of this section, utilizing the newly established channel migration zone limits as the floodway limits.~~

#### ~~CB.~~ Flood Boundary Verification Survey.

~~1. A flood boundary verification survey that delineates the horizontal and vertical limits of the base flood elevation shall be submitted to the department when the department's maps~~

or sources indicate that the proposed project area for a regulated activity is located within a potential flood hazard area.

- a. Where a base flood elevation has not been ~~established~~determined, a flood study shall be required pursuant to subsection (~~DC~~) of this section.
- b. A base flood elevation that has been established through a detailed flood study accepted by the department may be used in lieu of conducting a new flood study.
- c. In lieu of a flood study, ~~The base flood elevation for a natural watercourse as set forth in this chapter (EMC 14.80.040(D)(2))~~ shall be established at the five-foot topographic elevation line above the ordinary high water mark.

2. The requirement to submit a flood boundary verification survey may be waived at the department's discretion, when the department can determine, using contour elevations, base flood data, orthophotos, and parcel data, that the extent of the regulated activity is clearly above the base flood elevation.

3. The flood boundary verification survey shall be prepared, signed, and dated by a registered land surveyor.

4. The department shall review the flood boundary verification survey to determine if the proposed development is located within a flood hazard area.

5. If the proposed development lies within the flood hazard area, the limits of the floodway, as well as the base flood elevation, shall be shown on the flood boundary verification survey.

#### ~~DC~~. Flood Study.

1. A flood study shall be conducted when the department's maps or sources indicate that the proposed project area for a regulated activity is, or may be located within, a potential flood hazard area where base flood elevation data is not available through the flood insurance study or other authoritative sources, or when an established base flood elevation is contested. A full engineering analysis to determine the base flood elevation shall be required by the department. Base flood elevations shall be determined using the detailed methods established in EMC 14.80.080, Appendix A. The department may approve alternative methods.

2. The flood study shall be prepared, signed, and dated by a professional engineer.
3. Once the department has reviewed and approved the flood study, the applicant shall be required to provide a flood boundary verification survey, utilizing the newly established base flood elevation, as outlined in subsection (~~CB~~) of this section.
4. ~~Flood studies shall not be required for coastal flood hazard areas.~~

**ED.** Deep or Fast-Flowing Water Analysis.

1. When the department determines that a proposed project area for a regulated activity is located within a flood hazard area, a deep or fast-flowing water analysis based on EMC 14.80.080, Appendix A, shall be required to determine the floodway limits.
2. The floodway limits and flood fringe limits identified in the deep and/or fast-flowing water analysis shall be depicted on the flood boundary verification survey, as outlined in subsection (~~CB~~) of this section.
3. The deep and/or fast-flowing water analysis shall be prepared, signed, and dated by a professional engineer.
4. ~~Deep and/or fast flowing water analysis shall not be required for coastal flood hazard areas.~~

**FE.** Zero-Rise Analysis.

1. When the department determines that a proposed project area for a regulated activity is located within a special flood hazard area, a zero-rise analysis shall be required to determine that no increase in base flood elevation, displacement of flood volume, or flow conveyance reduction will occur as a result of the development.
2. The zero-rise analysis shall be conducted utilizing Hydrologic Engineering Center – River Analysis System (HEC-RAS) modeling methodology for stream and channel floodways; the Western Washington Hydrology Model (WWHM) for ~~pothole or~~ closed depression floodways; or an alternative methodology approved by the city (see EMC 14.80.080, Appendix A). The analysis shall show that no rise ~~greater than 0.01 foot~~ has occurred as a result of the proposed development. The scope of the proposed development may need to be reduced or special engineering may be required (e.g., utilizing piers or pilings) to achieve zero rise.

3. If the zero-rise analysis is required for a project that is proposed outside of, but tributary to, a special flood hazard area, the analysis shall show that no rise greater than 0.01 foot will occur because of the proposed development (see EMC Ch. 13.05).

34. The zero-rise analysis shall be prepared, signed, and dated by a professional engineer.

45. The zero-rise analysis shall be documented on the zero-rise analysis form, as set forth in EMC 14.80.080, Appendix A, and shall be attached to the flood hazard area permit.

5. Zero-rise analysis shall not be required for coastal flood hazard areas.

6. When structures are elevated by pier or pilings and no fill is placed in the flood hazard area, the requirement to submit a zero-rise analysis may be waived at the department's discretion.

, completed and certified by a professional land surveyor currently licensed in the state of Washington,

#### **14.80.060 Flood hazard area standards Provisions for Flood Hazard Reduction.**

##### **A. General Standards.**

In all areas of special flood hazards (see EMC 14.80.020 and 14.80.040), the following standards are required:

##### 1. Anchoring

a. All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydro static loads including the effects of buoyancy.

b. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. For more detailed information, refer to guidebook, FEMA-85, "Manufactured Home Installation in Flood Hazard Areas."

##### 2. Construction Materials and Methods

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

### 3. Storage of Materials and Equipment

a. The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.

b. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

### 4. Utilities

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

b. Water wells shall be located on high ground that is not in the floodway (WAC 173-160-171) or in flood fringe areas;

c. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

d. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. New effluent dispersal components shall be prohibited in all special flood hazard areas, and replacement effluent dispersal components shall be prohibited in closed depression floodways and flood fringe.

### 5. Subdivision Proposals and Development

All new development shall:

- a. Be consistent with the need to minimize flood damage;
- b. Have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
- c. Have adequate drainage provided to reduce exposure to flood damage; and
- d. Where subdivision proposals and other proposed developments contain greater than 50 lots or 5 acres (whichever is the lesser) base flood elevation data shall be included as part of the application.

#### 6. Public Works Projects

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

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

~~7. Elevation Certificate. A Federal Emergency Management Agency (FEMA) elevation certificate shall be required for new construction, any addition affixed to the side of a structure, and substantial improvements located within flood hazard areas. The most current version of the FEMA elevation certificate must be completed and certified by a professional land surveyor, currently licensed in the state of Washington, kept on file by the city for public inspection, recording the actual (as-built) elevation (in relation to mean sea level) of:~~

- ~~a. The lowest floor, including basement, of all new or substantially improved structures, whether or not the structure contains a basement;~~

b. For floodproofed nonresidential structures, where the structure was floodproofed (including floodproofing certifications):

## B. Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in EMC 14.80.015(B) or 14.80.020, including but not limited to Flood Fringe areas (EMC 14.80.040(C)), the following provisions are required:

### 1. Residential Construction

a. In AE and A1-30 zones and other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated two feet or more above the BFE. Mechanical equipment and utilities shall be waterproof or elevated at least two feet above the BFE.

b. New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

c. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs must meet or exceed the following minimum criteria:

i. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

ii. The bottom of all openings shall be no higher than one foot above grade.

iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and

iv. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.

Alternatively, a registered engineer or architect may design and certify engineered openings.

## 2. Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of subsection (a) or (b), below.

a. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

i. In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained:

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated two feet or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated at least two feet above the BFE, or as required by ASCE 24, whichever is greater.

ii. If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

iii. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

A. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

B. The bottom of all openings shall be no higher than one foot above grade.

C. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

b. If the requirements of subsection (a) are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

i. Be dry floodproofed so that below two feet or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater;

ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in EMC 14.80.015(C)(2); and

iv. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in EMC 14.80.060(B)(1)(e).

### 3. Manufactured Homes

a. All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated two feet or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

### 4. Recreational Vehicles

a. Recreational vehicles placed on sites are required to either:

- i. Be on the site for fewer than 180 consecutive days, or
- ii. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
- iii. Meet the requirements of section (3) above.

#### 5. Enclosed Area Below the Lowest Floor

If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

#### 6. Appurtenant Structures (Detached Garages & Small Storage Structures) For A Zones (A, AE, A1-30, AH, AO):

a. Appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:

- i. Use of the appurtenant structure must be limited to parking of vehicles or limited storage;
- ii. The portions of the appurtenant structure located below the BFE must be built using flood resistant materials;
- iii. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
- iv. Any machinery or equipment servicing the appurtenant structure must be elevated or flood proofed to or above the BFE;
- v. The appurtenant structure must comply with floodway encroachment provisions in EMC 14.80.060(D)(1).
- vi. The appurtenant structure must be designed to allow for the automatic entry and exit of flood waters in accordance with EMC 14.80.060(B)(1)(e)
- vii. The structure must have low damage potential.

viii. If the structure is converted to another use, it must be brought into full compliance with the standards governing such use, and

ix. The structure must not be used for human habitation.

b. Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in EMC 14.80.060(B)(1).

c. Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

7. Additional Flood Fringe Standards. Structures that do not require a building permit and that do not have any associated fill are allowed, subject to flood hazard area review and permitting. Any other proposed development, encroachment, clearing and grading, new construction, or substantial improvements are prohibited in a flood fringe area, except as permitted under the following standards:

a. Vehicular, Pedestrian, and Non-Motorized Access. Roads, bridges, driveways, trails, emergency vehicle access, and access routes and easements, where allowed, shall be constructed and armored based on the standards in subsection (b) of this section and elevated a minimum of one foot above the base flood elevation. Parking lots shall be elevated to a minimum of one-half foot below the base flood elevation.

b. Clearing and Grading. Development under this subsection shall be designed to a zero-rise standard (see EMC 14.80.050(F) and 14.80.060(D)(1)). Any grading associated with the development shall not cause an adverse impact to adjacent, cross-channel, or upstream or downstream properties, nor increase flood hazards, water velocities, or flood elevations. In addition to meeting the requirements for zero-rise, all permitted development must also meet the following requirements:

i. Compensatory Storage. New excavated storage volume shall be equivalent to the flood storage capacity eliminated by grading within the flood fringe. Equivalent shall mean that the storage removed shall be replaced by equal live storage volume between corresponding one-foot

contour intervals that are hydraulically connected to the floodplain through their entire depth.

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

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

c. AE and A1-30 Zones with Base Flood Elevations but No Floodways

In areas with BFEs (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community’s FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community.

C. Floodways

Located within areas of special flood hazard established in EMCs 14.80.020 and 14.80.040 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the depth and/or velocity of floodwaters that can carry debris, and increased erosion potential, any development, encroachment, clearing and grading, fill, new construction, or substantial improvements, including structures that do not require a building permit, shall be prohibited within the floodway, except as allowed by the following provisions:

1. No Rise Standard

If any of the following allowed activities require installation of structures or any earthwork/fill within the floodway, certification by a registered professional engineer

must be provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge (see EMC 14.80.050(F)).

## 2. Residential Construction in Floodways

Construction or reconstruction of residential structures is prohibited within designated floodways, except for: (a) repairs, reconstruction, or improvements to a structure that do not increase the ground floor area; and (b) repairs, reconstruction, or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (i) before the repair or reconstruction is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.

a. Replacement of Farmhouses in Floodway. Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may be permitted subject to the following:

- i. The new farmhouse is a replacement for an existing farmhouse on the same farm site;
- ii. There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway;
- iii. Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;
- iv. A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing;

- v. A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse;
- vi. For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum of two feet higher than the BFE;
- vii. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;
- viii. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters; and
- ix. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

b. Substantially Damaged Residences in Floodway

- i. For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Washington Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).

ii. Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to Ch. 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:

- A. There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
- B. A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
- C. Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment
- D. The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of two feet higher than the BFE.
- E. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood water into the system.
- F. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters.
- G. All other utilities and connections to public utilizes designed, constructed, and located to eliminate or minimize flood damage.

### 3. All Other Building Standards Apply in the Floodway

If EMC 14.80.060(D)(1) is satisfied or construction is allowed pursuant to EMC 14.80.060(D)(2), all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of EMC 14.80.060, Provisions for Flood Hazard Reduction.

### 4. Other Allowable Activities in the Floodway

- a. Agricultural activities that do not require the installation of structures and that do not have any associated fill.

- b. Park and recreational uses and facilities that do not require the installation of structures and that do not have any associated fill.
- c. Habitat enhancement or stream restoration activities, subject to the provisions outlined in EMC 14.50.060.
- d. Private bridges may be allowed to cross the floodway; provided, that the structure meets the requirements contained in EMC 14.80.050 and the following:
  - i. The lowest structural member of a private bridge proposed to cross a channel migration zone shall be a minimum of six feet above the base flood elevation.
  - ii. The lowest structural member of a private bridge proposed to cross the floodway portion of any other watercourse shall be a minimum of one foot above the base flood elevation.

#### D. General Requirements for Other Development

All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the state building codes with adopted amendments and any Edgewood amendments, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the encroachment limitations of this ordinance if located in a regulatory floodway;
3. Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials;
5. Meet the flood opening requirements of EMC 14.80.060(B)(1)(e), and
6. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

#### E. Critical Facilities

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood,

whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the facility's lowest floor shall be provided to all critical facilities to the extent possible.

#### F. Livestock Sanctuaries

Elevated areas for the for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated sufficiently to protect livestock (at least one foot above the BFE). Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of this chapter.

#### **14.80.070 Variances to flood hazard areas.**

The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the owner(s) of the property.

It is the duty of the City of Edgewood to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the Base Flood Elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance should be quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

A. General. Variances are reviewed pursuant to the process and criteria outlined in EMC 14.10.100, Variances to critical areas.

~~B. Additional Criteria for Flood Hazard Area Variances~~Requirements for Flood Hazard Area Variances. In addition to the variance criteria referenced in subsection (A) of this section, ~~in order for the decision maker to approve a flood hazard area variance, there must be written~~

findings that the applicant has demonstrated the proposal satisfies all of the following variances shall only be issued:

~~1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.~~  
Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

~~2. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.~~  
For the repair, rehabilitation, or restoration of historic structure(s), upon a determination that the variance will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure (if applicable);

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

~~4. Variances shall only be issued u~~  
Upon:

~~a. A~~  
a. showing of good and sufficient cause; and

~~b5. Upon a~~  
5. Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant and that the hardship was not created by the applicant.;

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

D. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, provided the procedures of 14.80.014, 14.80.015, and 14.80.060 of this Chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

E. Variance Criteria. In considering variance applications, the Edgewood Hearing Examiner shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, if applicable;
6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water system, and streets and bridges. ~~determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.~~

F. Additional Requirements for the Issuance of a Variance

1. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

a. The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and

b. Such construction below the BFE increases risks to life and property.

2. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.

3. The Floodplain Administrator shall condition the variance as needed to ensure that the requirements and criteria of this chapter are met.

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

~~6. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection (B)(1) of this section, and otherwise complies with EMC 14.80.060, Flood hazard area standards.~~

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

#### **14.80.075 Penalties for Noncompliance**

All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a civil violation under Title 7 of the EMC. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be

financed in accordance with Title 7 EMC. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

#### **14.80.080 Appendices.**

A. Floodplain/Floodway Analysis.

~~B. Channel Migration Zone Study.~~

### **APPENDIX A**

#### **FLOODPLAIN/FLOODWAY ANALYSIS**

This appendix describes the flood hazard analyses and studies as required by this chapter. Flood hazard studies establish the base flood elevation and delineate floodplain and/or floodway(s) when a proposed project contains or is adjacent to a river, stream, lake, or closed depression.

Flood hazard studies must conform to FEMA regulations described in 44 CFR Part 65. In addition, the following information must be provided and procedures performed for flood hazard studies used under this chapter to examine development proposals or improvements within a floodplain.

#### **Article I. Floodway Determination**

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

~~A. FEMA Floodways.~~

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

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

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

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

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

## **Article II. Flood Study Content and Required Information**

~~Three copies of~~ When required under EMC 14.80.050(C), the completed floodplain/floodway analysis study report and the modeling digital files shall be submitted with the Development Permit (EMC 14.80.045). The report submittal must be stamped by a licensed professional civil engineer and include the following information in addition to that required for the drainage plan of a proposed project:

**A. Floodplain/Floodway Map.**

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

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

- a. Elevations and ground contours, spot elevations, and vertical datum NAVD 88 (North American Vertical Datum of 1988) (or most recent vertical datum accepted by the department).
- b. Elevations and dimensions of existing structures, fill, and compensatory storage areas.
- c. Size, location, elevation and spatial arrangement of all proposed structures on the site.
- d. Location and elevations of roadways, drainage facilities, water supply lines, and sanitary sewer facilities.
- e. Areas of DFF must clearly be shown and plotted on the map sheet depicting the bounded area of the floodway on both sides of the study channel through the subject site. DFF floodway studies must reflect all transitions as referenced above as well.
- f. The base maps must also be accompanied by all field survey notes/computations, drawings, etc., for each cross-section with water surface elevation at the time the cross-section field survey was done.

## B. Study Report.

1. Soil maps, groundcover maps, and photographs.
2. A narrative report containing the purpose of the study and description of the study area, data collection, methodology for both the hydrology and hydraulics, detailed discussion on the input parameters used, modeling results, and conclusions.
3. A floodplain/floodway analysis must include calculations and all computer analysis input and output information, supporting graphical illustrations, as well as the following additional information:
  - a. Scaled cross-sections showing the current, existing conditions of the river or stream channel, the floodplain adjoining each side of the channel, the computed floodway, the cross-sectional area to be occupied by any proposed development and all historic high water information.

- b. Profiles showing the bottom of the channel, the top of both left and right banks and computed base floodwater surface elevations for the 10-, 25-, 50- and 100-year events.
- c. Plans and specifications of any flood protection for structures, construction areas, clearing, dredging, channel improvements, storage of materials, water supply, and sanitary facilities within the floodplain.
- d. Complete digital printout of input and output data of the model that was used for the analysis. Liberal use of comments and written discussion will assist considerably in understanding the model logic and minimize misinterpretations and/or questions.
- e. A map, showing the graphical/plotted location and limits of the computed floodway and/or floodplain.
- f. ~~Three copies of r~~Ready-to-run digital files of both the hydrologic and hydraulic model and its input and output files used in the study. ~~Data shall be submitted on a disk in standard ASCII format, ready to use on an IBM compatible personal computer and in the applicable software application, e.g., HEC RAS, HSPF—Hydrological Simulation Program—FORTRAN, SBUH, or similar application.~~
- g. A section on the flood flow including computer modeling or calculations.
- h. Aerial photographs of the site ~~including pre-February 1996 and post-February 1996 photos of the site.~~
- i. All field survey notes/computations, maps, and drawings for each cross-section with water surface elevation at the time of the cross-section field survey.

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

1. Cross-section(s) identification number.
2. Range of flows being examined.
3. Computed water surface elevation at each cross-section.
4. Energy grade line at each cross-section.

5. Graphical plots of the channel cross-sections with computed water surface elevations for all model runs including calibrated model runs.
6. All model input and output ~~printouts~~reports.
7. Graphical plots of the model output data that show the points and segments along each cross-section where deep and/or fast-flowing water occurs. This shall include cross-section plots of depth and velocity in one-unit increments. The plots shall also be accompanied with a table listing the station distance (right and left bank), flow rate, area, hydraulic depth, velocity, and whether each point is a floodway.
8. A plan sheet clearly showing the graphical representation of the bounded area of the floodway based on DFF criteria through the entire study site and reach. Note that identified islands or pockets within the middle of the bounded floodway area are generally considered as part of the floodway, unless otherwise approved by the department.
9. Discussion on the starting water surface elevation for the hydraulic model.

### **Article III. Determining Flood Flows**

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

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

~~B. Flood Flows from Stream Gauge Data. Determining flood flows from stream gauge data uses the Log-Pearson Type III distribution method as described in the Guidelines for Determining~~

Flood Flow Frequency, Bulletin 17B of the Hydrology Committee, United States Water Resources Council (revised October 1981).

1. This technique may be used only if data from a gauging station in the basin is available for a period of at least 10 years.
2. If the difference in the drainage area on the stream at the study site and the drainage area to a gauging station on the stream at a different location in the same basin is less than or equal to 50 percent, the flow at the study site shall be determined by transferring the calculated flow at the gauge to the study site using a drainage area ratio raised to the 0.86 power, as in the following equation:

$$Q_{ss} = Q_g (A_{ss}/A_g)^{0.86}$$

where

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

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

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

$A_g$  = drainage area tributary to the stream at the gauge site.

3. If the difference in the drainage area at the study site and the drainage area at a gauging station in the basin is more than 50 percent and a basin plan has not been prepared, a continuous model shall be used as described below to determine the flood flows at the study site.
4. In all cases where dams or reservoirs, floodplain development, or land use upstream may have altered the storage capacity or runoff characteristics of the basin so as to affect the validity of this technique, a continuous model shall be used to determine flood flows at the study site.

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

#### **Article IIIV. Determining Flood Elevations, Profiles and Floodways (Hydraulic Model)**

A. Reconnaissance. The applicant's project engineer is responsible for the collection of all existing data with regard to flooding in the study area. This shall include a literature search of all published reports in the study area and adjacent communities and an information search to obtain all unpublished information on flooding in the immediate and adjacent areas from federal, state, and local units of government. This search shall include specific information on past flooding in the area, drainage structures such as bridges and culverts that affect flooding in the area, available topographic maps, available community maps, photographs of past flood events, and general flooding problems within the community. Documented discussions with nearby property owners should also be done to obtain a witness account of the flooding extent. A field reconnaissance shall be made by the applicant's project engineer to determine hydraulic conditions of the study area, including type and number of structures, locations of cross-sections, and other parameters including the roughness values necessary for the hydraulic analysis.

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

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

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

1. Cross-section of a downstream starting location and spacing.
2. Differences in energy grade line (significant differences in the energy grade line from cross-section to cross-section are an indication that cross-sections should be more closely spaced or that other inaccuracies exist in the hydraulic model).
3. Methods and results for analyzing the hydraulics of structures such as bridges and culverts.

4. Lack of flow continuity.
5. Use of a gradually varied flow model. In certain cases, rapidly varied flow techniques may need to be used in combination with a gradually varied flow model such as weir flow over a levee, flow through a spillway of a dam, or special application of bridge flow (pressure flow if bridge superstructure is shown to be submerged for the study event).
6. Manning's "n" value.
7. Calibration of hydraulic model to known or observed flow stage elevations including past flood events.
8. Special Applications. In some cases, steady state one-dimensional hydraulic models may not be sufficient for preparing the floodplain/floodway analysis. This may occur where sediment transport, two-dimensional flow, or other unique hydraulic circumstances affect the accuracy of the model. In these cases, the project engineer must propose and obtain department approval of alternative models for establishing the water surface elevations.
9. All reported error or warning messages by the model must be properly and adequately addressed or resolved and included in the report for review verification.

#### **Article IV. Zero-Rise Analysis (ZRA)**

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

B. ZRA is also required where development is proposed within a closed depression basin, having surface water runoff that is tributary to said closed depression, but no encroachment of the flood fringe or floodway is proposed. In this case, the ZRA must show that the proposed development will not create more than a 0.01-foot rise in the base flood elevation resulting from a comparison of existing conditions and proposed conditions. This is directly attributable to the change in land cover by the proposed development, but not attributable to manipulation of mathematical variables such as roughness factors, coefficients, discharge, and other hydraulic parameters.

BC. In addition to those items listed in subsection (A) of this article, the following shall be included in a ZRA on projects that encroach within the flood fringe and/or floodway area:

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

CD. Conveyance Capacity.

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

4. Include a comparison analysis and discussion from subsections (C)(2) and (3) of this article. The comparison must adequately show that the conveyance capacity has not measurably decreased between the existing condition and proposed development condition.

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

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

|                       |               |
|-----------------------|---------------|
| (Name of Development) | Parcel Number |
|-----------------------|---------------|

will not increase the 100-year Base Flood elevation(s) and widths nor reduce the conveyance capacity of the Floodplain, Floodway and its associated channel to the

(Name of River, Stream, ~~Pothole~~ Closed Depression or other Watercourse)

## Supporting Data

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

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

Conveyance Capacity (Pre-Development) = \_\_\_\_\_ CFS

Conveyance Capacity (Post-Development = \_\_\_\_\_ CFS

with compensatory storage)

|                    |                    |
|--------------------|--------------------|
| _____<br>Signature | _____<br>Date      |
| _____<br>Title     | _____<br>Firm Name |
| _____<br>Address   |                    |
| _____<br>City      |                    |
| _____<br>State     | _____<br>Zip Code  |

## **APPENDIX B**

### **CHANNEL MIGRATION ZONE STUDY REQUIREMENTS**

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

#### **Article I. Determining Channel Migration Zone Limits**

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

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

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

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

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

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

## **Article II. Channel Migration Zone Study Content and Required Information**

Three copies of the completed channel migration zone study shall be submitted. The study submittal must be stamped by a licensed professional engineer or professional geologist with five years of experience in fluvial geomorphology, river dynamics, or geotechnical engineering. The

~~CMZ study shall include the following information in addition to that required for the drainage plan of a proposed project. The CMZ study will consist of a written technical report including:~~

~~A. Detailed methods, techniques, and assumptions used in determining the location of the CMZ.~~

~~B. A vicinity map and site with scale, north arrow, and parcel number(s) or specific site being studied.~~

~~C. A clear statement of the requested revision to Pierce County's determination of the 100-year floodplain limits as the CMZ.~~

~~D. A clearly stated conclusion of the study results that support the requested revision. The conclusion needs to document the basis for the revision, show how the data presented refutes the 100-year floodplain limits as the CMZ, and calculates the new results using the new information.~~

~~E. A map clearly delineating the subject property and the CMZ of the adjacent watercourse. In addition to providing a hard copy of the CMZ map, the CMZ map shall also be provided in ARC View shapefile format. Contact the department for mapping and aerial imaging standards.~~

## **Exhibit B**

### **14.20.010 Definitions.**

A. This title relies on the definitions contained in Chapter 18.20 EMC, Definitions. Any word or phrase not contained herein shall be first referenced to Chapter 18.20 EMC for meaning. The city also adopts by reference the definitions stated in WAC 197-11-700 through 197-11-799, as now or hereafter amended.

1. For any word or term not defined herein, the latest edition of Webster's Dictionary shall be used.
2. The director, or their designee, has the final authority to determine the interpretation or usage of terms used in this chapter.

B. Additional definitions not contained in Chapter 18.20 EMC that apply to this title are:

1. "Addition" means an alteration to an existing structure that increases the floor area, either affixed to the structure's side or an upper story addition.
2. "Agricultural activities" means the production of crops or raising or keeping livestock, including operation and maintenance of farm and stock ponds, drainage ditches, irrigation systems, and normal operation, maintenance, and repair of existing serviceable agricultural structures, facilities, or improved areas, and the practice of aquaculture. Activities which bring an area into agricultural use are not part of an ongoing activity. An operation ceases to be ongoing when the area in which it was conducted is proposed for conversion to a nonagricultural use or has lain idle for a period of longer than five years, unless the idle land is registered in a federal or state soils conservation program. Forest practices regulated under Chapter 76.09 RCW or WAC Title 222 are not included in this definition.
3. "Agricultural land(s)" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.
4. "Animal containment area" means a site keeping at least 2,000 pounds of large animals per acre or 750 pounds of small animals per acre, or where a high volume of waste material is deposited in quantities capable of impacting groundwater resources.

5. “Animal, large” means an animal weighing 100 pounds or more.
6. “Animal, small” means an animal with an average weight of less than 100 pounds.
7. “Application” means a request for a license.
8. “Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the “100-year flood,” ~~and is designated on FIRM(s) by the letter A or V.~~
9. “Best available science” means scientific information applicable to the critical area prepared by local, state, or federal natural resource agencies, a qualified scientific professional, or team of qualified scientific professionals that is consistent with criteria established in WAC 365-195-900 through 365-195-925.
10. “Best management practices (BMP)” means conservation practices or systems of practices and management measures that:
  - a. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics and sediment;
  - b. Minimize adverse impacts to surface water and groundwater flow and circulation patterns and to the chemical, physical, and biological characteristics of wetlands;
  - c. Protect trees and vegetation designated to be retained during and following site construction and use native plant species appropriate to the site for revegetation of disturbed areas; and
  - d. Provide standards for proper use of chemical herbicides within critical areas.
11. “Buffer” means areas contiguous with critical areas that are required for the integrity, maintenance, function, and structural stability of said critical areas.
12. “Building footprint” means the horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.
13. “City” means the city of Edgewood municipal corporation.
14. “City council” means the Edgewood city council.

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

16. “Compensatory mitigation” means replacing project-induced losses or impacts to a critical area.

17. “Conservation easement” means a recorded deed restriction or covenant that runs in perpetuity on a parcel of land restricting the use of the property by preventing future real estate development such as residential, industrial, or commercial use that may allow for continued current uses, e.g., residential, recreational, agriculture, forestry, or ranching.

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

19. “Crawl space” means the shallow space beneath the bottom floor of a house with no basement; used for access and inspection of framing, electrical, plumbing, insulation, vapor barriers, or duct work. For purposes of the National Flood Insurance Program Elevation Certificate, this definition does not include spaces that have subgrade around all sides, which shall be considered a basement.

20. “Critical aquifer recharge areas” means areas with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge.

21. “Critical area” means land that contains any of the following area, areas, or ecosystems: aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, or wetlands as defined in Chapter 36.70A RCW, as it now exists or may be hereinafter amended, and this chapter.

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

23. “Debris flow” means the rapid downslope movement of a viscous mass of water-saturated sediments.

24. “Degraded” means to have suffered a decrease in naturally occurring function or value.

25. “Delineation” means a wetland study conducted in accordance with the approved federal wetland delineation manual and applicable regional supplements.

26. “Depressional pothole” or “Closed depression” means a relatively sunken or low-lying area of the earth’s surface, especially one having no natural outlet for surface drainage.

27. Development. See EMC 18.20.070.

28. Development Activity. See EMC 18.20.070.

29. “Director” means the head of the city’s community development department or their designee.

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

31. “Earth material” means naturally occurring rock, soil, stone, sediment, or combination thereof.

32. “Earthflow” means a slow downslope movement of viscous, saturated sediments.

33. “Elevation certificate” means an administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F). ~~the official form (FEMA Form 81-31) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate, with Section B completed by community officials.~~

34. “Encroachment” means development or regulated activity conducted inside the boundaries of any critical areas or buffers.

35. Engineer. As defined by Chapter 18.43 RCW.

36. “Engineering geologist” means a geologist who has met the qualifications in engineering geology established under Chapter 18.220 RCW.

37. “Enhancement” means actions performed within existing critical areas or buffers to intentionally increase or augment one or more ecological functions or values of the existing area. Enhancement actions include, but are not limited to, increasing plant diversity and cover; increasing wildlife habitat and structural complexity with snags or woody debris; installing environmentally compatible erosion controls; removing nonnative plant or animal species; or removing human-made structures or fill that are degrading ecological functions or values.

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

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

40. “Filling” means the act of placing fill or fill material on any surface, including temporary stockpiling of fill material.

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

42. “Fisheries biologist” means a professional with a degree in fisheries or certification by the American Fisheries Society, or with five years of professional experience as a fisheries biologist.

43. “Flood hazard areas” means areas designated pursuant to the provisions contained in EMC Ch. 14.80. of flooding identified by verifiable flooded areas using:

a. ~~Aerial photographs of the city, especially those taken in wintertime 1996 and 1997;~~

b. ~~Relevant and verifiable information from the city’s capacity analysis technical review ad hoc committee (CATRAC) draft report, 2000;~~

c. ~~Relevant and verifiable government and citizen photographs, notes, observations, etc., regarding historic ponding/flooding levels;~~

d. ~~Relevant and verifiable information available through Pierce County;~~

e. ~~Relevant and verifiable information available through the Federal Emergency Management Agency (FEMA); or~~

f. ~~Areas of land located in floodplains, which are subject to a one percent or greater chance of flooding in any given year, including, but not limited to, streams, rivers, lakes, ponds, wetlands, or depression potholes.~~

44. “Flood Insurance Rate Map (FIRM)” means the official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).~~on which the Federal Insurance Administration (FIA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.~~

45. “Flood fringe” means the area subject to inundation by the base flood, but outside the limits of the floodway, and which may provide needed temporary storage capacity for floodwaters.

46. “Floodplain” or flood-prone area means the total area subject to inundation by the base flood, including the flood fringe and the floodway areas, any land area susceptible to being inundated by water from any source. See “flood” or “flooding.”

47. “Floodplain administrator” means the community official designated by title to administer and enforce the floodplain management regulations.

48. “Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

49. “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to convey and discharge the base flood without

cumulatively increasing the water surface elevation by more than one foot, and those areas designated as deep and/or fast-flowing water. Also referred to as “Regulatory Floodway.”

~~48~~50. “Fluvial processes” means the physical interaction of flowing water and the natural channels of rivers and streams.

~~49~~51. “Frequently flooded area” means lands in the floodplain subject to at least a one percent or greater chance of flooding in any given year, or within areas subject to flooding due to high groundwater. These areas include, but are not limited to, streams, rivers, lakes, wetlands, and areas where high groundwater forms ponds on the ground surface.

~~50~~52. “Geologically hazardous areas” means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

~~53~~4. “Geologist” means an engineering geologist or hydrogeologist that is registered in the state of Washington.

~~52~~54. “Geotechnical professional” means a person with experience and training in analyzing, evaluating, and mitigating landslide, erosion, or seismic hazards. A geotechnical professional shall be licensed in the state of Washington as a geologist or professional engineer, and must have five or more years’ experience specializing in landslide, erosion, or seismic hazards, as applicable.

~~53~~55. “Geotechnical report” means a report prepared by a geologist or professional engineer, licensed by the state of Washington with expertise in geotechnical engineering, evaluating the site conditions and mitigating measures necessary to reduce the risks associated with development in geologically hazardous areas.

~~54~~56. “Grading” or “clearing and grading” means any excavating, filling, clearing, creating of impervious surfaces, or any combination of these items.

~~55~~57. “Habitat management plan” means a report prepared by a professional wildlife biologist or fisheries biologist which discusses and evaluates the measures necessary to maintain fish and wildlife habitat conservation areas on a proposed development site.

~~56~~58. “Habitat of local importance” means an area, range, or habitat within which a species has a primary association and which, if altered, may reduce the likelihood that the species

will maintain and reproduce over the long term. Examples include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. These areas may also include habitats that are of limited availability or high vulnerability to alteration.

~~57~~59. “Hard armoring” means the use of large rock or human-made materials to protect property from shoreline erosion. Such techniques include cement or concrete bulkheads, steel structures, rock wall revetments, and rock gabion structures. Hard armoring typically does not utilize or integrate any soft armoring or soil bioengineering methods.

~~58~~60. “Historic structure means any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

i. By an approved state program as determined by the Secretary of the Interior, or

ii. Directly by the Secretary of the Interior in states without approved programs.

61. “Holocene epoch” means that part of the geologic record that post-dates the youngest deposits associated with the late Pleistocene Age Fraser Glaciation and is typically considered to be the past 10,000 years.

~~59~~62. “Hydrogeologic assessment” means a report detailing the subsurface conditions, the design of a proposed land use action, and the facilities operation which indicates the susceptibility and potential for contamination of groundwater supplies.

~~60~~63. “Landslide hazard area” means any area subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

~~61~~64. “LiDAR” means an acronym that stands for light detection and ranging imaging.

~~62~~65. “Long-term commercial significance” means the growing capacity, productivity, and soil composition of land, which makes it suitable for long-term commercial production, in consideration with the land’s proximity to population areas, and the possibility of more intense uses of land.

~~63~~66. “Lowest floor” means the lowest floor of the lowest enclosed area (including basement and crawl space). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this title (i.e. provided there are adequate flood ventilation openings).

~~64~~67. “Mineral resource lands” means those lands primarily devoted to the extraction of minerals or which have known or potential long-term commercial significance for the extraction of minerals.

~~65~~68. “Mudflow” means a debris flow containing an abundance of fine particles.

~~66~~69. “Native vegetation” or “native plants” means a mix of plant species comprising herbs, grasses, grass-like plants, shrubs and trees indigenous to the Puget Sound region that reasonably could be expected to naturally occur on the site.

~~67~~70. “Natural resource lands” means agricultural and mineral resource lands, which have long-term commercial significance.

~~68~~71. “New construction” means structures for which the start of construction commenced on or after the effective date of the ordinance codified in this title.

~~69~~72. “Professional engineer” means an engineer currently licensed and registered in the state of Washington.

~~70~~73. Regulated Activities. See EMC 14.30.020.

~~71~~74. “Restoration” means an action which returns habitat to a state in which its stability and functions approach its unaltered state as closely as possible. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive stream bank structures, and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the critical area to aboriginal or preEuropean settlement conditions.

~~72~~75. “RCW” is an acronym that stands for Revised Code of Washington.

~~73~~76. “Riparian” means the area adjacent to aquatic systems with flowing water that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other. Riparian habitat begins at the ordinary high water mark and includes the entire extent of the floodplain and riparian areas of wetlands that are directly connected to the stream course.

~~74~~77. “Seismic hazard areas” means areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.

~~75~~78. “Sensitive areas” means agricultural lands and mineral resource lands and all associated buffers.

~~76~~79. “Shoreline” means the line where a body of water and the shore meet or the strip of land along the shoreline. There are no waters within the city meeting the criteria of shorelines of statewide significance as defined by RCW 90.58.030.

~~77~~80. “Site” means a lot, parcel, tract, or combination of lots, parcels, or tracts on which a regulated activity is proposed.

~~78~~81. “Sludge” means a semi-solid substance consisting of settled solids combined with varying amounts of water and dissolved materials generated from a wastewater treatment plant or system or other sources, including septage sludge, sewage sludge, and industrial sludge.

~~79~~82. “Sludge land application site” means a site where stabilized sludge, septage, and other organic wastes are applied to the surface of the land in accordance with established agronomic rates for fertilization or soil conditioning.

~~80~~83. “Special occupancy structures” means those structures that have the potential to provide capacity for large numbers of people or special groups of people or assemblies

such as but not limited to schools, jails and detention facilities, and resident incapacitated patients.

**8184.** “Species of local importance” means species that are of local concern due to their population status or their sensitivity to habitat manipulation.

**8285.** “Soft armoring techniques” or “soil bioengineering methods” means the use of woody plants and limited structural-mechanical systems that are integrated in a structurally and environmentally sound manner to repair and protect slopes and shorelines against shallow mass wasting and surface erosion. Examples include, but are not limited to, live stake, live fascine, brushlayer, live cribwall, vegetated geogrid, branchpacking, live slope grading, beach berms, or earthen berms.

**8386.** “Stream” means a feature where surface waters produce a defined channel or bed. A defined channel or bed is an area that demonstrates clear evidence of the passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed need not contain water year-round. This definition is not intended to include artificially created irrigation ditches, canals, storm or surface water devices, or other entirely artificial watercourses, unless they are used by salmonids or created for the purposes of stream mitigation.

**8487.** “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**8588.** “Substantial improvement” means any repair, reconstruction, addition, rehabilitation, or other improvement of a structure, whereby the cost for the work exceeds 50 percent of the market value of the existing structure before the start of construction of the improvement. The cost and market value may be determined using the current permit valuation. The director shall determine the current permit valuation based on the cost per square foot values in effect at the time of permit application. Substantial improvement shall be accumulative from the effective date of the ordinance codified in this title. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the

local code enforcement official and which are the minimum necessary to assure safe living conditions; or

b. Any alteration of a “historic structure” ~~listed on the National Register of Historic Places or a State Inventory of Historic Places~~; provided, that the alteration will not preclude the structure’s continued designation as a “historic structure.”

~~8689.~~ 8790. “Toe of slope” means a distinct topographic break in slope at the lowermost limit of the landslide or erosion hazard area.

~~8790.~~ 8790. “TPCHD” is an acronym that stands for the Tacoma-Pierce County health department.

~~8891.~~ 8891. “Underground storage tank” or “UST” means one tank or a combination of multiple tanks, including the underground pipes connected thereto, which are used to contain or dispense an accumulation of hazardous substances or hazardous wastes, and the total volume of which is 10 percent or more beneath the surface of the ground.

~~8992.~~ 8992. “Urban growth” means growth that makes intensive use of the land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services.

~~9093.~~ 9093. “View corridor” means an area which affords views of lakes, mountains, or other scenic amenities normally enjoyed by residential property owners.

~~9194.~~ 9194. Violation. See Chapter 1.10 EMC for penalties.

~~9295.~~ 9295. “Volcanic hazard areas” means those areas subject to pyroclastic flows, lava flows, and inundation by debris flows, mudflows, or related flooding resulting from geologic or volcanic events on Mount Rainier.

~~9396.~~ 9396. “WAC” is an acronym that stands for the Washington Administrative Code.

~~9497.~~ 9497. “Wellhead protection area” means the area within the 10-year time-of-travel zone boundary or zone of contribution area of a Group A public water system well, as delineated on the critical aquifer recharge areas critical area map, pursuant to WAC 246-290-135.

**9598.** “Wetland” means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

**9699.** “Wetland category” means the numeric designation (I through IV) assigned to a wetland to indicate the wetland’s overall function and value. Wetland categories rank the city’s wetlands from highest (Category I) to lowest (Category IV) using the current version of the Washington State Wetland Rating System for Western Washington (Hruby, 2014).

**97100.** “Wetland mosaic” means a patchwork of wetlands that is considered one unit where each patch of wetland is less than one acre and the areas delineated as vegetated wetland are more than 50 percent of the total area of the wetlands and uplands together.

**98101.** “Wetland specialist” means a person that obtained professional wetland scientist (PWS) or wetland professional in training (WPIT) certification from the Society of Wetland Scientists or a qualified wetland professional with experience and training in wetlands issues and with experience in performing a delineation, analyzing wetland functions and values, analyzing wetland impacts, and recommending wetland mitigation and restoration. A qualified wetland professional is a person with experience and training that includes, at a minimum:

- a. A B.S., B.A., or equivalent degree in biology, botany, environmental studies, fisheries, soil science, wildlife, agriculture, or related field; and
- b. Two years of related work experience; and
- c. One year’s experience delineating wetlands using the Federal Delineation Manual and applicable regional supplements and preparing wetland reports and mitigation plans; or

d. Four years of related work experience and training; and

e. Two years of experience delineating wetlands using the Unified Federal Manual and preparing wetland reports and mitigation plans.

99102. “Wildlife biologist” means a professional with a degree in wildlife, or certification by the Wildlife Society, or with five years of professional experience as a wildlife biologist.

DRAFT



## City Of Edgewood Council Agenda Summary Sheet

|                                                                                                                                                                                                                                                                                              |                                                                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| <b>Subject:</b><br>Discussion - Ordinance - Comprehensive Plan Annual Updates                                                                                                                                                                                                                | <b>Agenda Item #:</b> 2.D                                                                                                               |
|                                                                                                                                                                                                                                                                                              | <b>For Agenda of:</b> 12/1/2020                                                                                                         |
|                                                                                                                                                                                                                                                                                              | <b>Prepared by:</b> Darren Groth                                                                                                        |
| <b>Attachments (list):</b> <ol style="list-style-type: none"> <li>Exhibit 1_ Planning Commission Recommendation</li> <li>Exhibit 2_ AHBL Summary Report</li> <li>Exhibit 3_ Supporting Materials for Specific Request No. 5</li> <li>Exhibit 4_ Draft Ordinance for 12-01-2020 SS</li> </ol> |                                                                                                                                         |
| <b>Approval of Materials:</b><br><br>Darren Groth<br>Dave Gray      11/24/2020<br>Daryl Eidinger    11/24/2020                                                                                                                                                                               | <b>Expenditure Required:</b><br>N/A                                                                                                     |
|                                                                                                                                                                                                                                                                                              | <b>Amount Budgeted:</b><br>N/A                                                                                                          |
|                                                                                                                                                                                                                                                                                              | <b>Timeline:</b><br><del>11/17/2020 SS</del><br><del>11/24/2020 CC Public Hearing</del><br>12/01/2020 SS<br>12/08/2020 RCM Final Action |

### Summary Statement:

The City may consider amendments to its Comprehensive Plan once every year. Applications for Comprehensive Plan amendments are submitted before December 31st in order to be considered during the following year's amendment process. All applications submitted before the December 31st deadline are identified on the preliminary docket that is maintained by the Planning Director. After compiling the preliminary docket, the Director shall review the suggested amendments and prepare a report suggesting which amendments should be placed on the final docket.

On May 11, 2020, the Planning Commission held a Public Hearing to solicit public input pertaining to the 2019-2020 final docket. The Planning Commission voted 5-0 to recommend approval of the final docket proposed on May 11, 2020, which was upheld unanimously by City Council on June 9, 2020 under adopted Resolution No. 20-0507. On October 12, 2020, the City's contract planning team (AHBL) gave a presentation that outlined their the summary report attached as Exhibit 1, which analyzed the final docket for final discussion with the Planning Commission prior to the November 9, 2020 public hearing.

On November 9, 2020, the Planning Commission held a public hearing. Chair Overfield open the hearing and staff presented the five requests that make up the 2020 annual amendment. No public comments were received during the hearing. The Planning Commission voted 6-0 to recommend APPROVAL of the 2020 Comprehensive Plan Amendment, with one minor modification to the staff report and attachments submitted by Community and Economic Development Director Darren Groth for the November 9, 2020 Planning Commission agenda. The modification is related to Request #5 (Transportation Systems Plan). The Planning Commission recommended modifying the language "Planned Alley" to "Planned Connection" in Figure 9:

Functional Classification System, and Figure 10: Principal Arterial Intersections.

This agenda item allows City Council to review the 2020 annual Comprehensive Plan amendment after the public hearing to provide any final instructions to staff in anticipation of their final action next week. The Planning Commission recommended approval of this item, see Exhibit 1. Exhibit 2 is a summary report that outlines each proposed amendment. Exhibit 3 contains various Supporting Materials for Specific Request No. 5. Exhibit 4 is the draft ordinance that will be presented in final form to City Council for action during the Regular Council Meeting on December 8, 2020.

**Item History:**

**Recommended Action:**

Hold a discussion and provide staff direction to Discussion - Ordinance - Comprehensive Plan Annual Updates

**Fiscal Note/Consideration:**



**CITY OF EDGEWOOD  
PLANNING COMMISSION  
RECOMMENDATION**

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The Planning Commission voted 6-0 to recommend APPROVAL of the 2020 Comprehensive Plan Amendments, and to send their recommendation to the City Council for consideration.

It is the recommendation of the City of Edgewood Planning Commission to approve the 2020 Comprehensive Plan Amendments, with one minor modification to the staff report and attachments submitted by Community and Economic Development Director Darren Groth for the November 9, 2020 Planning Commission agenda. The modification is related to Request #5 (Transportation Systems Plan). The Planning Commission recommended modifying the language "Planned Alley" to "Planned Connection" in Figure 9: Functional Classification System, and Figure 10: Principal Arterial Intersections.

**RECOMMENDED BY THE CITY OF EDGEWOOD PLANNING COMMISSION  
ON THE 9<sup>TH</sup> DAY OF NOVEMBER 2020.**

Attest by:

A handwritten signature in cursive script, appearing to read "Evan Hietpas", written over a horizontal line.

**Evan Hietpas**  
Planning Technician

A handwritten signature in cursive script, appearing to read "J. A. [unclear] Chair", written over a horizontal line.

**Planning Commission Chair**



## City of Edgewood, Washington

2224 104th Avenue East, Edgewood WA 98372-1513

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

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### Staff Report

#### **Comprehensive Plan Amendments File #s 19-1569, 19-1573, 19-1572 & 19-1574 Discussion Item October 12, 2020 at 7:00 PM**

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|                 |                                                                         |
|-----------------|-------------------------------------------------------------------------|
| <b>To:</b>      | <b>City of Edgewood City Council</b>                                    |
| <b>From:</b>    | <b>Brittany Port, AICP and Wayne Carlson, FAICP (Contract Planners)</b> |
| <b>Date:</b>    | <b>October 2, 2020</b>                                                  |
| <b>Subject:</b> | <b>Annual Comprehensive Plan Amendment</b>                              |

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### Part 1 – Background

Pursuant to RCW 36.70A.130(4), the City of Edgewood must update its Comprehensive Plan every eight years. The deadline for the next major update is June 2024. However, per Edgewood Municipal Code (EMC) Section 18.60.130, the City may consider amendments to its Comprehensive Plan once every year. Applications for Comprehensive Plan amendments are to be submitted before December 31st in order to be considered during the following year's amendment process. All applications submitted before the December 31st deadline are identified on the preliminary docket that is maintained by the Community Development Director. In 2019, the City received seven applications that met the required deadline for consideration in 2020.

Chapter 18.60 EMC establishes a procedures and criteria for Comprehensive Plan amendments. This Chapter states that the City Council shall consider the proposed amendment and the Planning Commission's recommendation at a regularly scheduled meeting. The City Council shall also apply the criteria set forth in EMC 18.60.220, as applicable, in rendering its final decision.

If the City Council concludes that no change in the recommendation of the Planning Commission is necessary, the City Council may make a final determination on the proposed amendment(s) without holding another public hearing and make a final decision.

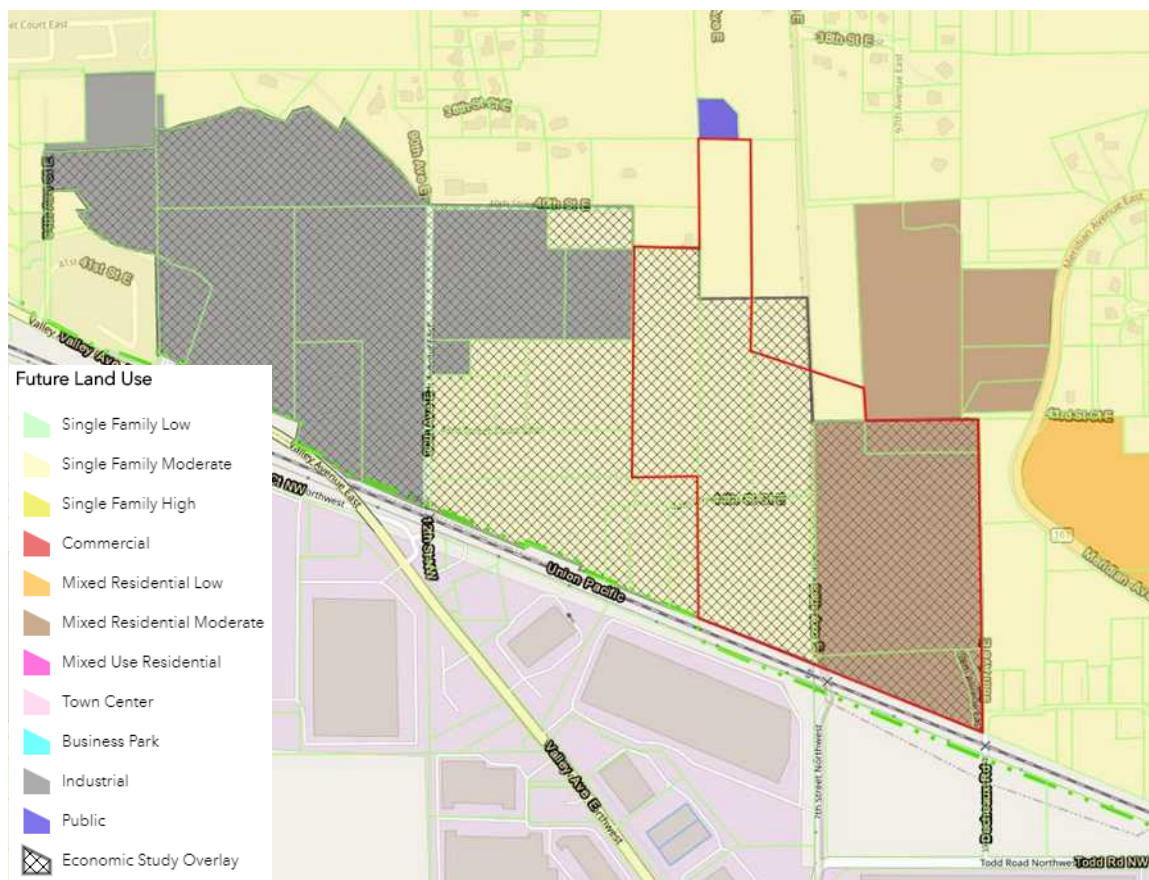
If the City Council concludes that a change in the recommendation of the Planning Commission is necessary, the City Council shall consider whether another opportunity for public review and comment is needed under RCW 36.70A.035(2)(a) and, if so, it shall hold another public hearing before making a final decision.

The 2020 annual update includes one citizen-initiated request to amend the Comprehensive Plan Future Land Use Map (FLUM) designations and zoning and four City-initiated requests for amendments to the Comprehensive Plan FLUM designations, associated text, and transportation related text throughout the Comprehensive Plan. Request numbers one, three, and four are

interrelated as they would all occur within the Economic Study Overlay identified on the 2015 Comprehensive Plan FLUM. The requests are described in Part 2 of this staff report.

## Part 2 –Requests

### 1. SITE-SPECIFIC REQUEST #1 – BRIDGE POINT EDGEWOOD



**FILE NUMBER:** 19-1569 – Bridge Point Edgewood

**LOCATION:** 4515-4519 96th Avenue East

**TAX PARCEL(S):** Parcel Nos. 0420163000, 0420164004, 0420164050, 0420164130, 0420164095, 0420164096, 0420164097, 0420164098

**APPLICANT:** Bridge Acquisition Company, LLC,  
10655 NE 4th Street, Suite 210, Bellevue, WA 98004

**EXISTING**

**COMPREHENSIVE PLAN:** Single Family Moderate and Mixed Residential Moderate

**REQUESTED**

**COMPREHENSIVE PLAN:** Industrial

**EXISTING ZONING:** Single-Family Moderate (SF-3)

**REQUESTED ZONING:** Industrial (I)

**REASON FOR REQUEST:**

The applicant requests concurrent approval of an amendment to the Future Land Use Map (FLUM) in the 2015 Edgewood Comprehensive Plan and a rezoning or zone change to Industrial (I) for eight tax parcels in the southwest corner of Edgewood. The parcels are located near the southern edge of the City, north of Valley Avenue East, and immediately adjacent to the Union Pacific railway. The applicant states the reason for the request is to develop the property as a light industrial complex and cites the need for additional industrial zoned land in Edgewood as the basis for the request.

Within the Edgewood/Puyallup/Fife area, there is virtually no vacant industrial space. Since 2015, 2.6 million square feet of new industrial buildings on 175 acres of industrial land have been developed within 1.5 miles of the proposed amendment area (Bridge Point Edgewood); twelve industrial structures have been constructed – with nearly 100% occupancy of the new spaces.

The rezone of the Bridge Point Edgewood site is supported by the existing industrial development in the area and infrastructure improvements made in the area by adjacent jurisdictions including:

- The City of Fife widened and reconstructed Freeman Road from Valley Avenue to 20th Street.
- The City of Puyallup created, widened and signalized the intersection on Valley Avenue west of the Bridge Point Edgewood site.
- WSDOT is proposing the extension of Highway 167 from its current terminus at Meridian Avenue to the Port of Tacoma, with an interchange proposed in the immediate vicinity of the Bridge Point Edgewood property.

The benefits of the proposed comprehensive plan amendment and development of the Bridge Point Edgewood property to the City of Edgewood includes acceleration of job creation within the City, spurring growth within the local housing market, and increased tax revenues.

The request may also assist the cities of Edgewood, Fife, and Puyallup to one day achieve designation as an Industrial Center within Pierce County, making the City eligible for transportation funding from Puget Sound Regional Council.

**SURROUNDING ZONING & LAND USE:**

The Bridge Point Edgewood site is surrounded by the following land uses:

|              | <b>Existing Zoning</b>                       | <b>Existing Land Use</b>                                         |
|--------------|----------------------------------------------|------------------------------------------------------------------|
| <b>North</b> | Single-Family Moderate (SF-3) and Public     | Single-family residences, undeveloped land, and a community well |
| <b>South</b> | City of Puyallup, Limited-Manufacturing (ML) | Union Pacific Railway and industrial development                 |
| <b>East</b>  | Single-Family Moderate (SF-3)                | Single-family residences                                         |
| <b>West</b>  | Single-Family Moderate (SF-3) and Industrial | Single-family residences and agriculture                         |

The requested area is contiguous and abuts one of the tax parcels that were re-designated Industrial in 2019 as part of the colloquially named “Uchida Farms, LLC Comprehensive Plan amendment” (Uchida) request. All the tax parcels, to some extent, are included in the Economic Study Overlay identified on the 2015 Comprehensive Plan FLUM (tax parcels 042016-4004 and 042016-4130 have a portion of their parcel area included in the Economic Study Overlay).

**AVAILABILITY OF UTILITIES:**

The City of Edgewood was notified by the City of Fife that it has significant capacity in its sewer system, which extends to its boundary with Edgewood along Freeman Road south of 34th Street East. The sewer line in that segment of Freeman Road is a force main. The force main extends to the west from Freeman Road to 70th Avenue East, where it discharges to a larger municipal pump station. The lines were sized for commercial and industrial development in a service area that includes substantial amounts of property subsequently acquired by the Washington State Department of Transportation for the construction of SR 167 and its interchange with Valley Avenue. Since WSDOT’s uses will not generate sewage flows, Fife’s system has excess capacity that is available to serve properties in Edgewood, including the Cherrywood Mobile Home Park, Cherrywood Apartments, and the potential Edgewood industrial area to the east.

The Mt. View-Edgewood Water Company provides water service to most of the City of Edgewood including the parcels associated with this amendment request.

Urban services and utilities are available, or can be extended at the applicant’s expense, to accommodate future development that may occur due to the reclassification. Project SEPA environmental review will occur with developments that exceed the City’s adopted thresholds for environmental review.

**AVAILABILITY OF PUBLIC SERVICES:**

There are no known public service deficiencies in this area. The City requires future development proposals to demonstrate service demand and available capacity as part of the permitting process

**SITE CHARACTERISTICS:**

The Bridge Point Edgewood site consists of mainly undeveloped land with some pastureland that has been farmed. Two year-round streams flow through the site; Wapato Creek and Simons Creek which converges with Wapato Creek, eventually draining into Commencement Bay. The terrain of the site is mostly flat with some minor sloping along the banks of the creeks.

**CRITICAL AREAS:**

In 2017, the City of Edgewood amended its standards governing the protection and uses allowed within critical areas and buffers (see Title 14 EMC). These standards include management practices deemed by the Washington State Department of Ecology and the Washington State Department of Commerce to incorporate best available science.

The City's critical area maps show the probable existence of the following critical areas on all or some of the parcels in the proposed amendment area:

- Wellhead protection area,
- Aquifer recharge Area,
- Regulated floodplains,
- Wetlands and their buffers,
- Steep slopes, and
- Seismic and volcanic hazard area.

Wapato and Simons Creeks flow through the site and the Pierce County streams map and DNR stream typing map identify and classify both as Type F streams with a standard buffer of 100 feet. The mapped wetland areas are located along the creeks and FEMA's FIRM Panel Number 53053C0333E (effective 3/17/17) indicates portions of floodway associated with both creeks, with most of the site classified with a low risk of flooding.

Any future industrial development on the site would need to avoid impacts to the critical areas on or adjacent to the site and incorporate these buffers into their plan, though buffer averaging can be evaluated on an individual project basis.

While site constraints exist in the form of wetlands, the overall topography of the site lends itself to development of large-scale industrial projects. The conceptual plan submitted by the applicant offers an initial insight into how the needs of a particular use might be accommodated on the sites comprising the amendment area.

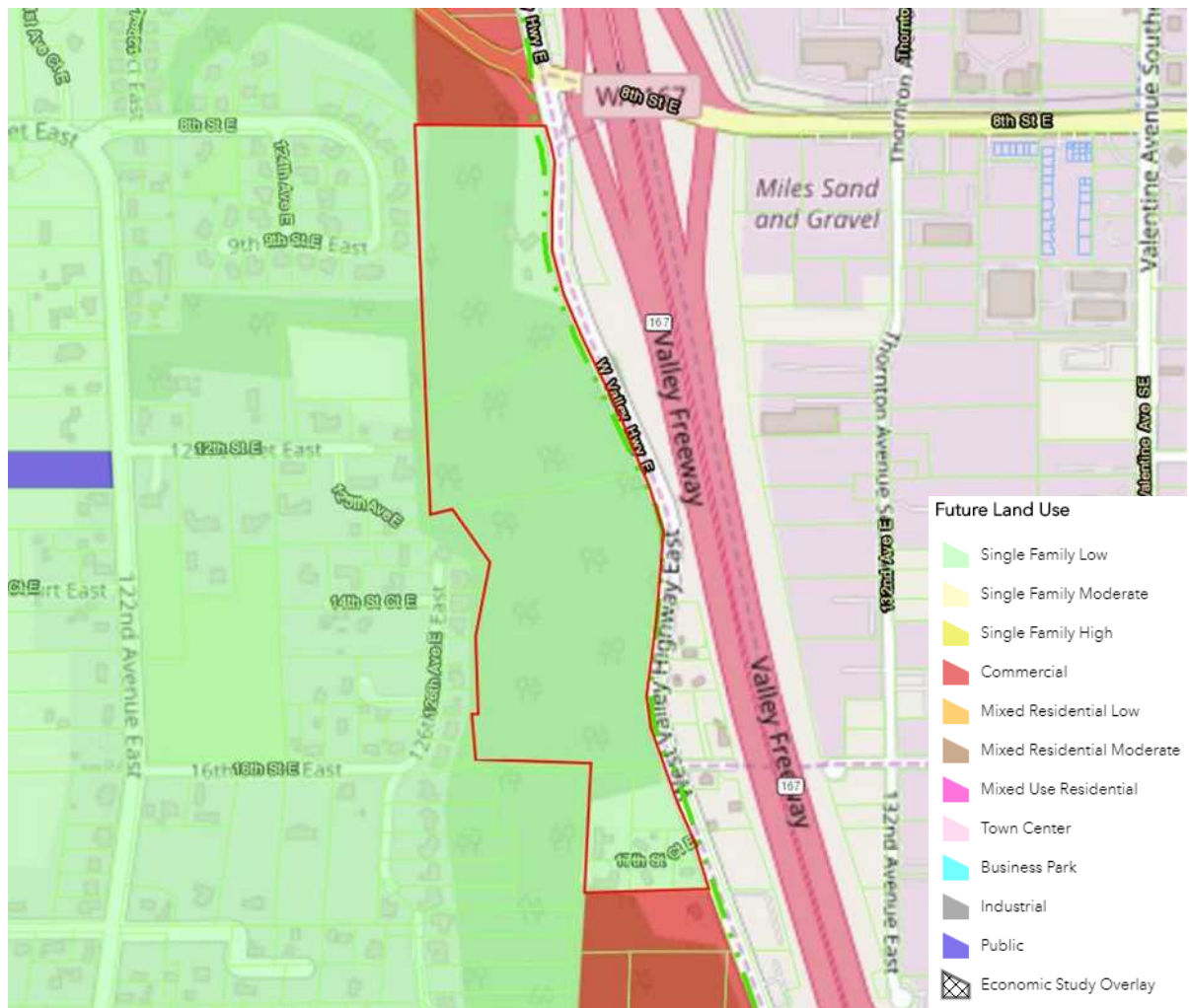
The protection of critical areas will not diminish or change if the area was to be reclassified from Single-Family 3 to Industrial.

**ACCESS:**

Vehicular access to the site would be provided from 98th Avenue East, which provides access to Valley Avenue East via 7th Street Northwest. The applicant provided a Trip Generation Summary that shows the number of daily trips generated by industrial uses would double the total daily trips generated by single family homes built at maximum density on the proposal site.

Future development applications will be subject to project specific SEPA environmental review. As applicable, the applicants will be required to submit detailed traffic impact analysis reviewed for concurrency and conformance to applicable city codes and standards, as well as certificates of availability for all utilities.

2. SITE-SPECIFIC REQUEST #2-EAST SIDE COMMERCIAL FLUM



**FILE NUMBER:** 19-1571 – East Side Commercial FLUM

**LOCATION:** Generally, along or near West Valley Highway East along the eastern edge of Edgewood

Staff Report  
2020 Comprehensive Plan Amendments

**TAX PARCEL(S):** Parcel Nos. 042024003, 040024021, 0420024054, 4495400931, 4495400932, 4495400947, 4495400951, 4495400952, 4495400949, 4495400948, 4495400941

**APPLICANT:** City of Edgewood

**EXISTING  
COMPREHENSIVE PLAN:** Single Family Low

**REQUESTED  
COMPREHENSIVE PLAN:** Commercial

**EXISTING ZONING:** Single-Family 2 (SF-2)

**REQUESTED ZONING:** No change requested

**REASON FOR REQUEST:**

On December 9, 2019, the City of Edgewood Planning Commission discussed whether to include a Comprehensive Plan FLUM amendment re-designating 10 tax parcels along or near West Valley Highway East from Single-Family Low to Commercial. A concomitant zoning map amendment would not be made at this time in order to avoid creating nonconforming zoning issues for the properties within this area and instead would be processed on request from the subject property owners.

Approval of this request would require amendments within several areas of the City's Comprehensive Plan. Specifically, the Future Land Use Map contained on page 23 of the Comprehensive Plan would need to be updated, as well as Tables 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 and Figures 9 and 11.

**PAST AND FUTURE LAND USE AND ZONING ACTIONS:**

The processing of this FLUM amendment would not require a concomitant zoning map amendment, and thus would not require any text amendments to the City's Zoning Code. The property owners, when ready, could apply for zoning map amendments consistent with the FLUM designation of their property to rezone to a Commercial zoning designation. The City should consider future Zoning and Comprehensive Plan amendments to ensure this area is able to meet the City's Commercial design standards. Development standards for the Commercial zoning district generally assume frontage along Meridian Avenue East. A Commercial district abutting West Valley Highway East may be better suited for a separate Commercial zoning district or potentially an overlay or small area plan to ensure development is compatible with the vision for the area.

**SURROUNDING ZONING & LAND USE:**

The East Side Commercial site is surrounded by the following land uses:

|       | Existing Zoning          | Existing Land Use |
|-------|--------------------------|-------------------|
| North | Commercial (C)           | Commercial (C)    |
| South | Single-Family Low (SF-2) | Commercial (C)    |

|      | Existing Zoning                                                                                                                    | Existing Land Use                                                                                                              |
|------|------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| East | City of Pacific – Light Industry (North of 16th Street East) and City of Sumner-Interchange Commercial (South of 16th Street East) | City of Pacific – Commercial (North of 16th Street East) and City of Sumner-Interchange Commercial (South of 16th Street East) |
| West | Single-Family Low (SF-2)                                                                                                           | Single-Family Low                                                                                                              |

**AVAILABILITY OF UTILITIES:**

Both the City of Pacific and the City of Sumner have existing water lines along 16th Street East to West Valley Highway. The City of Sumner provides water to the parcels included in this request that are located south of 16th Street East. Sumner also has existing sewer lines along West Valley Highway south of 16th Street East.

Urban services and utilities are available, or can be extended at the applicant's expense, to accommodate future development that may occur due to the reclassification. Project SEPA environmental review will occur with developments that exceed the City's adopted thresholds for environmental review.

**AVAILABILITY OF PUBLIC SERVICES:**

There are no known public service deficiencies in this area. The City requires future development proposals to demonstrate service demand and available capacity as part of the permitting process.

**SITE CHARACTERISTICS:**

The East Side Commercial proposal site consists of mainly undeveloped land with some single-family residences. The northern-most parcel of the site is currently being used as an illegal, nonconforming commercial business use. The terrain of the site includes steep slopes, generally sloping from west down to east with potential wetlands located in the lower elevations.

**CRITICAL AREAS:**

In 2017, the City of Edgewood amended its standards governing the protection and uses allowed within critical areas and buffers (see Title 14 EMC). These standards include management practices deemed by the Washington State Department of Ecology and the Washington State Department of Commerce to incorporate best available science.

The City's critical area maps show the probable existence of the following critical areas on all or some of the parcels in the proposed amendment area:

- Potential Wetlands and their buffers, and
- Steep slopes.

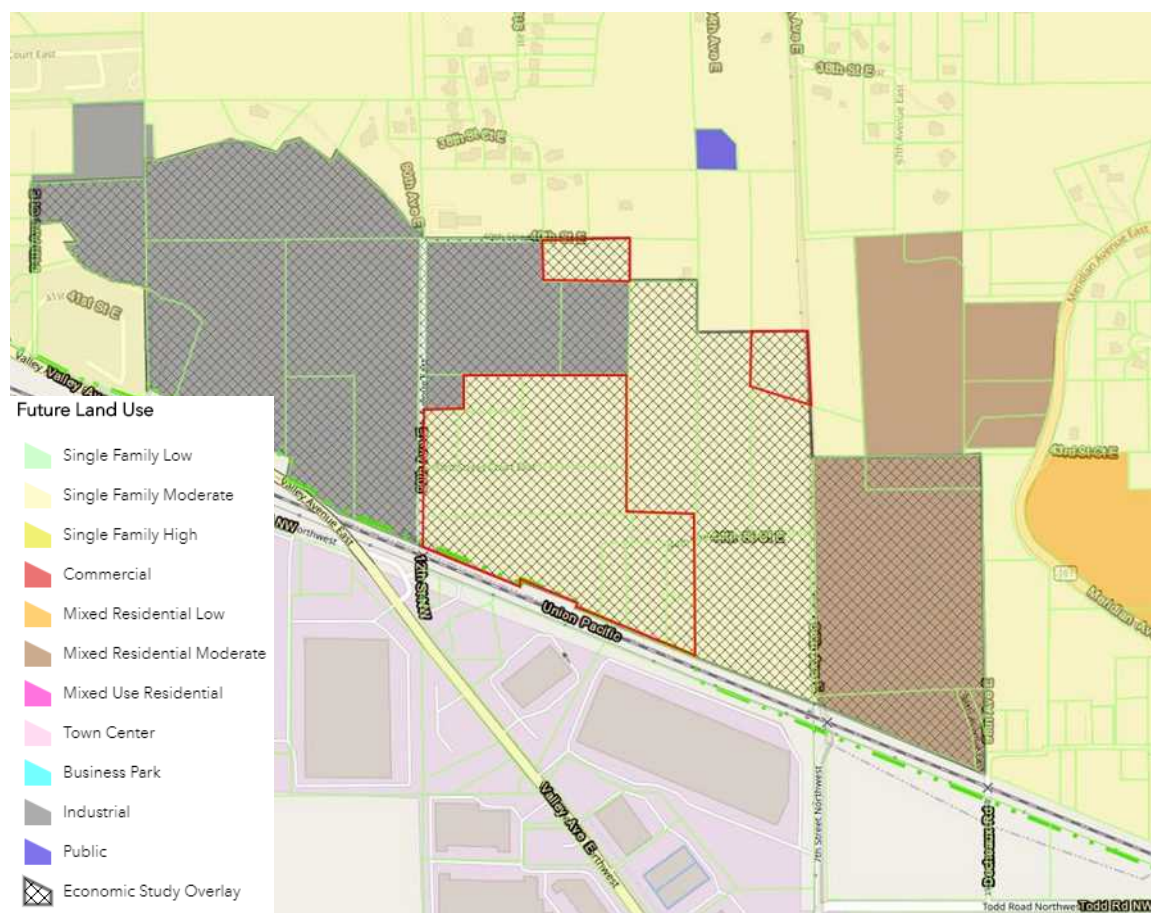
The protection of critical areas will not diminish or change if the area was to be reclassified from Single-Family Low to Commercial.

**ACCESS:**

Vehicular access to the site would be provided from West Valley Highway and 16th Avenue East.

Future development applications will be subject to project specific SEPA environmental review. As applicable, the applicants will be required to submit detailed traffic impact analysis reviewed for concurrency and conformance to applicable city codes and standards, as well as certificates of availability for all utilities.

3. SITE-SPECIFIC REQUEST #3 – COMPLETE FLUM DESIGNATION ON THE SPECIAL LAND USE STUDY OVERLAY



**FILE NUMBER:** 19-1573 – Complete FLUM Designation on the Special Land Use Study Overlay

**LOCATION:** Generally, north of Valley Avenue East and the Union Pacific Railway in the southwest corner of Edgewood

**TAX PARCEL(S):** Parcel Nos. 042016-3003, 042016-3024, 042016-3034, 042016-3037, 042016-3038, 042016-3043, 042016-3051,

042016-3074, 042016-3075, 042016-7703, 042016-7704,  
042016-7705, 042016-7706, 042016-4131 (partial)

**APPLICANT:** City of Edgewood

**EXISTING**

**COMPREHENSIVE PLAN:** Single Family Moderate

**REQUESTED**

**COMPREHENSIVE PLAN:** Industrial

**EXISTING ZONING:** Single-Family Moderate (SF-3)

**REQUESTED ZONING:** No change requested

**REASON FOR REQUEST:**

The request is to change the future land use designation of 14 tax parcels within the Comprehensive Plan Special Land Use Study Overlay from Single Family-Moderate to Industrial.

As part of the 2015 Comprehensive Plan update, the public discussed the area to the west of and including the site for the Bridge Point Edgewood proposal (Site-Specific Request #1) in the southwest corner of the City. The City held public input meetings to discuss the possibility for a FLUM designation change in this area. The updated plan did not change the designation; however, a Special Land Use Study Overlay was approved in the southwest portion of the City.

As part of the 2019 Comprehensive Plan Amendment process, 12 tax parcels within the Special Land Use Study Overlay were re-designated Industrial as part of the colloquially named “Uchida Farms, LLC Comprehensive Plan amendment” (Uchida) request. The Uchida request included a market study for the lands included in that request which discussed industrial development in the vicinity of the overlay as well as the potential for job creation, and addressing the changing economics of small-scale farming uses that are currently practiced in the area.

On December 9, 2019, the City of Edgewood Planning Commission discussed changing the designation of all properties not previously or currently proposed as a Comprehensive Plan amendment located within the Special Land Use Study Overlay and designation as Mixed Residential Moderate or Single Family Moderate to Industrial and adopting a concomitant zoning map amendment to Industrial (I). With the inclusion of Request #1-Bridge Point Edgewood, over half of the Special Land Use Study Overlay has been or is proposed to be re-designated as Industrial. Market studies have or will be prepared by private entities for the majority of this area thereby completing the City’s obligation to study this area for future economic development uses and addressing the changing agricultural practices away from small-scale farming operations.

**PAST AND FUTURE LAND USE AND ZONING ACTIONS:**

On December 9, 2019, the Planning Commission indicated it would like to also rezone the parcels included in this amendment request. Making a concurrent amendment to the City's Zoning Map would help to mitigate potential conflicts between industrial development surrounding low density single-family development on both sides of this area. However, it would also create non-conforming uses that would limit the expansion of these properties as single-family residences.

No text amendments to the City's Zoning Code or map amendments to the City's Zoning Map should be necessary at this time as a result of this request. The property owners, when ready, could apply for zoning map amendments consistent with the FLUM designation of their property to rezone to an Industrial zoning designation.

**SURROUNDING ZONING & LAND USE:**

The subject property is surrounded by the following land uses:

|              | <b>Existing Zoning</b>                       | <b>Existing Land Use</b>                         |
|--------------|----------------------------------------------|--------------------------------------------------|
| <b>North</b> | Single-Family Moderate (SF-3)                | Single-family residences and undeveloped land    |
| <b>South</b> | City of Puyallup, Limited-Manufacturing (ML) | Union Pacific railway and industrial development |
| <b>East</b>  | Single-Family Moderate (SF-3)                | Undeveloped land                                 |
| <b>West</b>  | Industrial (I)                               | Single-family residences and agriculture         |

**AVAILABILITY OF UTILITIES:**

The City of Edgewood was notified by the City of Fife that it has significant capacity in its sewer system, which extends to its boundary with Edgewood along Freeman Road south of 34th Street East. The sewer line in that segment of Freeman Road is a force main. The force main extends to the west from Freeman Road to 70th Avenue East, where it discharges to a larger municipal pump station. The lines were sized for commercial and industrial development in a service area that includes substantial amounts of property subsequently acquired by the Washington State Department of Transportation for the construction of SR 167 and its interchange with Valley Avenue. Since WSDOT's uses will not generate sewage flows, Fife's system has excess capacity that is available to serve properties in Edgewood, including the Cherrywood Mobile Home Park, Cherrywood Apartments, and the potential Edgewood industrial area to the east.

The Mt. View-Edgewood Water Company provides water service to most of the City of Edgewood including the parcels associated with this amendment request.

Urban services and utilities are available, or can be extended at an applicant's expense, to accommodate future development that may occur due to the reclassification. Project SEPA environmental review will occur with developments that exceed the City's adopted thresholds for environmental review.

**AVAILABILITY OF PUBLIC SERVICES:**

There are no known public service deficiencies in this area. The City requires development proposals to demonstrate service demand and available capacity as part of the permitting process. Staff anticipates this analysis will occur closer to the time of site development.

**SITE CHARACTERISTICS:**

The site consists of mainly pastureland that has been farmed, some single-family residences, and some undeveloped land. Two year-round streams flow through most of the 14 parcels included in the site; Wapato Creek and Simons Creek which converges with Wapato Creek, eventually draining into Commencement Bay. The terrain of the site is mostly flat with some minor sloping along the banks of the creeks.

**CRITICAL AREAS:**

The City's critical area maps show the probable existence of the following critical areas on all or some of the parcels in the proposed amendment area:

- Wellhead protection area,
- Aquifer recharge Area,
- Regulated floodplains,
- Wetlands and their buffers,
- Steep slopes, and
- Seismic and volcanic hazard area.

Wapato and Simons Creeks flow through the site and the Pierce County streams map and DNR stream typing map identify and classify both as Type F streams with a standard buffer of 100 feet. The mapped wetland areas are located along the creeks and FEMA's FIRM Panel Number 53053C0333E (effective 3/17/17) indicates portions of floodway associated with both creeks.

Any future industrial development on the site would need to avoid impacts to the critical areas on or adjacent to the site and incorporate these buffers into their plan, though buffer averaging can be evaluated on an individual project basis.

The protection of critical areas will not diminish or change if the area was to be reclassified from Single-Family 3 to Industrial.

**ACCESS:**

Vehicular access to the site would be provided from 90th Avenue East, which provides access to Valley Avenue East via 27th Avenue Court Northwest.

Future development applications will be subject to project specific SEPA environmental review. As applicable, the applicants will be required to submit detailed traffic impact analysis reviewed for concurrency and conformance to applicable city codes and standards, as well as certificates of availability for all utilities.

4. REQUEST #4 – ELIMINATE SPECIAL LAND USE STUDY OVERLAY

**FILE NUMBER:** 19-1572 – Eliminate the Special Land Use Study Overlay

**LOCATION:** Generally, north of Valley Avenue East and the Union Pacific railway in the southwest corner of Edgewood

**TAX PARCEL(S):** Uchida Farms Parcel Nos. 0420163054, 0420163055, 0420163702, 0420163047, 0420163026, 0420163023, 0420163052, 0420162700, 0420165004, 0420166003, 0420175005

Bridge Point Edgewood Parcel Nos. 0420163000, 0420164004, 0420164050, 0420164130, 0420164095, 0420164096, 0420164097, 0420164098

Remaining Parcel Nos. 042016-3003, 042016-3024, 042016-3034, 042016-3037, 042016-3038, 042016-3043, 042016-3051, 042016-3074, 042016-3075, 042016-7703, 042016-7704, 042016-7705, 042016-7706, 042016-4131 (partial)

**APPLICANT:** City of Edgewood

**EXISTING COMPREHENSIVE PLAN:** Special Land Use Study Overlay

**REQUESTED COMPREHENSIVE PLAN:** No overlay

**EXISTING ZONING:** Single-Family Moderate (SF-3) and Industrial

**REQUESTED ZONING:** No change requested

**REASON FOR REQUEST:**

With the processing of Requests #1 and #3, as well as the Uchida Farms, LLC request that was adopted in 2019, the City should remove the Special Land Use Study Overlay from the FLUM and delete any associated textual references to the overlay within the body of the Comprehensive Plan. The City, in processing the associated citizen-initiated and City-initiated requests, would have fulfilled its plan to study the feasibility of changing the land use designations within the overlay.

Approval of this request would require amendments within several areas of the City's Comprehensive Plan. Specifically, the Future Land Use Map contained on page 23 of the Comprehensive Plan would need to be updated, as well as amendments to the sidebar on Page 22 and discussion of the land use map on Pages 90 and 91 which discuss the Special Land Use Study Overlay.

5. REQUEST #5 – TRANSPORTATION SYSTEMS PLAN

**FILE NUMBER:** 19-1574 – Transportation Systems Plan

As stated in the Comprehensive Plan amendment application submitted on December 31, 2019, discussions with Council have revealed a need to improve connectivity between Edgewood and adjacent communities, as well as between the hilltop and valley areas within Edgewood. There is also a discrepancy in the existing Comprehensive Plan, when comparing the Functional Classification System and Long-Term Transportation Projects Maps. In addition, a recent discussion with the Planning Commission regarding recommendations from the City's traffic engineering consultants, Transpo Group and DN Traffic Consultants, has identified amendments to the City's parallel road network ordinance that may be made as part of this project.

Approval of this text amendment request would require amendments within several areas of the City's Comprehensive Plan. Specifically, the Transportation Goals and Policies, Mobility and Capacity section on page 44 of the Comprehensive Plan would need to be updated, as well as amendments to the Transportation Systems Plan, Street and Highway System, Roadway Functional Classification sections on pages 130 and 131 (Figure 9 and additional connectivity language). If the City's parallel road network ordinance is amended, further amendments would need to be made to the Comprehensive Plan, including Figure 10 on page 132, Figure 11 on page 133, Figure 12 on page 134, Table 31 on pages 135 through 137, and Table 41 on pages 163 and 164.

**Part 3 – Compliance with EMC 18.60.220**

Edgewood Municipal Code Section 18.60.220 establishes the evaluation criteria for proposed amendments to the Comprehensive Plan and development regulations. Pursuant to EMC 18.60.010(B), the development regulations are the controls placed on development or land use, including, but not limited to, the City's codes on zoning, critical areas, official controls, planned unit developments, subdivisions, binding site plans and the Shoreline Master Program. Applicants provide responses to said criteria as part of their submittal packages. The following lists the review criteria and staff's assessment of the applicants' responses:

A. All Amendments. All the comprehensive plan amendments shall be reviewed under the following criteria:

**1. Whether the proposed amendment(s) conform to the Growth Management Act (Chapter 36.70A RCW);**

SITE-SPECIFIC REQUEST #1

**Applicant Response:** As stated in the Responses to Comprehensive Plan Amendment Questions submitted with the application, the applicant believes the proposed map amendment and rezoning is consistent with the City of Edgewood's Comprehensive Plan and with the goals of the State of Washington's Growth Management Act (GMA). The applicant provided the following responses to the GMA goals:

*Concentrated urban growth:* Consistency would be achieved through an emphasis on controlled urban growth; concurrent with infrastructure capacity and public service capabilities identified through a comprehensive review of proposed plans versus existing capabilities of affected jurisdictions.

*Sprawl reduction:* Consistency would be achieved through encouragement of new industrial development within existing City boundaries; presumably in proximity to adequate infrastructure and services.

*Regional transportation:* Consistency would be achieved by requiring future development resulting from the proposed amendment, to provide for improvements necessary to accommodate growth while maintaining acceptable levels of service within the community's road network. A commitment to such accommodation is amply demonstrated in the applicant's preliminary conceptual site plan for the proposed Bridge Point site; a project conditioned on the approval of this amendment.

*Affordable housing:* Consistency would be achieved through the secondary impacts of economic growth driven by the growth in the community's industrial base, as workers may realize local opportunities to shorten their commute by living in the community where they work.

*Economic development:* Consistency would be achieved through the amendment's fostering of industrial growth – a staple element of the growth projections of the current comprehensive plan.

*Property rights:* Consistency would be achieved within the amendment process through the public hearings and community engagement elements associated with said review; preserving the rights of the Bridge Development Partners consortium to seek changes to policies which would allow them to realize full value of their properties. For those who may oppose this amendment, their property rights are maintained through their right to comment and a corresponding right to appeal a decision they view as contradictory to their interest.

*Permit processing:* Consistency is achieved through the initial entitlement process focusing on the comprehensive plan map amendment process; should approval be granted, consistency would be further reinforced by the plan review and permitting processes implemented by the City of Edgewood staff.

*Natural resource industries:* Consistency would be achieved through the applicant's commitment to work to preserve natural resources identified as present on the site; including the preservation and enhancement of trees, creek beds and shorelines affected by future development.

*Open space and recreation:* Consistency would be achieved through the addition of significant industrial growth in a manner which does not adversely impact existing open space or recreational opportunities on a macro scale. On a smaller scale, the proposed Bridge Point site offers a conceptual site plan with significant open space and

landscaping aesthetics scattered throughout the site; emphasizing a commitment to maintaining and enhancing critical areas.

*Environmental protection:* Consistency would be achieved through the responsible integration and implementation of best management practices in future development activity by the applicant; as evidence by a conceptual site plan lending credence to the level of consistency to be achieved.

*Early and continuous public participation:* Consistency would be achieved as a result of the community outreach and engagement inherent in the comprehensive plan amendment process as implemented by the City of Edgewood.

*Public facilities and services:* Consistency would be initially achieved through a thorough evaluation of impacts identified as a result of the proposed amendment review process. Later, as development activity is initiated, a more thorough analysis of the need for additional public facilities and the responsibility for additional costs would be addressed through system development charges.

*Historic preservation:* Consistency will be achieved through an initial opportunity to review and comment on the presence of any historic, architectural or cultural resources on any of the subject properties. Future development activity will be conducted in a manner which is fully cognizant of the possibility of undiscovered cultural artifacts; plans can be formulated to document the protocols to be followed in such case.

**Staff Response:** Staff concurs with the applicant's assessment. Beginning with the most wide-ranging element – conformance with the requirements of the GMA, specifically RCW 36.70A – the applicant has submitted the requisite documents in accordance with Edgewood's protocols for amendments and rezoning. Staff will continue the process of amending the maps in a manner which ensures early and continuous public participation and review by the appropriate commissions and elected officials.

Additionally, the City's Municipal Code outlines a process for amendments to the Comprehensive Plan FLUM in accordance with GMA. By following the City's process and incorporating public participation, the amendments conform to the procedural requirements of GMA. In particular, the amendment supports the following Statewide planning goals: Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all residents of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

The proposed amendment from *Single-Family Moderate* to *Industrial* supports this effort to promote economic development within the City of Edgewood, the recruitment of new businesses, and employment opportunities within the City of Edgewood.

#### SITE-SPECIFIC REQUEST #2

**Staff Response:** The proposed map amendment from *Single-Family Low* to *Commercial* is consistent with the City of Edgewood's Comprehensive Plan and with the goals of the State of Washington's Growth Management Act (GMA). The City's encouragement of new commercial development within City boundaries and within proximity to urban utilities and services would meet the GMA goal to reduce urban sprawl by allowing opportunities for additional employment and housing within the City. The GMA goal of economic development would be achieved through the amendment's fostering of commercial growth – a staple element of the growth projections of the current Comprehensive Plan.

Compliance with many of the planning goals of the GMA will be further analyzed as the owners of subject parcels apply for zoning designation changes to their individual properties. In particular, conformity with the GMA goals related to public facilities and services and regional transportation would be achieved by requiring future development resulting from the proposed amendment, to provide for improvements necessary to accommodate growth while maintaining acceptable levels of service within the community's infrastructure networks.

#### SITE-SPECIFIC REQUEST #3

**Staff Response:** Like Site-Specific Request #1, the proposed amendment from *Single-Family Moderate* to *Industrial* is consistent with the goals of the Growth Management Act (Chapter 36.70A RCW). The City's encouragement of new industrial development within City boundaries and within proximity to urban utilities and services would meet the GMA goal to reduce urban sprawl by allowing opportunities for additional employment within the City. The GMA goal of economic development would be achieved through the amendment's fostering of industrial growth – a staple element of the growth projections of the current Comprehensive Plan.

Compliance with many of the planning goals of the GMA will be further analyzed as the owners of subject parcels apply for zoning designation changes to their individual properties. In particular, conformity with the GMA goals related to public facilities and services and regional transportation would be achieved by requiring future development resulting from the proposed amendment, to provide for improvements necessary to accommodate growth while maintaining acceptable levels of service within the community's infrastructure networks.

#### REQUEST #4

**Staff Response:** The proposal to eliminate the Special Land Use Study Overlay is consistent with the goals to the Growth Management Act (Chapter 36.70A RCW) and the established procedures for processing comprehensive plan amendments. The City of Edgewood continuously reviews and evaluates its Comprehensive plan as required by the GMA and allows proposals for Comprehensive Plan amendments once per year.

REQUEST #5

**Staff Response:** The City's Public Works Department's proposal to amend specific text, tables, and figures within the Comprehensive Plan meets the GMA goal to encourage efficient multimodal transportation systems. The proposed amendments are based on regional priorities and work to improve regional transportation connectivity.

**2. Whether the proposed amendment(s) are consistent with and implement the City's Comprehensive Plan, including the goals, policies and implementation strategies of the various elements of the plan;**

~~SITE-SITE-SPECIFIC REQUEST #1~~

**Applicant Response:** Fostering the economic growth of the City's industrial base remains a key element of the overall comprehensive planning process (LU.1.m/Page 25). A proposal such as Bridge Point, which adapts underdeveloped farmland and vacant land, turning it into an economic engine for employment and sector growth, is certainly consistent with the goals of a comprehensive plan - as long as the proposal respects the environment and takes advantage of proximity to assets required by industrial uses such as convenient highway and rail access.

Amending the Comprehensive Plan and the concurrent rezoning of the Bridge Point properties will offer Edgewood a chance to realize these benefits and take advantage of a surging local real estate market and national economy.

Over the past four (4) years, development along Valley Avenue and Freeman Road has produced millions of square feet of industrial space - including Edgewood's recent approval of the Uchida Farm LLC project, which is a similar redevelopment currently beginning the permitting and plan review process with Edgewood staff.

**Staff Response:** Staff concurs with the applicant's assessment. Though the request is not consistent with the future land use map designations, it is consistent with many instances of Comprehensive Plan text, goals and policies. Of most relevance, the incorporation of this area into a "Special Land Use Study Overlay" in the City's 2015 Comprehensive Plan (Volume 1, Page 22) denotes the City's identification of the changing character of this area as well as its acknowledgement of the need for industrial development to support local job creation in the City of Edgewood. The proposed amendment from *Single-Family Moderate* to *Industrial* and accompanying application materials serve to address a portion of the Special Land Use Study Overlay area with its findings of an *Industrial* designation being appropriate for the amendment area.

The Land Use Element provides several policies that support this amendment, including policies for studying new land use designations and responding to changing community conditions. The potential for economic development, recruitment of businesses, transportation access, availability of public facilities and services, compatibility with surrounding development, and property owner interests are all listed as factors for considering new land use designations. The re-designation of the Bridge Point Edgewood site to *Industrial* meets most of these requirements.

SITE-SPECIFIC REQUEST #2

**Staff Response:** The change from *Single Family* to *Commercial* is consistent with the goals of the GMA. The proposed development will encourage urban growth in a consolidated manner, promote urban infill, and reduce sprawl. Because the development is in the urban area, people will also have access to multimodal transportation systems. This meets GMA in providing design and layout that shape the City into more livable and healthy spaces.

SITE-SPECIFIC REQUEST #3

**Staff Response:** See Staff Response to Site-Specific Request #1.

REQUEST #4

**Staff Response:** The proposal to remove the Special Land Use Study Overlay from the FLUM and delete any associated textual references to the overlay within the body of the Comprehensive Plan is consistent with and implements the City's Comprehensive Plan. This proposal is specifically consistent with GOAL LU.I.c on page 22 in the Land Use Element that establishes the obligation to update the FLUM and Comprehensive Plan text as needed. The City, in processing the associated citizen-initiated and City-initiated requests, would have fulfilled its plan to study the feasibility of changing the land use designations within the overlay and the Special Land Use Study Overlay becomes obsolete.

The proposal is consistent with the implementation strategies of the Comprehensive Plan section titled "Amending the Comprehensive Plan" found on page 12. The removal of the Special Land Use Study Overlay is the direct implementation of the need to "Maintain the Comprehensive Plan to ensure that changing conditions, including changes in the community and changes to regional, state and federal policies and regulation, are reflected in the Plan." Additionally, the proposal takes into consideration various efforts and applications since 2015 to change the land use designations of the parcels included within the Special Land Use Study Overlay and meets the intention to "Consider proposed Comprehensive Plan amendments concurrently so that the cumulative effect of the proposals can be determined."

REQUEST #5

**Staff Response:** The proposal brought by Public Works to update the Transportation Goals and Policies, Mobility and Capacity section on page 44 of the Comprehensive Plan, as well as amendments to the Transportation Systems Plan, Street and Highway System, Roadway Functional Classification sections is consistent with and implements the City's Comprehensive Plan. Specifically, the proposal meets the obligation stated on page 13 under "Amending the Comprehensive Plan" to "Ensure that the Comprehensive Plan, development regulations, City and other agency functional plans and budgets are mutually consistent and reinforce each other."

3. **Whether circumstances related to the proposed amendment(s) and/or the area in which it is located have substantially changed since the adoption of the city's comprehensive plan;**

SITE-SPECIFIC REQUEST #1

**Applicant Response:** Whereas the national and regional economies have shown a degree of sustainable growth in a variety of sectors, Edgewood has lagged behind in recent times (page 21 of the Edgewood Comprehensive Plan 2015). While recession may create the initial opportunities, one of the main drivers of consistent growth lies in the development of industrial land uses. Besides the benefits of increased tax revenues, industrial development drives employment, which in turn radiates economic growth into residential and retail sectors. The City of Edgewood has responded to this need by designating much of the southwest portion of Edgewood - including the entire Bridge Point Edgewood site – as the subject to a Special Land Use Overlay Study Area.

While certain observers catalog a surplus of available industrial land in Edgewood (12.82 acres according to the Puget Sound Regional Council), the applicant believes the perceived underutilization of Edgewood's industrial base is essentially incorrect and does not reflect current market conditions.

Local market activity indicates a shortage of industrial land in all submarkets stretching from Tacoma to Seattle - and this submarket is one of the region's most sought-after industrial locations.

Over the past four years approximately 2.6 million square feet of Class A industrial buildings have been developed on 175 acres of industrial land located within 1 ½ miles of the Bridge Point site. The majority of this development is located within ½-mile of the site – and serving as an even greater indicator of demand – all of the twelve industrial structures are 100% occupied.

Taking advantage of a competitive marketplace and being able to add to Edgewood's inventory of market-driven industrial infrastructure needed by tenants, is an advantage provided by the applicant's proposal- a project with the size, scale, and location capable of focusing regional industrial interest on a signature project for Edgewood.

**Staff Response:** As discussed above, the area in question was identified within the 2015 Comprehensive Plan as an area where “a number of factors have led to interest in possible re-designation of land uses in the overlay area, including industrial development in the surrounding area, support for local job creation, and changes in the economics of the small-scale farming activities that are currently practiced in the area.” As the applicant has assessed in their analysis of the changing market factors in the area: industrial growth in both Fife and Puyallup and a lack of vacant industrial space lend this property to have a more productive use under an *Industrial* land use designation.

SITE-SPECIFIC REQUEST #2

**Staff Response:** Since the adoption of the Comprehensive Plan, the City discovered that one of the parcels included in the request to amend the FLUM is currently being used as an illegal, nonconforming commercial business use. The Planning Commission considered a proposal to change the FLUM designation and zoning for the single parcel and ultimately decided to include it within the current proposal to re-designate 10 tax parcels along or near West Valley Highway East from *Single-Family Low* to *Commercial*.

SITE-SPECIFIC REQUEST #3

**Staff Response:** Circumstances in southwest Edgewood have changed since the adoption of the Comprehensive Plan. The market for available industrial spaces has increased as explained by the applicant for Request #1 and with the exception of the 14 parcels included in this request, all of the parcels included within the Special Land Use Study Overlay have been re-designated on the FLUM as *Industrial*. The parcels included in this request are in the center of those previously re-designated and near industrial uses to the south in neighboring Puyallup. Although there is not a request to change the zoning of the parcels, changing the land use provides an opportunity for larger-scale industrial uses and facilities.

REQUEST #4

**Staff Response:** The City's plan for the Special Land Use Study Overlay was to study the feasibility of changing land use designations in the area. With the processing of Requests #1 and #3, as well as the Uchida Farms, LLC request that was adopted in 2019, the land uses of all the parcels included in the Special Land Use Study area have or will be re-designated. The goal to study the feasibility of changing the land use designations of these parcels has been met and the Overlay is no longer necessary.

REQUEST #5

**Staff Response:** Circumstances regarding the City's transportation network have changed since the City's Comprehensive Plan was adopted. The City has identified a need for increased connectivity within the City and adjacent communities. Amendments are necessary to the Comprehensive Plan goals and policies, as well as the City's Functional Classification System and Long-Term Transportation Projects Maps to prioritize connectivity. In addition, the City's Parallel Road Network Ordinance needs amending to reconcile development that has occurred along the Meridian Avenue corridor that did not incorporate a parallel road system.

4. **Whether the assumptions upon which the City's Comprehensive Plan is based are no longer valid, or whether new information is available which was not considered during the adoption process or any annual amendments of the City's Comprehensive Plan; and**

SITE-SPECIFIC REQUEST #1

**Applicant Response:** The Bridge Point project would be a prime example of the validity of assumptions serving as the foundation of Edgewood's comprehensive planning effort; including the projection that 30% of future industrial growth would occur in the southwest corner of Edgewood.

Projecting possible industrial growth in an area currently zoned and planned for residential growth creates circumstances which foresee a potential need for an amendment process. Review and subsequent approval will allow the applicant's proposal to allow Edgewood to realize desired economic growth.

The source of new information supporting the need for an amendment lies within the overall assessment of industrial need put forth by the 2015 Pierce County Buildable Lands inventory; strongly emphasizing the role played by industrial growth in the regional economy. By extension, the lack of recent industrial growth in Edgewood places the community at a disadvantage in today's economy.

**Staff Response:** Staff concurs with the applicant's assessment - the assumptions within the City's Comprehensive Plan are valid. The Future Land Use Map of the City's 2015 Comprehensive Plan identifies a "Special Land Use Study Overlay" including the Bridge Point Edgewood site that the City intended for possible re-designation after further study to align with the industrial development in the surrounding area. The Transportation Element of the City's 2015 Comprehensive Plan already identifies within its land use forecasts the southwestern areas of the City, near the railroad corridor, accommodating 30% of the employment growth in manufacturing and industrial/warehousing uses.

SITE-SPECIFIC REQUEST #2

**Staff Response:** The assumptions upon which the City's Comprehensive Plan is based continue to be valid, and the Comprehensive Plan goals and policies support the proposed Comprehensive Plan amendments as shown in the analysis of the proposal in Part 4 below.

SITE-SPECIFIC REQUEST #3

**Staff Response:** See the Staff Response to this question (A.4) given for Site-Specific Request #1.

REQUEST #4

**Staff Response:** See the Staff Response to this question (A.4) given for Site-Specific Request #1.

REQUEST #5

**Staff Response:** Since the City's Comprehensive Plan was last updated, the City has identified increased need to improve connectivity within the City of Edgewood as well as between Edgewood and adjacent communities. The City's Parallel Road Network Ordinance, which seeks to create a parallel road system to alleviate congestion on Meridian Avenue, needs amending as through confusion over its applicability; it has not been consistently applied. In addition, there is a discrepancy in the existing Comprehensive Plan when comparing the Functional Classification System and Long-Term Transportation Projects Maps.

**5. Whether the proposed amendment(s) reflects current, widely held values of the residents of the city.**

SITE-SPECIFIC REQUEST #1

**Applicant Response:** The applicant's proposal conforms with and supports community values in two ways; first, through the collective engagement process used to debate the proposal's merits; and second, in the proposal's obvious efforts to address any and all issues which may arise from the approval of this amendment and the implementation of development (LU.V.11/Page 28).

The amendment will also increase the concentration of industrial traffic on major arterials such as Valley Avenue, restricting usage of local collectors except for deliveries and/or service needs (T.11 .c/Page 44).

In anticipation of this increased industrial usage, in recent years both Valley Avenue and Freeman Road have been substantially improved to accommodate increased traffic.

**Staff Response to Site-Specific Request #1, #3, and Request #4:** These criteria are difficult to determine compliance with at this stage. It is likely that the proposed amendments will reflect the values of some residents and not others. The proposed

amendments for changes to the FLUM may present some compatibility challenges along the northern and eastern boundaries. The proposed designation to *Industrial* represents a change in intensity for the areas that abut the *Single-Family Moderate* and *Mixed Residential Moderate* designations. However, the intensity change will occur along rights-of way and along rear and side lot lines of the abutting parcels, many not yet developed. Furthermore, the EMC requires buffers, landscaping, and building design solutions where higher intensity zones abut residential.

The City is soliciting for public feedback through comments, and a public hearing. Following the conclusion of these efforts, it is hoped that a consensus can be formed as to the merits of the proposals and their reflection of the community's values.

#### SITE-SPECIFIC REQUEST #2

**Staff Response:** Though the request is not consistent with the future land use map designations, it is consistent with many instances of Comprehensive Plan text, goals and policies. The Edgewood Comprehensive Plan provides land use and transportation goals and policies that support the proposed Future Land Use Plan amendment from *Single-Family Low* to *Commercial*.

#### REQUEST #5

**Staff Response:** The text amendment request is a result of discussions with the City Council that revealed a need to improve connectivity between Edgewood and adjacent communities, as well as between the hilltop and valley areas within Edgewood. Also, the request is the result of efforts to provide accurate information and guidance through amendments to correct a discrepancy in the existing Comprehensive Plan.

Like the requests to amendments to the FLUM, the proposed text amendment is being processed according to the procedures established in Chapter 18.60 EMC which includes requirements for opportunity for public comment. All public comments gathered through this process will help determine whether the proposal reflects the values of the residents of Edgewood beyond those included in the adopted Comprehensive Plan.

B. Amendments for Site-Specific Proposals. In addition to the above, any proposal for a site-specific development or amendment shall be reviewed under the following criteria:

- 1. Whether the proposed site-specific amendment(s) meets concurrency requirements for transportation and does not adversely affect adopted level of service standards for other public facilities and services (e.g., police, fire and emergency medical services, parks, fire flow and general governmental services);**

#### SITE-SPECIFIC REQUEST #1

##### **Applicant Response:**

Transportation: Since the applicant's initial application which included a concurrency application/evaluation and trip generation numbers, they have retained Transportation Engineering North West, Inc. (TENW) to prepare a preliminary traffic impact analysis.

The proposed Bridge Point Edgewood project is estimated to generate 2,256 weekday daily trips with 147 trips occurring during the weekday AM peak hour, and 121 trips occurring during the weekday PM peak hour. If the site were to be built out to conform with current single-family zoning, there would be 1,069 total daily trips generated with 78 trips occurring during the weekday AM peak hour, and 147 trips occurring during the weekday PM peak hour.

**Public Service Demand:** While new growth of any kind will add to the potential for increased demand for public services, the applicant believes the Bridge Point proposal will minimize demand by focusing development in an area where existing services are available; limiting growth in service demand, if any, to minimal levels.

**Staff Response:** Based on the results of the preliminary traffic analysis, staff does not expect that the proposed amendment from *Single-Family Moderate* to *Industrial* will adversely affect the adopted level of service standards for transportation and public services. The applicant has identified preliminary mitigation for the projected level of service declines at the intersection of 7<sup>th</sup> Street NW and Valley Ave NW. A more detailed operational analysis should be completed with a formal project application, which is expected to include evaluation of site access, circulation design, and peak hour queues at the various intersections.

Project SEPA environmental review will occur with developments that exceed the City's adopted thresholds for environmental review and reasonable and proportional mitigation measures may be required to offset impacts. Traffic impact analyses will be required to evaluate the impacts associated with development proposals within the amendment areas. Traffic impact fees will be required consistent with Chapter 4.30 EMC (Traffic Impact Fees). Additional point impacts may also require mitigation. Projects within the amendment areas will be required to satisfy the City's transportation concurrency requirements.

#### SITE-SPECIFIC REQUEST #2

**Staff Response:** Staff does not expect that the proposed amendment from *Single-Family Low* to *Commercial* will adversely affect the adopted level of service standards for transportation and public services. Pursuant to the Comprehensive Plan, the City's streets and parks have available capacity to accommodate future development. The City will determine other service capacity at the time of applications for zoning changes and at the time of project applications to better assess the direct impact.

#### SITE-SPECIFIC REQUEST #3

**Staff Response:** Staff does not expect that the proposed amendment from *Single-Family Moderate* to *Industrial* will adversely affect the adopted level of service standards for transportation and public services. Pursuant to the Comprehensive Plan, the City's streets and parks have available capacity to accommodate future development. The City will determine other service capacity at the time of applications for zoning changes and at the time of project applications to better assess the direct impact.

REQUEST #4

**Staff Response:** This is not a site-specific request, so the question does not apply.

REQUEST #5

**Staff Response:** This is not a site-specific request, so the question does not apply.

2. **Any proposed site-specific amendment(s) will not result in probable significant adverse impacts to the city's transportation network, capital facilities, utilities, parks and environmental features that cannot be mitigated, and will not place uncompensated burdens upon existing or planned service capabilities;**

SITE-SPECIFIC REQUEST #1

**Applicant Response:** The design of the proposed Bridge Point Edgewood project will not only mitigate any adverse impacts identified through a review process but will also continue a tradition of increased accessibility to improved public services dating to the sewer installation in the Meridian Corridor in 2011.

New infrastructure will not only add to land values but will also promote creative development proposals which may better integrate civic plans with future development opportunities.

A secondary impact, with the potential of tremendous benefit, is found in the City of Edgewood's Proposed Capital Improvement Plan, 2015-2020. The applicant's proposal and resulting development may help structure and accelerate a significant program element in the Transportation Category – the Railroad Frontage Road – which has feasibility expenditures scheduled for FY2019-20. Likewise, the extension of sewer service from Fife will provide benefit to properties along the frontage of Valley Avenue.

**Staff Response:** In correspondence to the City of Edgewood, City of Fife staff noted that there is significant capacity in its sewer system, which extends to its boundary with Edgewood along Freeman Road south of 34th Street East. The sewer line in that segment of Freeman Road is a force main. The force main extends to the west from Freeman Road to 70th Avenue East, where it discharges to a larger municipal pump station. The lines were sized for commercial and industrial development in a service area that includes substantial amounts of property subsequently acquired by the Washington State Department of Transportation for the construction of SR 167 and its interchange with Valley Avenue. Since WSDOT's uses will not generate sewage flows, Fife's system has excess capacity that is available to serve properties in Edgewood, including the Cherrywood Mobile Home Park, Cherrywood Apartments, and the potential Edgewood industrial area to the east.

Other public services such as water and sewer have the capacity to meet the utility needs associated with the amendment.

SITE-SPECIFIC REQUEST #2

**Staff Response:** Staff do not expect that the proposed amendment from *Single-Family Low to Commercial* will cause significant adverse impacts to the City's transportation network, capital facilities, utilities, parks, and environmental features. Services are located within proximity to the amendment area.

Future development that occurs as a result of the proposed amendment must demonstrate that proposed service demands and impacts on transportation and public services are mitigated. Applicants must mitigate these impacts on the transportation network and provide solutions where other public services are unavailable. The future analysis will consider the project's land uses, scale, and intensity.

SITE-SPECIFIC REQUEST #3

**Staff Response:** See response to Site-Specific Request #1.

REQUEST #4

**Staff Response:** This is not a site-specific request, so the question does not apply.

REQUEST #5

**Staff Response:** This is not a site-specific request, so the question does not apply.

3. **In the case of a site-specific amendment(s) to the Comprehensive Plan's land use map, that the subject parcels are physically suitable for the requested land use designation and the anticipated land use development, including, but not limited to, the following: (a) access; (b) provision of utilities; and (c) compatibility with existing and planned surrounding land uses;**

SITE-SPECIFIC REQUEST #1

**Applicant Response:** While site constraints may be identified, the overall topography of the site lends itself to development of large-scale industrial projects.

The conceptual plan for the Bridge Point site offers an initial insight into how the needs of a particular use can be accommodated on a unique site. The site's suitability for the intended industrial development is supported by the substantial amount of development in the immediate area; occurring on industrial-zoned land with strikingly similar characteristics to the Bridge Point site.

**Staff Response:** City staff finds that the amendment area is physically suitable for industrial uses. The property has utilities either readily available or available to extend. Access to the site is sufficiently available or can be provided. The site will also be accessible to the new SR-167 extension and an interchange, linking it to the Port of Tacoma and further supporting its designation as *Industrial*. The character of nearby development in Fife and Puyallup also supports the designation of the Bridge Point

Edgewood property as *Industrial*. Where existing uses are incompatible with the proposed use of the property as Industrial (such as existing residential uses in the area), any proposed development will be required to comply with the City's Municipal Code which requires buffers, screening, and landscaping where higher intensity zones abut residential zoned uses.

SITE-SPECIFIC REQUEST #2

**Staff Response:** Upon staff's review of the proposed amendment, the subject parcels appear to be physically suitable for the requested land use designation. The request for a *Commercial* designation will allow for a broad range of land uses that can be designed with the existing topography of the site. The topography allows for urban development near West Valley Highway East and its critical areas (steep slopes) appear to be located mostly along the western portions of the parcels which may contribute to natural screening of the commercial uses from nearby residential zoned properties.

The parcel has opportunities for access along West Valley Highway East. The site is located near existing utilities and service lines can be extended from previously developed portions of the amendment areas

SITE-SPECIFIC REQUEST #3

**Staff Response:** See response to Site-Specific Request #1.

REQUEST #4

**Staff Response:** This is not a site-specific request, so the question does not apply.

REQUEST #5

**Staff Response:** This is not a site-specific request, so the question does not apply.

4. **The proposed site-specific amendment(s) will not create pressure to change the land use designation of other properties, unless the change of land use designation for other properties is in the long-term best interests of the City as a whole;**

SITE-SPECIFIC REQUEST #1

**Applicant Response:** The existence of industrial properties in the immediate vicinity serve as an indicator of successful industrial demand.

Edgewood's stated goals of increased industrial growth, supported by the targeting of this area as a candidate for industrial development as evidenced by the overlay district, indicates an intent to respond to market forces. These goals will be mutually reinforced by the applicant's proposal for the Bridge Point Edgewood project – should it be approved.

**Staff Response:** Staff concurs with the applicant's response. The proposed amendment may create pressure to change the land use designation of other properties within the

“Special Land Use Study Overlay” (see Site-Specific Request #2). However, this is not contrary to the City’s Comprehensive Plan as the plan designated an even larger area as potentially appropriate for industrial uses. In addition, it is likely that the pressure to rezone may come from permitted development in adjacent jurisdictions (Fife and Puyallup), as a multi-city industrial center is created within the valley.

SITE-SPECIFIC REQUEST #2

**Staff Response:** The proposed amendment will not create pressure to change the land use designation of other properties in the vicinity.

SITE-SPECIFIC REQUEST #3

**Staff Response:** The proposed amendment to complete the FLUM designations of the remaining parcels in the Special Land Use Study Overlay will not create pressure to change the land use designation of other properties rather, it is completing the intended implementation of a Comprehensive Plan goal that serves the long-term best interests of the City as a whole.

REQUEST #4

**Staff Response:** This is not a site-specific request, so the question does not apply.

REQUEST #5

**Staff Response:** This is not a site-specific request, so the question does not apply.

**5. The proposed site-specific amendment(s) does not materially affect the land use and population growth projections that are the bases of the Comprehensive Plan;**

SITE-SPECIFIC REQUESTS #1 AND #3

For the purpose of analyzing the impacts of Comprehensive Plan amendments, staff has combined the two requests for analysis of the City’s land use and population growth projections and impacts. The Planning Commission and City staff proposed Site-Specific Request #2 so there is no applicant response listed below for that request.

**Site-Specific Request #1 Applicant Response:** There is no doubt that approval of this amendment and the construction of the Bridge Point Edgewood project will serve as a catalyst for additional changes in land use categories and planning designations.

Population growth may follow on a slower pace, but the development of employment centers typically provides for some increase in local populations as workers relocate to shorten their commutes and/or improve their lifestyle.

**Staff Response:** The City’s Comprehensive Plan strives to achieve a balance with housing, commercial, jobs, and open space. The proposed Comprehensive Plan amendments do not negatively affect the City’s ability to accommodate/achieve its growth projections. Moreover, the amendments could provide for a wider range of

employment opportunities to accommodate future populations. Staff do not expect the proposed amendments to change the basis of the Comprehensive Plan.

The Comprehensive Plan estimates a 2035 capacity surplus for both jobs and housing. Staff acknowledges that the proposed amendments (Site-Specific Request #1 and #3) may increase the employment surplus and decrease the housing surplus marginally.

The proposed amendment and zone change at the Bridge Point Edgewood site and the remainder of the Special Land Use Study Overlay from *Single-Family Moderate* to *Industrial* would lower the housing capacity for the City by approximately 182 units using the methodology described in the Pierce County Buildable Lands Report:

|                                         | <b>Single-Family Moderate<br/>(Existing)</b> | <b>Industrial (Proposed)</b> |
|-----------------------------------------|----------------------------------------------|------------------------------|
| <b>Gross Acres</b>                      | 88.40                                        | 88.40                        |
| <b>Residential Split<sup>1</sup></b>    | 88.40                                        | 0                            |
| <b>Public Facilities<sup>2</sup></b>    | 1.68                                         | 1.68                         |
| <b>Adjusted Gross Acres</b>             | 86.72                                        | 86.72                        |
| <b>Plat Deductions</b>                  |                                              |                              |
| <b>Roads<sup>3</sup></b>                | 8.50                                         | 8.50                         |
| <b>Critical Areas<sup>4</sup></b>       | 12.50                                        | 12.50                        |
| <b>Parks and Open Space<sup>5</sup></b> | 4.34                                         | 4.34                         |
| <b>Net Acres</b>                        | 61.38                                        | 61.38                        |
| <b>Assumed Density</b>                  | 3 du/ac                                      | 0                            |
| <b>Unit Capacity</b>                    | 184                                          | 0                            |
| <b>Displaced Units</b>                  | 2                                            | 2                            |
| <b>Total Capacity</b>                   | <b>182</b>                                   | <b>0</b>                     |

<sup>1</sup>The residential/commercial split for SF-3 zoned properties is assumed to be 100% (residential).

<sup>2</sup>Public facilities are assumed to encompass 1.90% of the gross acres

<sup>3</sup>Roads are assumed to encompass 9.80% of the gross acres

<sup>4</sup>Critical areas were measured using the applicant's submitted site plan and include an assumption of buffers.

<sup>5</sup>Parks and open space are assumed to encompass 5% of the gross acres

#### SITE-SPECIFIC REQUEST #2

**Staff Response:** Similar to the response above, the City's Comprehensive Plan strives to achieve a balance with housing, commercial, jobs, and open space. The proposed Comprehensive Plan amendments do not negatively affect the City's ability to accommodate/achieve its growth projections. Moreover, the amendments could provide

for a wider range of employment opportunities to accommodate future populations. Staff do not expect the proposed amendments to change the basis of the Comprehensive Plan.

The Comprehensive Plan estimates a 2035 capacity surplus for both jobs and housing. Staff acknowledges that the proposed amendment may increase the employment surplus and decrease the housing surplus marginally.

The proposed amendment from *Single-Family Low* to *Commercial* would lower the housing capacity for the City by approximately 76 units using the methodology described in the Pierce County Buildable Lands Report:

|                                                 | <b>Single-Family Low<br/>(Existing)</b> | <b>Commercial<br/>(Proposed)</b> |
|-------------------------------------------------|-----------------------------------------|----------------------------------|
| <b>Gross Acres</b>                              | 49.24                                   | 49.24                            |
| <b>Residential Split<sup>1</sup></b>            | 49.24                                   | 0                                |
| <b>Public Facilities<sup>2</sup></b>            | 0.94                                    | 0.94                             |
| <b>Adjusted Gross Acres</b>                     | 48.31                                   | 48.31                            |
| <b>Plat Deductions</b>                          |                                         |                                  |
| <b>Roads<sup>3</sup></b>                        | 4.73                                    | 4.73                             |
| <b>Critical Areas</b>                           | 24.47                                   | 24.47                            |
| <b>Parks and Open<br/>    Space<sup>4</sup></b> | 2.42                                    | 2.42                             |
| <b>Net Acres</b>                                | 16.69                                   | 16.69                            |
| <b>Assumed Density</b>                          | 2 du/ac                                 | 0                                |
| <b>Unit Capacity</b>                            | 33                                      | 0                                |
| <b>Displaced Units</b>                          | 1                                       | 1                                |
| <b>Total Capacity</b>                           | <b>32</b>                               | <b>0</b>                         |

<sup>1</sup>The residential/commercial split for SF-2 zoned properties is assumed to be 100% (residential).

<sup>2</sup>Public facilities are assumed to encompass 1.90% of the gross acres

<sup>3</sup>Roads are assumed to encompass 9.80% of the gross acres

<sup>4</sup>Critical areas were measured using the City's GIS data for potential wetlands and potential erosion and landslide hazard areas. Buffers were not included.

<sup>5</sup>Parks and open space are assumed to encompass 5% of the gross acres.

#### REQUEST #4

**Staff Response:** This is not a site-specific request, so the question does not apply.

REQUEST #5

**Staff Response:** This is not a site-specific request, so the question does not apply.

6. **If within an incorporated urban growth area (UGA), the proposed site-specific amendment(s) does not materially affect the adequacy or availability of urban facilities and services to the immediate area and the overall UGA;**

SITE-SPECIFIC REQUESTS #1 AND #3

For the purpose of analyzing the effects of Comprehensive Plan amendments on urban facilities and services within the UGA, staff has combined the two site-specific requests.

**Applicant Response:** No response.

**Staff Response:** As part of the Comprehensive Plan Amendment application for Site-Specific Request #1, the applicant applied for a Concurrency Reservation Certificate, which implements the concurrency provisions of the transportation and utilities elements of the City's Comprehensive Plan.

The amendment area for both site-specific requests is within proximity to urban services, including adjacency to the BNSF railway. The proposed amendment from *Single-Family Moderate* to *Industrial* will increase the development potential on the subject parcels to allow more intense land uses. The *Industrial* designation establishes opportunities for a range of industrial uses, such as regional research, manufacturing, warehousing, or other regional employment uses that will make use of the available urban services.

Staff does not anticipate that the proposed amendment will materially affect the adequacy or availability of urban facilities and services. Future development that occurs as a result of this proposed amendment will require land use review (e.g., Process I, II, or III). During this review, future projects must demonstrate that proposed service demands and impacts on transportation and public services are mitigated. The future analysis will consider the project's land uses, scale, and intensity. Currently, staff are unaware of any service deficiencies in this immediate area.

SITE-SPECIFIC REQUEST #2

The amendment area for the site-specific request is within proximity to urban services, including adjacency to W Valley Highway E and in proximity to SR 167. The proposed amendment from *Single-Family Low* to *Commercial* will increase the development potential on the subject parcels to allow more intense land uses. The *Commercial* designation establishes opportunities for a range of commercial uses, such as large-format retail, auto-oriented commercial uses, and regional scale commercial uses that will make use of the available urban services.

Staff does not anticipate that the proposed amendment will materially affect the adequacy or availability of urban facilities and services. Future development that occurs as a result of this proposed amendment will require land use review. During this review, future projects must demonstrate that proposed service demands and impacts on

transportation and public services are mitigated. The future analysis will consider the project's land uses, scale, and intensity. Currently, staff are unaware of any service deficiencies in this immediate area.

REQUEST #4

**Staff Response:** This is not a site-specific request, so the question does not apply.

REQUEST #5

**Staff Response:** This is not a site-specific request, so the question does not apply.

7. **The proposed amendment(s) is consistent with any applicable county-wide policies for the city and any other applicable interjurisdictional policies or agreements, and any other local, state or federal laws.**

SITE-SPECIFIC REQUEST #1

**Applicant Response:** No response.

**Staff Response:** Regionally, the planning process described in Vision 2040 emphasizes growth being directed towards the manufacturing distribution centers and regional growth centers as defined by the Puget Sound Regional Council (PSRC). While not a defined growth center under Vision 2040, Edgewood's strategic location within an urban growth area and adjacent to one of the region's transportation projects (Highway 167 Expansion) suggests consideration under the same growth projections used by PSRC to define said centers. Vision 2040 states that, "...Subregional centers, such as those designated through county-wide processes or identified locally, will also play important roles in accommodating planned growth according to the regional vision. (PSRC Vision 2040, Page 49)."

With the approval of the applicant's proposed map amendment and rezoning, Edgewood will significantly support this regional goal; enabling the community to complement nearby growth centers while achieving a level of diversity in both the local economy and land use inventory which can only lead to benefits being realized by every sector of Edgewood's economic base; including support for residential growth - which complies with a key goal of GMA planning. The City's expressed desire for retail and mixed-use growth, particularly in the Meridian Corridor, could also support additional residential growth from those employed on the Bridge Point Edgewood site who may consider living in the community in which they work. This could help increase residential growth.

SITE-SPECIFIC REQUEST #2

The County-wide Planning Policies (CCPs) help implement the Puget Sound Regional Council's (PSRC) Vision 2040 plan for the region. The CPPs' purpose is to achieve consistency amongst area plans on regional matters. Staff finds that the proposed amendment is consistent with the CPPs. Specifically, the following CCPs support the amendment:

- Goal EC-2. The County, and each municipality in the County, shall promote diverse economic opportunities for all citizens of the County, especially the unemployed, disadvantaged persons, minorities and small businesses. The following measures may be used in accomplishing this policy, where appropriate:
  - 2.5 Encouraging flexibility in local zoning and land use controls in order to permit a variety of economic uses, but doing so without sacrificing sound design and development standards;
- Goal Rur-9. Direct commercial, retail, and community services that serve rural residents into neighboring cities and existing activity areas to prevent the conversion of rural land into commercial uses.

### SITE-SPECIFIC REQUEST #3

With the approval of the proposed map amendment and rezoning of the remaining parcels in the Special Land Use Study area, Edgewood will significantly support the regional goal of viable regional centers by creating a “subcenter” within Edgewood’s corporate boundaries, separate, but readily accessible to neighboring centers within 1½ miles and would be capable of accepting any outstanding or unique requirements the market may have. The Highway 167 Expansion project could clearly provide and enhance transportation access required for Edgewood to meet this goal. Edgewood could prepare a subarea plan for regional evaluation of the inclusion of the “subcenter” within the regional planning framework.

The County-wide Planning Policies (CCPs) help implement the Puget Sound Regional Council’s (PSRC) Vision 2040 plan for the region. The CPPs’ purpose is to achieve consistency amongst area plans on regional matters. Staff finds that the proposed amendment is consistent with the CPPs. Specifically, the following CCPs support the amendment:

- Goal EC-2. The County, and each municipality in the County, shall promote diverse economic opportunities for all citizens of the County, especially the unemployed, disadvantaged persons, minorities and small businesses. The following measures may be used in accomplishing this policy, where appropriate:
  - 2.2 Identifying urban land suitable for the accommodation of a wide range of non-residential development activities;
  - 2.5 Encouraging flexibility in local zoning and land use controls in order to permit a variety of economic uses but doing so without sacrificing sound design and development standards.

### REQUEST #4

**Staff Response:** This is not a site-specific request, so the question does not apply.

REQUEST #5

**Staff Response:** This is not a site-specific request, so the question does not apply.

**Part 4 – Compliance with Comprehensive Plan Goals and Policies**

The following existing Comprehensive Plan goals and policies support the proposed Comprehensive Plan amendments:

1. SITE-SPECIFIC REQUEST #1

**Applicant Response:** Refer to criterion A.2 in Part 3 of this report for the applicant's explanation of how the proposed amendment advances the goals and policies of the Comprehensive Plan.

**Staff Response:** The City of Edgewood Comprehensive Plan includes several goals and policies to help guide staff, the Planning Commission, City Council, and the public to decide whether the proposed Future Land Use amendment and rezone are appropriate at this location.

The request to amend the Comprehensive Plan FLUM to redesignate the Bridge Point Edgewood site from its existing designation of *Single-Family Moderate* to *Industrial* allows for a range of light-industrial, manufacturing, warehousing, and research uses. In 2015, the City designated this area a "Special Land Use Study Overlay" that it intended to study and potentially redesignate to accommodate industrial development (Volume I, Page 22).

Staff did not discover any goals or policies that specifically discourage this type of amendment at this location. The following goals and policies support the proposed amendment:

**Land Use Element**

**GOAL LU.I.c: Continue to use the adopted FLUM to guide land use and development regulations; updating as needed.**

Beginning in 2015, the City and the public have discussed a need for changes to the land use designations for this area within the context of supporting the City's vision. The City held public input meetings in 2015 as part of the Comprehensive Plan update process to discuss the possibility for a FLUM designation change in this area. The Special Land Use Study Overlay was added to the FLUM at that time in order to further study the feasibility of changing the land use designations. As part of the 2019 Comprehensive Plan update process, the applicants for the Uchida Farms, LLC properties demonstrated a need to update the FLUM and the designation of the properties was changed.

The applicant's proposal is based on the obligation to update the FLUM to reflect a need for additional industrial land use within Edgewood, as identified through an analysis of current market trends within the industrial sector.

**GOAL LU.1.d: Study the potential for new land use designations within the City on an as-needed basis, in response to changing community conditions or regulatory requirements.**

- Consider the following as part of the study: Potential for economic development, including recruitment of businesses that provide family-wage jobs and support for locally owned businesses

The applicant for the Bridge Point Edgewood proposal has demonstrated a need for a new land use designation. The benefits of the proposed comprehensive plan amendment and development of the Bridge Point Edgewood property to the City of Edgewood includes acceleration of job creation within the City, spurring growth within the local housing market and increased tax revenues.

**GOAL LU.1.m: The Industrial designation is intended to accommodate industrial uses that provide local and regional employment opportunities, such as research, light manufacturing and warehousing. Compatible uses are also allowed.**

The Bridge Point Edgewood request for an industrial designation complements and supports the City's efforts to encourage industrial economic development in the southwest corner of Edgewood. The development of the site as industrial would provide opportunities for local and regional employment when considered together with the Uchida Farms LLC site and existing industrial businesses in nearby Puyallup.

**GOAL LU.III.a: Provide design flexibility to encourage the preservation and integration of existing natural site features in new development, including clusters of trees, watercourses, slopes and open spaces.**

The Bridge Point Edgewood applicant included a preliminary site plan and brief narrative with their application that shows flexibility in site design and commitment to addressing the streams and buffers located on the site.

**GOAL LU.VII.a: Establish opportunities for a range of industrial uses, such as regional research, manufacturing, warehousing or other regional employment uses.**

**GOAL LU.VII.b: Expand the number and type of industrial uses in the City through more intensive use of existing industrial lands and expansion of industrial uses in appropriate locations**

The development of the site as industrial would provide opportunities for a variety of local and regional uses and employment when considered together with the Uchida Farms LLC site and existing industrial businesses in nearby Puyallup.

**GOAL LU.VII.b: Expand the number and type of industrial uses in the City through more intensive use of existing industrial lands and expansion of industrial uses in appropriate locations.**

The City's decision to create the Special Land Use Study Overlay as part of the FLUM and the market studies conducted indicate that industrial uses are appropriate at this location.

2. SITE-SPECIFIC REQUEST #2

**Land Use Element**

**Goal LU.I**

**Establish a future land use pattern that is consistent with the City's vision.**

Commercial LU.I.k: "The Commercial designation is intended to accommodate a wide range of commercial uses, including large-format retail, auto-oriented commercial uses and regional scale commercial uses. Compatible uses are also allowed."

**GOAL LU.VI.e: Promote easy access to commercial corridors and centers for pedestrians, bicyclists and transit users.**

A commercial corridor will essentially be created with the change from single family to commercial land uses on the parcels included in the East Side Commercial FLUM. The FLUM shows the parcels adjacent to West Valley Highway, beginning north of the proposal site and continuing north to the Pierce/King County line as having a *Commercial* land use designation. Likewise, the parcels adjacent to West Valley Highway, beginning south of the proposal site and continuing south to approximately 32nd Street East are designated as *Commercial* on the FLUM. The re-designation of land uses as proposed would lay the groundwork for the development of an easily accessible commercial corridor along West Valley Highway.

3. SITE-SPECIFIC REQUEST #3

**Staff Response:** See Staff Response to Site-Specific Request #1

4. REQUEST #4

**Land Use Element**

**GOAL LU.I.c: Continue to use the adopted FLUM to guide land use and development regulations; updating as needed.**

With the processing of Requests #1 and #2, as well as the Uchida Farms, LLC request that was adopted in 2019, an update to the FLUM is warranted and the City should remove the Special Land Use Study Overlay from the FLUM and delete any associated textual references to the overlay within the body of the Comprehensive Plan. The City, in processing the associated citizen-initiated and City-initiated requests, would have fulfilled its plan to study the feasibility of changing the land use designations within the overlay.

5. REQUEST #5

Staff did not discover any goals or policies that specifically discourage this type of amendment. The following goals and policies support the proposed amendment:

**Land Use Element**

**Goal LU.I.e: Ensure that the City's sewer plan and other functional plans are supportive of the land use patterns outlined in this Element.**

As stated in the application submitted on December 31, 2019, discussions with Council have revealed a need to improve connectivity between Edgewood and adjacent communities, as well as between the land uses located in the hilltop and valley areas within Edgewood.

### **Transportation Element**

**Goal T.I Develop a safe and efficient street system that accommodates all transportation modes and maximizes people-carrying capacity. Improve the operating efficiency of the existing system and maintain the capacity to adequately serve present and future travel demand.**

- T.I.c: Require dedication of roadway rights-of-way as part of new development consistent with the appropriate functional classification, adopted road standards and Comprehensive Plan.
- T.I.f: Design transportation facilities to fit within the context of the built or natural environments in which these facilities are located.
- T.I.g: Assure that transportation systems are appropriately sized and designed to support the land use element, serve the surrounding land uses and minimize the negative impacts of growth.

## **Part 5 – Public Notices and Comment:**

### **1. PUBLIC NOTICES:**

The City received an application for Site-Specific Request #1 to amend the Comprehensive Plan Future Land Use Map (FLUM) on December 24, 2019, prior to the December 31, 2019, deadline for inclusion in the 2020 preliminary docket.

The Planning Commission voted to include City initiated requests #2-5 to amend the Comprehensive Plan Future Land Use Map (FLUM) on December 9, 2019, at a public hearing on the preliminary docket.

On May 7, 2020, the Planning Director issued a recommendation to City Council to include the proposed amendments on its final docket. The City Council at its regular meeting on June 9, 2020 adopted the 2019-2020 Comprehensive Plan Final Docket.

The Planning Commission will discuss the proposed amendment during a regularly scheduled meeting held at City Hall on October 12, 2020 in which members of the public are invited to attend. A public hearing before the Planning Commission will be held on November 9, 2020.

### **2. PUBLIC COMMENTS:**

At the time of preparation of this staff report, no public comments have been received on the proposed comprehensive plan amendments.

## **Part 6 – State Environmental Policy Act Compliance and Agency Comment:**

The City has prepared a non-project SEPA checklist for the proposed amendments. Once the City's SEPA Official has issued a threshold determination, summary of that decision and agency comments received will be included here.

## **Part 7 – Staff Recommendations:**

### 1. SITE-SPECIFIC REQUEST #1

- Staff recommends that the City Council approve the proposed Future Land Use Amendment from *Single-Family Moderate* and *Mixed Residential Moderate* to *Industrial*.
- Staff recommends that the City Council approve the change in zone from SF-3 to I.
- Staff recommends that the City Council approve amendments to the applicable text, figures, tables, and maps in the Comprehensive Plan to reflect the Future Land Use Map amendment.

### 2. SITE-SPECIFIC REQUEST #2

- Staff recommends that the City Council approve the proposed Future Land Use Amendment from *Single-Family Low* to *Commercial*.
- Staff recommends that the City Council approve amendments to the applicable text, figures, tables, and maps in the Comprehensive Plan to reflect the Future Land Use Map amendment.

### 3. SITE-SPECIFIC REQUEST #3

- Staff recommends that the City Council approve the proposed Future Land Use Amendment from *Single-Family Moderate* to *Industrial*.
- Staff recommends that the City Council approve amendments to the applicable text, figures, tables, and maps in the Comprehensive Plan to reflect the Future Land Use Map amendment.

### 4. REQUEST #4

- Staff recommends that the City Council approve the proposed Future Land Use Amendment to eliminate the Special Land Use Study Overlay.
- Staff recommends that the City Council approve amendments to the applicable text, figures, tables, and maps in the Comprehensive Plan to reflect the Future Land Use Map amendment.

Staff Report  
2020 Comprehensive Plan Amendments

5. REQUEST #5

- Staff recommends that the City Council approve the proposed amendments to the Transportation Goals and Policies, Mobility and Capacity section on page 44 of the Comprehensive Plan.
- Staff recommends that the City Council approve the proposed amendments to the Transportation Systems Plan, Street and Highway System, Roadway Functional Classification section.
- Staff recommends that the City Council approve amendments to the applicable text, figures, tables, and maps in the Comprehensive Plan to reflect the Future Land Use Map amendment.

STAFF PREPARING THE REPORT:



Brittany Port, AICP/Consulting Planner

October 6, 2020

Date

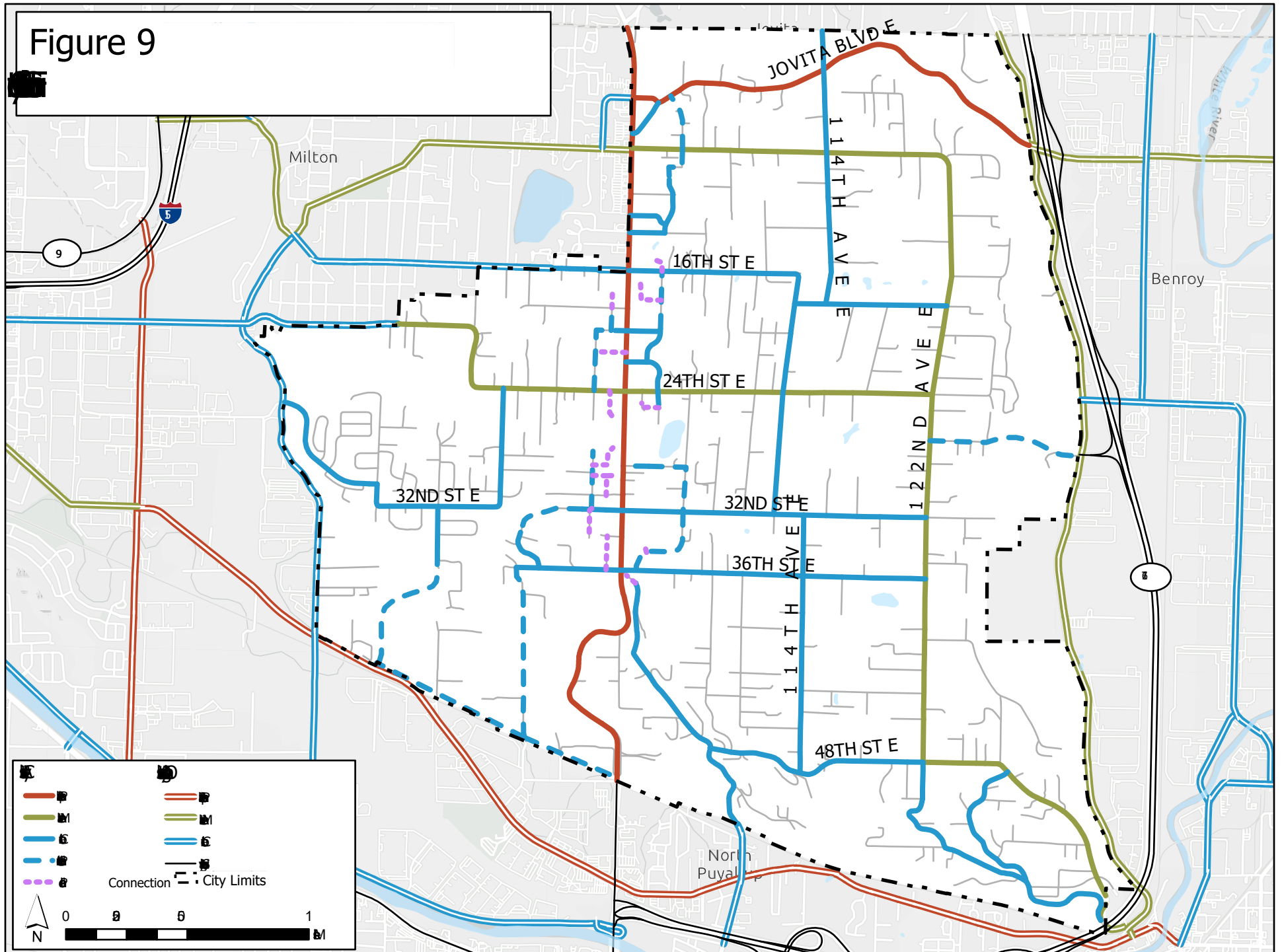
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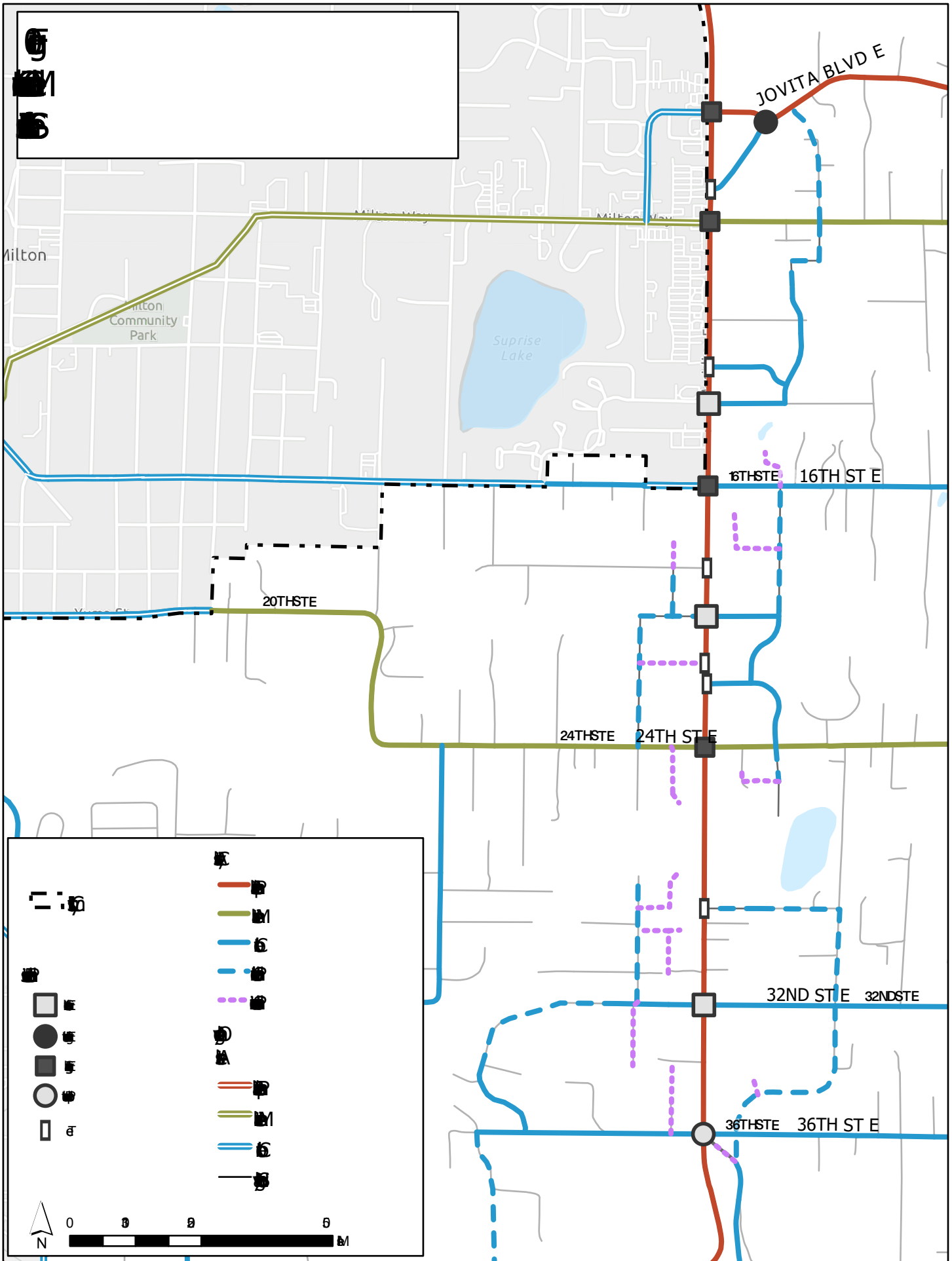
### *Roadways Standards*

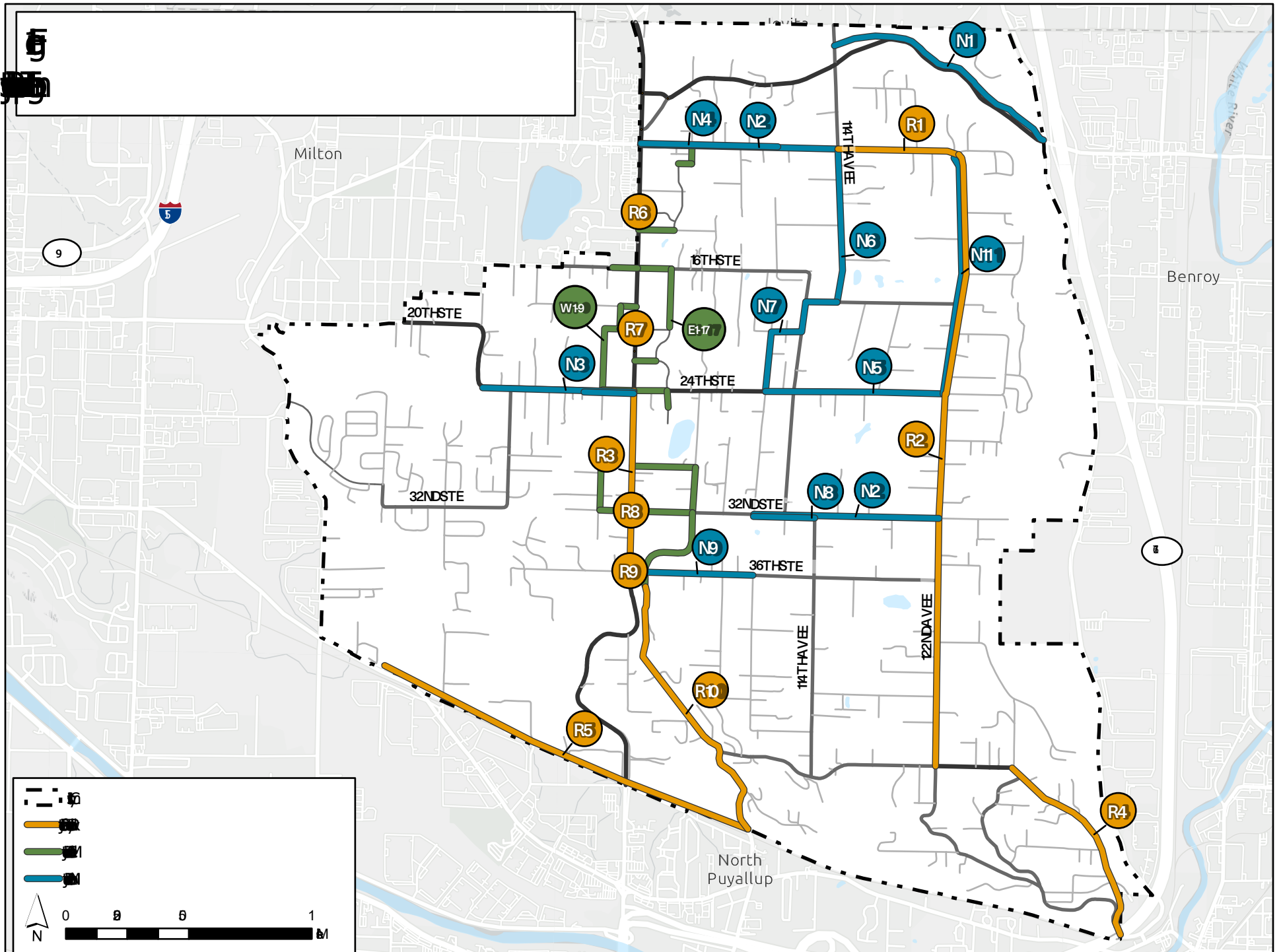
The City has sought to encourage standardization of road design elements for consistency and to assure that motoring, bicycling and pedestrian public safety needs are met. Considerations include safety, convenience, aesthetics, proper drainage and economical maintenance. The standards include items such as right-of-way needs, pavement width, type and width of pedestrian and bicycle facilities and roadway and intersection radii.

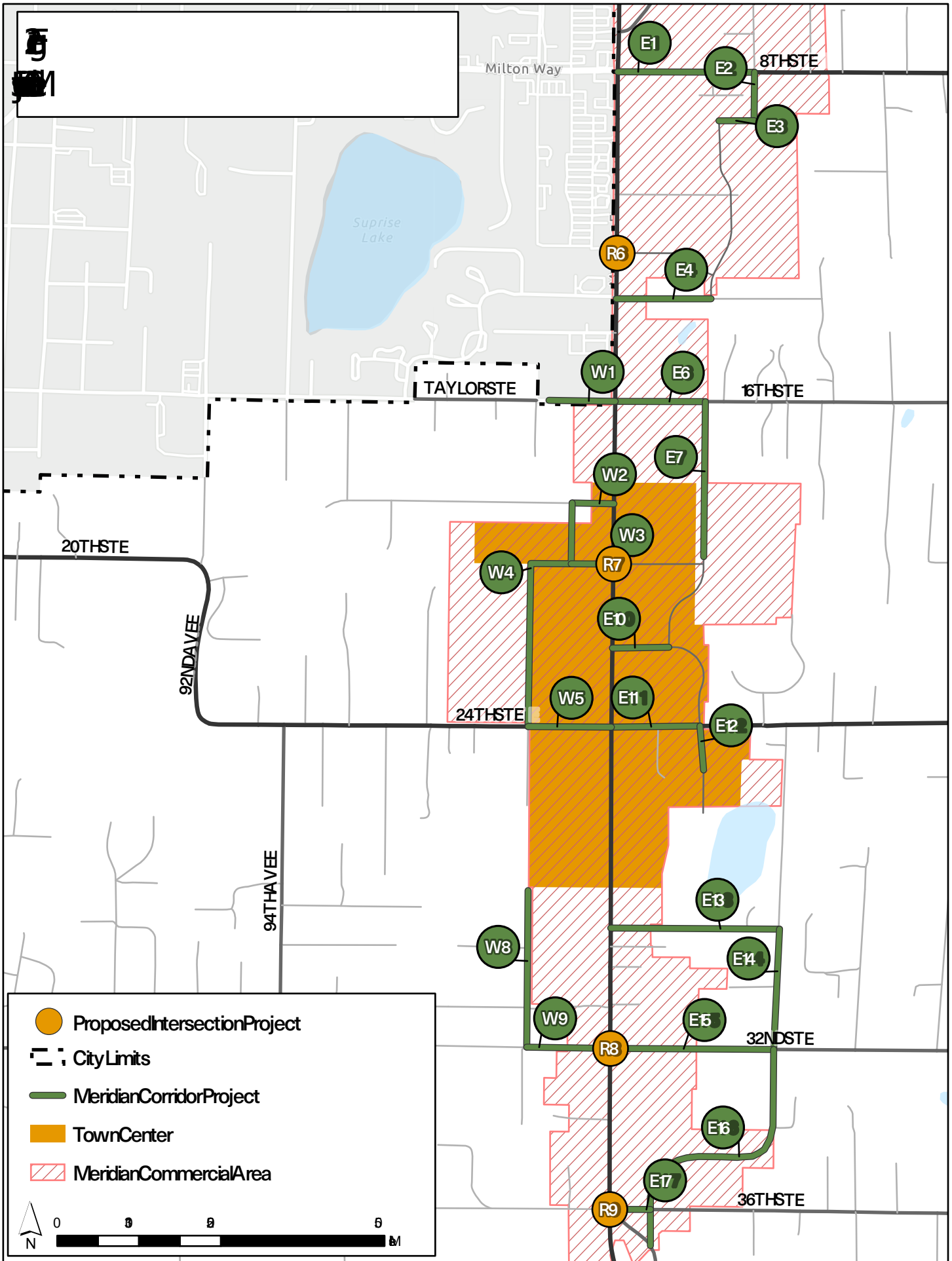
The standards are intended to support the City's goals in providing adequate facilities to meet the mobility and safety needs of the community, as well as complying with storm water management, sensitive areas and other regulations. The standards are intended to assist design professionals and developers for all new and reconstructed roadways and right-of-way facilities, both public and private, within the City. See [the City of Edgewood's Public Works Street Standards \(Transportation Manual\) \(as adopted under Edgewood Municipal Code Title 12\)](#) for more details.

Figure 9









| ID                                  | PROJECT NAME                                     | PROJECT LIMITS                                                           | PROJECT DESCRIPTION                                                                                                                                                         | PROJECT COST <sup>1</sup>  |
|-------------------------------------|--------------------------------------------------|--------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| <b>Roadway and Traffic Projects</b> |                                                  |                                                                          |                                                                                                                                                                             |                            |
| R-1                                 | 8th St E Safety Improvements (Multimodal Loop)   | 114th Avenue E to 122nd Avenue E                                         | Separated pedestrian walkway, illumination at 8th/114th intersection; shoulder improvements, crosswalks, a flashing beacon and reconstruction of the 8th/114th intersection | \$1,290,000<br>TBD         |
| R-2                                 | 122nd Ave E Safety Improvements                  | 8th Street E to 48th Street E                                            | Road overlay, shoulder improvements, school bus stop waiting areas, signage and pavement markings                                                                           | \$1,305,200<br>TBD         |
| R-3                                 | Meridian Ave E Safety Improvements               | 36th Street E to 24th Street E                                           | Construct <del>3-4-</del> to 5-lane cross-section with curb/gutter, sidewalks, storm drainage and bicycle facilities                                                        | \$9,910,000<br>TBD         |
| R-4                                 | Edgewood Dr E Safety Improvements                | 48th Street E to Sumner Heights Drive                                    | Roadway widening, curb, gutter, storm water system and pedestrian walkway                                                                                                   | \$1,668,050<br>\$9,500,000 |
| R-5                                 | Railroad Frontage Road                           | 86th Avenue E to Chrisella Road                                          | Construct new roadway parallel to railroad tracks to eliminate need for several at-grade crossings                                                                          | \$8,715,700<br>TBD         |
| R-6                                 | Meridian Ave E / 12th St E                       | Intersection                                                             | Install <del>signal access control</del> and make ADA upgrades                                                                                                              | \$320,000 TBD              |
| R-7                                 | Meridian Ave E / 20th St E                       | Intersection                                                             | Install <del>signal access control</del> and make ADA upgrades                                                                                                              | \$320,000 TBD              |
| R-8                                 | Meridian Ave E / 32nd St E                       | Intersection                                                             | Install <del>signal access control</del> and make ADA upgrades                                                                                                              | \$320,000 TBD              |
| R-9                                 | Meridian Ave E / 36th St E                       | Intersection                                                             | Construct roundabout                                                                                                                                                        | \$1,430,000 TBD            |
| R-10                                | Chrisella Rd E Safety Improvements               | 36th St E to City limits                                                 | Improve pavement markings, signage, lighting, and sight distance; improve intersection with 48th Ave E and consider installation of traffic calming measures.               | \$870,000<br>\$6,285,000   |
| <b>Meridian Corridor Projects</b>   |                                                  |                                                                          |                                                                                                                                                                             |                            |
| E-1                                 | 8th St E                                         | Meridian to 105th Avenue                                                 | <del>Build or improve</del> corridor to collector arterial standard                                                                                                         | TBD <sup>2</sup>           |
| E-2                                 | <del>104th Ave E /</del> 105th Ave E             | 8th Street E to <del>11th</del> 10th Street <del>Ct</del> E              | Build <del>or improve</del> corridor to collector arterial standard                                                                                                         | TBD <sup>2</sup>           |
| E-3                                 | <del>11th St E / 104th</del> 105th Ave E         | <del>105th Avenue E to 12th Street E</del> Jovita Blvd E to 8th Street E | Build or improve corridor to collector arterial standard                                                                                                                    | TBD <sup>2</sup>           |
| E-4                                 | <del>12th 13th St Ct</del> E                     | Meridian to 104th Avenue                                                 | <del>Build or improve</del> corridor to collector arterial standard                                                                                                         | TBD <sup>2</sup>           |
| E-5                                 | <del>104th Ave E / 13th St E / 103rd Ave E</del> | <del>12th Street E to 16th Street E</del>                                | <del>Build or improve corridor to collector arterial standard</del><br>DELETED                                                                                              | \$1,290,000                |
| E-6                                 | 16th St E                                        | Meridian to 104th Avenue E                                               | <del>Build or improve</del> corridor to collector arterial standard                                                                                                         | \$1,360,000                |

| ID                                            | PROJECT NAME                                                           | PROJECT LIMITS                                                           | PROJECT DESCRIPTION                                                             | PROJECT COST <sup>1</sup> |
|-----------------------------------------------|------------------------------------------------------------------------|--------------------------------------------------------------------------|---------------------------------------------------------------------------------|---------------------------|
| <b>Meridian Corridor Projects (continued)</b> |                                                                        |                                                                          |                                                                                 |                           |
| E-7                                           | 104th Ave E                                                            | 16th Street E to <del>20th Street E</del> 1800 Block                     | Build <del>or improve</del> corridor to collector arterial standard             | TBD <sup>2</sup>          |
| E-8                                           | 20th St E                                                              | Meridian to 104th Avenue E                                               | Build <del>or improve</del> corridor to collector arterial standard<br>COMPLETE | TBD <sup>2</sup>          |
| E-9                                           | <del>104th Ave E</del>                                                 | 20th Street E to 24th Street E                                           | Build <del>or improve</del> corridor to collector arterial standard<br>COMPLETE | TBD <sup>2</sup>          |
| E-10                                          | 22nd St E                                                              | Meridian to 104th Avenue E                                               | <del>Build or il</del> improve corridor to collector arterial standard          | TBD <sup>2</sup>          |
| E-11                                          | 24th St E                                                              | Meridian to 104th Avenue E                                               | <del>Build or il</del> improve corridor to collector arterial standard          | \$1,360,000               |
| E-12                                          | 104th Ave E                                                            | 24th Street E to 103rd Ct Avenue E                                       | Build <del>or improve</del> corridor to collector arterial standard             | \$940,000                 |
| E-13                                          | 29th St E                                                              | Meridian to <del>103rd 106th</del> Avenue <del>Ct</del> E                | <del>Build or il</del> improve corridor to collector arterial standard          | TBD <sup>2</sup>          |
| E-14                                          | <del>103rd 106th</del> Ave E                                           | 29th Street E to 32nd Street E                                           | <del>Build or il</del> improve corridor to collector arterial standard          | TBD <sup>2</sup>          |
| E-15                                          | 32nd St E                                                              | Meridian to <del>103rd 106th</del> Avenue E                              | <del>Build or il</del> improve corridor to collector arterial standard          | TBD <sup>2</sup>          |
| E-16                                          | <del>103rd 106th</del> Ave E / <u>Chrisella Rd Extension</u>           | 32nd Street E to <del>36th Street E</del> <u>Chrisella Rd E</u>          | Build or improve corridor to collector arterial standard                        | TBD <sup>2</sup>          |
| E-17                                          | 36th St E                                                              | Meridian to <del>103rd</del> Avenue E <u>Chrisella Rd Extension</u>      | <del>Build or il</del> improve corridor to collector arterial standard          | TBD <sup>2</sup>          |
| W-1                                           | 16th St E                                                              | 101st Avenue E to Meridian                                               | Build or improve corridor to collector arterial standard                        | \$1,080,000               |
| W-2                                           | <del>101st Ave E</del> <u>18th St Ct E</u>                             | <del>16th Street E to 20th Street E</del> <u>10000 Block to Meridian</u> | <del>Build or il</del> improve corridor to collector arterial standard          | TBD <sup>2</sup>          |
| W-3                                           | 20th St E                                                              | 101st Avenue E to Meridian                                               | Build or improve corridor to collector arterial standard                        | TBD <sup>2</sup>          |
| W-4                                           | <del>20th St E</del> <u>101st Ave E</u> / 100th Ave E <u>24th St E</u> | <del>20th 18th</del> Street <del>Ct</del> E to 24th Street E             | Build or improve corridor to collector arterial standard                        | TBD <sup>2</sup>          |
| W-5                                           | 24th St E                                                              | <del>101st</del> <u>100th</u> Avenue E to Meridian                       | <del>Build or il</del> improve corridor to collector arterial standard          | TBD <sup>2</sup>          |

| ID                                            | PROJECT NAME                                               | PROJECT LIMITS                                                         | PROJECT DESCRIPTION                                                                                                                                                                                       | PROJECT COST <sup>1</sup>            |
|-----------------------------------------------|------------------------------------------------------------|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| <b>Meridian Corridor Projects (continued)</b> |                                                            |                                                                        |                                                                                                                                                                                                           |                                      |
| <del>W-6</del>                                | <del>101st Ave E</del>                                     | <del>24th Street E to 29th Street E</del>                              | <del>Build or improve corridor to collector arterial standard</del><br><del>DELETED</del>                                                                                                                 | <del>\$2,310,000</del>               |
| <del>W-7</del>                                | <del>29th St E</del>                                       | <del>101st Avenue E to Meridian</del>                                  | <del>Build or improve corridor to collector arterial standard</del><br><del>DELETED</del>                                                                                                                 | <del>\$1,080,000</del>               |
| W-8                                           | <del>101st</del> 100th Ave E                               | 29th Street E to 32nd Street E                                         | Build or improve corridor to collector arterial standard                                                                                                                                                  | \$1,290,000                          |
| W-9                                           | 32nd St E                                                  | <del>101st</del> 100th Avenue E to Meridian                            | Build or improve corridor to collector arterial standard                                                                                                                                                  | TBD <sup>2</sup>                     |
| <b>Annual Programs</b>                        |                                                            |                                                                        |                                                                                                                                                                                                           |                                      |
| A-1                                           | Transportation Engineering/ Plan Support                   | Citywide                                                               | Annual program to maintain/update pavement management system, road standards and traffic model                                                                                                            | <del>\$15,000</del><br>\$50,000/year |
| A-2                                           | Chip Seal Program                                          | Citywide                                                               | Paving and sealing asphalt overlays and surface chip seals                                                                                                                                                | \$300,000/year                       |
| A-3                                           | Pedestrian Safety Program                                  | Citywide                                                               | Perform safety assessments and install miscellaneous signage, crosswalks, lighting and pavement marking improvements                                                                                      | <del>\$20,000</del><br>\$75,000/year |
| <b>Studies</b>                                |                                                            |                                                                        |                                                                                                                                                                                                           |                                      |
| S-1                                           | Meridian Ave E Preliminary Design                          | 24th Street E to 36th Street E                                         | Complete corridor study and preliminary design of <del>3-lane 4-</del> to 5-lane cross-section and supporting intersection treatments                                                                     | \$350,000                            |
| S-2                                           | 36th St E Walkway Extension Feasibility Study              | Meridian Avenue to 110th Avenue E                                      | Conduct a study to determine project scope and costs due to surface water and environmental challenges                                                                                                    | <del>\$25,000</del><br>\$50,000      |
| S-3                                           | Interurban Trail Phase III Connection Feasibility Study    | 114th Avenue E to West Valley Hwy                                      | Topographic survey to enable design of the easiest most affordable portion of corridor, <del>tunnel design</del> and geotechnical                                                                         | <del>\$25,000</del><br>\$100,000     |
| <b>Non-Motorized Projects</b>                 |                                                            |                                                                        |                                                                                                                                                                                                           |                                      |
| N-1                                           | Interurban Trail Phase III                                 | 114th Avenue E to West Valley Hwy                                      | Construct multi-use pathway                                                                                                                                                                               | <del>\$6,770,000</del><br>TBD        |
| N-2                                           | Pedestrian Safety (Highest Priority) Low Cost Improvements | Various (8th St from 114th to Meridian); (32nd St from 110th to 122nd) | Pedestrian landing pads for school bus stops, traffic signs, bus shelters, flashing beacons, crosswalks, pavement markings and bus turnouts, sidewalk along 32nd St E between 110th Ave E and 122nd Ave E | \$878,905 <sup>3</sup>               |

| ID                                        | PROJECT NAME                                            | PROJECT LIMITS                                                                                   | PROJECT DESCRIPTION                                                                                                | PROJECT COST <sup>1</sup>  |
|-------------------------------------------|---------------------------------------------------------|--------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|----------------------------|
| <b>Non-Motorized Projects (continued)</b> |                                                         |                                                                                                  |                                                                                                                    |                            |
| N-3                                       | Pedestrian Safety (High Priority) Low Cost Improvements | Various (24th St, 114th Ave, 110th Ave, 18th St); near several elementary school and junior high | Pedestrian landing pads for school bus stops, traffic signs, bus shelters, pavement markings and on-road walkways  | \$95,200<br>TBD            |
| N-4                                       | 8th St E Walkway Extension (Multimodal Loop)            | Meridian Avenue to 110th Avenue E                                                                | Separated pedestrian walkway                                                                                       | \$740,000<br>TBD           |
| N-5                                       | 24th St E Walkway Extension (Multimodal Loop)           | 110th Avenue E to 122nd Avenue E                                                                 | Separated pedestrian walkway and shoulder improvements                                                             | \$1,180,000<br>TBD         |
| N-6                                       | 114th Ave E Walkway                                     | 8th Street E to 18th Street E                                                                    | Separated pedestrian walkway                                                                                       | \$730,000<br>TBD           |
| N-7                                       | 110th Ave E; 20th St E; 112th Ave E; 18th Ave E Walkway | 24th Street E to 114th Avenue E                                                                  | Separated pedestrian walkway                                                                                       | \$490,000<br>TBD           |
| N-8                                       | 32nd St E Walkway                                       | 110th Avenue E to 114th Avenue E                                                                 | Separated pedestrian walkway                                                                                       | \$150,000                  |
| N-9                                       | 36th St E Walkway Extension                             | Meridian Avenue E to 110th Avenue E                                                              | Extension of existing walkway                                                                                      | \$370,000<br>\$450,000     |
| N-10                                      | 24th St E Walkway                                       | 94th Avenue E Northwood Elementary to Meridian Avenue E                                          | Extension of existing walkway, shoulder improvements, planted buffer where feasible, signage and pavement markings | \$1,150,000<br>\$1,000,000 |
| N-11                                      | 122nd Ave E Walkway                                     | 8th Street E to 24th Street E                                                                    | Separated pedestrian walkway                                                                                       | \$810,000<br>TBD           |

## Notes:

1. All costs in 2015 2020 dollars
2. To May be fully funded by new development
3. 2015 project cost estimate includes \$550,000 for a sidewalk along 32nd St E between 110th Ave E and 122nd Ave E. There is a range of potential costs for this project. A less expensive option would be a pedestrian walkway similar to the other pedestrian projects shown in the table. The estimated to cost for a pedestrian pathway along this segment is \$260,000 (2015 dollars).

**ORDINANCE NO. 20-XXXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON RELATING TO LAND USE AND ZONING, AMENDING THE COMPREHENSIVE PLAN MAP AND ZONING MAP IN ACCORDANCE WITH CHAPTER 18.60 OF THE EDGEWOOD MUNICIPAL CODE (EMC) AND SECTION 36.70A.130 OF THE GROWTH MANAGEMENT ACT (GMA) UNDER THE REVISED CODE OF WASHINGTON (RCW)**

**WHEREAS**, RCW 36.70A.130 of the Growth Management Act generally allows cities and counties to consider comprehensive plan amendments no more frequently than once every year; and

**WHEREAS**, except in special circumstances (RCW 36.70A.130(2)(a)), the City may consider amendments to the City's Comprehensive Plan once a year; and

**WHEREAS**, the City of Edgewood City Council has established a process and criteria for making modifications to the City's Comprehensive Plan in EMC Chapter 18.60, including text and map amendments in accordance with the Growth Management Act and State Law; and

**WHEREAS**, the City received applications for seven (7) comprehensive plan amendments and rezones; and

**WHEREAS**, two (2) site-specific applications were submitted by citizens, which were entitled "Sandhu Commercial" (received December 20, 2019) under file number 19-1561 and another entitled "Bridge Development" (received December 24, 2019) under file number 19-1569; and

**WHEREAS**, four (4) applications were initiated by the City upon recommendation by the Planning Commission on December 9, 2019. The four (4) applications were entitled "Abolish Public Designations" (file number 19-1570), "East Side Commercial FLUM" (file number 19-1571), "Eliminate Study Overlay" (file number 19-1572), and "Study Overlay Industrial FLUM" (file number 19-1573); and

**WHEREAS**, one (1) additional application was initiated by the City upon recommendation of the Public Works Director and submitted on December 31, 2019. This application was entitled "Transportation Systems Plan" (file number 19-1574); and

**WHEREAS**, in accordance with the Edgewood Municipal Code (EMC) Section 18.60.140, the "Planning Director" maintained a preliminary docket and prepared a report concerning which suggested amendments the director believed should be placed on the final docket for consideration during the annual amendment process; and

**WHEREAS**, the Director suggested five (5) amendments for the final docket, which were file numbers 19-1569, 19-1571, 19-1572, 19-1573, and 19-1574; and

**WHEREAS**, on May 11, 2020, the Planning Commission held a public hearing on the Director's suggested amendments and made the recommendation to City Council that file numbers 19-1569, 19-1571, 19-1572, 19-1573, and 19-1574 should be placed on the Final Docket; and

**WHEREAS**, on May 26, 2020, City Council held a public hearing on the Final Docket that included file numbers 19-1569, 19-1571, 19-1572, 19-1573, and 19-1574; and

**WHEREAS**, on June 9, 2020, City Council voted 5-0 to pass Resolution No. 20-0507, which adopted the City's 2019-2020 Comprehensive Plan Amendment Final Docket with file numbers 19-1569, 19-1571, 19-1572, 19-1573, and 19-1574; and

**WHEREAS**, in accordance with the State Environmental Policy Act (SEPA), the City's responsible SEPA Official issued a Determination of Nonsignificance (DNS) on October 28, 2020, and this threshold determination was not appealed; and

**WHEREAS**, on November 9, 2020, the Planning Commission held a public hearing on the proposed comprehensive plan amendments and rezones, and recommended approval; and

**WHEREAS**, pursuant to RCW 36.70A.106, the City sent its notice of intent to adopt the proposed comprehensive plan amendments and rezones to Department of Commerce on October 9, 2020, which is at least sixty (60) days prior to the adoption date of this Ordinance; and

**WHEREAS**, the City Council considered the proposed comprehensive plan amendments and rezones in their regular study session meeting held on November 17, 2020; and

**WHEREAS**, the City Council held a public hearing on the proposed comprehensive plan amendments during their regular meeting held on November 24, 2020; and

**WHEREAS**, the City Council considered the proposed comprehensive plan amendments and rezones in their regular study session meeting held on December 1, 2020; and

**WHEREAS**, the proposed amendments to the Edgewood Comprehensive Plan Land Use map are consistent with the City's planning goals and objectives; and

**WHEREAS**, the Comprehensive Plan is implemented by the rezones;

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

**Section 1.** Adoption Comprehensive Plan Land Use Map Amendments and Zoning Map Amendments. The City Council evaluated the applications and reviewed them under the criteria in EMC Section 18.60.220, in support of their decision. The findings and conclusions related to the applications are included in the September 22, 2020 Report prepared by AHBL and included as an attachment to the agenda bill item for the City Council's Regular Council Meeting dated December 8, 2020. These findings and conclusions are adopted by the City Council and the proposed amendments to the Comprehensive Plan Land Use Map and Zoning Map are approved. The amendments are adopted as provided in the attached and incorporated as Exhibits A-F.

**Section 2.** Severability. If any section, sentence, clause or phrase of this ordinance should be held 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 3.** Effective Date. This Ordinance will take effect five (5) days after publication as required by law.

**PASSED BY THE EDGEWOOD CITY COUNCIL ON THIS  
8<sup>TH</sup> DAY OF DECEMBER, 2020.**

\_\_\_\_\_  
Daryl Eiding, Mayor

**ATTEST:**

\_\_\_\_\_  
Rachel Pitzel, CMC  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Ann Marie Soto, Interim City Attorney

DRAFT



## City Of Edgewood Council Agenda Summary Sheet

|                                                                                                           |                                                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Subject:</b><br>Discussion - Ordinance - Construction Work Hours                                       | <b>Agenda Item #:</b> 2.E                                                                                                                                                                             |
|                                                                                                           | <b>For Agenda of:</b> 12/1/2020                                                                                                                                                                       |
|                                                                                                           | <b>Prepared by:</b> Darren Groth                                                                                                                                                                      |
| <b>Attachments (list):</b><br>1. Draft Ordinance for 12-01-20 CC SS                                       |                                                                                                                                                                                                       |
| <b>Approval of Materials:</b><br>Darren Groth<br>Dave Gray      11/24/2020<br>Daryl Eidingen   11/24/2020 | <b>Expenditure Required:</b><br>N/A<br><b>Amount Budgeted:</b><br>N/A<br><b>Timeline:</b><br><del>11/17/2020 SS</del><br>11/24/2020 CC Public Hearing<br>12/01/2020 SS<br>12/08/2020 RCM Final Action |

### Summary Statement:

On December 9, 2019, City staff presented the Planning Commission with the efforts being made to improve the City's development process. Through these efforts, City staff has recognized that work hours and hours of construction are a repeated issue of concern from community members. The City has a variety of ways to respond to those concerns, all of which require case-by-case review and solution. Some of those solutions include Pierce County Noise Ordinance, Site Development hours of construction limitations, and the City's general nuisance code.

On July 13, 2020, the Planning Commission had an initial discussion on regulating construction work hours as it relates to: type of construction, land disturbance thresholds, time, days, etc., in an effort to establish codified standards for development permits moving forward. On August 10, 2020, the Planning Commission discussed construction work hours and asked staff to present proposed code language at the September 14th meeting, based off of the discussion. The proposed code language was discussed on September 14th, and the Planning Commission recommended two minor changes to the proposed code language, and recommended having a public hearing.

On November 9, 2020, the Planning Commission held a public hearing. Chair Overfield open the hearing and staff presented the proposed code amendment. No public comments were received during the hearing. The Planning Commission voted 6-0 to recommend APPROVAL of the drafted EMC amendments as presented in the staff report and attachments submitted by Planning Technician Evan Hietpas for the November 9, 2020 Planning Commission agenda. Their recommendation is attached as Exhibit 1.

On November 17, 2020, City Council received their initial briefing on this item during their Study Session. On November 24, City Council held their public hearing on this proposed code amendment. This agenda item allows City Council to review the proposed code amendment after the public hearing to provide any final

instructions to staff in anticipation of their final action next week. The proposed code amendment subject to this request is included as an exhibit to the draft ordinance, which is attached to this agenda bill as Exhibit 1. The draft ordinance will be presented in its final form to City Council for action during their Regular Council Meeting on December 8, 2020.

**Item History:**

**Recommended Action:**

Hold a discussion and provide staff direction to Discussion - Ordinance - Construction Work Hours

**Fiscal Note/Consideration:**

**ORDINANCE NO. 20-xxxx**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, PIERCE COUNTY, WASHINGTON, AMENDING EDGEWOOD MUNICIPAL CODE SECTION 18.90.140 RELATED TO CONSTRUCTION WORK HOURS FOR PERMITTED LAND DEVELOPMENT AND CONSTRUCTION ACTIVITIES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City has established performance standards for permitted activities to minimize and mitigate the potential adverse effects of land uses and their impacts; and

**WHEREAS**, the City desires to establish standardized construction work hours and dates; and

**WHEREAS**, the City's Responsible Official has determined that this Ordinance is categorically exempt from SEPA under WAC 197-11-800(19); and

**WHEREAS**, the City sent a draft of this Ordinance to the Washington State Department of Commerce, as required by RCW 36.70A.106; and

**WHEREAS**, the City Planning Commission held a public hearing on this Ordinance on November 9, 2020, and sent its recommendation to the City Council; and

**WHEREAS**, the Edgewood City Council considered this draft Ordinance on November 17, 2020, in a study session; and

**WHEREAS**, City Council held a public hearing on this Ordinance on November 24, 2020;

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

**Section 1. EMC Section 18.90.140, Amended.** Section 18.90.140 of the Edgewood Municipal Code is hereby amended to read as contained in Exhibit 1 of this ordinance:

**Section 2. 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 3. 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.

PASSED BY THE CITY COUNCIL ON THE xx<sup>th</sup> DAY OF xx, 2020

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Mayor Daryl Eiding

ATTEST/AUTHENTICATED:

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Rachel Pitzel, CMC  
City Clerk

APPROVED AS TO FORM:

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Ann Marie Soto, City Attorney

*Date of Publication:*  
*Effective Date:*

## EXHIBIT 1- ORDINANCE NO. 20-xxxx

### **Edgewood Municipal Code (EMC) 18.90.140 Performance Standards.**

A. Performance standards deal with the operational aspects of land uses and their impacts on other adjacent uses, the community, and the general public. The intent of this section is to provide standards and regulations to minimize and mitigate the potential adverse effects to other properties, development, and people.

B. While performance standards are primarily concerned with the impact of commercial and industrial development upon the environment, performance standards shall apply to all land uses within the city. Continued compliance with the performance standards shall be required of all uses, except as otherwise provided for in this title. No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable condition. The following elements, if created, may become dangerous, injurious, noxious or otherwise objectionable under the circumstances, and are then referred to as dangerous or objectionable elements:

1. Noise, vibration or glare
2. Smoke, dust, odor or other form of air pollution.
3. Heat, cold or dampness.
4. Hazardous substances and wastes.

C. Uses established before the effective date of this title, which are nonconforming as to performance standards, shall be given five years from the date of adoption of this title in which to conform therewith.

D. The determination of the existence of any dangerous and objectionable elements shall be made at the location of the use creating the dangerous and/or objectionable elements and at any point where the existence of such elements may be more apparent. This is provided, however, that the measurement of performance standards for noise, vibration, odors, glare, or hazardous substances or wastes shall be taken at the property lines and/or at the buffer zone setback line for any hazardous substance land use facility, in all zoning districts.

E. Restrictions on Dangerous and Objectionable Elements.

1. The provisions of Chapter 8.76 PCC, Noise Pollution Control (as adopted in EMC Title 8), shall apply. In addition, frequent, repetitive or continuous sounds emanating from any use or facility other than transportation facilities or temporary construction work shall not exceed 75 decibels at the property lines. If the community development director or designee determines it to be necessary or has reason to believe that noise levels are being exceeded, the owner and/or operator of a use or facility shall be required to provide noise reading data for noise levels at all property lines.
2. No vibration shall be permitted which is discernible without instruments at the points of measurement specified in this section.
3. No emission shall be permitted of odorous gases or other odorous matter released from any operation or activity in such quantities so as to exceed the odor threshold beyond lot lines. The odor threshold shall be defined as the concentration in the air of a gas or vapor which will just evoke a response in the human olfactory system.
4. No direct or reflected light or glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the property lines or skyward beyond the building height of the zone, shall be permitted.

5. The regulations of the federal occupational safety and health standards shall apply for all radioactivity and electrical disturbance unless local codes and ordinances supersede this federal regulation.

F. The community development director or designee shall have the power to authorize the following procedures prior to the issuance of an application approval:

1. An application for approval for a use subject to performance standard procedures shall be accompanied by a site plan and detailed information describing the proposed machinery, processes and products, and specifications for the mechanisms and techniques to be used in restricting the creation or emission of dangerous and objectionable elements as set forth in this section. The applicant shall also provide such supporting scientific, technical or other data and/or information as is necessary to establish that the use will comply with the performance standards set forth in this section, subject to review by expert consultants. The community development director or designee, at his or her discretion, may refer the application for review and evaluation to one or more expert consultants qualified to advise as to whether a proposed use will conform to the applicable performance standards specified in this section, in a manner set forth in the application. The applicant shall be responsible for the cost of the expert review required by the city. A deposit to cover costs prior to review is required. If the deposit is insufficient, the city will notify the applicant and discontinue further review until additional deposit funds have been applied. All unused deposits will be refunded upon completion of review. A copy of such report shall be filed with the community development department for inspection by interested persons.

2. The community development director or designee shall determine whether the proposed use will conform to the applicable performance standards, and on such basis shall authorize or refuse to authorize issuance of a zoning approval, or require a modification of the proposed equipment or operation. Any zoning approval so authorized and issued shall be conditioned upon, among other things, the applicant's completed buildings and installations application conforming to the applicable performance standards.

3. Enforcement. Violations of performance standards shall constitute civil violations subject to enforcement and penalties as prescribed in EMC Title 7, Code Enforcement, unless otherwise specified.

G. Permitted land development and construction activities

1. Unless otherwise modified by a permit decision, activities regulated under EMC Titles 12, 13, 14, 15, 16, 18 and 20 shall be limited to the following hours:

a. Monday through Friday: 7:00 a.m. to 7:00 p.m.

b. Saturday: 9:00 a.m. to 6:00 p.m.

c. Sunday: No construction.

d. City observed holidays: No construction

i. Activities not requiring a permit that are associated with single-family home maintenance, general landscaping, and hobbyist activities shall be exempt from the hours listed above.



## City Of Edgewood Council Agenda Summary Sheet

|                                                                                                                |                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| <b>Subject:</b><br>Discussion - Ordinance - Notice of Application requirements                                 | <b>Agenda Item #:</b> 2.F                                                                                                    |
|                                                                                                                | <b>For Agenda of:</b> 12/1/2020                                                                                              |
|                                                                                                                | <b>Prepared by:</b> Darren Groth                                                                                             |
| <b>Attachments (list):</b><br>1. Draft Ordinance for 12-01-20 CC SS                                            |                                                                                                                              |
| <b>Approval of Materials:</b><br><br>Darren Groth<br>Dave Gray      11/24/2020<br>Daryl Eidinger    11/24/2020 | <b>Expenditure Required:</b><br>N/A                                                                                          |
|                                                                                                                | <b>Amount Budgeted:</b><br>N/A                                                                                               |
|                                                                                                                | <b>Timeline:</b><br><del>11/17/2020 SS</del><br>11/24/2020 CC Public Hearing<br>12/01/2020 SS<br>12/08/2020 RCM Final Action |

### Summary Statement:

On December 9, 2019, city staff presented the Planning Commission with the efforts being made to improve the City's development process. In the past six months, city staff has disassembled and rebuilt permit applications and checklists to improve efficiency and transparency. City staff has also established a completely new development review process. These two improvements were set up in the Permit Portal, which allows the City to receive and process development project permits completely online. As a part of this progress, city staff has identified that the City's Notice of Application (NOA) requirements, outlined in Edgewood Municipal Code (EMC) 18.40.180, consists of a specific list, rather than simply ensuring consistency with Washington State requirements, per RCW 36.70B.110.

On August 10, 2020, the Planning Commission discussed Notice of Application requirements. The Planning Commission asked city staff to present proposed code language and the revised permit processing timelines at the September 14th meeting. On September 14, 2020, city staff explained the relationship between the permit process improvements and the proposed code amendment to EMC 18.40.180, Notice of Application requirements. The Planning Commission discussed the proposed code amendment, and recommended having a public hearing on this item. The proposed code amendment ensures that city staff is issuing Notice of Applications consistent with Washington State requirements. The proposed change also provides clear expectations for current and future applicants and the general public.

On November 9, 2020, the Planning Commission held a public hearing. Chair Overfield open the hearing and staff presented the proposed code amendment. No public comments were received during the hearing. The Planning Commission voted 6-0 to recommend APPROVAL of the drafted EMC amendments as presented in the staff report and attachments submitted by Planning Technician Evan Hietpas for the November 9, 2020 Planning Commission agenda. Their recommendation is attached as Exhibit 1.

On November 17, 2020, City Council received their initial briefing on this item during their Study Session. On November 24, City Council held their public hearing on this proposed code amendment. This agenda item allows City Council to review the proposed code amendment after the public hearing to provide any final instructions to staff in anticipation of their final action next week. The proposed code amendment subject to this request is included as an exhibit to the draft ordinance, which is attached to this agenda bill as Exhibit 1. The draft ordinance will be presented in its final form to City Council for action during their Regular Council Meeting on December 8, 2020.

**Item History:**

**Recommended Action:**

Hold a discussion and provide staff direction to Discussion - Ordinance - Notice of Application requirements

**Fiscal Note/Consideration:**

**ORDINANCE NO. 20-xxxx**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, PIERCE COUNTY, WASHINGTON, AMENDING EDGEWOOD MUNICIPAL CODE SECTION 18.40.180 RELATED TO NOTICE OF APPLICATION REQUIREMENTS FOR LAND USE PERMITS AND DECISIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City has established notice of application requirements; and

**WHEREAS**, the City desires to establish notice of application requirements that are strictly consistent with Washington state requirements outlined in RCW 36.70B.110; and

**WHEREAS**, the City's Responsible Official has determined that this Ordinance is categorically exempt from SEPA under WAC 197-11-800(19); and

**WHEREAS**, the City sent a draft of this Ordinance to the Washington State Department of Commerce, as required by RCW 36.70A.106; and

**WHEREAS**, the City Planning Commission held a public hearing on this Ordinance on November 9, 2020, and sent its recommendation to the City Council; and

**WHEREAS**, the Edgewood City Council considered this draft Ordinance on November 17, 2020, in a study session; and

**WHEREAS**, City Council held a public hearing on this Ordinance on November 24, 2020; and

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

**Section 1.** EMC Section 18.40.180, Amended. Section 18.40.180 of the Edgewood Municipal Code is hereby amended to read as contained in Exhibit 1 of this ordinance:

**Section 2.** 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 3.** 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.

PASSED BY THE CITY COUNCIL ON THE xx<sup>th</sup> DAY OF xx, 2020

---

Mayor Daryl Eiding

ATTEST/AUTHENTICATED:

---

Rachel Pitzel, CMC  
City Clerk

APPROVED AS TO FORM:

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Ann Marie Soto, City Attorney

*Date of Publication:*  
*Effective Date:*

## EXHIBIT 1- ORDINANCE NO. 20-xxxx

### **Edgewood Municipal Code (EMC) 18.90.140 Performance Standards.**

A. Performance standards deal with the operational aspects of land uses and their impacts on other adjacent uses, the community, and the general public. The intent of this section is to provide standards and regulations to minimize and mitigate the potential adverse effects to other properties, development, and people.

B. While performance standards are primarily concerned with the impact of commercial and industrial development upon the environment, performance standards shall apply to all land uses within the city. Continued compliance with the performance standards shall be required of all uses, except as otherwise provided for in this title. No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable condition. The following elements, if created, may become dangerous, injurious, noxious or otherwise objectionable under the circumstances, and are then referred to as dangerous or objectionable elements:

1. Noise, vibration or glare
2. Smoke, dust, odor or other form of air pollution.
3. Heat, cold or dampness.
4. Hazardous substances and wastes.

C. Uses established before the effective date of this title, which are nonconforming as to performance standards, shall be given five years from the date of adoption of this title in which to conform therewith.

D. The determination of the existence of any dangerous and objectionable elements shall be made at the location of the use creating the dangerous and/or objectionable elements and at any point where the existence of such elements may be more apparent. This is provided, however, that the measurement of performance standards for noise, vibration, odors, glare, or hazardous substances or wastes shall be taken at the property lines and/or at the buffer zone setback line for any hazardous substance land use facility, in all zoning districts.

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1. The provisions of Chapter 8.76 PCC, Noise Pollution Control (as adopted in EMC Title 8), shall apply. In addition, frequent, repetitive or continuous sounds emanating from any use or facility other than transportation facilities or temporary construction work shall not exceed 75 decibels at the property lines. If the community development director or designee determines it to be necessary or has reason to believe that noise levels are being exceeded, the owner and/or operator of a use or facility shall be required to provide noise reading data for noise levels at all property lines.
2. No vibration shall be permitted which is discernible without instruments at the points of measurement specified in this section.
3. No emission shall be permitted of odorous gases or other odorous matter released from any operation or activity in such quantities so as to exceed the odor threshold beyond lot lines. The odor threshold shall be defined as the concentration in the air of a gas or vapor which will just evoke a response in the human olfactory system.
4. No direct or reflected light or glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the property lines or skyward beyond the building height of the zone, shall be permitted.

5. The regulations of the federal occupational safety and health standards shall apply for all radioactivity and electrical disturbance unless local codes and ordinances supersede this federal regulation.

F. The community development director or designee shall have the power to authorize the following procedures prior to the issuance of an application approval:

1. An application for approval for a use subject to performance standard procedures shall be accompanied by a site plan and detailed information describing the proposed machinery, processes and products, and specifications for the mechanisms and techniques to be used in restricting the creation or emission of dangerous and objectionable elements as set forth in this section. The applicant shall also provide such supporting scientific, technical or other data and/or information as is necessary to establish that the use will comply with the performance standards set forth in this section, subject to review by expert consultants. The community development director or designee, at his or her discretion, may refer the application for review and evaluation to one or more expert consultants qualified to advise as to whether a proposed use will conform to the applicable performance standards specified in this section, in a manner set forth in the application. The applicant shall be responsible for the cost of the expert review required by the city. A deposit to cover costs prior to review is required. If the deposit is insufficient, the city will notify the applicant and discontinue further review until additional deposit funds have been applied. All unused deposits will be refunded upon completion of review. A copy of such report shall be filed with the community development department for inspection by interested persons.

2. The community development director or designee shall determine whether the proposed use will conform to the applicable performance standards, and on such basis shall authorize or refuse to authorize issuance of a zoning approval, or require a modification of the proposed equipment or operation. Any zoning approval so authorized and issued shall be conditioned upon, among other things, the applicant's completed buildings and installations application conforming to the applicable performance standards.

3. Enforcement. Violations of performance standards shall constitute civil violations subject to enforcement and penalties as prescribed in EMC Title 7, Code Enforcement, unless otherwise specified.

G. Permitted land development and construction activities

1. Unless otherwise modified by a permit decision, activities regulated under EMC Titles 12, 13, 14, 15, 16, 18 and 20 shall be limited to the following hours:

a. Monday through Friday: 7:00 a.m. to 7:00 p.m.

b. Saturday: 9:00 a.m. to 6:00 p.m.

c. Sunday: No construction.

d. City observed holidays: No construction

i. Activities not requiring a permit that are associated with single-family home maintenance, general landscaping, and hobbyist activities shall be exempt from the hours listed above.



## City Of Edgewood Council Agenda Summary Sheet

|                                                                                                                   |                                                                              |
|-------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| <b>Subject:</b><br>Discussion - Code Compliance Manager and Development Review Coordinator job descriptions       | <b>Agenda Item #:</b> 2.G                                                    |
|                                                                                                                   | <b>For Agenda of:</b> 12/1/2020                                              |
|                                                                                                                   | <b>Prepared by:</b> Darren Groth                                             |
| <b>Attachments (list):</b><br>1. Code Compliance Manager_ 11-24-20<br>2. Development Review Coordinator_ 11-24-20 |                                                                              |
| <b>Approval of Materials:</b><br><br>Darren Groth<br>Dave Gray      11/24/2020<br>Daryl Eidingen    11/24/2020    | <b>Expenditure Required:</b><br>N/A                                          |
|                                                                                                                   | <b>Amount Budgeted:</b><br>N/A                                               |
|                                                                                                                   | <b>Timeline:</b><br>12/01/2020 SS<br>12/08/2020 RCM Anticipated Final Action |

### Summary Statement:

The Mayor proposed two previously undefined positions in the 2021 draft budget he presented to City Council. The Code Compliance Manager would oversee the Code Enforcement Division within the Community & Economic Development Department. The Development Review Coordinator would be in charge of organization and day-to-day tasking for the front counter, as well as overseeing the newly created Development Review Committee (DRC). The DRC is a team of professionals from multiple disciplines, i.e., Police, Fire, engineering, planning, building, inspections, Code Enforcement, water, sewer, TPCHD, and other agencies as needed, that is responsible for ensuring project permitting reviews are conducted in accordance with state and local rules.

This agenda item is the first opportunity to review the proposed job descriptions outside of the prior budget discussions. Both draft descriptions are attached to this agenda bill as Exhibits 1 and 2.

### Item History:

### Recommended Action:

Hold a discussion and provide staff direction to Discussion - Code Compliance Manager and Development Review Coordinator job descriptions

### Fiscal Note/Consideration:



# City of Edgewood

2224 104th Ave E, Edgewood WA 98372-1513  
Phone (253) 952-3299 | Fax (253) 952-3537

## Code Compliance Manager – Job Description

**Department:** Community & Economic Development

**Salary Range:** \$7,185- \$8,626/mo.

**Opening Date:**

**Closing Date:** Open until Filled

**First Review:**

**This position is a full-time, non-union, FLSA exempt position.**

### GENERAL SCOPE OF WORK

The Code Compliance Manager requires advanced professional Code Enforcement experience of high complexity and variety. This position manages and oversees the Code Enforcement Division within the larger Community and Economic Development Department. The person in this position serves as the City's Code Enforcement Officer and uses technical knowledge and discretion in managing Division staff and an active caseload, as well as overseeing the implementation and updating of applicable regulations. The person filling this position will receive, investigate, research, and resolve citizen questions, complaints, violations, and issues relating to zoning, land use, signs, surface water, site development, and compliance with other related municipal codes.

The Code Compliance Manager is expected to exercise considerable initiative to work independently in the field and is responsible for decisions requiring discretion, judgment, and familiarity with a variety of codes and ordinances. The Code Compliance Manager routinely encounters members of the public with little or no prior knowledge of the requirements of the City code. The person in this position must exercise patience and attempt to gain cooperation from citizens in order to avoid adversarial situations.

Due to the limited number of City staff, each staff member is expected to perform a wide range of office and field duties. The City of Edgewood is an at-will employer and all staff members serve at the pleasure of the Mayor.

### SUPERVISION

This position performs a wide range of cross-functional duties, teaming with all departments at City Hall and reports to the Community and Economic Development Director. Work may also be performed in support of the Mayor, Public Works Director, Building Official, City Attorney, Police Chief, or Planning Manager. Supervision of the Code Compliance Specialist is also required.

## 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 if the work is similar, related, or a logical assignment to the position. Reasonable accommodations may be made to enable performance of these essential job functions.

1. Manages, organizes and prioritizes the work activities, schedules and assignments of staff.
2. Provides leadership in citizen relations, technical support, and safety and problem solving; sets priorities and policy for enforcement goals.
3. Guides, reviews, and approves assigned projects.
4. Acts as department representative at hearings; interprets codes and advises hearing examiners and city attorneys in developing and setting policies and procedures.
5. Provide technical assistance and information to staff and the public in the administration of specific code compliance programs.
6. Recruits, trains and evaluates code compliance staff.
7. Manages the division budget.
8. Resolve complex enforcement issues by receiving, researching, investigating, and resolving citizen questions or complaints regarding potential violations of the Edgewood Municipal Code (EMC), for such issues relating to land use, zoning, signage, dumping, clearing, grading, building and construction, site development, other nuisances, and other applicable codes.
9. Conduct field investigations of property within the City of Edgewood for potential violations of adopted City codes, regulations, and policies.
10. Inspect sites, interview witnesses, gather evidence, initiate contact with property owners and advise of violation(s) and requirements and timelines for compliance.
11. Prepare and maintain a variety of logs and records related to inspection and enforcement.
12. Recommend amendments and additions to City codes or regulations.
13. Follow established processes for issuing notices of code violation, enforcement letters, citations, and other similar items.
14. Develop procedures for monitoring and assisting property owners in correcting violations.
15. Meet with owners, tenants, contractors, developers, businesses, etc. to review and explain code requirements and violations or potential violations in order to secure code compliance.
16. Coordinate efforts with the Police, Planning, Building, Public Works, other City departments, the prosecuting attorney, and other staff or agencies, as needed.
17. Work with police and prosecutors to obtain written or tape-recorded statements, depositions, or admissions, as needed.
18. Review cases being prepared for trial with emphasis on the evidentiary and legal issues crucial to successful prosecution.
19. Prepare detailed reports of activities and investigations made; consults with the City Attorney or criminal prosecutors and prepares case reports for court action; testifies in court.
20. Assist in obtaining, enhancing, preparing, or presenting exhibits or other evidence in court.
21. Maintain, disclose and destroy public records in accordance with the requirements of the WA Public Records Act and WA State Archives retention guidelines.

## **NECESSARY KNOWLEDGE, SKILLS, AND ABILITIES**

To perform this job successfully, the person in this position must be able to perform each Essential Job Function. The requirements listed below are representative of the knowledge, skills, and abilities necessary to meet the minimum qualifications for this position.

### Knowledge of

1. Code enforcement principles, practices and methods applicable to a municipal setting;
2. Principles and practices of research and data collection;
3. Effective writing techniques;
4. Statistical, algebraic, or geometric knowledge and ability to apply such knowledge in practical situations;
5. Pertinent federal, state and local laws, codes and regulations including recent changes;
6. Local government procedures and practices;
7. Inspection techniques, warrant procedures, and gaining access to private property;
8. Citizen involvement techniques and processes;
9. Computer hardware and software programs, which may include Microsoft Office, Internet applications, econometric or transportation modeling, database management, or GIS.

### Skills and Abilities

10. Oral communication and interpersonal skills to explain rules and procedures clearly to the public;
11. Problem-solving skills to gather relevant information to solve vaguely defined practical problems;
12. Ability to work on several projects or issues simultaneously;
13. Ability to work independently or in a team environment, as needed;
14. Ability to prepare, organize and maintain inspection field data, reports and systems;
15. Ability to analyze complex situations, problems, and data, and use sound judgment in drawing conclusions and making decisions.
16. Ability to comprehend and apply existing code requirements to various situations.
17. Ability to articulate complex facts and relationships in detail and to summarize and write clearly, concisely, and legibly.
18. Ability to use initiative and independent judgment to determine if a violation exists and the appropriate follow-up action.
19. Ability to testify in court in an objective, concise, and professional manner.
20. Ability to produce or obtain reports, graphs, charts, photographs, evidence, or exhibits.
21. Ability to follow verbal and written instructions.
22. Ability to handle stressful situations and effectively deal with difficult or angry people.
23. Skilled at reading and using City maps, property descriptions, construction plans, and other related plans and drawing to ensure conformance with approved plans and satisfaction of zoning and design guidelines, e.g., landscaping, fencing, signs, parking spaces, and lighting.
24. A sense of humor and positive attitude are essential.

## **MINIMUM QUALIFICATIONS/ACCEPTABLE EQUIVALENCY:**

### **Required**

A bachelor's degree in Construction or Property Management, Building Inspection, Civil Engineering, Urban Planning, Architecture, Public Policy, Criminal Justice, Public Administration, or related area of study;

### **AND**

Five (5) years extensive experience in housing, inspections, commercial property management, land development, code enforcement, or a related field, plus three (3) years of supervisory experience.

### **OR**

Any equivalent combination of education and experience that provides the applicant with the necessary knowledge, skills, and abilities required to perform the essential job functions.

### **AND**

The ability to obtain, and maintain a valid Washington State Driver's License throughout employment, and documentation to fulfill the requirements of the Immigration and Nationality Act within 3 days of employment.

### **Preferred**

- International Code Council (ICC) and American Association of Code Enforcement (AACE) Certifications to include ICC Zoning Inspector; ICC/AACE Property Maintenance and Housing Inspector; or ICC/AACE Code Enforcement Officer.
- Ability to obtain ICC Legal Module (MG) and Management Module (MM) certification within eighteen (18) months of employment.
- Prior work in local government

## **SPECIAL CONSIDERATIONS**

The incumbent will be joining an organization with approximately 20+ full-time positions. As a small and nimble organization, the City of Edgewood needs to hire and retain individuals interested in working with a small team. All employees of the City of Edgewood are expected to uphold and exhibit the City's shared employee values of Knowledge, Respect, and Integrity. A hiring objective for this position is to find an employee that will be competently qualified and interested in the work diversity offered by a full-service municipal corporation operating with a limited budget and staffing.

## **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 job functions. The work environment characteristics described herein are representative of those an employee may encounter while performing the essential functions of this position.

While performing the duties of this job, the employee is required to stand, walk, use hands and fingers, handle, feel or operate objects, tools, or controls, and reach with hands and arms. Hand-eye coordination is necessary to operate computers and various pieces of office equipment. The employee is occasionally required to sit, climb stairs, talk, and hear. The employee may occasionally be required to lift or move up to 35 pounds with or without a reasonable accommodation. Specific vision abilities required by this job include close vision, distance vision, peripheral vision, and the ability to adjust focus.

Work is conducted primarily in an office setting, but may include time in the field under a variety of weather conditions. Duties are usually performed alone, but are also performed as part of a work team. Attendance at some evening meetings may 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.

### **EQUAL OPPORTUNITY EMPLOYER - AMERICANS WITH DISABILITIES ACT**

The City of Edgewood is an Equal Opportunity Employer. Women and minorities are encouraged to apply. Requirements outlined in this job description may be subject to modification to reasonably accommodate individuals with disabilities who are otherwise qualified for employment in this position. However, some requirements may exclude individuals who pose a direct threat or significant risk to the health and safety of themselves or other employees.

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

**The City of Edgewood is a Drug Free workplace and an Equal Opportunity Employer.**

### **APPLICATION SUBMITTAL**

If you meet the minimum qualifications and are interested in applying for this position, please email your application packet consisting of a cover letter, resume, signed EOCC statement, signed job description, and your responses to the supplemental questions (listed below) to: [humanresources@cityofedgewood.org](mailto:humanresources@cityofedgewood.org).

Application packets may also be sent to the City of Edgewood via regular mail to the following address:

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

Incomplete submittals will be disqualified. Only those applicants selected to move forward in the process may be contacted. Submittals 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](mailto:humanresources@cityofedgewood.org).

Employee signature below constitutes the employee's understanding of the requirements, expectations, essential functions and duties of this position.

---

Name

---

Date

DRAFT

## **SUPPLEMENTAL QUESTIONS**

The following questions are designed to help you present your qualifications for this position. Your responses to these questions will be used to determine whether you are among the most qualified of the applicants and should continue in the selection process. Responses should be printed legibly in ink or typewritten, complete, and specific. Clarity and completeness of answers are factors, which will be considered in the evaluation process. Address each question separately using additional pages as necessary. Be sure to indicate your name on each additional page. Please note that you must submit a cover letter, resume, and signed EOCC statement along with the completed supplemental questions in order to be considered further in the selection process.

1. Please describe your supervisory experience.
2. Please describe your experience with construction and land development.
3. Please describe your knowledge of municipal codes.
4. Please describe your experience in either following technical information on land use and zoning through implementation of construction projects or enforcing adopted codes.
5. Please tell us why you are interested in this position and why you are looking to leave your current position.
6. If you do not possess the typical education or experience listed under the minimum qualifications, or if you would like to expand on your qualifications, please explain how your particular combination of education and experience has provided you with the required knowledge, skills, and abilities to perform the essential functions of this job.



# City of Edgewood

2224 104th Ave E, Edgewood WA 98372-1513  
Phone (253) 952-3299 | Fax (253) 952-3537

## Development Review Coordinator – Job Description

**Department:** Community & Economic Development  
Building Division

**Salary Range:** \$6,282 - \$7,542/mo.

**Opening Date:**

**Closing Date:** Open until Filled

**First Review:**

**This position is a full-time, non-union, FLSA non-exempt position.**

### GENERAL SCOPE OF WORK

The Development Review Coordinator performs a variety of administrative and technical functions for the Community and Economic Development Department. This position coordinates, plans, manages, and oversees the community's economic, social, and physical growth as it relates to the front permitting counter. Overall performance of the front counter is the responsibility of this position. As well as successful coordination of the City's Development Review Committee.

Due to the limited number of City staff, each staff member is expected to perform a wide range of office and field duties. The City of Edgewood is an at-will employer and all staff members serve at the pleasure of the Mayor.

### SUPERVISION

This position performs a wide range of cross-functional office duties. The Development Review Coordinator will be asked to work with all departments at City Hall, especially the Building and Inspection team, Planning Division, Code Enforcement Division, and Engineering Plan Review team. This position reports to Building Official. Work may also be performed under limited supervision of the Community and Economic Development Director. Direct supervision of others is not required; however, assigning day-to-day tasks to various employees in order to execute front counter responsibilities may be required.

### 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 if the work is similar, related, or a logical assignment to the position. Reasonable accommodations may be made to enable performance of these essential job functions.

1. Accepts permit applications, checks for accuracy and completeness, calculates fees, issues receipt, enters application into permit tracking system, routes to appropriate review staff; monitors application progress for status reports; enters application decisions into permit

tracking system and forwards decisions and plan sets to applicants; issues simple, routine permits within scope of authority and responsibility assigned.

2. Answers procedural questions regarding zoning codes, engineering standards and building codes at the counter or on the phone; directs builders, developers and the general public to the appropriate City codes, regulation manuals, information sheets or other City staff for more specific information.
3. Provides general zoning, building and public works application forms to permit applicants and the general public; provides guidance in filling out various applications and forms; ensures that defined information and attachments required to submit an accurate and complete application are included in submittal; advises applicants and the general public regarding the status of applications using the permit tracking system.
4. Maintains accurate and timely records of all building, planning, and engineering permits and department records and files; inputs, maintains and compiles a variety of data on permitting activity; maintains land use, fire, building, engineering permit and other tracking data.
5. Assists in establishing efficient and effective procedures for permit processing; performs research on trends in permitting procedures and makes recommendations on upgrades to current systems and procedures.
6. Assists in the scheduling of requests for field inspections and maintains an inspection activity log; assists in coordinating the permitting process with building official, inspectors, planners, engineers, fire inspectors and other staff; coordinates and maintains a calendar for inspections.
7. Participates in creating, establishing and monitoring the addressing system for both new and existing buildings.
8. Accepts and enters land use, building and engineering applications into City's permit system and forwards to appropriate staff for review and processing.
9. Provides the public with basic or directive information on the City's development regulations, building codes and engineering standards.
10. Administers the tracking system for inspections of public and private improvements as part of the site plan and subdivision construction process, schedules inspections, releases financial guarantees as improvements are inspected and accepted, coordinates the building inspection and certificate of occupancy process.
11. Administers the permit tracking system; updates the system when new procedures are implemented or existing procedures are modified; creates and runs reports from the system; ensures functional integration with other City software and systems. Serves as the City's main point-of-contact for SMARTGOV, or whichever software replaces it.
12. Because of the small size of the City staff, each employee is expected to perform a wide range of office and field duties as may be required from time to time, including covering for other staff during break and leave periods, being cross trained to other comparable positions, and supporting other staff in both the Community & Economic Development Department and the Public Works Department.
13. Maintain, disclose and destroy public records in accordance with the requirements of the WA Public Records Act and WA State Archives retention guidelines.

## **NECESSARY KNOWLEDGE, SKILLS, AND ABILITIES**

To perform this job successfully, the person in this position must be able to perform each Essential Job Function. The requirements listed below are representative of the knowledge, skills, and abilities necessary to meet the minimum qualifications for this position.

### Knowledge of

1. General land use development and building code procedures;
2. Basic zoning and building code administration;
3. Basic engineering practices and procedures;
4. Manual and computerized record keeping systems;
5. Customer service techniques and principles;
6. Permit and application tracking systems and methods;
7. Computer hardware and software programs, which may include Microsoft Office, Internet applications, and GIS;
8. Pertinent federal, state and local laws, codes and regulations including recent changes;
9. Knowledge of local government procedures and practices;
10. Citizen involvement techniques and processes;

### Skills and Abilities

11. Oral communication and interpersonal skills to explain rules and procedures clearly to the public;
12. Problem-solving skills to gather relevant information to solve vaguely defined practical problems;
13. Ability to review plans and apply ordinance and code provisions to determine compliance with such regulations and to apply those regulations to field conditions;
14. Ability to work on several projects or issues simultaneously;
15. Ability to work independently or in a team environment as needed;
16. Reading comprehension to understand technical and legal materials;
17. A sense of humor and positive attitude are essential.

## **MINIMUM QUALIFICATIONS/ACCEPTABLE EQUIVALENCY:**

### Required

A bachelor's degree in urban planning, architecture, public administration, business, economic, public policy, or related area of study with four (4) years of professional experience in community services, community development, customer service, or a related field.

**OR**

Any equivalent combination of education and experience that provides the applicant with the necessary knowledge, skills, and abilities required to perform the essential job functions.

**AND**

The ability to obtain, and maintain a valid Washington State Driver's License throughout employment, and documentation to fulfill the requirements of the Immigration and Nationality Act within 3 days of employment.

### Preferred

- Permit Technician; Residential Building Inspector; and/or Residential Plans Examiner certification
- Prior work in local government
- Experience working with SMARTGOV permitting software

### **SPECIAL CONSIDERATIONS**

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### **ACKNOWLEDGEMENTS**

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## **EQUAL OPPORTUNITY EMPLOYER - AMERICANS WITH DISABILITIES ACT**

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Employee signature below constitutes the employee's understanding of the requirements, expectations, essential functions and duties of this position.

---

Name

---

Date

## **SUPPLEMENTAL QUESTIONS**

The following questions are designed to help you present your qualifications for this position. Your responses to these questions will be used to determine whether you are among the most qualified of the applicants and should continue in the selection process. Responses should be printed legibly in ink or typewritten, complete, and specific. Clarity and completeness of answers are factors, which will be considered in the evaluation process. Address each question separately using additional pages as necessary. Be sure to indicate your name on each additional page. Please note that you must submit a cover letter, resume, and signed EOCC statement along with the completed supplemental questions in order to be considered further in the selection process.

1. Please describe your customer service experience.
2. Please describe your familiarity with municipal permitting, permitting software, building inspections, plan review, and general development regulations.
3. Please tell us why you are interested in this position and why you are looking to leave your current position.
4. If you do not possess the typical education or experience listed under the minimum qualifications, or if you would like to expand on your qualifications, please explain how your particular combination of education and experience has provided you with the required knowledge, skills, and abilities to perform the essential functions of this job.



## City Of Edgewood Council Agenda Summary Sheet

|                                                                                                            |                                                                                                                                                                                                                                                                                                             |
|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Subject:</b><br>Discussion - Final 2021 Budget                                                          | <b>Agenda Item #:</b> 2.H                                                                                                                                                                                                                                                                                   |
|                                                                                                            | <b>For Agenda of:</b> 12/1/2020                                                                                                                                                                                                                                                                             |
|                                                                                                            | <b>Prepared by:</b> Dave Gray                                                                                                                                                                                                                                                                               |
| <b>Attachments (list):</b>                                                                                 |                                                                                                                                                                                                                                                                                                             |
| <b>Approval of Materials:</b><br><br>Dave Gray<br>Dave Gray      11/24/2020<br>Daryl Eidingen   11/24/2020 | <b>Expenditure Required:</b><br>N/A                                                                                                                                                                                                                                                                         |
|                                                                                                            | <b>Amount Budgeted:</b><br>N/A                                                                                                                                                                                                                                                                              |
|                                                                                                            | <b>Timeline:</b><br><del>11/10/2020 RCM – Public Hearing – 1st Reading</del><br><del>11/17/2020 SS – Revisions from 1st Public Hearing</del><br><del>11/24/2020 RCM – Public Hearing – 2nd Reading</del><br>12/1/2020 SS - Revisions (if needed) from 2nd Public Hearing<br>12/8/2020 RCM - RCM Action Item |
|                                                                                                            |                                                                                                                                                                                                                                                                                                             |

### Summary Statement:

The Agenda Item related to the 2021 Annual Budget is to allow discussion of any concerns or ask for additional information by council or members of the public. No action is taken on the Preliminary Budget Draft until the December 8th Regular Council Meeting.

### Item History:

### Recommended Action:

### Fiscal Note/Consideration:

N/A



## City Of Edgewood Council Agenda Summary Sheet

|                                                                                                                                             |                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| <b>Subject:</b><br>Discussion – LID Refinance                                                                                               | <b>Agenda Item #:</b> 2.I                                                                                              |
|                                                                                                                                             | <b>For Agenda of:</b> 12/1/2020                                                                                        |
|                                                                                                                                             | <b>Prepared by:</b> Dave Gray                                                                                          |
| <b>Attachments (list):</b><br>1. City of Edgewood LID Ref Bond Ordinance-Final<br>2. Purchasers Receipt and Certificate<br>3. Legal Opinion |                                                                                                                        |
| <b>Approval of Materials:</b><br><br>Dave Gray<br>Dave Gray      11/24/2020<br>Daryl Eidinger    11/24/2020                                 | <b>Expenditure Required:</b><br><br><b>Amount Budgeted:</b><br><br><b>Timeline:</b><br>11/17/2020 SS<br>11/24/2020 RCM |

### Summary Statement:

The Council, when asked if they had interest in the Mayor researching and attempting to secure a refinance of the current USDA Rural loan to construct the existing sanitary sewer (2014) affirmed the effort and has been supportive of attaining a lower interest rate for the citizens of the city paying individual assessments for said construction. The city has retained DA Davidson to place the debt and Foster Garvey as Bond Council.

### Item History:

### Recommended Action:

Review the legal documents, discuss and illuminate any questions in preparation of reading the final ordinance document when the exact known numbers are available to act upon. At this time the refinance looks to be approximately seven million dollars with a reserve fund maintained of approximately \$600,000 dollars.

### Fiscal Note/Consideration:

The refinance is for the benefit of the property owners assessed to pay the bond used to construct the sewer. The city government does not benefit by the refinance and will pay some incidental refinance expenses as well as in-house staff time to manage the refinance activity on behalf of the LID property owners. The significant drop in interest rates combined with the cities excellent financial condition and financial operation has attracted interest in a new bond placement.

CITY OF EDGEWOOD, WASHINGTON

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE authorizing the issuance and sale of a Local Improvement District No. 1 Refunding Bond in the principal amount of not to exceed \$6,455,479.77 to repay the Local Improvement District No. 1 Bonds, 2014A and 2014B; fixing certain terms and covenants of the bond; and providing for other related matters.

THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, DO ORDAIN as follows:

Section 1.     Definitions. As used in this ordinance, the following capitalized terms shall have the following meanings:

(a)     “*Bond*” means the not to exceed \$6,455,479.77 par value Local Improvement District No. 1 Refunding Bond, 2020 of the City issued pursuant to this ordinance.

(b)     “*Bond Fund*” means the Local Improvement District No. 1 Fund, to be used for the payment of the principal of and interest on the Bond.

(c)     “*Bond Counsel*” means the firm of Foster Garvey P.C., its successor, or any other attorney or firm of attorneys selected by the City with a nationally recognized standing as bond counsel in the field of municipal finance.

(d)     “*Bond Register*” means the registration records for the Bond maintained by the Bond Registrar.

(e)     “*Bond Registrar*” means the Finance Director of the City.

(f)     “*City*” means the City of Edgewood, Washington, a municipal corporation duly organized and existing under the laws of the State.

(g)     “*City Council*” means the legislative authority of the City, as duly and regularly constituted from time to time.

(h)     “*Code*” means the United States Internal Revenue Code of 1986, as amended, and applicable rules and regulations promulgated thereunder.

(i)     “*District*” means Local Improvement District No. 1 in the City of Edgewood, Washington.

(j)     “*Issue Date*” means, with respect to the Bond, the date of initial issuance and delivery of that Bond to the Purchaser in exchange for the purchase price of that Bond.

(k) “*Purchaser*” means Pacific Premier Bank, or its successors or assigns.

(l) “*Registered Owner*” means the Purchaser.

(m) “*Refunded Bonds*” means the outstanding 2014 Bonds.

(n) “*State*” means the State of Washington.

(o) “*2014 Bonds*” means the City’s Local Improvement District No.1 Bond, 2014A and Local Improvement District No.1 Bond, 2014B of the City, both issued pursuant to Ordinance No. 14-0428, as amended by Ordinance No. 15-0432.

Section 2. Authorization and Description of Bond. The total amount of the assessment roll in Local Improvement District No. 1 in the City of Edgewood, Washington that has not been paid is \$6,937,479.77. A Local Improvement District No. 1 Refunding Bond shall be issued in the principal amount of not to exceed \$6,455,479.77 plus \$482,000 from the LID No. 1 Fund Balance to repay the 2014 Bonds. The Finance Director may issue the Bond in an amount less than \$6,455,479.77 if prepayments are received before the Bond is issued. The Bond shall be designated the “City of Edgewood, Washington, Local Improvement District No. 1 Refunding Bond, 2020.”

The Bond shall be in fully registered form, shall be numbered and shall be dated the date of its delivery to the Purchaser. The Bond shall bear interest at the rate of 1.76% per annum (computed on the basis of a 360-day year of 12 30-day months) and interest shall accrue from the date of issuance of the Bond. Principal of and interest on the Bond shall be payable in annual amortized installments on each November 24, commencing on November 24, 2021, with the last payment on the Bond to be made not later than November 24, 2033, except that the last payments may be more or less than the annual installment as required to pay the remaining principal and interest due. The debt service schedule is attached as Exhibit A. If any installment of principal and interest on the Bond is not paid when due, the City shall be obligated to pay interest on that installment at the same rate provided herein from and after its due date until that installment is paid in full. Regularly scheduled payments shall be applied first to interest and then to principal.

Section 3. Extra Payments, Prepayments. To the extent the City’s scheduled principal and interest payment obligations on the Bond is current (or will be made current upon such payment), the City may make payments to the Purchaser, on any date, that are in addition to the regularly scheduled payments of principal and interest on the Bond. Interest shall stop accruing on the Bond for the amount prepaid, from the date of the prepayment. The amount of such extra payment shall be applied first to interest on the Bond accrued to the date of receipt of such extra payment, and shall be applied second to reduce pro rata the remaining principal payments on the Bond. Notice of any such extra payment shall be given at least 10 days prior to the installment payment date by mailing to the Registered Owner a notice specifying the amount of such extra payment.

Section 4. Bond Registrar; Registration and Transfer of the Bond. Pursuant to RCW 39.46.030(4) the City’s Finance Director shall serve as initial fiscal agent for the City (the “Bond Registrar”) with respect to the Bond and is authorized, on behalf of the City, to authenticate

and deliver the Bond in accordance with the provisions of the Bond and this ordinance. The Bond shall be issued only in registered form as to both principal and interest and shall be recorded on books or records maintained by the Bond Registrar (the “Bond Register”). The Bond Register shall contain the name and mailing address of the owner of the Bond.

Upon a determination by the Finance Director that maintenance of the duties of the Bond Registrar is no longer convenient, the Fiscal Agent shall act as Bond Registrar.

The Bond Registrar shall keep, or cause to be kept, at its office, sufficient books for the registration, assignment or transfer of the Bond, which books shall be open to inspection by the City at all times. The Bond Registrar is authorized, on behalf of the City, to authenticate and deliver the Bond transferred or exchanged in accordance with the provisions of the Bond and this ordinance, to serve as the City’s paying agent for the Bond and to carry out all of the Bond Registrar’s powers and duties under this ordinance.

The Bond Registrar shall be responsible for its representations contained in the Bond Registrar’s Certificate of Authentication on the Bond.

The Bond may be assigned or transferred only in whole by the Purchaser to a single investor that is a financial institution or an entity reasonably believed to be a qualified institutional buyer within the meaning of the applicable federal securities laws. The transferee shall sign a certificate substantially in the form attached to the Bond. Any transfer shall be without cost to the owner or transferee, except for governmental charges imposed on any such transfer or exchange. The Bond Registrar shall not be obligated to exchange or transfer the Bond during the 15 days preceding any payment or prepayment date. When the Bond has been paid in full, both principal and interest, the Bond shall be surrendered to the Bond Registrar, who shall cancel the Bond.

Section 5. Payment of and Security for Bond. Both principal of and interest on the Bond shall be payable solely out of the Local Improvement District No. 1 Fund (the “Bond Fund”), and from the Reserve Fund for the Bond (as described in Section 7 hereof), and shall be payable in lawful money of the United States of America. The Bond shall be payable solely from the assessments levied in the District by Ordinance No. 08-0306 (the “Assessments”). The City covenants to deposit the Assessments into the LID No. 1 Bond Fund, and use the Assessments to pay the principal of and interest on the Bond. The Bond is not payable from assessments confirmed by Ordinance No. 14-0424.

Assessments collected in the District, together with interest and penalties, if any, are pledged to the payment of the Bond, which is payable solely out of the LID No. 1 Bond Fund and the Reserve Fund in the manner provided by law. The Bond is not secured by the City’s guaranty fund. The Bond is not a general obligation of the City.

Section 6. Form and Execution of Bond. The Bond shall be prepared in a form consistent with the provisions of this ordinance and State law, shall be signed by the Mayor and the Clerk or Deputy City Clerk, either or both of whose signatures may be manual or in facsimile, and the seal of the City or a facsimile reproduction thereof shall be impressed or printed thereon.

Only a Bond bearing a Certificate of Authentication in the following form, manually signed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance:

#### CERTIFICATE OF AUTHENTICATION

This Bond is the fully registered City of Edgewood, Washington, Local Improvement District No. 1 Refunding Bond, 2020 described in the Bond Ordinance.

WASHINGTON STATE FISCAL AGENT,  
Bond Registrar

By \_\_\_\_\_  
Authorized Signer

The authorized signing of a Certificate of Authentication shall be conclusive evidence that the Bond so authenticated has been duly executed, authenticated and delivered and is entitled to the benefits of this ordinance.

If any officer whose facsimile signature appears on the Bond ceases to be an officer of the City authorized to sign bonds before the Bond bearing his or her facsimile signature is authenticated or delivered by the Bond Registrar or issued by the City, the Bond nevertheless may be authenticated, issued and delivered and, when authenticated, issued and delivered, shall be as binding on the City as though that person had continued to be an officer of the City authorized to sign bonds. The Bond also may be signed on behalf of the City by any person who, on the actual date of signing of the Bond, is an officer of the City authorized to sign bonds, although he or she did not hold the required office on the date of issuance of the Bond.

Section 7.     Reserve Fund. There has heretofore been created a fund of the City known as the Edgewood Local Improvement Reserve Fund (the "Reserve Fund"), which is not the local improvement guaranty fund of the City, for the purpose of guaranteeing, to the extent of such Reserve Fund in the manner provided by law and this ordinance, the payment of the Bond. The money in the Reserve Fund may be invested in any investments that are permitted for the investment of the City's money. The amount in the Reserve Fund shall initially be maintained at \$600,000 and used to pay principal of and interest on the Bond to the extent that Assessments are insufficient. As the Bond is repaid, the City may reduce the amount in the Reserve Fund to an amount equal to 10% of the principal of the Bond outstanding. The Finance Director is authorized to transfer to the guaranty fund if such fund has a deficiency and, if no deficiency, to the general fund amounts in the Reserve Fund in excess of the amounts required to be maintained in the Reserve Fund by this ordinance.

Section 8.     Refunding of the Refunded Bonds. The City will deposit the portion of the proceeds with the registered owner of the Refunded Bonds on or prior to the redemption date. The Finance Director shall call for redemption on the date the Bond will close, all of the Refunded

Bonds at par plus accrued interest. Such call for redemption shall be irrevocable after the delivery of the Bond to the Purchaser.

The proper City officials are authorized and directed to give or cause to be given such notices as required, at the times and in the manner required, pursuant to Ordinance No. 14-0428, as amended by Ordinance No. 15-0432, in order to effect the redemption prior to their maturity of the Refunded Bonds.

Section 9.      Sale of the Bond. The Bond shall be sold to the Purchaser at a price of par on the terms and conditions set forth herein; the City will furnish the Bond and the approving legal opinion of Foster Garvey P.C., municipal bond counsel, relative to the issuance of the Bond, at the City's expense.

Section 10.      Reporting Requirements. While the Bond is outstanding, the City shall submit to the Purchaser its annual financial reports within 30 days after receipt of such annual financial report from the Washington State Auditor and such additional information as the Purchaser may reasonably request.

Section 11.      Governing Law. The Bond shall be governed and interpreted according to the laws of Washington.

Section 12.      General Authorization and Ratification. The Mayor, Finance Director, City Clerk and other appropriate officers of the City are severally authorized to take such actions and to execute such documents as in their judgment may be necessary or desirable to carry out the transactions contemplated in connection with this ordinance, and to do everything necessary for the prompt delivery of the Bond to the Purchaser thereof and for the proper application, use and investment of the proceeds of the Bond. All actions taken prior to the effective date of this ordinance in furtherance of the purposes described in this ordinance and not inconsistent with the terms of this ordinance are ratified and confirmed in all respects.

Section 13.      Severability. If any one or more of the covenants or agreements provided in this ordinance to be performed on the part of the City shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements in this ordinance and shall in no way affect the validity of the other provisions of this ordinance.

Section 14.      Effective Date of Ordinance. This ordinance shall take effect and be in force from and after its passage and five days following its publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Edgewood, Washington, at a regular open public meeting thereof this 8<sup>th</sup> day of December, 2020.

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Mayor

ATTEST:

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Deputy City Clerk

APPROVED AS TO FORM:

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City Attorney

## CERTIFICATE

I, the undersigned, Deputy City Clerk of the City of Edgewood, Washington (the "City"), hereby certify as follows:

1. The attached copy of Ordinance No. \_\_\_\_\_ (the "Ordinance") is a full, true and correct copy of an ordinance duly passed at a regular meeting of the City Council of the City held at the regular meeting place thereof on December 8, 2020, as that ordinance appears on the minute book of the City; and the Ordinance will be in full force and effect five days after publication in the City's official newspaper; and

2. A quorum of the members of the City Council was present throughout the meeting and a majority of those members present voted in the proper manner for the passage of the Ordinance.

IN WITNESS WHEREOF, I have hereunto set my hand this 8<sup>th</sup> day of December, 2020.

CITY OF EDGEWOOD, WASHINGTON

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Deputy City Clerk

**EXHIBIT A**  
**DEBT SERVICE SCHEDULE**

## PURCHASER'S RECEIPT AND CERTIFICATE

I, \_\_\_\_\_, \_\_\_\_\_ of \_\_\_\_\_ (the "Purchaser") do hereby certify and acknowledge on behalf of the Purchaser as follows:

1. The Purchaser acknowledges receipt this day of the \_\_\_\_\_ principal amount Local Improvement District No. 1 Refunding Bond, 2020 (the "Bond"), of the City of Edgewood, Washington (the "City"), dated \_\_\_\_\_, 2020. The Bond is authorized pursuant to Ordinance No. \_\_\_\_\_ of the City (the "Ordinance"). The Purchaser is charging the City a fee of \$ \_\_\_\_\_ for this Bond.

2. The Purchaser has made a complete investigation of the facts and circumstances furnished to it by the City relating to the issuance and delivery of the Bond. Such investigation included, without limitation, a review of: (i) the nature and purpose of the Bond and application of the proceeds of the Bond as set forth in the Ordinance, (ii) the financial condition of the City, including the assessments levied in Local Improvement District No. 1, and its ability to repay the principal of and interest on the Bond, (iii) the Purchaser's remedies in the event of default in the payment of principal of and interest on the Bond subject to applicable laws affecting creditors' rights, and (iv) the Ordinance.

3. The Purchaser acknowledges that (i) the Bond is not registered under the Securities Act of 1933 or 1934 or otherwise qualified for sale under the "blue sky" laws and regulations of any state and the Ordinance has not been qualified under the Trust Indenture Act of 1939, as amended, (ii) the Bond carries no rating from any credit rating agency, (iii) no trading market exists or is expected to exist for the Bond, (iv) no official statement or other offering material is being provided with respect to the Bond and the Purchaser has made its own inquiry and analysis with respect to the City and the Bond and the security therefor, and (v) the City's CAFR and all other information regarding the City speaks only as of its date and does not contain all material information regarding the City.

4. The Purchaser has sufficient knowledge and experience in financial and business matters, including the purchase and ownership of tax-exempt municipal obligations, to be able to evaluate the risks and merits of the purchase of the Bond. The Purchaser is satisfied that it has had access to all material information necessary to make a sound investment decision and that the City has responded fully and accurately to all requests for information, and no further information is desired.

5. The Bond will be held by the Purchaser for its own accord and will not be reoffered to the public. The Purchaser is a "qualified institutional buyer" as defined in Section 144A of the Securities Act of 1933 (the "Act") and is a bank within the meaning of Section (a)(1)(vi) of the Act. The Purchaser may only transfer the Bond to another bank within the meaning of Section (a)(1)(vi) of the Act at the time of the transfer. Any transfer of the Bond must be in accordance with the Ordinance. The transferee must sign and deliver a certificate substantially in the form of this certificate.

6. The undersigned is a duly appointed and acting representative of the Purchaser and is authorized to cause the Purchaser to make the certifications contained herein by execution of this certificate on behalf of the Purchaser.

DATED as of \_\_\_\_\_, 2020.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[FORM OF BOND COUNSEL OPINION]

City of Edgewood, Washington

Re: City of Edgewood, Washington, \$ \_\_\_\_\_  
Local Improvement District No. 1 Refunding Bond, 2020

We have served as bond counsel to the City of Edgewood, Washington (the “City”), in connection with the issuance of the above referenced Bond (the “Bond”), and in that capacity have examined such law and such certified proceedings and other documents as we have deemed necessary to render this opinion. As to matters of fact material to this opinion, we have relied upon representations contained in the certified proceedings and other certifications of public officials furnished to us, without undertaking to verify the same by independent investigation.

The Bond is issued by the City pursuant to Ordinance No. \_\_\_\_ (the “Bond Ordinance”) for the purpose of providing the funds necessary to refund certain of the City’s Local Improvement District No. 1 bonds and to pay the costs of issuance and sale of the Bond, all as set forth in the Bond Ordinance. The Bond is payable solely from special assessments levied in Local Improvement District No. 1 and paid into the Local Improvement Fund, District No. 1, of the City (the “Bond Fund”), and from the Local Improvement District No. 1 Reserve Fund of the City.

We express no opinion herein concerning the completeness or accuracy of any official statement, offering circular or other sales or disclosure material relating to the issuance of the Bond or otherwise used in connection with the Bond.

Under the Internal Revenue Code of 1986, as amended (the “Code”), the City is required to comply with certain requirements after the date of issuance of the Bond in order to maintain the exclusion of the interest on the Bond from gross income for federal income tax purposes, including, without limitation, requirements concerning the qualified use of Bond proceeds and the facilities financed or refinanced with Bond proceeds, limitations on investing gross proceeds of the Bond in higher yielding investments in certain circumstances and the arbitrage rebate requirement to the extent applicable to the Bond. The City has covenanted in the Bond Ordinance to comply with those requirements, but if the City fails to comply with such requirements, interest on the Bond could become taxable retroactive to the date of issuance of the Bond. We have not undertaken and do not undertake to monitor the City’s compliance with such requirements.

Based upon the foregoing, as of the date of initial delivery of the Bond to the purchaser thereof and full payment therefor, it is our opinion that under existing law:

1. The City is a duly organized and legally existing code city under the laws of the State of Washington.

2. The Bond has been duly authorized and executed by the City and is issued in full compliance with the provisions of the Constitution and laws of the State of Washington and the ordinances of the City relating thereto.

3. The Bond constitutes a valid and binding obligation of the Bond Fund and the Local Improvement District No. 1 Reserve Fund of the City, except only to the extent that enforcement of payment may be limited by bankruptcy, insolvency or other laws affecting creditors' rights and by the application of equitable principles and the exercise of judicial discretion in appropriate cases.

4. The Bond is not a general obligation of the City.

5. Assuming compliance by the City after the date of issuance of the Bond with applicable requirements of the Code, the interest on the Bond is excluded from gross income for federal income tax purposes and is not an item of tax preference for purposes of the alternative minimum tax applicable to individuals; however, interest on the Bond received by certain S corporations may be subject to tax, and interest on the Bond received by foreign corporations with United States branches may be subject to a foreign branch profits tax. We express no opinion regarding any other federal tax consequences of receipt of interest on the Bond.

This opinion is given as of the date hereof, and we assume no obligation to revise or supplement this opinion to reflect any facts or circumstances that may hereafter come to our attention, or any changes in law that may hereafter occur.

We bring to your attention the fact that the foregoing opinions are expressions of our professional judgment on the matters expressly addressed and do not constitute guarantees of result.

Respectfully submitted,

FOSTER GARVEY P.C.