1. CALL TO ORDER
Pledge of Allegiance, Roll Call, Additions/Deletions

2. EXECUTIVE SESSION
Pursuant to RCW 42.30.110(1)(i)

3. AUDIENCE COMMENT

4. MAYOR’S REPORT

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

The following items are presented for Council approval:
A. Regular City Council Meeting Minutes of May 28, 2019,
B. Study Session Meeting Minutes of June 4, 2019,
C. Review of Commission, Committee and Board meeting minutes of May 2019.
D. AB19-020, a motion approving June 2019 Budgeted Expenditures as follows: Deferred Compensation Program; Payroll Direct Deposit; Dept. of Retirement Systems; AWC Employee Benefit Trust; and IRS 941 ACHs in the amount of $134,665.03; and Vendor Check Numbers 23840 through 23858 with EFT and Direct Pay Payments in the amount of $40,798.83. Total distributions submitted for review & authorization in the amount of $175,463.86.
E. AB19-0459, a motion to adopt Resolution No. 19-0459, affirming the May 23, 2019 recommendation of the Parks and Recreation Advisory Board, advising the Berger Partnership to proceed with design of the of the 36th & Meridian Park Phase One.

6. COUNCIL BUSINESS
A. AB19-0460, a motion to adopt Resolution No. 19-0460, to segregate existing assessments under Local Improvement District No. 1, pursuant to section 35.44.410 of the Revised Code of Washington (RCW).
B. AB19-0461, a motion to adopt Resolution No. 19-0461, approving the Curran Estates Final Plat, located at 412 114th Avenue East, Edgewood, WA.
C. AB19-0462, a motion to adopt Resolution No. 19-0462, approving the Nicklaus Final Plat, located at 2199, 2305-2307 94th Ave. Ct. E., Edgewood, WA.
D. AB19-021, continued discussion of Interim Zoning Ordinance.

7. COUNCIL COMMENTS

8. ADJOURN
SUBJECT: Claims and Payroll for June 2019

Agenda Bill No.: AB19-020
For Agenda of: June 11, 2019
Prepared by: Stephanie Goff

ATTACHMENTS (list): ☒ Claims Register
☒ Voucher Directory

Approval of Materials:

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<td>Police Chief, Micah Lundborg</td>
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Timeline:

Fiscal Note/Consideration: N/A

SUMMARY STATEMENT:
Approving June 2019 Budgeted Expenditures as follows: Deferred Compensations Program; Payroll Direct Deposit; Dept. of Retirement Systems; AWC Employee Benefit Trust; and IRS 941 ACHs in the amount of $134,665.03; and Vendor Check Numbers 23840 through 23858 with EFT and Direct Pay Payments in the amount of $40,798.83. Total distributions submitted for review & authorization in the amount of $175,463.86.

COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: N/A

RECOMMENDED ACTION: MOTION to adopt the Claims and Payroll Expenditures as presented under the Consent Agenda.

ALTERNATIVES TO RECOMMENDED ACTION:
1) Do not adopt
2) Forward to future study session for further discussion.
1. **CALL TO ORDER**

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

**ROLL CALL**

Present: Mayor Daryl Eidinger (Not voting), Councilmember John C. West, Councilmember Mark Creley, Councilmember Ryan Day, Deputy Mayor Tyron Christopherson, Councilmember Colleen Wise, Councilmember Roseanne Tomyn, Councilmember Nate Lowry.

**Staff Present:** Assistant City Administrator Dave Gray, Deputy City Clerk/Communications Coordinator Jill Schwerzler-Herrera, Community Development Director Darren Groth, Public Works Director Jeremy Metzler, Police Chief Micah Lundborg, City Attorney Carol Morris.

**Additions/Deletions to the Agenda**

There were no additions or deletions to the agenda.

2. **PUBLIC HEARING**

**AB19-018 – Street Use Permits – Ordinance No. 19-0550, Resolution No. 19-0456**

Mayor Eidinger read the rules for the hearing.

Mayor Eidinger opened the public hearing at 7:02pm.

Public Works Director Jeremy Metzler gave an update on Ordinance No. 19-0550, and Resolution No. 19-0456.

Mayor Eidinger asked for public comments, there were none.

Mayor closed the public hearing at 7:05pm.

3. **AUDIENCE COMMENT**

Chris Van Dyke – Spoke on behalf of Mr. Satwant Singh stating Mr. Singh has invested quite a lot based on the rules that the city had in place and he’s not asking the city to do anything.

Jason Ramirez – Noted large branches were left behind from the mowing of the right-of-way on 36th.

Sue Miller – Wanted to call attention to how the cable company has been cutting down trees leaving a mess along 132nd and 36th. Noted the increase in apartments being built and the lack of crosswalks.

Shawna Abel – Spoke about the sewer assessments, stating because they were excessively high they changed the highest and best use of the property. She stated if the highest and best use changed they should be allowed to make use of it.

Jim Schmidt – Discussed how the city failed to develop properties properly in the past so now they’re putting restrictions on developers to try to rectify the issue.
4. MAYOR’S REPORT

Mayor Eidinger spoke about the following:
- It has been a busy couple of weeks for myself and our staff. We completed our interviews for the maintenance tech position and were able to find a very good applicant. In total in the past week, we will have on-boarded four new employees. This will cover most of the work load that we currently see on the horizon. Looking forward to having the help as they settle in.
- I was involved in the oral board examinations for our potential sergeant position. Either of the two candidates were very well qualified. We are looking forward to Pat Burke filling that position and coming on board in July. We also met with the new Sheriff's Contracting Team to discuss police services in our city.
- Sandi and I met with AT&T representatives to look into cell phones with priority band width for emergencies. We will be meeting with Verizon as well to fully understand the capacity of both systems.
- Connect over Coffee was again lightly attended, with only a few visitors who took the time to have conversation with us.
- Darren, Dave and I attended the RECON conference in Las Vegas. We made several good connections and were able to better understand what it takes to get retail to our city. We have follow up meetings with a couple promising prospects.

Public Works Director Metzler briefed on the following:
- Will be bringing forward information from the Parks and Recreation Advisory Board at next week’s Study Session regarding the park at 36th and Meridian. Noted he would speak to the public works crew regarding the debris in the right-of-way along 36th.

Community Development Director Groth briefed on the following:
- Introduced newly hired Code Compliance Specialist John Fairbanks. Noted Associate Planner, Silas Read started on Tuesday as well.

Chief Lundborg briefed on the following:
- Discussed the recent increase in property crime. Urged citizens to make a note of their property take photos, make lists, and keep that separate from the items. Sergeant Pat Burke starts July 15th. Office Assistant Sandi Phillips returned from Crime Free Multi-Housing training, and is excited to get the program started.

5. CONSENT AGENDA

The consent agenda includes items that are routine in nature and are adopted by one motion. Should Council wish to discuss a consent agenda item, the item would be removed from the consent agenda and discussed under Council Business. The following items are presented for Council approval:
A. Regular City Council Meeting Minutes of May 14, 2019
B. Special City Council Meeting Minutes of May 21, 2019
C. Study Session Meeting Minutes of May 21, 2019
D. **AB19-019**, a motion approving May 2019 Budgeted Expenditures as follows: Deferred Compensations Program; Payroll Direct Deposit; Dept. of Retirement Systems; and IRS 941 ACHs in the amount of $87,266.00; and Vendor Check Numbers 23822 through 23839 with EFT and Direct Pay Payments in the amount of $204,614.70. Total distributions submitted for review & authorization in the amount of $291,880.70.

**Motion:** As Read, **Action:** Approve, **Moved by** Deputy Mayor Christopherson, **Seconded by** Councilmember Day. **Motion passed unanimously (7-0).**

6. **COUNCIL BUSINESS**

A. **AB19-0550**, a motion to adopt Ordinance No. 19-0550, relating to streets and street use, adopting a procedure for the City’s issuance of temporary, revocable street use permits for the use and occupation of the street right-of-way and other public places, describing the application process, criteria for approval and procedure for appeals; and creating a new Chapter 12.16 to the Edgewood Municipal Code.

Public works Director Jeremy Metzler briefed on this agenda item. Discussion ensued between council and staff.

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

B. **AB19-0456**, a motion to adopt Resolution No.19-0456, establishing street use permit fees.

Public works Director Jeremy Metzler briefed on this agenda item. Discussion ensued between council and staff.

**Motion:** As Read, **Action:** Approve, **Moved by** Councilmember Wise, **Seconded by** Deputy Mayor Christopherson. **Motion passed unanimously (7-0).**

C. **AB19-0457**, a motion to adopt Resolution No. 19-0457, authorizing the removal of a dangerous tree located at 11704 32nd Street East, implementing the procedure in Chapter 8.15 of the Edgewood Municipal Code.

Public works Director Jeremy Metzler briefed on this agenda item. Discussion ensued between council and staff.

Audience Comment - Sue Miller asked who was responsible for determining if a tree was dangerous.

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

D. **AB19-0458**, a motion to adopt Resolution No. 19-0458, findings of fact to support the continued maintenance of interim zoning Ordinance No. 19-0547, relating to land use and zoning, prohibiting the acceptance of applications for new residential/multi-family development in the town center, commercial, mixed use residential and business park zones, for a period of six months, as allowed by RCW 35A.63.220 and RCW 36.70A.390.

City Attorney Carol Morris briefed on this agenda item. Discussion ensued between council and staff.
Motion: As Read, Action: Approve, Moved by Councilmember Creley, Seconded by Councilmember Tomyn. Motion passed unanimously (7-0).

7. COUNCIL COMMENTS

Councilmember Tomyn noted at the recent meeting of the Parks and Recreation Advisory Board they were able to schedule the upcoming movies for the movie night through June 2020.

Councilmember Wise reminded those in attendance that the Edgewood Friends of the Park rummage sale would be Friday May 31st from 9-5 and Saturday June 1st from 9-4 at the Nelson Nature Park. She requested a sketch of the two properties to review at the study session.

Councilmember Day thanked City Attorney Morris for her information on the Growth Management Act and asked if the information could be shared on the website, and through social media. He requested an update on the stormwater management proposal.

Councilmember West asked for clarification on the non-compliance information provided and asked for information on cities who were found to be non-compliant relating to the Growth Management Act.

Councilmember Lowry requested an update on the IT Manager search.

8. EXECUTIVE SESSION

There was no executive session.

9. ADJOURN

Mayor Eidinger adjourned the meeting at 7:52pm.
1. CALL TO ORDER
Mayor Eidinger called the meeting to order at 7:00pm and led attendees in the Pledge of Allegiance.

ROLL CALL
Present: Mayor Daryl Eidinger, Deputy Mayor Tyron Christopherson, Councilmember John C. West, Councilmember Mark Creley, Councilmember Ryan Day, Councilmember Colleen Wise, Councilmember Roseanne Tomyn, Councilmember Nate Lowry.
Staff Present: Assistant City Administrator Dave Gray, City Clerk Rachel Pitzel, Community Development Director Darren Groth, Jeremy Metzler Public Works Director, Police Chief Micah Lundborg.

2. COUNCIL BUSINESS

A. Discussion – RECon Update
Asst. City Administrator Dave Gray, Community Development Director Darren Groth, and Mayor Eidinger discussed their experiences at the real estate convention they attended in May. Discussion followed between staff and the Council.

B. Discussion – IT Position
Assistant City Administrator Dave Gray noted this item was on the agenda per Councils request, and stated he was there to answer any questions they had about the IT positions. Community Development Director Darren Groth discussed the various challenges the City has faced with its current IT coverage. Discussion followed between staff and the Council.

C. Discussion – Front Counter Office Reconfiguration
Public Works Director Jeremy Metzler briefed Council on this agenda item. Discussion followed between staff and the Council.

Council action: Council recommended staff move forward with the reconfiguration requesting they scrutinize the cost involved, and maintain the current community space available.

Motion: to extend meeting past 9:00pm, Action: Approve, Moved by Councilmember Colleen Wise, Seconded by Councilmember Roseanne Tomyn. Motion passed unanimously (7-0).

D. Discussion – Town Hall Meeting scheduling – Re: Growth
Community Development Director Darren Groth briefed Council on this agenda item.

Deputy Mayor Christopherson left the meeting at 9:02pm
Deputy Mayor Christopherson entered the meeting at 9:03pm

Discussion followed between staff and the Council on the desired format of the meeting.
E. **Review/Discussion** – West Properties LID Assessment Segregation

Community Development Director Darren Groth briefed Council on this agenda item. Staff answered Council’s questions on the topic.

F. **Review/Discussion** – 36th & Meridian Park – PRAB Recommendation

Public Works Director Jeremy Metzler briefed Council on this agenda item. Discussion followed between staff and the Council on placement and design options. **Council action:** Council recommended staff move option 1 forward to the consent agenda.

3. **OTHER COUNCIL ISSUES**

4. **ADJOURN**

Mayor Eidinger adjourned the meeting at 9:39pm.

______________________________  _______________________________
Jill S. Herrera, Deputy City Clerk/  Daryl Eidinger, Mayor
Communications Coordinator
1. **CALL TO ORDER:**
   Chair Butterfield called the meeting to order at 5:44 p.m.

   A. **Members Present:**
      Wiesenfeld; Butterfield; Wise; Neil

   B. **Commissioners Absent:**
      Kilmer; Southard; Larson

   C. **Staff Member(s) Present:**
      Darren Groth, Community Development Director
      Dave Gray, Assistant City Administrator/Finance Director

   D. **Others Present:**
      Mayor Eidinger

2. **CONSENT AGENDA**
   A. **Agenda Approval or Modifications**
   B. **Approval of Meeting Minutes for April 1, 2019**
      i. Wise moved to approve, Wiesenfeld seconded.
      ii. Board voted 4-0 to approve, as presented.

3. **CITIZEN COMMENT PERIOD:**
   None

4. **NEW BUSINESS**
   A. **Action Item(s)**
      i. None
   B. **Discussion Item(s)**
      i. City Marketing
         a. Groth introduced this item and shared information regarding Buxton, Panzanno, and RECon
         b. Discussion ensued.
      ii. Property Owner Meeting
         a. Meeting started at 6 p.m.
         b. Groth opened the discuss and shared why the City called the meeting
         c. Discussion ensued.

5. **STAFF COMMENTS:**
   Groth updated the Board regarding staffing and Planning Commission vacancies.

6. **BOARD MEMBER UPDATES:**
   Several members asked to conduct a survey of the property owners and sought more information regarding which types of tax abatements may be available.

7. **ADJOURN:**
   Chair Butterfield adjourned the meeting at 8:15 p.m.
1. **CALL TO ORDER**
   Chair Levenhagen called the meeting to order at 6:00pm

2. **ROLL CALL**
   **Present:** Brian Levenhagen, Caitlyn Remington, Jeff Southard, Anne Percival
   **Absent:** Diane Kerlin (Excused), Bill Hilton (Excused), Linda Howard (Excused)
   **City Staff:** Public Works Director (PWD) Jeremy Metzler

3. **PUBLIC COMMENT** – None offered

4. **STAFF UPDATES** – PWD Metzler provided quick update on new staff, hired Maintenance Technician with starting date of Tuesday, May 28.

5. **APPROVAL OF MEETING MINUTES**
   J. Southard MOVED, seconded by C. Remington to approve the April 4, 2019 Minutes.
   **APPROVED** unanimously.

6. **OLD BUSINESS**
   - **36th & Meridian Update:**
     PWD Metzler provided brief summary / overview of the 30% Design prepared by Berger for the RCO grant process, the two design option sketches requested by the Mayor, and review of possible pros and cons for each. Both options move vehicular access to 36th Street East, but Option 1 keeps improvements west of the wetland area, and Option 2 considers locating them to the east. B. Levenhagen expressed that having the proposed improvements closer to Meridian is a strength (not a con); having the future windmill site surrounded by beautiful amenities may become an economic development benefit; locating improvements behind the wetland area (Option 2) would hide the lead, result in less natural surveillance (become an attractive nuisance), and create two undeveloped sections of the park (west and east) reducing the recreational potential of a future phase 2 development; that Option 1 preserves the integrity of the master plan and passive recreation opportunities to the east. A. Percival liked the playground farther from Meridian, per Option 2. C. Remington stated she was “on the fence” between the options, concerned about Option 1 playground being closer to Meridian. In discussion, the playground’s actual distance from Meridian was reviewed, the uphill grade between it and Meridian was noted, and the potential to create fence or landscape barriers if necessary was touched on; members agreed that the restroom would be preferred closer to the playground. J. Southard expressed interested in a hybrid solution, looking at how to relocate amenities along 36th Street East around the south end of the wetland area. In further discussion, members expressed concerns about future phase development and opportunities to partner with the Puyallup School District.

   **Action:** C. Remington MOVED, seconded by A. Percival to recommend Option 1 with the following suggested revision: situate playground and restroom closer to the parking area.
   **APPROVED** unanimously.

Some further discussion regarding project status and schedule, agreed to delay or forego public information meeting at this time, focus on Community Picnic materials.
• **Parks Appreciation Day – Debrief, Lessons Learned:**
  A. Percival shared there was a good turnout for the event, but only four Edgewood citizens attended. Members discussed various ideas and plans for next year. B. Levenhagen affirmed that the program for next year’s event should be expanded and a new date should be considered. PRAB to discuss further at a future meeting.

• **Nelson Nature Park – Bridge Repair:**
  PWD Metzler shared email from Boy Scout Troup 525 leader, John Decker. Members confirmed the bridge has yet to be repaired, and all agreed that PWD Metzler should contact Mr. Decker to arrange for the bridge to be repaired.

• **Movie Nights – PRAB Participation / Sign-up:**
  Reviewed schedule with Councilmember Tomyn. PWD Metzler agreed to provide movies underlined below. PRAB members agreed / affirmed to assist with the events as follows:
  - June 14 (Wreck It Ralph) – B. Hilton
  - July 12 (Spider Man: Into the Spider-verse) – B. Levenhagen [7:00p start]
  - August 23 (Captain Marvel) – J. Southard & A. Percival [7:00p start]
  - September 13 (Christopher Robin) – C. Remington
  - October 11 (The Nightmare Before Christmas) – TBD
  - November 8 (Ralph Wrecks the Internet) – TBD
  - December 13 (The Grinch (2018)) – TBD
  - January 10 (Detective Pikachu) – TBD
  - February 21 (My Little Pony: The Movie) – TBD
  - March 13 (Lego Movie 2) – TBD
  - April 10 (How to Train Your Dragon 3) – TBD
  - May 15 (Aladdin 2019) – TBD
  - June 12 (The Little Mermaid) – TBD

7. **NEW BUSINESS**
   • **Annual Field Trip – Next Meeting:** Confirmed Nelson farm Park to tour the farmhouse and discuss renovation goals, and may go to Fife’s new Brookville Park after.

8. **BOARD MEMBER COMMENTS**
   • **J. Southard** – Asking about possible cellular tower at Nelson Farm Park and intended purpose for any revenues generated by that, PWD Metzler discussed plan to bring public property lease policy and procedure to Council for consideration prior to any further discussion or action on said tower.
   • **A. Percival** – Reminder about upcoming Friends of the Park sale / fundraiser at Nelson Nature Park on Friday 5/31 and Saturday 6/1.

9. **ADJOURN** – 7:00pm
City of Edgewood 2019  
June 11th 2019 Council Meeting Check & EFT Payment Distribution Review & Authorization

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Total Distribution Submitted for Review & Authorization: $175,463.86

Authorization Adjustments:

Total Distribution Net of Prior Authorized Adjustments: $175,463.86

Clubs Voucher Approval: I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed

_____________________________ Accounting Manager, Stephanie Goff

Mayor, Daryl Eidinger                      Council Member
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## Subject: Resolution – 36th & Meridian Park – PRAB Recommendation

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<td>Prepared by:</td>
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### Attachments (list):
- ☒ Resolution 19-0459
- ☒ Transpo Memorandum: Park Access Safety Analysis
- ☒ Berger: Park Reconfiguration Studies – Option 1

### Approval of Materials:

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### Fiscal Note/Consideration:
Funding for this project is included in the approved 2019 – 2024 CIP and approved 2019 Budget. Park Impact Fee revenues can be applied to all costs associated with design, contract administration, and construction.

### Summary Statement:
Constructing new active park space is a short-term priority in the City’s adopted Comprehensive Plan, Parks, Recreation Open Space (PROS) Plan, and Capital Improvement Plan (CIP). The 36th and Meridian property was acquired by the City in late 2004, and there have been multiple efforts to develop a park plan since. Two grant applications were submitted to the Recreation and Conservation Office (RCO) in June of 2016, each proposing to develop a shelter, parking lot, play equipment and picnic facilities. These applications were both selected by the RCO for funding, totaling $1,000,000 in reimbursable funding. Council accepted the offer and authorized executing the RCO Grant Agreement at the February 26, 2019 Regular Meeting with Resolution 19-0448. Council also authorized the final design contract with the Berger Partnership at the March 12, 2019 Regular Meeting with Resolution 19-0449.

Before getting into detailed design, the Mayor directed staff to consider some initial design reconfiguration options with Berger due to safety concerns at the proposed site access. Attached are the results of Transpo’s safety analysis, which informed Berger’s “Park Reconfiguration Studies”. The Parks and Recreation Advisory Board (PRAB) met and reviewed Berger’s work, and has recommended moving forward with a modified Option 1 (attached), moving the proposed playground and restroom closer to the parking area.

The Mayor seeks Council resolution on this recommendation, in order to give Berger direction to proceed with their detailed design effort. Staff and Berger are preparing to have materials available at the Edgewood Picnic on July 20, and the 60% Design is due by August 31. In order to keep this schedule, Berger needs direction as soon as possible.

### Council Committee Review and Recommendation:
N/A

### Recommended Action:
**Motion** to adopt Resolution No. 19-0459, affirming the May 23, 2019 recommendation of the PRAB, advising Berger to proceed with design of the 36th and Meridian Park Phase One.

### Alternatives to Recommended Action:
1) Forward to Study Session for further review and discussion
2) Take no action
RESOLUTION NO. 19-0459


WHEREAS, by adopting Resolution 19-0449 on March 12, 2019, the City Council authorized execution of a Professional Services Agreement with the Berger Partnership (Berger) for the 36th and Meridian Park Phase One Design and Construction Administration Services; and

WHEREAS, due to safety concerns at the proposed site entry, the Mayor authorized the City’s on-call traffic engineer (Transpo) to perform an Access Safety Analysis; and

WHEREAS, Transpo’s analysis suggested relocation of the park access from Meridian Avenue East (SR-161) to 36th Street East, “negating the safety concerns associated with a site access off Meridian Avenue East”; and

WHEREAS, before proceeding with detailed design effort, Berger developed two conceptual layout renderings using the alternative access locations identified in Transpo’s analysis, including “Pros and Cons” lists for each option; and

WHEREAS, Berger’s options were reviewed and discussed in detail at the June 23, 2019 meeting of the Parks and Recreation Advisory Board (PRAB); and

WHEREAS, the PRAB has recommended proceeding with a modification to Berger’s Option 1, situating the playground and restroom elements closer to the parking area as depicted therein; and

WHEREAS, the City Council reviewed and discussed the PRAB recommendation at the June 4, 2019 study session; and

WHEREAS, the City Council is in agreement with the PRAB recommendation;

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

Section 1. The City Council hereby directs Berger to proceed with the 36th & Meridian Phase One design effort, following the May 23, 2019 PRAB recommendation.

__________________________________________
Daryl Eidinger, Mayor

ATTEST:

__________________________________________
Rachel Pitzel, City Clerk
This memorandum reviews the safety concerns of the proposed entry driveway location for the
City Park located on the northeast corner of 36th Street E and Meridian Avenue E. Transpo
evaluated existing conditions and the current park proposal, performed a qualitative safety
analysis for the proposed driveway location and developed alternative recommendations for the
City to consider.

**Existing Conditions**

The proposed park will be located east of and adjacent to Meridian Avenue E, north of and
adjacent to 36th Street E. Currently the site is open green space, used for activities like walking
and nature viewing. Meridian Avenue E, also known as State Route 161, runs along the west
frontage of the proposed park site. It is a high-volume principal arterial with a posted speed limit of
35 mph. It has two through travel lanes (one in each direction) and a two-way left-turn lane at the
northern end of the park frontage. A second northbound through lane is merged into this single
northbound travel lane between the intersection of 36th Street E and the northern limit of the park
frontage, while the two-way left turn lane becomes a dedicated southbound left turn lane at the
36th Street intersection. South of the intersection with 36th Street E, Meridian Avenue E expands
to three through lanes (one southbound, two northbound) with a dedicated northbound left turn
lane at 36th Street E. There are no pedestrian or bicycle facilities located in the vicinity of the
proposed park and the shoulders next to the site are paved and narrow (approximately 2 feet or
less). A transit stop is located on Meridian Avenue E roughly 120 feet north of the intersection with
36th Street E on the project frontage.

36th Street E is a two-lane roadway that runs along the project’s south frontage. It has a posted
speed limit of 25 mph and no pedestrian or bicycle facilities located in the vicinity of the proposed
park, with narrow gravel shoulders on both sides of the roadway.

The collision history was also reviewed at the proposed park entry location, which is on the
northwest corner of the site, east of Meridian Avenue E. The data extends roughly 250 feet on
either side of the proposed entrance.

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<th>Angle</th>
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<td><strong>0.67</strong></td>
<td><strong>0.33</strong></td>
<td><strong>3.33</strong></td>
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</table>

1. Data obtained from WSDOT in February 2018.
As shown in Table 1, there is an average of 3.3 collisions per year near the park entrance. The most common type of collision is rear-end, with sideswipe and angle tying for the second most common type. Rear-end collisions were mostly due to inattention; both sideswipe collisions occurred in the northbound direction near the merge point of the roadway. None of the collisions resulted in a fatality and only one resulted in a possible injury.

Collision data was also reviewed along 36th Street E, west of the intersection with Meridian Avenue E, however no collisions were reported on that segment of roadway during this time frame.

**Proposed Park**

The proposed park would be located adjacent to Meridian Avenue E (SR 161) and 36th Street E. The park would be developed over time based on a phased master plan, with the first phase including an inclusive playground, trail loop, play courts, picnic shelter, amphitheatre, restrooms, and new 60-car parking lot. As previously mentioned, the currently proposed entrance to the parking lot is on the northwest corner of the site, east of Meridian Avenue E. Figure 1 shows the layout of the Park Master Plan.

![Figure 1. Park Master Plan](image-url)
Safety Evaluation

Per the City’s request, Transpo evaluated safety conditions at the proposed driveway location and identified the following concerns:

- The park entry is proposed along Meridian Avenue E where the two northbound lanes are merging together (see Figure 2). This may cause issues with merging traffic as there are two conflict points (merge and driveway) occurring at the same location. Additionally, the vertical grade at this point could lead to speed concerns and sight distance issues.
- The proposed driveway is offset from the driveway to the gas station on the other side of the roadway. Vehicles turning left out either driveway into the two-way left-turn lane would conflict with each other. This presents a safety concern, as the demand on drivers to watch for the offset driveway along with merging traffic along SR 161 leaves active modes vulnerable to being “missed”.
- The bus stop located south of the proposed entrance is a potential safety concern. A bus stopped in the lane of traffic could partially block sight distance for vehicles exiting the driveway, making the movement difficult and potentially unsafe.

Figure 2: Looking south on Meridian Avenue from approximate proposed site entrance.

FHWA guidance on Access Management in the vicinity of intersections encourages limiting the number of conflict points at driveways. Driveways with offset alignments across major roadways, especially those with two way left turn lanes, are not recommended, as the number of conflict points increases significantly. These conflict points present an increased risk for drivers and non-motorized users.

1 https://safety.fhwa.dot.gov/intersection/other_topics/fhwasa10002/fhwasa10002.pdf
Alternatives to Proposed Park Entry

Due to the safety concerns, a different site access location and/or site plan may need to be considered. Also to take into consideration when evaluating alternatives is that if the plan was to build a major development on the site, the primary access might be required to be off 36th Street E. This would be due to the known congestion and operations along Meridian Ave E. Additionally, WSDOT could implement access management at a later time and vehicle queues presently back up past the proposed project entrance during the PM peak period.

Below are details and considerations for two alternative locations, as well as recommendations if the current driveway location is retained.

**Alternative 1: Current Parking Lot Location with Access off 36th Street E**

One alternative would be to keep the current location of the parking lot but place the park site driveway on the south frontage along 36th Street E, roughly 200 feet east of the intersection of Meridian Avenue E & 36th Street E. This would negate any safety concerns from having the site driveway off Meridian Avenue E. Additionally, 36th Street E is a lower speed roadway than Meridian Avenue E.

The alternative driveway could take the place of the current proposed walkway that is shown between the historic windmill and the inclusive playground. This driveway alignment provides the opportunity for accessible and non-accessible parking spaces to be placed by the playground. This parking would be useful for families with young or special needs children and unloading picnic or party supplies at the park.

This alternative would take away some space for other park areas as a wider right-of-way than the planned walkway would be needed. Conflicts between cars and designated non-motorized areas could increase with this alignment. Safety precautions, including landscaped buffers or fencing, can help to keep the vehicles and active mode users separate. Additionally, traffic calming measures can be incorporated, such as speed humps, raised crosswalks, and designing the road to be meandering which can limit speeds. These measures increase the real and perceived safety of the site, especially considering the typical users of a playground.

Moving the park access point to 36th Street E, which provides access off of a cross street, as opposed to Meridian Avenue E is consistent with the City’s recent evaluation of the Meridian Avenue parallel roads network completed by Transpo. The access roadway’s smaller roadway section is consistent with the recommendations of that evaluation, as is the “disconnected” nature of this access from other north/south routes, limiting the use of the road by traffic not accessing the park.

**Alternative 2: Southern Parking Lot Location with Access off 36th Street E**

A second alternative would move the proposed site driveway to 36th Street E, but switch the parking lot site with the windmill and inclusive playground site. Similar to Alternative 1, this would also remove any safety conflict from having the site driveway off Meridian Avenue E. Alternative 2 would keep vehicular and non-motorized users more separated than Alternative 1, reducing the need for additional safety features. The tradeoff is the reduced opportunity for parking spaces near the inclusive playground, unless the roadway was extended to the playground.

This alternative could also work with the parking lot and windmill/playground being moved and the current proposed driveway location remaining the same, however the safety concerns presented under the Safety Evaluation section for access to Meridian Avenue E would be the same. Use of this alternative with an access to Meridian Avenue E south of the currently proposed location
would have similar concerns regarding the merge lane, vertical grade, offset driveways and transit stop proximity.

**“No Change” Alternative: Leave Current Access**

If the design of the park is left in the current configuration, due to safety concerns at the driveway, a right-turn only operation might be recommended. This would limit conflicts with the opposing driveway across Meridian Avenue E. There would still be potential sight distance concerns and impacts from stopped busses. Restricting right turns with a concrete island would provide pedestrians and cyclists with a refuge, potentially limiting the vulnerability of these users at the park driveway.

**Summary**

The currently proposed location of the park entrance driveway is off Meridian Avenue E. Due to safety concerns, two alternative locations are presented for consideration. Both alternative locations would place the entrance off 36th Street E, negating the safety concerns associated with a site access off Meridian Avenue E. Depending on the final site plan, it may also provide the opportunity to place ADA parking spaces near the inclusive playground.
PARK RECONFIGURATION STUDIES
OPTION 1

PROS:
• More similar to 30% design as developed through public process
• Park features have greater visibility from Meridian
• Main park area is more connected to Meridian pedestrian activity
• Parking lot driveway aligns with future Chrisella road rerouting

CONS:
• More road noise from Meridian
• Constrained on space for future expansion of park features on the west side of slope
• Parking access closer to intersection
SUBJECT: Site West Properties LID Assessment Segregation

Agenda Item #: AB19-0460

For Agenda of: June 11, 2019

Prepared by: Kristin Moerler

ATTACHMENTS (list):
☒ Resolution No. 19-0460
☒ Exhibit A – Segregation Request
☒ Exhibit B – Parcel Diagram
☒ Exhibit C – Segregation of Assessments

<table>
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<th>Expenditure Required:</th>
<th>Amount Budgeted:</th>
<th>Appropriation Required:</th>
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<td>Police Chief, Micah Lundborg</td>
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Timeline: Council Consideration – 6/11/2019

Fiscal Note/Consideration:
The property owner has already paid the required segregation fee and there is no cost to the City of Edgewood.

SUMMARY STATEMENT:
Approval of Boundary Line Adjustment No. 19-1075 will result in parcel configuration changes that no longer reflect the current assessment roll of Local Improvement District No. 1 and will not correspond to new tax parcel numbers assigned by the Pierce County Assessor’s Office.

RCW 35.44.410 sets forth the authority and procedures for segregating assessments when real property is changed by a boundary line adjustment. If Council adopts the attached Resolution, a separate assessment lien will be recorded against each new parcel. The sum of the new assessments will equal the combined total of the existing assessments and the security of outstanding district obligations payable from annual installments received will be further protected by reallocating the assessments to new tax parcel numbers to be assigned by the Pierce County Assessor’s Office.

COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: N/A

RECOMMENDED ACTION: Staff recommends the adoption of Resolution No. 19-0460, authorizing the requested segregation of an original assessment in Local Improvement District No. 1.

ALTERNATIVES TO RECOMMENDED ACTION:
1) Do not adopt
2) Forward to Study Session for further review
RESOLUTION NO. 19-0460

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON TO SEGREGATE EXISTING ASSESSMENTS UNDER LOCAL IMPROVEMENT DISTRICT NO. 1, PURSUANT TO SECTION 35.44.410 OF THE REVISED CODE OF WASHINGTON (RCW)

WHEREAS, the City of Edgewood has received written request from the owner of property identified on the application form attached as Exhibit A requesting the segregation of existing assessments within Local Improvement District No. 1; and

WHEREAS, Section 35.44.410 of the Revised Code of Washington (RCW) authorizes the City Council to order the segregation of local improvement district assessments whenever property subject to such assessments is altered by a boundary line adjustment; and

WHEREAS, the parcels affected by this segregation are shown on the parcel diagram attached as Exhibit B; and

WHEREAS, RCW 35.44.410 requires that segregation be made as nearly as possible on the same basis as the original assessment calculation method and that the sum of the new assessments equal the combined total of the assessments before segregation; and

WHEREAS, this segregation will continue to protect the outstanding district obligations payable from these assessments and preserve the security of the liens by reallocating the existing assessments to the new parcel numbers assigned by the Pierce County Assessor's Office;

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

Section 1. The assessment roll of Local Improvement District No. 1, which was confirmed and adopted by Ordinance No. 11-0366 on July 19, 2011, shall be modified to reflect the requested segregation.

Section 2. The existing assessments shall be segregated in accordance with Section 35.44.410 of the Revised Code of Washington to the identified real property located in Local Improvement District No. 1 and shall result in amended assessments as shown in the table attached hereto and incorporated by this reference as Exhibit C.

Section 3. The sum of the amended assessments shall equal the combined total of the existing assessments before segregation, and the assessment roll is in all other respects reaffirmed.

Section 4. Effective Date. This resolution will take effect immediately upon passage by the City Council.
ADOPTED THIS 11TH DAY OF JUNE, 2019

____________________________
Daryl Eidinger, Mayor

ATTEST:

______________________________
Rachel Pitzel, City Clerk
CITY OF EDGEWOOD
APPLICATION TO SEGREGATE LID ASSESSMENT

PLEASE COMPLETE AND RETURN THIS FORM TO: City of Edgewood, Finance Department
2224 104th Ave E, Edgewood WA 98372-1513

Property Owner: SITE-WEST PROPERTIES #1 LLC
Address: 201 14TH ST, SUITE 200
City, State & Zip: GLENWOOD SPRINGS CO 81601
Telephone: 970-985-3430 Email: sitewest@msn.com

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<tr>
<td>042003-6069</td>
<td>$152,779.70</td>
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(If additional space is required, please attach the requested information on a separate sheet)

1. The undersigned holds an ownership interest in the above referenced parcel(s) located within a local improvement district in the City of Edgewood, Pierce County, Washington.

2. The City of Edgewood is hereby requested to segregate the assessment amount(s) listed above in accordance with the new property configuration.

3. This application for segregation of assessment is made under the provisions of § 35.44.410 of the Revised Code of Washington.

Applicant (please print) Craig Whitlock

Signature: [Signature] Date: 4/26/19

ASSESSMENT SEGREGATION FEE

A segregation fee is due per §35.44.410 of the Revised Code of Washington as a condition of final map approval. The fee for less than 10 new assessed lots is $975. Please include payment with this completed form. Questions may be directed to Public Finance at (425) 885-1604.

CITY USE: RECEIPT # 6176 DATE 5/21/19 BY Evan Hietpas
INSTRUCTIONS FOR SEGREGATION APPLICATION

1. Please print or type all information requested on this form.

2. Enter the property owner, mailing address and telephone information in the spaces provided.

3. Enter the Pierce County tax parcel number(s) for the parcels to be segregated and original assessment amount if known. If additional space is required, please attach the requested information on a separate sheet.

4. Sign and date the application in the spaces provided.

5. Return the completed application to the City of Edgewood Finance Department along with the required segregation fee. The fee for less than 10 new assessed lots is $975.

6. Please direct any questions to Public Finance at (425) 885-1604.

Revised Code of Washington
35.44.410 Segregation of assessments.

Whenever any land against which there has been levied any special assessment by any city or town shall have been sold in part or subdivided, the legislative authority of that city or town shall have the power to order a segregation of the assessment.

Any person desiring to have such a special assessment against a tract of land segregated to apply to smaller parts thereof shall apply to the city or town which levied the assessment. If the legislative authority thereof determines that a segregation should be made, it shall by resolution order the city or town treasurer to make segregation on the original assessment roll as directed in the resolution. The segregation shall be made as nearly as possible on the same basis as the original assessment was levied, and the total of the segregated parts of the assessment shall equal the assessment before segregation. The resolution shall describe the original tract, the amount and date of the original assessment, and shall define the boundaries of the divided parts and the amount of the assessment chargeable to each part. A certified copy of the resolution shall be delivered to the city or town treasurer who shall proceed to make the segregation ordered upon being tendered a fee of ten dollars for each tract of land for which a segregation is to be made. In addition to such charge the legislative authority of the city or town may require as a condition to the order of segregation that the person seeking it pay the city or town the reasonable engineering and clerical costs incident to making the segregation. No segregation need be made if the legislative authority of the city or town shall find that by such segregation the security of the lien for such assessment will be so jeopardized as to reduce the security for any outstanding local improvement district obligations payable from such assessment. [1969 ex.s. c 258 § 10.]
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Exhibit B — Parcel Diagram
# CITY OF EDGEWOOD

Sewer Local Improvement District No. 1

## EXISTING ASSESSMENTS

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**Total**

$209,526.70  $136,192.32  $5,788.18  $141,980.50

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**Total**

$209,526.70  $136,192.32  $5,788.18  $141,980.50
## SUBJECT:
Resolution No. 19-0461 to approve the Curran Estates Final Plat, permit file number 18-1146.

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<td>June 11, 2019</td>
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<tr>
<td>Prepared by:</td>
<td>Kristin Moerler</td>
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### ATTACHMENTS (list):
- ☒ Resolution
- ☒ Final Plat Drawing (3 pages)
- ☒ Staff Report
- ☒ City Engineer’s Certificate dated May 28, 2019
- ☒ Reference Location Map

### Approval of Materials:

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<td>RCW 58.17.140 requires that a final decision on a final plat must be issued within 30 days or less after submission of the complete application.</td>
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### Fiscal Note/Consideration: N/A

### SUMMARY STATEMENT:
The Curran Estates subdivision is located at 412 114th Avenue East, Edgewood Washington. This project subdivides 4.96 acres located in the Single-Family Two (SF-2) zoning classification into nine (9) single-family lots, and five privately owned tracts for private roads, utilities, park, septic, stormwater and landscaping purposes serving the subdivision. The new lots are accessed and addressed within the 11000 Block of the newly established private 4th Street Court East. A State Environmental Policy Act (SEPA) Mitigated Determination of Non-significance (MDNS) was issued on October 29, 2015. The City of Edgewood Hearing Examiner granted preliminary approval of the Curran Estates Preliminary Plat subject to fifty-two (52) conditions on December 30, 2015.

The applicant has 7 years from the date of their preliminary plat approval to submit a final plat application based on the date of the approval. The Final Plat application was submitted to the City on April 27, 2018. The staff report (Exhibit 3) details the facts relating to the applicant’s compliance with the approvals issued for the project. The project is has been constructed with the exception of bonding for park benches and picnic tables to be installed later this year. A bond for this work has been submitted to the City. The applicant is in the process of obtaining signatures on the final plat map at this time. Staff will confirm final acceptance of the final plat map prior to the meeting. In summary, staff recommends approval of the final plat having reviewed the detail of the referenced permits and all associated approvals, conditioned upon the bonding.

The process to be followed by the City Council in the review, approval or denial of this application is that of a closed record decision under EMC 18.40.190(H)(8). There is no opportunity for public testimony. The Council must make a decision based upon the record (the materials in the files, staff report, etc.). The Council may ask questions of the applicant and staff, relating to the existing record.

Pursuant to EMC Section 16.04.160 and RCW 58.17.170(1), "when the legislative body of the city . . . finds that the subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval and that said
subdivision meets the requirements of chapter 58.17 RCW, other applicable state laws and any local ordinances adopted under this chapter which were in effect at the time of preliminary plat approval, it shall suitably inscribe and execute its written approval on the face of the plat."

### COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: N/A

### RECOMMENDED ACTION: MOTION to authorize the Mayor to approve Resolution 19-461 which would approve the Curran Estates Final Plat, File No. 18-1146, subject to the applicant’s performance under the Performance Bond dated May 30, 2019.

### ALTERNATIVES TO RECOMMENDED ACTION:
1) Forward to next Regular Meeting for further review and discussion
2) Take no action
RESOLUTION NO. 19-0461

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, APPROVING THE CURRAN ESTATES FINAL PLAT, LOCATED AT 412 114TH AVENUE EAST, EDGEWOOD, WASHINGTON.

WHEREAS, in June of 2015, an application was submitted to the City for a preliminary plat to divide 4.96 acres into nine (9) single-family lots. The site is zoned Single-Family Two (SF-2), located at 412 114th Avenue East, Edgewood, Washington; and

WHEREAS, the City issued a Mitigated Determination of Nonsignificance (MDNS) on October 29, 2015 with 31 mitigating conditions and there were no appeals to the MDNS; and

WHEREAS, on December 3, 2015, the Hearing Examiner held a hearing on the preliminary plat, and on December 30, 2015, the Hearing Examiner granted preliminary plat approval, subject to fifty-two (52) conditions; and

WHEREAS, the site development permit for the subdivision infrastructure was submitted to the City on March 15, 2016 filed as permit number 4938—Curran Estates; this permit was approved on September 26, 2016 and issued to the applicant on September 28, 2016; and

WHEREAS, on April 27, 2018, an application was submitted to the City for final plat approval, this application was deemed incomplete by the City on May 24, 2018, it was subsequently deemed incomplete again on November 13, 2018, and January 4, 2019; the application was deemed Complete on February 6, 2019, and

WHEREAS, on February 6, 2019, the City requested submittal of documents demonstrating compliance with conditions imposed on the project by the hearing examiner and demonstration of project completion though acquisition of an Engineering Certification for the completed work; and

WHEREAS, the City requested revisions and clarifications on the covenants, conditions and restrictions (CC&R) documents on May 6, 2019 and clarifications on the final plat document on May 17, 2019.

WHEREAS, the City of Edgewood issued the City Engineer’s Certificate of Improvements Project 4938—Curran Estates on May 28, 2019 documenting the completion of the required improvements through construction and minor bonding subject to conditions; and

WHEREAS, revised CC&RS were submitted on May 14, 2019 and staff issued revised comments to the applicant on May 29, 2019, which were addressed by the applicant the same day; and
WHEREAS, on May 31, 2019, revised materials including an updated final plat map, attached as Exhibit A, attached hereto and incorporated herein by this reference as set forth in full, were provided to the City for review and circulated for final approval; and

WHEREAS, the performance bond for remaining landscape features associated with the Curran Estates Subdivision were submitted to the City on June 3, 2019.

WHEREAS, the final plat application has been reviewed by relevant City departments in a staff report dated June 6, 2019 and attached as Exhibit B; and

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

Section 1. Findings. The Edgewood City Council makes the following findings with regard to the Curran Estates final plat:

A. In the City Staff Report dated June 6, 2019, and attached to this Resolution as Exhibit B, the City of Edgewood staff including the City Engineer have determined that the conditions of the preliminary plat and SEPA mitigations have been complied with as discussed therein.

B. The Curran Estates Subdivision, has posted performance bonding for remaining park improvements including park benches and picnic tables. The bond for improvements is not released by this approval and which the applicant is required to complete within six months (November of 2019) unless an extension is granted by the City.

C. The final plat as conditioned and with the performance posted for the Curran Estates Subdivision Final Plat, satisfies all applicable state and local requirements for final plat approval, including without limitation all applicable requirements set forth in Chapter 16.04 EMC and Chapter 58.17 RCW.

D. The Curran Estates Final Plat, as conditioned, is in conformity with all applicable zoning ordinances and land use controls.

E. The Curran Estates Final Plat, as conditioned, is supported by all applicable staff and agency approvals, attestations, certifications, and/or recommendations as required by state and local regulations.

F. The Curran Estates Final Plat complies with the conditions of the Hearing Examiner’s decision.

G. The Curran Estates Final Plat has been processed and reviewed in compliance with all applicable state and local procedural requirements.

Section 2. Final Plat Approval. Based upon the above findings, the City Council of Edgewood hereby adopts the Staff Report dated June 6, 2019 by reference attached as Exhibit B, and APPROVES the final plat of the Curran Estates Subdivision subject to completion of the bonded landscaping as identified above, and authorizes and directs staff and the Mayor to inscribe
and execute the Council’s written approval on the face of the plat. The original of the plat shall be filed for record by the City at the applicant’s cost with the Pierce County Auditor’s office.

Section 3. Severability. If any section, sentence, clause or phrase of this resolution 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 resolution.

Section 4. Effective Date. This resolution will take effect immediately upon passage by the City Council.

PASSED THIS 11TH DAY OF JUNE, 2019

Daryl Eidinger, Mayor

ATTEST:

Rachel Pitzel, City Clerk

APPROVED AS TO FORM:

Carol A. Morris, City Attorney
Exhibit A

The Curran Estates Final Plat
LEGAL DESCRIPTION

AS PER TITRIC TITLE INSURANCE COMPANY GUARANTEE NO. 100542 DATED MAY 14, 1940.

THE NORTH EIGHTH PART OF THE SOUTH EIGHTH QUARTER OF THE SOUTH EIGHTH QUARTER OF THE NORTH EIGHTH QUARTER OF SECTION 1, TOWNSHIP 24 N., RANGE 4 E., EDGEWOOD, PIERCE COUNTY, WASHINGTON.

EXCEPT THE EAST 100 FEET FOR FUTURITE STREET N.W. (1141) AND EAST.

TAX PARCEL NO. 044050318

DEDICATION

WE, THE UNDERSIGNED, AS A TESTAMENT TO THE PROPERTIES OWNED IN THE NAME OF THE LAND,

OWNED ON THE PLAT AND THAT THIS FULL DESCRIPTIVE HAS BEEN MADE WITH THE FREE

CONSENT AND IN ACCORDANCE WITH OUR DATA.

WE, THE UNDERSIGNED OWNERS OF THE UNDERSIGNED PROPERTY, MENTION THEIR LOT TO THE

PURCHASEMEN THEREIN ALL PURCHASES ARE MADE AND NOT CONVEYED TO THE PUBLIC.

Said LOT PARSLEY HOUSE AT ANY TIME FOR INCOME, REERVE, AND SELLS OR PURCHASES, AND ANY OTHER

ACQUIRING INTERESTS IN THE NAME OF THE LAND, OWNED BY THE UNDERSIGNED.

Furthermore, WE, THE UNDERSIGNED OWNERS OF THE UNDERSIGNED PROPERTY, MENTION THEIR LOT TO THE

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CURRAN ESTATES
A PORTION OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 3, TOWNSHIP 20 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, CITY OF EDGWOOD, PIERCE COUNTY, WASHINGTON

NOTES

1. THE ARTICLES OF INCORPORATION FOR THE CURRAN ESTATES HOMEOWNERS ASSOCIATION IS ON FILE WITH THE STATE OF WASHINGTON IN OLYMPIA.

TRACT NOTES

1. TRACT "A" IS A PRIVATE ROAD AND URBAN TRACT. ALL LOT OWNERS HAVE AN EQUAL AND UNDIFFERENTIATED INTEREST IN TRACT "A". THE CURRAN ESTATES HOMEOWNERS ASSOCIATION IS GRANTED AN EASEMENT FOR THE MAINTENANCE OF TRACT "A". THE CITY OF EDGWOOD IS HEREBY GRANTED A PERMANENT, NON-EXCLUSIVE EASEMENT AND RIGHT OF ACCESS TO, OVER, AND THROUGH TRACT "A".

2. TRACT "B" IS A PRIVATE ROAD AND URBAN TRACT. ALL LOT OWNERS HAVE AN EQUAL AND UNDIFFERENTIATED INTEREST IN TRACT "B". THE CURRAN ESTATES HOMEOWNERS ASSOCIATION IS GRANTED AN EASEMENT FOR THE MAINTENANCE OF TRACT "B".

3. TRACT "C" IS A PRIVATE ROAD AND URBAN TRACT. ALL LOT OWNERS HAVE AN EQUAL AND UNDIFFERENTIATED INTEREST IN TRACTS "C", "D", AND "E". THE CURRAN ESTATES HOMEOWNERS ASSOCIATION IS GRANTED AN EASEMENT FOR THE MAINTENANCE OF TRACTS "C", "D", AND "E".

4. TRACT "D" IS A PRIVATE ROAD AND URBAN TRACT. ALL LOT OWNERS HAVE AN EQUAL AND UNDIFFERENTIATED INTEREST IN TRACT "D". THE CURRAN ESTATES HOMEOWNERS ASSOCIATION IS GRANTED AN EASEMENT FOR THE MAINTENANCE OF TRACT "D".

GUARANTEE NO. 70057693 DATED MAY 14, 2019 TICOR TITLE COMPANY SPECIAL EXCEPTIONS

1. NOT A SURVEY MATTER

2. A DEDICATION OF THE SECURITY AGREEMENT AND AGREEMENT OF HEIRS AND LEASES TO SECURE AN EASEMENT IN THE AMOUNT SHOWN BELOW.

AMOUNT: $10,000.00


AN AGREEMENT TO MAINTAIN THE TERMS AND PROVISIONS OF PAID DEED OF TRUST OF A MORTGAGE SECURED BY A DEED OF TRUST TO BE PRESENTED BY SAGER FAMILY HOMES, INC. TO THE TRUSTEE/GRANTOR SAGER FAMILY HOMES, INC. TRUSTEE/TITLE COMPANY HOMER, A SINGLE MAN RECORDER.

RECORDING NO.: 20064101800

3. A CONSTRUCTION EASEMENT OF THE SECURITY AGREEMENT AND AGREEMENT OF HEIRS TO SECURE AN EASEMENT IN THE AMOUNT SHOWN BELOW.

AMOUNT: $100,000.00

DATED: OCTOBER 10, 2016 TRUSTEE/GRANTOR SAGER FAMILY HOMES, INC. TRUSTEE/TITLE COMPANY HOMER, A SINGLE MAN RECORDING DATE: OCTOBER 1, 2016 RECORDING NO.: 200640004221

4. A DEDICATION OF TRUSTEE TO SECURE AN EASEMENT IN THE AMOUNT SHOWN BELOW.

AMOUNT: $100,000.00

DATED: OCTOBER 10, 2016 TRUSTEE/GRANTOR SAGER FAMILY HOMES, INC. TRUSTEE/ TITLE COMPANY HOMER, A SINGLE MAN RECORDING DATE: OCTOBER 1, 2016 RECORDING NO.: 200640004221

5. ALL RIGHTS, INTERESTS, OR CLAIMS WHICH MAY EXIST OR ARISE BY REASON OF THE FOLLOWING MATTERS EXCLUDED FROM CONVEYANCE:

RECORDING NO.: 200640004221

6. TRACTS ARE TO BE EXCLUSIVE OF THE PROJECT AND SHALL BE RESPONSIBILITY OF THE OWNER AND/OR SUCCESSES TO MAINTAIN THE PRIVATE SOUND AND SEWER FACILITIES AS DETERMINED BY THE OWNER AND/OR SUCCESSES.

RECORDING NO.: 200640004221

7. EASEMENTS ARE HEREBY GRANTED FOR INSTALLATION, INSPECTION, AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES AS DETERMINED IN THE PLAT OF CURRAN ESTATES NO EASEMENTS WILL BE PLACED WITHIN THE INTERSECTIONS SHOWN IN THE PLAT WHICH MAY DAMAGE OR INTERFERE WITH THE INSTALLATION, INSPECTION, AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS AS SO DESCRIBED IN THE DOCUMENT.

RECORDING NO.: 200640004221

8. NO BUILDING SHALL BE CONSTRUCTED WITHIN 6 FEET OF A POWER TRANSFORMER.

RECORDING NO.: 200640004221

9. THE PROPERTY IS INCLUDED IN THE LEGAL DESCRIPTION WHICH CONTAINS A PRIVET SHAPE, DRAINAGES, AND OTHER PROPERTIES AS SHOWN ON THE FOLLOWING:

RECORDING NO.: 200640004221

10. THE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE ONGOING MAINTENANCE OF ALL PRIVATE ROADS AND PRIVATE ROADS AND ROCKY HOODS INCONSIDENT WITH THE USE OF A PRIVATE ROAD AND UTILITIES EASEMENT.

RECORDING NO.: 200640004221

CONDITIONS AND APPROVALS

1. ECONOMIC VEHICLE ACCESS REQUIREMENTS SHALL BE MET IN ACCORDANCE WITH EEC. 10.5.5. FIRE PLUGS AND FIRE PROTECTION REQUIREMENTS SHALL BE DETERMINED AT THE TIME OF APPLICATION FOR A BUILDING PERMIT.

2. PRIOR TO ANY GRAADING, FILLING OR CREATION OF IMPERVIOUS SURFACES, THE OWNER/DEVELOPER MUST COMPLY WITH EEC. CHAPTER 13, AND ADOPT SITE DEVELOPMENT REGULATIONS OR MOST CURRENT VERSION(S) EACH LOT OWNER AND THEIR SUCCESSES SHALL BE RESPONSIBLE FOR CONTROLLING THE PRIVATE ROADS AND ROCKY HOODS PRIVATE ROAD AND ROCKY HOODS AT ALL TIMES FOR THE PURPOSES DESIGNED AND NO LIMITS ON LINES OR FOR THE TRANSMISSION OF ELECTRIC CURRENT OR FOR TELEPHONE USE OR FOR OTHER PURPOSES, SHALL BE PLACED UPON ANY LOT UNLESS THE SAME SHALL BE UNDERGOING OR IN CONSTRUCTION CONNECTED TO A BUILDING.

EASEMENT PROVISIONS

1. AN EASEMENT IS HEREBY RESERVED FOR AND CONVEYED TO Puget Sound ENGINEERING COMPANY, CITY OF EDGWOOD, AND WILSON WATERSHED TREATMENT PLANTS, INC.; GAIL, STEINBERG, INC.; AND WILSON WATERSHED TREATMENT PLANTS, INC.; WHICH IS TO BE USED FOR THE PURPOSE OF PROVIDING UTILITY SERVICE AND OTHER UTILITY AND THEIR RESPECTIVE SUCCESSES AND ASSIGNORS, UNLESS WITHDRAWN BY THE EXTENT OF PAID OF ALL LOTS AND TRACTS AND VIOLATIONS WITH THE PLAT LAYING PARALLEL, WITH AND ADJOINING EXISTING OR PROPOSED ACCESS ROUTE, ROAD AND TRACTS AS A CONTRACT, ROAD, TRACTS AND VIOLATIONS IN WHICH TO INSTALL, LAY, CONSTRUCT, ERUPT, OR MAINTAIN HOUSEHOLDS FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSES OF SERVING THE PROJECT SITE, PRIVATE ROAD AND ROCKY HOODS, together with the RIGHT TO ENTER ON THE LOT, 300FT. SQUARES, AND TRACTS AT ALL TIMES FOR THE PURPOSES DESIGNATED. NO LIMITS OR LINES FOR THE TRANSMISSION OF ELECTRIC CURRENT OR FOR TELEPHONE USE OR FOR OTHER PURPOSES, SHALL BE PLACED UPON ANY LOT UNLESS THE SAME SHALL BE UNDERGOING OR IN CONSTRUCTION ATTACHED TO A BUILDING.

SURVEYOR’S NOTES

1. PRIMARY SURVEY CONTROL POINTS AND ACCESSIBLE MONUMENT POINTS WERE FIELD MEASURED UTILIZING LEICA GS-12 GPS EQUIPMENT. MONUMENT POINTS THAT WERE NOT DIRECTLY OBSERVED UTILIZING GPS SURVEY TECHNIQUES WERE TIED INTO THE CONTROL NETWORK (AS WELL AS THE LOCATION OF SITE FEATURES) UTILIZING TRUE DIGITAL ELECTRONIC TOTAL STATION FOR THE MEASUREMENT OF BOTH ANGLES AND DISTANCES.

2. THIS SURVEY MEETS OR EXCEEDS ACCURACY REQUIREMENTS CONTAINED IN N.A.C. 302.030.000.
To: Edgewood City Council  
From: Kristin Moerler, Senior Planner  
Date: June 6, 2019  
Subject: Final Plat Approval for Curran Estates Subdivision

**Staff Report and Recommendation**  
**Curran Estates Subdivision Final Plat Approval**

**NAME OF SUBDIVISION:** Curran Estates Subdivision  
**NUMBER OF LOTS:** Nine (9) single family residential lots  
**CITY FILE NUMBER:** 18-1146  
**CITY FILE NUMBER AND NAME FOR PRELIMINARY PLAT APPROVAL:** 4938 Curran Estates Subdivision  
**City File Number and Name for Site Development Permit Approval:** 4938 Curran Estates Subdivision  
**LOCATION:** 412 114th Avenue East, Edgewood, WA  
**TAX PARCELS:** 0420031018  
**APPLICANT:** Sager Family Homes INC  
**PROPERTY OWNER:** Sager Family Homes INC  
**LEGAL DESCRIPTION:** The north half of the northeast quarter of the southwest quarter of the northeast quarter of Section 3, Township 20 North, Range 4 East of the W.M. in Pierce County, Washington; Except the east 30 feet for 13th street N.W. (114th Avenue E).  
**ZONING:** Single Family 2 (SF-2)
**COMPREHENSIVE PLAN DESIGNATION:** Single Family Low

**CRITICAL AREAS:** No critical areas were identified on the property.

**SEPA:** The City of Edgewood issued a Mitigated Determination of Nonsignificance (MDNS) on October 29, 2015 and there were no appeals to the MDNS.

**PRELIMINARY PLAT APPROVAL:** The City of Edgewood Hearing Examiner granted preliminary approval subject to fifty-two (52) conditions on December 30, 2015. The analysis within this staff report includes responses to all conditions placed on the project.

**FINAL PLAT APPLICATION:** Application was received on April 27, 2018. City issued a Notice of Incomplete application on May 24, 2018; and the applicant submitted additional materials on November 6, 2018. City issued another Notice of Incomplete application on November 13, 2018. Applicant submitted additional materials on December 21, 2018. City issued another Notice of Incomplete application on January 4, 2019. Applicant submitted additional materials on January 28, 2019.

The Application was determined complete on February 6, 2019 and a request for information was also issued requesting clarification as to current construction and system status was also sent on that date. Materials were received from the applicant on March 8 and March 19, 2019. Staff maintained the stopped review clock directing the applicant to complete the work in the field needed to obtain an Engineering Certification for the subdivision improvements on March 28, 2019. While the review clock was stopped, the City requested revisions and clarifications on the covenants, conditions and restrictions (CC&R) documents on May 6, 2019. The City requested revisions and clarifications on the final plat document on May 17, 2019. The Engineering Certification for the Subdivision was issued by the City Engineer on May 28, 2019. Revised CC&R’s were accepted by the City on May 31, 2019. Revised final plat documents were submitted for review May 31, 2019 and accepted by the City as to form on June 3, 2019.

**ATTACHMENTS:**
1. The City of Edgewood Engineer’s Certificate of Completion dated May 28, 2019
2. Resolution No. 19-xxxx
3. Final Plat Map attached as Exhibit A to Resolution No. 19-xxxx

**I. APPROVAL PROCESS**
The final plat is reviewed by staff for conformance with preliminary plat approval conditions and all applicable laws and regulations. In this report, City staff is submitting written findings and a recommendation to the City Council for final plat approval.
Pursuant to EMC Section 16.04.160 and RCW 58.17.170(1), "when the legislative body of
the city . . . finds that the subdivision proposed for final plat approval conforms to all
terms of the preliminary plat approval and that said subdivision meets the requirements
of chapter 58.17 RCW, other applicable state laws and any local ordinances adopted
under this chapter which were in effect at the time of preliminary plat approval, it shall
suitably inscribe and execute its written approval on the face of the plat."

II. PROJECT ANALYSIS
The proposed subdivision is determined by staff to meet the criteria established in the
Edgewood zoning and subdivision ordinances, the City of Edgewood Comprehensive Plan
and to be generally consistent with the requirements and conditions of the preliminary
plat approval. The legal requirements as well as the hearing examiner’s conditions are set
forth below, together with staff’s recommended findings on each.

A. Conformance with the City of Edgewood Zoning Ordinance (EMC Title 18)
The zoning designation of the property is Single Family (2) two. The preliminary plat
approval details the project’s compliance with the zoning designation applicable to the
site at the time of preliminary plat application. The project includes nine single family
residential lots, which are vacant at the time of final plat. All lots generally have a
rectangular shape and sufficient building area to accommodate a reasonably sized, single-
family residential home. The building permit process will include review of zoning
provisions applicable to the individual lot development and assure compliance. The
proposed final plat satisfies all lot size regulations of the SF-2 zone.

B. Conformance with the City of Edgewood Subdivision Ordinance (EMC Title 16) and
Issuance of the Hearing Examiner’s conditions of approval.
The applicant submitted a final plat application in conformance with 16.04.100-
16.04.180. Staff finds the proposed subdivision conforms to EMC Title 16.

C. Conformance with the Comprehensive Plan
The Comprehensive Plan designation of the property is Single Family Low. Allowed uses
in the Single-Family Low designation includes single family detached dwelling units and
compatible uses. The maximum number of allowable dwelling units in the Single-Family
Moderate is two dwelling units per acre. Staff finds the proposed subdivision is in
conformance with the Comprehensive Plan.

D. Conformance with the City of Edgewood Engineering Requirements
The City’s Public Works staff and City Engineer have reviewed the civil design,
construction drawings and final plat application with the purpose to promote the public
health, safety, and welfare in accordance with the standards established by the state
and the City to provide and promote safe, convenient vehicle access on public and
private streets, to facilitate the adequate provision of public water and sewer service and for the proper handling of stormwater.

The City Engineer issued a City Engineer’s Certificate of Improvements for Curran Estates file #4938 for site development improvements in accordance with Chapter 16.04 EMC on May 28, 2019. The letter authorizes bonding for remaining community park improvements that has not yet been installed at the site. Bonds were submitted for the remaining community park features on June 3, 2019 and require completion not later than November 1, 2019. The referenced street sign to be installed was documented as installed on May 29, 2019.

B. Conformance with Hearing Examiner’s conditions of approval
The following conditions have been imposed on the project through the MDNS and Hearing Examiner approval. Staff responses to the conditions of approval are listed in italicized text after the condition.

HEX 1. The preliminary full subdivision shall be finalized and recorded within seven (7) years of the preliminary approval in accordance with 58.17.140 RCW.

Preliminary Plat approval was granted on December 30, 2015, the final plat application became complete on February 6, 2019, and is scheduled for final review and approval within the 7 year horizon of the permit approval.

HEX 2. The Mitigated Determination of Nonsignificance was issued October 29, 2015. The conditions are hereby incorporated fully and shall be incorporated into the design of the plat and considered as conditions of the final plat approval. Changes to mitigating measures set forth in the Mitigated Determination of Nonsignificance shall be accomplished solely through the SEPA process.

Thirty one (31) unique mitigating conditions were imposed as SEPA mitigation. Numbering in the MDNS utilized numbers 2, 4 and 5 twice, the numbering in this document reflects sequential re-numbering of the conditions so that all 31 are reflected. Further some conditions were duplicated in the plat conditions imposed by the Hearing Examiner (HEX), where this occurs a cross reference is provided in response to the MDNS condition directing the reader to the HEX condition, where a detailed response is provided.

MDNS 1. Prior to and during site development, compliance with EMC Chapter 13.05 (Surface Water) is required. A Temporary Erosion and Sedimentation Control plan (TESC) is required to be submitted to address temporary erosion and control measures during construction. The TESC must be submitted prior to site development and be approved by the City Engineer and implemented during site development and future home
construction. A Certified Erosion and Sediment Control Lead (CESCL) shall be present throughout the construction of site development improvements and shall provide regular reports to the City of Edgewood.

See response to HEX #25 which is substantially similar.

MDNS 2. The applicant shall provide adequate site control measures for erosion control for the proposed movement of up to 13,600 cubic yards of material in the TESC.

The Erosion Control (TESC) plan was reviewed for adequacy and approved under File Number 4938.

MDNS 3. The applicant’s geotechnical engineer shall review the final site development and grading plans and submit a letter to the City stating that the site development and grading plans are in accordance with their recommendations.

Inspection reports and test results provided by the project Geotechnical Engineer were received and filed under File Number 4938.

MDNS 4. During construction, all releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials must be contained and removed in a manner that will prevent their discharge to waters and soil of the state. The clean-up of spills shall take precedence over other work on the site.

This condition addresses potential spills and discharges which can contaminate soils or water to facilitate the ability of staff to shut down a site if such issues are not being immediately addressed to protect the environment. Staff has monitored the construction activity under File Number 4938, is not aware of any violations of these provisions during the construction of this project.

MDNS 5. Dust control measures shall be performed when site conditions require such measures during site development and apartment home construction. Dust control plans shall be included in the SWPPP.

The SWPPP provided dust control measures and procedures as required by this condition. Staff monitored the site construction activity under File Number 4938 for conformance with this requirement. Appropriate dust control methods were employed during periods of dry weather as required.
MDNS 6. Provisions (tire washings of vehicles or approved alternatives (e.g. quarry spalls) shall be made to minimize the tracking of sediment by construction vehicles onto paved public roads during site development and apartment home construction. If sediment is deposited, it shall be cleaned every day by shoveling or sweeping. Water cleaning shall only be done after the area has been shoveled out or swept.

The SWPPP and TESC Plan provided under File Number 4938 included appropriate provisions for minimizing sediment track-out during construction. Staff monitored the site construction activity under File Number 4938 for conformance with this requirement, and appropriate actions were taken as necessary.

MDNS 7. The applicant shall acquire a National Pollution Discharge Elimination System (NPDES) permit and provide a copy of the permit to the City of Edgewood at the time of site development application submittal.

See response under HEX #27 which is substantially the same requirement and language.

MDNS 8. All construction activity during site development shall be limited by the hours of operation from 8 a.m. to 5 p.m., Monday through Friday. Special provisions to work beyond the established hours may be permitted through written request to the Assistant City Administrator of Municipal Services or Designee a minimum of two days prior to the special hours or days requested.

The project was monitored by City Staff and work hours were adhered to.

MDNS 9. Engineered stormwater drainage facilities are required. The applicant shall provide a Stormwater Site Plan in accordance with EMC Chapter 13.05 and the adopted 2005 DOE Stormwater Management Manual for Western Washington (SWMMWW) at the time of site development. The plan shall include a Stormwater Pollution Prevention Plan addressing Minimum Requirement Two for all proposed development. The applicant shall provide engineering plans for City approval for all required surface water facilities prior to site development approval.

See response under HEX #22 and 23 which are substantially the same requirements.
MDNS 10. The applicant’s geotechnical engineer shall verify that the expected soil conditions and associated discharge rate at the outflow from the detention pipe into the off-site stormwater conveyance system along 114th Ave E. meets the requirements of the SWMMWW, Minimum Requirement #7: Flow Control. If conditions are found to be otherwise, the applicant’s geotechnical engineer shall provide a revised design discharge rate and the bioswales shall be resized accordingly. Any revisions shall be provided to the City of Edgewood and approved prior to final site development approval.

*Inspection reports and test results provided by the project Geotechnical Engineer were received and filed under File Number 4938. Conditions were found to be equal to or better than those anticipated in design, requiring no revisions to the plat.*

MDNS 11. The applicant shall be responsible for designing a stormwater drainage facility that captures all surface water inundating neighboring properties from project site.

*Said facility was designed by the applicant, reviewed and approved for construction under Site Development Permit #4938, and the design makes every consideration to accomplish this.*

MDNS 12. The applicant shall provide right of entry for all stormwater facilities by the City of Edgewood prior to final site development approval.

*See response under HEX #27 which is identical.*

MDNS 13. The applicant shall construct street improvements associated with the new private roadway proposed with this project, prior to final short plat submittal. Improvements shall be in compliance with EMC 12.05, Streets, Sidewalks and Public Places that adopts by reference Pierce County Code Title 12. The specific cross section shall be in accordance with the “Manual on Design Guidelines and Specifications for Road and Bridge Construction in Pierce County,” and Pierce County Standard Drawing PC.A3.2 and as described therein. The cul-de-sac shall include, at minimum, a 20-foot drive lane, a 1.5-foot curb and gutter section on both sides of the road, a stormwater management system per EMC 13.05, a 4-foot landscaping strip, a 5-foot concrete sidewalk. The cul-de-sac is required to have a minimum driven surface of 96-foot diameter (48-foot radius) per the International Fire Code (IFC). The street shall also have vehicle level street lighting per PCC Section 17B.30.040(B)(2). The
improvement plan must be submitted to the City of Edgewood and be approved prior to site development.

*See response under HEX #15 which is identical.*

**MDNS 14.** The new roadway intersection and vehicle and pedestrian connections to the proposed private road from 114th Ave E shall be constructed in accordance with EMC Title 12: Streets, Sidewalks, and Public Places which adopts by Pierce County Code Title 17B, including Section 178.10.060, the “Manual on Design Guidelines and Specifications for Road and Bridge Construction in Pierce County.” Details on the roadway intersection improvements may be found in Chapter 5: Access and Intersections. Intersection design requires City of Edgewood approval.

*See response under HEX #16 which is substantially similar.*

**MDNS 15.** Street lighting shall be required at intersections within the improvement areas at 114th and at the end of turnarounds in accordance with EMC Title 12 and pursuant to PCC Section 17B.20.005, Table 17B.20.005-2, as incorporated in EMC Title 12. Installation and ongoing maintenance of private road street lighting provided by this project shall be the responsibility of the developer and future homeowners association. Street lighting design requires City of Edgewood approval.

*See response under HEX #17 which is substantially similar.*

**MDNS 16.** The gated entrance shall incorporate a turnaround and “Opticom” type receiver for fire/police access in an emergency. The turnaround and gate shall be designed in accordance with the “Manual on Design Guidelines and Specifications for Road and Bridge Construction in Pierce County” Appendix A: Vehicular Access Gate. The gated entrance and turnaround design shall be submitted to the City of Edgewood and be approved prior to site development.

*See response under HEX #18 which is identical.*

**MDNS 17.** The applicant shall install pedestrian facilities that meet or exceed ADA requirements at the time of site development in regard to access and lighting throughout the project site.

*See response under HEX #20 which is substantially similar.*
MDNS 18. The applicant shall provide all roadway signs in accordance with Manual on Uniform Traffic Control Devices (MUTCD) standards prior to final site development approval.

See response under HEX #19 which is identical.

MDNS 19. The design and construction of the new roadways and pedestrian improvements shall be designed to meet or exceed Americans with Disabilities Act (ADA) requirements in design of sidewalk transitions and curb cuts, street crossings, and lighting.

See response under HEX #20 which is identical.

MDNS 20. The applicant shall submit and receive approval of a landscape plan in accordance with EMC 18.90.090 prior to submission of the site development plans for review for the project site. The landscape plans shall include provisions for the streetscape, storm/landscaping tract, and park/septic area. Common space and storm tract landscaping shall be required at the time of site development unless otherwise approved by the Assistant City Administrator of Municipal Services.

See response under HEX #30 which is substantially similar.

MDNS 21. The applicant shall provide a copy of the landscape and streetscape maintenance plan prior to permit issuance of the first building permit to address all common spaces and shall specifically include provisions regarding stormwater maintenance referencing the Operation and Maintenance (O&M) Manual prepared by the Engineer of Record, landscaping, roadway, park/septic area, and storm tract.

See response under HEX #31 which is identical.

MDNS 22. Streetscape landscaping is required throughout the proposed subdivision which includes irrigation. Management and maintenance of the streetscape landscaping shall be the responsibility of the HOA.

See response under HEX #32 which is identical.

MDNS 23. Storm tract, Park, and drainfield area landscaping is required in accordance with EMC 18.90.090. Maintenance of all landscaping shall be the responsibility of and managed by the HOA.

See response under HEX #29 which is identical.
MDNS 24. A Homeowners’ Association (HOA) shall be created to address all private improvements within the proposed plat including storm tract stormwater facilities, community on-site septic system, private street, curbs, and gutters, street lighting, landscaping, irrigation, and private roadway gate and “Opticom” type receiver for fire/police access. Associated Covenants, Conditions and Restrictions (CCRs) shall be submitted at the time of final plat for review and approval. Once approved by the City, the CCRs shall be recorded separately at the time of final plat recording and the recording number shall be hand-written on the face of the final plat and the final plat number hand-written on the cover sheet of the CCRs as cross-reference.

*See response under HEX #3 which is substantially similar.*

MDNS 25. The applicant shall provide an approved preliminary subdivision application from the Tacoma-Pierce County Health Department at the time of application for the community drainfield system.

*See response under HEX #33 which is identical.*

MDNS 26. The applicant shall comply with the requirements of City of Milton Water Company as outlined above and provide written approval of system installation prior to final plat.

*See responses under HEX #35-39 which reflect the City of Milton requirements for this project.*

MDNS 27. The applicant shall comply with the requirements of East Pierce Fire and Rescue as outlined within “Findings of Fact” above.

*See responses under HEX #40-48 which reflect the requirement of East Pierce Fire and Rescue for this project.*

MDNS 28. The applicant shall pay School Impact Fees to the Fife School District at the time of building permit issuance in accordance with EMC 4.10.

*See response under HEX #49 which is substantially similar.*

MDNS 29. The applicant shall pay Park Impact Fees at the time of building permit issuance in accordance with EMC 4.20.

*See response under HEX #50 which is substantially similar.*

MDNS 30. The applicant shall pay Traffic Impact fees at the time of building permit issuance in accordance with EMC 4.30.
See response under HEX #21 which is substantially similar.

MDNS 31. If significant changes are made to the proposal, additional documentation and study will be required to be submitted to the City of Edgewood and supplemental SEPA environmental review will be required.

No such changes were proposed, therefore no additional SEPA review was conducted.

HEX 3. Covenants, conditions, and restrictions (CCRs) shall be established under the provisions set forth in RCW 64.38 to assume responsibility for, and insure proper maintenance of, all common or community facilities. In order to insure proper responsibility and authority to carry out necessary maintenance activities, the Homeowners’ Association shall, at a minimum, include the following provisions:

a) Membership in the Homeowners’ Association will be mandatory for all lot owners.

b) The Homeowners’ Association shall have the power to levy fees and dues necessary to successfully accomplish necessary activities.

c) The Homeowners’ Association shall have the provision for the collection of attorney fees extended in collecting delinquent assessments from lot owners.

d) Responsibility of the Homeowners’ Association for maintenance of common areas shall be specifically detailed.

e) Assessment of the Association dues shall initially be established by the applicant and submitted to the City of Edgewood Department of Community Development for review. The applicant shall provide a description of the organization, including its bylaws, and all documents governing maintenance requirements and use restrictions for common facilities. Such documents shall be reviewed and approved by the City prior to final plat approval.

f) The Homeowners’ Association and CCRs shall be recorded prior to recording the final plat and the Auditor’s File Number shall be noted on the Final Plat with the following note:
“The Homeowners’ Association shall be responsible for ongoing maintenance of all common Tracts within this Subdivision, including all critical area Tracts and developed Tracts for stormwater facilities and street lighting.”

The applicant has submitted CC&Rs for review and approval to the City. Revisions were requested on May 6, 2019 to assure the document clearly reflected each of the obligations of the HOA as specified above. Revised CC&Rs were submitted for review on May 15, 2019 and additional edits were identified by staff on May 29, 2019 and incorporated by the applicant on May 29, 2019.

The final CC&Rs, ready to record, will be provided to staff prior to the Council review and shall be recorded at the time of the final plat to allow cross referencing between the two documents.

Final plat incorporates the required reference language as required.

HEX 4. The applicant shall provide design standards review and receive approval prior to site development application. Design Standards review shall include submittal of landscaping plans in accordance with EMC 18.90.090 to address overall subdivision landscaping.

The City’s permit system was using one permit case number for multiple unconsolidated permit processes during the preliminary plat and site development review phase for this project. No clear documentation in the permit system or file indicates a date for “Design Review”. Landscaping plans meeting the intent of this condition were submitted for review and approval during the review of the site development permit in 2016 as directed by staff to address this condition. The landscaping plans were approved concurrently with the site development permit.

HEX 5. The applicant shall provide landscaping plans for individual small-lot Single-Family Residential Units. Landscaping plans shall be submitted at the time of building permit.

This condition references codes applicable to the future development of the single family residences within the plat.

HEX 6. Pursuant to RCW 58.17.170, the subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of final approval.

This condition is informative in nature, documenting the vesting of the plat which will expire in seven years.
HEX 7. Addresses for individual residential lots shall be obtained from the City after site development approval and shown on the face of the final plat drawings.

Addresses were issued to the applicant for this subdivision by the City on June 8, 2018. The addresses are listed, as issued, on page 2 of the final plat.

HEX 8. Two (2) copies of a plat certificate shall accompany a request for approval of the final plat.

The applicant provided two copies of the required plat title certificate as a part of the final plat application materials.

HEX 9. The final plat drawing shall be prepared in accordance with the requirements in RCW Chapter 58.09, WAC Chapter 332-130, EMC Title 16, and the conditions contained within this approval. Six (6) copies of the final plat drawings shall be submitted for review. After the City is satisfied that all requirements and conditions have been met, a Mylar drawing of the final plat with the appropriate signatures shall be submitted to the City for City Council approval within seven (7) years of the date the preliminary plat approval pursuant to 58.17140 RCW.

The final plat has been prepared in accordance with RCW Chapter 58.09, WAC Chapter 332-130, EMC Title 16, and the conditions contained within this approval. Staff was provided adequate copies of the final plat for the review to occur. Staff authorized the applicant to proceed with preparation of the final plat document and obtaining final signatures on June 3, 2019. Mylar is no longer required for recording due to improved scanning capabilities, the applicant has been informed that mylar or paper is acceptable for recording. As discussed in response to HEX #1, the final plat recording is anticipated to occur well before the 7 year timeline allowed.

HEX 10. The applicant will be responsible for obtaining the following signatures on the Mylar prior to the Mylar being submitted for final review and approval by the City Council:

- Pierce County Assessor-Treasurer
- Owner’s Free Consent
- Tacoma-Pierce County Health Department
- City of Edgewood Public Works
- City of Edgewood Community Development
This condition reflects that it is the applicant’s responsibility to obtain the final review and approval of each of the agencies listed. The applicant has provided documentation of the final acceptance of each agency required for approval and is in the process of obtaining final signatures which are anticipated to be in hand by staff prior to the Council review.

HEX 11. The Mylar shall include approval signature blocks for the following:

- City Engineer
- Planning Director
- Pierce County Assessor-Treasurer
- Pierce County Auditor
- Mayor, representing the City Council

All required signature blocks have been provided.

HEX 12. The Plat shall not be deemed final until it has been duly recorded with the Pierce County Auditor. A copy of the recorded plat shall be submitted to the City prior to issuance of building permits for the construction of residential dwellings within the full subdivision.

The condition reflects the process of recording the final plat which cannot occur until after the council review and approval of the final plat. Staff anticipates recording will occur within days of the council approval as all documents have been approved for final execution and are anticipated to be submitted to staff prior to council review.

HEX 13. Site development is subject to City review and approval. Substantial completion of site development work must be completed prior to final plat approval. A construction bond or financial guarantee at 130 percent of the engineer’s estimate for all Public Works improvements may be accepted prior to completion of all work at the discretion of the Assistant City Administrator of Municipal Services or Designee to obtain final plat approval.

Site Development was reviewed and approved under File Number 4938 prior to permit issuance and construction activity. Completion of site development was achieved upon issuance of the Engineer’s Certificate on May 28, 2019. Bonding was accepted for remaining park improvements on June 3, 2019, to be installed later this year concurrent with the construction of the houses within the subdivision.
HEX 14. The builder shall provide individual grading plans for each lot at the time of building permit submittal.

This condition references codes applicable to the future development of the single family residences within the plat. Limited grading is anticipated as the lots were generally graded as a part of the site development permit.

HEX 15. The applicant shall construct street improvements associated with the new private roadway proposed with this project, prior to final plat submittal. Improvements shall be in compliance with EMC 12.05, Streets, Sidewalks and Public Places that adopts by reference Pierce County Code Title 12. The specific cross section shall be in accordance with the “Manual on Design Guidelines and Specifications for Road and Bridge Construction in Pierce County,” and Pierce County Standard Drawing PC.A3.2 and as described therein. The cul-de-sac shall include, at minimum, a 20-foot drive lane, a 1.5-foot curb and gutter section on both sides of the road, a stormwater management system per EMC 13.05, a 4-foot landscaping strip, a 5-foot concrete sidewalk. The cul-de-sac is required to have a minimum driven surface of 96-foot diameter (48-foot radius) per the International Fire Code (IFC). The street shall also have vehicle level street lighting per PCC 17B.020.005 and Table PCC 17B.020.005-2. The improvement plan must be submitted to the City of Edgewood and be approved prior to site development.

The required private roadway improvements have been designed, reviewed, approved and constructed under File Number 4938. The final plat application was filed April 27, 2018, prior to the issuance of the Engineer’s Certification. An Engineer’s Certificate acknowledging completion of the improvements was issued by the Contract City Engineer on May 28, 2019.

HEX 16. The new roadway intersection and vehicle and pedestrian connections to the proposed private road from 114th Ave E shall be constructed in accordance with EMC Title 12:

Streets, Sidewalks, and Public Places which adopts by Pierce County Code Title 17B, including Section 17B.10.060, the “Manual on Design Guidelines and Specifications for Road and Bridge Construction in Pierce County.” Details on the roadway intersection improvements may be found in Chapter 5: Access and Intersections. Intersection design must be submitted to the City and be approved prior to site development.

The design was approved by the City and constructed under site development application 4938. The construction was certified by the applicants engineer as to
meeting all the standards. The City Engineer also certified the construction on May 28, 2019.

HEX 17. Street lighting shall be required at intersections within the improvement areas at 114th and at the end of turnarounds in accordance with EMC Title 12 and pursuant to PCC Section 17B.20.005, Table 17B.20.005-2, as incorporated in EMC Title 12. Installation and ongoing maintenance of private road street lighting provided by this project shall be the responsibility of the developer and future homeowners’ association. Street lighting design requires City of Edgewood approval prior to site development.

Street lighting was designed, reviewed, approved and constructed under File Number 4938. An Engineer’s Certificate acknowledging completion of improvements was issued by the Contract City Engineer on May 28, 2019. Lighting is operable at this time and addressed in the CC&RS for the plat.

HEX 18. The gated entrance shall incorporate a turnaround and "Opticom" type receiver for fire/police access in an emergency. The turnaround and gate shall be designed in accordance with the "Manual on Design Guidelines and Specifications for Road and Bridge Construction in Pierce County" Appendix A: Vehicular Access Gate. The gated entrance and turnaround design shall be submitted to the City of Edgewood and be approved prior to site development.

This was approved with the site development application. Required features have been installed and approved by the City.

HEX 19. The applicant shall provide all roadway signs in accordance with Manual on Uniform Traffic Control Devices (MUTCD) standards prior to final site development approval.

M.U.T.C.D. standards were followed during design and through construction.

HEX 20. The design and construction of the new roadways and pedestrian improvements shall be designed to meet or exceed Americans with Disabilities Act (ADA) requirements in design of sidewalk transitions and curb cuts, street crossings, and lighting.

The ADA-compliant improvements have been designed, reviewed, approved and constructed under File Number 4938.

HEX 21. EMC Chapter 4.30 establishes a traffic impact fee for new development. The applicant shall pay traffic impact fees at the time of building permit issuance for each residential unit.
The applicant is required to pay Traffic Impact Fees consistent with EMC Chapter 4.30. The amount will be calculated at the time of application and paid at issuance of each building permit unless a deferral is requested until final inspection. The deferral process includes additional fees.

HEX 22. The applicant shall provide a Final Stormwater Management Plan per EMC Chapter 13.05, which adopts the 2005 Department of Ecology (DOE) Surface Water Management Manual for Western Washington (SWMMWW) with local amendments. This plan shall be submitted as part of the Site Development Application and shall require approval prior to construction.

The stormwater management plan was designed, reviewed, approved and implemented under File Number 4938 in conformance with this condition.

HEX 23. Engineered stormwater drainage facilities are required. The applicant shall provide a Stormwater Site Plan in accordance with EMC Chapter 13.05 and the adopted 2005 DOE Stormwater Management Manual for Western Washington (SWMMWW) at the time of site development. The plan shall include a Stormwater Pollution Prevention Plan addressing Minimum Requirement Two for all proposed development. The applicant shall provide engineering plans for City approval for all required surface water facilities prior to site development approval. The applicant and the City shall ensure that copies of the final storm drainage plans are provided to Connie Cook, Donna M. Fairweather, and Gary and Laurie Arndt for review and a two week period in which to provide comment prior to the City’s final approval thereof. The decision to approve or reject the storm drainage plans remains within the sole discretion of the City.

The stormwater management plan was designed, reviewed, approved and implemented under File Number 4938 in conformance with this condition. A SWPPP was part of the approval. Neighbors were contacted and coordinated with through design and construction.

HEX 24. The applicant’s geotechnical engineer shall verify that the expected soil conditions and associated discharge rate at the outflow from the detention pipe into the off-site stormwater conveyance system along 114th Ave E. meets the requirements of the SWMMWW, Minimum Requirement #7: Flow Control. If conditions are found to be otherwise, the applicant’s geotechnical engineer shall provide a revised design discharge rate and the bioswales shall be resized accordingly. Any revisions shall be provided to the City of Edgewood and approved prior to final site development approval.
The geotechnical report was approved with the site development application under 4938. The geotechnical engineer provided a final report and certification at the end of construction.

HEX 25. The existing underground water seeps shall be managed through engineering of the site before release in accordance with EMC 13.05.

The design manages all stormwater that is conveyed to it in accordance with EMC chapter 13.05.

HEX 26. Prior to and during site development, compliance with EMC Chapter 13.05 (Surface Water) is required. A temporary erosion and sedimentation control plan associated with the Stormwater Pollution Prevention Plan (SWPPP) is required to be submitted and approved by the City Engineer prior to site development permit issuance. The plan shall be implemented on the project site prior to and during site development and future home construction.

The Site Development Permit was submitted, reviewed, approved and issued under File Number 4938. This permit demonstrates compliance with EMC 13.05 and contains the required TESC & SWPPP plans. CESCL reports have been provided to the City as required.

HEX 27. The applicant shall acquire a National Pollution Discharge Elimination System (NPDES) permit from the Department of Ecology if more than one acre of the project site is disturbed during the site development process.

The applicant was issued a DOE permit under WAR304342 on August 12, 2016.

HEX 28. The applicant shall provide right of entry for all stormwater facilities by the City of Edgewood prior to final site development approval.

A Surface Water Maintenance Agreement has been prepared and executed following City of Edgewood regulations, providing right of entry for stormwater facility inspection purposes, and said agreement will be recorded concurrently with the approved final plat map.

HEX 29. Storm tract, park, and drainfield area landscaping is required in accordance with EMC 18.90.090. Maintenance of all landscaping shall be the responsibility of and managed by the HOA.

Landscape and Stormwater maintenance provisions have been addressed and referenced as required in the CC&Rs for the project. During construction, the stormwater detention facility design changed from an open pond to a closed tank. As the storm tract facility within the project is located below grade the
The landscape within the storm tract is limited to grasses, consistent with EMC 18.90.090.D.17 and 18.

HEX 30. The applicant shall submit and receive approval of a landscape plan in accordance with EMC 18.90.090 prior to submission of the site development plans for review for the project site. The landscape plans shall include provisions for the streetscape, storm/landscaping tract, and park/septic area. Common space and storm tract landscaping shall be required at the time of site development.

See response to HEX #4 regarding the approval of landscape plans. Plan provides landscaping for areas as required by the condition. The streetscape, stormwater tract and the park/community drainfield tract have been landscaped consistent with the approved plan. As the storm tract facilities within the project are located below grade the landscape within the storm tract is limited to grass, consistent with EMC 18.90.090.D.17 and 18. Bonding is limited to the installation of park benches and picnic tables which will be installed later this year with the construction of the residences within the subdivision.

HEX 31. The applicant shall provide a copy of the landscape and streetscape maintenance plan prior to permit issuance of the first building permit to address all common spaces and shall specifically include provisions regarding stormwater maintenance referencing the Operation and Maintenance (O&M) Manual prepared by the Engineer of Record, landscaping, roadway, park/septic area, and storm tract.

Landscape and Stormwater maintenance provisions have been addressed and referenced as required in the CC&Rs for the project.

HEX 32. Streetscape landscaping is required throughout the proposed subdivision which includes irrigation. Management and maintenance of the streetscape landscaping shall be the responsibility of the HOA.

Landscape Plans have been approved reflecting the required landscaping throughout the plat. CC&Rs for the project and the final plat document the responsibility of the HOA to maintain the streetscape landscaping.

HEX 33. The applicant shall provide an approved preliminary subdivision application from the Tacoma-Pierce County Health Department at the time of application for the community drainfield system.

The applicant has proceeded with the approval and installation of the community drainfield system consistent with the preliminary plat approval. The
applicant has submitted documentation that the community drainfield is complete and the health district has approved the final plat to record.

HEX 34. Prior to plat final approval the applicant shall verify that the community on-site septic system has been installed and approved for operation by the Tacoma-Pierce County Health Department.

The final subdivision septic approval was granted for this project by TPCHD on March 8, 2019 accepting the community drain field and approving the applicant to proceed with final plat. The applicant has submitted the required documentation to the health department, said department has provided documentation that the community drainfield installation is complete and approved, and has therefore approved the final plat to record.

HEX 35. The applicant shall provide water service improvements in accordance with the City of Milton requirements. All work and material shall be in accordance with the most current version of the City of Milton Development Guidelines and Public Works Standards and the Milton Municipal Code.

The applicant applied to and received water system approval from the City of Milton prior to installation of the water system serving the subdivision. The City of Milton issued a water main extension project completion approval letter for this site on January 22, 2019, documenting acceptance of the completed improvements.

HEX 36. City of Milton Water requires that all onsite water systems be looped to and through a proposed development and connect to the existing City system. Off-site improvements to the existing system by the Developer will be required due to the condition, size, age, structural integrity, ability, and capacity of the existing water system and impacts caused by the proposed development. These off-site improvements in addition to “on-site” improvements shall be completed as determined by the City of Milton to mitigate impacts caused by the development, and/or installed to facilitate hydraulic looping during site development and prior to final plat approval.

The applicant applied to and received water system approval from the City of Milton prior to installation of the water system serving the subdivision. The City of Milton issued a water main extension project completion approval letter for this site on January 22, 2019, documenting acceptance of the completed improvements.
HEX 37. Prior to submitting plans to the City of Milton for review, an executed standard City of Milton Developer Agreement, Developer Bond, any Easements, and Bill of Sale shall be acquired.

_The City of Milton issued a water main extension project completion approval letter for this site on January 22, 2019, documenting acceptance of the completed improvements per their requirements._

HEX 38. Connection and system development fees for individual lots will be collected at the time of building permit for each lot by the City of Milton. Proof of payment shall be submitted along with each residential unit within the project area at the time of building permit.

_This condition references codes applicable to the future development of the single family residences within the plat which will be served water by the City of Milton._

HEX 39. All required improvements by the City of Milton Water Company shall be installed prior to approving the final plat. This includes installation of water main extensions and other improvements per the City of Milton’s most current development standards to service the plat. An approval acknowledgement from the City of Milton shall be provided to the City at the time of final plat submittal regarding completion of the water requirements.

_The City of Milton issued a water main extension project completion approval letter for this site on January 2, 2019, documenting acceptance of the completed improvements._

HEX 40. The minimum fire flow requirements for detached one-family residential dwellings having a fire flow calculation area which does not exceed 3,600 square feet shall be 1,000 gallons per minute with a minimum duration of 45 minutes. Fire flow and flow duration for dwellings having a fire flow calculation area in excess of 3,600 square feet shall not be less than specified in the International Fire Code. For residential fire-flow requirements, see EMC Section B105.1 One-family dwellings.

_This condition references codes applicable to the future development of the single family residences within the plat which all new construction must comply with. The future building permits will be reviewed for compliance with this requirement._

HEX 41. Provide proof of water availability prior to the issuance of building permits for the proposed development.
This condition references codes applicable to the future development of the single family residences within the plat which will be served water by the City of Milton.

HEX 42. At the time of a building permit submittal, a fire flow worksheet shall be completed.

This condition references codes applicable to the future development of the single family residences within the plat which all new construction must comply with. The future building permits will be reviewed for compliance with this requirement.

HEX 43. The maximum spacing for fire hydrants serving single-family residences shall be 600 feet. Show the location of all fire hydrants within 600 feet of the proposed short plat in order to determine if additional hydrants will be required. Fire hydrant locations shall be shown on the site development drawings at the time of submittal.

The site development plans were reviewed and accepted by the Fire Marshal as a part of the review for file 4938. Further the Fire Marshal has reviewed the final plat application and site improvements and documented approval of the final subdivision.

HEX 44. Fire apparatus access roads shall be provided to within 150 feet of all portions of the exterior walls of the first story of the proposed residence(s) as measured by an approved route around the exterior of the building and shown on the site development drawings at the time of submittal.

This condition references codes applicable to the future development of the single family residences within the plat which all new construction must comply with. The future building permits will be reviewed for compliance with this requirement.

HEX 45. Where installed, security gates on fire apparatus access roads shall be equipped for automatic operation by use of a Knox key switch and shall be designed and installed in accordance with the East Pierce Fire & Rescue requirements for security gates.

The access gate has been installed and accepted by East Pierce Fire and Rescue. It has been equipped for operation with a Knox Key switch as required.

HEX 46. An automatic fire sprinkler system shall be installed in all townhouses and duplexes regardless of square footage and in all single-family residences that
exceed 5,000 square feet of livable space. A separate permit and plan review submittal is required for the installation of residential fire sprinkler systems.

This condition references codes applicable to the future development of the single family residences within the plat which all new construction must comply with. The future building permits will be reviewed for compliance with these standards. Townhouses and Duplexes are not permitted in this district.

HEX 47. The applicant shall provide a guarantee of Government Agency access to all lots/parcels through a recorded easement or other appropriate legal instrument across the new private access road tract prior to final plat approval.

Government Agency access to all lots across the private access road tract is provided through the dedication on the final plat document.

HEX 48. All lots shall be addressed in accordance with the standard adopted by the City of Edgewood, Planning and Community Development Department prior to final plat approval.

See response to HEX 7 which is substantially similar.

HEX 49. The applicant shall pay School Impact Fees consistent with EMC Chapter 4.10. A copy of the receipt from the School District showing the fees have been paid is required prior to the issuance of building permits.

The applicant is required to pay School Impact Fees consistent with EMC Chapter 4.10. The applicant will be required to provide documentation that this fee has been paid to the school district prior to issuance of building permits or document a deferral approved by the School district.

HEX 50. EMC Chapter 4.20 establishes a park impact fee for new development. A fee will be collected at the time of application for a building permit to construct each new dwelling unit. The amount of the fee will be based on the Park Impact Fee Schedule in place when the building permit application is submitted.

The applicant is required to pay Park Impact Fees consistent with EMC Chapter 4.20. The amount will be calculated at the time of application and paid at issuance of each building permit unless a deferral is requested until final inspection. The deferral process includes additional fees.

HEX 51. The decision set forth herein is based upon representations made and exhibits, including plans and proposals submitted at the hearing conducted by the hearing examiner. Any substantial change(s) or deviation(s) in such plans,
proposals, or conditions of approval imposed shall be subject to the approval of
the hearing examiner and may require further and additional hearings.

Substantial changes were not made to the proposal so no additional hearing
examiner review was required to be conducted.

HEX 52. The authorization granted herein is subject to all applicable federal, state, and
local laws, regulations, and ordinances. Compliance with such laws, regulations,
and ordinances is a condition precedent to the approvals granted and is a
continuing requirement of such approvals. By accepting this/these approvals,
the applicant represents that the development and activities allowed will
comply with such laws, regulations, and ordinances. If, during the term of the
approval granted, the development and activities permitted do not comply with
such laws, regulations, or ordinances, the applicant agrees to promptly bring
such development or activities into compliance.

The City staff is not aware of a violation of this condition.

III. STAFF RECOMMENDATION
Based on the information above and materials provided in the file, the City of Edgewood
staff has determined that the Curran Estates final plat meets the applicable
requirements for final plat approval. The applicant has substantially completed required
improvements for the development as noted above and submitted performance bonds
for the remaining landscape improvements. Therefore, the City staff recommends the
City Council adopt the findings in this report and APPROVE the Curran Estates
Subdivision Final Plat, File Number 18-1146, subject to completion of the bonded
community park improvements. Completion of improvements shall occur on or before
November 1, 2019, unless an extension is granted by the Community Development
Director.
May 28, 2019

Mr. Fred Herber  
Sager Family Homes  
P.O. Box 4448  
Tacoma, Washington 98448  

SUBJECT: CITY ENGINEER’S CERTIFICATE OF IMPROVEMENTS, CURRAN ESTATES (PROJECT 4938) CITY OF EDGECWOOD, PIERCE COUNTY, WASHINGTON G&O #16463.00

Dear Mr. Herber:

This letter is to inform you that pursuant to the City of Edgwood Municipal Code (EMC) Section 16.04.110, the City has determined that Substantial Completion of the required improvements associated with conditions for preliminary subdivision approval and requirements as described within the approved Site Development Plans have been substantially approved by the Public Works and Engineering Department.

A copy of this letter certifying Substantial Completion of site improvements along with accompanying documents as outlined in Section 16.04.140 shall be submitted with the final plat application.

Prior to final plat approval, the additional street name sign must be installed on the stop sign and the City must be in receipt of a Performance Bond for the remaining landscape and irrigation improvements.

Please contact Chuck Hendricksen, P.E., in the Public Works Department at (253) 952-3299 if you have any questions regarding this letter.

Sincerely,

GRAY & OSBORNE, INC.

Tani Stafford, P.E.  
Contract City Engineer

TLS/hh

cc: Mr. Jeremy Metzler, P.E., Public Works Director, City of Edgwood  
Ms. Kristin Moerler, Senior Planner, City of Edgwood  
City File 4938
Reference Map
Curran Estates Location Map with Aerial Image
SUBJECT:
Resolution No. 19-0462 to approve the Nicklaus Estates Final Plat, File # 19-1023.

Agenda Item #: AB19-0462
For Agenda of: June 11, 2019
Prepared by: Kristin Moerler

ATTACHMENTS (list):
☒ Resolution No. 19-0462
☒ Final Plat Drawing (5 pages)
☒ Staff Report
☒ City Engineer’s Certificate dated April 22, 2019
☒ Reference Location Map

Approval of Materials:

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<th></th>
<th>Expenditure Required</th>
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<td>Community Development Director, Darren Groth</td>
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<td>Public Works, Jeremy Metzler</td>
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<td>Police Chief, Micah Lundborg</td>
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Timeline: RCW 58.17.140 requires that a final decision on a final plat must be issued within 30 days or less after submission of the complete application.

Fiscal Note/Consideration:
N/A

SUMMARY STATEMENT:
The Nicklaus Estates subdivision is located at 2119, 2305-2307 94th Av Ct E., Edgewood Washington. This project subdivides 8.41 acres located in the Single-Family Five (SF-5) zoning classification into thirty-six (36) single-family lots, and six privately owned tracts for private roads, utilities, park, stormwater and landscaping purposes serving the subdivision. The new lots are accessed and addressed within the 2000-2300 blocks of 94th Avenue Court East. A State Environmental Policy Act (SEPA) Mitigated Determination of Non-significance (MDNS) was issued on October 18, 2016. The City of Edgewood Hearing Examiner granted preliminary approval subject to eighty (80) conditions on December 15, 2016.

The applicant has five years from the date of their preliminary plat approval to submit a final plat application based on the date of the approval. The Final Plat application was submitted to the City on January 22, 2019. The staff report (Exhibit 3) details the facts relating to the applicant’s compliance with the approvals issued for the project. The project is has been constructed with the exception of bonding for streetscape landscaping on 94th Avenue. Streetscape landscaping will be installed after home construction to protect trees.

The applicant is obtaining signatures on the final plat document and Covenants, Conditions, Easements Restrictions and Reservations document. Staff will confirm final acceptance of these final documents prior to the Council meeting. Staff recommends approval of the final plat having reviewed the detail of the referenced permits and all associated approvals, conditioned upon the submittal of the final documents and bonding.

The process to be followed by the City Council in the review, approval or denial of this application is that of a closed record decision under EMC 18.40.190(H)(8). There is no opportunity for public testimony. The Council must make a
decision based upon the record (the materials in the files, staff report, etc.). The Council may ask questions of the applicant and staff, relating to the existing record.

Pursuant to EMC Section 16.04.160 and RCW 58.17.170(1), "when the legislative body of the city . . . finds that the subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval and that said subdivision meets the requirements of chapter 58.17 RCW, other applicable state laws and any local ordinances adopted under this chapter which were in effect at the time of preliminary plat approval, it shall suitably inscribe and execute its written approval on the face of the plat."

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<tr>
<th>COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: N/A</th>
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**RECOMMENDED ACTION:** MOTION to authorize the Mayor to approve Resolution 19-0462 which would approve the Nicklaus Estates Final Plat, File No. 19-1023, subject to the applicant’s performance under the Performance Bond dated February 19, 2019.

**ALTERNATIVES TO RECOMMENDED ACTION:**
1) Forward to next Regular Meeting for further review and discussion
2) Take no action
RESOLUTION NO. 19-0462

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, APPROVING THE NICKLAUS FINAL PLAT, LOCATED AT 2119, 2305-2307 94TH AV CT E., EDGEWOOD WASHINGTON.

WHEREAS, in April of 2016, an application was submitted to the City for a preliminary plat to divide 8.41 acres into thirty eight (38) single-family lots. The site is zoned Single-Family Five (SF-5), located at 2119, 2305-2307 94th Av Ct E., Edgewood Washington; and

WHEREAS, the City issued a Mitigated Determination of Nonsignificance (MDNS) on October 18, 2016 with 36 mitigating conditions and there were no appeals to the MDNS; and

WHEREAS, on November 29, 2016, the Hearing Examiner held a hearing on the preliminary plat, and on December 15, 2016, the Hearing Examiner granted preliminary plat approval for thirty seven (37) single family lots, subject to eighty (80) conditions; and

WHEREAS, the site development permit for the subdivision infrastructure was submitted to the City on December 13, 2016, filed as permit number 16-5745; this permit was approved on June 5, 2017, and issued to the applicant on July 6, 2017; and

WHEREAS, on January 22, 2019, an application was submitted to the City for final plat approval, this application was deemed Complete on February 19, 2019, and

WHEREAS, the performance bond for remaining landscape features associated with the Nicklaus Estates Subdivision was posted on February 1, 2019.

WHEREAS, the maintenance bond for public road improvements with the Nicklaus Estates Subdivision was posted on May 5, 2019.

WHEREAS, on February 19, 2019, the City requested submittal of documents demonstrating compliance with conditions imposed on the project by the hearing examiner and demonstration of project completion though acquisition of an Engineering Certification for the completed work; and

WHEREAS, the City of Edgewood issued the City Engineer’s Certificate of Improvements Project 16-5745 on April 22, 2019 documenting the completion of the required improvements through construction and minor bonding subject to conditions; and

WHEREAS, the City requested revisions and clarifications on the covenants, conditions and restrictions (CC&R) and final plat document on May 21, 2019; and
WHEREAS, revised CC&RS and Final Plat Mat were submitted on May 31, 2019 and staff issued revised comments to the applicant on June 4, 2019, and

WHEREAS, revised CC&RS and Final Plat Mat were submitted on June 5, 2019 and staff accepted the Final Plat Map and requested additional clarification on the CC&RS on June 5, 2019, and

WHEREAS, revised CC&RS were submitted by the applicant on June 6, 2019 and accepted by staff the same day; and

WHEREAS, on June 5, 2019, a revised and updated final plat map, attached as Exhibit A, attached hereto and incorporated herein by this reference as set forth in full, were provided to the City for review and circulated for final approval; and

WHEREAS, the final plat application has been reviewed by relevant City departments in a staff report dated June 6, 2019 and attached as Exhibit B; and

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

Section 1. Findings. The Edgewood City Council makes the following findings with regard to the Nicklaus Estates final plat:

A. In the City Staff Report dated June 6, 2019, and attached to this Resolution as Exhibit B, the City of Edgewood staff including the City Engineer have determined that the conditions of the preliminary plat and SEPA mitigations have been complied with as discussed therein.

B. The Nicklaus Estates Subdivision, has posted performance bonding for remaining landscape improvements including street trees. The bond for improvements is not released by this approval and which the applicant is required to complete within two years (January 2021) unless an extension is granted by the City.

C. The final plat as conditioned and with the performance posted for the Nicklaus Estates Subdivision Final Plat, satisfies all applicable state and local requirements for final plat approval, including without limitation all applicable requirements set forth in Chapter 16.04 EMC and Chapter 58.17 RCW.

D. The Nicklaus Estates Final Plat, as conditioned, is in conformity with all applicable zoning ordinances and land use controls.

E. The Nicklaus Estates Final Plat, as conditioned, is supported by all applicable staff and agency approvals, attestations, certifications, and/or recommendations as required by state and local regulations.

F. The Nicklaus Estates Final Plat complies with the conditions of the Hearing Examiner’s decision.
G. The Nicklaus Estates Final Plat has been processed and reviewed in compliance with all applicable state and local procedural requirements.

Section 2. Final Plat Approval. Based upon the above findings, the City Council of Edgewood hereby adopts the Staff Report dated June 6, 2019 by reference attached as Exhibit B, and APPROVES the final plat of the Nicklaus Estates Subdivision subject to completion of the bonded landscaping as identified above, and authorizes and directs staff and the Mayor to inscribe and execute the Council’s written approval on the face of the plat. The original of the plat shall be filed for record by the City at the applicant’s cost with the Pierce County Auditor’s office.

Section 3. Severability. If any section, sentence, clause or phrase of this resolution 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 resolution.

Section 4. Effective Date. This resolution will take effect immediately upon passage by the City Council.

PASSED THIS 11TH DAY OF JUNE, 2019

____________________________
Daryl Eidinger, Mayor

ATTEST:

_________________________
Rachel Pitzel, City Clerk

APPROVED AS TO FORM:

_________________________
Carol Morris, City Attorney
Exhibit A

The Nicklaus Final Plat
DEDICATION

WE THE UNDESENEED, ATTACH THAT WE ARE THE UNDESIGNED IN FEEL SIMPLE OF THE LAND REPRESENTED ON THIS PLAT AND THAT THIS FULL SUBDIVISION HAS BEEN MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH OUR DESIRES.

WE THE UNDESENEED OWNERS OF THE REAL ESTATE DESCRIBED Property DEED THESE RIGHTS TO THE PURCHASERS THEREOF ALL RIGHTS TO BE PRIVATE AND ARE NOT ATTACHED TO THE PUBLIC. EACH LOT OWNER SHALL HAVE A RIGHT TO ENJOY, ENJOY, USE AND PLEASURE PURPOSES, AND ANY OTHER PURPOSES NOT INCONSISTENT WITH ITS USE AS A ROADWAY, OVER AND ACROSS ALL THE PRIVATE ROADS SHOWN ON THE PLAT, THE OWNERS RESERVE THE RIGHT TO MAKE ANY NECESSARY CUTS AND FILLS UPON THESE LOTS IN THE ORIGINAL REASONABLE CHANGING OF THESE ROADS, THESE STREETS AND ROADS AND PRIVATE AND WILL NOT BE DEED TO THE CITY OF EDGEWOOD UNTIL SUCH TIME AS THEY ARE CONSTRUCTED TO THE CITY OF EDGEWOOD STANDARDS, AND AT SUCH TIME AS THE CITY OF EDGEWOOD DESIRES TO ACCEPT THEM.

FURTHER UNDER THE UNDESENEED OWNERS OF THE LAND HEREBY SUBDIVIDED WAIVE FOR THEMSELVES, THEIR RESES AND ASSIGNS AND ANY PERSON OR ENTITY DERIVING TITLE FROM THE UNDESENEED, ANY AND ALL CLAIMS FOR DAMAGES AGAINST THE CITY OF EDGEWOOD, ITS SUCCESSORS AND ASSIGNS, WHICH MAY BE OCCASIONED BY THE ESTABLISHMENT, CONSTRUCTION, MAINTENANCE OF ROADS AND/OR DRAINAGE SYSTEMS WITHIN THE SUBDIVISION.

WE CONCLUDE TO THE CITY OF EDGEWOOD WATER COMPANY, ITS OFFICERS, EMPLOYEES, AGENTS, SUCCESSORS, ASSIGN, CONTRACTORS, FOR THE USE OF THE PUBLIC FOREVER, A PERPETUAL EASEMENT WITH A RIGHT OF IMMEDIATE ENTRY AND CONTINUED ACCESS FOR THE CONSTRUCTION, IMPROVEMENT, MAINTENANCE AND REPAIR OF WATER LINES OVER, UNDER AND ACROSS 945 AVENUE COURT EAST (PRIVATE ROAD) AND THE EASEMENTS SHOWN ON THE FACE OF THIS PLAT.

FURTHERMORE, WE THE UNDESENEED OWNERS OF THE INTERESTS IN THE REAL ESTATE DESCRIBED HEREBY DECLARE THIS MAP AND DEED IT TO THE SAME FOR A COMMON INTEREST COMMUNITY NAMED NICKLAUS PLAT, A PLAT COMMUNITY AS THAT TERM IS DEFINED IN THE WASHINGTON UNIFORM COMMON INTEREST OWNERSHIP ACT. SOLELY TO SATISFY THE REQUIREMENTS OF THE WASHINGTON UNIFORM COMMON INTEREST OWNERSHIP ACT AND NOT FOR ANY PUBLIC PURPOSE, THIS MAP AND ANY PORTION THEREOF IS RESTRICTED BY LAW AND THE DECLARATION OF COVENANTS FOR NICKLAUS PLAT RECORDED UNDER PIERCE COUNTY RECORDING No. 1006166.


NICKLAUS DEVELOPMENT LLC
A WASHINGTON LIMITED LIABILITY COMPANY

BY:

GB EDGECOM LLC
A WASHINGTON LIMITED LIABILITY COMPANY

BY:

ACKNOWLEDGEMENTS

STATE OF WASHINGTON
COUNTY OF PIERCE

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT SIGNED THIS INSTRUMENT ON DATE STATED ABOVE, WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THIS INSTRUMENT.

DATED

PRINTED NAME:
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, HEADING AT MY COMMISSION EXPIRES

STATE OF WASHINGTON
COUNTY OF PIERCE

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT SIGNED THIS INSTRUMENT ON DATE STATED ABOVE, WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THIS INSTRUMENT.

DATED

PRINTED NAME:
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, HEADING AT MY COMMISSION EXPIRES

STATE OF WASHINGTON
COUNTY OF PIERCE

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT THOMAS E. HATCH IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT SIGNED THIS INSTRUMENT ON DATE STATED ABOVE, WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THIS INSTRUMENT.

DATED

PRINTED NAME:
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, HEADING AT MY COMMISSION EXPIRES

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT IS BASED ON AN ACTUAL SURVEY DONE BY ME OR UNDER MY DIRECTION; THAT THE LINES AND DISTANCES ARE SHOWN CORRECTLY; THAT THE PROPERTY BOUNDARIES HAVE BEEN MARKED AND THAT ALL OTHER PUBLIC BOUNDARIES TO THE PROPERTY HAVE BEEN SET PRIOR TO THE RELEASE OF THE PLAT. I HAVE COMPLIED WITH ALL STATE AND MUNICIPAL REGULATIONS GOVERNING PLANNING AND THAT IT CONFORMS TO THE APPROVED PLAT AND THE CONDITIONS OF APPROVAL THEREOF.

FURTHERMORE, THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY REGULATIONS AT THE REQUEST OF NICKLAUS DEVELOPMENT LLC, A WASHINGTON LIMITED LIABILITY COMPANY, HEREBY CERTIFY THAT THIS MAP FOR NICKLAUS PLAT IS BASED ON AN ACTUAL SURVEY OF THE PROPERTY HEREBY DESCRIBED THAT THE MEASUREMENTS AND DISTANCES ARE CORRECTLY SHOWN, THAT ALL INFORMATION REQUIRED BY THE WASHINGTON UNIFORM COMMON INTEREST OWNERSHIP ACT IS SUPPLIED HEREBY AND THAT ALL HORIZONTAL AND VERTICAL BOUNDARIES OF THE UNITS (1) TO THE EXTENT DETERMINED BY THE WALLS, FENCES, OR CURBING THEREOF, OR OTHER PHYSICAL MONUMENTS, ARE SUBSTANTIALLY COMPLETED IN ACCORDANCE WITH SAID MAP OR (2) TO THE EXTENT SUCH MONUMENTS ARE NOT DEFINED BY PHYSICAL MONUMENTS, SUCH MONUMENTS ARE SHOWN ON THE MAP.

FRANK R. BERRY
PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO. 30425

SHEET 1 OF 5
LEGAL DESCRIPTION

AS PER TLC20 TITLE COMPANY COMMITMENT NO. T009788A DATED MAY 16, 2016

PARCEL 'A' 0400001107

The west half of the west half of the southwest quarter of the northwest quarter of Section 9, Township 20 North, Range 4 East, W.M., in Pierce County, Washington;

Commencing at the southwest corner of the west half of the west half of the southwest quarter of the northwest quarter; Thence North 400 feet to the point of beginning; Thence continuing north to the line of said subdivision; Thence East to the left line of said subdivision; Thence South 264 feet; Thence West 165 feet; Thence South to a point 400 feet north of the south line of said subdivision; Thence West 163 feet to the point of beginning, except road.

PARCEL 'B' 0400001149, 0400001150 & 0420001151

PARCELS A, B, and C, inclusive city of Edgewood boundary line adjustment no. 4829, recorded under recording number 20150125001, Pierce County, Washington.

SCHEDULE B

1. EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:

2. NON-SURVEYED EASEMENT

3. EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
   GRANTED TO: WASHINGTON NATURAL GAS COMPANY PURPOSE: GAS PIPELINE OR PIPELINE RECORDING DATE: September 15, 1965 RECORDING NO.: 368025A AFFECTS: PARCEL B

4. EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
   GRANTED TO: CITY OF MILTON PURPOSE: WATER LINE RECORDING DATE: November 3, 1995 RECORDING NO.: 546332 AFFECTS: THE SOUTH 10 FEET OF PARCEL A

5. FENCE LINE AGREEMENT, AND THE TERMS AND CONDITIONS THEREOF:

6. SHARED ROADWAY AND UTILITIES COVENANT AND EASEMENT, AND THE TERMS AND CONDITIONS THEREOF:
   RECORDING DATE: JUNE 12, 2015.

7. COVENANTS, CONDITIONS, RESTRICTIONS, RECITALS, RESERVATIONS, EASEMENTS, EASEMENT PROVISIONS, DECLARATIONS, BUILDING DETRAME LINES, NOTES, STATEMENTS, AND OTHER MATTERS, IF ANY, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SOCIAL ORIGIN, FAMILY STATUS, MARRITAL STATUS, DISABILITY, HANDICAPPED NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH IN CITY OF EDDgewood boundary line adjustment no. 4829.

8-12 NOT SURVEYED RELATED

13. A DEED OF TRUST TO SECURE AN INDEBTEDNESS IN THE AMOUNT SHOWN BELOW, AMOUNT: $3,600,000.00
   DATED: MARCH 13, 2017

14. TITLE COMPANY RESERVATIONS:

15. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT:

16. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT:

CONDITIONS AND APPROVALS

1. EMERGENCY VEHICLE ACCESS REQUIREMENTS SHALL BE MET IN ACCORDANCE WITH EMC. 16.02. FIRE PROOF AND OR FIRE PROTECTIONS REQUIREMENTS SHALL BE DETERMINED AT THE TIME OF APPLICATION FOR A BUILDING PERMIT.

2. INFILTRATION/DETOENTION SYSTEMS ARE SUBJECT TO FAILURE IF NOT PROPERLY MAINTAINED. IT IS THE PROPERTY OWNER'S RESPONSIBILITY TO MAINTAIN AND INSPECT THE INFILTRATION/DETOENTION SYSTEM. IT IS THE PROPERTY OWNER'S RESPONSIBILITY TO MAINTAIN REGULAR INSPECTIONS AND MAINTENANCE OF THE INFILTRATION/DETOENTION SYSTEM.

3. ALL ROADS ARE PRIVATE WITHIN THIS PARCEL.

4. VEHICLE ACCESS SHALL BE FROM 94TH AVENUE COURT EAST.

5. THE PROPERTY INCLUDED WITHIN THE LEGAL DESCRIPTION CONTAINS A PRIVATE STORM DRAINAGE SYSTEM. IT IS THE RESPONSIBILITY OF THE NICKLAUS PLAT HOMEOWNERS ASSOCIATION TO MAINTAIN THE PRIVATE STORM DRAINAGE SYSTEM IN ITS ORIGINAL DESIGNED CONDITION.

6. EASEMENTS ARE HEREBY GRANTED FOR INSTALLATION, INSPECTION, AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES AS DECLARED IN THE PLAT FOR THE SUBDIVISION OF NICKLAUS PLAT. NO ENCROACHMENT ON THE PLAT WHICH MAY DAMAGE OR INTERFERE WITH THE INSTALLATION, INSPECTION, AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS ASSOCIATION AS ESTABLISHED BY THE COVENANT RECORDED UNDER THE AUDITOR'S FILE NO.

7. NO BUILDING SHALL BE CONSTRUCTED WITHIN 8 FEET OF A POWER TRANSFORMER.

8. THE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE ONGOING MAINTENANCE OF ALL COMMON TRACTS AND PRIVATE ROADS WITHIN THIS SUBDIVISION INCLUDING THE PLANTER BUFFER STRIPS/LANDSCAPING TRACTS (INCLUDING WEEDING, MOWING ETC.) STORMWATER FACILITIES, GATE, AND STREET LIGHTING.

TRACT NOTES

TRACT "A" IS A PRIVATE PARK AND STORM DRAINAGE TRACT.
TRACT "B", "C" & "D" ARE PRIVATE SHARED DRIVEWAY AND UTILITIES TRACTS.
TRACT "E" IS A PRIVATE ROAD (94TH AVENUE COURT EAST).
TRACT "F" IS A PRIVATE LANDSCAPE TRACT, UTILITIES AND ACCESS EASEMENT.

Said tracts will be dedicated to and maintained by the Nicklaus Plat Homeowners Association. Reference plan dedication sheet 1 of 5.

NOTES

THE ARTICLES OF INCORPORATION FOR THE NICKLAUS PLAT HOMEOWNERS ASSOCIATION IS ON FILE WITH THE STATE OF WASHINGTON IN OLYMPIA.

EASEMENT PROVISIONS

AN EASEMENT IS HEREBY RESERVED FOR AND CONVEYED TO PUCCY SOUND, ENGLEWOOD, CITY OF MILTON WATER DEPARTMENT, CITY OF EDGEOOD, EDGEOOD COMMUNITY LINK COMMUNICATIONS, INC., ANY CABLE TELEVISION COMPANY, PIERCE COUNTY, U. S. POSTAL SERVICE, ANY OTHER PUBLIC OR PRIVATE PIPELINE, UTILITY SERVICE AND OTHER UTILITIES, AND THEIR RESPECTIVE SUCCESSIONS AND ASSIGNS, AND UNDER AND UPON THE EXTEND TO FEET OF ALL LOTS AND TRACTS AND SPACES WITHIN THE PLAT LIVING PARALLELS, WITH AND ADJOINING EXISTING OR PROPOSED ACCESS ROADS AND TRACTS, AS WELL AS EASEMENT WITHIN ALL PRIVATE ROADS, TRACTS AND USES, IN WHICH TO INSTALL, LAAY CONSTRUCT, ENCROACH, OPERATE AND MAINTAIN UNDERGROUND CONSTRUCTION SYSTEMS WITH NOVATED FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSES OF SERVING THIS SUBDIVISION AND OTHER PROPERTIES WITHIN SAID SUBDIVISION, STORM DRAINAGE, ELECTRIC, GAS, TELEPHONE, WATER AND OTHER UTILITY SERVICES, TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS, SUBDIVISIONS, SPACES AND TRACTS AT ALL TIMES FOR THE PURPOSES HEREBY STATED, NO LINES OR WIRING FOR THE TRANSMISSION OF ELECTRIC CURRENT OR FOR TELEPHONE USE, CABLE TELEVISION, FIRE OR POLICE SIGNALS, OR FOR OTHER PURPOSES, SHALL BE PLACED UPON ANY LOT UNLESS THE SAME SHALL BE UNDERGROUND OR IN CONDUCT ATTACHED TO A BUILDING.
Staff Report and Recommendation
Nicklaus Subdivision Final Plat Approval

To: Edgewood City Council
From: Kristin Moerler, Senior Planner
Date: June 6, 2019
Subject: Final Plat Approval for Nicklaus Subdivision

NAME OF SUBDIVISION: Nicklaus Subdivision

NUMBER OF LOTS: Thirty six (36) single family residential lots

CITY FILE NUMBER: 19-1023

CITY FILE NUMBER AND NAME FOR PRELIMINARY PLAT APPROVAL:
5262 Nicklaus Subdivision Preliminary Plat

City File Number and Name for Site Development Permit Approval:
16-5745 Nicklaus Subdivision Site Development

LOCATION: 2119, 2305-2307 94th Av Ct E. Edgewood, WA 98372

TAX PARCELS: 0420091107, 0420091149, 0420091150, 0420091151

APPLICANT: Larson & Associates Inc.

PROPERTY OWNER: Nicklaus Development LLC c/o J.K. Monarch

LEGAL DESCRIPTION: PARCEL ‘A’ 0420091107: THE WEST HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 20 NORTH, RANGE 4 EAST, W.M., IN PIERCE COUNTY, WASHINGTON; COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST CORNER OF THE WEST HA;F OF THE WEST HALF THENCE NORTH 400 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH TO THE NORTH LINE OF SAID SUBDIVISION; THENCE EAST TO THE EAST LINE OF SAID SUBDIVISION; THENCE SOUTH 264 FEET; THENCE WEST 165 FEET;
THENCE SOUTH TO A POINT 400 FEET NORTH OF THE SOUTH LINE OF SAID SUBDIVISION; THENCE WEST 163 FEET TO THE POINT OF BEGINNING. EXCEPT ROAD.

PARCEL ‘B’ 0420091149, 0420091150 & 0420091151: PARCELS A,B, AND C, INCLUSIVE CITY OF EDGEOUD BOUNDARY LINE ADJUSTMENT NO. 4892, RECORDED UNDER RECORDING NUMBER 201506125001, PIERCE COUNTY, WASHINGTON.

ZONING: Single Family 5 (SF-5)

COMPREHENSIVE PLAN DESIGNATION: Single Family High

CRITICAL AREAS: No critical areas were identified on the property.

SEPA: The City of Edgewood issued a Final Mitigated Determination of Nonsignificance (MDNS) on October 18, 2016 and there were no appeals to the MDNS.

PRELIMINARY PLAT APPROVAL: The City of Edgewood Hearing Examiner granted preliminary approval subject to eighty (80) conditions on December 15, 2016. The analysis within this staff report includes responses to all conditions placed on the project.

FINAL PLAT APPLICATION: Application was received on January 22, 2019. The City deemed the application complete on February 19, 2019. The City also requested additional information related to project completion and satisfaction of conditions needed to support approval of the final plat on February 19, 2019. The project received the Engineering Certification on April 22, 2019, and resubmitted materials on April 26, 2019. The review clock was stopped until May 10, 2019 pursuant to EMC 18.40.150. The City requested revisions and clarifications on the final plat and Covenants, Conditions and Restrictions (CC&R) documents on May 21, 2019.

The applicant submitted revised materials for review on May 31, 2019 and again on June 3, 2019. Minor revisions and clarifications were requested on the 4th of June and resubmitted on June 5. The revised final plat map was accepted by staff on June 5 while additional revisions were requested for the CC&R document. Revised CC&Rs were again submitted for review June 6, responded to by staff and resubmitted for final review again on June 6, 2019 and accepted by staff the same day. The final signed CC&R document and fully executed Final Plat Map are anticipated to be provided to staff for prior to the Council Meeting on the June 11, 2019.

ATTACHMENTS:
1. The City of Edgewood Engineer’s Certificate of Completion dated April 22, 2019
2. Resolution No. 19-xxxx
3. Final Plat Map attached as Exhibit A to Resolution No. 19-xxxx
I. APPROVAL PROCESS
The final plat is reviewed by staff for conformance with preliminary plat approval conditions and all applicable laws and regulations. In this report, City staff is submitting written findings and a recommendation to the City Council for final plat approval.

Pursuant to EMC Section 16.04.160 and RCW 58.17.170(1), "when the legislative body of the city . . . finds that the subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval and that said subdivision meets the requirements of chapter 58.17 RCW, other applicable state laws and any local ordinances adopted under this chapter which were in effect at the time of preliminary plat approval, it shall suitably inscribe and execute its written approval on the face of the plat."

II. PROJECT ANALYSIS
The proposed subdivision is determined by staff to meet the criteria established in the Edgewood zoning and subdivision ordinances, the City of Edgewood Comprehensive Plan and to be generally consistent with the requirements and conditions of the preliminary plat approval. The legal requirements as well as the hearing examiner’s conditions are set forth below, together with staff’s recommended findings on each.

A. Conformance with the City of Edgewood Zoning Ordinance (EMC Title 18)
The zoning designation of the property is Single Family (5) five. The preliminary plat approval details the project’s compliance with the zoning designation applicable to the site. The project includes 36 single family residential lots (lot 1 and lot 2 contain a duplex that has been converted into attached single family residences), so plat will create 34 vacant lots to be developed). All lots generally have sufficient building area to accommodate a reasonably sized, single-family residential home. The building permit process will include review of zoning provisions applicable to the individual lot development and assure compliance. The proposed final plat satisfies all lot size regulations of the SF-5 zone.

B. Conformance with the City of Edgewood Subdivision Ordinance (EMC Title 16) and Issuance of the Hearing Examiner’s conditions of approval.
The applicant submitted a final plat application in conformance with 16.04.100-16.04.180. Staff finds the proposed subdivision conforms to EMC Title 16.

C. Conformance with the Comprehensive Plan
The Comprehensive Plan designation of the property is Single Family High. Allowed uses in the Single-Family High designation includes single family detached dwelling units and compatible uses. The maximum number of allowable dwelling units in the Single-Family High is five dwelling units per acre. Staff finds the proposed subdivision is in conformance with the Comprehensive Plan.
D. Conformance with the City of Edgewood Engineering Requirements
The City’s Public Works staff and City Engineer have reviewed the civil design, construction drawings and final plat application with the purpose to promote the public health, safety, and welfare in accordance with the standards established by the state and the City to provide and promote safe, convenient vehicle access on public and private streets, to facilitate the adequate provision of public water and sewer service and for the proper handling of stormwater.

The City Engineer issued a City Engineer’s Certificate of Improvements for Nicklaus Estates file #16-5745 for site development improvements in accordance with Chapter 16.04 EMC on April 22, 2019. The letter authorizes bonding for streetscape landscaping and irrigation that has not yet been installed at the site. It additionally required submittal of the maintenance bond for completed public road improvements.

Bonds have been submitted pursuant to the Engineer’s Certificate for the maintenance of the public road improvements and for the remaining landscape features.

E. Conformance with Hearing Examiner’s conditions of approval
The following conditions have been imposed on the project through the MDNS and Hearing Examiner approval. Staff responses to the conditions of approval are listed in italicized text after the condition. Therefore, the proposed preliminary plat should be approved subject to the following conditions:

**HEX 1** The preliminary full subdivision shall be finalized and recorded within five (5) years of the preliminary approval in accordance with 58.17.140 RCW.

*Preliminary Plat approval was granted on December 15, 2016, the final plat application became complete on February 19, 2019, and is scheduled for final review and approval within the five year horizon of the permit approval.*

**HEX 2** The Mitigated Determination of Nonsignificance was issued October 18, 2016. The conditions are hereby incorporated fully and shall be incorporated into the design of the plat and considered as conditions of the final plat approval.

*Thirty six (36) mitigating conditions were imposed as SEPA mitigation. Please be aware some conditions were duplicated in the plat conditions imposed by the Hearing Examiner (HEX), where this occurs staff has aimed to provide one detailed response and provide appropriate cross references in the duplicative conditions pointing to where a response is provided.*

**MDNS #1** During and following site development activity, compliance with EMC Chapter 13.05 (Surface Water) is required. A Temporary Erosion and Sedimentation Control plan (TESC) shall be submitted to address temporary erosion control measures during construction. The TESC shall be submitted
prior to site development permit issuance, approved by the City Engineer, and implemented during site development and future home construction. Said plan and SWPPP must adequately propose BMP measures to address the movement of 5,600 cubic yards of earth, as proposed. A Certified Erosion and Sediment Control Lead (CESCL) shall be present throughout the construction of site development improvements, implement and maintain the SWPPP, and provide regular reports to the City of Edgewood.

The Site Development Permit was submitted, reviewed, approved and issued under File Number 16-5745. This permit demonstrates compliance with EMC 13.05 and contains the required TESC & SWPPP plans. CESCL reports have been provided to the City as required.

MDNS #2 In accordance with EMC Chapter 13.25, all oils, hydraulic fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials must be contained onsite during construction, and removed in a manner that will prevent their discharge from the site, either to surface waters or soils. The cleanup of spills shall take precedence over other work on the site.

This condition addresses potential spills and discharges which can contaminate soils or water to facilitate the ability of staff to shut down a site if such issues are not being immediately addressed to protect the environment. Staff monitored the construction activity under File Number 16-5745 and is not aware of any violations during construction.

MDNS #3 Dust control measures shall be performed during site development and home construction, as needed due to soil conditions during periods of dry weather. Dust control BMP’s shall be included in the SWPPP.

The SWPPP provided dust control measures and procedures as required by this condition. Staff monitored the site construction activity under File Number 16-5745 for conformance with this requirement, and appropriate dust control methods were employed as required.

MDNS #4 Appropriate provisions shall be made to minimize the tracking of sediment by construction vehicles onto paved public roads during site development and home construction. If sediment is deposited, it shall be cleaned by the end of each working day by shoveling or sweeping. Water cleaning shall only be done after the area has been shoveled out or swept.

The TESC plan reviewed and approved under File Number 16-5745 contained appropriate provisions, and the contractor maintained the public roads as required during construction.
MDNS #5 As more than one (1) acre of land disturbance is expected, the applicant shall acquire a National Pollution Discharge Elimination System (NPDES) permit and provide a copy of the permit to the City of Edgewood at the time of pre-construction and prior to site development permit issuance.

See response under HEX #40.

MDNS #6 A Pre-Construction Meeting with the City of Edgewood shall be held upon pre-construction fee payment prior to any site development work, scheduled at least 72 hours in advance. All construction activity during site development shall be limited by the hours of operation from 7 a.m. to 5 p.m., Monday through Friday. Special provisions to work beyond the established hours may be permitted through written request to the Mayor or Designee a minimum of two days (48 hours) prior to the special hours or days requested.

A pre-construction meeting was held with City staff on July 5, 2017, prior to the start of the field work. The project was monitored by City Staff and work hours were adhered to.

MDNS #7 Compliance with EMC Chapters 13.05 (Stormwater Manual – Site Development Regulations) and 13.25 (Illicit Stormwater Discharges) is required during and following any site development activity.

During the duration of construction, the Developer complied with EMC Chapters 13.05 and 13.25 as demonstrated through various site visits and inspections performed by City staff.

MDNS #8 Engineered stormwater drainage facilities are required for all disturbed areas of the project site. The applicant shall provide a Stormwater Site Plan in accordance with EMC Chapter 13.05 and the 2005 DOE Stormwater Management Manual for Western Washington (SMMWW) at the time of site development. The plan shall include a Stormwater Pollution Prevention Plan (SWPPP) addressing Minimum Requirement Two for all proposed development. The applicant shall provide engineering plans for City approval prior to site development approval.

See response under MDNS 1.

MDNS #9 The applicant’s geotechnical engineer shall verify and confirm soil conditions and design infiltration rates during and following construction of any proposed stormwater retention BMPs, including facilities designed using Low Impact Development (LID) techniques. If conditions are different than design, the applicant’s geotechnical engineer shall provide a revised infiltration rate and the stormwater retention BMPs shall be redesigned accordingly. Revisions shall be submitted to the City of Edgewood and
approved prior to implementation and final construction approval. Corrections and/or design errors may require revisions to the plat.

Inspections, reports, and test results provided by the project’s Geotechnical Engineer were received and filed under File Number 16-5745.

**MDNS #10** Any proposed surface water discharged from the project site (including areas bypassing proposed facilities) must meet all of the Minimum Requirements of the SMMWW, with any stormwater modeling of pre-development conditions assuming “forested” land coverage. If onsite retention is proposed, in-situ infiltration testing must be performed on the project site to determine the design infiltration rate, consistent with the 2005 DOE SMMWW, 2012 LID Manual, or the 2015 Pierce County Manual’s Falling Head Test (Appendix III-A). All applicable correction factors must be applied to the chosen infiltration test method. If discharge from the site is proposed, a downstream analysis must be prepared and submitted in accordance with Volume I, Section 2.6.2 of the SMMWW. This analysis must review and identify existing drainage problems downslope, evaluate the existing capacity of any conveyance this project is tributary to, and propose measure(s) to ensure downstream property will not be adversely impacted by the proposal. Any dispersion facilities proposed for stormwater mitigation purposes (including overflows) must demonstrate adequate flowpath length on the project site and outside of any sensitive areas and their buffers (EMC 13.05.170).

*The project’s Drainage Control Plan was reviewed for adequacy and compliance, and was approved under File Number 16-5745.*

**MDNS #11** The applicant shall provide right of entry by the City of Edgewood for all stormwater facilities prior to final site development approval through the HOA CCR’s. If constructed conditions are found to be different than those designed and approved, the applicant’s engineer shall revise the stormwater system accordingly. Doing so may result in re-configuration of the plat and potential loss of lots to provide space to meet stormwater requirements. Any revisions shall be provided to the City of Edgewood and approved prior to implementation and final site development construction approval. Corrections and/or design errors may require revisions to the plat.

*See response under HEX #37.*

**MDNS #12** The applicant shall submit street improvement construction plans for the proposed private roadway, for review and approval by the City Engineer, prior to site development approval. Improvements shall be designed in compliance with EMC Title 12 (Streets, Sidewalks and Public Places), which
adopts Pierce County Code (PCC) Title 12 by reference. The specific cross section shall be in accordance with the “Manual on Design Guidelines and Specifications for Road and Bridge Construction in Pierce County,” and Pierce County Standard Drawing PC.A3.4 and as described therein.

See response under HEX #17.

MDNS #13 The cul-de-sac and road shall include, at minimum, a 20-foot drive lane per PCC Section 17B.20.040, Table 17B.20.040-3, a minimum-2-foot rolled curb and gutter section on both sides of the road, a stormwater management system per EMC 13.05, a 4-foot landscaping strip, and a 5-foot concrete sidewalk. The cul-de-sac EVA turnaround is required to have a minimum driven surface of 96-foot diameter (48-foot radius) per the International Fire Code (IFC). The site development plans must be submitted to the City of Edgewood and be approved prior to site development commencement.

See response under HEX #18.

MDNS #14 Tract ‘E’ shall include the entire width of the roadway improvements, from back-of-sidewalk to back-of-sidewalk, with a minimum width of 40 feet. This roadway improvement area may be designated as a separate tract and/or an easement over the individual lots.

See response under HEX #19.

MDNS #15 Crosswalks shall be installed across the private road at locations that connect sidewalks on either side of the private road in accordance with EMC Title 12. The locations shall be included on site development plans at the time of site development application.

See response under HEX #20.

MDNS #16 The applicant shall submit street improvement construction plans for the new roadway intersection to the proposed private road from 24th Street East, for review and approval by the City Engineer, prior to final plat submittal. The intersection shall be constructed in accordance with EMC Title 12, which adopts by reference PCC Title 17B, including Section 17B.10.060, the “Manual on Design Guidelines and Specifications for Road and Bridge Construction in Pierce County.” Details on the roadway intersection improvements may be found in Chapter 5: Access and Intersections.

See response under HEX #17.

MDNS #17 The applicant shall submit street frontage improvement construction plans for 24th Street East, for review and approval by the City Engineer, prior to final plat submittal. Improvements shall be provided for the half of the
right-of-way abutting the project site, including a minimum 12-foot travel lane, 4-foot planting buffer, 5-foot concrete sidewalk, and drainage improvements, all designed in accordance with EMC Title 12.

See response under HEX #17.

**MDNS #18** The applicant shall provide a continuous paved asphalt path from the terminus of the on-site sidewalk improvements near the southeast corner of the project to the western terminus of the sidewalk improvements on the Northwood Estates project (File #4532). The path shall be a minimum 5-foot wide and ADA compliant per EMC Title 12. Existing City stormwater ditches along the north side of 24th Street East shall be retained with adequate stormwater capacity. A detailed asphalt path construction plan shall be submitted to the City at the time of site development application.

See response under HEX #23.

**MDNS #19** The applicant shall, in good faith, attempt to negotiate with the property owner of parcel number 0420091061 (9411 24th Street East) the relocation of the parcel’s existing residential driveway from 24th Street East to 94th Avenue Court East. Given the court order found within the property title specifically addresses this offsite driveway, the applicant shall attempt to fairly and equitably negotiate a new driveway approach as may be possible to meet Pierce County road standards. In the event negotiations fail, the court order on title is understood to remain in full force and effect.

See response under HEX #24.

**MDNS #20** The applicant shall submit lighting plans for the proposed private roadway, consistent with City of Edgewood design standards, for review and approval by the City Engineer, prior to final plat submittal. Vehicle-level street lighting shall be provided at the end of the cul-de-sac turnaround and at the intersection with 24th Street East per PCC 17B.20.005, Table 17B.20.005-2, as incorporated in EMC Title 12. Installation, utility charges, and ongoing maintenance of private roadway street lighting shall be the responsibility of the developer and future homeowner’s association.

See response under HEX #25.

**MDNS #21** The applicant shall submit a plan detailing all roadway signs in accordance with Manual on Uniform Traffic Control Devices (MUTCD) standards, for review and approval by the City Engineer, prior to site development permit issuance.

See response under HEX #26.
MDNS #22. The design and construction of the new roadways and pedestrian improvements shall meet or exceed current Americans with Disabilities Act (ADA) requirements. This includes but is not limited to design of sidewalk transitions, curb ramps, street crossings, and lighting.

See response under HEX #27.

MDNS #23 The applicant shall submit and receive approval of a landscape plan in accordance with EMC 18.90.090 prior to approval of site development plans. The landscape plans shall include provisions for the streetscape, storm tract, and park/community drainfield area landscaping as well as irrigation. Common space and storm tract landscaping shall be required at the time of site development unless otherwise approved by Community Development Director.

See response under HEX #42.

MDNS #24 The applicant shall provide a copy of the landscape and streetscape maintenance plan prior to permit issuance of the first building permit to address all common spaces and shall specifically include provisions regarding stormwater maintenance referencing the Operation and Maintenance (O&M) Manual prepared by the Engineer of Record, landscaping, roadway, park/septic area, and storm tract.

See response under HEX #43.

MDNS #25 Management and maintenance of the streetscape landscaping, both onsite and along the 24th Street East, shall be the responsibility of the HOA.

See response under HEX #44.

MDNS #26 A six foot high perimeter solid board fence shall be constructed along the exterior side and rear property lines of the project site; and, excluding the frontage area occupied by 94th Avenue Court East improvements and any required City site distance design requirements (per EMC 18.90.060(A)(1)), a four-foot high perimeter solid board fence shall be constructed along the front property line. All fencing shall be constructed uniformly regarding design and materials. Required fencing of areas adjacent to community tracts shall be completed during the site development phase and fencing required adjacent to each individual residential lot shall be installed prior to the City final inspection of each residence.

See response under HEX #73.

MDNS #27 A Homeowners’ Association (HOA) shall be created to address all private improvements within the proposed plat including storm tract and
stormwater facilities, private street and cul-de-sac, curbs and gutters, street lighting, landscaping, and irrigation. Associated Covenants, Conditions and Restrictions (CCRs) shall be submitted at the time of final plat for review and approval. Once approved by the City, the CCRs shall be recorded separately at the time of final plat recording and the recording number shall be handwritten on the face of the final plat and the final plat number handwritten on the cover sheet of the CCRs as cross-reference.

See response under HEX #3 which is substantially similar.

MDNS #28 The applicant shall submit a Significant Tree Plan that adequately addresses significant trees on site according to EMC 18.90.180. Per EMC 18.90.180 the applicant is required to preserve trees up to 15 inches in diameter measured 3-feet above grade up to 50-percent of the total number of trees located within the interior landscaping area of the lot or individual lots. When a significant tree cannot be retained, the tree shall be replaced per the Significant Tree Plan or as approved by the Community Development Director or Designee per EMC 18.90.180.

See response under HEX #41 which is substantially similar.

MDNS #29 The applicant shall construct a school bus stop waiting area for Kindergarten through 12th grade (K-12) schoolchildren at the northeast corner of the proposed intersection of the 94th Ave Court East private road and 24th Street East shown on the preliminary plat site plan. The school bus stop waiting area shall be approximately 100 square feet including hardscape, street lighting, and appropriate separation from the vehicle lanes of travel within 24th Street East and 94th Ave Court East. The waiting area shall be incorporated into site development plans for review and approval. The waiting area shall be constructed prior to final plat.

See response under HEX #14.

MDNS #30 The applicant shall comply with the requirements of City of Milton Water as outlined within “Findings of Fact” above and provide written approval of system acceptance prior to final plat submittal.

See response under HEX #53-59 which reflect these findings of fact.

MDNS #31 The applicant shall comply with the requirements of the Lakehaven Utility District as outlined within “Findings of Fact” above and provide written approval of system acceptance prior to final plat submittal.

See response under HEX #47-52 which reflect these findings of fact.
MDNS #32 The applicant shall comply with the requirements of East Pierce Fire and Rescue as outlined within “Findings of Fact” above.

   See response under HEX #60-72 which reflect these findings of fact.

MDNS #33 The applicant shall pay School Impact Fees to the Puyallup School District at the time of building permit issuance in accordance with EMC 4.05 and EMC 4.10.

   See response under HEX #15 which is identical.

MDNS #34 The applicant shall pay Park Impact Fees at the time of building permit issuance in accordance with EMC 4.05 and EMC 4.20.

   See response under HEX #6 which is substantially similar.

MDNS #35 The applicant shall pay Traffic Impact fees at the time of building permit issuance in accordance with EMC 4.05 and EMC 4.30.

   See response under HEX #32 which is substantially similar.

MDNS #36 If significant changes are made to the proposal, additional documentation and study will be required to be submitted to the City of Edgewood and supplemental SEPA environmental review will be required.

   See response under HEX #77 which is identical.

HEX 3 A Homeowners' Association shall be established under the provisions set forth in RCW 64.38 to assume responsibility for, and insure proper maintenance of, common or community facilities. In order to insure proper responsibility and authority to carry out necessary maintenance activities, the Homeowners' Association shall, at a minimum, include the following provisions:

   a. Membership in the Homeowners' Association will be mandatory for all lot owners.

   b. The Homeowners' Association shall have the power to levy fees and dues necessary to successfully accomplish necessary activities.

   c. The Homeowners' Association shall have the provision for the collection of attorney fees extended in collecting delinquent assessments from lot owners.

   d. Responsibility of the Homeowners' Association for maintenance of common areas shall be specifically detailed.

   e. Assessment of the Association dues shall initially be established by the applicant and submitted to the City of Edgewood Department of
Community Development for review. The applicant shall provide a
description of the organization, including its bylaws, and all documents
governing maintenance requirements and use restrictions for common
facilities. Such documents shall be reviewed and approved by the City
prior to final plat approval.

f. A Homeowners' Association (HOA) shall be formed to enforce covenants
providing for the maintenance of the following items: 1) planter buffer
ships (including planting, weeding, mowing, irrigation, etc.), 2) irrigation
lines (located in the public right-of-way, planter strips, buffer strips, open
space tracts, etc.), 3) private street and cul-de-sac, 4) stormwater
facilities and park, and 6) street lighting. Reference to the recorded
covenants, along with their Auditor's File Number, shall be made on the
face of the final plat upon recording. The Homeowners' Association and
CCRs shall be recorded prior to recording the final plat and the Auditor's
File Number shall be noted on the Final Plat with the following note: "The
Homeowners' Association shall be responsible for ongoing maintenance
of all common Tracts within this Subdivision including the private street
maintenance, planter buffer strips (including weeding, mowing, etc.),
stormwater facilities and park, and private street lighting".

The applicant has submitted CC&Rs for review and approval to the City. Revisions
were requested on May 21, 2019 and June 4, 2019 to assure the document
clearly reflected each of the obligations of the HOA as specified above. Staff has
accepted the final revisions, submitted on June 6, 2019 which specifically address
the HOA obligations consistent with the condition.

The final CC&Rs will be provided to staff prior to the Council review for final
acceptance and shall be recorded at the time of the final plat to allow cross
referencing between the two documents. Final plat incorporates the required
reference language as required.

HEX 4 The applicant shall provide design standards review and receive approval prior to
site development application. Design Standards review shall include submittal of
landscaping/irrigation plans in accordance with EMC 18.90.090 to address
overall subdivision landscaping and irrigation.

Design Review for this application is contained in City file 17-1217, application
was filed May 11, 2017 and approved by staff on May 22, 2017. Review included
landscaping and irrigation plans as well as lighting and significant tree
information.
HEX 5 The applicant shall provide landscaping plans for individual small-lot Single-Family Residential Units. Landscaping plans shall be submitted at the time of building permit for Lots 1-37.

This condition references requirements applicable to the future development of the single family residences. The future building permits will be reviewed for compliance with this requirement.

HEX 6 EMC Chapter 4.20 establishes a park impact fee for new development. A fee will be collected at the time of application for a building permit to construct each new dwelling unit. The amount of the fee will be based on the Park Impact Fee Schedule in place when the building permit application is submitted.

The applicant is required to pay Park Impact Fees consistent with EMC Chapter 4.20. The amount will be calculated at the time of application and paid at issuance of each building permit unless a deferral is requested until final inspection. The deferral process includes additional fees.

HEX 7 Pursuant to RCW 58.17.170, the subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of final approval.

This condition is informative in nature, documenting the vesting of the plat which will expire in five years.

HEX 8 Addresses for individual residential lots shall be obtained from the City at final plat review and shown on the face of the final plat drawings.

Addresses were issued to the applicant for this subdivision by the City on June 11, 2018. The addresses are listed, as issued, on pages 3 and 4 of the final plat.

HEX 9 Two (2) copies of a plat certificate shall accompany a request for approval of the final plat.

The applicant provided two copies of the required plat title certificate as a part of the final plat application materials.

HEX 10 The final plat drawing shall be prepared in accordance with the requirements in RCW Chapter 58.09, WAC Chapter 332-130, EMC Title 16, and the conditions contained within this approval. Six (6) copies of the final plat drawings shall be submitted for review. After the City is satisfied that all requirements and conditions have been met, a Mylar drawing of the final plat with the appropriate signatures shall be submitted to the City for City Council approval within five (5) years of the date the preliminary plat approval pursuant to 58.17.140 RCW.
The final plat has been prepared in accordance with RCW Chapter 58.09, WAC Chapter 332-130, EMC Title 16, and the conditions contained within this approval. Staff was provided adequate copies of the final plat for the review to occur. Staff authorized the applicant to proceed with preparation of the final plat document and obtaining final signatures on June 5, 2019. Mylar is no longer required for recording due to improved scanning capabilities, the applicant has been informed that mylar or paper is acceptable for recording. As discussed in response to HEX #1, the final plat recording is anticipated to occur well before the 5 year timeline allowed.

**HEX 11** The applicant will be responsible for obtaining the following signatures on the Mylar prior to the Mylar being submitted for final review and approval by the City Council:

- Pierce County Assessor-Treasurer
- Owner’s Free Consent
- Tacoma-Pierce County Health Department
- City of Edgewood Public Works
- City of Edgewood Community Development

*This condition reflects that it is the applicant’s responsibility to obtain the final review and approval of each of the agencies listed. The applicant has provided documentation of the final acceptance of each agency required for approval and is in the process of obtaining final signatures which are anticipated to be in hand by staff prior to the Council review. In this case while the final approval of Tacoma-Pierce County Health Department is included in the condition, and the applicant has provided their final approval; the final plat will not include their signature as the site will not be served by individual or community septic systems.*

**HEX 12** The Mylar shall include approval signature blocks for the following:

- City Engineer
- Community Development Director
- Pierce County Assessor-Treasurer
- Pierce County Auditor
- Mayor, representing the City Council

*All required signature blocks have been provided.*
HEX 13 The Plat shall not be deemed final until it has been duly recorded with the Pierce County Auditor. A copy of the recorded plat shall be submitted to the City prior to issuance of building permits for the construction of residential dwellings within the full subdivision.

The condition reflects the process of recording the final plat which cannot occur until after the council review and approval of the final plat. Staff anticipates recording will occur within days of the council approval.

HEX 14 The applicant shall construct a school bus stop waiting area for Kindergarten through 12th grade (K-12) schoolchildren at the northeast corner of the proposed intersection of the 94th Avenue Court East private road and 24th Street East shown on the preliminary plat site plan. The waiting area shall be approximately 100 square feet including hardscape, street lighting, and appropriate separation from the vehicle lanes of travel within 24th Street East and 94th Avenue Court East. The waiting area shall be incorporated into site development plans for review and approval. The waiting area shall be constructed prior to final plat.

The applicant has constructed the school bus stop as contemplated in this condition. It is among the constructed and accepted improvements detailed in Site Development Permit 16-5745.

HEX 15 The applicant shall pay School Impact Fees consistent with EMC Chapter 4.10. A copy of the receipt from the School District showing the fees have been paid is required prior to the issuance of building permits.

The applicant is required to pay School Impact Fees consistent with EMC Chapter 4.10. The applicant will be required to provide documentation that this fee has been paid to the school district prior to issuance of building permits or document a deferral approved by the School district.

HEX 16 Site development is subject to City review and approval. Substantial completion of site development work must be completed prior to final plat approval. A construction bond or financial guarantee at 130 percent of the engineer's estimate for all Public Works improvements may be accepted prior to completion of all work at the discretion of the Mayor or Designee to obtain final plat approval.

Site Development was reviewed and approved under File Number 16-5745 prior to permit issuance and construction activity. Substantial completion of site development was achieved upon issuance of the Engineer’s Certificate on April 22, 2019. Appropriate bonding was accepted by the City for remaining items as noted in subsection II.D of this report.
The applicant shall submit street improvement construction plans for the proposed private roadway, for review and approval by the City Engineer, prior to site development approval. Improvements shall be designed in compliance with EMC Title 12 (Streets, Sidewalks and Public Places), which adopts Pierce County Code (PCC) Title 12 by reference. The specific cross section shall be in accordance with the "Manual on Design Guidelines and Specifications for Road and Bridge Construction in Pierce County," and Pierce County Standard Drawing PC.A3.4 and as described therein.

Street improvement construction plans were prepared and submitted as part of the Site Development Permit application under File Number 16-5745. The City Engineer issued the Engineer’s Certificate on April 22, 2019, acknowledging substantial completion and acceptance of the construction.

The cul-de-sac and road shall include, at minimum, a 20-foot drive lane per PCC Section 17B.20.040, Table 17B.20.040-3, a minimum two foot rolled curb and gutter section on both sides of the road, a stormwater management system per EMC 13.05, a 4-foot landscaping strip, and a 5-foot concrete sidewalk. The cul-de-sac EVA turnaround is required to have a minimum driven surface of 96-foot diameter (48-foot radius) per the International Fire Code (IFC). The site development plans must be submitted to the City of Edgewood and be approved prior to site development commencement.

The cul-de-sac and new private road were designed as part of the street improvement construction plans, submitted as part of the Site Development Permit application under File Number 16-5745. The applicant’s Geotechnical Engineer certified the construction, and the City Engineer issued the Engineer’s Certificate on April 22, 2019 acknowledging substantial completion and acceptance of the construction.

Tract ‘E’ shall include the entire width of the roadway improvements, from back-of-sidewalk to back-of-sidewalk, with a minimum width of 40 feet. This roadway improvement area may be designated as a separate tract and/or an easement over the individual lots.

As presented on the final plat map, Tract E includes the entire width of the roadway improvements as required, meets the minimum 40 foot width provision, and is designated as a separate tract.

Crosswalks shall be installed across the private road at locations that connect sidewalks on either side of the private road in accordance with EMC Title 12. The locations shall be included on site development plans at the time of site development application.
Crosswalks have been installed, inspected and accepted by the City Engineer per the approved site development plans.

**HEX 21** The applicant shall submit street improvement construction plans for the new roadway intersection to the proposed private road from 24th Street East, for review and approval by the City Engineer, prior to final plat submittal. The intersection shall be constructed in accordance with EMC Title 12, which adopts by reference PCC Title 17B, including Section 17B.10.060, the "Manual on Design Guidelines and Specifications for Road and Bridge Construction in Pierce County." Details on the roadway intersection improvements may be found in Chapter 5: Access and Intersections.

*See response under HEX #17.*

**HEX 22** The applicant shall submit street frontage improvement construction plans for 24th Street East, for review and approval by the City Engineer, prior to final plat submittal. Improvements shall be provided for the half of the right-of-way abutting the project site, including a minimum 12-foot travel lane, 4-foot planting buffer, 5-foot concrete sidewalk, and drainage improvements, all designed in accordance with EMC Title 12.

*See response under HEX #17.*

**HEX 23** The applicant shall provide a continuous paved asphalt path from the terminus of the on-site sidewalk improvements near the southeast corner of the project to the western terminus of the sidewalk improvements on the Northwood Estates project (File #4532). The path shall be a minimum 5-foot wide and ADA compliant per EMC Title 12. Existing City stormwater ditches along the north side of 24th Street East shall be retained with adequate stormwater capacity. A detailed asphalt path construction plan shall be submitted to the City at the time of site development application.

*The continuous paved asphalt path was designed, reviewed, approved, and constructed under site development application 16-5745. The City Engineer issued the Engineer’s Certificate on April 22, 2019 acknowledging substantial completion and acceptance of the construction.*

**HEX 24** The applicant shall, in good faith, attempt to negotiate with the property owner of parcel number 0420091061 (9411 24th Street East) the relocation of the parcel's existing residential driveway from 24th Street East to 94th Avenue Court East. Given the court order found within the property title specifically addresses this offsite driveway, the applicant shall attempt to fairly and equitably negotiate a new driveway approach as may be possible to meet Pierce County road
standards. In the event negotiations fail, the court order on title is understood to remain in full force and effect.

_The applicant has negotiated with the neighboring owner to provide access via 94th Avenue Court East, consistent with this condition. Easements for access have been provided and considerations made in the CC&Rs for the development regarding this access that appear consistent with the terms of the signed agreement._

**HEX 25** The applicant shall submit lighting plans for the proposed private roadway, consistent with City of Edgewood design standards, for review and approval by the City Engineer, prior to final plat submittal. Vehicle-level street lighting shall be provided at the end of the cul-de-sac turnaround and at the intersection with 24th Street East per PCC 17B.20.005, Table 17B.20.005-2, as incorporated in EMC Title 12. Installation, utility charges, and ongoing maintenance of private roadway street lighting shall be the responsibility of the developer and future homeowner’s association.

_Street lighting was designed, reviewed, approved and constructed under the site development application (File Number 16-5745). An Engineer’s Certificate acknowledging substantial completion was issued by the contract City Engineer on April 22, 2019. Lighting is operable at this time and maintenance is addressed in the CC&Rs for the plat._

**HEX 26** The applicant shall submit a plan detailing all roadway signs in accordance with Manual on Uniform Traffic Control Devices (MUTCD) standards, for review and approval by the City Engineer, prior to site development permit issuance.

_Roadway signs were designed and submitted for approval with the site development permit (File Number 16-5745), then installed per the applicable MUTCD standards._

**HEX 27** The design and construction of the new roadways and pedestrian improvements shall meet or exceed current Americans with Disabilities Act (ADA) requirements. This includes but is not limited to design of sidewalk transitions, curb ramps, street crossings, and lighting.

_The applicable improvements have been designed, reviewed, approved for construction, and accepted for ADA compliance under File Number 16-5745._

**HEX 28** All pedestrian facilities shall meet or exceed Americans with Disabilities Act (ADA) requirements in design of sidewalk transitions and curb cuts, street crossings, and lighting at the time of site development throughout the project site.
See response under HEX 27.

**HEX 29** The applicant shall provide all roadway signs in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) standards prior to final site development approval.

*See response to HEX 26.*

**HEX 30** Maintenance of all street lighting that is part of the private road and cul-de-sac within the proposed plat shall be the responsibility of the HOA.

*Street lighting maintenance provisions have been addressed and referenced as required in the CC&Rs for the project.*

**HEX 31** Specific lighting design and placement of individual fixtures shall be confirmed by the City at the time of site development application.

*Specific lighting design has been designed, reviewed, approved, constructed, and inspected under File Number 16-5745.*

**HEX 32** EMC Chapter 4.30 establishes a traffic impact fee for new development. The applicant shall pay traffic impact fees at the time of building permit issuance for each residential unit.

*The applicant is required to pay Traffic Impact Fees consistent with EMC Chapter 4.30. The amount will be calculated at the time of application and paid at issuance of each building permit unless a deferral is requested until final inspection. The deferral process includes additional fees.*

**HEX 33** Compliance with EMC Chapters 13.05 (Stormwater Manual- Site Development Regulations) and 13.25 (Illicit Stormwater Discharges) is required during and following any site development activity.

*See response to MDNS 7.*

**HEX 34** Engineered stormwater drainage facilities are required for all disturbed areas of the project site. The applicant shall provide a Stormwater Site Plan in accordance with EMC Chapter 13.05 and the 2005 DOE Stormwater Management Manual for Western Washington (SMMWW) at the time of site development. The plan shall include a Stormwater Pollution Prevention Plan (SWPPP) addressing Minimum Requirement Two for all proposed development. The applicant shall provide engineering plans for City approval prior to site development approval.

*See response under MDNS 1.*
HEX 35 The applicant’s geotechnical engineer shall verify and confirm soil conditions and design infiltration rates during and following construction of any proposed stormwater retention BMPs, including facilities designed using Low Impact Development (LID) techniques. If conditions are different than design, the applicant’s geotechnical engineer shall provide a revised infiltration rate and the stormwater retention BMPs shall be redesigned accordingly. Revisions shall be submitted to the City of Edgewood and approved prior to implementation and final construction approval. Corrections and/or design errors may require revisions to the plat.

The geotechnical report was approved with the site development application under File Number 16-5745 in conformance to this condition. The Geotechnical Engineer provided multiple reports throughout the duration of the project and provided a final report and certification at the end of construction.

HEX 36 Any proposed surface water discharged from the project site (including areas bypassing proposed facilities) must meet all of the Minimum Requirements of the SMMWW, with any stormwater modeling of pre-development conditions assuming "forested" land coverage. If onsite retention is proposed, in-situ infiltration testing must be performed on the project site to determine the design infiltration rate, consistent with the 2005 DOE SMMWW, 2012 LID Manual, or the 2015 Pierce County Manual's Falling Head Test (Appendix III-A). All applicable correction factors must be applied to the chosen infiltration test method. If discharge from the site is proposed, a downstream analysis must be prepared and submitted in accordance with Volume I, Section 2.6.2 of the SMMWW. This analysis must review and identify existing drainage problems downslope, evaluate the existing capacity of any conveyance this project is tributary to, and propose measure(s) to ensure downstream property will not be adversely impacted by the proposal. Any dispersion facilities proposed for stormwater mitigation purposes (including overflows) must demonstrate adequate flowpath length on the project site and outside of any sensitive areas and their buffers (EMC 13.05.170).

The stormwater management plan was designed, reviewed, approved and implemented under File Number 16-5745 in conformance with this condition. The geotechnical report was reviewed and approved with the site development application under File Number 16-5745.

HEX 37 The applicant shall provide right of entry by the City of Edgewood for all stormwater facilities prior to final site development approval through the HOA CCR’s. If constructed conditions are found to be different than those designed and approved, the applicant’s engineer shall revise the stormwater system accordingly. Doing so may result in re-configuration of the plat and potential
loss of lots to provide space to meet stormwater requirements. Any revisions shall be provided to the City of Edgewood and approved prior to implementation and final site development construction approval. Corrections and/or design errors may require revisions to the plat.

A Surface Water Maintenance Agreement has been prepared and executed following City of Edgewood regulations, providing right of entry for stormwater facility inspection purposes, and said agreement will be recorded concurrently with the approved final plat map.

**HEX 38** The applicant shall provide a Final Stormwater Management Plan per EMC Chapter 13.05, which adopts the 2005 Department of Ecology (DOE) Surface Water Management Manual for Western Washington (SWMMWW) with local amendments. This plan shall be submitted as part of the Site Development Application and shall require approval prior to construction. The plan shall include management of stormwater associated with any improvements to 24th Street East.

*The stormwater management plan was designed, reviewed, approved and implemented under File Number 16-5745 in conformance with this condition.*

**HEX 39** Prior to and during site development, compliance with EMC Chapter 13.05 (Surface Water) is required. A temporary erosion and sedimentation control plan associated with the Stormwater Pollution Prevention Plan (SWPPP) is required to be submitted and approved by the City Engineer prior to site development permit issuance. The plan shall be implemented on the project site prior to and updated during site development and future home construction.

*See response under MDNS 1.*

**HEX 40** The applicant shall acquire a National Pollution Discharge Elimination System (NPDES) permit from the Department of Ecology if more than one acre of the project site is disturbed during the site development process and provide a copy of the permit to the City of Edgewood prior to site development.

*The applicant was issued the required permit by Ecology on January 24, 2017 (#WAR304909).*

**HEX 41** EMC Section 18.90.180 requires preservation of significant trees. In those situations where a significant tree cannot be retained, on-site replacement is allowed pursuant to the requirements in EMC Section 18.90.180(D). The applicant shall provide a plan prior to site development.
One significant tree was documented in the Design and Landscape Review conducted under file #17-1217. This tree occurs near the northern boundary of the site and has been retained per plan within the stormwater/park tract.

HEX 42 The applicant shall submit and receive approval of a landscape plan in accordance with EMC 18.90.090 prior to approval of site development plans. The landscape plans shall include provisions for the streetscape, storm tract, and park/community drainfield area landscaping as well as irrigation. Common space and storm tract landscaping shall be required at the time of site development unless otherwise approved by Community Development Director.

Landscape plans for the development were approved on May 22, 2017 under case #17-1217. Revised plans were approved for the project on June 25, 2018, addressing the revised location of the planting strip to the outer edge of the roadway. As the storm tract facilities within the project are located below grade the landscape within the storm tract is limited to grasses, consistent with EMC 18.90.090.D.17 and 18. The site is connected to sewer as contemplated in the preliminary plat and contains no community drainfield area. Specific park improvements were not proposed nor conditioned on this project, findings were made relative to open spaces and payment of park impact fees within the Hearing Examiner Decision. The stormwater/park tract provides open space in the form of field grasses screening the gravel dispersion facilities and retention of the significant tree located along the north property line.

HEX 43 The applicant shall provide a copy of the landscape and streetscape maintenance plan prior to permit issuance of the first building permit to address all common spaces and shall specifically include provisions regarding stormwater maintenance referencing the Operation and Maintenance (O&M) Manual prepared by the Engineer of Record, landscaping, roadway, park/septic area, and storm tract.

Landscape, roadway and stormwater maintenance provisions have been addressed and referenced as required in the CC&Rs and stormwater maintenance agreement for the project. There is no septic area within the plat.

HEX 44 Management and maintenance of the streetscape landscaping, both onsite and along the 24th Street East, shall be the responsibility of the HOA.

Streetscape Landscape maintenance provisions have been addressed and referenced as required in the CC&Rs for the project.

HEX 45 The applicant shall submit for Design Standards Review concurrent with submitting plans for site development as detailed in EMC Chapter 18.95. The submittal shall include overall plat streetscaping and landscaping features,
pedestrian and vehicle access, open space and common areas, pedestrian-level lighting, undergrounding of all project site utilities both within the project at the time of site development.

*See response to HEX #4 which is substantially similar.*

**HEX 46** The applicant shall prepare a plan and process to address individual lot landscaping (to be provided at the time of individual lot development). The applicant or builder shall submit future house/structure designs for Small Lot Single Family Design Review (EMC 18.95.050) on an individual basis or in groupings of no more than six. The house/building submittals for Small Lot Single Family Design Review shall be completed prior to single family home application.

*See response to HEX #5 which is substantially similar.*

**HEX 47** Sewer service to this property will be provided by Lakehaven Utility District (LUD) and shall be constructed in conformance with LUD standards and requirements prior to final plat approval. An approval acknowledgement from the Lakehaven Utility District shall be provided to the City at the time of final plat submittal regarding completion of the sewer requirements.

*Lakehaven Utility District (LUD) issued an initial acceptance letter for this site on February 11, 2019, documenting acceptance of the completed improvements for operation and maintenance.*

**HEX 48** A Sewer Developer Extension Agreement (DEA) shall be required to construct new and/or abandon existing sanitary sewer facilities necessary for the proposed development. The DEA shall require that a new sewer service stub be installed in accord with LUD requirements.

*This condition informs the applicant of Lakehaven's requirements and process for construction. It is presumed that applicant has provided all required documents prior to Lakehaven's initial acceptance.*

**HEX 49** The applicant shall acquire a separate Lakehaven sewer service connection permit for each new connection to the sanitary sewer system, in accordance with standards defined in Lakehaven's current 'Fees and Charges Resolution'.

*This condition informs the applicant of Lakehaven's fee requirements for construction.*

**HEX 50** The Developer Extension Agreement must achieve a point of either substantial completion or acceptance, as determined by LUD prior to activating any new sewer service connection(s).
The initial acceptance letter indicates that residential connections could be issued, and the converted, attached single family residences located on lots 1 and 2 have since been connected to the sewer system.

**HEX 51** The applicant shall be responsible for payment of all associated LUD fees in accordance with the most current fee schedule adopted by LUD at the time of site development.

*This condition informs the applicant of Lakehaven's fee requirements for construction.*

**HEX 52** The applicant shall be responsible for compliance with the requirements of the LUD pursuant to the Findings of Fact in the SEPA MDNS issued on October 18, 2016.

*The findings of fact referenced in this condition are substantially the conditions listed in HEX#47-51. Lakehaven Utility District (LUD) issued an Initial Acceptance Letter for this site on February 11, 2019, documenting acceptance of the completed improvements for operation and maintenance.*

**HEX 53** The applicant shall provide water service improvements in accordance with the City of Milton requirements described under Findings of Fact on pages 7-8 of this Staff report. All work and material shall be in accordance with the most current version of the City of Milton Development Guidelines and Public Works Standards and the M.M.C.

*The findings of fact referenced in this condition are substantially the conditions listed in HEX#54-61. The applicant applied to and received water system approval from the City of Milton prior to installation of the water system serving the subdivision. The City of Milton issued a water main extension project completion approval letter for this site on February 21, 2019, documenting acceptance of the completed improvements.*

**HEX 54** Developer Agreement, Developer Bond, Easements, Bill of Sale will be the required documents for the City of Milton.

*This condition informs the applicant of requirements of the City of Milton Water District. It is presumed that applicant has provided all required documents prior to the City of Milton’s final approval.*

**HEX 55** The City of Milton requires that all onsite water systems be looped to and through a proposed development and connect to the existing City system. Off-site improvements to the existing system by the Developer may be required due to the condition, size, age, structural integrity, ability, and capacity of the existing water system and impacts caused by the proposed development. These
off-site improvements in addition to "on-site" improvements shall be completed as determined by the City of Milton to mitigate impacts caused by the development, and/or installed to facilitate hydraulic looping during site development and prior to final plat approval.

This condition informs the applicant of requirements of the City of Milton Water District. It is presumed that applicant has completed all required improvements consistent with Milton standards prior to the City of Milton’s final approval.

**HEX 56** Prior to submitting plans to the City of Milton for review, an executed standard City of Milton Developer Agreement shall be acquired.

The City does not have documentation of this permit process, however The City of Milton issued a water main extension project completion approval letter for this site on February 21, 2019, documenting acceptance of the completed improvements per their requirements.

**HEX 57** Connection and system development fees for individual lots will be collected at the time of building permit for each lot by the City of Milton. Proof of payment shall be submitted along with each residential unit within the project area at the time of building permit.

This condition references codes applicable to the future development of the single family residences within the plat which will be served water by the City of Milton.

**HEX 58** All required improvements by the City of Milton shall be installed prior to approving the final plat. This includes installation of water main extensions and other improvements per the City of Milton’s most current development standards to service the plat. An approval acknowledgement from the City of Milton shall be provided to the City of Edgewood at the time of final plat submittal regarding completion of the water requirements.

The applicant applied to and received water system approval from the City of Milton prior to installation of the water system serving the subdivision. The City of Milton issued a water main extension project completion approval letter for this site on February 21, 2019, documenting acceptance of the completed, installed improvements.

**HEX 59** Obtaining all easements for the water extension shall be the responsibility of the developer.

The condition reflected the review of City of Milton Water Department, who has issued final approval for the water system improvements. It is not clear what easements this condition referenced as needing to be obtained at this time.
HEX 60 Fire Hydrants placement per fire marshal direction.

The site development plans were reviewed and accepted by the Fire Marshal as a part of the review for file 16-5745. Further the Fire Marshal has reviewed the final plat application and site improvements and documented approval of the final subdivision.

HEX 61 Connection and system development fees will be collected at the time of building permit for each lot, and shall be paid in full prior to final acceptance of the new water system.

This condition references codes applicable to the future development of the single family residences within the plat which will be served water by the City of Milton.

HEX 62 The minimum fire flow requirements for detached one-family residential dwellings having a fire flow calculation area which does not exceed 3,600 square feet shall be 1,000 gallons per minute with a minimum duration of 45 minutes. Fire flow and flow duration for dwellings having a fire flow calculation area in excess of 3,600 square feet shall not be less than specified in the International Fire Code. For residential fire-flow requirements, see Section B105.1 One family dwellings.

This condition references codes applicable to the future development of the single family residences within the plat which all new construction must comply with. The future building permits will be reviewed for compliance with this requirement.

HEX 63 Provide proof of water availability prior to the issuance of building permits for the proposed development.

This condition references codes applicable to the future development of the single family residences within the plat which all new construction must comply with.

HEX 64 At the time of a building permit submittal, a fire flow worksheet shall be completed.

This condition references codes applicable to the future development of the single family residences within the plat which all new construction must comply with. The future building permits will be reviewed for compliance with these standards.

HEX 65 The maximum spacing for fire hydrants serving single family residences shall be 600 feet. Show the location of all fire hydrants within 600 feet of the proposed plat in order to determine if additional hydrants will be required.
The site development plans were reviewed and accepted by the Fire Marshal as a part of the review for file 16-5745. Further the Fire Marshal has reviewed the final plat application and site improvements and documented approval of the final subdivision.

**HEX 66** Fire apparatus access roads shall be provided to within 150 feet of all portions of the exterior walls of the first story of the proposed residence(s) as measured by an approved route around the exterior of the building. The minimum width of the fire apparatus access road serving 2 lots shall be 15 feet paved. More than 2 lots shall be 20 feet wide paved. The access road shall be provided with a driving surface designed to support the imposed load of fire apparatus.

The site development plans were reviewed and accepted by the Fire Marshal as a part of the review for file 16-5745. Further the Fire Marshal has reviewed the final plat application and site improvements and documented approval of the final subdivision.

**HEX 67** All fire lanes over 150 feet shall be provided with an approved turnaround and shall adhere to appendix D of the IFC 2015 for the type and size of construction.

The site development plans were reviewed and accepted by the Fire Marshal as a part of the review for file 16-5745. Further the Fire Marshal has reviewed the final plat application and site improvements and documented approval of the final subdivision.

**HEX 68** Where installed, security gates on fire apparatus access roads shall be equipped for automatic operation by use of a Knox key switch and shall be designed and installed in accordance with the East Pierce Fire & Rescue requirements for security gates.

The applicant has not proceeded with a gate at this subdivision and the roadway was not built to accommodate one in the future.

**HEX 69** An automatic fire sprinkler system shall be installed in all townhouses and duplexes regardless of square footage and in all single family residences that exceed 5,000 square feet of livable space. A separate permit and plan review submittal is required for the installation of the residential fire sprinkler system.
This condition references codes applicable to the future development of the single family residences within the plat which all new construction must comply with. The future building permits will be reviewed for compliance with this requirement.

HEX 70 Provide a guarantee of access to all lots/parcels through a recorded easement or other appropriate legal instrument.

*All lots are provided access via the private road which is delineated on the face of the final plat to assure access is provided to all lots. Access easements for government agencies are provided within the easements located on page 5.*

HEX 71 All lots shall be addressed in accordance with the standard adopted by the City of Edgewood, Planning and Community Development Department.

*See response to HEX 8 which is substantially similar.*

HEX 72 The project shall comply with the Edgewood Municipal Code, the 2012 International Fire Code and the set standards of Edgewood as established by the Fire Chief.

*This condition references codes applicable to the future development of the single family residences within the plat which all new construction must comply with. The future building permits will be reviewed for compliance with these standards. Townhouses and Duplexes are not permitted in this district.*

HEX 73 A six foot high perimeter solid board fence shall be constructed along the exterior side and rear property lines of the project site; and, excluding the frontage area occupied by 94th Avenue Court East improvements and any required City site distance design requirements (per EMC 18.90.060(A)( 1)), a four-foot high perimeter solid board fence shall be constructed along the front property line. All fencing shall be constructed uniformly regarding design and materials. Required fencing of areas adjacent to community tracts shall be completed during the site development phase and fencing required adjacent to each individual residential lot shall be installed prior to the City final inspection of each residence.

*The applicant has constructed a 6 foot solid board fence along the exterior side and rear property lines for the site, including both the tract and lot perimeter areas. The 4 foot perimeter fence required along 24th Street is required prior to the final inspection of the building permit for lot 1.*

HEX 74 The applicant shall pay School Impact Fees to the Puyallup School District at the time of building permit issuance in accordance with EMC 4.05 and EMC 4.10.

*See response under HEX #15 which is substantially similar.*
HEX 75 The applicant shall pay Park Impact Fees at the time of building permit issuance in accordance with EMC 4.05 and EMC 4.20.

See response under HEX #6 which is substantially similar.

HEX 76 The applicant shall pay Traffic Impact fees at the time of building permit issuance in accordance with EMC 4.05 and EMC 4.30.

See response under HEX #32 which is substantially similar.

HEX 77 If significant changes are made to the proposal, additional documentation and study will be required to be submitted to the City of Edgewood and supplemental SEPA environmental review will be required.

Substantial changes were not made to the proposal so no additional SEPA review was required to be conducted.

HEX 78 The applicant shall provide a copy of the final storm drainage plans to Kelby Berg and Troy Tangen and provide a minimum, two week period to provide either individual comments or to submit comments from an engineer prior to final approval of the storm drainage plans by the City. The City has the sole, final authority to approve or disapprove the applicant’s final storm drainage plans.

The plans were provided to Kelby Berg and Troy Tangen via email on May 10, 2017. Following the two week review period, comments were provided to the applicant’s engineer for final corrections before permit approval.

HEX 79 The decision set forth herein is based upon representations made and exhibits, including plans and proposals submitted at the hearing conducted by the hearing examiner. Any substantial change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to the approval of the hearing examiner and may require further and additional hearings.

Substantial changes were not made to the proposal so no additional hearing examiner review was required to be conducted.

HEX 80 The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition precedent to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.
The City staff is not aware of a violation of this condition.

III. STAFF RECOMMENDATION
Based on the information above and materials provided in the file, the City of Edgewood staff has determined that the final plat meets the applicable requirements for final plat approval. The applicant has completed required improvements for the development as noted above and submitted performance bonds for the remaining landscape improvements and maintenance of the public road improvements. Therefore, the City staff recommends the City Council adopt the findings in this report and APPROVE the Nicklaus Subdivision Final Plat, File Number 19-1023, subject to completion of the bonded landscape improvements. Completion of improvements shall occur on or before January 27, 2021, unless an extension is granted by the Community Development Director.
April 22, 2019

Mr. Geoffrey P. Sherwin, P.E.
Director of Acquisition and Entitlement
Nicklaus Development, LLC
P.O. Box 188
Puyallup, Washington 98371

SUBJECT: CITY ENGINEER’S CERTIFICATE OF IMPROVEMENTS,
NICKLAUS PROPERTY SUBDIVISION (PROJECT 16-5745)
CITY OF EDEGWOED, PIERCE COUNTY, WASHINGTON
G&O #16463.00

Dear Mr. Sherwin:

This letter is to inform you that pursuant to the City of Edgewood Municipal Code
(EMC) Section 16.04.110, the City has determined that Substantial Completion of the
required improvements associated with conditions for preliminary subdivision approval
and requirements as described within the approved Site Development Plans have been
substantially approved by the Public Works and Engineering Department.

A copy of this letter certifying Substantial Completion of site improvements along with
accompanying documents as outlined in Section 16.04.140 shall be submitted with the
final plat application.

Prior to final plat approval, the City must be in receipt of a Performance Bond for
remaining landscape and irrigation improvements, and a Maintenance Bond for the public
road improvements. Site development permit final construction approval will be
processed in parallel with the final plat application.

Please contact Chuck Hendricksen, P.E., in the Public Works Department at
(253) 952-3299 if you have any questions regarding this letter.

Sincerely,

GRAY & OSBORNE, INC.

[Signature]

Tanl Stafford, P.E.
Contract City Engineer

TLS/hh

cc: Mr. Jeremy Metzler, P.E., Public Works Director, City of Edgewood
Ms. Kristin Moerler, Senior Planner, City of Edgewood
City File 16-5745

1130 Rainier Avenue S., Suite 300 Seattle, Washington 98144 (206) 284-0860 Fax (206) 283-3206
**SUBJECT:** Interim Zoning

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<td>June 11, 2019</td>
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<td>Prepared by:</td>
<td>Darren Groth</td>
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**ATTACHMENTS (list):**
- ☒ Ordinance No. 19-0547
- ☒ Resolution No. 19-0458
- ☒ Typical Development Process
- ☒ Development Options Slide Deck

**Approval of Materials:**

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**Fiscal Note/Consideration:** N/A

**SUMMARY STATEMENT:**

On April 9, 2019, the City Council adopted Ordinance No. 19-0547. The City provided the requisite public notice of the public hearing, and the City Council held the 60-day hearing on May 14, 2019. During the hearing, City Council heard the staff report and public testimony and subsequently voted to keep the interim zoning ordinance in place for the full six month period.

On May 28, 2019, City Council adopted the findings of fact in support of the interim zoning ordinance. The next discussion regarding the interim zoning ordinance occurred during the June 4, 2019 study session. The conversation focused on scheduling an opportunity to meet with Edgewood citizens in a town hall format, which would enable a two-way dialogue between City Council and citizens. The first town hall meeting is scheduled for June 20, 2019 at 6 p.m.

**RECOMMENDED ACTION:** Hold a discussion and provide staff guidance regarding the interim zoning ordinance.
ORDINANCE NO. 19-0547

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, PIERCE COUNTY, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING AN EMERGENCY INTERIM ZONING ORDINANCE ON THE ACCEPTANCE OF APPLICATIONS FOR NEW RESIDENTIAL/MULTI-FAMILY DEVELOPMENT IN THE TOWN CENTER (TC), COMMERCIAL (C), MIXED USE RESIDENTIAL (MUR) AND BUSINESS PARK (BP) ZONES, FOR A PERIOD OF SIX MONTHS, ALL AS ALLOWED BY RCW 35A.63.220 AND RCW 36.70A.390, ESTABLISHING A DATE FOR THE PUBLIC HEARING ON THE INTERIM ZONING ORDINANCE, PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY NECESSITATING IMMEDIATE ADOPTION OF THE INTERIM ZONING ORDINANCE

WHEREAS, pursuant to chapter 35A.63 RCW and chapter 36.70A RCW, the City of Edgewood has established various zoning districts to ensure orderly and appropriate land use development consistent with the City's Comprehensive Plan; and

WHEREAS, the City has established four zoning districts that allow multi-family residential, commercial, light industrial, professional offices, employment uses, senior housing/apartments and retail, which are the Town Center (TC), Commercial (C), Multi-Use Residential (MUR) and Business Park (BP) zoning districts; and

WHEREAS, in the last five years, the City has experienced a large number of permit applications for residential uses and multi-family development (that was not paired with retail or commercial uses) in these four zones; and

WHEREAS, the City Council is concerned that unless there is a temporary prohibition on residential and multi-family residential uses that is not paired with retail or commercial uses within from these four zones, that there will not be any available property left in these zones for commercial and retail uses to locate in the City; and
WHEREAS, the Edgewood City Council may adopt an interim zoning ordinance to be in effect immediately and extend for a period of up to six months, as long as it holds a public hearing on the proposed interim zoning ordinance within sixty days after adoption and subsequently adopts findings of fact to support the interim zoning ordinance (RCW 35A.63.220, RCW 36.70A.390); and

WHEREAS, an interim zoning ordinance would still allow property owners to submit applications for some development in the affected zones; and

WHEREAS, the City Council wishes to maintain the status quo with this interim zoning ordinance by prohibiting the submission and/or processing of non-exempt development applications for residential and multi-family residential uses in these zones for a six-month period of time; and

WHEREAS, during this six-month period, the Council will consider whether the amount and type of residential/multi-family development in the TC, C, MUR and BP zones should be modified; and

WHEREAS, while the interim zoning is in effect, the City Council will direct the City staff to consider all relevant facts, perform SEPA and all necessary analyses to determine whether a permanent zoning ordinance should be adopted;

WHEREAS, during this six-month period, an ordinance which includes these modifications will be drafted processed according to applicable law, which will include public notice of public hearings, SEPA and consideration/action on the final draft of the ordinance by the City Council; and
WHEREAS, the City's SEPA Responsible Official has determined that this ordinance must be adopted on an emergency basis under WAC 197-11-880 (but the City Responsible Official will comply with SEPA within the next 60 days); and

WHEREAS, the City Council considered this ordinance during the Council's regular meeting of April 8, 2019;

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

Section 1. Purpose. The purpose of this Interim Zoning Ordinance is to allow the City adequate time to complete the activities described in the "whereas" sections in this Ordinance, which are hereby incorporated herein by this reference. These activities must be performed while an interim zoning ordinance prohibiting the submission and processing of non-vested applications for residential and multi-family development in the Town Center, Commercial, Mixed Use Residential and Business Park zoning districts is in place. The City Council finds that the adoption of an interim zoning ordinance for a six-month period will serve the public interest.

Section 2. Interim Zoning Imposed. Except as set forth in Section 3 of this Ordinance, the City Council hereby prohibits the City's acceptance and processing of the following applications/approvals submitted for any residential or multi-family residential uses on property located in the following zones: Town Center (TC), Commercial (C), Mixed Use Residential (MUR) and Business Park (BP):

A. Preliminary plats, subdivisions, short plats, short subdivisions, binding site plans, vacation of plats, alteration of plats;
B. Any type of land use approval, including, but not limited to, building
permits, conditional use permits, variances, site plans site development approvals,
critical areas permits.

Section 3. Exceptions. This interim zoning ordinance shall not apply to the
following:

A. The processing and issuance of a permit/approval for preliminary plats,
subdivisions, short subdivisions, short plats, binding site plans or building permits,
where the fully complete, valid application for the permit/approval was filed with the City
prior to the effective date of this Ordinance;

B. Permit applications for accessory uses and structures associated with
existing residential dwelling units;

C. Applications for final plats, final short plats and approvals for any other site
improvements directly necessary to obtain approval of the final plat for final short plat,
where a fully complete, valid preliminary plat or short plat applications was submitted
prior to the effective date of this Ordinance;

D. Permit applications for single-family detached residential uses in the
Mixed Use Residential zone; and

E. Permit applications for residential and/or multi-family residential uses in
any zone other than Town Center, Commercial, Mixed Use Residential and Business
Park.

Section 4. Public Hearing. The City Clerk is hereby authorized and directed to
provide the necessary public notice and schedule a public hearing on this interim zoning
ordinance to be held during the City Council's regular meeting of May 14, 2019, or
within 60 days of the adoption of this Ordinance, as provided in RCW 35A.63.220 and
RCW 36.70A.390. After the public hearing, the City Council may adopt additional
legislative findings in support of this Ordinance and/or otherwise modify the provisions
of this interim zoning ordinance.

Section 5. Declaration of Emergency. This interim zoning ordinance must be
adopted to be effective immediately in order to preserve the status quo while the City
reviews and revises, as appropriate, its current development regulations and
comprehensive plan relating to residential and multi-family residential development in
the TC, C, MUR and BP zones, and to prevent new residential/multi-family residential
permit applicants from potentially establishing vested rights inconsistent with the City’s
future regulatory framework to be considered and adopted while the interim zoning
ordinance is effective. The findings and conclusions above are adopted by the City
Council in support of the designation of this ordinance as a public emergency necessary
for the protection of the public health, public safety, public property and public welfare.
This ordinance shall take effect immediately upon adoption by the Council, by a vote of
a majority of the Council plus one, and shall remain effective for six months unless
earlier terminated by the City Council.

Section 6. Severability. If any section, sentence, clause or phrase of this
Ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction,
such invalidity or unconstitutionality shall not affect the validity or unconstitutionality of
any other section, sentence, clause or phrase of this Ordinance.

Section 7. Publication. This Ordinance will be published by an approved
summary consisting of the title.
Section 8. Effective Date. This Ordinance has been passed by a majority plus one vote of the whole membership of the City Council, and shall take effect and be in force immediately upon passage.

PASSED BY THE EDGEWOOD CITY COUNCIL ON THIS 9TH DAY OF APRIL 2019.

CITY OF EDGEWOOD

Daryl Eidinger, Mayor

ATTEST/AUTHENTICATED:

By: Rachel Pitzel, City Clerk

APPROVED AS TO FORM:

By: Carol Morris, City Attorney

Published: April 12, 2019
Effective: April 9, 2019
RESOLUTION NO. 19-0458

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDGECOUD, WASHINGTON, ADOPTING FINDINGS OF FACT TO SUPPORT THE CONTINUED MAINTENANCE OF INTERIM ZONING ORDINANCE NO. 19-0547, RELATING TO LAND USE AND ZONING, PROHIBITING THE ACCEPTANCE OF APPLICATIONS FOR NEW RESIDENTIAL/MULTI-FAMILY DEVELOPMENT IN THE TOWN CENTER (TC), COMMERCIAL (C), MIXED USE RESIDENTIAL (MUR) AND BUSINESS PARK (BP) ZONES, FOR A PERIOD OF SIX MONTHS, ALL AS ALLOWED BY RCW 35A.63.220 AND RCW 36.70A.390.

WHEREAS, the Edgewood City Council may adopt an interim zoning ordinance that extends for a period of six months as long as the Council holds a public hearing on the proposed interim zoning ordinance within sixty days after adoption, and subsequently adopts findings of fact in support (RCW 36.70A.390, 35A.63.220); and

WHEREAS, on April 9, 2019, the Edgewood City Council adopted Ordinance No. 19-0547, which adopted an interim zoning ordinance on the acceptance of applications for new residential/multi-family development in the Town Center (TC), Commercial (C), Mixed Use Residential (MUR) and Business Park (BP) zones, for a period of six months; and

WHEREAS, after the requisite public notice was provided, the City Council held a public hearing on May 14, 2019, (which was during this sixty day period) on Ordinance No. 19-0547; and
WHEREAS, the City Council considered this Resolution during its regular study session of May 21. 2019 as well as the Council’s regular meeting on May 28, 2019;

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

Section 1. Public Hearing. The City Council’s public hearing was held on May 14, 2019.

Section 2. Staff Report. Darren Groth, the Community Development Director, presented the staff report. He reminded the Council of their May 7, 2019 study session discussions on the subject of the interim zoning ordinance, which included the manner in which the City was required to comply with the Growth Management Act. Information included in the Pierce County Buildable Lands Report, and other facts relevant to the TC, C, MUR and BP zoning districts were also presented at that time. As a result of those discussions, Mr. Groth prepared an amendment to the interim zoning ordinance which would have the effect of narrowing its scope, so that it would only apply to the MUR zoning district on the east side of Meridian Avenue. Finally, he recommended that the Council use the Planning Commission in order to vet his recommendation.

Section 3. Public Testimony. The following is a list of the members of the public who provided testimony during the public hearing, together with a brief summary of their testimony:

A. Satwant Sing. Mr. Sing asked that his attorney, Ruben Schutz be allowed to present testimony on his behalf.

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1 The City Council received the portion of the 2014 Pierce County Buildable Lands Survey for Edgewood during its Study Session on May 22, 2019.

2 This proposed ordinance was included in the Council packet for the May 14, 2019 regular City Council meeting, and copies were also available to members of the public during the public hearing.
B. **Ruben Schutz.** Mr. Schutz stated that the interim zoning ordinance affects the Northwood Estates project because it is proposed in the TC zoning district. The project includes multi-family residential and 18,000 square feet of retail and commercial space that fronts Meridian Avenue. While he admitted that the City Council has much legislative discretion to adopt an interim zoning ordinance, Mr. Schutz asked that the Council either modify it along the line of what has been recommended by staff; amend it to include the exception described in his letter or terminate it. He felt that as the ordinance was currently drafted, it is too broad because it prohibits applications for commercial development that are paired with residential uses. If the purpose of the interim zoning ordinance is to prohibit residential and multi-family uses that are not paired with retail or commercial uses, then the Northwood project should be exempt. He also asked that the Council consider this request on the basis of fairness because the property is subject to LID assessments. These assessments were calculated based on the expectation that the property could be used for the purposes allowed in the underlying zone.

C. **Don Huber.** Mr. Huber stated that his property is located on the west side of the MUR zone. If the staff’s recommendation were adopted by the City Council, his property would not be affected by the interim zoning ordinance, so he had nothing else to say.

D. **Chris Van Dyke.** Mr. Van Dyke identified himself as a community marketing consultant and political hack from Bainbridge Island. He wanted to let the Council know that Mr. Sing’s project (Northwood Estates) was not proposed “out of the blue.” Three weeks ago, he

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3 Mr. Schutz also sent a letter dated May 6, 2019 to the Mayor and City Council members on the subject of the Ordinance 19-0547. This letter has been incorporated into the administrative record on the interim zoning ordinance.

4 Mr. Huber wrote a letter to the Mayor and City Council dated April 22, 2019 on the interim zoning ordinance. This letter has been incorporated into the administrative record.
received a notice that the application was complete. Mr. Van Dyke believes that Mr. Sing played by the rules, but the interim zoning ordinance brought his significant monetary investment to a grinding halt. However, he wanted to thank the staff because in his experience, it is rare for any municipality to be as receptive as Edgewood’s staff. He asked that members of the audience stand up at that point, if they supported Mr. Sing.

Elicia Lambert. Ms. Lambert stated that she was in favor of the continued maintenance of the interim zoning ordinance as written. She believes that the City needs time to plan, and that City infrastructure could suffer otherwise.

Sara Wagner. Ms. Wagner supports the original interim zoning ordinance because the City of Edgewood is unlike any other City. It has upheld the character of the community. She believes that we need to do more as we grow, in order to ensure that we do not lose everything to overdevelopment. According to Ms. Wagner, developers want to maximize profit by maximizing densities. She compared the growth rate in Edgewood to the growth rate in Sumner and Seattle, and concluded that Edgewood has been absorbing substantially more growth than other cities. She felt that we should require more of residential developers. Finally, she recalled her experience with one city that required developers to provide 25% open space.

Linda Howard. Ms. Howard stated that she came to the hearing in order to support the original interim zoning ordinance. She has lived here her entire life, but recently has heard nothing but negative comments about the City. Ms. Howard believes that as Edgewood was originally planned, it was great, and she would therefore support the original ordinance.

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5 Ms. Wagner submitted a written, undated statement, which has been incorporated into the administrative record.
David Zahner. Mr. Zahner moved here seven years ago and loves it. However, now he sees more contractors than people. He feels that we are losing Edgewood. Right now, he doesn’t even recognize a nearby ten acre plat that will be sold to developers. He thinks that people want to come here in order to make money. As for how the roads are – they will get worse. Mr. Zahner asked the Council to keep Edgewood the way it is and keep growth responsible.

James Carerro. Mr. Carerro lives in Lakewood and is Don Huber’s architect. He is also on the Lakewood Planning Commission, which recently passed a downtown plan. He feels that the Lakewood zoning code is similar to Edgewood’s in the way it is set up because it is more “urban” here. He believes that we have to accommodate growth and comply with the Growth Management Act. If we must accommodate growth, where will it take place? Personally, Mr. Carerro believes that it is going in the right direction. While the original ordinance was a response to neighborhood concerns about development, it encompasses too much. The City needs to be mindful of being fair to both developers and residents.

Justin Yonker. Mr. Yonker lives in Yakima and is associated with the Cascadia Senior Living project. They have already had a pre-application meeting with staff and doesn’t think this project would be affected by the interim zoning ordinance. While it is a residential use, the use is still commercial. Mr. Yonker believes that they are in Edgewood for the long-term, with about 300 employees and zero plans of liquidity of any properties. Also, senior living uses have a low impact on traffic and schools. They did a market study and have identified a need for this use in Edgewood. Finally, he urged the Council to adopt the amended ordinance or exempt senior housing from the original interim zoning ordinance.
Jason Neil. Mr. Neil is in favor of the original interim zoning ordinance. He believes that there are a lot of apartments being constructed and there are two large duplexes that haven’t yet been completed. He asked that the Council wait to see what the effect on the community is from these developments before allowing more development. Finally, he noted that everyone living in Edgewood is in favor of the original interim zoning ordinance and everyone from outside Edgewood wants the Council to adopt the staff’s proposed ordinance.

David Vincent. Mr. Vincent is an architect for Mr. Sing on the Northwood project. He has been working on it for about a year and a half. He notes that there has been a lot of work performed and much money has been spent on a traffic study, geotech reports. Therefore, he doesn’t believe that the interim zoning ordinance should apply to the Northwood project, only future projects or those that have not submitted applications. The density allowed by code is minimal. Mr. Vincent doesn’t think that it is fair to apply the interim zoning ordinance on existing projects. He said that the City staff has been really helpful and that he would support the amended ordinance proposed by staff.

Ron Milner. Mr. Milner believes that the growth in Edgewood is good, but too much is bad, especially if there aren’t sufficient first responders.

Eric Lamden. Mr. Lamden noted that the developers state that the interim zoning ordinance is unfair, but what about the effect of the developments on the people who live here. We want to preserve it for generations to come.

Shawna Able. Ms. Able is Mr. Sing’s realtor for the Northwood Estates project. She stated that sewer assessments on Meridian forced some property owners to have to sell their properties. What will happen if they can’t develop their properties according to the zoning? The property
owners will lose their properties. She complained that you can’t have a fruit stand on Meridian, you can’t ride horses down Meridian. We are not developers, and if the sale can’t go through because of the passage of this interim zoning ordinance, people will lose their properties.

*Kim Adams.* Ms. Adams stated that the person who is selling her property to Mr. Sing is in her 90’s and has had a $90,000 LID assessment imposed on that property. There is no way for her to pay it except for selling her property. With the interim zoning ordinance, the LID assessment won’t get paid.

*Jim Schmidt.* Mr. Schmidt is part owner of the property that the other commenters are talking about. This is an emotional subject for him. His wife’s parents owned the property for 60 years and had a fruit stand. They left the property to his wife, and Edgewood put the sewer on the property at the same time. There is a $443,000 sewer assessment on it to be paid. He doesn’t know about the interim zoning ordinance, but he does know that a lot of people will suffer. There is traffic on Meridian, and that traffic won’t change. This whole area is growing.

*Jason Rameriz.* Mr. Rameriz states that the City spent money on Buxton, Panzanno, but in Edgewood, he can’t get his clothes dry-cleaned and he can’t go to the grocery store. He believes that we need businesses that will be here for my daughter, if she decides that she wants to stay in Edgewood.

*Written testimony:* The following e-mails were submitted to the City Council on May 15, 2019, and were not considered by the City Council in their deliberations held immediately after the hearing (although they are now included in the administrative record): (1) e-mail dated 5-15-19 from Barbara Boettcher; (2) e-mail dated 5-15-19 from Kelly Rathburn; (3) e-mail dated 5-15-19 from Kelly Rathburn; (4) e-mail dated 5-15-19 from Linda Shampine.
Section 4. Close of Public Hearing. By 7:53 p.m., there were no other members of the public desiring to testify, and the public hearing was closed.

Section 5. Council Deliberations. The Mayor reiterated the three options available to the City Council at this point in time: (1) vote to keep interim zoning ordinance No. 19-0457 in place; (2) terminate or repeal interim zoning ordinance No. 19-0457; or (3) modify interim zoning ordinance No. 19-0457.

The Council asked Mr. Groth to identify the properties that were identified by the members of the public as being affected by the interim zoning ordinance. The portion of the City’s Official Zoning Map, as included in the Council packet, was pulled up on the overhead projector and the properties identified.

The Council asked Mr. Groth to explain how the staff recommendation meets the needs of the individuals here today. Mr. Groth responded by saying that their properties would not be included in the scope of the interim zoning ordinance, if the staff recommendation was adopted. Both of the properties (owned by Mr. Huber and the Northwood Estates) are outside of the “affected area” as identified on the map.

One Councilmember stated that while there is concern about apartments, we need jobs in Edgewood. The apartments bring in jobs. Considering that we went from 9,000 people to 11,000 people since 2009, this doesn’t meet the expectation that we should have 20,000 people. Also, we don’t have any senior citizen centers, so this is a real balancing act.

One Councilmember proposed that we stay with the original interim zoning and then address the affected development projects individually.
The Mayor stated that we all need to realize that Edgewood is changing, and we get to decide how Edgewood will change. People are coming into City Hall to complain about huge sewer assessments. This is a balancing act that we are all faced with.

One Councilmember stated that he has lived here since the Windmill was at the top of Jovita, and he ran for Council in order to become part of the community. He doesn’t want this City to become Federal Way. Compliance with the Growth Management Act is a balancing act for the quality of life of the citizens, and you don’t get growth in a small community.

One Councilmember felt that the City needs to look at what we have and the fact that the density was allocated along Meridian. The property owners along there took the risk. We now have some surplus in our budget and it is not fair to expect someone who has taken a financial risk to take an additional hit.

Another Councilmember stated that this issue needs to be discussed in a study session in order to fully explore the other options.

This comment was affirmed by another Councilmember, who sympathized with the property owners, but believed that we need to articulate whether we want the development and where it should be. She stated that the Council should explain why it made the decision on the interim zoning ordinance. This couldn’t be done at the last study session, which went to 11:00 p.m.

There were comments by the Council that the interim zoning ordinance needed to be examined “holistically,” and that action on the ordinance should be tabled, and that it needed a
better map. There was agreement by one Councilmember that he still had a lot of questions about
the ordinance, even though the Council talked about it in study session until 11:00 p.m.

Section 6. Council action. The Council voted to keep interim zoning ordinance No. 19-0547 in place, as it is. As part of the public hearing, the staff was directed to draft the necessary findings of fact to support the Council’s decision.

Section 7. Effective Date. This resolution will take effect immediately upon passage by the City Council.

ADOPTED this 28TH day of May, 2019

\[signature\]
Daryl Eidinger, Mayor

ATTEST:

\[signature\]
Rachel Pitzel, City Clerk
The development approval process varies greatly from one place to another, and many require several layers of local, state, and federal permits and approvals. This flow chart includes steps that are common to the development approval process in many jurisdictions. The time needed to obtain all of the approvals and permits necessary to begin development ranges from several months to many years.

*Although the development approval process is typically local, there are an increasing number of federal permits that may need to be obtained.*
OUTLINE

- VISUALIZATION EXAMPLES
- EDGEWOOD CODE
- TOWN HALL
- LEGO DEMONSTRATION

MAIN STREET

MAIN STREET – WITH STREET TREES

MAIN STREET – TREES AND MIXED USE

FORM AND FUNCTION - COMMERCIAL
• Facade oriented towards a public space, with significant visibility to ensure safety.

• Clear walkway area with pedestrian signs, street furniture, planters, and other amenities.

• Streetscape featuring substantial landscaping and pedestrian benches.

• Street frontage with limited curb cuts conducive to pedestrian activity.

• Shared access between adjoining properties.

• Garage accessed off an alley minimizes disruption of traffic and pedestrian movements.
• Outdoor plaza with seating and landscaping adjacent to sidewalk.

• The basics of building design: defining a base, middle and top.

• Building articulation and changes in materials reduce the apparent bulk of the structure.

• Facade showing changes in materials, distinct window patterns, changes in color, and articulation.

• Building articulation, changes in materials and separated roof forms.

• Apparent building mass is reduced through varied roof forms, setbacks and individual storefronts.
• Mixed use building with recessed entrances and awnings.

• Corner treatment with building art and open space.

• Building shows preferred materials: stone, brick, & metal (conveys permanence/durability of construction).

• Raised parapet wall to screen roof mounted mechanical equipment.

• Semi-attached single-family buildings in a grouping of three with variety and vehicle access via alley.

• Townhomes clustered around a common park area.
**EDGEWOOD CODE - CHAPTER 18.95**

- Alley access for vehicles is required for semi-attached and townhome units.

- Pedestrian paths are required to connect open space areas in townhouse developments to the street.

**INTERACTIVE DEMONSTRATION**

- Provide Legos as a tool to represent density that must be placed within a map of the city.

- Lay the Legos on a map of the city and see how each table distributes “Lego Density” around Edgewood.