



**CITY OF EDGEWOOD
REGULAR COUNCIL MEETING AGENDA**

Tues., May 23, 2017 – 7:00 pm. ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

1. CALL TO ORDER

Pledge of Allegiance, Roll Call, Additions/Deletions

2. AUDIENCE COMMENT

3. PUBLIC HEARINGS

A. AB17-022 (pg. 3) - Ordinance No. 17-0500, relating to Land Use and Zoning, adopting a new permanent zoning ordinance relating to Quasi-Judicial map Amendments, repealing Section 18.40.110 of the Edgewood Municipal Code; describing the elements of a complete application, the criteria for approval, deadline for issuance of a final decision, and expiration of the approval, providing for severability and establishing an effective date

B. AB17-023 (pg. 11) - Ordinance No. 17-0501, relating to Building Code Enforcement, adopting new Building Code Enforcement procedures which describe violations, explain the process for investigation and enforcement of violations, listing the elements of a notice of violation, describing the procedures for issuance and service of notices of violation, stop work orders and emergency orders, providing for hearings on appeals, describing the hearing process, setting penalties for violations, repealing previous Building Code Enforcement Procedures and modifying references in the Code to Enforcement Procedures in the new Enforcement Chapter, amending Sections 15.05.050, 15.05.060, 15.05.080, 15.05.090, 15.05.100, 15.05.110, and adding a new Chapter 15.07 to the Edgewood Municipal Code

4. MAYOR'S REPORT

5. CONSENT AGENDA (pg. 31): *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 9, 2017,

B. Study Session Meeting Minutes of May 16, 2017.

C. AB17-024, a motion approving May 2017 Budgeted Expenditures as follows: Nationwide Retirement Solutions Check Number 10606 in the amount of \$4,692.40; IRS 941 ACHs; Deferred Compensations Program; Dept. of Retirement Systems and Payroll Direct Deposit in the amount of \$48,028.74; and Vendor Check Numbers 21985 -22758 with EFT Payments in the amount of \$212,329.71. Total distributions submitted for review & authorization in the amount of \$265,050.85

6. COUNCIL BUSINESS

A. AB17-0500 (pg. 47), a motion to accept second reading and adoption of Ordinance No. 17-0500, relating to Land Use and Zoning, adopting a new permanent zoning ordinance relating to Quasi-Judicial map Amendments, repealing Section 18.40.110 of the Edgewood Municipal Code; describing the elements of a complete application, the criteria for approval, deadline for issuance of a final decision, and expiration of the approval, providing for severability and establishing an effective date

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

- B. AB17-0372** (*pg. 55*), a motion to adopt Resolution No. 17-0372, authorizing the Mayor to instruct the City's Finance Director to sign the Certification of Applicant Match, for grant resources applied for at the proposed 36th and Meridian Park Facility, as required by the Recreation and Conservation Funding process as identified through WAC 286-13-040(3)

7. COUNCIL COMMENTS

8. EXECUTIVE SESSION

9. ADJOURN



CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-022 PUBLIC HEARING

Date Action Requested: May 23, 2017

Title: Ordinance 17-0500, Quasi-Judicial Rezone Permanent Code Update

Attachments: Ordinance No. 17-0500

Submitted By: Kevin Stender, Community Development Director

Approved For Agenda By: Daryl Eidinger, Mayor

Prepared For Agenda By: Kevin Stender, Community Development Director

Recommendation: **PUBLIC HEARING** of Ordinance 17-0500, relating to land use and zoning, adopting a new permanent zoning ordinance relating to quasi-judicial map amendments, repealing section 18.40.110 of the Edgewood Municipal Code; describing the elements of a complete application, the criteria for approval, deadline for issuance of a final decision, and expiration of the approval, providing for severability and establishing an effective date.

Discussion: The Council passed an Emergency Ordinance on February 28, 2017 consistent with Section 36.70A.390 of the RCW to repeal EMC 18.40.110 regarding Quasi-Judicial Rezones and temporarily replacing it with a new EMC 18.40.110 that was much clearer. After adoption of Emergency Interim measures the City Council conducted a public hearing and established findings of fact as required for the interim zoning ordinance.

During that same time, the Planning Commission began review of permanent code measures at the March 20, 2017 Planning Commission meeting and then made formal recommendations for a permanent code update to EMC 18.40.110 after a Planning Commission Public Hearing held on April 3, 2017. The Planning Commission did not recommend any changes from the prior interim regulations that were previously put in place. The new Ordinance, similar to the interim ordinance, clearly identifies the process for undertaking a quasi-judicial map change which was the goal of the code update. The Council reviewed the Ordinance regarding the permanent quasi-judicial code update at the May 2, 2017 Study Session and the item was placed on the agenda for first reading for May 9, 2017. The Council received testimony during the Public Hearing May 23, 2017.

Alternatives: **PUBLIC HEARING**

Fiscal Impact: N/A

**CITY OF EDGEWOOD, WASHINGTON
ORDINANCE NO. 17-0500**

AN ORDINANCE OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING A NEW PERMANENT ZONING ORDINANCE RELATING TO QUASI-JUDICIAL MAP AMENDMENTS, REPEALING SECTION 18.40.110 OF THE EDGEWOOD MUNICIPAL CODE; DESCRIBING THE ELEMENTS OF A COMPLETE APPLICATION, THE CRITERIA FOR APPROVAL, DEADLINE FOR ISSUANCE OF A FINAL DECISION, AND EXPIRATION OF THE APPROVAL, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City's regulations relating to quasi-judicial rezones in Edgewood Municipal Code (EMC) Section 18.40.110 were unclear and required modification; and

WHEREAS, Section 36.70A.390 of the Revised Code of Washington authorizes the City Council to adopt an interim zoning ordinance; and

WHEREAS, the City Council approved the interim zoning ordinance at the February 28, 2017 regular Council meeting and established a date for a Public Hearing before themselves on March 28, 2017; and

WHEREAS, the City's SEPA responsible official determined that the zoning ordinance update was exempt from SEPA pursuant to WAC 197-11-800(19) as a procedural type code change without effect on the environment; and

WHEREAS, through the interim ordinance, the Planning Commission reviewed the interim regulations at the March 20, 2017 regular Planning Commission meeting; and

WHEREAS, the Planning Commission recommended that the regulations be adopted as permanent regulations following public testimony at a public hearing on April 3, 2017; and

WHEREAS, the City Council reviewed the Planning Commission recommendation and DRAFT permanent zoning ordinance regulations at the May 2, 2017 Study Session; and

WHEREAS, the City Council moved forward the first reading of the Ordinance at the May 9, 2017 regular Council meeting; and

WHEREAS, the City Council held a public hearing May 23, 2017 to receive public testimony regarding the DRAFT permanent zoning ordinance; and

WHEREAS, this Ordinance was presented to the City Council for second reading on May 23, 2017; and

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

Section 1. Section 18.40.110 of the Edgewood Municipal Code is hereby repealed.

Section 2. A new Section 18.40.110 is hereby added to the Edgewood Municipal Code, which shall read as follows:

18.40.110 Quasi-judicial Map Amendments -- Purpose. The purpose of Sections 18.40.110 through 18.40.117 is to establish procedures for amendment of the City's Official Zoning Map. The Official Zoning Map is the map of the City which depicts the zoning designations on property, and implements or gives effect to the Comprehensive Plan. Quasi-judicial amendments are those amendments of the Official Zoning Map that involve the application of existing policy to a specific development application, and do not involve the adoption of new policy (which occurs through legislative decisions).

Section 3. A new Section 18.40.111 is hereby added to the Edgewood Municipal Code, which shall read as follows:

18.40.111 Administration of Quasi-Judicial Map Amendments.

A. Quasi-Judicial Map Amendments, Generally. The Director is authorized and directed to administer the provisions of this Chapter relating to Quasi-Judicial Map Amendments. The authority to hold a public hearing and provide a final recommendation is granted to the Hearing Examiner and the City Council has the authority to make the final decision after a closed record hearing. If approved, the City Council will adopt an ordinance amending the City's Official Zoning Map.

B. Development Agreement. The City shall not process any Quasi-Judicial Map Amendments with Development Agreements under the interim zoning ordinance.

Section 4. A new Section 18.40.112 is hereby added to the Edgewood Municipal Code, which shall read as follows:

18.40.112 Procedure for Quasi-Judicial Map Amendments. The following steps shall be followed in the processing of Quasi-Judicial Amendments.

- A. Determination of Complete Application;
- B. Notice of Application;
- C. SEPA;
- D. Determination of Consistency;

- E. Notice of Public Hearing;
- F. Preparation of Staff Report;
- G. Public Hearing; and
- H. Issuance of Recommendation to City Council;
- I. City Council Closed Record Hearing
- J. If Quasi-Judicial Map Amendment is adopted, an ordinance is adopted to change the Official Land Zoning Map.

Section 5. A new Section 18.40.113 is hereby added to the Edgewood Municipal Code, which shall read as follows:

18.40.113 Requirements for a Complete Quasi-Judicial Map Amendment Application. The following materials shall be submitted to the City for a complete Quasi-Judicial Amendment (site specific rezone):

- A. Application Form: Seven (7) copies of the completed application form;
- B. Date, name, address, telephone number and e-mail of the applicant;
- C. Name, address, telephone number and e-mail of the owner of the property identified in the application;
- D. Legal description of the subject property;
- E. Identification of all sections of the comprehensive plan policies and map addressing the property subject to the application, including identification of the comprehensive plan map designation;
- F. Description of any proposed development of the property under the proposed zoning designation;
- G. Any plans, information and/or studies that accurately depict existing and proposed use(s) and improvements;
- H. An explanation of the rationale for the proposed amendment;
- I. An explanation of how the proposed amendment and associated development proposal(s), if any, conform to, conflict with, or relate to the criteria set forth in Section 18.40.114, as applicable;
- J. A completed SEPA checklist including the supplement sheet for nonproject actions; and
- K. A title report dated within 30 days of submittal for the subject property.
- L. The application fee, as established by the City.

Section 6. A new Section 18.40.114 is hereby added to the Edgewood Municipal Code, which shall read as follows:

18.40.114. Criteria for Approval of Quasi-Judicial Map Amendment.

- A. The following general rules apply to Quasi-Judicial Map Amendment applications:

1. There is no presumption of validity favoring the action of rezoning;
2. The proponents of the rezone have the burden of proof to demonstrate that conditions have changed since the original zoning; and
3. The rezone must bear a substantial relationship to the public health, safety, morals or welfare.

B. Implementation of the general rules in subsection A above involves analysis of the following criteria in order to approve a Quasi-Judicial Map Amendment:

1. Consistency with the existing comprehensive plan (the comprehensive plan that has been approved and is in place at the time the application was submitted);
2. Consistency with the purpose of the proposed zoning district;
3. Consistency between zone criteria and area characteristics;
4. Zoning history and precedential effect. Previous and potential zoning changes both in and around the area identified in the application shall be examined;
5. The impact of more intense zones on less intense zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred. Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:
 - a. Natural features including but not limited to topographical breaks, lakes, streams, and ravines;
 - b. Major traffic arterials and railroad tracks;
 - c. Distinct change in street layout and block orientation;
 - d. Open space and greenspaces.
6. Zone boundaries.
 - a. In establishing boundaries, the following element shall be considered:
 - i. Physical buffers as described in subsection A(5) above; and
 - ii. Platted lot lines.
 - b. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.
7. Height limits. In general, height limits greater than thirty five (35) feet should be limited to areas where higher height limits would be

consistent with the comprehensive plan or where the designation would be consistent with the existing built character of the area;

8. Impact Evaluation. The evaluation of the changes that would result from approval of the application shall consider the possible negative and positive impacts on the affected area and its surroundings. Factors to be examined include, but are not limited to, the following:

- a. Housing;
- b. Public services;
- c. Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows and energy conservation;
- d. Pedestrian safety;
- e. Manufacturing activity;
- f. Employment activity;
- g. Character of areas recognized for architectural or historic value;
- h. Shoreline view, public access and recreation;
- i. Service capacities. Development which can be reasonably anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including: street access to the area; street capacity in the area; transit service; parking capacity; utility and sewer capacity; shoreline navigation.

9. Changed Circumstances. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone designations in the Zoning Code;

10. Critical Areas. If the area is located in or adjacent to a critical area, the effect of the rezone on the critical area shall be considered.

Section 7. A new Section 18.40.115 is hereby added to the Edgewood Municipal Code, which shall read as follows:

18.40.115 Conditioning. A Quasi-Judicial Map Amendment may be conditioned based on the criteria set forth in 18.40.114 and RCW 43.21C.060 (SEPA). Conditions shall be included in a Development Agreement recorded against the subject property.

Section 8. A new Section 18.40.116 is hereby added to the Edgewood Municipal Code, which shall read as follows:

18.40.116 Deadline for Final Decision. A Quasi-Judicial Map Amendment shall be approved, approved with conditions or denied within one hundred-twenty (120) days after the application has been determined complete.

Section 9. A new Section 18.40.117 is hereby added to the Edgewood Municipal Code, which shall read as follows:

18.40.117 Expiration.

A. A Quasi-Judicial Amendment approval with or without a development agreement shall expire three years from the effective date of the approval, unless;

1. If, prior to the end of the three-year period, a complete application is filed for a building permit that is subsequently issued; or
2. Another time for expiration is specified in the final decision or development agreement.

B. When a Quasi-Judicial Amendment expires, the Official Land Use Map shall be amended so that the zoning designation in effect immediately prior to the approval shall re-apply to the subject property, except as otherwise expressly provided in the original ordinance adopting the Quasi-Judicial Amendment.

Section 10. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 11. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 12. Effective Date. This Ordinance shall take effect and be in full force immediately upon passage, having received the vote of a majority plus one of the entire Council.

**PASSED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD THIS 23RD DAY
OF MAY, 2017.**

Daryl Eidinger, Mayor

AUTHENTICATED:

Rachel Pitzel, City Clerk

APPROVED AS TO FORM:

Carol Morris, City Attorney

PASSED BY THE CITY COUNCIL: 05/23/17

PUBLISHED: 05/25/17

EFFECTIVE DATE: 05/30/17

ORDINANCE NO: 17-0500



CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION – PUBLIC HEARING
Agenda Bill No.: AB17-023

Date Action Requested: May 23, 2017

Title: Building Code Enforcement Code Revisions

Attachments: Proposed Ordinance 17-0501

Submitted By: Aaron C. Nix, ACA Municipal Services

Approved For Agenda By: Mayor Daryl Eidinger

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

Recommendation: N/A

Discussion: The City's building code enforcement provisions defer to the International Building Code (IBC) and are somewhat general, in most instances, and do not typically outline sufficient processes or appeal procedures that are appropriate for the needs of the City of Edgewood. Staff and the City Attorney have begun drafting language for consideration by the Mayor and City Council as it pertains to code enforcement provisions as it relates to Edgewood's Building Code. A draft Ordinance had previously been discussed with the City Council at their May 2, 2017 study session and has been subsequently updated and prepared for a public hearing slated for the Council meeting slated for the 23rd of May, of which the attached version is being presented for that purpose.

Fiscal Impact: N/A

PUBLIC HEARING VERSION

ORDINANCE NO. 17-0501

AN ORDINANCE OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO BUILDING CODE ENFORCEMENT, ADOPTING NEW BUILDING CODE ENFORCEMENT PROCEDURES WHICH DESCRIBE VIOLATIONS, EXPLAIN THE PROCESS FOR INVESTIGATION AND ENFORCEMENT OF VIOLATIONS, LISTING THE ELEMENTS OF A NOTICE OF VIOLATION, DESCRIBING THE PROCEDURES FOR ISSUANCE AND SERVICE OF NOTICES OF VIOLATION, STOP WORK ORDERS AND EMERGENCY ORDERS, PROVIDING FOR HEARINGS ON APPEALS, DESCRIBING THE HEARING PROCESS, SETTING PENALTIES FOR VIOLATIONS, REPEALING PREVIOUS BUILDING CODE ENFORCEMENT PROCEDURES AND MODIFYING REFERENCES IN THE CODE TO ENFORCEMENT PROCEDURES IN THE NEW ENFORCEMENT CHAPTER, AMENDING SECTIONS 15.05.050, 15.05.060, 15.05.080, 15.05.090, 15.05.100, 15.05.110, AND ADDING A NEW CHAPTER 15.07 TO THE EDGEWOOD MUNICIPAL CODE.

WHEREAS, the City has decided to update its Building Code enforcement procedures and make various housekeeping amendments to chapter 15.05 of the Edgewood Municipal Code; and

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

WHEREAS, on May 23, 2017, the City Council held a public hearing on this Ordinance and received _____ comments on the proposed Ordinance; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meetings on May 1, 2017 and _____, Now, Therefore,

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

Section 1. Section 15.05.050(O) of the Edgewood Municipal Code, which amends
Section 110.6 of the International Building Code, is hereby amended to read as follows:

110.6 Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate that portion of the construction is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this Code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

~~There shall be a final inspection and approval and issuance of a Certificate of Occupancy for of all buildings and structures when completed and ready for occupancy or use. Buildings that have not received a final approval shall not be occupied without written approval of the Building Official and Fire Chief.~~

Section 2. Section 15.05.050(Q) of the Edgewood Municipal Code, which amends
Section 111.5 of the International Building Code, is hereby amended to read as follows:

111.5 Violation of requirements of certificate of occupancy. The City Council affirms that the issuance of any certificate of occupancy is of vital importance in the safeguarding of life safety, property, safety and health of occupants of any structure; and further, that the enforcement of all City development regulations is of vital importance to the City's economic vitality and the public good. Any person allowing a building to be occupied without a certificate of occupancy first being issued as required by this Chapter shall be in violation of this Chapter. ~~and shall be assessed a civil penalty not to exceed \$500. Such person shall also be guilty of a gross misdemeanor punishable by a criminal penalty not to exceed \$5,000 and/or one year imprisonment. Each day that a building is occupied without a certificate of occupancy shall be a separate violation.~~

Section 3. Section 114.4 of the International Building Code is hereby amended to read as follows:

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to the enforcement procedures and penalties as set forth in chapter 16.07 EMC. ~~Shall be subject to a civil penalty in the amount of \$___ per day for each violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

Section 4. Section 115 of the International Building Code shall be amended to read as follows:

115.2 Issuance. The building official shall follow the procedures in chapter 15.07 EMC for the substance of the stop work order and issuance. Appeals of a stop work order shall proceed as set forth in chapter 15.07 EMC. ~~The stop work order shall be in writing and shall be given to the owner of the property involved, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.~~

Section 5. Section 15.05.050(S) of the Edgewood Municipal Code, which amends Section 115.3 of the International Building Code, is hereby amended to read as follows:

115.3 Unlawful continuance. It is unlawful for any person who to continues any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition. The penalties for violations of stop work orders shall be as established in chapter 15.07 EMC. , shall be assessed a civil penalty not to exceed \$500. Such person shall also be guilty of a gross misdemeanor punishable by a criminal penalty not to exceed \$5,000 and/or one year imprisonment. Each day that work continues after a person has been served with a stop work order shall be a separate violation.

Section 6. Section 15.05.060(E) of the Edgewood Municipal Code, which amends Section R106.1 of the International Residential Code, is hereby amended to read as follows:

R106.1 Submittal Documents. In addition to the materials required by RCW 19.27.095 for a complete building permit application, plans, specifications, engineering calculations, diagrams, soil investigation reports, environmental data pertaining to any Critical Area designation as required by EMC Title 14, special

inspection and structural observation programs and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit. ~~When such plans are not prepared by a licensed architect, geologist, or engineer, the Building Official may require that the applicant submitting such plans or other data demonstrate that state law does not require that the plans be prepared by a licensed architect, geologist or engineer. The Building Official may require plans, computations and specifications to be prepared and designed by an engineer, geologist or architect licensed by the state to practice as such, even if not required by state law.~~

Each sheet of plans must bear the seal and signature of the architect, geologist, or engineer who prepared the plans and specifications. Such architect, geologist or engineer must be qualified in the proposed work and authorized for such practice in the state of Washington. Further, plans, computations and specifications for all structural design work must bear the seal and signature of and be prepared and designed by (or under the direct supervision of) an architect, geologist or structural engineer authorized to practice as such in the state of Washington. However, the Building Official may accept the design of a professional engineer for assembly line products or designed specialty structural products.

Section 7. Section 15.05.060(L) of the Edgewood Municipal Code, which amends Section R113.4 of the International Residential Code, is hereby amended to read as follows:

R113.4 Violation Penalties. Any person who erects, constructs, alters or repairs a building or a structure in violation of this Code, shall be subject to the enforcement procedures and penalties set forth in chapter 15.07. EMC. In addition, any person who erects, constructs, alters or repairs a building or a structure before obtaining the necessary permits required by this Code, or fails to obtain a permit when otherwise required by this Code, shall be subject to a \$500 Administrative Compliance Fee or an investigation fee equal to the permit fee as required by this Code, whichever may be greater in addition to all other applicable remedies and penalties. The \$500 Administrative Compliance Fee or the investigation fee shall be in addition to the required permit fees.

Section 8. Section 15.05.060(M) of the Edgewood Municipal Code, which amends Section R114. of the International Residential Code, is hereby amended to read as follows:

R114.1 Notice to owner or the owner's authorized agent. Upon notice from the building official that work on any building or structure is being executed contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. ~~The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's authorized~~

~~agent or to the person performing the work and shall state the conditions under which work will be permitted to resume. The building official shall follow the procedures in chapter 15.07 EMC for the preparation, issuance and service of the stop work order. Appeals of stop work orders shall follow the procedures in chapter 15.07 EMC.~~

R114.2 Unlawful Continuance. Any person who continues any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove an unsafe condition, shall be subject to the enforcement procedures and penalties set forth in chapter 15.07 EMC. ~~Assessed a civil penalty not to exceed \$500. Such person shall also be guilty of a gross misdemeanor punishable by a criminal penalty not to exceed \$5,000 and/or one year imprisonment. Each day that work continues after a person has been served with a stop work order shall be a separate violation.~~

Section 9. Section 15.05.080(C) of the Edgewood Municipal Code, which amends Section 106.3 of the Uniform Plumbing Code, is hereby amended to read as follows:

106.3 Penalties. Any person, firm or corporation violating any provision of this Code shall be ~~deemed guilty of a Civil Infraction as specified in EMC Title 16. Guilty of a misdemeanor, punishable by a criminal penalty as set forth in EMC Section 1.10.010. or by imprisonment not exceeding 364 days, or by both such penalty and imprisonment.~~

106.4 Stop Orders. The building official shall use the procedures in chapter 15.07 EMC for the preparation, issuance and service of stop work orders. Appeals of stop work orders shall proceed as set forth in chapter 15.07 EMC. ~~Where work is being done contrary to the provisions of this code, the Authority having Jurisdiction shall be permitted to order the work stopped by notice in writing to be served on persons engaged in the doing or causing such work to be done, and such persons shall forthwith stop work until authorized by the Authority Having Jurisdiction to proceed with the work.~~

* * *

Section 10. Section 15.05.080(D) of the Edgewood Municipal Code, which amends Section 107.3 of the Uniform Plumbing Code, shall be amended to read as follows:

107.3 Appeals. Appeals of final orders or decisions made by the building official under the Uniform Plumbing Code, other than enforcement actions, shall be processed according to the procedures set forth in chapter 15.07 EMC. The hearing examiner shall hear and decide appeals of orders, decisions or

~~determinations made by the building official relative to the application and interpretation of UPC as amended in accordance with chapter 2.40 EMC. The appellant shall pay the fee required pursuant to the City's currently adopted fee schedule, as may be amended from time to time. An application for appeal shall be based on the claim that the true intent of the UPC as amended or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the UPC as amended do not fully apply or an equally good or better form of construction is proposed. The hearing examiner shall have no authority to waive requirements of the UPC as amended.~~

Section 11. Section 15.05.090(E) of the Edgewood Municipal Code, which amends Section 108.4 of the International Mechanical Code, is hereby amended to read as follows:

108.4 Violation -- Penalties. Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a misdemeanor and subject to the criminal penalty set forth in EMC Section 1.10.010. ~~guilty of a civil infraction, as specified in EMC Title 18.~~

Section 12. Section 108.5 of the International Mechanical Code shall be amended to read as follows:

108.5 Stop Work orders. Upon notice from the code official that mechanical work is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. The code official shall follow the procedures in chapter 15.07 EMC for preparation, issuance and service of the stop work order. ~~Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume.~~ Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for the criminal penalty as set forth in EMC Section 1.10.010. ~~fine of not less than ____ dollars or more than ____ dollars.~~

Section 13. Section 15.05.090(F) of the Edgewood Municipal Code, which amends Section 109.1 of the International Mechanical Code, is hereby amended to read as follows:

109.1 Application for Appeals. Appeals of final orders or decisions other than enforcement actions under the International Mechanical Code shall be processed according to the procedures set forth in chapter 15.07 EMC. The hearing examiner shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this Code as amended in accordance with chapter 2.40 EMC. The appellant shall pay the fee required pursuant to the City's currently adopted fee schedule, as may be amended from time to time. An application for appeal shall be based on a claim that the true intent of this Code as amended or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code as amended do not fully apply or an equally good or better form of construction is proposed. The hearing examiner shall have no authority to waive requirements of this Code as amended. References made to the board of appeals or decision of the board, IMC 109.2 through 109.6.2 shall mean hearing examiner or decision of the hearing examiner.

Section 14. Section 15.05.100(D) of the Edgewood Municipal Code, which amends Section 106.4 of the International Property Maintenance Code, is hereby amended to read as follows:

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, shall be subject to the enforcement procedures and penalties set forth in chapter 15.07 EMC. In addition, any person who violates a provision of this code by erecting, constructing, altering or repairing a building or structure before obtaining the necessary permits required by this Code shall be subject to a \$500 Administrative Compliance Fee or an investigation fee equal to the permit fee as required by this Code, whichever may be greater in addition to all other applicable remedies and penalties. The \$500 Administrative Compliance Fee or the investigation fee shall be in addition to the required permit fees.

Section 15. Section 15.05.100(E) of the Edgewood Municipal Code, which amends Section 109.6 of the International Property Maintenance Code, is hereby amended to read as follows:

109.6 Hearing. Hearings on any final order or decision made by city officials relative to the application and interpretation of the IPMC shall follow the procedures set forth in chapter 15.07 EMC. Any person required to take emergency measures shall comply with such order forthwith. Any affected person may request an appeal using the procedures specified in Chapter 2.40

~~EMC. The applicant shall first file an appeal with the required processing fee with the Department of Community Development, whereupon a hearing date will be scheduled. The Hearing Examiner will render his decision within 10 days of the closing of the hearing.~~

Section 16. Section 15.05.100(F) of the Edgewood Municipal Code, which amends Section 111.1 of the International Property Maintenance Code, is hereby amended to read as follows:

111.1 Application for Appeals. Appeals of any final order or decision made by city officials relative to the application and interpretation of the IPMC shall follow the procedures set forth in chapter 15.07 EMC. The hearing examiner shall hear and decide appeals of orders, decisions or determinations made by city officials relative to the application and interpretation of the PMC as amended in accordance with chapter 2.40 EMC. The appellant shall pay the fee required pursuant to the City's currently adopted fee schedule, as may be amended from time to time.

Section 17. Section 15.05.110(C) of the Edgewood Municipal Code, which amends Section 108.1 of the International Fire Code, is hereby amended to read as follows:

108.1 Board of Appeals established. ~~In order to decide appeals of orders, decisions, or determinations made by the fire code official relative to the application and interpretation of this code, there is hereby created an appeals process for administrative decisions consisting of the hearing examiner as appointed by the City. The hearing examiner and appellant will use the procedures already specified in chapter 2.40 EMC, and shall render his decision within 10 days of the closing of the hearing. The applicant or aggrieved party shall first file an appeal, including the required processing fee, to the Department of Community Development.~~ Appeals of any final order or decision made by the fire code official relative to the application and interpretation of the IFC, other than enforcement actions, shall follow the procedures set forth in chapter 15.07 EMC.

Section 18. Section 15.05.110(C) of the Edgewood Municipal Code, which amends Section 109.3 of the International Fire Code, is hereby amended to read as follows:

109.3 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect,

install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under the provisions of this code, shall be guilty of misdemeanor, punishable by a criminal penalty as set forth in EMC Section 1.10.010. Each day that a violation continues after due notice has been served shall be deemed a separate offense. ~~shall be guilty of a civil infraction as specified in Edgewood Municipal Code (EMC) 18.30.130.~~

Section 18. Section 15.05.110(C) of the Edgewood Municipal Code, which amends Section 111.1 of the International Fire Code, is hereby amended to read as follows:

111.1 Stop Work Order. The fire code official or building code official may issue a stop work order under the circumstances described in chapter 15.07 EMC, and shall follow the procedures in chapter 15.07 EMC for preparation, issuance and service of stop work orders. Appeals of stop work orders shall follow the procedure in chapter 15.07 EMC. ~~Whenever the fire code official or building code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the fire code official or building code official is authorized to issue a stop work order.~~

Section 19. Section 15.05.110(C) of the Edgewood Municipal Code, which amends Section 111.4 of the International Fire Code, is hereby amended to read as follows:

111.4 Failure to Comply. Any person who continues any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the criminal penalties set forth in EMC Section 1.10.010. ~~assessed a civil penalty not to exceed \$500. Such person shall also be guilty of a gross misdemeanor punishable by a criminal penalty not to exceed \$5,000 and/or one year imprisonment. Each day that work continues after a person has been served with a stop work order shall be a separate violation.~~

Section 20. A new Chapter 15.07 is hereby added to the Edgewood Municipal Code, which shall read as follows:

Chapter 15.07 BUILDING CODE ENFORCEMENT

Sections:

15.07.010	Intent.
15.07.020	Violations.
15.07.030	Responsibility to Enforce.
15.07.040	Investigation and Notice of Violation.
15.07.050	Time to Comply.
15.07.060	Stop Work Order.
15.07.070	Emergency Order
15.07.080	Appeals.
15.07.090	Appeal Hearing.
15.07.100	Civil Penalty.
15.07.110	Criminal Penalties.
15.07.120	Additional Relief.

15.07.010 Intent. This chapter shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons. It is the intent of this chapter to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the land and buildings within the scope of the Building Code, Title 15. No provision of, or any term used in this chapter, is intended to impose any duty to enforce, or any other duty upon the City or any of its officers or employees which would subject them to damages in a civil action.

15.07.020 Violations.

A. It is a violation of the Building Code, Title 15, for any person to initiate, maintain or cause to be initiated or maintained, the use of any structure, land or property within the City, without first obtaining the permits or authorizations required for the use by the aforementioned Code.

B. It is a violation of the Building Code, Title 15, for any person to use, construct, locate, demolish or cause to be used, constructed, located, or demolished any structure, land or property within the City, in any manner that is not permitted by the terms of any permit or authorization issued pursuant to the aforementioned Code; provided, that the terms or conditions are explicitly stated on the permit or the approved plans.

C. In addition to the above, it is a violation of Title 15:

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

15.07.030 Responsibility to enforce.

A. The Building Official shall have the responsibility to enforce this Chapter. The Building Official may call upon the police, fire, community development, public works or other appropriate City departments to assist in enforcement. As used in this chapter, “Building Official” or “Code Official” shall also mean his or her duly authorized representative.

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

15.07.040 Investigation and Notice of Violation.

A. Investigation. The Building Official is authorized to investigate any structure or use which he/she reasonably believes does not comply with the standards and requirements of the Building Code, Title 15.

B. Notice of Violation. If, after investigation, the Building Official determines that the standards or requirements of the Building Code, Title 15, or the provisions of this chapter have been violated, the Building Official may serve a Notice of Violation upon the owner, tenant or other person responsible for the condition. The Notice of Violation shall contain the following information:

1. The name and address of the person to whom it is directed;
2. The location and specific description of the violation;
3. A statement that the Notice (or Order, in the case of a Stop Work or Emergency Order) is effective immediately upon posting at the site and/or receipt by the person to whom it is directed;
4. The Notice of Violation may include or reference a Stop Work Order or Emergency Order requiring that the violation immediately cease, or that the potential violation be avoided;
5. The Notice of Violation may include or reference a Stop Work or Emergency Order requiring that the person cease all work on the premises until correction and/or remediation of the violation as specified in the Order;
6. A specific identification of each standard, code provision or requirement violated;
7. A specific description of the actions required to correct, remedy or avoid the violation or to comply with the standards, code provision or requirements, including but not limited to, replacement, repair, supplementation, re-vegetation or restoration;

8. A reasonable time for compliance;

9. A statement that the violation may result in the imposition of penalties, and if the violation is not already subject to criminal prosecution, that any subsequent violations may result in criminal prosecution as provided in Section 15.07.110;

10. A statement that failure to comply with the Notice of Violation may result in further enforcement actions, including issuance of additional Notices of Violation, civil fines and/or criminal penalties; and

11. A statement that the Notice of Violation represents a determination that a violation has been committed by the person named in the Notice of Violation, and that the determination shall be final unless appealed as provided in Section 15.07.080, and that the appeal must be timely filed under the procedures set forth in 15.07.080(E) (within 15 calendar days of service of the Notice of Violation).

C. Each Day a Separate Violation. Each day a person or entity fails to comply with the code provision cited in the Notice of Violation may be considered a separate violation for which a citation may be issued.

D. Service. The Notice of Violation shall be served on the owner, tenant or other person responsible for the condition in the manner set forth in RCW 4.28.080 for service of a summons, or personally, as set forth in RCW 4.28.080(15). In lieu of service under RCW 4.28.080(15), where the person cannot with reasonable diligence be served as described, the Notice of Violation may be served as provided in RCW 4.28.080(16).

E. Posting. A copy of the Notice of Violation shall be posted at a conspicuous place on the property, unless posting the notice is not physically possible.

F. Other Actions May Be Taken. Nothing in this chapter shall be deemed to limit or preclude any action or proceeding pursuant to Sections 15.07.060 (Stop Work Order), 15.07.070 (Emergency Order), 15.07.100 (Civil Penalty), 15.07.110 (Criminal Penalties), or 15.07.120 (Additional Relief).

G. Additional Notice to Others. The Building Official may mail, or cause to be delivered to all residential and/or nonresidential rental units in the structure, or post at a conspicuous place on the property, a notice which informs each recipient or resident about the Notice of Violation, Stop Work Order or Emergency Order and the applicable requirements and procedures.

H. Recording. A copy of the Notice of Violation may be filed with the County Auditor when the responsible party fails to correct the violation and no appeal is filed, or the Building Official requests that the City Attorney take appropriate enforcement action. The Building Official may choose not to file a copy of the Notice or Order if the Notice or Order is directed only to a responsible person other than the owner of the property.

I. Amendment. A Notice or Order may be amended at any time in order to:

1. Correct clerical errors; or
2. Cite additional authority for a stated violation.

15.07.050 Time to comply. When calculating a reasonable time for compliance in the Notice of Violation, the Building Official shall consider the following criteria:

- A. The type and degree of violation cited in the Notice;
- B. The stated intent, if any, of a responsible party to take steps to comply;
- C. The procedural requirements for obtaining a permit to carry out corrective action;
- D. The complexity of the corrective action, including seasonal considerations, construction requirements and the legal prerogatives of landlords and tenants; and
- E. Any other circumstances beyond the control of the responsible party.

15.07.060 Stop Work Order.

A. Whenever a continuing violation of Titles 15 will materially impair the Building Official's ability to secure compliance, or when the continuing violation threatens the health or safety of the public, the Building Official has the authority to issue a Stop Work Order prohibiting any work or other activity at the site. The Stop Work Order shall be in writing and served upon persons engaged in doing such work or causing such work to be done. The Stop Work Order shall be immediately posted on the property. Failure to comply with a Stop Work Order shall constitute a violation of this Chapter.

B. The Stop Work Order shall include the information in Section 15.07.040(B)(1) through (8). In addition, the Stop Work Order shall include a statement that the person to whom the Stop Work Order is directed or the property owner may file an appeal and request an expedited hearing with the Hearing Examiner within seven (7) calendar days after service of the Stop Work Order. If no appeal is filed and compliance is not achieved within the compliance date, the Building Official may ask the City Attorney to seek additional relief under Section 15.07.120 and/or the Building Official may file a Notice of Violation for the violation pursuant to 15.07.040, seeking compliance and describing penalties.

C. Expedited appeal. The Hearing Examiner shall hold the expedited appeal hearing on a Stop Work Order according to the applicable procedures in Section 15.07.090. If the Hearing Examiner finds that a violation has occurred which has not been corrected by the deadline established for compliance, the Building Official may ask the City Attorney to seek additional relief under Section 15.07.120 and/or the Building Official may issue a Notice of Violation for the violation pursuant to 15.07.040, describing penalties.

15.07.070 Emergency order.

A. Whenever any use or activity in violation of Title 15 threatens the health and safety of the occupants of the premises or any member of the public, the Building Official has the authority to issue an Emergency Order directing that the use or activity be discontinued and the condition causing the threat to the public health and safety be corrected. The Emergency Order shall be immediately posted on the property and served on the person(s) responsible. Failure to comply with an Emergency Order shall constitute a violation of this Chapter.

B. The Emergency Order shall include all of the information in Section 15.07.040(B)(1) through (8). In addition, the Emergency Order shall include a statement that the person to whom the Emergency Order is directed may file an appeal and request an expedited hearing with the Hearing Examiner within seven (7) calendar days after service or posting of the Emergency Order. If no appeal is filed and compliance is not achieved, the Building Official may ask the City Attorney to seek additional relief under Section 15.07.120 and/or the Building Official may issue a Notice of Violation pursuant to 15.07.040, seeking compliance and penalties.

C. Expedited appeal. The Hearing Examiner shall hold the expedited appeal hearing on an Emergency Order according to the applicable procedures in Section 15.07.090. If the Hearing Examiner finds that the violation described in the Emergency Order occurred or exist, any condition described in the Emergency Order which is not corrected within the time specified is hereby declared to be a public nuisance and the Building Official may ask that the City Attorney take action to obtain a warrant of abatement for the property in Superior Court. The owner or person responsible (or both) shall be responsible for the costs associated with the abatement, in the manner provided by law.

15.07.080 Appeals.

A. No appeal of a Notice of Violation or Infraction citing criminal penalties. There is no administrative appeal of a Notice of Violation issued pursuant to 15.07.040 for violations which would subject the violator to criminal prosecution and/or the imposition of criminal penalties. A Notice of Violation or citation for a violation that subjects the violator to criminal penalties is enforced in municipal court.

B. Expedited Appeal Hearings on Stop Work and Emergency Orders. An expedited public hearing shall be held by the Hearing Examiner, according to the procedures in this Section, on an appeal of a Stop Work or Emergency Order, regardless of whether the violations described in the Stop Work Order or Emergency Order would eventually subject the violator to civil or criminal prosecution and/or the imposition of civil or criminal penalties. The expedited appeal hearing shall be for the sole purpose of determining whether the Stop Work or Emergency Order was correctly issued and/or whether a violation occurred. If a violation occurred, the Building Official may issue a Notice of Violation.

C. Appeal Hearings on Notices of Violations Citing Civil Penalties. Unless an appeal of a Notice of Violation is filed with the Building Official in accordance with this Section, or an appeal involving an expedited hearing is filed, the Notice of Violation shall

become the Final Order of the Building Official. The Final Order, including the collection of penalties, may be enforced by the City Attorney in Superior Court.

D. Standing to file appeal.

1. *Notice of Violation.* Only parties of record have standing to file an appeal of a Notice of Violation. Parties of record are defined to mean:

- a. The property owner or the person responsible for the condition of the property;
- b. Any person who can demonstrate that he/she is aggrieved by the decision; and
- c. The City Council.

2. *Stop Work Order and Emergency Order.* Only the property owner or the person responsible for the condition of the property may request an expedited appeal hearing for a Stop Work Order or Emergency order.

E. Time to file appeal.

1. Notice of Violation under 15.07.040. The party of record must file an appeal with the Building Official within fifteen (15) calendar days of service of the Notice of Violation.

2. Stop Work or Emergency Orders under 15.07.060 or 15.07.070. The property owner or the person responsible for the condition of the property may request an expedited appeal hearing within seven (7) calendar days after service of the Stop Work or Emergency Order.

3. Computing deadline for filing appeal. For purposes of computing the time for filing an appeal, the day the decision issued shall not be counted. If the last day of the deadline for filing the appeal is a Saturday, Sunday or holiday designated by RCW 1.16.050 or city ordinance, then the appeal must be filed on the next business day. Appeals shall be delivered to the Building Official by mail, by personal delivery or by fax before 5:00 p.m. on the last business day of the appeal period. Appeals received by mail after 5:00 p.m. on the last day of the appeal period will not be accepted, no matter when such appeals were mailed or postmarked.

E. Content of appeal. Appeals shall be in writing, be accompanied by the required appeal fee, and contain the following information:

1. Appellant's name, address and phone number;
2. A statement describing appellant's standing to appeal;

3. Appellant's statement of grounds for appeal and the facts upon which the appeal is based with specific references to the facts in the record;

4. The specific relief sought;

5. A statement that the appellant has read the appeal and believe the contents to be true, followed by the appellant's signature.

F. Effect. The timely filing of an appeal shall stay any enforcement action based on a Stop Work Order, Emergency Order or Notice of Violation until the Hearing Examiner's decision issues unless the Building Official finds that the violation causes an immediate threat to public health or safety.

15.07.090 Appeal Hearing.

A. The public hearing on an appeal shall include the following elements and be conducted as follows:

1. The Hearing Examiner shall set the time and place of the hearing, and arrange for notice of the public hearing to be provided, except in cases involving an expedited hearing. For expedited hearings, notice of the hearing shall be provided to the appellant and every reasonable effort shall be made to schedule the hearing within one week after receipt of the appeal.

2. A party to the hearing may participate personally or by an attorney.

4. The Hearing Examiner shall, at the appropriate stage in the proceeding, give all parties full opportunity to submit and respond to motions and file briefs and objections.

5. If the person requesting the hearing fails to attend or participate in the hearing (other than filing the timely request for an appeal hearing as provided in this chapter), the Hearing Examiner may issue a default order of dismissal.

6. To the extent necessary for full disclosure of all relevant facts and issues, the Hearing Examiner shall afford to all parties the opportunity to respond, present evidence and argument, conduct cross-examination and submit rebuttal evidence.

7. The Hearing Examiner shall cause the hearing to be recorded by a method chosen by the City, which shall allow preparation of a verbatim transcript.

8. The hearing shall be open to public observation.

9. All testimony of parties and witnesses shall be made under oath or affirmation.

10. Ex parte communications shall be addressed as set forth in chapter 42.36 RCW.

11. The scope and standard of review shall be de novo. The City shall have the initial burden of proof in cases involving notices of violation, stop work orders, emergency orders or penalties, to demonstrate by a preponderance of the evidence the existence of a violation or that the legal standard for imposing the penalty has been met. The Examiner shall grant substantial weight or otherwise accord deference whenever directed by ordinance or statute.

12. The Hearing Examiner may hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the Building Code (all incorporated into Title 15). An appeal of these orders, decisions or determinations shall be based upon a claim that the intent of the Code(s) have been incorrectly interpreted, the provisions of the Code(s) do not fully apply, or an equivalent method of protection or safety is proposed. The Hearing Examiner shall not have authority to waive requirements of the Codes in Title 15.

13. After the conclusion of the public hearing, the Hearing Examiner may allow the parties a designated time for the submission of memos, briefs or proposed findings, as long as the Hearing Examiner can still issue his/her final decision according to any applicable deadline established by this chapter.

14. At or after the appeal hearing on a Notice of Violation, the Hearing Examiner may:

- (a) Sustain the notice of violation;
- (b) Withdraw the notice of violation;
- (c) Continue the review to a date certain for receipt of additional information;
- (d) Modify the notice of violation, which may include an extension of the compliance date.

D. Except with regard to expedited hearings, the Hearing Examiner shall issue written findings of fact and conclusions of law within 10 calendar days of the date of the completion of the hearing and shall cause the same to be mailed by regular first class mail to the person(s) named on the notice of violation, mailed to the complainant, if possible. A copy of the final decision may be recorded against the property in the County Auditor's office. The decision on expedited hearings shall issue within five (5) business days after the completion of the hearing.

E. The decision of the Hearing Examiner on appeal shall be final, and no further administrative appeal may be filed. In order to appeal the decision of the Hearing Examiner, a

person with standing must file an appeal of the decision to superior court as provided under Chapter 36.70C RCW within the deadline set forth in RCW 36.70C.040.

15.07.100 Civil Penalty.

A. In addition to any other sanction or remedial procedure which may be available, any person violating or failing to comply with any of the provisions of this chapter relating to the International Building Code, the International Residential Code or the Property Maintenance Code, shall be subject to a cumulative civil penalty in the amount of **___ hundred dollars (\$___ .00) per day** for each violation from the date set for compliance until compliance is achieved. Each day of noncompliance shall constitute a separate offense.

B. The penalty imposed by this section shall be collected by civil action brought in the name of the City. The Building Official shall notify the City Attorney in writing of the name of any person subject to the penalty, and the City Attorney shall, with the assistance of the Building Official, take appropriate action to collect the penalty.

C. The violator may show as full or partial mitigation of liability:

1. That the violation giving rise to the action was caused by the willful act, or neglect, or abuse of another; or
2. That correction of the violation was commenced promptly upon receipt of the notice thereof, but that full compliance within the time specified was prevented by inability to obtain necessary materials or labor, inability to gain access to the subject structure, or other condition or circumstance beyond the control of the defendant.

15.07.110 Criminal penalties.

A. Any person violating or failing to comply with any of the provisions of the International Fire Code, the International Mechanical Code or the Uniform Plumbing Code (all as incorporated into Title 15) or who has had a judgment entered against him or her pursuant to 15.07.100 or 15.07.110(B) for the same violation within the past five years shall be subject to criminal prosecution and upon conviction shall be fined the amount set forth in EMC 1.10.010. Each day of noncompliance shall constitute a separate offense.

B. The above criminal penalty may also be imposed:

1. For any other violation of this chapter or the Building Code, Title 15, for which corrective action is not possible; and
2. For any willful, intentional, or bad faith failure or refusal to comply with the standards or requirements of this chapter or the Building Code, Title 15.

15.07.120 Additional relief.

The Building Official may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of the Building Code, Title 15, when civil or criminal penalties are inadequate to effect compliance.

Section 21. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 22. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 23. Effective Date. This Ordinance shall become effective five days after publication as provided by law.

ADOPTED by the City Council of the City of _____, signed by the Mayor and attested by the City Clerk in authentication of such passage on this ____ day of _____, 2017.

Mayor, Daryl Eidinger

ATTEST/AUTHENTICATED:

City Clerk, Rachel Pitzel

APPROVED AS TO FORM:

City Attorney, Carol Morris



CITY OF EDGEWOOD

REGULAR COUNCIL MEETING SUMMARY

Tues., May 9, 2017 – 7:00 p.m. ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

1. CALL TO ORDER

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

ROLL CALL

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

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

Additions/Deletions to the Agenda

There were no additions or deletions to the agenda.

2. AUDIENCE COMMENT

There were no audience comments.

3. MAYOR'S REPORT

Mayor Eidinger noted he already sent his mayors report to the Council and will submit for the packet material.

Chief Lundborg briefed on the following:

- Crime incidents.

4. 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 April 25, 2017,

B. Study Session Meeting Minutes of May 2, 2017.

C. AB 17-021, a motion approving May 2017 Budgeted Expenditures as follows:

Nationwide Retirement Solutions Check Numbers 10604-10605 in the amount of \$4,675.82; IRS 941 ACHs; Deferred Compensations Program; Dept. of Retirement Systems; AWC Employee Benefit Trust; and Payroll Direct Deposit in the amount of \$70,355.77; and Vendor Check Numbers 21962-21984 with EFT Payments in the amount of \$179,463.90. Total distributions submitted for review & authorization in the amount of \$254,495.49

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

5. COUNCIL BUSINESS

- A. **AB 17-0369**, a motion to approve Resolution No. 17-0369, authorizing the Mayor to enter into a contract with Lower 48 Contracting/ Painting, Inc.to proceed with work associated with the City Hall painting/staining project 2017 for an amount no to exceed \$71,072.00

Assistant City Administrator Nix briefed on the agenda item.

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

- B. **AB 17-0370**, a motion adopting Resolution No. 17-0370, authorizing the Mayor to sign the First Amendment to the 2007 Interlocal Agreement (January 23, 2007) between the City of Edgewood and the Lakehaven Water and Sewer District, once details are finalized, for services associated with accepting, conveying and treating sewage for specified properties within the City of Edgewood, as outlined within the agreement

Assistant City Administrator Nix briefed on the agenda item.

Motion: As Read, **Action:** Approve, **Moved by** Councilmember Luke Meyers, **Seconded by** Councilmember Donna O'Ravez. **Motion passed unanimously (6-0).**

- C. **AB 17-0499**, a motion to adopt Ordinance No. 17-0499, relating to Comprehensive Planning under the Growth Management Act (GMA), adopting Concurrency regulation for the review of Legislative and Quasi-Judicial applications, as mandated by the GMA for Transportation Facilities, repealing Section 18.90.030 of Chapter 18.90 and adopting a new Chapter 18.105 to the Edgewood Municipal Code and establishing and effective date

Assistant City Administrator Nix briefed on the agenda item.

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

- D. **AB 17-0500**, a motion to accept first reading of Ordinance No. 17-0500, relating to Land Use and Zoning, adopting a new permanent zoning ordinance relating to Quasi-Judicial map Amendments, repealing Section 18.40.110 of the Edgewood Municipal Code; describing the elements of a complete application, the criteria for approval, deadline for issuance of a final decision, and expiration of the approval, providing for severability and establishing an effective date

Community Development Director Stender briefed on the agenda item.

Motion: Accept the First Reading, **Action:** Approve, **Moved by** Councilmember Nate Lowry, **Seconded by** Deputy Mayor Tyron Christopherson. **Motion passed unanimously (6-0).**

- E. **AB17-0371** – a motion adopting Resolution No. 17-0371, authorizing the Mayor to purchase one million dollars of government backed securities, as authorized by RCW 39.59, from Strategic Reserve Fund Balance with maturity dates not to exceed three years

Mayor Eidinger briefed on this agenda item.

Motion: As Read, **Action:** Approve, **Moved by** Councilmember Nate Lowry, **Seconded by** Councilmember Mark Creley. **Motion passed (4-2, Meyers and Tomyn).**

6. COUNCIL COMMENTS

Mayor Eidinger reminded everyone the next Study Session is a Joint Meeting with Planning Commission, PRAB, and Salary Commission to receive OPMA training, Land Use Training and Quasi-Judicial Action training. He noted the backstop at Edgemont Park looked great.

City Attorney Morris discussed political endorsements and campaign season. She stated everyone should look at the laws and noted the City Clerk provided them with a handout that was uploaded to their iPad; she stated Council could always look to the PDC for answers to questions as well as calling her for any questions they may have.

CM Meyers noted the tagging on the Sumner side of 167 that has now moved to the pilings and ecology block on 167.

Assistant City Administrator Nix thanked CM Meyers and stated they will have someone down there go look and see if it is within our jurisdiction.

Mayor Eidinger discussed new software the city is looking into to help track ROW management, potholes, etc.

DM Christopherson asked Chief Lundborg about the crime incidents he noted earlier and what if anything people can do.

Chief Lundborg noted that many of the incidents had open windows and doors for easier access for the criminals to enter the homes.

CM Meyer discussed a warehouse on 167 westbound, and was wondering, what kind of protocol Pierce County is following regarding concurrency. He noted that perhaps this could be a Study Session item and inquired about annexing that area.

CM Tomyn thanked staff for fixing the slide at Edgemont.

CM Creley also wanted to give kudos to staff regarding a citizen who had flooding concerns and she was very appreciative for staffs' quick response to the citizen.

7. EXECUTIVE SESSION

There was no executive session.

8.ADJOURN

Mayor Eidinger adjourned the meeting at 7:53 pm.

Rachel Pitzel, City Clerk

Daryl Eidinger, Mayor



**CITY OF EDGEWOOD
COUNCIL STUDY SESSION SUMMARY**

Tues., May 16, 2017 – 7:00 PM ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

1. CALL TO ORDER

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

ROLL CALL

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

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

Mayor Eidinger noted this regularly scheduled Study Session is a joint training meeting with the Council, Planning Commission, and Advisory Boards to conduct OPMA Training, Land Use Training, and Quasi-Judicial Actions Training. This meeting is open to the public; there will be no transaction of business at this meeting.

2. COUNCIL BUSINESS

City Attorney Morris presented the following trainings, which was videotaped and will be available for public viewing on the city's website at www.cityofedgewood.org :

A. OPMA/PRA Training

B. Land Use Regulations

C. Quasi- Judicial Actions

3. ADJOURN

Mayor Eidinger adjourned the meeting at 8:49pm.

Rachel Pitzel, City Clerk

Daryl Eidinger, Mayor



**CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-024**

Date Action Requested: May 23, 2017

Title: **AB 17-024**, a motion approving May 2017 Budgeted Expenditures as follows: Nationwide Retirement Solutions Check Number 10606 in the amount of \$4,692.40; IRS 941 ACHs; Deferred Compensations Program; Dept. of Retirement Systems and Payroll Direct Deposit in the amount of \$48,028.74; and Vendor Check Numbers 21985-22758 with EFT Payments in the amount of \$212,329.71. Total distributions submitted for review & authorization in the amount of \$265,050.85

Attachments: Payment Distribution Review & Authorization, Voucher Directory

Submitted By: Dave Gray, Assistant City Administrator, Finance

Approved For Agenda By: Mayor Daryl Eiding

Prepared For Agenda By: Rachel Pitzel, City Clerk

Recommendation: Move to Approve AB17-024

Discussion: Approval of Claims and Payroll Expenditures.

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

Fiscal Impact: An increase in the sum of \$265,050.85 to authorized Budgeted Expenditures.

Number	Name	Print Date	Amount
US Bank PAYROLL ACCOUNT DISTRIBUTION			
10605 Last Number Issued Previous Authorization			
<u>10606</u>	Nationwide Retirement Solutions-401	5/15/2017	\$4,692.40
		Total	\$4,692.40
<u>DCP 5/15/17</u>	Deferred Compensation Program	5/15/2017	\$1,529.39
<u>Direct Deposit Run -</u>	Payroll Vendor	5/15/2017	\$34,193.00
<u>DRS 5/15/17</u>	Dept of Retirement Systems	5/15/2017	\$6,885.10
<u>IRS 941 5/15/17</u>	IRS 941	5/15/2017	\$5,421.25
		Total	\$48,028.74
		Grand Total	\$52,721.14

Number	Name	Print Date	Amount
CLAIM VOUCHER ACCOUNT DISTRIBUTION			
21984 Last Number Issued Previous Authorization			
<u>21985</u>	A & R Services dba Angela Rojo	5/23/2017	\$785.00
<u>21986</u>	Code Publishing Inc.	5/23/2017	\$975.36
<u>21987</u>	Copiers Northwest	5/23/2017	\$20.80
<u>21988</u>	Department of Commerce	5/23/2017	\$44,857.91
<u>21989</u>	First American Title Insurance Company	5/23/2017	\$384.65
<u>21990</u>	Form Source, Inc.	5/23/2017	\$61.43
<u>21991</u>	Foster Pepper PLLC	5/23/2017	\$246.00
<u>21992</u>	Gray & Osborne, Inc	5/23/2017	\$527.43
<u>21993</u>	Lakehaven Water & Sewer District	5/23/2017	\$58.79
<u>21994</u>	Mark Bauer (Reissue of lost ck #10482)	5/23/2017	\$204.73
<u>21995</u>	McCarthy & Causseaux	5/23/2017	\$974.03
<u>21996</u>	McLendon's Hardware	5/23/2017	\$27.61
<u>21997</u>	Morris Law PC	5/23/2017	\$5,888.00
<u>21998</u>	Northwest Landscape Services	5/23/2017	\$826.74
<u>21999</u>	Office Depot	5/23/2017	\$133.46
<u>22000</u>	Pierce County Budget & Finance 2% Dist	5/23/2017	\$668.72
<u>22751</u>	Pierce County Budget & Finance PW	5/23/2017	\$2,296.96
<u>22752</u>	Pierce County Budget & Finance Sheriff	5/23/2017	\$132,903.65
<u>22753</u>	Puget Sound Energy	5/23/2017	\$3,795.85
<u>22754</u>	Revize LLC	5/23/2017	\$300.00
<u>22755</u>	Shred-it	5/23/2017	\$283.19
<u>22756</u>	Smarsh, Inc.	5/23/2017	\$201.55
<u>22757</u>	TCMS Corp.	5/23/2017	\$5,193.05
<u>22758</u>	The News Tribune	5/23/2017	\$2,520.33
<u>EFT Payment 5/17/2017</u>	Shell	5/23/2017	\$603.18
<u>EFT Payment 5/17/2017</u>	US Bank Corporate Payment System	5/23/2017	\$7,341.92
<u>EFT Payment 5/17/2017</u>	Wells Fargo Financial Leasing	5/23/2017	\$85.93
<u>EFT Payment 5/17/2017</u>	Wells Fargo Vendor Fin Serv	5/23/2017	\$368.17
<u>V10482</u>	Mark Bauer	5/23/2017	(\$204.73)
		Grand Total	\$212,329.71

Total Claims Voucher Distribution	\$212,329.71
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Total Distribution Submitted for Review & Authorization	\$265,050.85
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Authorization Adjustments: Check# gap between 22000 to 22751 due to new check order; checks between that range were previously used out of sequence.	
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Total Distribution Net of Prior Authorized Adjustments	\$265,050.85
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Claims Voucher Approval: I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed

_____ Mayor, Daryl Eiding _____ Council Member
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Voucher Directory

Vendor	Number	Reference	Account Number	Description	Amount
A & R Services dba Angela Rojo	21985			2017 - May - 2nd Council Meeting	
		422			
			May Services		
			001-018-000-518-30-41-01	Professional Services	\$785.00
				Monthly Janitorial Svs. for May	
		Total 422			\$785.00
	Total 21985				\$785.00
Total A & R Services dba Angela Rojo					\$785.00
Code Publishing Inc.	21986			2017 - May - 2nd Council Meeting	
		56299			
			April Services		
			001-014-000-514-30-41-01	Professional Services	\$975.36
				EMC Updates	
		Total 56299			\$975.36
	Total 21986				\$975.36
Total Code Publishing Inc.					\$975.36
Copiers Northwest	21987			2017 - May - 2nd Council Meeting	
		INV1569116			
			4/14-5/13/17 Services		
			001-018-000-518-30-45-06	Copier Lease	\$20.80
				Lexmark Overage Charges	
		Total INV1569116			\$20.80
	Total 21987				\$20.80
Total Copiers Northwest					\$20.80
Department of Commerce	21988			2017 - May - 2nd Council Meeting	
		PWTF-254013			
			Contract #PR08-951-083		
			411-000-000-591-35-78-02	Principal PWTF Loan Payment	\$29,411.76
			411-000-000-592-35-83-02	Interest PWTF Loan Payment	\$1,764.71
		Total PWTF-254013			\$31,176.47
		PWTFNT-291323			
			Contract #PC12-951-080		
			350-000-000-591-95-78-02	PWTF Principal	\$13,186.93

Vendor	Number	Reference	Account Number	Description	Amount
			350-000-000-592-95-83-02	PWTF Interest	\$494.51
		Total PWTFNT-291323			\$13,681.44
	Total 21988				\$44,857.91
Total Department of Commerce					\$44,857.91
First American Title Insurance Company					
	21989			2017 - May - 2nd Council Meeting	
		865-426952794			
			April Svcs-File #2851615		
			310-000-000-594-76-41-03	Professional Svcs.-Property	\$384.65
				City Hall Subdiv/Plat Certificate	
		Total 865-426952794			\$384.65
	Total 21989				\$384.65
Total First American Title Insurance Company					\$384.65
Form Source, Inc.					
	21990			2017 - May - 2nd Council Meeting	
		851504			
			May Services		
			001-018-000-518-20-31-01	Office & Operational Supplies	\$61.43
				Business Cards-K. Rappe	
		Total 851504			\$61.43
	Total 21990				\$61.43
Total Form Source, Inc.					\$61.43
Foster Pepper PLLC					
	21991			2017 - May - 2nd Council Meeting	
		1167100			
			March/April Svcs-Matter #5		
			411-000-000-535-10-41-02	Legal Services	\$246.00
				2014 LID Appeal	
		Total 1167100			\$246.00
	Total 21991				\$246.00
Total Foster Pepper PLLC					\$246.00
Gray & Osborne, Inc					
	21992			2017 - May - 2nd Council Meeting	
		1-G&O prj 16463.07			
			April Svcs-Prj 16463.07		
			410-000-000-594-31-64-60	Land Impr-Closed Depression Basin Plan	\$301.39
				Chrisella Road Geotech Study	
		Total 1-G&O prj 16463.07			\$301.39

Vendor	Number	Reference	Account Number	Description	Amount
		1-G&O prj 16463.08			
			April Svcs-Prj 16463.08		
			310-000-000-594-76-41-03	Professional Svcs.-Property	\$226.04
				City Hall Topo Survey/Base Map	
		Total 1-G&O prj 16463.08			\$226.04
	Total 21992				\$527.43
Total Gray & Osborne, Inc					\$527.43
Lakehaven Water & Sewer District					
21993				2017 - May - 2nd Council Meeting	
		3574701 1/31-4/3/17			
			1/31/17-4/3/17 Services		
			001-018-000-518-30-47-04	Sewer Charges	\$58.79
		Total 3574701 1/31-4/3/17			\$58.79
	Total 21993				\$58.79
Total Lakehaven Water & Sewer District					\$58.79
Mark Bauer					
21994				2017 - May - 2nd Council Meeting	
		10192015-MB			
			Reissue lost ck #10482		
			650-000-000-586-10-00-09	Suspense	\$204.73
				Med Premium Reimbursement-reissue lost check #10482	
		Total 10192015-MB			\$204.73
	Total 21994				\$204.73
V10482				2017 - May - 2nd Council Meeting	
		101915-MB			
			Void Ck #10482		
			650-000-000-586-10-00-09	Suspense	(\$204.73)
				void ck #10482 lost in mail	
		Total 101915-MB			(\$204.73)
	Total V10482				(\$204.73)
Total Mark Bauer					\$0.00
McCarthy & Causseaux					
21995				2017 - May - 2nd Council Meeting	
		186			
			April Services-Acct 9018-00M		
			001-015-000-515-32-41-14	Hearing Examiner Legal Fees	\$974.03
				Hearing Examiner Svcs	
		Total 186			\$974.03
	Total 21995				\$974.03
Total McCarthy & Causseaux					\$974.03

Vendor	Number	Reference	Account Number	Description	Amount
McLendon's Hardware	21996			2017 - May - 2nd Council Meeting	
		607599/3			
			April Purchases		
			101-000-000-542-30-31-01	Operational Supplies	\$27.61
				Glue, Gloves, Spray Paint, Hardware	
		Total 607599/3			\$27.61
Total 21996					\$27.61
Total McLendon's Hardware					\$27.61
Morris Law PC	21997			2017 - May - 2nd Council Meeting	
		050317-MOR			
			April Services		
			001-015-000-515-32-41-01	Legal Services	\$5,888.00
		Total 050317-MOR			\$5,888.00
Total 21997					\$5,888.00
Total Morris Law PC					\$5,888.00
Mt. View-Edgewood Water Co.	0			2017 - May - 2nd Council Meeting	
		15563-6386 3/11-5/10/17			
			3/11-5/10/17 Services		
			001-018-000-518-20-47-02	Water	\$58.04
				1425 110th Ave E	
		Total 15563-6386 3/11-5/10/17			\$58.04
		2746-3401 3/11-5/10/17			
			3/11-5/10/17 Services		
			001-018-000-518-20-47-02	Water	\$312.28
				City Hall	
		Total 2746-3401 3/11-5/10/17			\$312.28
		2823-3409 3/11-5/10/17			
			3/11-5/10/17 Services		
			001-018-000-518-20-47-02	Water	\$56.69
				10311 22nd Ave E	
		Total 2823-3409 3/11-5/10/17			\$56.69
Total 0					\$427.01
Total Mt. View-Edgewood Water Co.					\$427.01
Northwest Landscape Services	21998			2017 - May - 2nd Council Meeting	
		RC000024130			
			May Services		
			101-000-000-542-70-48-04	Road Maint ROW Veg Maint Contractor	\$826.74
		Total RC000024130			\$826.74
Total 21998					\$826.74
Total Northwest Landscape Services					\$826.74

Vendor	Number	Reference	Account Number	Description	Amount
Office Depot	21999			2017 - May - 2nd Council Meeting	
		924987023001			
			May Purchases		
			001-018-000-518-20-31-01	Office & Operational Supplies	\$130.82
				Post its, pencils, paper pads	
		Total 924987023001			\$130.82
		924987087001			
			May Purchases		
			001-018-000-518-20-31-01	Office & Operational Supplies	\$2.64
				Deskpad	
		Total 924987087001			\$2.64
	Total 21999				\$133.46
Total Office Depot					\$133.46
Pierce County Budget & Finance 2% Dist	22000			2017 - May - 2nd Council Meeting	
		CI-232232			
			Q1 2017 Excise Tax/Liquor Profit		
			001-021-000-521-10-52-01	Intergov. Chemical Dependency	\$668.72
		Total CI-232232			\$668.72
	Total 22000				\$668.72
Total Pierce County Budget & Finance 2% Dist					\$668.72
Pierce County Budget & Finance PW	22751			2017 - May - 2nd Council Meeting	
		CI-231673			
			March Services		
			101-000-000-542-64-51-02	Traffic Operations (Contract)	\$1,214.52
		Total CI-231673			\$1,214.52
		CI-231693			
			February Services		
			101-000-000-542-64-51-02	Traffic Operations (Contract)	\$1,082.44
		Total CI-231693			\$1,082.44
	Total 22751				\$2,296.96
Total Pierce County Budget & Finance PW					\$2,296.96
Pierce County Budget & Finance Sheriff	22752			2017 - May - 2nd Council Meeting	
		CI-232495			
			May Services		
			001-021-000-521-20-51-01	Police Services	\$132,903.65
		Total CI-232495			\$132,903.65
	Total 22752				\$132,903.65
Total Pierce County Budget & Finance Sheriff					\$132,903.65

Vendor	Number	Reference	Account Number	Description	Amount
Puget Sound Energy					
	22753			2017 - May - 2nd Council Meeting	
		300000011233	April 2017		
			April Statement		
			001-018-000-518-20-47-01	Electricity	\$3,795.85
		Total 300000011233	April 2017		\$3,795.85
	Total 22753				\$3,795.85
Total Puget Sound Energy					\$3,795.85
Revize LLC					
	22754			2017 - May - 2nd Council Meeting	
		051517-REV			
			Sales Agmnt-Homepage Modifications		
			001-014-000-518-80-41-02	Web Site Services	\$300.00
				Homepage Modification-Public Notices Section	
		Total 051517-REV			\$300.00
	Total 22754				\$300.00
Total Revize LLC					\$300.00
Shell					
		EFT Payment 5/17/2017 1:11:42 PM - 1		2017 - May - 2nd Council Meeting	
		8000093974705			
			April Statement		
			001-018-000-518-30-32-01	Fuel	\$603.18
		Total 8000093974705			\$603.18
		Total EFT Payment 5/17/2017 1:11:42 PM - 1			\$603.18
Total Shell					\$603.18
Shred-it					
	22755			2017 - May - 2nd Council Meeting	
		8122246154			
			April Services		
			001-018-000-518-30-41-01	Professional Services	\$283.19
		Total 8122246154			\$283.19
	Total 22755				\$283.19
Total Shred-it					\$283.19
Smarsh, Inc.					
	22756			2017 - May - 2nd Council Meeting	
		INV00227285			
			April Services		
			001-014-000-518-80-49-03	Computer Subscriptions	\$201.55
		Total INV00227285			\$201.55
	Total 22756				\$201.55
Total Smarsh, Inc.					\$201.55

Vendor	Number	Reference	Account Number	Description	Amount
TCMS Corp.	22757			2017 - May - 2nd Council Meeting	
		068753			
			5/1-7/31/17 Services-Contract #G6477		
			001-018-000-518-30-48-03	Maintenance/Repairs - Buildings	\$5,193.05
		Total 068753			\$5,193.05
	Total 22757				\$5,193.05
Total TCMS Corp.					\$5,193.05
The News Tribune	22758			2017 - May - 2nd Council Meeting	
		255556 3/27/17-4/30/17			
			3/27-4/30/17 Services		
			001-014-000-511-30-41-02	Legal Publications	\$79.45
				Legal Notice	
			001-058-000-558-60-41-08	Legal Notices/Publications	\$2,440.88
				Legal Notice	
		Total 255556 3/27/17-4/30/17			\$2,520.33
	Total 22758				\$2,520.33
Total The News Tribune					\$2,520.33
US Bank Corporate Payment System					
	EFT Payment 5/17/2017 1:11:42 PM - 2			2017 - May - 2nd Council Meeting	
	042517-USBank				
		April Statement			
			001-013-000-513-10-31-05	Meeting Meals Expense	\$7.99
				S.Goff-Costco-Muffins-Coffee w/Mayor	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$9.99
				J.Curbow-Amazon-Past Due Stamp	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$24.05
				A.Nix-O'Reilly-Misc Small Tools	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$65.28
				A.Nix-DS Services-City Hall Water Delivery	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$144.89
				J.Curbow-TAB-Address File Folders	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$8.99
				A.Nix-Ebay-Dome Light Cover	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$329.54
				J.S-Herrera-Costco-15 Chair Mats	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$29.69
				A.Nix-Auto Parts Whse-Windshield Wipers	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$24.98
				S.Goff-Costco-Paper Plates	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$65.96
				J.S-Herrera-Amazon-Computer Risers	

Vendor	Number	Reference	Account Number	Description	Amount
			001-018-000-518-20-41-01	Professional Service	\$27.36
			A.Nix-Experimac-Cell Phone Repair		
			001-018-000-518-20-43-01	Travel/Training Costs	\$125.00
			A.Nix-Fife Chamber-Luncheon-5 tickets		
			001-018-000-518-20-49-01	Memberships	\$120.00
			R.Pitzel-MRSC-Small Works Roster Membership		
			001-018-000-518-30-32-01	Fuel	\$44.59
			A.Nix-Shell-Chevy Cheyenne-Fuel		
			001-018-000-518-30-32-01	Fuel	\$52.09
			A.Nix-Tahoma Market-Chevy S10 Fuel		
			001-018-000-518-30-35-01	Small Tools/Minor Equip.	\$175.86
			D.Eidinger-Home Depot-Ladder, Tie Down Straps		
			001-021-000-521-20-31-01	Office & Operational Supplies	\$53.02
			J.S-Herrera-Safeway-Flowers, Card for Amanda		
			001-021-000-521-20-31-01	Office & Operational Supplies	\$24.96
			S.Goff-Costco-Water, Cookies-Police Community Mtg		
			001-021-000-521-20-31-05	Meeting Meals Exp.	\$145.00
			J.S-Herrera-Dominos-Pizza Lunch for Amanda		
			001-021-000-521-20-42-01	Telephone Charges	\$150.00
			J.S-Herrera-Snap Recordings-Police Auto Phone Message		
			001-058-000-558-50-31-01	Office & Operational Supplies	\$25.98
			J.Curbow-Amazon-LED Inspection Mirror		
			001-058-000-558-50-31-01	Office & Operational Supplies	\$231.90
			D.Mundy-WABO-Code Books for OJT G. Meyer		
			001-058-000-558-50-35-01	Small Tools/Minor Equipment	\$47.04
			B.Centen-ESI Security-Re key Toolbox		
			001-058-000-558-50-49-01	Memberships	\$35.00
			J.Curbow-WSAPT-Permit Tech Membership		
			001-058-000-558-60-31-01	Office & Operational Supplies	\$12.47
			K.Stender-Amazon-Book		
			001-076-000-576-80-31-01	Operational Supplies	\$184.60
			A.Nix-Key Catch-Key Organizers		
			001-076-000-576-80-31-02	Operational Supplies	\$21.76
			A.Nix-Starbucks-Coffee for Earth Day Event		
			001-076-000-576-80-31-02	Operational Supplies	\$15.97
			A.Nix-Albertsons-Donuts for Earth Day Event		
			001-076-000-576-80-35-01	Small Tools/Minor Equipment	\$66.77
			D.Eidinger-Harbor Freight-Misc Tools		
			410-000-000-531-38-31-01	Operational Supplies	\$26.05
			J.S-Herrera-Stamp Connection-SW Stamp for Jeremy		
			410-000-000-531-38-43-01	Training/Travel Costs	\$54.18
			J.Metzler-Yakima Valley Inn-Stormwater Conference Hotel		
			410-000-000-531-38-43-01	Training/Travel Costs	\$50.00
			J.Metzler-WSU Conf Mgmt-Stormwater Conference		

Vendor	Number	Reference	Account Number	Description	Amount
			410-000-000-531-38-49-02	Non NPDES Permit Fees	\$150.00
			J.Metzler-WDFW-Culvert Maintenance Permit		
			410-000-000-531-38-51-02	Drain Maint (Intergov)	\$711.51
			A.Nix-HD Supply-Edge 01 Project Supplies		
			410-000-000-594-31-64-64	Infrastructure Spot Improvement	\$154.96
			R.Pederson-HD Supply-Pipe for SW		
			501-000-000-591-59-75-03	City Equipment	\$3,905.00
			D.Eidinger-Public Surplus-Sander/Plow Truck		
			650-000-000-586-10-00-09	Suspense	\$19.49
			T.Garvin-Error-Personal Exp-Repaid City Receipt 3290		
		Total 042517-USBank			\$7,341.92
	Total EFT Payment 5/17/2017 1:11:42 PM - 2				\$7,341.92
Total US Bank Corporate Payment System					\$7,341.92
Wells Fargo Financial Leasing					
	EFT Payment 5/17/2017 1:11:42 PM - 3		2017 - May - 2nd Council Meeting		
	5003940335				
	6/4-7/3/17 Lease Payment				
			001-018-000-518-30-45-06	Copier Lease	\$85.93
			Lexmark Printers		
	Total 5003940335				\$85.93
	Total EFT Payment 5/17/2017 1:11:42 PM - 3				\$85.93
Total Wells Fargo Financial Leasing					\$85.93
Wells Fargo Vendor Fin Serv					
	EFT Payment 5/17/2017 1:11:42 PM - 4		2017 - May - 2nd Council Meeting		
	66826702				
	June Lease Payment				
			001-018-000-518-30-45-06	Copier Lease	\$368.17
			Kyocera Printer		
	Total 66826702				\$368.17
	Total EFT Payment 5/17/2017 1:11:42 PM - 4				\$368.17
Total Wells Fargo Vendor Fin Serv					\$368.17
Grand Total		Vendor Count	29		\$212,756.72



CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-0500

Date Action Requested: May 23, 2017

Title: Ordinance 17-0500, Quasi-Judicial Rezone Permanent Code Update

Attachments: Ordinance No. 17-0500

Submitted By: Kevin Stender, Community Development Director

Approved For Agenda By: Daryl Eidinger, Mayor

Prepared For Agenda By: Kevin Stender, Community Development Director

Recommendation: Move to adopt second reading of Ordinance 17-0500, relating to land use and zoning, adopting a new permanent zoning ordinance relating to quasi-judicial map amendments, repealing section 18.40.110 of the Edgewood Municipal Code; describing the elements of a complete application, the criteria for approval, deadline for issuance of a final decision, and expiration of the approval, providing for severability and establishing an effective date.

Discussion: The Council passed an Emergency Ordinance on February 28, 2017 consistent with Section 36.70A.390 of the RCW to repeal EMC 18.40.110 regarding Quasi-Judicial Rezones and temporarily replacing it with a new EMC 18.40.110 that was much clearer. After adoption of Emergency Interim measures the City Council conducted a public hearing and established findings of fact as required for the interim zoning ordinance.

During that same time, the Planning Commission began review of permanent code measures at the March 20, 2017 Planning Commission meeting and then made formal recommendations for a permanent code update to EMC 18.40.110 after a Planning Commission Public Hearing held on April 3, 2017. The Planning Commission did not recommend any changes from the prior interim regulations that were previously put in place. The new Ordinance, similar to the interim ordinance, clearly identifies the process for undertaking a quasi-judicial map change which was the goal of the code update. The Council reviewed the Ordinance regarding the permanent quasi-judicial code update at the May 2, 2017 Study Session and the item was placed on the agenda for first reading for May 9, 2017. The Council received testimony during the Public Hearing May 23, 2017.

Alternatives: 1) Approve second reading. 2) Forward to Study Session for further review

Fiscal Impact: N/A

**CITY OF EDGEWOOD, WASHINGTON
ORDINANCE NO. 17-0500**

AN ORDINANCE OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING A NEW PERMANENT ZONING ORDINANCE RELATING TO QUASI-JUDICIAL MAP AMENDMENTS, REPEALING SECTION 18.40.110 OF THE EDGEWOOD MUNICIPAL CODE; DESCRIBING THE ELEMENTS OF A COMPLETE APPLICATION, THE CRITERIA FOR APPROVAL, DEADLINE FOR ISSUANCE OF A FINAL DECISION, AND EXPIRATION OF THE APPROVAL, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City's regulations relating to quasi-judicial rezones in Edgewood Municipal Code (EMC) Section 18.40.110 were unclear and required modification; and

WHEREAS, Section 36.70A.390 of the Revised Code of Washington authorizes the City Council to adopt an interim zoning ordinance; and

WHEREAS, the City Council approved the interim zoning ordinance at the February 28, 2017 regular Council meeting and established a date for a Public Hearing before themselves on March 28, 2017; and

WHEREAS, the City's SEPA responsible official determined that the zoning ordinance update was exempt from SEPA pursuant to WAC 197-11-800(19) as a procedural type code change without effect on the environment; and

WHEREAS, through the interim ordinance, the Planning Commission reviewed the interim regulations at the March 20, 2017 regular Planning Commission meeting; and

WHEREAS, the Planning Commission recommended that the regulations be adopted as permanent regulations following public testimony at a public hearing on April 3, 2017; and

WHEREAS, the City Council reviewed the Planning Commission recommendation and DRAFT permanent zoning ordinance regulations at the May 2, 2017 Study Session; and

WHEREAS, the City Council moved forward the first reading of the Ordinance at the May 9, 2017 regular Council meeting; and

WHEREAS, the City Council held a public hearing May 23, 2017 to receive public testimony regarding the DRAFT permanent zoning ordinance; and

WHEREAS, this Ordinance was presented to the City Council for second reading on May 23, 2017; and

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

Section 1. Section 18.40.110 of the Edgewood Municipal Code is hereby repealed.

Section 2. A new Section 18.40.110 is hereby added to the Edgewood Municipal Code, which shall read as follows:

18.40.110 Quasi-judicial Map Amendments -- Purpose. The purpose of Sections 18.40.110 through 18.40.117 is to establish procedures for amendment of the City's Official Zoning Map. The Official Zoning Map is the map of the City which depicts the zoning designations on property, and implements or gives effect to the Comprehensive Plan. Quasi-judicial amendments are those amendments of the Official Zoning Map that involve the application of existing policy to a specific development application, and do not involve the adoption of new policy (which occurs through legislative decisions).

Section 3. A new Section 18.40.111 is hereby added to the Edgewood Municipal Code, which shall read as follows:

18.40.111 Administration of Quasi-Judicial Map Amendments.

A. **Quasi-Judicial Map Amendments, Generally.** The Director is authorized and directed to administer the provisions of this Chapter relating to Quasi-Judicial Map Amendments. The authority to hold a public hearing and provide a final recommendation is granted to the Hearing Examiner and the City Council has the authority to make the final decision after a closed record hearing. If approved, the City Council will adopt an ordinance amending the City's Official Zoning Map.

B. **Development Agreement.** The City shall not process any Quasi-Judicial Map Amendments with Development Agreements under the interim zoning ordinance.

Section 4. A new Section 18.40.112 is hereby added to the Edgewood Municipal Code, which shall read as follows:

18.40.112 Procedure for Quasi-Judicial Map Amendments. The following steps shall be followed in the processing of Quasi-Judicial Amendments.

- A. Determination of Complete Application;
- B. Notice of Application;
- C. SEPA;
- D. Determination of Consistency;

- E. Notice of Public Hearing;
- F. Preparation of Staff Report;
- G. Public Hearing; and
- H. Issuance of Recommendation to City Council;
- I. City Council Closed Record Hearing
- J. If Quasi-Judicial Map Amendment is adopted, an ordinance is adopted to change the Official Land Zoning Map.

Section 5. A new Section 18.40.113 is hereby added to the Edgewood Municipal Code, which shall read as follows:

18.40.113 Requirements for a Complete Quasi-Judicial Map Amendment Application. The following materials shall be submitted to the City for a complete Quasi-Judicial Amendment (site specific rezone):

- A. Application Form: Seven (7) copies of the completed application form;
- B. Date, name, address, telephone number and e-mail of the applicant;
- C. Name, address, telephone number and e-mail of the owner of the property identified in the application;
- D. Legal description of the subject property;
- E. Identification of all sections of the comprehensive plan policies and map addressing the property subject to the application, including identification of the comprehensive plan map designation;
- F. Description of any proposed development of the property under the proposed zoning designation;
- G. Any plans, information and/or studies that accurately depict existing and proposed use(s) and improvements;
- H. An explanation of the rationale for the proposed amendment;
- I. An explanation of how the proposed amendment and associated development proposal(s), if any, conform to, conflict with, or relate to the criteria set forth in Section 18.40.114, as applicable;
- J. A completed SEPA checklist including the supplement sheet for nonproject actions; and
- K. A title report dated within 30 days of submittal for the subject property.
- L. The application fee, as established by the City.

Section 6. A new Section 18.40.114 is hereby added to the Edgewood Municipal Code, which shall read as follows:

18.40.114. Criteria for Approval of Quasi-Judicial Map Amendment.

- A. The following general rules apply to Quasi-Judicial Map Amendment applications:

1. There is no presumption of validity favoring the action of rezoning;
2. The proponents of the rezone have the burden of proof to demonstrate that conditions have changed since the original zoning; and
3. The rezone must bear a substantial relationship to the public health, safety, morals or welfare.

B. Implementation of the general rules in subsection A above involves analysis of the following criteria in order to approve a Quasi-Judicial Map Amendment:

1. Consistency with the existing comprehensive plan (the comprehensive plan that has been approved and is in place at the time the application was submitted);
2. Consistency with the purpose of the proposed zoning district;
3. Consistency between zone criteria and area characteristics;
4. Zoning history and precedential effect. Previous and potential zoning changes both in and around the area identified in the application shall be examined;
5. The impact of more intense zones on less intense zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred. Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:
 - a. Natural features including but not limited to topographical breaks, lakes, streams, and ravines;
 - b. Major traffic arterials and railroad tracks;
 - c. Distinct change in street layout and block orientation;
 - d. Open space and greenspaces.
6. Zone boundaries.
 - a. In establishing boundaries, the following element shall be considered:
 - i. Physical buffers as described in subsection A(5) above; and
 - ii. Platted lot lines.
 - b. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.
7. Height limits. In general, height limits greater than thirty five (35) feet should be limited to areas where higher height limits would be

consistent with the comprehensive plan or where the designation would be consistent with the existing built character of the area;

8. Impact Evaluation. The evaluation of the changes that would result from approval of the application shall consider the possible negative and positive impacts on the affected area and its surroundings. Factors to be examined include, but are not limited to, the following:

- a. Housing;
- b. Public services;
- c. Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows and energy conservation;
- d. Pedestrian safety;
- e. Manufacturing activity;
- f. Employment activity;
- g. Character of areas recognized for architectural or historic value;
- h. Shoreline view, public access and recreation;
- i. Service capacities. Development which can be reasonably anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including: street access to the area; street capacity in the area; transit service; parking capacity; utility and sewer capacity; shoreline navigation.

9. Changed Circumstances. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone designations in the Zoning Code;

10. Critical Areas. If the area is located in or adjacent to a critical area, the effect of the rezone on the critical area shall be considered.

Section 7. A new Section 18.40.115 is hereby added to the Edgewood Municipal Code, which shall read as follows:

18.40.115 Conditioning. A Quasi-Judicial Map Amendment may be conditioned based on the criteria set forth in 18.40.114 and RCW 43.21C.060 (SEPA). Conditions shall be included in a Development Agreement recorded against the subject property.

Section 8. A new Section 18.40.116 is hereby added to the Edgewood Municipal Code, which shall read as follows:

18.40.116 Deadline for Final Decision. A Quasi-Judicial Map Amendment shall be approved, approved with conditions or denied within one hundred-twenty (120) days after the application has been determined complete.

Section 9. A new Section 18.40.117 is hereby added to the Edgewood Municipal Code, which shall read as follows:

18.40.117 Expiration.

A. A Quasi-Judicial Amendment approval with or without a development agreement shall expire three years from the effective date of the approval, unless;

1. If, prior to the end of the three-year period, a complete application is filed for a building permit that is subsequently issued; or
2. Another time for expiration is specified in the final decision or development agreement.

B. When a Quasi-Judicial Amendment expires, the Official Land Use Map shall be amended so that the zoning designation in effect immediately prior to the approval shall re-apply to the subject property, except as otherwise expressly provided in the original ordinance adopting the Quasi-Judicial Amendment.

Section 10. Repeal. The interim zoning ordinance, No. 17-0494 is repealed on the date that this ordinance is effective.

Section 11. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 12. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 13. Effective Date. This Ordinance shall take effect and be in full force immediately upon passage, having received the vote of a majority plus one of the entire Council.

**PASSED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD THIS 23RD DAY
OF MAY, 2017.**

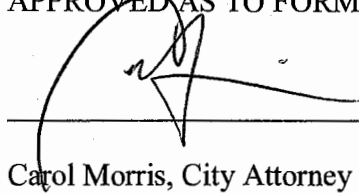
Daryl Eiding, Mayor

AUTHENTICATED:

Rachel Pitzel, City Clerk

FINAL 5/16/17

APPROVED AS TO FORM:



Carol Morris, City Attorney

PASSED BY THE CITY COUNCIL: 05/23/17

PUBLISHED: 05/25/17

EFFECTIVE DATE: 05/30/17

ORDINANCE NO: 17-0500



**CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No. : AB17-0372**

Date Action Required: May 23, 2017

Title: Certification of Applicant Match

Attachments: Resolution No. 17-0372

Submitted By: David Gray, ACA – Administrative Services

Approved For Agenda By: Daryl Eidinger, Mayor

Discussion: As required by the Recreation and Conservation Office with the State of Washington, potential grantees are required to submit Certifications of Grant matching documents to the RCO prior to finding out whether they have been awarded grant resources for projects that they had applied for the previous year. The City of Edgewood applied for both LWCF and WWRP grant funds last year, in the amount of \$500,000 each, in support of the proposed park planned at the property owned at 36th and Meridian. The proposed improvements, engineering, etc. are valued at \$3,160,380, of which, the City is required to provide the remaining funds in order to fund this project. Currently, the City's match is not fully funded, but it is the hope of Staff, the project sponsor and others that park impact fees, other grant resources will be available in order to meet the spring of 2019 construction deadline in order to move forward with the proposed improvements.

Recommendation: Move to approve Resolution 17-0372, a resolution authorizing the Mayor to instruct the City's Finance Director to sign and submit a Certification of Applicant Match to the Recreation and Conservation Office, as required by WAC 286-13-040(3) in order to remain eligible to receive grant funds for proposed park improvements at the 36th and Meridian park facility.

Fiscal Impact: \$2,157,380 from current and future Park Impact Fees and/or other grant matching contributions.

RESOLUTION NO. 17-0372

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, AUTHORIZING THE MAYOR TO INSTRUCT THE CITY'S FINANCE DIRECTOR TO SIGN THE ATTACHED CERTIFICATION OF APPLICANT MATCH, FOR GRANT RESOURCES APPLIED FOR AT THE PROPOSED 36TH AND MERIDIAN PARK FACILITY, AS REQUIRED BY THE RECREATION AND CONSERVATION FUNDING PROCESS AS IDENTIFIED THROUGH WAC 286-13-040(3)

WHEREAS, the City of Edgewood made application to the Recreation and Conservation Office in August of 2016, pursuing \$500,000 from the WWRP – Local Parks Grant Program and \$500,000 from the Land and Water Conservation Grant Program, with an estimated City match contribution of \$2,157,380 made as part of the application; and

WHEREAS, at this time, no awards have been made for either of these applied for grants, but under WAC 286-13-040(3), applications are required to submit a Certification of Applicant Match in order to satisfy the requirements associated with these grant opportunities, as required by the Washington State Legislature; and

WHEREAS, City matching resources are not fully obtained, but Staff are working in earnest to collect and apply for additional resources in order to meet the proposed Spring of 2019 construction deadline for the proposed Park at the 36th and Meridian Facility;

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

Section 1. The Mayor is hereby authorized to instruct the City's Finance Director to sign and submit the attached Certification of Applicant Match to the Recreation and Conservation Office, as required through WAC 286-13-040(3). Certification of Applicant Match is attached as Exhibit A.

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

ADOPTED THIS 23RD DAY OF MAY, 2017

Daryl Eiding, Mayor

ATTEST:

Rachel Pitzel, City Clerk

Exhibit A
(Certification of Applicant Match)

Certification of Applicant Match

Organization Name _____

Project Name _____

Project Number _____

The sources and amounts of our matching share will be:

Source of Match	Amount
Total	\$

As the authorized **financial** representative for the above identified organization, I hereby certify that the sponsor matching resources are available for the project referenced above. I further acknowledge that our organization is responsible for supporting all non-cash commitments and donations should they not materialize.

Signature _____

Printed Name _____

Title _____

Date _____