



**CITY OF EDGEWOOD
REGULAR COUNCIL MEETING AGENDA**

Tues., June 13, 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. CLOSED RECORD REVIEW PROCEEDING (pg. 3)

A. Planned Residential Development for Domus Homes, File No. 16-5633

4. MAYOR'S REPORT

5. CONSENT AGENDA: (pg. 51) *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 23, 2017,

B. Study Session and Special Meeting Minutes of May 30, 2017,

C. Study Session Meeting Minutes of June 6, 2017.

D. **AB 17-026**, a motion approving June 2017 Budgeted Expenditures as follows: IRS 941 ACHs; AWC Employee Benefit Trust; Deferred Compensations Program; Dept. of Retirement Systems and Payroll Direct Deposit in the amount of \$73,406.57; and Vendor Check Numbers 22759-22795 with EFT Payments in the amount of \$381,654.13. Total distributions submitted for review & authorization in the amount of \$455,060.70

E. **AB17-0373 (pg. 74)**, a motion to adopt Resolution No. 17-0373, authorizing the Mayor to execute an Attorney Services Agreement with Summit Law P.C. for City Labor Law Services

6. COUNCIL BUSINESS

A. **AB17-027 (pg. 88)**, a motion confirming the Mayoral re-appointment of Commissioner John West (Position No. 1), Commissioner Todd Yost (Position No. 4), and Commissioner Sigmund Brudevold (Position No. 5) to the City of Edgewood Planning Commission with terms expiring June 30, 2019.

B. **AB 17-0501 (pg. 89)**, a motion adopting 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

C. **AB17-0502 (pg. 109)**, a motion adopting Ordinance No. 17-0502, relating to Land Use and Zoning, amending the City's Regulations prohibiting illegal marijuana-related uses and marijuana-

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related businesses, adding definitions, and prohibiting marijuana collectives, amending Section 18.100.120 of the Edgewood Municipal Code, providing for severability; and establishing an effective date

- D. AB17-0374** (*pg. 115*), a motion adopting Resolution No. 17-0374, authorizing the Mayor to cause the Edgewood Sewer Lid No. 1 Loan with USDA to be paid down using Early Assessment Payment Revenue.

7. COUNCIL COMMENTS

8. EXECUTIVE SESSION

9. ADJOURN



City of Edgewood

2221 Meridian Avenue East
Edgewood, WA 98371-1010

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

MEMORANDUM

TO: Mayor and City Council

FROM: Community Development Director Kevin Stender

DATE: June 13, 2017

RE: **DOMUS HOMES PLANNED RESIDENTIAL DEVELOPMENT**
CLOSED RECORD HEARING ON HEARING EXAMINER
RECOMMENDATION

Application: On October 28, 2016, the City of Edgewood received an application for a Planned Residential Development (PRD) (Domus Homes). This application was accompanied by an application for a preliminary plat for Domus Homes. The preliminary plat was heard separately by the Examiner on April 24, 2017.

SEPA Decision: On January 11, 2017, the City issued a Determination of Nonsignificance, which was not appealed.

Staff Report: On February 2, 2017, the City Staff prepared a staff report to the Hearing Examiner on the PRD, in accordance with Edgewood Municipal Code (EMC) 18.50.095, Planned Residential Developments.

Open Record Public Hearing: On January 26, 2017, notice was provided to the public of the Hearing Examiner's open record public hearing on the PRD. This open record public hearing was held on February 9, 2017.

Criteria for Approval: According to EMC Section 18.50.095(N), the Hearing Examiner is required to base his/her decision on the following:

1. Suitability of the site area for the proposed development;
2. Requirements of the subdivision code, if applicable, for the proposed development;
3. Reasons for density bonuses or adjustments;

4. Any recommended mitigation measures and conditions of approval, including, without limitation, the amount and location of open space areas;
5. Time limitations for the entire development and specified stages;
6. Development in accordance with the Edgewood Comprehensive Plan; and
7. Public purposes that have been served by the proposed development.

Hearing Examiner's Recommendation: On February 27, 2017, the Hearing Examiner issued his recommendation of approval for the Domus Homes PRD with 56 conditions. This Recommendation is included in the Council packet.

City Council's Review and Decision: On June 13, 2017, the City Council held a closed record hearing on the Domus Homes PRD, pursuant to EMC Section 18.50.095(O). No additional testimony or evidence may be presented, although the applicant may present oral argument based on the evidence in the administrative record. The Staff may also present the Staff Report.

At the conclusion of the closed record hearing, the City Council will review the criteria for approval (cited above). If the Council agrees with the Hearing Examiner's decision to approve the PRD with the conditions, it may either adopt the Hearing Examiner's Recommendation as the Council's findings and conclusions; OR, the Council may adopt their own findings and conclusions to support the Council's decision. However, the Council's decision must be based on the evidence in the administrative record.

After the Council deliberates and votes, it should direct the City Staff to prepare the appropriate written decision, to be presented at the next City Council meeting for a final vote.



City of Edgewood, Washington

2224 104th Avenue East, Edgewood WA 98372-1513

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Staff Report and Recommendation Domus Homes Planned Residential Development Public Hearing February 9, 2017 9:00 AM

To: Stephen Causseaux, Jr., Hearing Examiner
From: Kirk Rappe, Associate Planner
Kevin Stender, Community Development Director
Date: February 2, 2017
Subject: Public Hearing for Domus Homes PRD

Summary: Staff recommends approval of this Planned Residential Development to construct 55 new residential single-family attached townhomes on 5.83 acres in the Commercial and Mixed Residential Two zones. The purpose of the project is to provide a mix of living space options and a commercial site with the City of Edgewood consistent with zoning. The project proposes to construct eight townhome buildings, extension of the north-south public road (to be dedicated to the City), a wetland tract, park/stormwater infiltration tract, and commercial lot. The project requires minor intrusion into the wetland buffer. The applicant proposes buffer averaging and wetland enhancement including installation of native plant species within the buffer to mitigate for project impacts. This recommendation is based on the suggested findings of fact and conditions contained within Part 5 – Staff Recommendation.

Part 1 – General Information

FILE NUMBER: 16-5633

LOCATION: 10413 11th Street East, Edgewood, WA 98372

TAX PARCELS: 0420033084

APPLICANT: Craig A. Peck & Associates, 11402 40th Avenue East, Tacoma, WA 98446

PROPOSAL:

The applicant submitted a Planned Residential Development, SEPA Checklist, Design Review, and Surface water Compliance Application for Domus Homes, a single-family townhome residential project to construct 55 townhomes on 5.83 acres of land on a split-zoned lot zoned Commercial (C) and Mixed Residential Two (MR-2).

LEGAL DESCRIPTIONS:

0420033084: Section 03 Township 20 Range 04 Quarter 32 : N 1/2 OF S 1/2 OF NW OF SW OF SEC LESS W 683.6 FT THEREOF SEG F 2490

ZONING:

C – Commercial and MR-2 – Mixed Residential Two

COMPREHENSIVE PLAN DESIGNATION:

C – Commercial and MR-2 – Mixed Residential Two

CRITICAL AREAS:

The property contains one Category III wetland.

ENVIRONMENTAL (SEPA) REVIEW:

The City of Edgewood issued a Final Mitigated Determination of Nonsignificance (MDNS) using the optional DNS process pursuant to WAC 197-11-355 on January 11, 2017 for the project. There were no appeals to the MDNS.

UTILITIES:

- The project is located within the Sewer LID and associated Phase I Sewer Area as defined and shown within the City's General Sewer Plan. A Certificate of Sewer Availability was issued on January 29, 2013 for the parcel that will be developed with need for sewerage.
- The applicant received a Certificate of Water Availability for the proposal from the Mt. View-Edgewood Water Company on November 1, 2016. Water service will be provided through the extension of existing water main(s).

EXHIBITS:

The following exhibits are found in the binder submitted with the Staff Report.

- A. PRD Application
- B. Site Plan
- C. Landscape / Planting Plan
- D. Tree Retention Plan
- E. City of Edgewood Official Zoning Map
- F. Notice of Application (NOA)/Legal NOA/NOA Affidavit of Publication/Affidavit of Posting/Completeness
- G. State Environmental Policy Act (SEPA) Checklist/Notice of Decision (NOD)/Legal SEPA NOD/ NOD Affidavit of Publication
- H. Mitigated Determination of Nonsignificance (MDNS).
- I. Notice of Hearing (NOH)/Legal NOH/NOH Affidavit of Publication
- J. Mountain View Edgewood Water Company Water Availability Letter
- K. City of Edgewood Certificate of Sewer Availability
- L. Public and Agency comments received

- M. Design Review Application/Design Review Checklist/Color Building Elevations
- N. Surface Water Compliance Application/Preliminary Stormwater Report/Engineering Peer Review Letter
- O. Wetland Delineation Assessment Report and Restoration Plan/Wetland Biologist Peer Review Letter
- P. Traffic Impact Analysis/Transportation Peer Review Letter/Revised Traffic Impact Analysis/Final Transportation Peer Review Letter

Part 2 – Site Characteristics

The subject property is located east of Meridian Avenue East and north of 11th Street East, which terminates at the property. The subject property is currently developed with two single-family residences in the eastern and central portions of the property, a work shop/office building in the southwestern portion of the site, and a shared gravel access road in the 11th Street East right-of-way. The property is bounded on the east and west by existing residential development, on the south by the View Pointe residential single-family project site and the north by a church and partially developed commercial site.

The property generally slopes downward from east to west. The eastern high point of the site starts at a steeper grade of about 10-25 percent. At the about the mid-point of the site the slope flattens to 4-8 percent grade. The soils are Alderwood gravelly loam with other loamy soils. Vegetation on the site consists of previously cleared areas now overgrown with native and invasive grasses, a few coniferous and deciduous trees, blackberries and native shrubs.

A Category III wetland approximately 3,305 sf in size occupies a shallow depression on the northwest corner of the site. The standard buffer width for this category of wetland is 50 feet per the Edgewood Municipal Code.

1. SURROUNDING ZONING: Properties surrounding the project area are zoned Commercial (C), Mixed Residential Two (MR-2), and Single-Family Three (SF-3).
2. ACCESS: Proposed ingress and egress will be from the north-south public road to be constructed on-site which will connect to the north-south public road extension being built on the View Pointe residential site and to either 12th Street or 13th Street Court to Meridian Avenue East. Direct access from the project site to Meridian will also be provided via 11th Street.

Part 3 – Comprehensive Plan

Comprehensive Plan Designation(s):

The applicant is following the Planned Residential Development process of the City code which allows for a blending of density requirements for single-family or multifamily development in certain zones such as Commercial and Mixed Residential Two. The Commercial designation accommodates a wide range of commercial development, such as retail and service businesses. The designation also allows for multifamily development and single-family attached, such as townhouses (as a conditional use). The Mixed Residential Two designation allows for

residential, civic, and utility uses but limits commercial uses. This designation allows for single-family attached or detached dwellings and multifamily dwelling units.

Comprehensive Plan Goals And Policies:

The following are goals and policies from the Comprehensive Plan that are applicable to the proposal:

NATURAL ENVIRONMENT ELEMENT (Chapter 1)

GOAL NA. I: Protect and enhance the natural environment for the benefit of current and future generations.

Policy NA.I.a: *Conduct all City operations in a manner that minimizes adverse environmental impacts, including policy and regulatory decisions, budget decisions, public projects and departmental operations.*

GOAL NA.II: Protect and enhance water quality.

Policy NA.II.d: *Require new development to utilize stormwater best management practices, such as low impact development and other natural drainage techniques.*

Policy NA.II.g: *Protect and preserve areas that are critical for aquifer recharge, such as wetlands, streams, and water bodies.*

LAND USE ELEMENT (Chapter 2)

GOAL LU.I: Establish a future land use pattern that is consistent with the City's vision.

Policy LU.I.i: *The Mixed Use Residential designation is intended to accommodate a range of medium density residential housing types and to provide a visual and functional transition between residential neighborhoods and areas of more intensive development. A mix of land uses is allowed, including commercial, professional and other uses that are compatible with neighborhood character.*

Policy LU.I.k: *The Commercial designation is intended to accommodate a wide range of commercial uses, including large-format retail, auto-oriented commercial uses and regional scale commercial uses. Compatible uses are also allowed.*

GOAL LU.II: Promote a land use pattern that strengthens Edgewood's identity and sense of place.

Policy LU.II.b: *Promote community character and identity, including consideration of the following:*

- *Compatibility with natural site characteristics*

- *Development at a scale and character appropriate to the site and surrounding vicinity.*
- *Design that reflects the community's current and historical character.*
- *Landscaping to enhance building and site appearance.*

GOAL LU.III: Promote development that respects and preserves the natural environment.

Policy LU.III.a: *Provide design flexibility to encourage the preservation and integration of existing natural site features in new development, including clusters of trees, watercourses, slopes, and open spaces*

GOAL LU.IV: Promote the quality, character and function of residential neighborhoods.

Policy LU.IV.a: *Consider natural constraints, surrounding development and proximity to services and facilities when establishing residential densities.*

LAND USE ELEMENT (Chapter 3)

GOAL CC.I: Promote commercial and residential development that is carefully considered, aesthetically pleasing, and functional.

Open Space

Policy CC.I.m: *Preserve and encourage open space as a dominant element of the community's character through parks, trails, water features, cemeteries and other significant properties that provide public benefit.*

GOAL CC.II: Promote the creation of highly usable public spaces that maintain community character and increase public safety.

Public Spaces

Policy CC.II.a: *Ensure that public places are designed to include pedestrian amenities such as seating, landscaping, kiosks, walkways, pavilions, canopies and awnings.*

Policy CC.II.b: *Consider the edges of public places that abut adjacent property for special design treatment to create a buffer effect.*

Pedestrian Linkages

Policy CC.II.d: *Provide clear and identifiable systems of accessible sidewalks, walkways and trails.*

Street Corridors

Policy CC.II.f: *Encourage street designs that provide safe pedestrian design elements, especially at the corners of intersections.*

HOUSING (Chapter 4)

GOAL H.III: Promote a mix of housing types to meet the needs of current and future residents.

Policy H.III.c: *Encourage residential infill development on vacant or underutilized sites in areas with appropriate land use designations.*

Policy H.III.d: *Increase the diversity of the City's housing stock by encouraging construction of moderate- and higher-density housing, such as apartment buildings, mixed use developments, townhomes, cottage housing and garden apartments, in appropriate land use designations.*

Policy H.III.e: *Encourage a range of unit sizes to accommodate different household types, including single person households, two-person households, households with children, households with seniors and group households with unrelated people living together.*

TRANSPORTATION ELEMENT (Chapter 5)

GOAL T.I: Develop a safe and efficient street system that accommodates all transportation modes and maximizes people-carrying capacity. Improve the operating efficiency of the existing system and maintain the capacity to adequately serve present and future travel demand.

Policy T.I.c: *Require dedication of roadway rights-of-way as part of new development consistent with the appropriate functional classification, adopted road standards and Comprehensive Plan.*

GOAL T.III: Provide clear and identifiable systems of walkways, sidewalks, and trails.

Policy T.III.b: *Develop a non-motorized transportation system that promotes connectivity between residential developments via pathways, trails, and street extensions.*

Part 4 –Agency Review/ Public Comment:

1. Notices:

Application Received:	October 28, 2016
Determination of Completeness:	November 2, 2016
Notice of Application:	November 5, 2016
SEPA Determination:	January 11, 2017
Notice of Public Hearing:	January 26, 2017

A 15-day public comment period was utilized, which ended November 18, 2016. The notice was posted on the site, published in *The News Tribune* newspaper, and mailed to property owners within 300 feet of the project and parties of record on November 5, 2016.

2. GENERAL PUBLIC COMMENTS:

One comment letter from the public was received during the Notice of Application during the comment period. The concerns expressed are summarized as follows:

Comment	Response
Concerns regarding preservation of trees along her property line, that the root systems remain intact and desires extensive soil testing to be performed as assurance against erosion damage.	The City will require protective measures during site development to protect off-site tree root systems (see recommendation #43). Potential site erosion issues will be handled through a required Stormwater Pollution Prevention Plan and required site preparation to prevent erosion (see recommendations #22 – 24).
Desires and additional row of trees to be planted along fence on the Domus property to protect privacy.	The applicant is required to provide a minimum of 10 feet of Type IV landscape strip. The applicant proposes 20 to 25 feet of landscaping. The applicant is also required to plant one deciduous or evergreen tree per 20 linear feet and a 6-foot high fence (see recommendation #21).
Desires written assurances from the Domus property interests that her septic system will not be impacted by the development.	City review of the proposed site stormwater and grading plan indicates that after site preparation, the stormwater system will sit lower than the commenters property and stormwater will flow west away from the single family zoned properties, including her property. Potential erosion issues will be handled as noted in the prior answers.
Requests temporary retaining walls and additional security when site development is underway.	The City requires the applicant to follow City code in establishing hours of construction and erosion prevention as well as to provide site control during construction. In a conversation with the commentor at City Hall on 1/30/17 City Staff explained that the City's police department is made aware when project site preparation activities begin and are connected with the site construction supervisor.

The public comments, where appropriate, have been incorporated into the decision under the "Findings of Fact" or "Conclusions of the Responsible Official."

3. AGENCY COMMENTS:

An Interagency Memorandum was mailed on November 5, 2016. The City of Edgewood received comments from the following agencies:

a. DEPARTMENT OF ECOLOGY (DOE)

- i. The Washington State Department of Ecology provided comments regarding potential toxics cleanup, water quality, and erosion control. The comments have been incorporated into this SEPA threshold determination conditions where appropriate.

b. MOUNTAIN VIEW-EDGEWOOD WATER COMPANY (MTVE)

- i. Water is available for this plat from a 10" main located along Meridian and a 8" main located at the SW corner of the Slavic Church Property. System pressure is about 80 PSI and the fire flow is 3000 GPM.
- ii. A "to and thru" 8" Class 52 Ductile Iron water main extension is required. The extension shall tie into the existing 10" main located along Meridian with a 3 valve cluster, tie into the Slavic Church main, and tie into the Edgewood View Pointe main. Existing services along Meridian shall be relocated. Main extension shall be constructed per the most current MTVE Developer Standards and centered on a 15' wide easement. Easement shall be recorded using MTVE form. Water main shall not be placed under roadway except for crossings.
- iii. Hydrant locations per EPF&R requirements.
- iv. Install new services per MTVE standard. They shall be clustered and not installed in driveways, parking areas, or sidewalks.
- v. There is one membership for the parent parcel. This membership must be transferred to one of the newly created children parcels.
- vi. Install new services per MTVE standard. They shall be clustered at common lot corners and not installed in driveways, parking areas, or sidewalks.
- vii. All other utilities shall be located at least 36" away from the outside of the water main. Crossings shall be a minimum of 24" over the top or 12" below the water main.
- viii. Plantings and other utility pedestals (phone, power, etc.) shall not block the road side of the meter box and shall be located a minimum of 36" away from the sides and rear of the meter boxes.

c. LAKEHAVEN UTILITY DISTRICT

- i. The City of Edgewood previously issued a Letter of Sewer Availability for the property, required for Lakehaven to process sewer system extension &/or service connections.
- ii. A Lakehaven Developer Extension Agreement will be required to construct new City of Edgewood sanitary sewer facilities necessary for the proposed development, including extend-to-far-edge (northern point in proposed North/South Road) in accordance with long-standing Lakehaven policy. Pipe slopes from existing sewer facilities/point-of-connection to the northerly extend-to-far-edge point should be kept at the allowable minimum (0.5%) to maximize future sewer extensions north of this property. Additional detail and/or design requirements can be obtained from Lakehaven by completing & submitting a separate application to Lakehaven for either a Developer Pre-Design Meeting or a Developer Extension Agreement (application forms attached). Lakehaven encourages owners/developers/applicants to apply for Lakehaven processes separately to Lakehaven, and sufficiently early in the pre-design/planning phase to avoid delays in overall project development.
- iii. The associated Developer Extension Agreement must achieve a point of either Substantial Completion or Acceptance, as determined by Lakehaven prior to activating any new sewer service connection(s).
- iv. Based on the proposal submitted, preliminary estimated Lakehaven sewer service connection fees/charges/deposits (2016 schedule) will be as follows. Actual connection charges will be determined upon submittal of service connection application(s) to Lakehaven. Connection charges are separate from any DE fees/charges/deposits & are due at the time of application for service. All Lakehaven fees, charges and deposits are typically reviewed & adjusted (if necessary) annually, and are subject to change without notice.
 - a. Sewer Service Connection Permit Fee: \$16,500.00 (\$300.00 per building).
 - b. Capital Facilities Charge(s)-Sewer: \$176,330.00 (\$3,206.00 per Equivalent Residential Unit (ERU)).
- v. All comments herein are valid for one (1) year and are based on the proposal(s) submitted and Lakehaven's current regulations and policies. Any change to either the development proposal(s) or Lakehaven's regulations and policies may affect the above comments accordingly.

d. EAST PIERCE FIRE AND RESCUE

- i. The minimum fire flow requirements for detached one-family residential dwellings having a fire flow calculation area which does not exceed 3,600 square feet shall be 1,000 gallons per minute with a minimum duration of 45 minutes. Fire flow and flow duration for dwellings having a fire flow calculation area in excess of 3,600 square feet shall not be less than specified in the International Fire Code. For residential fire-flow requirements, see Section B 105.1 One family dwellings.
- ii. Provide the required fire flow for the building which is based on size and type of construction at at 20 psi residual pressure for 2 hours. (IFC Appendix Table B 105.1). Contact Lane Walthers for additional information (see below).
- iii. An automatic fire sprinkler system shall be installed in all apartments, townhouses and duplexes regardless of square footage and in all single family residences that exceed 5,000 square feet of livable space. A separate permit and plan review submittal is required for the installation of the fire sprinkler system.
- iv. Provide proof of water availability prior to the issuance of building permits for the proposed development.
- v. At the time of a building permit submittal, a fire flow worksheet shall be completed.
- vi. Provide a Fire hydrant at the entrances of the development and on the corner of 11th street with a maximum spacing for fire hydrants serving residences shall be 500 feet at street corners. Additional hydrants may be required.
- vii. All on site fire hydrants shall be 300 feet spacing.
- viii. Fire apparatus access roads shall be provided to within 150 feet of all portions of the exterior walls of the first story of the proposed residence(s) as measured by an approved route around the exterior of the building. The minimum width of the fire apparatus access road more than 2 lots shall be 20 feet wide paved. The access road shall be provided with a driving surface designed to support the imposed load of fire apparatus.
- ix. All fire lanes over 150 feet shall be provided with an approved turnaround and shall adhere to appendix D of the IFC 2015 for the type and size of construction.

- x. Where installed, security gates on fire apparatus access roads shall be equipped for automatic operation by Opticom Pre Emption and a Knox key override switch and shall be designed and installed in accordance with the East Pierce Fire & Rescue requirements for security gates.
- xi. Provide a guarantee of access to all lots/parcels through a recorded easement or other appropriate legal instrument.
- xii. All lots shall be addressed in accordance with the standard adopted by the City of Edgewood, Planning and Community Development Department.

The comments received above have been incorporated into the Findings of Fact, Conclusions and recommended Conditions of Approval.

Part 5 – Staff Analysis/ Findings of Fact:

GENERAL:

1. The applicant submitted a SEPA Checklist with a subdivision application to construct 55 single-family attached dwelling units on 5.83 acres within the Commercial (C) and Mixed Residential Two (MR-2) zones. The proposed project includes one commercial lot, a park/stormwater tract, and wetland tract. A new north-south roadway is proposed that will be dedicated to the City upon completion.
2. The applicant also submitted a Planned Residential Development (PRD) application. A PRD allows for an increase in density when open space and other specific amenities are provided as set forth in EMC 18.50.095.
3. A neighborhood meeting was held on October 10, 2016 in accordance with EMC 16.04.040 and 16.04.080. There were approximately 15 Edgewood residents in attendance.
4. A PRD is allowed in Single Family Five (SF-5), Mixed Residential One (MR-1), Mixed Residential Two (MR-2), and any split-zoned parcel greater than three acres where residential uses are allowed in both zones. The project parcels meet these requirements.
5. The parcel is split-zoned C and MR-2 designations. The applicant has proposed to follow the PRD process identified within EMC 18.50.095(J)(2) which addresses combined density (shifting the overall density within a split zoned parcel). PRD density is calculated for split zoned parcels as 80 percent of the combined total allowed density in the underlying zones. The allowed density in the underlying zones is 8 dwelling units/acre for the MR-2 zone and 48 dwelling units/acre for the C zone. The net developable acreage in the C zone, after subtracting for the Category III wetland and Commercial Lost is 2.5 acres. The net developable acreage in the MR-2 zone is approximately 2.5 acres. The net acreage totals approximately 5.0 acres resulting in a maximum number of dwelling units allowed of 141. The project proposes 55 townhome units coming in below the maximum density allowed.

6. Impervious surface coverage allowed in the C zone is 85%. Impervious surface allowed in the MR-2 zone is 65%. The proposals impervious surface covers 60% of the total site area (3.52 acres of a total of 5.83 acres) and is under the maximum coverage allowed.
7. The applicant proposes a separate Commercial parcel to meet the mixed use requirements of the Commercial zone per EMC 18.80.080 Table 2, footnote I. The Commercial parcel shall accommodate a commercial building (including parking and stormwater mitigation) that is at least 10% of the gross floor area of the development. The gross floor area of the townhomes in the Commercially zoned portion of the parcel is 42,650 sf. Ten percent of this is 4,265 sf, so the minimum Commercial building size shall be at least that size. The applicant demonstrated a Commercial building can be built on the Commercial lot that meets the 4,265 sf size threshold.
8. Open space shall be provided on-site per EMC 18.50.095H at a rate of 20% of total gross floor area of all structures. The gross floor area of all structures proposed is 105,577 sf and the calculated minimum open space to be provided is 21,115 sf. The applicant proposes 43,996 sf of open space (including a park tract of 17,131 sf) which exceeds this requirement.
9. The application was determined to be complete on November 2, 2016. A Notice of Application was mailed to surrounding property owners, published in The Tacoma News Tribune on November 5, 2016, a newspaper of general circulation, mailed to permanent parties of record, faxed for posting in public places, and was posted on the site.
10. Per EMC 18.80.080, the applicant shall submit for design standards approval and shall comply with EMC 18.95, Design Standards. The applicant provided design review documentation with the application that was reviewed by the City and revisions were requested on January 10, 2017. The applicant shall submit revised site design and landscape plan documents as prescribed within EMC 18.95 prior to submission of the site development plans.
11. The applicant provided a tree preservation plan in accordance with EMC 18.90.180 with the application. The applicant proposes to retain two significant trees and replace removed trees at a replacement rate of 1.5x per removed tree. 194 new 2" diameter trees are proposed.
12. The applicant proposes to construct all associated infrastructure for the project and has estimated that approximately 19,000 cubic yards of material will be moved, approximately balanced on-site. Select fill will be imported from off-site permitted sources for special purposes. Import materials such as gravel and select backfill will require the submittal of a haul-route plan at the time of site development application and may also require the submittal of a traffic control plan depending upon frequency and routing of the truck traffic associated with construction.

13. Review of the environmental checklist indicates that development of the site will generate short-term noise and dust during construction. EMC Title 8 adopted the Pierce County Codes regarding noise. Chapter 8.76.060 establishes maximum permissible noise levels. The City has established a policy limiting the hours that construction activity can occur in order to address noise impacts to neighboring residential properties.
14. Review of the environmental checklist indicates that the proposal will have no significant impact on animals, water, noise, environmental health, public services or land use. Additionally, no significant historic or cultural resources have been identified within the proposed project site.
15. Per EMC 18.90.060 any fences proposed on the individual lots must meet height requirements and not obstruct the sight distance of a driveway, private street, or public street. Fences may be a maximum of 4 feet in height in the front yard setback and 6 feet in height in the interior or rear yard setback.

Wetlands/Critical Areas

16. The City critical areas map indicated the presence of a wetland on-site. A Critical Areas checklist was required to be submitted and a wetland analysis report per EMC 14.30.030.
17. The applicant submitted a Critical Areas Checklist and Wetland Analysis Report with the application on October 28, 2016. The City's wetland biologist reviewed the wetland report (Titled: Critical Areas Report- #0420033084) and visited the site to verify conditions and findings of the report. The City's biologist concurred with the report that the wetland is a Category III wetland that would normally require a 50-foot buffer, but the proposed buffer averaging and enhancement as described in the report is consistent with the Edgewood Municipal Code.

Stormwater

18. As submitted, the proposal includes construction of 55 new townhome-style single family residences, extension of a public parallel road from the adjacent View Pointe project to the north boundary (consistent with City of Edgewood Ordinance #07-0279), onsite private road improvements (looped to and from the parallel road for home site circulation and Emergency Vehicle Access), and offsite improvements to 11th Street East (private access). Associated stormwater infrastructure improvements include onsite buried conveyance, water quality treatment and flow control detention I retention facilities, offsite buried conveyance and treatment I flow control facilities, and may include Low Impact Development (LID) techniques such as porous pavement. The applicant proposes to construct all required infrastructure for the project, estimating that approximately 19,000 cubic yards of material will be moved (balanced cut and fill on site).
19. The "Soils Report: Stormwater Feasibility" by GeoResources, LLC provides design infiltration rates based on in-situ Pilot Infiltration Testing (PIT) results, following the procedure listed in the 2005 Department of Ecology (DOE) Stormwater Management

Manual for Western Washington (SMMWW), the vested standard. While the lowest correction factor suggested by the DOE SMMWW is 5.5, a reduced correction factor of 4 was recommended by the geotechnical engineer without any further justification. An addendum dated December 28, 2016 was provided with further explanation and justification, citing the safety factors contained in the 2015 Pierce County Stormwater Management and Site Development Manual (current standard), being an acceptable alternative guidance.

20. While in-situ testing has been performed, said testing was performed during the summer of 2016. Additional testing and observations shall be made during the wet season (winter/spring), per the 2005 DOE SMMWW, Volume III, Section 3.3.8, to confirm the design infiltration rates prior to site development approval. Corrections and/or design errors may require revisions to the plat.
21. The Preliminary Drainage Control Plan contains a basic downstream analysis that identifies a potential capacity problem within one-quarter mile of the proposed improvements. The applicant must provide a quantitative downstream analysis, addressing this potential capacity problem prior to site development approval.

Traffic/Streets

22. The applicant has proposed a location for their segment of the north-south public parallel road in accordance with Ordinance 07-0279, regarding the Meridian Corridor Roadway Network. The City of Edgewood reviewed the applicant's preliminary plans and finds the location of 104th Avenue East (the north-south parallel road) aligns with the existing connection to the network's south (View Pointe Subdivision). In conjunction with the construction of the roadways within the network and at the time of final plat approval, the applicant shall dedicate the 104th Avenue East north-south right-of-way and road system to the City of Edgewood.
23. The new private roadway network proposed for this project shall be in compliance with EMC 12.05, Streets, Sidewalks and Public Places and the specific cross section shall be in accordance with the approved Neighborhood Collector Cross Section drawing. The applicant proposes 20-foot wide drive lane, 5-foot concrete sidewalk, and curb and gutter section. The landscape plan also proposes trees and landscaping along the back of sidewalk. Details on the requirements for the roadway improvements are discussed in the Required Mitigation Section below.
24. Reviewing City of Edgewood Ordinance #07-0279, 11th Street East is not identified as a proposed connection to Meridian Avenue East (SR 161). Any improvements made to 11th Street East shall be consistent with an interim access following Section 4.A.3 of said Ordinance, having no formal intersection with the proposed parallel roadway. Also, if a pedestrian walkway is desired along 11th Street East between the project and Meridian Avenue East, it should be surfaced in such a manner as to deter use of private property by the general public.

25. The City of Edgewood required that the applicant provide a traffic impact analysis to evaluate traffic impacts generated by future development of the proposed 55 residential townhome units to the City of Edgewood road network. Heath and Associates prepared the Edgewood P RD-Domus Homes Traffic Impact Analysis dated October 20, 2016. The report was peer-reviewed by the City's Traffic Engineering Consultant, Transpo on December 21, 2016. Revisions to the report were provided on January 5, 2017, and Transpo provided additional review of the report on January 10, 2017. No additional revisions to the report were requested as a result of the second review. Transpo found that the revised TIA adequately addressed the proponents traffic engineering recommendations associated with traffic and access for the proposed project.
26. In the January 10th, 2017 letter Transpo concurred that mitigation associated with the project shall include payment of traffic impact fees as prescribed by EMC 4.30, Traffic Impact Fees, as well as construction of 11th Street East improvements that include a 20-foot wide (minimum) pavement section and gravel pathway on the north side of the street, will adequately address the traffic impacts from the proposed development.

Improvements/Other Requirements

27. A Homeowners' Association (HOA) shall be created to address all private improvements, including streets, curbs, landscaping, irrigation, sidewalks, stormwater management, and stormwater conveyance per RCW 64.38. Associated Covenants, Conditions and Restrictions (CCRs) shall be submitted at the time of final plat for review and approval.

Part 6 - Conclusions:

The City enters the following conclusions in support of its recommendation:

1. The Hearing Examiner has jurisdiction to consider and decide the issues presented by this request. Appropriate notice was given.
2. The PRD is consistent with the applicable policies of the City of Edgewood Comprehensive Plan, including encouraging attractive, stable, high quality residential development and encouraging residential development projects to help support commercial areas.
3. The PRD application was received on October 28, 2016, and determined to be complete on November 2, 2016.
4. The utilities in the area of the subject property are adequate to serve the anticipated demand of this proposal. A Certificate of Water Availability and a Certificate of Sewer Availability show that satisfactory utility service is available.
5. Adequate provisions have been made for traffic, streets, parks, schools and storm water. Prior to final City approval, the applicant will be required to construct or bond for the proposed roads and mitigation requirements and provide surface water improvements that will ensure adequate services and facilities are available.

6. As conditioned, the proposal will not be detrimental to public health, safety or welfare. The proposal will provide new residential housing on sites suitable for development.
7. The City has adhered to the permit review requirements of EMC Section 18.40.100, Process III (Hearing Examiner Actions), EMC Title 20.05, SEPA, as well as all other pertinent chapters of the EMC considered with this application.

Part 7- Staff Recommendation/ Conditions of Approval

After review of the submitted materials and the comments received, staff recommends APPROVAL of Application #16-5633, Domus Townhomes Planned Residential Development, a single-family townhome project consisting of 55 dwelling project, **subject to the conditions** described below.

GENERAL PROJECT RECOMMENDATIONS:

1. The Mitigated Determination of Nonsignificance was issued on January 11, 2017. The conditions are hereby incorporated fully and shall be incorporated into the design of the project and considered conditions of the final PRD approval.
2. The applicant shall provide adequate site control measures for erosion control for the proposed movement of up to 19,000 cubic yards of soil. If soil is proposed to be moved on or off of the site during site development, the applicant shall provide a trip plan showing the route of travel. Any routes that have been damaged and require repair based on actions associated with the project shall be repaired at the expense of the applicant to pre-site development condition.
3. During construction, the stockpiling of excavated materials or backfill materials shall meet the TESC plans and specifications as approved. Material stockpile locations shall be approved prior to stockpiling of soils by the City of Edgewood.
4. In accordance with EMC Chapter 13.25, all oils, hydraulic fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials must be contained onsite during construction, and removed in a manner that will prevent their discharge from the site, either to surface waters or soils. The cleanup of spills shall take precedence over other work on the site.
5. During construction, if any contaminated soil is suspected or discovered, testing of the it shall be removed and sent to approved sites and appropriate documentation of the disposal shall be made available upon request.
6. Dust control measures shall be performed during site development and any home construction, as needed due to soil conditions during periods of dry weather. Dust control measures shall be addressed in the SWPPP.

7. Appropriate provisions shall be made to minimize the tracking of sediment by construction vehicles onto paved public roads during site development and home construction. If sediment is deposited, it shall be cleaned by the end of each working day by shoveling or sweeping. Water cleaning shall only be done after the area has been shoveled out or swept.
8. Provisions (tire washings of vehicles or approved alternatives (e.g. quarry spalls) shall be made to minimize the tracking of sediment by construction vehicles onto paved public roads during site development and apartment home construction. If sediment is deposited, it shall be cleaned every day by shoveling or sweeping. Water cleaning shall only be done after the area has been shoveled out or swept.
9. The applicant shall submit and receive final design review approval prior to site development application in accordance with EMC 18.95.
10. If the applicant proposes fences on individual lots, the applicant shall submit a Sight Distance Study that evaluates the impact of proposed lot fences on roadway sight distance for review by the City. The study shall be submitted and reviewed prior to issuance of the site development permit.
11. The applicant shall provide a copy of the facility maintenance plan prior to permit issuance of the first apartment building to address all common spaces as well as building maintenance and shall specifically include provisions regarding stormwater maintenance referencing the Operation and Maintenance (O&M) Manual prepared by the Engineer of Record, landscaping, parking lot, site lighting and general building maintenance and lighting maintenance. The manual shall include:
 - A landscape maintenance plan including irrigation system maintenance.
 - A parking lot maintenance plan for striping and future overlay/coating.
 - Reference to the International Property Maintenance Code requiring regular maintenance of the project's structures, and associated appurtenances.
12. Addresses for individual buildings shall be obtained from the City prior to submittal for the individual building permits. Addresses shall be assigned and displayed in accordance with the International Fire Code (IFC).
13. The applicant shall comply with the comments provided by the Mountain View Edgewood Water Company found in Part 4 – Agency/Public Comments, Section b, above.
14. The applicant shall comply with the comments provided by Lakehaven Utility District found in Part 4 – Agency/Public Comments, Section c, above.
15. The applicant shall comply with the comments provided by East Pierce Fire and Rescue found in Part 4 – Agency/Public Comments, Section d, above.

DESIGN REVIEW RECOMMENDATIONS:

16. The applicant submitted a Design Standards Review Checklist as prescribed within EMC 18.95 including documents regarding building design, landscaping and irrigation. A Design Review Letter requesting additional information be provided was sent to the applicant on January 10, 2017.
17. The applicant shall provide an updated site plan including patterned crosswalks that meet the Edgewood Meridian Avenue/State Route 161 corridor parallel road standards (Ordinance No. 07-0279). The patterned sidewalks shall connect sidewalks along the east side of the parallel road, crossing the private road connections to the north-south parallel road. A patterned crosswalk shall also cross the parallel road to the proposed park/stormwater tract and cross the parallel road at the SE corner of the Commercial tract to the SW corner of the project site tract.
18. The color elevations indicate differentiating materials may be used on the buildings. In addition to the color schemes provided, the applicant shall provide material samples, material sample photos and material information, or weblinks to information on proposed differentiating material that is proposed.
19. The applicant shall submit rear elevations for buildings 4, 5, 7, and 8 on the construction plans for review and approval by the City.
20. The applicant shall install screening, composed of a free-standing wall or trellis and landscaping, in front of the electrical meters proposed for the end walls of buildings 1, 4, and 7 facing the proposed north-south public road per EMC 18.95.040 I.2.b.
21. The applicant shall install landscaping around the perimeter of the site per EMC 18.90.090. Type IV (25-foot solid barrier) landscaping shall be installed along the property boundaries with single family zoned properties (the east boundary of the site), and along the north and south property lines in the MR-2 zone section of the subject property. The applicant shall install Type I (15 foot Vegetative Buffer) landscaping along the property boundary of the Commercially zoned portion of the site.
22. The applicant shall install Type II Streetscape landscaping along all public and private road frontages in accordance with EMC 18.90.090.

STORMWATER RECOMMENDATIONS:

23. Compliance with EMC Chapters 13.05 (Stormwater Manual- Site Development Regulations) and 13.25 (Illicit Stormwater Discharges) is required during and following any site development activity.
24. Engineered storm water drainage facilities are required for all disturbed areas of the project site. The applicant shall provide a Stormwater Site Plan in accordance with EMC Chapter 13.05 and the 2005 DOE Stormwater Management Manual for Western Washington (SMMWW) at the time of site development. The plan shall include Stormwater Pollution Prevention Plan (SWPPP) addressing Minimum Requirement Two for all proposed

development. The applicant shall provide engineering plans for City approval prior to site development approval.

25. A Temporary Erosion and Sedimentation Control (TESC) plan must be submitted with the SWPPP prior to site development permit issuance, approved by the City Engineer, and implemented during site development and any future home construction. Said plan and SWPPP must adequately propose BMP measures to address the movement of 19,000 cubic yards of earth, as proposed. If removal of material is necessary, the applicant shall prepare a haul route plan for review and approval. Prior to approval of site development permits, the applicant shall prepare a haul route plan for review and approval for import of material from an approved off-site source.
26. As more than one (1) acre of land disturbance is expected, the applicant shall acquire a National Pollution Discharge Elimination System (NPDES) permit and provide a copy of the permit to the City of Edgewood prior to site development permit issuance. A Certified Erosion and Sediment Control Lead (CESCL) shall be present throughout the construction of site development improvements, implement and maintain the SWPPP, and provide regular reports to the City of Edgewood.
27. Any proposed surface water discharged from the project site (including areas bypassing proposed facilities) must meet all of the Minimum Requirements of the SMMWW, with any stormwater modeling of pre-development conditions assuming "forested" land coverage and using the "42 IN EAST" precip I evap station (or equivalent). Any dispersion facilities proposed for stormwater mitigation purposes (including overflows) must demonstrate adequate flowpath length on the project site and outside of any sensitive areas (EMC 13.05.170).
28. As discharge from the site is proposed and a potential capacity problem has been identified within one-quarter mile of the proposed improvements, a complete downstream analysis consistent with Volume I, Section 2.6.2 of the 2005 DOE SMMWW must be prepared and submitted with the site development application. This analysis must clearly identify existing drainage problems downstream (based on existing tributary flows), evaluate the capacity of the existing downstream conveyance, consider other tributary properties in the capacity analysis, and propose measure(s) to ensure downstream property will not be adversely impacted by the proposal.
29. If onsite retention is proposed, in-situ infiltration testing must be performed on the project site to determine the design infiltration rate, consistent with the 2005 DOE SMMWW, 2012 LID Manual, or the 2015 Pierce County Manual's Falling Head Test (Appendix IIIA). All applicable correction factors must be applied to the chosen infiltration test method. All retention facilities shall be modeled with an overflow riser, even if no overflow is provided or proposed, to properly simulate and identify any potential for overflow.
30. The applicant's geotechnical engineer shall verify and confirm soil conditions and design infiltration rates during and following construction of any proposed storm water retention BMPs, including facilities designed using Low Impact Development (LID) techniques. If conditions are different than design, the applicant's geotechnical engineer shall provide a

revised infiltration rate and the stormwater retention BMPs shall be redesigned accordingly. Revisions shall be submitted to the City of Edgewood and approved prior to implementation and final construction approval. Corrections and/or design errors may require revisions to the plat.

31. The applicant shall provide right of entry by the City of Edgewood for all storm water facilities prior to final site development approval. If constructed conditions are found to be different than those designed and approved, the applicant's engineer shall revise the stormwater system accordingly. Any revisions shall be provided to the City of Edgewood and approved prior to implementation and final site development construction approval. Corrections and/or design errors may require revisions to the plat.

Street/Road

32. The applicant shall submit street improvement construction plans for the proposed public parallel and onsite loop private roadways, for review and approval by the City Engineer, prior to final plat submittal. Improvements shall be designed in compliance with EMC Title 12 (Streets, Sidewalks and Public Places), which adopts Pierce County Code (PCC) Title 12 by reference. The specific cross section shall be in accordance with the "Manual on Design Guidelines and Specifications for Road and Bridge Construction in Pierce County," and Pierce County Standard Drawing PC.A3.2 and as described herein.
33. The public parallel road (104th Avenue East) shall be designed in accordance with Ordinance 07-0279, regarding the Meridian Corridor Roadway Network and meeting the City's Commercial Collector Cross Section, with cement concrete barrier curb and gutter, buffer and sidewalk with closed drainage. The public road right-of-way shall be 50-foot minimum, with a minimum 22-foot drive lane, 4.5-foot landscape buffers, 6-foot concrete sidewalks, 1.5-foot concrete barrier curb and gutter with storm drainage, and a minimum asphalt road surface thickness of 3 inches. The applicant may propose 8-foot concrete parallel parking strips on one or both sides of the road. The applicant shall dedicate the public road right-of-way to the City of Edgewood upon approval and acceptance of the construction and at the time of final plat approval.
34. Prior to final site development construction approval the applicant shall dedicate the public road (104th Avenue East) Right-of-Way and the approved public road system to the City of Edgewood.
35. The onsite private road shall include, at minimum, a 20-foot drive lane per City of Edgewood Local Street cross-section and PCC Section 17B.20.040, Table 17B.20.040-3, a minimum-1.5-foot curb and gutter section on both sides of the road, a stormwater management system per EMC 13.05, a 4-foot landscaping strip, and a 5-foot concrete sidewalk. Any dead-end segment of road with centerline length over 150 feet must have an EVA turnaround. The site development plans must be submitted to the City of Edgewood and be approved prior to site development commencement.

36. Tract 'C' (Private Road Tract) must include the entire width of the roadway improvements, from back-of-sidewalk to back-of-sidewalk, with a minimum width of 40 feet. This road improvement area may be designated as a separate tract and/or an easement over the individual lots.
37. The applicant shall submit street improvement construction plans for the new roadway intersections to the proposed private road from the public parallel road, for review and approval by the City Engineer, prior to final plat submittal. The intersections shall be constructed in accordance with EMC Title 12, which adopts by PCC Title 17B, including Section 17B.1 0.060, the "Manual on Design Guidelines and Specifications for Road and Bridge Construction in Pierce County." Details on the roadway intersection improvements may be found in Chapter 5: Access and Intersections.
38. The applicant shall submit offsite access improvement construction plans for 11th Street East, for review and approval by the City Engineer, prior to final plat submittal. Improvements shall include, at minimum, a 20-foot drive lane per City of Edgewood Local Street cross-section and PCC Section 17B.20.040, Table 17B.20.040-3, a minimum-1.5-foot curb and gutter section on both sides of the road, a stormwater management system per EMC 13.05, and a 5-foot gravel pathway for pedestrian access on the north side of the road, all designed in accordance with EMC Title 12. For ease of stormwater facility construction, the access may be sloped all to one side (north preferred).
39. The applicant shall submit lighting plans for the project site, consistent with City of Edgewood design standards, for review and approval by the City Engineer, prior to final short plat submittal. Vehicle-level street lighting shall be provided at the three proposed intersections and near the southeast corner of the project, per PCC 17B.20.005, Table 17B.20.005-2, as incorporated in EMC Title 12. Installation, utility charges, and ongoing maintenance of private roadway street lighting shall be the responsibility of the developer and future homeowner's association (HOA). Street lights in the parallel road (1041h Avenue East) ROW shall become City property upon dedication of the street to the City and the City will take responsibility for this street lighting in the public ROW.
40. The applicant shall submit a plan detailing all roadway signs (in and adjacent to public right-of-way) in accordance with Manual on Uniform Traffic Control Devices (MUTCD) standards, for review and approval by the City Engineer, prior to site development permit Issuance.
41. Patterned concrete crosswalks shall be installed at intersections with the private road system and 1041h Avenue East (north-south parallel road) on the east side of the 104th Avenue East providing a continuous pedestrian walkway along the east side of the 104th Avenue East from the south property line to the north property line of the development. Additional crosswalks shall be provided crossing 1 041 A venue East for access to the park/stormwater tract and to provide a continuous east-west pedestrian walkway on the north side of 11th Street East across 104th Avenue East. The patterned concrete crosswalks shall be installed per the City of Edgewood Roadway Design Standards, Roadway Detail Drawing "Detail C."

42. The design and construction of the new roadways and pedestrian improvements shall meet or exceed current Americans with Disabilities Act (ADA) requirements. This includes but is not limited to design of sidewalk transitions, curb ramps, street crossings, and lighting.
43. The applicant shall coordinate with the Puyallup School District regarding the location and construction of future bus stops within the project area prior to site development approval and shall provide a letter from the Puyallup School District providing location approval at the time of site development application.

Tree Retention:

44. Any significant trees to be retained that may be affected by grading activity shall incorporate tree wells in accordance EMC 18.90.180(2)(e)(i)(G). An area free of disturbance, corresponding to the dripline of the significant tree's canopy shall be identified and protected during the construction stage with a temporary three-foot-high chain-link or plastic net fence. No impervious surfaces, fill, excavation, storage of construction materials, operations or parking of vehicles shall be permitted within the area defined by such fencing or stakes.
45. The applicant shall ensure protection of off-site trees on adjacent properties that have tree root systems that encroach onto the project property.
46. Any installed plant material that dies shall be replaced within the spring or fall growing season following plant loss, but not to exceed three months from the time of loss. In order to guarantee performance of the landscaping requirements, cash bonds or other appropriate security (including letters of credit) in the amount of 125 percent of the estimated cost of the required landscaping shall be required if replacement landscaping is not installed prior to issuance of occupancy permits.

Other Requirements:

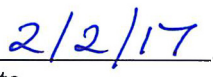
47. A Pre-Construction Meeting with the City of Edgewood shall be held prior to any site development activity and scheduled at least 72 hours in advance. All construction activity shall occur between 7 a.m. and 5 p.m., Monday through Friday. Special provisions to work beyond these hours may be permitted through written request to the Mayor (or designee) a minimum of 48 hours before the special hours or days requested.
48. The wetland and reduced wetland buffer shall be placed in a separate tract from the remainder of the site per EMC 14.30 – Wetlands.
49. The applicant shall place permanent, clearly visible, wetland boundary buffer signs at the edge of the buffer per EMC 14.30- Wetlands prior to any earth moving activities.
50. A Homeowners' Association (HOA) shall be created to address all private improvements within the proposed plat including storm/park tract and stormwater facilities, private streets, curbs and gutters, street lighting, landscaping, and irrigation. Associated Covenants, Conditions and Restrictions (CCRs) shall be submitted at the time of final plat for review and approval.

Once approved by the City, the CCRs shall be recorded separately at the time of final plat recording and the recording number shall be handwritten on the face of the final plat and the final plat number hand-written on the cover sheet of the CCRs as cross-reference.

51. The applicant shall coordinate and receive approval from Mt. View-Edgewood Water Company (MTVE) prior to final site development approval. The applicant shall provide water service improvements in accordance with the MTVE requirements and provide MTVE approval to the City prior to final site development approval.
52. The applicant shall pay School Impact Fees to the Puyallup School District in accordance with EMC 4.1 0.
53. The applicant shall pay Park Impact Fees in accordance with EMC 4.20.
54. The applicant shall pay Traffic Impact fees in accordance with EMC 4.30.
55. If significant changes are made to the proposal, additional documentation and study will be required to be submitted to the City and supplemental SEP A environmental review will be required.

STAFF PREPARING THE REPORT:


Signature


Date



CITY OF Edgewood

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

2224 104th Avenue East, Edgewood, Washington 98372-1513

February 27, 2017

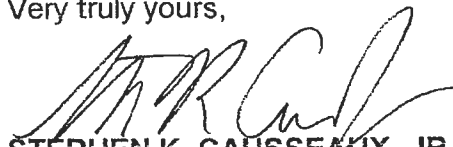
Craig A. Peck & Associates
11402-40th Avenue East
Tacoma, WA 98446

RE: 16-5633
Domus Homes Planned Residential Development

Dear Applicant:

Transmitted herewith is the Report and Recommendation of the City of Edgewood Hearing Examiner relating to the above-entitled matter.

Very truly yours,



STEPHEN K. CAUSSEAU, JR.
Hearing Examiner

SKC/jjp
cc: Parties of Record

1X

OFFICE OF THE HEARING EXAMINER

CITY OF EDGEWOOD

REPORT AND RECOMMENDATION

PROJECT FILE NO.: 16-5633
Domus Homes Planned Residential Development

APPLICANT: Craig A. Peck & Associates
11402-40th Avenue East
Tacoma, WA 98446

PLANNER: Kirk Rappe, Associate Planner

SUMMARY OF REQUEST:

Planned Residential Development approval to allow improvement of a 5.83 acre parcel with one commercial lot and 55 townhomes. The site is located east of Meridian Avenue East at 10413-11th Street East, Edgewood.

SUMMARY OF RECOMMENDATION: Approve, subject to conditions.

PUBLIC HEARING:

After reviewing Planning and Community Development Department Staff Report and examining available information on file with the application, the Examiner conducted a public hearing on the request as follows:

The hearing was opened on February 9, 2017, at 9:04 a.m.

Parties wishing to testify were sworn in by the Examiner.

The following exhibits were submitted and made a part of the record as follows:

EXHIBIT "1"	- Planning and Community Development Department Staff Report
Att. A	- PRD Application
Att. B	- Site Plan
Att. C	- Landscape/Planting Plan
Att. D	- Tree Retention Plan
Att. E	- Zoning Map
Att. F	- Notice of Application, Affidavit of Publication and Posting

- Att. G - SEPA
- Att. H - Mitigated Determination of Nonsignificance
- Att. I - Notice of Hearing, Affidavit of Publication
- Att. J - Water Company Availability Letter
- Att. K - Certificate of Sewer Availability
- Att. L - Public and Agency Comments
- Att. M - Design Review Application, Checklist, Elevations
- Att. N - Surface Water Compliance, Stormwater Report, Review Letter
- Att. O - Wetland Delineation Assessment Report and Restoration Plan, Review Letter
- Att. P - Traffic Impact Analysis, Review Letter
- EXHIBIT "2" - Diagram
- EXHIBIT "3" - Jeff Stokes Photographs
- EXHIBIT "4" - David Zadradnik Submittal
- EXHIBIT "5" - Full Sized Site Plan

The Minutes of the Public Hearing set forth below are not the official record and are provided for the convenience of the parties. The official record is the recording of the hearing that can be transcribed for purposes of appeal.

KIRK RAPPE appeared, presented the City Staff Report, and testified that the applicant proposes 55 attached townhomes that will require minimal intrusion into a wetland buffer, and will include construction of a storm drainage facility. The responsible official issued a MDNS following SEPA review and received no appeals. The site is located north of the View Pointe project currently under construction. The parcel has mixed zoning of Commercial and MR-2. Abutting uses include a vacant parcel to the north and single-family to the east. Access will be provided by public roads that will extend north and south and east and west across the parcel. He received one comment relating to privacy, possible damage of an onsite septic system, and tree removal. The stormwater system and grading must meet City standards and a condition requires protection of trees. The PRD allows a combination of the density of both zones. The applicant could construct a maximum of 141 dwelling units, but proposes 55. The TIA was reviewed by the City's expert, who found it appropriately addresses the traffic impacts. Private roads will extend through the site to provide access to all units. Traffic mitigation will consist of the construction of 11th Street and the payment of Traffic Impact Fees. Staff finds that the project meets all PRD requirements and design standards, and therefore recommends approval subject to 55 conditions. The parcel size is 5.83 acres and the maximum density is 141 units, not the 262 units reflected in the MDNS. The Examiner makes a recommendation to the City Council, which makes the final decision to approve or disapprove.

KEVIN STENDER appeared and referred to the code section that requires a recommendation to the Council. The Council considers the Examiner's decision and the complete file in a closed record hearing. The Council can impose additional requirements.

JEREMY METZLER, City engineer, appeared and referred to the recent Washington Supreme Court case that ruled stormwater standards are not vested. Therefore, the City has held this project to its current stormwater regulations. The present regulations allow four exceptions if infiltration is provided. A discussion was held regarding the requirement for a commercial building that meets the minimum ten percent of the overall footprint of the project. Such requires a 4,200 square foot commercial building. MR. RAPPE suggested a condition requiring notice on the title and a note on the plat. The roads will have a paved surface.

CRAIG PECK, applicant, and professional engineer, appeared and testified that he attended the neighborhood meeting. He introduced Exhibit 2, a full set of site plans. Concerning the septic drainfield, their infiltration pond will be below the elevation of the drainfield. They have also changed the design of the buildings abutting the east property line to provide more privacy for adjacent homes. He has reviewed all 55 conditions and has no concern about any. He also has no concerns about the condition regarding the size of the commercial building.

JEFF STOKES appeared and testified that he is here in a spirit of support. He owns the abutting property to the north and needs to address the stormwater concerns on his property and the high cost of stormwater facilities. He performed a wetland delineation and also had questions regarding the eventual access to 8th Street. He introduced Exhibit 3, photographs of flooding. The water is coming from storm vaults located on Meridian. He and other property owners need a pipe across Meridian. The current pipe that he would use is over burdened and was not accounted for in the recent reconstruction. Mr. Peck is correct that they are squeezing to get under the maximum flow the pipe can accommodate. He has explored the stormwater issue since May, 2011, but cannot get his runoff to an appropriate storm drainage line on an adjacent parcel. The pipe at 11th and Meridian causes flooding and he can't get an easement to the appropriate pipe that would accommodate his runoff. The stormwater problem was not created by Mr. Peck or Mr. Otness, but the City needs to deal with the overall problem now.

DAVE ZAHRADNIK appeared and testified that he owns the property between Meridian and this project. He echoes Mr. Stokes' testimony. All are working in a spirit of cooperation. The problems were created during the Meridian upgrade. They have an extreme stormwater problem. He has owned his property for about 20 years and never had water behind it until the road improvement. He then introduced photographs of flooding as Exhibits 4 and 5. The Exhibit 5 photo was taken this morning from his phone.

MR. METZLER reappeared and testified that he and the overall City have been working for a solution. DOT designed the Meridian improvements and allowed the City very little input. The City is trying to correct the problems created by DOT. They are encouraged by this project getting to the connection point, as such will improve the water situation for the whole area. One property owner will not agree to provide an easement across their

property that would solve the storm drainage problems for everyone. The City continues working on a citywide solution. They are trying to solve the problem.

MR. STOKES reappeared and testified that the City argues that drainage is the State's fault, and the State argues that it is the City's fault. We can't get anywhere if we are pointing fingers at each other.

No one spoke further in this matter and the Examiner took the matter under advisement. The hearing was concluded at 9:55 a.m.

NOTE: A complete record of this hearing is available in the office of City of Edgewood Planning and Community Development Department.

FINDINGS, CONCLUSIONS, AND RECOMMENDATION:

FINDINGS:

1. The Hearing Examiner has admitted documentary evidence into the record, heard testimony, and taken this matter under advisement.
2. The City of Edgewood issued a Final Mitigated Determination of Nonsignificance (MDNS_ using the optional DNS process pursuant to WAC 197-11-355 on January 11, 2017 for the project. There were no appeals to the MDNS.
3. All notices were provided and the site was posted pursuant to requirements of the Edgewood Municipal Code.
4. The applicant has a possessory ownership interest in a rectangular, 5.84 acre parcel of property located east of Meridian Avenue East (SR-161) at 11th Street East within the City of Edgewood. Improvements on the site include two, single-family residential dwellings in the eastern and central portions and a workshop/office building in the southwest portion. Access to the parcel is provided via a gravel road constructed within the 11th Street East right-of-way. The parcel measures 332 feet in a north-south orientation and approximately 765 feet in an east-west orientation.
5. The topography slopes downward from the east property line to the west and features steeper grades of ten to 25 percent in the eastern portion, and flatter, 4-8 percent grades in the western portion. Vegetation was previously cleared and the site is presently overgrown with grasses, blackberries and shrubs, but also has scattered coniferous and deciduous trees. The parcel supports a 3,305 square foot, Category III wetland in the northwest corner that requires a 50 foot wide buffer.
6. The applicant requests approval of a planned residential development (PRD) and design review to allow improvement of the site with 55 single-family, attached

homes (townhomes) and one commercial lot. Development of the site will require removal of all improvements. The site plan shows access provided from Meridian via 11th Street East that the applicant will construct to City standards. Access is also provided via a north-south street located in the western portion of the site that will connect to the north-south street serving the View Pointe residential development on the abutting parcel to the south. The applicant will extend said road to its north property line to allow an eventual connection to the north to 8th Street.

7. The site plan shows the wetland and buffer preserved in an undisturbed Tract A at the northwest corner of the parcel. Tract B abuts the south property line of Tract A and will provide the location for a park and the stormwater facilities for the overall project. The commercial lot (Lot 1) is located between the south property line of Tract B and the 11th Street East right-of-way. All 55 townhomes are shown to the east of the internal, north-south road. The site plan shows three rows of townhomes in six buildings extending in an east-west orientation, and two buildings located in a north-south orientation adjacent to the east property line. An internal drive circulates through the townhome buildings to provide access to all units. The site plan shows three story structures with garages on the ground floor.
8. Abutting uses include the View Pointe subdivision to the south, a church and partially developed commercial site to the north, and single-family residential homes to the east and west. Zoning of abutting properties includes Commercial (C) to the west, Mixed Residential Two (MR-2) to the north and south, and Single-Family Three (SF-3) to the east.
9. The applicant's parcel is split zoned as the eastern portion is within the MR-2 classification and the western portion within the C classification. The applicant requests approval of a PRD that would allow a blending of authorized densities within the two zone classifications. The C classification authorizes retail/service businesses and multi-family development while the MR-2 classification allows multi-family and single-family development. The applicant proposes a mix of one commercial lot and 55 townhomes on individual lots. Lot sizes will vary between 1,574 and 2,235 square feet. Units will have either three or four bedrooms and will vary in size between 1,842 and 2,402 square feet. Utilizing densities authorized by the PRD in accordance with the EMC, the applicant could construct a maximum of 141 residential units, but proposes 55. The project thus provides a step-down in use intensity from the commercial area along Meridian to the single-family residential neighborhoods to the east.
10. The project complies with applicable policies with the City of Edgewood Comprehensive Plan as set forth on pages 4-6 of the Staff Report. Of particular note, the project protects a Category III wetland and buffer in accordance with the goals and policies of the Natural Environment Element. The applicant also proposes a land use consistent with the City's vision. The project proposes 55 townhomes on individual lots, a housing type presently unavailable within the City.

The project will provide a new, full service access onto Meridian at 11th Street East and will also provide an alternative, north-south road that will eventually extend to 8th Street.

11. Section 18.50.095(J)(2) EMC sets forth the process for determining the overall density authorized for a split zoned parcel. Said section authorizes a total of 80 percent of the density of the combined total allowed in the underlying zones. For the reasons set forth in Finding 5 on page 11 of the Staff Report, the maximum number of dwelling units allowed calculates to 141. As previously found, the applicant proposes less than half of the authorized density. The building on the commercial parcel must measure at least ten percent of the gross floor area of improvements within the commercially zoned area of the parcel. The gross floor area (footprint) of the townhomes in the commercially zoned area of the parcel calculates to 42,650 square feet. Therefore, the minimum commercial building size must equal 4,265 square feet. Proposed Lot 1 has sufficient size to accommodate such building size as well as the required number of parking spaces. A recommended condition addresses this requirement.
12. Section 18.50.095(H) EMC requires the provision of onsite open space in an amount equal to 20 percent of the total, gross floor area of all structures within the overall PRD. The gross floor area calculates to 105,577 square feet, which requires a minimum of 21,115 square feet of open space. The applicant proposes 43,996 square feet of open space, which also includes a park tract of 17,131 square feet. The project will also satisfy the tree preservation requirements of the EMC.
13. The applicant submitted a Traffic Impact Analysis (TIA) prepared by Heath & Associates, a qualified traffic engineering firm. The City's traffic engineering consultant, Transpo, reviewed the TIA (and a revision thereof) and found that the revision adequately addresses the proponent's traffic impacts and access to the site. Mitigation requires payment of City Traffic Impact Fees at building permit application as well as construction of 11th Street East to a standard that includes a minimum 20 foot wide, pavement section and a gravel pathway on the north side of the street. The Lakehaven Utility District will provide sanitary sewer service to the project site, and the Mt. View-Edgewood Water Company will provide both domestic water and fire flow. The applicant or future owners must also satisfy the City's school and park impact fee requirements.
14. Concerns were raised by a neighbor to the east regarding potential adverse impacts on her onsite septic drainfield, removal of trees along the joint property line, and security during project development. The applicant's storm drainage infiltration area will be located well to the west of the neighbor's east property line and at a lower elevation than all residential drainfields to the east. Thus, the PRD storm drainage system will have no impact on septic drainfields. The applicant has committed to preserving all trees along the joint property line and will also construct a berm and fence along said joint property line to provide protection and privacy for abutting

owners. The applicant also redesigned the townhouses adjacent to the east property line by lowering the deck to the first floor and providing the berm/fence. Stormwater will flow to the west away from the single-family parcels, and compliance with EMC requirements will ensure no erosion will occur during construction. The EMC also includes site development requirements.

15. The most significant issue raised at the public hearing concerned the inability of off-site property owners to drain stormwater from their sites beneath SR-161 following its reconstruction by the State Department of Transportation. Property owners acknowledge that the City, and specifically the City engineer, is working with them in an effort to provide a stormwater solution. All parties agree that at present a sole property owner refuses to grant a utility easement that would allow the installation of a storm drainage pipe across its parcel to a culvert beneath SR-161 that has adequate capacity to convey all stormwater drainage to Surprise Lake. Property owners requested assistance from the Examiner in arriving at a solution. Property owners also believe that if the issue is not addressed as part of the PRD approval process, it likely cannot be successfully addressed in the future. Property owners introduced photographs of flooding on their sites and further noted that they are paying for the sewer LID, but are not able to develop their parcels.
16. When the Edgewood City Council adopted a hearing examiner system, it set forth the authority of the hearing examiner in Chapter 2.40 EMC. The Council authorized its hearing examiner to issue decisions or recommendations on various types of land use applications and appeals. The City examiner has authority to issue decisions/recommendations on site specific projects, but does not have authority to resolve disputes between property owners (easements) or to resolve area wide drainage or other issues. Thus, the Examiner cannot address the off-site property owners' dilemma regarding storm drainage. The Examiner's authority is limited to providing a recommendation to the Edgewood City Council as to whether or not the proposed PRD satisfies all criteria set forth in the EMC. In the present case the applicant's storm drainage system must meet the current storm drainage criteria within the EMC in accordance with the recent Washington Supreme Court decision of Snohomish County et. al., v Pollution Control Hearings Board et. al., Case Number 92805-3, issued on December 29, 2016. Compliance with said criteria assures that the PRD makes appropriate provision for its storm drainage.
17. Section 18.50.095(N) EMC sets forth findings an Examiner must include in the recommendation to the City Council. Findings on each criteria are hereby made as follows:
 - A. The site is suitable for the proposed development as it is generally rectangular and gently sloping. The project protects critical areas and provides more than ample room for the proposed improvements. The site plan shows a neat, efficient layout for future residents, easy access for emergency vehicles, and circular walking routes for pedestrians.

- B. The project satisfies all criteria for preliminary plat approval as set forth in the findings above. The project makes appropriate provision for the public health, safety, and general welfare for open spaces, drainage ways, streets, roads, alleys, other public ways, critical areas, transit stops (no improvements requested), parks and recreation and playgrounds, schools and school grounds, and safe walking conditions.
 - C. The applicant has requested no density bonuses or adjustments.
 - D. Recommended conditions of approval are set forth hereinafter.
 - E. Time limitations for completion of development are set forth within the City subdivision code, and the applicant proposes no phasing of development. The applicant must obtain final plat approval within five years pursuant to EMC 16.04.170.
 - F. As previously found, the project complies with applicable goals and policies of the Comprehensive Plan and is consistent with uses contemplated in both the Commercial and MR-2 designations.
 - G. The proposed PRD will serve the public use and interest by providing an attractive location for a joint, commercial/residential development that provides an appropriate use intensity step-down from the commercial uses along Meridian to the single-family subdivisions to the east.
18. The project satisfies the criteria set forth EMC 18.50.095(A) as follows:
- A. The project retains a significant feature of the natural environment, namely a wetland and buffer in the northwest corner, and also provides additional landscaping and screening along the east property line. The development will have no impact on waterways or views.
 - B. The project will provide a new housing type (townhouses) that presently does not exist in the City's housing market.
 - C. The site plan shows maximum efficiency in the layout of streets, utility networks, and other public improvements. The project provides both north-south and east-west access routes, as well as the opportunity for continuation of the north-south street to serve other parcels.
 - D. The applicant proposes a park for the enjoyment of occupants and will also provide sidewalks and pathways for walking and jogging.

19. The PRD meets the design and layout goals set forth in EMC 18.50.095(E) as it positively accentuates and harmonizes the relationship of the project to surrounding zones and existing uses. The perimeter landscaping and tree retention requirements minimizes undesirable impacts of the PRD on adjacent properties to the east for the reasons previously found. Commercial uses exist to the north and west and a compatible residential use is under construction to the south. The project also satisfies the three specific criteria set forth in said section as it serves as a zone transition feature and provides buffering to the single-family dwellings to the east. Buffering, landscape features, and fencing are provided along the north, east, and south property lines. As previously found the project incorporates streets and site improvements to enhance on-site planning, and streets that can provide internal access to off-site parcels.
20. As set forth in the Staff Report the perimeter setbacks are comparable to existing development on abutting parcels, and the overall PRD lot size exceeds the minimum of three acres. The project provides more than twice the amount of open space required. The applicant will establish a homeowners association that will assume responsibility for maintenance of the common open space areas and park. Sufficient parking areas are shown for both the commercial and residential uses. As previously found the applicant does not request bonus density; to the contrary, the density is less than half of that authorized by the PRD process.

CONCLUSIONS:

1. The Hearing Examiner has jurisdiction to consider and make recommendations to the Edgewood City Council on the issues presented by this request.
2. The request for PRD approval satisfies all criteria set forth in EMC 18.50.095 as well as all criteria for a preliminary plat set forth in EMC 16.04.080. The Edgewood City Council should therefore approve the Domus Townhomes PRD subject to the following conditions:
 1. The Mitigated Determination of Nonsignificance was issued on January 11, 2017. The conditions are hereby incorporated fully and shall be incorporated into the design of the project and considered conditions of the final PRD approval.
 2. The applicant shall provide adequate site control measures for erosion control for the proposed movement of up to 19,000 cubic yards of soil. If soil is proposed to be moved on or off of the site during site development, the applicant shall provide a trip plan showing the route of travel. Any routes that have been damaged and require repair based on actions associated with the project shall be repaired at the expense of the applicant to pre-site development condition.

3. During construction, the stockpiling of excavated materials or backfill materials shall meet the TESC plans and specifications as approved. Material stockpile locations shall be approved prior to stockpiling of soils by the City of Edgewood.
4. In accordance with EMC Chapter 13.25, all oils, hydraulic fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials must be contained onsite during construction, and removed in a manner that will prevent their discharge from the site, either to surface waters or soils. The cleanup of spills shall take precedence over other work on the site.
5. During construction, if any contaminated soil is suspected or discovered, testing of the it shall be removed and sent to approved sites and appropriate documentation of the disposal shall be made available upon request.
6. Dust control measures shall be performed during site development and any home construction, as needed due to soil conditions during periods of dry weather. Dust control measures shall be addressed in the SWPPP.
7. Appropriate provisions shall be made to minimize the tracking of sediment by construction vehicles onto paved public roads during site development and home construction. If sediment is deposited, it shall be cleaned by the end of each working day by shoveling or sweeping. Water cleaning shall only be done after the area has been shoveled out or swept.
8. Provisions (tire washings of vehicles or approved alternatives (e.g. quarry spalls) shall be made to minimize the tracking of sediment by construction vehicles onto paved public roads during site development and apartment home construction. If sediment is deposited, it shall be cleaned every day by shoveling or sweeping. Water cleaning shall only be done after the area has been shoveled out or swept.
9. The applicant shall submit and receive final design review approval prior to site development application in accordance with EMC 18.95.
10. If the applicant proposes fences on individual lots, the applicant shall submit a Sight Distance Study that evaluates the impact of proposed lot fences on roadway sight distance for review by the City. The study shall be submitted and reviewed prior to issuance of the site development permit.
11. The applicant shall provide a copy of the facility maintenance plan prior to permit issuance of the first apartment building to address all common spaces as well as building maintenance and shall specifically include provisions regarding stormwater maintenance referencing the Operation and

Maintenance (O&M) Manual prepared by the Engineer of Record, landscaping, parking lot, site lighting and general building maintenance and lighting maintenance. The manual shall include:

- A landscape maintenance plan including irrigation system maintenance.
 - A parking lot maintenance plan for striping and future overlay/coating.
 - Reference to the International Property Maintenance Code requiring regular maintenance of the project's structures, and associated appurtenances.
12. Addresses for individual buildings shall be obtained from the City prior to submittal for the final plat. Addresses shall be assigned and displayed in accordance with the International Fire Code (IFC).
 13. The applicant shall comply with the comments provided by the Mountain View Edgewood Water Company found in Part 4 – Agency/Public Comments, Section b, above.
 14. The applicant shall comply with the comments provided by Lakehaven Utility District found in Part 4 – Agency/Public Comments, Section c, above.
 15. The applicant shall comply with the comments provided by East Pierce Fire and Rescue found in Part 4 – Agency/Public Comments, Section d, above.
 16. The applicant submitted a Design Standards Review Checklist as prescribed within EMC 18.95 including documents regarding building design, landscaping and irrigation. A Design Review Letter requesting additional information be provided was sent to the applicant on January 10, 2017.
 17. The applicant shall provide an updated site plan including patterned crosswalks that meet the Edgewood Meridian Avenue/State Route 161 corridor parallel road standards (Ordinance No. 07-0279). The patterned sidewalks shall connect sidewalks along the east side of the parallel road, crossing the private road connections to the north-south parallel road. A patterned crosswalk shall also cross the parallel road to the proposed park/stormwater tract and cross the parallel road at the SE corner of the Commercial tract to the SW corner of the project site tract.
 18. The color elevations indicate differentiating materials may be used on the buildings. In addition to the color schemes provided, the applicant shall provide material samples, material sample photos and material information, or weblinks to information on proposed differentiating material that is proposed.

19. The applicant shall submit rear elevations for buildings 4, 5, 7, and 8 on the construction plans for review and approval by the City.
20. The applicant shall install screening, composed of a free-standing wall or trellis and landscaping, in front of the electrical meters proposed for the end walls of buildings 1, 4, and 7 facing the proposed north-south public road per EMC 18.95.040 I.2.b.
21. The applicant shall install landscaping around the perimeter of the site per EMC 18.90.090. Type IV (25-foot solid barrier) landscaping shall be installed along the property boundaries with single family zoned properties (the east boundary of the site), and along the north and south property lines in the MR-2 zone section of the subject property. The applicant shall install Type I (15 foot Vegetative Buffer) landscaping along the property boundary of the Commercially zoned portion of the site.
22. The applicant shall install Type II Streetscape landscaping along all public and private road frontages in accordance with EMC 18.90.090.
23. Compliance with EMC Chapters 13.05 (Stormwater Manual- Site Development Regulations) and 13.25 (Illicit Stormwater Discharges) is required during and following any site development activity.
24. Engineered storm water drainage facilities are required for all disturbed areas of the project site. The applicant shall provide a Stormwater Site Plan in accordance with EMC Chapter 13.05 and the 2005 DOE Stormwater Management Manual for Western Washington (SMMWW) at the time of site development. The plan shall include Stormwater Pollution Prevention Plan (SWPPP) addressing Minimum Requirement Two for all proposed development. The applicant shall provide engineering plans for City approval prior to site development approval.
25. A Temporary Erosion and Sedimentation Control (TESC) plan must be submitted with the SWPPP prior to site development permit issuance, approved by the City Engineer, and implemented during site development and any future home construction. Said plan and SWPPP must adequately propose BMP measures to address the movement of 19,000 cubic yards of earth, as proposed. If removal of material is necessary, the applicant shall prepare a haul route plan for review and approval. Prior to approval of site development permits, the applicant shall prepare a haul route plan for review and approval for import of material from an approved off-site source.
26. As more than one (1) acre of land disturbance is expected, the applicant shall acquire a National Pollution Discharge Elimination System (NPDES) permit and provide a copy of the permit to the City of Edgewood prior to site

development permit issuance. A Certified Erosion and Sediment Control Lead (CESCL) shall be present throughout the construction of site development improvements, implement and maintain the SWPPP, and provide regular reports to the City of Edgewood.

27. Any proposed surface water discharged from the project site (including areas bypassing proposed facilities) must meet all of the Minimum Requirements of the SMMWW, with any stormwater modeling of pre-development conditions assuming "forested" land coverage and using the "42 IN EAST" precip I evap station (or equivalent). Any dispersion facilities proposed for stormwater mitigation purposes (including overflows) must demonstrate adequate flowpath length on the project site and outside of any sensitive areas (EMC 13.05.170).
28. As discharge from the site is proposed and a potential capacity problem has been identified within one-quarter mile of the proposed improvements, a complete downstream analysis consistent with Volume I, Section 2.6.2 of the 2005 DOE SMMWW must be prepared and submitted with the site development application. This analysis must clearly identify existing drainage problems downstream (based on existing tributary flows), evaluate the capacity of the existing downstream conveyance, consider other tributary properties in the capacity analysis, and propose measure(s) to ensure downstream property will not be adversely impacted by the proposal.
29. If onsite retention is proposed, in-situ infiltration testing must be performed on the project site to determine the design infiltration rate, consistent with the 2005 DOE SMMWW, 2012 LID Manual, or the 2015 Pierce County Manual's Falling Head Test (Appendix IIIA). All applicable correction factors must be applied to the chosen infiltration test method. All retention facilities shall be modeled with an overflow riser, even if no overflow is provided or proposed, to properly simulate and identify any potential for overflow.
30. The applicant's geotechnical engineer shall verify and confirm soil conditions and design infiltration rates during and following construction of any proposed storm water retention BMPs, including facilities designed using Low Impact Development (LID) techniques. If conditions are different than design, the applicant's geotechnical engineer shall provide a revised infiltration rate and the stormwater retention BMPs shall be redesigned accordingly. Revisions shall be submitted to the City of Edgewood and approved prior to implementation and final construction approval. Corrections and/or design errors may require revisions to the plat.
31. The applicant shall provide right of entry by the City of Edgewood for all storm water facilities prior to final site development approval. If constructed conditions are found to be different than those designed and approved, the applicant's engineer shall revise the stormwater system accordingly. Any

revisions shall be provided to the City of Edgewood and approved prior to implementation and final site development construction approval. Corrections and/or design errors may require revisions to the plat.

32. The applicant shall submit street improvement construction plans for the proposed public parallel and onsite loop private roadways, for review and approval by the City Engineer, prior to final plat submittal. Improvements shall be designed in compliance with EMC Title 12 (Streets, Sidewalks and Public Places), which adopts Pierce County Code (PCC) Title 12 by reference. The specific cross section shall be in accordance with the "Manual on Design Guidelines and Specifications for Road and Bridge Construction in Pierce County," and Pierce County Standard Drawing PC.A3.2 and as described herein.
33. The public parallel road (104th Avenue East) shall be designed in accordance with Ordinance 07-0279, regarding the Meridian Corridor Roadway Network and meeting the City's Commercial Collector Cross Section, with cement concrete barrier curb and gutter, buffer and sidewalk with closed drainage. The public road right-of-way shall be 50-foot minimum, with a minimum 22-foot drive lane, 4.5-foot landscape buffers, 6-foot concrete sidewalks, 1.5-foot concrete barrier curb and gutter with storm drainage, and a minimum asphalt road surface thickness of 3 inches. The applicant may propose 8-foot concrete parallel parking strips on one or both sides of the road. The applicant shall dedicate the public road right-of-way to the City of Edgewood upon approval and acceptance of the construction and at the time of final plat approval.
34. Prior to final site development construction approval the applicant shall dedicate the public road (104th Avenue East) Right-of-Way and the approved public road system to the City of Edgewood.
35. The onsite private road shall include, at minimum, a 20-foot drive lane per City of Edgewood Local Street cross-section and PCC Section 17B.20.040, Table 17B.20.040-3, a minimum-1.5-foot curb and gutter section on both sides of the road, a stormwater management system per EMC 13.05, a 4-foot landscaping strip, and a 5-foot concrete sidewalk. Any dead-end segment of road with centerline length over 150 feet must have an EVA turnaround. The site development plans must be submitted to the City of Edgewood and be approved prior to site development commencement.
36. Tract 'C' (Private Road Tract) must include the entire width of the roadway improvements, from back-of-sidewalk to back-of-sidewalk, with a minimum width of 40 feet. This road improvement area may be designated as a separate tract and/or an easement over the individual lots.

37. The applicant shall submit street improvement construction plans for the new roadway intersections to the proposed private road from the public parallel road, for review and approval by the City Engineer, prior to final plat submittal. The intersections shall be constructed in accordance with EMC Title 12, which adopts by PCC Title 17B, including Section 17B.1 0.060, the "Manual on Design Guidelines and Specifications for Road and Bridge Construction in Pierce County." Details on the roadway intersection improvements may be found in Chapter 5: Access and Intersections.
38. The applicant shall submit offsite access improvement construction plans for 11th Street East, for review and approval by the City Engineer, prior to final plat submittal. Improvements shall include, at minimum, a 20-foot drive lane per City of Edgewood Local Street cross-section and PCC Section 17B.20.040, Table 17B.20.040-3, a minimum-1.5-foot curb and gutter section on both sides of the road, a stormwater management system per EMC 13.05, and a 5-foot gravel pathway for pedestrian access on the north side of the road, all designed in accordance with EMC Title 12. For ease of stormwater facility construction, the access may be sloped all to one side (north preferred).
39. The applicant shall submit lighting plans for the project site, consistent with City of Edgewood design standards, for review and approval by the City Engineer, prior to final short plat submittal. Vehicle-level street lighting shall be provided at the three proposed intersections and near the southeast corner of the project, per PCC 17B.20.005, Table 17B.20.005-2, as incorporated in EMC Title 12. Installation, utility charges, and ongoing maintenance of private roadway street lighting shall be the responsibility of the developer and future homeowner's association (HOA). Street lights in the parallel road (1041h Avenue East) ROW shall become City property upon dedication of the street to the City and the City will take responsibility for this street lighting in the public ROW.
40. The applicant shall submit a plan detailing all roadway signs (in and adjacent to public right-of-way) in accordance with Manual on Uniform Traffic Control Devices (MUTCD) standards, for review and approval by the City Engineer, prior to site development permit Issuance.
41. Patterned concrete crosswalks shall be installed at intersections with the private road system and 1041h Avenue East (north-south parallel road) on the east side of the 104th Avenue East providing a continuous pedestrian walkway along the east side of the 104th Avenue East from the south property line to the north property line of the development. Additional crosswalks shall be provided crossing 1 041 A venue East for access to the park/stormwater tract and to provide a continuous east-west pedestrian walkway on the north side of 11th Street East across 104th Avenue East. The patterned concrete

crosswalks shall be installed per the City of Edgewood Roadway Design Standards, Roadway Detail Drawing "Detail C."

42. The design and construction of the new roadways and pedestrian improvements shall meet or exceed current Americans with Disabilities Act (ADA) requirements. This includes but is not limited to design of sidewalk transitions, curb ramps, street crossings, and lighting.
43. The applicant shall coordinate with the Puyallup School District regarding the location and construction of future bus stops within the project area prior to site development approval and shall provide a letter from the Puyallup School District providing location approval at the time of site development application.
44. Any significant trees to be retained that may be affected by grading activity shall incorporate tree wells in accordance EMC 18.90.180(2)(e)(i)(G). An area free of disturbance, corresponding to the dripline of the significant tree's canopy shall be identified and protected during the construction stage with a temporary three-foot-high chain-link or plastic net fence. No impervious surfaces, fill, excavation, storage of construction materials, operations or parking of vehicles shall be permitted within the area defined by such fencing or stakes.
45. The applicant shall ensure protection of off-site trees on adjacent properties that have tree root systems that encroach onto the project property.
46. Any installed plant material that dies shall be replaced within the spring or fall growing season following plant loss, but not to exceed three months from the time of loss. In order to guarantee performance of the landscaping requirements, cash bonds or other appropriate security (including letters of credit) in the amount of 125 percent of the estimated cost of the required landscaping shall be required if replacement landscaping is not installed prior to issuance of occupancy permits.
47. A Pre-Construction Meeting with the City of Edgewood shall be held prior to any site development activity and scheduled at least 72 hours in advance. All construction activity shall occur between 7 a.m. and 5 p.m., Monday through Friday. Special provisions to work beyond these hours may be permitted through written request to the Mayor (or designee) a minimum of 48 hours before the special hours or days requested.
48. The wetland and reduced wetland buffer shall be placed in a separate tract from the remainder of the site per EMC 14.30 – Wetlands.

49. The applicant shall place permanent, clearly visible, wetland boundary buffer signs at the edge of the buffer per EMC 14.30- Wetlands prior to any earth moving activities.
50. A Homeowners' Association (HOA) shall be created to address all private improvements within the proposed plat including storm/park tract and stormwater facilities, private streets, curbs and gutters, street lighting, landscaping, and irrigation. Associated Covenants, Conditions and Restrictions (CCRs) shall be submitted at the time of final plat for review and approval. Once approved by the City, the CCRs shall be recorded separately at the time of final plat recording and the recording number shall be handwritten on the face of the final plat and the final plat number hand-written on the cover sheet of the CCRs as cross-reference.
51. The applicant shall coordinate and receive approval from Mt. View-Edgewood Water Company (MTVE) prior to final site development approval. The applicant shall provide water service improvements in accordance with the MTVE requirements and provide MTVE approval to the City prior to final site development approval.
52. The applicant shall pay School Impact Fees to the Puyallup School District in accordance with EMC 4.1 0.
53. The applicant shall pay Park Impact Fees in accordance with EMC 4.20.
54. The applicant shall pay Traffic Impact fees in accordance with EMC 4.30.
55. If significant changes are made to the proposal, additional documentation and study will be required to be submitted to the City and supplemental SEP A environmental review will be required.
56. The commercial building on Lot 1 shall have a minimum footprint of 4,265 square feet. Lot 1 shall provide the required number of parking spaces for said building.

RECOMMENDATION:

It is hereby recommended that the Edgewood City Council approve the Domus Townhomes PRD subject to the conditions contained in the conclusions above.

RECOMMENDED this 27th day of February, 2017



STEPHEN K. CAUSSEAU, JR.
Hearing Examiner

TRANSMITTED this 27th day of February, 2017, to the following:

APPLICANT: Craig A. Peck & Associates
11402-40th Avenue East
Tacoma, WA 98446

OTHERS:

Jeff Stokes
909 Meridian East
Edgewood, WA 98371

Dave Zahradnik
927 Meridian
Edgewood, WA 98372

Jeanette Wheeler
17817-28th Avenue East
Tacoma, WA 98445-4321

Jim Otness
973 Altadena Drive
Fircrest, WA 98466

Carol Hubbird
10601-10th Street Court East
Edgewood, WA 98372

CITY OF EDGEWOOD

PROJECT FILE NO.:

16-5633

Domus Homes Planned Residential Development

NOTICE

RECONSIDERATION:

Any aggrieved party or person affected by the recommendation of the Examiner may file with the department a written request for reconsideration based on any one of the following grounds materially affecting the substantial rights of said party or person:

- A. Errors of procedure or misinterpretation of fact, material to the party seeking the request for reconsideration.
- B. Irregularity in the proceedings before the Examiner by which such party was prevented from having a fair hearing.
- C. Clerical mistakes in the official file or record transmitted to the Examiner, including errors arising from inadvertence, oversight, or omission, which may have materially affected the Examiner's recommendation on the matter.

The request must be filed on forms provided by Edgewood City Hall along with required reconsideration fee no later than 4:30 p.m. on **March 8, 2017**, (7 working days) with the Edgewood City Hall. This request shall set forth the bases for reconsideration as limited by the above. The Examiner shall review said request in light of the record and take such further action as he/she deems proper; including, but not limited to, denying the request, granting the request, with or without oral argument, and may render a revised recommendation. The recommendation of the Examiner shall be subject to reconsideration only one time, even if the Examiner reverses or modifies the original recommendation.

NOTE: In an effort to avoid confusion at the time of filing a request for reconsideration, please attach this page to the request for reconsideration.



City of Edgewood

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

2224 104th Avenue East, Edgewood, Washington 98372-1513

16-5633

OFFICE OF THE HEARING EXAMINER

CITY OF EDGEWOOD

AMENDMENT TO EXAMINER'S RECOMMENDATION

TO THE EDGEWOOD CITY COUNCIL

RECEIVED

APR 24 2017

City of Edgewood

PROJECT FILE NO.: 16-5633
Domus Homes Planned Residential Development

APPLICANT: Craig A. Peck & Associates
11402-40th Avenue East
Tacoma, WA 98446

PLANNER: Kirk Rappe, Associate Planner

By Report and Recommendation issued February 27, 2017, the Examiner recommended that the Edgewood City Council approve the Domus Homes Planned Residential Development subject to compliance with 56 conditions of approval. During the City's presentation at the public hearing a discussion occurred regarding the commercial building size proposed for Lot 1 of the commercial lot. At the conclusion of the discussion Kirk Rappe, associate planner, recommended an additional condition requiring notice on the Title for Lot 1, that restricted it to certain commercial uses. Neither the applicant nor any party of record opposed the condition. However, the Examiner neglected to include Mr. Rappe's recommendation as a condition of approval. Therefore, the recommendation to the Edgewood City Council is hereby amended to add the following condition:

57. The applicant shall place a notice on the Title of Lot 1, restricting the uses thereof to commercial retail, restaurant, or personal service.

RECOMMENDED this 20th day of April, 2017.


STEPHEN K. CAUSSEAU, JR.
Hearing Examiner

TRANSMITTED this 20th day of April, 2017, to the following:

APPLICANT: Craig A. Peck & Associates
11402-40th Avenue East
Tacoma, WA 98446

OTHERS:

Jeff Stokes
909 Meridian East
Edgewood, WA 98371

Dave Zahradnik
927 Meridian
Edgewood, WA 98372

Jeanette Wheeler
17817-28th Avenue East
Tacoma, WA 98445-4321

Jim Otness
973 Altadena Drive
Fircrest, WA 98466

Carol Hubbird
10601-10th Street Court East
Edgewood, WA 98372

Mike Neuffer
1420 N.W. Gilman Boulevard
Suite 2, #2617
Issaquah, WA 98027

CITY OF EDGEWOOD



IN THE NW 1/4 OF THE SW 1/4 OF SECTION 3, TOWNSHIP 20 N., RANGE 4 E., W.M., CITY OF EDGEWOOD, PIERCE COUNTY, WASHINGTON
ADDRESS: 10413 11TH ST E, EDGEWOOD WA 98372
PARCEL # 0420033084

©

WASHINGTON COORDINATE SYSTEM OF 1983, SOUTH ZONE
NAD83(CORS96) (EPOCH 2002.0)
PER PIERCE COUNTY "PC3N" SURVEY CONTROL NETWORK
ALL DIMENSIONS ARE SHOWN AT GROUND LEVEL, UNLESS
OTHERWISE NOTED.

NAVD88

NOTE: CONTOURS WERE CREATED FROM PIERCE COUNTY 2010
LIDAR DATA AND ARE APPROXIMATE. USE AT YOUR OWN RISK.
CONTOUR INTERVAL = 2'

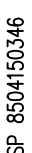
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—○— CHAINLINK FENCE

—○— CHAINLINK FENCE

—□— WOODEN FENCE



UTILITY NOTE: ALL DRY UTILITY SERVICES (POWER, TELEPHONE, CABLE, ETC) ARE TO BE PLACED
ALONG EXISTING AND PROPOSED ROADWAYS AS REQUIRED BY APPROPRIATE AGENCIES.

PUBLIC WORKS DIRECTOR

PIERCE COUNTY ORDINANCE NUMBER(S)

DATE _____

THESE ACTIONS MUST BE COM

THESE ACTIONS MUST BE COMPLETED PRIOR TO BEGINNING CONSTRUCTION:

1. CONTACT THE APPLICANT'S RETAINED ENGINEER TO COORDINATE REQUIRED INSPECTIONS
2. APPOINT A TRAINED ESC LEAD WHO SHALL BE PROVIDED A COPY OF THE ESC PLAN & INSPECTION SCHEDULE.

3. CONTACT _____, THE AREA INSPECTOR, AT 253-798-_____, TO COORDINATE THE PRECONSTRUCTION MEETING AND COUNTY INSPECTIONS.

FAILURE TO OBTAIN REQUIRED INSPECTIONS MAY ENDANGER OR DELAY PROJECT APPROVAL.

ALL WORK IN THE PUBLIC RIGHT-OF-WAY REQUIRES A PERMIT FROM THE PIERCE COUNTY PUBLIC WORKS DEPARTMENT.

Craig A.



DOMUS TOWNHOMES, PRD

DESIGNED
DRAWN
CHECKED
APPROVE
SCALE
DATE

SCALE: 1" = 30'

1

1



CITY OF EDGEWOOD

NOTICE OF CLOSED RECORD HEARING

CLOSED RECORD REVIEW PROCEEDING FILE #16-5633 – DOMUS HOMES PRD

NOTICE IS HEREBY GIVEN that the City of Edgewood City Council will conduct a closed record public hearing to review the Hearing Examiner's report and recommendation regarding the proposed Planned Residential Development (PRD) known as City of Edgewood File 16-5633, Domus Homes PRD. The proposed PRD is located at 10413 11th Street East, Edgewood WA 98372 (Parcel No. 0420033084) and involves the proposed construction of 55 new residential single-family townhomes through the approval of a PRD in accordance with EMC 18.50.095. The procedures for the closed record hearing are set forth in EMC Section 18.40.100(X). The public may attend this closed record hearing, however no public comment and no additional testimony or evidence may be presented from the public. Within five days after issuance of the City Council decision, the City will mail a copy of the decision to any person who makes a written request to receive a copy. Copies of the file are available for review at City Hall. Rachel Pitzel, CMC – City Clerk. *Dated this 25th day of May, for publication on May 26, 2017.*

APPLICANT'S REPRESENTATIVE: Craig Peck, Craig A. Peck and Associates

DATE AND TIME OF HEARING: 7:00 p.m., Tuesday, June 13, 2017.

LOCATION: Edgewood City Hall Council Chambers 2224 104th Avenue East, Edgewood, WA 98372-1513

DECISION: The City Council shall consider the hearing examiner's report and recommendation in a closed record review proceeding without additional testimony or evidence. At the conclusion of the closed record review, the city council shall issue a final written decision approving or denying the proposed PRD. The city council may adopt the hearing examiner's findings and/or enter its own findings in support of the council's decision. The city council's decision shall be appealable to the Pierce County Superior Court in accordance with the standards and procedures set forth in Chapter 36.70C RCW. Any person may participate by submitting written comments prior to the hearing at the City Hall address below, or by providing oral or written testimony at the hearing. City Council policy limits the time for individual testimony to three (3) minutes in order to facilitate a timely and orderly hearing.

CONTACT: If you have any questions, please contact Associate Planner Kirk Rappe at (253) 952-3299. Copies of the proposed PRD Staff Report, and associated Exhibits including the project application materials, as well as the applicable decision criteria, are available under File #16-5633 for inspection at no cost at least five calendar days before the closed record review proceeding; and will be provided at the cost of reproduction at Edgewood City Hall, located at 2224 104th Avenue East, Edgewood, WA 98372-1513.

Posted: May 25, 2017

Published in TNT: May 26, 2017



**CITY OF EDGEWOOD
REGULAR COUNCIL MEETING SUMMARY**

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

1. CALL TO ORDER

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

ROLL CALL

Present: Mayor Daryl Eidinger (Not voting), Councilmember Donna O'Ravez, Councilmember Mark Creley, 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, Carol Morris, City Attorney.

Additions/Deletions to the Agenda

There were no additions or deletions to the agenda.

2. AUDIENCE COMMENT

Sue Miller- discussed issues with traffic regarding development and road impacts; transportation impact fees; discussed flooding and wear and tear of roadways.

Brian Levenhagen- discussed the resolution on the agenda, he stressed that nothing about it is binding. He noted it is the next step in the process; and the certification matches for the original grant amount, he discussed the impact fees and the funding; discussed the option of a joint meeting with the Parks and Recreation Advisory Board in the future.

3. PUBLIC HEARINGS

- A. 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**

Mayor Eidinger read the rules for the hearings.

Mayor Eidinger opened the public hearing at 7:08pm.

Community Development Director Stender gave an update on Ordinance No. 17-0500.

Mayor Eidinger asked for public comments.

Sue Miller – discussed Level 2 wetland and the drainage and ponds, discussed the overflow of the water, and urged Council to look at the area; she also discussed “critters” now coming in to the area because of the habitat changing; discussed illegal filling being done on the weekends, not during the weekday.

Jeff Stokes – discussed the flooding issues and invited Council to stop by and look at the flooding issues that are occurring.

There were no additional staff comments.

Mayor Eidinger closed the public hearing at 7:14pm.

- B. 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**

Mayor Eidinger opened the public hearing at 7:16pm.

Assistant City Administrator Nix gave an update on Ordinance No. 17-0501.

Mayor Eidinger asked for public comments. There were no comments made. There were no additional staff comments.

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

4. MAYOR'S REPORT

Mayor Eidinger spoke about the following:

- Congratulated the candidates for the upcoming election;
- Councilmember O'Ravez and Mayor met with PC Executive Dammeier;
- PCRC inequities in distribution of funds from PCRC and sending a letter on objections to reclassification of M/IC zones in the region;
- Public Works met with a potential management software program to coordinate work and respond to citizen requests;
- Kick off meeting with Herrera Environmental for the Stormwater Comp Plan;
- Painting project of City Hall has begun.

Chief Lundborg briefed on the following:

- Crime incidents;
- Community Academy dates have been set;
- Pets and pedestrians on patrol;
- Coffee with Cops this Saturday;
- Accommodations of Officers, which have been posted to the PD Facebook page.

5. CONSENT AGENDA

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

The following items are presented for Council approval:

- A.** Regular City Council Meeting Minutes of May 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

Motion: As Read, **Action:** Approve, **Moved by** Councilmember Rosanne Tomin,
Seconded by Councilmember Stephanie Shook. **Motion passed unanimously (7-0).**

6. COUNCIL BUSINESS

- A. **AB17-0500**, 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

Community Development Director Stender briefed on the agenda item.

Motion: As Read, **Action:** Approve, **Moved by** Councilmember Stephanie Shook, **Seconded by** Councilmember Rosanne Tomin. **Motion passed unanimously (7-0).**

- B. **AB17-0372**, 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)

Assistant City Administrator Nix briefed on this agenda item. He noted from his perspective, there was a meeting held with the RCO and Mr. Brian Levenhagen from PRAB regarding scaling back on the 36th and Meridian project, and it was something we should consider. He discussed the vested interest in this project, and noted a fundamental question that the Council needs to make a decision on whether it is: continuing down this pathway and re-adjust; or are we going to move on to a different project, he noted there has been no clear guidance.

Assistant City Administrator Gray noted the Park Impact Fees – he discussed the impact fees banked and the revenue stream that had occurred to generate it.

Discussion ensued with Council regarding the certification and the impacts and what it means for future projects.

Motion: Table to the next Study Session for a Special Meeting to occur after the Study Session on May 30, **Action:** Table, **Moved by** Councilmember Nate Lowry, **Seconded by** Councilmember Luke Meyers. **Motion passed (6-1, Shook).**

7. COUNCIL COMMENTS

8. EXECUTIVE SESSION

9.ADJOURN

Mayor Eidinger adjourned the meeting at 8:00pm.

Rachel Pitzel, City Clerk

Daryl Eidinger, Mayor



**CITY OF EDGEWOOD
COUNCIL STUDY SESSION SUMMARY**

Tues., May 30, 2017 – 7:00 PM ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

1. CALL TO ORDER

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

ROLL CALL

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

Staff Present: Assistant City Administrator Dave Gray, Assistant City Administrator Aaron Nix, City Clerk Rachel Pitzel, and Chief Micah Lundborg.

2. COUNCIL BUSINESS

A. Discussion – Mayor John Hopkins, City of Puyallup - Homelessness

Mayor Eiding introduced Mayor Hopkins from the City of Puyallup to discuss the homelessness issues.

Mayor John Hopkins- City of Puyallup, recapped for Council what his city is and has done for the homeless in their area.

Councilmember Meyers asked if there was a regional approach to this issue and stated he would like the conversation to keep going about best practice for the Pierce County region and the connecting cities to work together on a regional plan.

Councilmember Shook discussed grant funding and suggested that Mayor Hopkins look into the ACH (Accountable Communities of Health) and WA Medicaid Reform will pay for embedded social workers within police departments. One leading example is Everett Police Chart program. The ACH is divided into different counties and ACHs <https://www.hca.wa.gov/assets/program/ach-map.pdf>

B. Review/Discussion - USDA Loan Pay Down

Mr. Gray discussed the USDA Loan the City procured in 2014 to cover the remaining construction cost for the LID No. 1 sewer. He noted this pay down would reduce the overall USDA loan interest expense at 4% per annum.

C. Review/Discussion - Sewer LID

Mr. Nix briefed the City Council on the physical intricacies of the City's sanitary sewer system and, the limits of the established Local Improvement District. He went over the maps and showed what properties participated, which did not, and who can and cannot utilize the system.

D. Review/Discussion - Resolution – Certification of Applicant Match – 36th and Meridian Park Facility

Mr. Gray discussed the certification applicant match and discussed the 36th and Meridian Park facility. He noted that everyone is for the parks, his issue was sustainable revenue, and how can we maintain and afford the park if there is not more revenue coming in to do so. He noted the best source for sustainable revenue was a utility tax. He also noted we are the only city left in Pierce County not participating in a utility tax.

3. OTHER COUNCIL ISSUES

No Council comments

4. ADJOURN

Mayor Eidinger adjourned the meeting at 8:50pm.

Mayor Eidinger recessed at 8:50pm to allow for a break before the Special Council meeting began.

Mayor Eidinger reconvened the meeting at 8:55pm and announced the Special Council meeting.



CITY OF EDGEWOOD

SPECIAL COUNCIL MEETING MINUTES

Tues., May 30, 2017 – following Study Session ♦ City Hall – 2224 104th Avenue East ♦

1. CALL TO ORDER

Mayor Eidinger called the special meeting to order at 8:55pm and noted that the same members are in attendance from the study session prior to the special meeting.

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, and Police Chief Micah Lundborg.

2. COUNCIL BUSINESS

AB17-0372, 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)

Assistant City Administrator Nix noted the same discussion that occurred during the study session stands for this item on the agenda. He noted he did not have any further discussion points to include.

Mayor Eidinger noted that although there is no comment period scheduled for this meeting, he would allow some public comments.

PUBLIC COMMENTS:

Brian Levenhagen- thanked everyone for coming this evening. He noted the concerns regarding future funding and noted now was the time to focus on the next step of the grant process. He stated the process takes a long time and this was the timetable laid out, and he understands the financial certainties now vs. then, but to him it is a no risk decision.

Colleen Wise- discussed the financial aspects and grants. She noted to sign the certification was an important piece to the city being able to get the funds.

Candace Croy- asked what the plans are if a park is not going in on that property?

John Powers – noted how he admired Assistant City Administrator Dave Gray for bringing up the utility tax issue. He discussed finances and Edgewood needing to be our own city and having our own identity out there; he supports the utility tax.

Kristine Slagger- noted, as a parent of small children, her demographic is whom council should be focusing on and meeting with. She discussed recreational time with her kids, and not planning play dates around town or activities, lunch dates etc. as there is not the opportunity to do so here.

Motion: As Read, **Action:** Approve, **Moved by** Councilmember Stephanie Shook, **Seconded by** Councilmember Rosanne Tomin. Motion passed (7-0)

3. ADJOURN

Mayor Eidingen adjourned the meeting at 9:20pm.

Rachel Pitzel, City Clerk

Daryl Eidingen, Mayor



**CITY OF EDGEWOOD
COUNCIL STUDY SESSION SUMMARY**

Tues., June 6, 2017 – 7:00 PM ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

1. CALL TO ORDER

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

ROLL CALL

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

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

2. COUNCIL BUSINESS

- A. Presentation/Discussion** - Sumner Public Works Dept. – Bridge Construction Plan
Mayor Eiding introduced Mike Dahlem, Public Works Director with the City of Sumner who went over the Bridge project and the timetable. He discussed Phase I and Phase II of the construction plan as well as river and fish conditions. He noted for more information you can check out their website www.sumnerwa.gov or follow them on Twitter [@CityofSumnerWA](https://twitter.com/CityofSumnerWA).
- B. Review/Discussion** - Planning Commission Recommendations – Comp. Plan Annual Amendments
Senior Planner, Kirk Rappe briefed the Council on this discussion item. He noted that the City accepts amendments on the Comprehensive Plan from its citizens annually. He stated that for 2016, the city received two (2) applications and both amendments were to the city's Comprehensive Land Use Map. He noted the Planning Commission held a public hearing, which was well attended- with the majority against the amendment- although there were few that were in support. Councilmember Meyers requested the city have a “business park” approach and would like this considered in the industrial zone.
- C. Review/Discussion** - Closed Record Review Proceeding Process- Domus Homes PRD
Community Development Director Kevin Stender, briefed Council on this agenda item and discussed only the PROCESS of the Closed Record Review Proceeding, discussion did not take place regarding the planned residential development- discussion was to strictly review with Council the process of the closed record review proceeding.
- D. Review/Discussion** - Labor Attorney Services Contract – Summit Law, P.C.
Assistant City Administrator Dave Gray noted that when the city executed a contract with the current City Attorney, she noted two specific items that she did not engage in, one being Labor Law, the other LID/Foreclosure and collection. He noted the city has been under a contract with Foster Pepper for the LID/Foreclosure matters since 2009, and has been pleased with the service they have been providing. He stated, the city does not routinely need labor law services, however in those instances- both Assistant City Administrators have used Summit Law and recommend contracting with them for the infrequent need the city does utilize them.
- E. Review/Discussion** - Development Standards – Marijuana Related Uses

Assistant City Administrator Aaron Nix briefed Council on the modifications to state law as it pertains to the legalization of both medicinal and recreational marijuana in WA State. He stated that our legal counsel has advised us to update components of its previously passed Ordinance relating to development standards geared toward marijuana related uses. He noted the Planning Commission held a public hearing on this issue, and has offered modifications.

F. Review/Discussion - Building Code Enforcement Provisions to the EMC

Assistant City Administrator Aaron Nix briefed Council on the Building Code Enforcement provisions. He noted that he did add the email provision as requested by Councilmember Lowry as one of the options of how citizens can appeal.

G. Review/Discussion - Verizon Franchise Agreement

Assistant City Administrator Aaron Nix briefed Council on this franchise agreement and noted staff and the city attorney have been working with Verizon in order to allow them the ability to work within the city's right-of-way. Discussion took place regarding bonding, as well as definitions of "telecommunication systems" and "authorized services." Mr. Nix noted he did want to discuss the length of time in this agreement as Verizon has requested that this be a ten-year franchise instead of the typical five years. Mr. Nix also noted, he is okay with the request, but wanted Council's guidance on the modification to the city's current code language.

H. Review/Discussion - Consultant Contract Extensions (Transportation/General Engineering)

Assistant City Administrator Aaron Nix noted the agenda item has changed a bit from what Council had in their packet after discussing with the city attorney; she would like the city to utilize the procurement process instead of amending the agreements for extensions. He noted that would be working with MRSC small works roster list and will bring forward resolutions and agreements at the next council study for adoption. Mayor Eidinger noted these agreements would be on the consent agenda.

I. Discussion - Lowering Speed Limits / Redflex Traffic Systems, Inc.

Mayor Eidinger noted this was a discussion to continue looking at what streets should be considered lowering the speed limits; he showed the area map and asked Council to tell him what streets they would like to see lowered. Mayor Eidinger also noted that this is a discussion only, and that there would still be some research done in regards to if traffic studies will need to be done and what that process would entail.

Chief Lundborg discussed the Redflex Traffic School Zone cameras and the revenue involved; he noted that currently the city does not get any revenue from tickets issued within the city, but with the research he was doing, there may access to retrieve the revenue from those cameras back to the city. He shared with Council the City of Fife's ordinance regarding the cameras and the allowed uses of those funds. He also stated, this is for the safety of the community and the kids. He stated he was looking for direction from Council on if they would like him to move forward with this project.

3. OTHER COUNCIL ITEMS

Councilmember Meyers requested that the park map and what was put in the application, be placed on the Future Agendas List.

Councilmember Tomyn stated that from what she understood from the last PRAB meeting, that the members would be rotating and coming to council meetings to update and answer any questions.

Councilmember O’Ravez and Mayor Eidinge filled Council in on the grand re-opening of
Timberland Bank.

3. ADJOURN

Mayor Eidinge adjourned the meeting at 8:55pm.

Rachel Pitzel, City Clerk

Daryl Eidinge, Mayor



**CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-026**

Date Action Requested: June 13, 2017

Title: **AB 17-026**, a motion approving June 2017 Budgeted Expenditures as follows: IRS 941 ACHs; AWC Employee Benefit Trust; Deferred Compensations Program; Dept. of Retirement Systems and Payroll Direct Deposit in the amount of \$73,406.57; and Vendor Check Numbers 22759-22795 with EFT Payments in the amount of \$381,654.13. Total distributions submitted for review & authorization in the amount of \$455,060.70

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 AB17-026

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 \$455,060.70 to authorized Budgeted Expenditures.

Number	Name	Print Date	Amount
US Bank PAYROLL ACCOUNT DISTRIBUTION			
10606 Last Number Issued Previous Authorization			
<u>AWC EFT 5/31/17</u>	AWC Employee Benefit Trust	5/31/2017	\$22,960.16
<u>DCP EFT 5/31/17</u>	Deferred Compensation Program	5/31/2017	\$3,673.23
<u>Direct Deposit Run -</u>	Payroll Vendor	5/31/2017	\$34,390.90
<u>DRS EFT 5/31/17</u>	Dept of Retirement Systems	5/31/2017	\$6,914.01
<u>IRS 941 EFT 5/31/17</u>	IRS 941	5/31/2017	\$5,468.27
Total			\$73,406.57

Number	Name	Print Date	Amount
CLAIM VOUCHER ACCOUNT DISTRIBUTION			
22758 Last Number Issued Previous Authorization			
<u>22759</u>	United States Postal Service	6/6/2017	\$1,176.03
<u>22760</u>	A & R Services dba Angela Rojo	6/13/2017	\$785.00
<u>22761</u>	All Around Fence Company	6/13/2017	\$8,613.96
<u>22762</u>	APA Washington	6/13/2017	\$100.00
<u>22763</u>	Century Link	6/13/2017	\$217.63
<u>22764</u>	City of Edgewood	6/13/2017	\$26,000.00
<u>22765</u>	Code Publishing Inc.	6/13/2017	\$1,008.33
<u>22766</u>	Comcast	6/13/2017	\$101.33
<u>22767</u>	Comcast Business	6/13/2017	\$801.71
<u>22768</u>	Drain-Pro	6/13/2017	\$290.00
<u>22769</u>	Form Source, Inc.	6/13/2017	\$153.75
<u>22770</u>	G & K Services Co.	6/13/2017	\$266.00
<u>22771</u>	Gray & Osborne, Inc	6/13/2017	\$9,807.75
<u>22772</u>	Herrera Environmental Consultants, Inc.	6/13/2017	\$3,314.59
<u>22773</u>	Insight Pest Solutions	6/13/2017	\$657.00
<u>22774</u>	International Code Council	6/13/2017	\$135.00
<u>22775</u>	Lakehaven Water & Sewer District	6/13/2017	\$25.14
<u>22776</u>	Lower 48 Contracting/Painting Inc.	6/13/2017	\$35,536.17
<u>22777</u>	McCarthy & Causseaux	6/13/2017	\$595.00
<u>22778</u>	Morris Law PC	6/13/2017	\$8,303.00
<u>22779</u>	Mt. View Locating Services, LLC	6/13/2017	\$640.00
<u>22780</u>	Mt. View-Edgewood Water Co.	6/13/2017	\$427.01
<u>22781</u>	Northwest Landscape Services	6/13/2017	\$826.74
<u>22782</u>	Office Depot	6/13/2017	\$109.54
<u>22783</u>	Overhead Door of Seattle	6/13/2017	\$574.23
<u>22784</u>	Pierce County Auditor's Office	6/13/2017	\$75.00
<u>22785</u>	Pierce County Budget & Finance Jail	6/13/2017	\$563.90
<u>22786</u>	Pierce County Budget & Finance PW	6/13/2017	\$195,132.29
<u>22787</u>	Metzler, Jeremy W	6/13/2017	\$160.50
<u>22788</u>	Level 3 Communications	6/13/2017	\$250.00
<u>22789</u>	D.R. Horton	6/13/2017	\$500.00
<u>22790</u>	Northwest Permit, Inc.	6/13/2017	\$115.00
<u>22791</u>	Rick Pederson	6/13/2017	\$222.03
<u>22792</u>	RW Scott	6/13/2017	\$46,080.25
<u>22793</u>	Sewall Wetland Consulting, Inc.	6/13/2017	\$660.00
<u>22794</u>	Smarsh, Inc.	6/13/2017	\$201.55
<u>22795</u>	The News Tribune	6/13/2017	\$1,313.77
<u>EFT Payment 6/7/2017</u>	Thyssenkrupp Elevator Corp.	6/13/2017	\$967.88
<u>EFT Payment 6/7/2017</u>	Verizon Wireless	6/13/2017	\$549.39
<u>EFT Payment 6/7/2017</u>	Columbia Bank	6/13/2017	\$34,397.66
Grand Total			\$381,654.13

Total Claims Voucher Distribution	\$381,654.13
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Total Distribution Submitted for Review & Authorization	\$455,060.70
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Authorization Adjustments:

Total Distribution Net of Prior Authorized Adjustments	\$455,060.70
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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 Eidinger

Council Member



Voucher Directory

Vendor	Number	Reference	Account Number	Description	Amount
A & R Services dba Angela Rojo	22760			2017 - June - 1st Council Meeting	
		424			
			June Services		
			001-018-000-518-30-41-01	Professional Services	\$785.00
				Monthly Janitorial Svs. for June	
		Total 424			\$785.00
	Total 22760				\$785.00
Total A & R Services dba Angela Rojo					\$785.00
All Around Fence Company	22761			2017 - June - 1st Council Meeting	
		2017-614			
			May Services		
			310-000-000-594-76-63-01	Park Improvements	\$8,613.96
				Repair/Reinstall Backstop	
		Total 2017-614			\$8,613.96
	Total 22761				\$8,613.96
Total All Around Fence Company					\$8,613.96
APA Washington	22762			2017 - June - 1st Council Meeting	
		231			
			June Services		
			001-018-000-518-20-41-01	Professional Service	\$100.00
				Job Posting	
		Total 231			\$100.00
	Total 22762				\$100.00
Total APA Washington					\$100.00
Century Link	22763			2017 - June - 1st Council Meeting	
		253-927-2018 680B 5/25-6/25/17			
			5/25-6/25/17 Services		
			001-018-000-518-30-42-01	Telecommunications Charges	\$109.18
				Elevator Alarm Line	
		Total 253-927-2018 680B 5/25-6/25/17			\$109.18
		253-952-3537 889B 5/22-6/22/17			
			5/22-6/22/17 Services		
			001-018-000-518-30-42-01	Telecommunications Charges	\$108.45

Vendor	Number	Reference	Account Number	Description	Amount
				Fax and Fire Alarm Line	
		Total 253-952-3537 889B 5/22-6/22/17			\$108.45
	Total 22763				\$217.63
Total Century Link					\$217.63
City of Edgewood					
	22764			2017 - June - 1st Council Meeting	
		052517-COE			
			SEPA Fees		
			001-014-000-511-30-41-03	COE Permits to COE	\$18,550.00
				SEPA Fees	
			001-014-000-511-30-41-03	COE Permits to COE	\$4,200.00
				SEPA Fire Fees	
		Total 052517-COE			\$22,750.00
		053017-COE			
			SEPA Review Fee		
			410-000-000-594-31-63-07	Land Impr-Jovita Rehab/Seismic Walls	\$3,250.00
				SEPA Fee-Jovita Culvert Maint Program	
		Total 053017-COE			\$3,250.00
	Total 22764				\$26,000.00
Total City of Edgewood					\$26,000.00
Code Publishing Inc.					
	22765			2017 - June - 1st Council Meeting	
		56476			
			May Services		
			001-014-000-514-30-41-01	Professional Services	\$441.25
				EMC Updates	
		Total 56476			\$441.25
		56512			
			May Services		
			001-014-000-514-30-41-01	Professional Services	\$328.60
				EMC Updates	
		Total 56512			\$328.60
		56670			
			May Services		
			001-014-000-514-30-41-01	Professional Services	\$238.48
				EMC Updates	
		Total 56670			\$238.48
	Total 22765				\$1,008.33
Total Code Publishing Inc.					\$1,008.33

Vendor	Number	Reference	Account Number	Description	Amount
Columbia Bank					
	EFT Payment 6/7/2017 4:09:31 PM - 1		2017 - June - 1st Council Meeting		
		051817-CB			
			Go Bond-City Hall-Interest Payment		
			201-000-000-592-18-83-01	Interest on Bonds	\$34,397.66
		Total 051817-CB			\$34,397.66
	Total EFT Payment 6/7/2017 4:09:31 PM - 1				\$34,397.66
Total Columbia Bank					\$34,397.66
Comcast					
	22766		2017 - June - 1st Council Meeting		
		8498 35 021 1458551 5/25-6/24/17			
			5/25-6/24/17 Services		
			001-018-000-518-30-42-01	Telecommunications Charges	\$101.33
				City Hall Internet	
		Total 8498 35 021 1458551 5/25-6/24/17			\$101.33
	Total 22766				\$101.33
Total Comcast					\$101.33
Comcast Business					
	22767		2017 - June - 1st Council Meeting		
		53238540			
			5/15-6/14/17 Services		
			001-018-000-518-30-42-01	Telecommunications Charges	\$801.71
				City Hall Phones	
		Total 53238540			\$801.71
	Total 22767				\$801.71
Total Comcast Business					\$801.71
Drain-Pro					
	22768		2017 - June - 1st Council Meeting		
		32366			
			5/21-6/17/17 Rental		
			001-076-000-576-80-45-03	Operating Rentals	\$145.00
				Nelson Farm	
		Total 32366			\$145.00
		32367			
			5/21-6/17/17 Rental		
			001-076-000-576-80-45-03	Operating Rentals	\$145.00
				Nelson Nature Park	
		Total 32367			\$145.00
	Total 22768				\$290.00
Total Drain-Pro					\$290.00

Vendor	Number	Reference	Account Number	Description	Amount
Form Source, Inc.	22769			2017 - June - 1st Council Meeting	
		851556			
			May Purchases		
			001-018-000-518-20-31-01	Office & Operational Supplies	\$153.75
			Labels		
		Total 851556			\$153.75
	Total 22769				\$153.75
Total Form Source, Inc.					\$153.75
G & K Services Co.	22770			2017 - June - 1st Council Meeting	
		6068420546			
			5/1/17 Weekly Service		
			001-018-000-518-30-41-01	Professional Services	\$53.20
		Total 6068420546			\$53.20
		6068422537			
			5/8/17 Weekly Service		
			001-018-000-518-30-41-01	Professional Services	\$53.20
		Total 6068422537			\$53.20
		6068424529			
			5/15/17 Weekly Service		
			001-018-000-518-30-41-01	Professional Services	\$53.20
		Total 6068424529			\$53.20
		6068426526			
			5/22/17 Weekly Service		
			001-018-000-518-30-41-01	Professional Services	\$53.20
		Total 6068426526			\$53.20
		6068428511			
			5/29/17 Weekly Service		
			001-018-000-518-30-41-01	Professional Services	\$53.20
		Total 6068428511			\$53.20
	Total 22770				\$266.00
Total G & K Services Co.					\$266.00
Gray & Osborne, Inc	22771			2017 - June - 1st Council Meeting	
		2-G&O prj 16463.08			
			May Services		
			310-000-000-594-76-41-03	Professional Svs.-Property	\$9,051.05
			City Hall Topo Survey, Base Map		
		Total 2-G&O prj 16463.08			\$9,051.05
		5-G&O prj 16463.03			
			May Services		
			001-058-000-558-60-41-03	Prof. Services (Non-reimbursable)	\$756.70

Vendor	Number	Reference	Account Number	Description	Amount
				Westridge Slope Monitoring	
		Total 5-G&O prj 16463.03			\$756.70
	Total 22771				\$9,807.75
Total Gray & Osborne, Inc					\$9,807.75
Herrera Environmental Consultants, Inc.					
	22772			2017 - June - 1st Council Meeting	
		40385			
			April Svcs-Prj 17-06504-000		
			410-000-000-531-38-41-02	Prof. Service-Plan Update	\$3,314.59
				SW Management Plan Update	
		Total 40385			\$3,314.59
	Total 22772				\$3,314.59
Total Herrera Environmental Consultants, Inc.					\$3,314.59
Insight Pest Solutions					
	22773			2017 - June - 1st Council Meeting	
		5781984			
			April Services		
			001-018-000-518-30-41-01	Professional Services	\$657.00
				Ant Spraying	
		Total 5781984			\$657.00
	Total 22773				\$657.00
Total Insight Pest Solutions					\$657.00
International Code Council					
	22774			2017 - June - 1st Council Meeting	
		3147920			
			2017 Dues-Dean Mundy		
			001-058-000-558-50-49-01	Memberships	\$135.00
		Total 3147920			\$135.00
	Total 22774				\$135.00
Total International Code Council					\$135.00
Lakehaven Water & Sewer District					
	22775			2017 - June - 1st Council Meeting	
		3575901 2/17-4/24/17			
			2/17-4/24/17 Services		
			001-018-000-518-30-47-04	Sewer Charges	\$25.14
		Total 3575901 2/17-4/24/17			\$25.14
	Total 22775				\$25.14
Total Lakehaven Water & Sewer District					\$25.14

Vendor	Number	Reference	Account Number	Description	Amount
Lower 48 Contracting/Painting Inc.					
	22776			2017 - June - 1st Council Meeting	
		2450			
				50% Contract Payment on Services	
			001-018-000-518-30-48-03	Maintenance/Repairs - Buildings	\$35,536.17
				City Hall Painting	
		Total 2450			\$35,536.17
	Total 22776				\$35,536.17
Total Lower 48 Contracting/Painting Inc.					
McCarthy & Causseaux					
	22777			2017 - June - 1st Council Meeting	
		187			
				May Services	
			001-015-000-515-32-41-14	Hearing Examiner Legal Fees	\$595.00
				Hearing Examiner Svcs	
		Total 187			\$595.00
	Total 22777				\$595.00
Total McCarthy & Causseaux					
Morris Law PC					
	22778			2017 - June - 1st Council Meeting	
		053117-MOR			
				May Services	
			001-015-000-515-32-41-01	Legal Services	\$8,303.00
		Total 053117-MOR			\$8,303.00
	Total 22778				\$8,303.00
Total Morris Law PC					
Mt. View Locating Services, LLC					
	22779			2017 - June - 1st Council Meeting	
		22351.5888b			
				May Services	
			310-000-000-594-76-41-03	Professional Svcs.-Property	\$640.00
				City Hall Campus/Park Survey	
		Total 22351.5888b			\$640.00
	Total 22779				\$640.00
Total Mt. View Locating Services, LLC					
Mt. View-Edgewood Water Co.					
	22780			2017 - June - 1st 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

Vendor	Number	Reference	Account Number	Description	Amount
		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 22780				\$427.01
Total Mt. View-Edgewood Water Co.					\$427.01
Northwest Landscape Services					
	22781			2017 - June - 1st Council Meeting	
		RC000025864			
		June Services			
		101-000-000-542-70-48-04	Road Maint ROW Veg Maint Contractor		\$826.74
		Total RC000025864			\$826.74
	Total 22781				\$826.74
Total Northwest Landscape Services					\$826.74
Office Depot					
	22782			2017 - June - 1st Council Meeting	
		928322333001			
		May Purchases			
		001-018-000-518-20-31-01	Office & Operational Supplies		\$109.54
			Copy Paper, Wireless Mouse, USB, TP		
		Total 928322333001			\$109.54
	Total 22782				\$109.54
Total Office Depot					\$109.54
Overhead Door of Seattle					
	22783			2017 - June - 1st Council Meeting	
		103996			
		May Services			
		001-021-000-521-20-48-03	Maintenance/Repairs		\$574.23
			Garage Door Repair		
		Total 103996			\$574.23
	Total 22783				\$574.23
Total Overhead Door of Seattle					\$574.23
Pierce County Auditor's Office					
	22784			2017 - June - 1st Council Meeting	
		CI-233602			
		Recording Fees			
		001-058-000-558-60-51-01	Pierce County Recording Fees		\$75.00

Vendor	Number	Reference	Account Number	Description	Amount
				Meacham/Suelo Marina Code Enforcement	
		Total CI-233602			\$75.00
	Total 22784				\$75.00
Total Pierce County Auditor's Office					\$75.00
Pierce County Budget & Finance Jail					
	22785			2017 - June - 1st Council Meeting	
		CI-233566			
		April Services			
		001-021-000-523-60-51-01		Jail Services	\$563.90
		Total CI-233566			\$563.90
	Total 22785				\$563.90
Total Pierce County Budget & Finance Jail					\$563.90
Pierce County Budget & Finance PW					
	22786			2017 - June - 1st Council Meeting	
		CI-232728			
		Jan-April Services			
		101-000-000-541-30-51-01		Road Preservation (Intergov)	\$619.44
		Feb			
		101-000-000-541-30-51-01		Road Preservation (Intergov)	\$95.58
		Jan			
		101-000-000-541-30-51-01		Road Preservation (Intergov)	\$1,612.50
		Apr			
		101-000-000-542-38-51-02		Road Maint (Intergov)	\$611.03
		Apr			
		101-000-000-542-38-51-02		Road Maint (Intergov)	\$664.24
		Feb			
		101-000-000-542-38-51-02		Road Maint (Intergov)	\$143.37
		Jan			
		101-000-000-542-66-51-03		Road Maint Snow & Ice (Intergov)	\$4,156.37
		Mar			
		101-000-000-542-66-51-03		Road Maint Snow & Ice (Intergov)	\$44,757.14
		Feb			
		101-000-000-542-66-51-03		Road Maint Snow & Ice (Intergov)	\$28,642.38
		Jan			
		101-000-000-542-70-51-04		ROW Veg Maint (Intergov)	\$191.17
		Apr			
		101-000-000-542-70-51-04		ROW Veg Maint (Intergov)	\$3,397.57
		Mar			
		101-000-000-542-70-51-04		ROW Veg Maint (Intergov)	\$281.13
		Feb			

Vendor	Number	Reference	Account Number	Description	Amount
			410-000-000-531-38-51-01 Mar	PC SW PT Interlocal Collection Fee	\$828.67
			410-000-000-531-38-51-01 Jan	PC SW PT Interlocal Collection Fee	\$6,837.23
			410-000-000-531-38-51-01 Apr	PC SW PT Interlocal Collection Fee	\$18,823.49
			410-000-000-531-38-51-02 Feb	Drain Maint (Intergov)	\$4,495.73
			410-000-000-531-38-51-02 Apr	Drain Maint (Intergov)	\$1,377.13
			410-000-000-531-38-51-02 Jan	Drain Maint (Intergov)	\$95.58
			410-000-000-531-38-51-02 Mar	Drain Maint (Intergov)	\$4,687.94
			410-000-000-531-38-51-02 Feb	Drain Maint (Intergov)	\$360.17
			410-000-000-531-38-51-02 Mar	Drain Maint (Intergov)	\$7,707.28
			410-000-000-531-38-51-03 Mar	Structure Maint (Intergov)	\$12,092.87
			410-000-000-531-38-51-03 Mar	Structure Maint (Intergov)	\$6,059.05
			410-000-000-531-38-51-03 Apr	Structure Maint (Intergov)	\$19,487.41
			410-000-000-531-38-51-03 Apr	Structure Maint (Intergov)	\$12,838.35
			410-000-000-531-38-51-03 Feb	Structure Maint (Intergov)	\$3,389.11
			410-000-000-531-38-51-03 Jan	Structure Maint (Intergov)	\$770.69
			410-000-000-531-38-51-05 Mar	Erosion Maint (Intergov)	\$1,434.18
			410-000-000-531-38-51-05 Feb	Erosion Maint (Intergov)	\$993.15
			410-000-000-531-78-51-07 Mar	Polution Control (Intergov)	\$1,393.79
			410-000-000-531-78-51-07 Apr	Polution Control (Intergov)	\$6,210.93
			410-000-000-531-78-51-07 Jan	Polution Control (Intergov)	\$77.62
			Total CI-232728		\$195,132.29
			Total 22786		\$195,132.29
			Total Pierce County Budget & Finance PW		\$195,132.29

Vendor	Number	Reference	Account Number	Description	Amount
Refunds/Reimbursements Vendor					
	22787			2017 - June - 1st Council Meeting	
		052417-JM		Jeremy W Metzler	
			Mileage Reimbursement		
			410-000-000-531-38-43-03	Mileage Reimbursement	\$160.50
				SW Conference-Yakima	
		Total 052417-JM			\$160.50
	Total 22787				\$160.50
	22788			2017 - June - 1st Council Meeting	
		052417-L3C		Level 3 Communications	
			ROW Permit Refund		
			101-000-000-322-40-00-04	Right-of-Way Permit	\$250.00
		Total 052417-L3C			\$250.00
	Total 22788				\$250.00
	22789			2017 - June - 1st Council Meeting	
		052517-DRH		D.R. Horton	
			Refund Driveway Access Permit		
			001-000-000-345-89-00-17	Driveway Access Review Fee	\$500.00
				Refund Permit 17-1193, 17-1192	
		Total 052517-DRH			\$500.00
	Total 22789				\$500.00
	22790			2017 - June - 1st Council Meeting	
		060617-NWP		Northwest Permit, Inc.	
			Refund Permit 17-1243		
			001-000-000-322-10-00-02	Mechanical Permit	\$115.00
				Refund Permit 17-1243	
		Total 060617-NWP			\$115.00
	Total 22790				\$115.00
Total Refunds/Reimbursements Vendor					\$1,025.50
Rick Pederson					
	22791			2017 - June - 1st Council Meeting	
		052617-RP			
			May Mileage Reimbursement		
			101-000-000-542-90-43-03	Mileage Reimbursement	\$66.61
			410-000-000-531-38-43-03	Mileage Reimbursement	\$155.42
		Total 052617-RP			\$222.03
	Total 22791				\$222.03
Total Rick Pederson					\$222.03
RW Scott					
	22792			2017 - June - 1st Council Meeting	
		PE 5-Retainage Release			
			Retainage Release-Jovita Slope Project		
			642-000-000-586-10-00-02	Retainage-Contractor	\$46,080.25

Vendor	Number	Reference	Account Number	Description	Amount
				Retainage Release	
		Total PE 5-Retainage Release			\$46,080.25
Total RW Scott	Total 22792				\$46,080.25
Sewall Wetland Consulting, Inc.	22793				\$46,080.25
				2017 - June - 1st Council Meeting	
		42255			
			May Services 14-217		
			410-000-000-531-38-41-01	Professional Service	\$280.00
				14-217 Jovita Stabilization	
		Total 42255			\$280.00
		42256			
			May Services 17-128		
			001-058-000-558-60-41-01	Reim.Engineering - Prof. Serv	\$380.00
				17-128 Edgewood Terrace	
		Total 42256			\$380.00
Total 22793					\$660.00
Total Sewall Wetland Consulting, Inc.					\$660.00
Smarsh, Inc.	22794				
				2017 - June - 1st Council Meeting	
		INV00239820			
			May Services		
			001-014-000-518-80-49-03	Computer Subscriptions	\$201.55
		Total INV00239820			\$201.55
Total 22794					\$201.55
Total Smarsh, Inc.					\$201.55
The News Tribune	22795				
				2017 - June - 1st Council Meeting	
		255556 5/1-5/28/17			
			May Services		
			001-014-000-511-30-41-02	Legal Publications	\$862.15
				Legal Notice	
			001-058-000-558-60-41-08	Legal Notices/Publications	\$451.62
				Legal Notice	
		Total 255556 5/1-5/28/17			\$1,313.77
Total 22795					\$1,313.77
Total The News Tribune					\$1,313.77

Vendor	Number	Reference	Account Number	Description	Amount
Thyssenkrupp Elevator Corp.					
	EFT Payment 6/7/2017 4:48:18 PM - 1		2017 - June - 1st Council Meeting		
	3003252851				
		6/1-8/31/17 Services			
		001-018-000-518-30-48-03	Maintenance/Repairs - Buildings		\$967.88
			Elevator Maint Contract		
	Total 3003252851				\$967.88
	Total EFT Payment 6/7/2017 4:48:18 PM - 1				\$967.88
Total Thyssenkrupp Elevator Corp.					
\$967.88					
United States Postal Service					
	22759		2017 - June - 1st Council Meeting		
	060617-USPS				
		Summer 2017 Magazine			
		001-018-000-518-20-42-02	Postage		\$1,176.03
	Total 060617-USPS				\$1,176.03
	Total 22759				\$1,176.03
Total United States Postal Service					
\$1,176.03					
Verizon Wireless					
	EFT Payment 6/7/2017 4:48:18 PM - 2		2017 - June - 1st Council Meeting		
	9786378484				
		5/24-6/23/17 Services			
		001-018-000-518-30-42-01	Telecommunications Charges		\$549.39
	Total 9786378484				\$549.39
	Total EFT Payment 6/7/2017 4:48:18 PM - 2				\$549.39
Total Verizon Wireless					
\$549.39					
Grand Total	Vendor Count	37			\$381,654.13



**CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
AGENDA BILL NO. : 17-0373**

Date Action Requested: June 13, 2017

Title: Labor Attorney Services Contract with Summit Law, P.C.

Attachments: Resolution No. 17-0373; Labor Law Attorney Services Contract

Submitted By: Dave Gray, ACA/Finance Director

Approved For Agenda By: Daryl Eiding, Mayor

Discussion: When the City executed a contract with the current City Attorney, several specialty areas of legal expertise were noted as not something Morris Law engaged in within the scope of the City Attorney's contract- Labor Law and LID/Foreclosure and Collection. The City does not routinely engage the services for Labor Law. Foster Pepper has been under contract with the City for LID/Foreclosure matters since 2009. City Staff is pleased with the work Foster Pepper has provided the City in guidance all things LID and intends to continue to utilize them in that capacity. Both ACA's have used Summit Law for Labor Law issues in other jurisdictions and are hereby recommending contracting with Summit Law for the infrequent need the City does utilize said services. State Law does not mandate a RFQ for legal service; however, MRSC does recommend the City adopt a process. The City used an RFQ process for executing a contract for City Attorney services, knowing the service would be used routinely and continuously with an expectation of annual costs in the \$100,000 range.

Recommendation: Authorize the Mayor to execute the Summit Law Attorney Service Contract for Labor Law issues.

Fiscal Impact: The City expects the total service cost for Labor Issues in fiscal 2017 to be less than \$5,000. The City expects this level of expenditure, budgeted as legal expense in the annual budget is a reasonable annual maximum.

RESOLUTION NO. 17-0373

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF EDGEWOOD, PIERCE COUNTY, WASHINGTON
AUTHORIZING THE MAYOR TO EXECUTE AN
ATTORNEY SERVICES AGREEMENT WITH SUMMIT
LAW P.C. FOR CITY LABOR LAW SERVICES**

WHEREAS, the City has selected a law firm, renowned in the area for excellence in the field of municipal labor law; and

WHEREAS, the City has made a selection based upon a recommendation from a panel consisting of Assistant City Administrator Nix, Assistant City Administrator Gray and City Clerk Pitzel, who have worked directly with several labor law firms including Summit; and

WHEREAS, the panel unanimously recommended Summit Law, P.C. as a firm qualified and willing to provide the necessary services; and

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

Section 1. The Mayor is hereby authorized to execute an agreement for Labor Law Services with Summit Law, P.C. for Labor Law services substantially in the form attached here to as Exhibit A.

PASSED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 13TH DAY OF JUNE 2017

Daryl Eiding, Mayor

ATTEST:

Rachel Pitzel, City Clerk

AGREEMENT FOR ATTORNEY SERVICES

THIS AGREEMENT, is made between the City of Edgewood, a Washington municipal corporation (hereinafter the "City"), located at 2224 - 104th Avenue East, Edgewood, WA 98372, and Summit Law Group, PLLC, organized under the laws of the State of Washington, located and doing business at 315 Fifth Avenue South, Suite 1000, Seattle, WA 98104 (hereinafter the "Attorney").

Section 1. Purpose. The purpose of this Agreement is to ensure that the City receives professional services from the Attorney in an effective, timely and cost efficient manner while ensuring that the Attorney is appropriately and fairly compensated for services rendered.

Section 2. Scope of Service. The Attorney agrees to provide legal services, as requested by the City in connection with personnel and labor matters, or as described in Exhibit A, attached hereto, the Engagement Letter from Shannon Phillips to Dave Gray dated May 25, 2017, and the Appendix.

Section 3. Compensation. The City hereby agrees to pay Attorney for legal services at the rates set forth in the Appendix. The Attorney agrees that the hourly rate charged for the Attorney's services contracted for herein shall remain locked in at the negotiated rate for a period of one (1) year from the effective date of this Agreement.

Section 4. Independent Contractor Status. It is expressly understood and agreed that Attorney, while engaged in carrying out and complying with any of the terms and conditions of this Agreement, is an independent contractor and is not an employee of the City. The parties agree that the Attorney has the ability to control and direct the performance and details of his work, the City being interested only in the results obtained.

Section 5. Billings. Attorney shall submit invoices to the City, describing the legal services provided during the previous month. Attorney's monthly bills shall include, at a minimum, the following information for each specific matter to which such services or costs pertain: the name of the matter; a brief description of the legal services performed; the date the services were performed; and the amount of time spent on each date services were performed and by whom. In addition to providing copies of all documents as specified below, Attorney shall provide any information that will assist the City in performing a thorough review and/or audit of the billings, as may be requested by the City. The Attorney acknowledges that the City may receive public records requests for copies of the Attorney's bills, and the Attorney agrees not to include any confidential information in the bills.

Section 6. Advice and Status Reporting. Attorney shall provide the Mayor and/or City Council with timely notice and advice of all significant developments arising during performance of his or her services hereunder, orally or in writing, as appropriate or as requested. Attorney shall provide the City Attorney (and/or Mayor and City Council) with copies of all e-mails, pleadings, motions, discovery, correspondence, and other documents prepared by the Attorney, including research memoranda, or received by the Attorney unless they have been otherwise provided to the City.

Section 7. Communications. Attorney will communicate primarily with the Assistant City Administrator of Administrative Services, Dave Gray or Daryl Eiding, Mayor.

Section 8. Non-Assignment. The parties recognize hereto that a substantial inducement to the City for entering into this Agreement was, and is, the professional reputation and competence of the Attorney. Neither this Agreement nor any interest therein may be assigned by the Attorney without the prior written approval of the City.

Section 9. Indemnification and Insurance.

A. The Attorney and Summit Law Group, PLLC agree to indemnify, hold harmless and defend the City, its elected and appointed officials, employees and agents from and against any and all claims, judgments or awards of damages, arising out of or resulting from the acts, errors or omissions of the Attorney. The City agrees to indemnify, hold harmless, and defend the Attorney and the Summit Law Group PLLC from and against any and all claims, judgments or awards of damages, arising out of or resulting from the acts, errors or omissions of the City, its elected and appointed officials, employees and agents. The provisions of this indemnification shall survive the termination or expiration of this Agreement.

B. The Attorney shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the services provided by the Attorney, its agents, representatives or employees. The Attorney's maintenance of insurance as required by this Agreement shall not be construed to limit the liability of the Attorney to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

C. Minimum Scope of Insurance. The Attorney shall obtain insurance of the types and limits below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. There must be a minimum combined single limit for bodily injury and property damage of \$1,000,000.00 per accident.

2. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

3. Professional Liability malpractice insurance, written with limits no less than \$1,000,000.00 per claim and \$1,000,000.00 policy aggregate limit.

The Attorney's insurance coverage shall be primary insurance as respects the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Attorney's insurance and shall not contribute with it.

The Attorney's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

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

Attorney shall furnish the City with certificates and any amendments before providing services under this Agreement.

Section 10. Licenses. Attorney warrants that he is a member in good standing with the Washington State Bar, and that any license or licenses that are required in order to perform the legal services under this Agreement have been obtained and are valid.

Section 11. Termination. This Agreement may be terminated by either party upon written notice with or without cause. In the event of termination, the Attorney shall be entitled to compensation as provided for in this Agreement, for services performed satisfactorily to the effective date of termination; provided, however, that the City may condition payment of such compensation upon Attorney's delivery to the City of any and all documents, photographs, computer software, video and audio tapes, and other materials provided to Attorney or prepared by or for Attorney or the City in connection with this Agreement.

Section 12. Notices. Notices required under this Agreement shall be personally delivered or mailed, postage prepaid, as follows:

Attorney:

Shannon Phillips
Summit Law Group, PLLC
315 Fifth Ave S., Suite 1000
Seattle, WA 98104

To the City:

City Clerk
City of Edgewood
2224 - 104th Avenue E.
Edgewood, WA 98372

And to: Carol Morris, City Attorney
Morris Law, P.C.
3304 Rosedale Street N.W., Suite 200
Gig Harbor, WA 98335

Notices given by personal delivery shall be effective immediately. Notices given by mail shall be deemed to have been delivered forty-eight hours after having been deposited in the United States mail.

Section 13. Ownership of Materials. Any and all documents, including draft documents where completed documents are unavailable, or materials prepared or caused to be prepared by Attorney pursuant to this Agreement shall be the property of the City at the moment of their completed preparation.

Section 14. Conflict of Interest. Attorney warrants and covenants that Attorney presently has no interest in, nor shall any interest be hereinafter acquired in, any matter which will render the services required under the provisions of this Agreement a violation of any applicable state, local or federal law or any rule of professional conduct. In the event that any conflict of interest should nevertheless hereinafter arise, Attorney shall promptly notify the City of the existence of such conflict of interest.

Section 15. Confidentiality. Attorney agrees to maintain in confidence and not disclose to any person, association, or business, without prior written consent of the City, any secret, confidential information, knowledge or data relating to the process or operation of the City and/or any of its departments and divisions. Attorney further agrees to maintain in confidence and not disclose to any person, association, or business any data, information or material developed or obtained by Attorney during the term of this Agreement. The covenants contained in this paragraph shall survive the termination of this Agreement for whatever cause.

Section 16. Amendments. This Agreement is not subject to modification or amendment, except by a written authorization executed by both the Attorney and the duly authorized representative of the City, which written authorization shall expressly state that it is intended by the parties to amend the terms and conditions of this Agreement.

Section 17. Waiver. The waiver by either party of a breach by the other of any provision of this Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach of either the same or a different provision of this Agreement.

Section 18. Severability. Should any part of this Agreement be declared by a final decision of a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of either party to enter into or carry out, such decision shall not affect the validity of the remainder of the Agreement, which shall continue in full force and effect, provided that the remainder of this Agreement, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the parties.

Section 19. Controlling Law. The laws of the State of Washington shall govern this Agreement and all matters relating to it.

Section 20. Whole Agreement. This Agreement constitutes the entire understanding and agreement of the parties. This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto and supersedes all negotiations or previous agreements between the parties with respect to all or any part of the subject matter hereof. In the case of a conflict between this Agreement and its attachments and exhibits, this Agreement shall control.

Section 21. Disputes. In the event that the parties are unable to resolve any dispute regarding the performance of the legal services or this Agreement, any litigation brought to enforce the terms of this Agreement shall be filed in Pierce County Superior Court. The prevailing party shall be entitled to recover its reasonable attorney's fees and costs from the non-prevailing party.

IN WITNESS WHEREOF, Attorney and the City, by the signatures below, have executed this Agreement on the dates indicated below.

SUMMIT LAW GROUP, PLLC

By 
Attorney

Dated: 6/11/2017

THE CITY OF EDGEWOOD

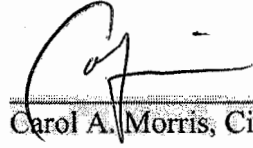
By _____
Mayor Daryl Eiding

Dated: _____

ATTEST:

Rachel Pitzel, City Clerk

APPROVED AS TO FORM:



Carol A. Morris, City Attorney

EXHIBIT A



SUMMIT
LAW GROUP

a professional limited liability company

SHANNON E. PHILLIPS
DID: (206) 676-7092
EMAIL: shannonp@summitlaw.com

315 Fifth Ave S Suite 1000
Seattle, Washington 98104
phone · 206.676.7000
fax · 206.676.7001

Via Email
dave@cityofedgewood.org

May 25, 2017

Dave Gray
City of Edgewood
2224 104th Avenue East
Edgewood, WA 98372

Re: Engagement Letter

Dear Mr. Gray:

Thank you for hiring Summit Law Group to represent the City of Edgewood with regard to general labor matters. We will represent your interests vigorously and do our very best to be prompt, thoughtful and practical in everything we do on your behalf.

If you have not yet had an opportunity to view the background of Summit Law Group, please take a moment to view our website (www.summitlaw.com). Summit Law Group was founded on the principles that the market for legal services has dramatically changed and that a modern firm should be leaner, more efficient and more customer-responsive. We want to form productive working partnerships with our customers, delivering a better product at greater value.

Fee Arrangements. We will build a working partnership with you to enable you to maintain control over the scope and cost of your legal work. We are especially interested in fee arrangements that provide incentives for us to be cost effective and that reward us for superior results. Unless we agree otherwise, however, we will charge for our services by the billable hour. We encourage you to consider and suggest other ways of measuring the value of our services during the course of our relationship. Whether you choose to be billed by the hour, or some other fee arrangement, we, unlike any other law firm we know of in the country, invite you to pay in accordance with your perception of the value of our legal services. To that end, within 30 days of our invoice, you are free to adjust our billed amount, upward or downward, based on your perception of the value that you have received.

Dave Gray
May 25, 2017
Page 2

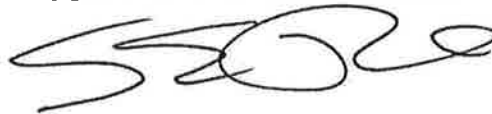
At present, my current hourly rate applicable to this engagement is \$295. The billing rates and contact information of the Summit team members who are expected to work on this engagement are included in the Appendix to this letter.

Unless otherwise agreed in writing, we will provide you with full itemized billing information on a monthly basis, including people working on your engagement, their hours and rates and a detailed description of services performed. Payment of our bill is due upon receipt of our invoice and bills not paid within thirty (30) days of the date of the invoice will accrue interest at a rate of 1% per month. We do not charge for telephone, photocopying, computerized legal research, local travel, or other costs that are properly part of our cost of doing business. We charge our actual costs for out-of-town travel and meals, working meals, and other third-party vendor expenses (e.g., for high volume photocopying, courier and messenger services, conference calls and other extraordinary expenses). We also charge for costs related to document processing and discovery, electronic or otherwise. Our billings are monthly, unless otherwise agreed.

Attached to this letter is an Appendix, which includes additional terms of this engagement. Together, this letter and the Appendix constitutes the agreement between you and us regarding our professional services. If the terms of our representation as described above and in the Appendix are acceptable, please date and sign this letter where indicated below and return it to me via mail, facsimile or electronic mail. This agreement will take effect on the date of your signature or when we first perform services, whichever is earlier.

Sincerely,

SUMMIT LAW GROUP PLLC

A handwritten signature in black ink, appearing to read 'SE Phillips', written over the printed name.

Shannon E. Phillips

Dave Gray
May 25, 2017
Page 3

AGREED AND ACCEPTED:

City of Edgewood

By _____
Its _____
Dated _____

APPENDIX TO ENGAGEMENT LETTER OF SUMMIT LAW GROUP, PLLC

The term “you” below refers to the client in this engagement. If the client is an entity, then we have addressed the accompanying engagement letter to the client’s authorized representative, but the term “you” below refers to the entity client.

IDENTITY OF CLIENT.

In representing a client which is an entity, we do not thereby also separately represent affiliates or other constituents of the entity, nor do we separately represent the owners, officers, directors, founders, managers, members, partners, fiduciaries, or employees of the entity in their individual capacities or with respect to their individual affairs. We will rely upon you to inform them of this fact where appropriate. Unless we agree otherwise in writing, we do not by virtue of our representation of you also represent any entity that controls you, is controlled by you or is under common control with you. We will look to the addressee of the engagement letter for our instructions on behalf of the entity, unless you inform us otherwise in writing.

SCOPE OF ENGAGEMENT.

The scope of this engagement is described in the accompanying engagement letter. The scope of our engagement may change if you ask us to provide different or additional services and we agree in writing to provide them or we actually proceed to provide them and bill you for them. If our engagement changes, the terms set out in the accompanying engagement letter and this Appendix will apply to the changed engagement, unless we enter into a further agreement modifying this one. Our engagement may be terminated by either one of us upon written notice to the other.

SUMMIT TEAM ASSIGNED TO THIS ENGAGEMENT.

At Summit Law Group, we assign a team to your engagement. Your team includes the individuals listed below.

Attorney	Direct Dial	Email	Hourly Rate
Shannon E. Phillips	(206) 676-7092	<i>shannonp@summitlaw.com</i>	\$295
Peter Altman	(206) 676-7048	<i>petera@summitlaw.com</i>	\$255
Kristin D. Anger	(206) 676-7012	<i>kristina@summitlaw.com</i>	\$295
Michael C. Bolasina	(206) 676-7006	<i>mikeb@summitlaw.com</i>	\$295
Sarah Hale	(206) 676-7022	<i>sarahh@summitlaw.com</i>	\$255
Beth Kennar	(206) 676-7068	<i>bethk@summitlaw.com</i>	\$295

Attorney	Direct Dial	Email	Hourly Rate
Otto Klein	(206) 676-7034	<i>ottok@summitlaw.com</i>	\$320
Sofia D. Mabee	(206) 676-7112	<i>sofiam@summitlaw.com</i>	\$295
M. Quinn Oppenheim	(206) 676-7106	<i>quinno@summitlaw.com</i>	\$275
Bruce L. Schroeder	(206) 676-7052	<i>bruces@summitlaw.com</i>	\$320
Dan Swedlow	(206) 676-7024	<i>dans@summitlaw.com</i>	\$290
Rodney B. Younker	(206) 676-7080	<i>rody@summitlaw.com</i>	\$315
Donna Murbach	(206) 676-7020	<i>donnam@summitlaw.com</i>	\$150
Linda Swanson		<i>lindas@summitlaw.com</i>	\$150

BILLING AND PAYMENT.

We review and make changes to our hourly rates from time to time, usually on an annual basis. Changes may or may not apply across the board to all timekeepers.

Timely payment in full is a condition to our continuing provision of services. You agree that we may suspend or terminate our services and may withdraw from this engagement in the event our fees and other charges are not timely paid, subject to applicable rules governing attorney withdrawal. In extreme cases, we may pursue recovery of unpaid fees through collection actions or litigation. If our engagement is terminated by either you or us for any reason, you will remain obligated to pay us all fees and other charges properly incurred up to the termination date.

Although on occasion we will in good faith attempt to estimate in advance the fees and costs of an engagement, we are not bound by any such estimate unless agreed in writing. Also, we are not obligated to revise, amend or correct any such estimate if subsequent developments make it inaccurate.

If we have more than one client in this engagement, then each is jointly and severally obligated to pay us unless we agree otherwise in writing. Any outside arrangements you may have for allocation, reimbursement, insurance, indemnification or the like will not relieve you of your obligation to pay amounts due.

CONFLICT CHECK.

At the beginning of each engagement we conduct a review of potential conflicts of interest to ensure compliance with the Rules of Professional Conduct, using names that you have provided. As we move forward, please be sure to immediately provide us with any new or different names of adverse or interested parties so that we may update our conflict check.

OWNERSHIP AND RETURN OF FILES.

By executing our engagement letter, you agree that the files generated or accumulated as a result of our representation belong to Summit Law Group. If you desire a copy of the files at the conclusion of our representation, you will be responsible for costs associated with file duplication and mailing, based on the hourly rate of our administrative staff. Under our document retention policy, we normally destroy client records seven years after the conclusion of a matter unless other arrangements are made. Prior to destruction, we will attempt to contact you at your last known address on record with Summit Law Group. It is your responsibility to notify Summit Law Group of any change of mailing address after the termination of an engagement. E-mails that are duplicative, routine or otherwise not part of the client file may be destroyed before the end of the seven-year period, without prior notice to you. If your engagement will involve significant long-term storage costs, then we may charge you for our actual costs of such storage.

DISPUTE RESOLUTION AND ARBITRATION.

If you become dissatisfied with any aspect of our relationship, including the quality or adequacy of our representation, you agree to bring that to our attention, and we each agree to negotiate in good faith to resolve the matter. If we cannot reach agreement, we each agree to comply with any mandatory dispute resolution procedures that apply to any such dispute. If such applicable mandatory dispute resolution procedures have been completed or waived, and a dispute still exists between us, we each agree that the dispute will be submitted for mediation in Seattle, Washington, under the rules of JAMS. If such mediation fails, and a dispute still exists between us, we each agree that the dispute will be submitted to binding arbitration in Seattle, Washington, under the rules of JAMS. In arbitration, there is no right to a trial by jury and the arbitrator's legal and factual determinations are generally not subject to appellate review.

By signing the engagement letter to which this is attached, you acknowledge that the agreement to arbitrate results in a waiver of your right to a court or jury trial for any fee dispute or malpractice claim. This also means that you are giving up your right to discovery and appeal. If you later refuse to submit to arbitration after agreeing to do so, you may be ordered to arbitrate pursuant to the provisions of Washington law. You acknowledge that before signing this agreement and agreeing to binding arbitration, you are entitled to, and have been given, a reasonable opportunity to seek the advice of independent counsel.



**CITY OF EDGEWOOD
STAFF REPORT
AGENDA ITEM: 17-027**

Date: June 13, 2017

Title: Re-appointment of Planning Commissioners

Attachments: None

Submitted By: Community Development Director Kevin Stender

Approved For Agenda By: Daryl Eidinger, Mayor

Discussion: Annually, either new appointments or re-appointments to the Planning Commission should be made following EMC Chapter 2.30 and the Council Rules of Procedure.

This year the terms of Planning Commissioner John West (Position No. 1), Planning Commissioner Todd Yost (Position No. 4) and Planning Commissioner Sigmund Brudevold (Position No. 5) are up as of June 30, 2017. These Commissioners all requested re-appointment on or before June 30, 2016. In review of the Commissioners' respective credentials in seeking re-appointment, all three commissioners meet or exceed the criteria outlined within EMC Title 2.30, Planning Commission, to serve as commission members for the City of Edgewood.

In accordance with the Council Rules and Procedures section 17.3, Citizen board, commission, committee, and task force members shall be selected following the procedures outlined within 17.3 (A- H) or by any other lawful process. Accordingly, the Mayor shall appoint or reappoint and the Council shall confirm or deny appointments proposed by the Mayor.

Recommendation: Upon re-appointment by Mayor Daryl Eidinger, confirm the re-appointment of Commissioner John West, Commissioner Todd Yost and Commissioner Michael Stanzel to Position Nos. 1, 4 and 5 of the City of Edgewood Planning Commission with term ending June 30, 2019.

Fiscal Impact: None.



CITY OF EDGEWOOD
AGENDA BILL
AGENDA BILL NO.: 17-0501

Date: June 13, 2017

Title: Building Code Enforcement Code Update

Attachments: Ordinance No. 17-0501

Submitted By: Aaron C. Nix, ACA Municipal Services

Approved For Agenda By: Daryl Eiding, Mayor

Discussion: The City's Building code enforcement provisions defer to the International Building Code provisions that are general 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 version/Ordinance has been included for the Council's re-consideration, of which a public hearing was held by the City Council at their May 23rd regular Council meeting, in which minimal comment was received. An adjustment was made, as requested by Councilmember Lowry, in regard to allowing email correspondence as a method for appealing. Otherwise, the revisions are similar to what the Council has seen from previous versions that they've reviewed.

Recommendation: Move to adopt 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 elements of a notice of violation, describing the procedures for issuance and service of notice 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 enforcement procedures and modifying references in the code 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.

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

Fiscal Impact: N/A

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 no comments on the proposed Ordinance; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meetings on May 1, 2017 and June 6, 2017, 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 19. 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 20. 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 21. 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, email, 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. The hearing shall be open to public observation.

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

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

10. 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.

11. 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.

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

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

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

D. Except with regard to expedited hearings, the Hearing Examiner shall issue written findings of fact and conclusions of law within 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 Two hundred fifty dollars (\$250.00) 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.

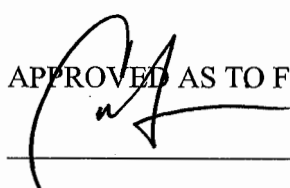
**ADOPTED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, SIGNED
BY THE MAYOR AND ATTESTED BY THE CITY CLERK IN AUTHENTICATION
OF SUCH PASSAGE ON THIS 13TH DAY OF JUNE, 2017.**

Mayor, Daryl Eidinger

ATTEST/AUTHENTICATED:

City Clerk, Rachel Pitzel

APPROVED AS TO FORM:



City Attorney, Carol Morris



**CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
AGENDA BILL NO.: 17-0502**

Date: June 13, 2017

Title: Marijuana Related Uses and Business Code Modifications

Attachments: Ordinance No. 17-0502

Submitted By: Aaron C. Nix, ACA Municipal Services, Acting Public Works Director

Approved For Agenda By: Daryl Eiding, Mayor

Discussion: With subsequent modifications to State law as it pertains to the legalization of both medicinal and recreational marijuana in the State of Washington, the City of Edgewood has been advised by its legal counsel to update components of its previously passed Ordinance No.14-0425, relating to development standards geared towards marijuana related uses. More specifically, definitions related to this subject matter. The Planning Commission held a Public Hearing on this issue, as well as offered a recommendation on these modifications, which is included for the Council's review and consideration.

Recommendation: Move to adopt Ordinance 17-0502, Ordinance amending the City's regulations prohibiting illegal Marijuana-related uses and Marijuana-related businesses, adding definitions, and prohibiting Marijuana collectives, amending section 18.100.120 of the Edgewood Municipal Code, providing for severability and establishing an effective date.

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

Fiscal Impact: N/A

ORDINANCE NO. 17-0502

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

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

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

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

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

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

WHEREAS, the SEPA Responsible Official issued a DNS for this ordinance on May 3, 2017, 2017; and

WHEREAS, the Planning Commission held a public hearing on this ordinance on May 2, 2017; and

WHEREAS, the Planning Commission submitted a formal recommendation of approval to the Council dated May 1, 2017; and

WHEREAS, the City Council considered this ordinance during its regular City Council meeting of June 6, 2017;

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

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

18.100.120 Marijuana-Related Uses—Prohibited.

A. Definitions.

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

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

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

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

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

~~34. “Illegal marijuana uses” means any growing, production, processing, transportation sale and/or delivery of cannabis or marijuana or marijuana products under Chapters 69.51A and 69.50 RCW which is in violation of either state or federal law. Provided, however, that nothing herein shall be construed as criminalizing the growing or manufacture of cannabis by a qualifying patient or designated provider in accordance with RCW 69.51A.040.~~

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

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

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

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

3. All industrial zones, including without limitation I;

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

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

C. Additional Violations.

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

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

3. It is unlawful to lease, rent, or otherwise allow any site, whether located indoors, outdoors, in any building, premises, location or land in the City, for marijuana-related businesses or illegal marijuana uses, regardless of whether such activity has been licensed by the State of Washington.

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

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

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

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

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and this Ordinance shall take effect and be in full force five (5) days after the date of publication.

Presented to Council for its first Reading on April 4, 2017

Presented to Council for its second Reading on June 6, 2017

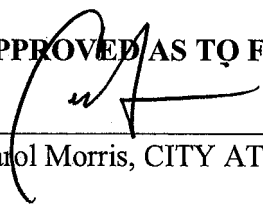
PASSED BY THE CITY COUNCIL ON THE June 13, 2017

Daryl Eiding, Mayor

ATTEST/AUTHENTICATED:

Rachel Pitzel, City Clerk

APPROVED AS TO FORM:



Carol Morris, CITY ATTORNEY

DATE OF PUBLICATION:

EFFECTIVE DATE:



**CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
AGENDA BILL NO. : 17-0374**

Date: June 13, 2017

Title: USDA LID NO. 1 Loan Pay Down

Attachments: Resolution No. 17-0374, USDA LID NO. 1 Loan Repayment Worksheets

Submitted By: Dave Gray, ACA/Finance Director

Approved For Agenda By: Daryl Eiding, Mayor

Discussion : In 2014 the City of Edgewood procured a USDA loan (three bonds issued) to cover the remaining construction costs for the LID No. 1 sewer. The loan rate is 4%. The LID assessment for LID participants' is 4.25%. The additional .25% is to cover the costs of building a reserve fund, a loan covenant of the USDA loan. The City has met the reserve fund loan covenants requirements for the years 2015 and 2016 and year to date 2017. Staff estimates given the current level of assessment payment activity, the City will continue to meet the annual reserve contributions stipulated in the loan covenants through LID assessment collections. Since securing the USDA loan a number of parcels assessed under LID No. 1 have paid the outstanding assessment balance. This has resulted in a growing cash balance in the LID No. 1 fund balance and a reduction in annual interest revenue. As current invested cash returns are less than 4.25% it is incumbent upon the City to reduce the USDA loan balance using LID No.1 fund balance cash, thus reducing the associated USDA loan interest expense for those parcels no longer being assessed interest. Staff suggests utilizing a portion of the fund balance to accelerate the USDA LID No. 1 loan reserve account balance to offset the reduced future principal and interest payment receipts not expected in future years due to the early assessment payoffs. A worksheet (attached) details the suggested actions for the USDA loan pay down and the accelerated accumulation into the reserve fund.

Action Requested: Authorize the Mayor to cause the USDA LID NO.1 loan to be paid down in 2017 by an amount not to exceed \$3,806,991.00.

Fiscal Impact: The fiscal impact to the City would only occur should the LID No. 1 fail to meet its obligations under the covenants of the USDA loan. The pay down will reduce overall USDA loan interest expense at 4% per annum.

RESOLUTION NO. 17-0374

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, PIERCE COUNTY, WASHINGTON AUTHORIZING THE MAYOR TO CAUSE THE EDGEWOOD SEWER LID NO. 1 LOAN WITH USDA TO BE PAID DOWN USING EARLY ASSESSMENT PAYMENT REVENUE

WHEREAS, in 2014 the Edgewood Sewer LID No.1 secured a USDA Rural improvement loan to cover the outstanding BAN loan with US Bank, and;

WHEREAS, the loan has no prepayment penalty and is designed for annual payments including interest at 4%, and;

WHEREAS, the LID NO. 1 parcel assessments collect interest on the outstanding balances at 4.25%, of which .25% goes toward building a reserve fund balance as part of the USDA loan covenants, and;

WHEREAS, when assessments are paid in full, the collected revenue receives a lower interest income than the 4% USDA loan, and therefore, paying down the USDA loan, saving the 4% rate on the paid in full balance will lower the total interest cost to the LID NO.1, and;

WHEREAS, the LID NO. 1 Fund Balance has accumulated approximately \$3,806,991 as of March 31, 2017, a large portion of which has come from assessment payments in full since the USDA loan funding, and the LID NO.1 reserve fund is currently funded pursuant to the USDA loan covenants, and;

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

Section 1. The Mayor is hereby authorized to cause the Sewer LID NO.1 USDA loan to be paid down in an amount not to exceed the current fund balance as of March 31, 2017 of approximately \$3,806,991.00, ensuring in doing so the LID NO. 1 annual principal and interest payment schedule and reserve fund balance requirements be met from said fund balance together with assessment collections of 2017. The intent of the Council is to be conservative (assume no penalty revenue for 2017) in the pay down.

PASSED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 13TH DAY OF JUNE, 2017.

Daryl Eiding, Mayor

ATTEST:

Rachel Pitzel, City Clerk

CITY OF EDGEWOOD

Sewer Local Improvement District No. 1

Balance as of December 31, 2016

Beginning Balance	14,030,291.25	Deferred Principal	12,319,279.62
- Adjustments	0.00	+ Delinquent Principal	358,085.54
- Principal Collected	1,352,926.09		
Principal Balance	\$12,677,365.16	Principal Receivable	\$12,677,365.16
		Variance	0.00

Interest and Accrued Penalties

Beginning Interest Due	865,219.88	Beginning Penalties	30,295.07
+ Next Interest Billing	540,266.93	+ Penalties Applied	44,178.43
- Interest Collected	602,305.37	- Penalties Collected	47,469.41
- Adjustments	0.00	- Adjustments	0.00
Interest Receivable	\$803,181.44	Accrued Penalties	\$27,004.09

Billing / Collection Comparison

Principal Billed	870,441.27	Principal Collected	1,352,926.09
Interest Billed	622,205.33	Interest Collected	602,305.37
Penalties Applied	46,601.21	Penalties Collected	47,469.41
Total Billed	\$1,539,247.81	Total Collected	\$2,002,700.87

Delinquency Summary

Delinquent Principal	358,085.54
Delinquent Interest	263,509.92
Accrued Penalties	27,004.09
Total Past Due	\$648,599.55

Current Receivables

Principal Balance	12,677,365.16
Current Interest Due	539,671.52
Delinquent Interest	263,509.92
Accrued Penalties	27,004.09
Total Receivable	\$13,507,550.69

CITY OF EDGEWOOD

Paid-in-Full LID Accounts -- Cumulative

<i>Account</i>	<i>Tax Parcel No.</i>	<i>Property Owner</i>	<i>Original Assessment</i>	<i>Date Paid</i>
150	042009-4148	Wendel Kuecker & Douglas Clerget	\$42,745.00	Aug 16, 2011
146	042009-4147	Wendel & Patricia Kuecker	\$16,214.00	Aug 16, 2011
111	042009-4144	Timberland Savings Bank	\$181,297.00	Aug 17, 2011
112	042009-4143	Timberland Savings Bank	\$156,240.00	Aug 17, 2011
113	042009-4142	Timberland Savings Bank	\$170,979.00	Aug 17, 2011
122	042009-4150	D & Daughters Development LLC	\$108,336.00	Aug 17, 2011
149	042009-4035	Michael & Kathryn Cook	\$15,477.00	Aug 22, 2011
038	042003-7060	Les Schwab Tire Center	\$214,600.00	Aug 24, 2011
077	042009-1010	Duane & Ellen Schmitz	\$132,656.00	Aug 24, 2011
043	042003-3007	Jones Company	\$645,328.63	Aug 25, 2011
094	042009-1052	East Pierce Fire and Rescue	\$52,326.00	Aug 26, 2011
095	042009-1028	East Pierce Fire and Rescue	\$11,792.00	Aug 26, 2011
093	042009-1025	East Pierce Fire and Rescue	\$58,221.00	Aug 26, 2011
160	042010-3132	Puyallup School District #3	\$41,271.00	Aug 30, 2011
083	042009-1014	Puyallup School District #3	\$14,740.00	Aug 30, 2011
078	042009-1011	Puyallup School District #3	\$109,810.00	Aug 30, 2011
020	042003-2115	C A H Investments Inc.	\$79,594.00	Aug 30, 2011
159	042010-2018	Puyallup School District #3	\$75,909.00	Aug 30, 2011
158	042010-2037	Puyallup School District #3	\$75,172.00	Aug 30, 2011
121	042009-4034	D & Daughters Development LLC	\$20,635.00	Aug 30, 2011
117	042009-3031	Keavin McIntosh & North Hill Dental LLC	\$94,333.00	Aug 31, 2011
064	042009-1004	Edgewood Grange 266	\$24,320.00	Aug 31, 2011
107	042009-4049	Mark Twain Enterprises LLC	\$44,219.00	Aug 31, 2011
105	042009-4139	Mark Twain Enterprises LLC	\$14,740.00	Aug 31, 2011
106	042009-4141	Mark Twain Enterprises LLC	\$14,740.00	Aug 31, 2011
104	042009-4138	Mark Twain Enterprises LLC	\$14,740.00	Aug 31, 2011
080	042009-1029	Michaux Family Trust	\$43,482.00	Sep 1, 2011
<i>Total 2011</i>			<i>\$2,473,916.63</i>	
.....				
087	042010-6029	Herbert & Dollie Elving	\$75,909.00	Jul 10, 2012
075	042010-2087	Makena Kai LLC	\$7,370.00	Aug 9, 2012
156	042015-2138	Jeremy & Emily Martinson	\$10,318.00	Aug 17, 2012
126	042009-4015	Northwest Bus Sales Inc.	\$203,406.00	Aug 23, 2012
125	362500-0374	Edgewood Investors LLC	\$381,755.00	Aug 23, 2012

<i>Account</i>	<i>Tax Parcel No.</i>	<i>Property Owner</i>	<i>Original Assessment</i>	<i>Date Paid</i>
123	362500-0375	Edgewood Investors LLC	\$346,445.00	Aug 23, 2012
101	042010-2039	Richard & Mary Bjerk	\$18,424.00	Aug 28, 2012
050	042010-6021	Roger & Pamela Shannon	\$14,740.00	Aug 28, 2012
004	042003-2057	Red Sentinel LP	\$18,424.00	Aug 30, 2012
147	042009-4041	Kevin & Victoria Yanasak	\$27,268.00	Aug 30, 2012
085	042009-5025	Edgewood NW LLC	\$84,016.00	Aug 30, 2012
060	042010-2025	Russell & Dorothy Hanson	\$36,849.00	Aug 31, 2012
009	042003-2013	AZ @ Edgewood LLC	\$61,641.69	Sep 4, 2012
110	042009-4115	Norman A Massie	\$452,505.00	Sep 7, 2012
080	042009-1029	Michaux Family Trust	\$43,482.00	Sep 17, 2012
120	042010-7031	2506 103rd Street East LLC	\$374,385.00	Nov 1, 2012
119	042010-7030	2506 103rd Street East LLC	\$183,508.00	Nov 1, 2012
137	042010-3045	RJ Ventures LLC	\$19,898.00	Dec 5, 2012

Total 2012 *\$2,360,343.69*

080	042009-1029	Michaux Family Trust	\$43,482.00	Jun 27, 2013
075	042010-2087	Makena Kai LLC	\$7,370.00	Jul 9, 2013
120	042010-7031	2506 103rd Street East LLC	\$374,385.00	Aug 14, 2013
119	042010-7030	2506 103rd Street East LLC	\$183,508.00	Aug 14, 2013
147	042009-4041	Kevin & Victoria Yanasak	\$27,268.00	Aug 15, 2013
126	042009-4015	Northwest Bus Sales Inc.	\$203,406.00	Aug 20, 2013
110	042009-4115	Norman A Massie	\$452,505.00	Aug 26, 2013
050	042010-6021	Roger & Pamela Shannon	\$14,740.00	Aug 26, 2013
156	042015-2138	Jeremy & Emily Martinson	\$10,318.00	Aug 28, 2013
125	362500-0374	Edgewood Investors LLC	\$381,755.00	Aug 30, 2013
123	362500-0375	Edgewood Investors LLC	\$346,445.00	Aug 30, 2013
060	042010-2025	Russell & Dorothy Hanson	\$36,849.00	Dec 30, 2013

Total 2013 *\$2,082,031.00*

080	042009-1029	Michaux Family Trust	\$43,482.00	Jul 7, 2014
126	042009-4015	Northwest Bus Sales Inc.	\$203,406.00	Jul 23, 2014
147	042009-4041	Kevin & Victoria Yanasak	\$27,268.00	Aug 6, 2014
110	042009-4115	Norman A Massie	\$452,505.00	Aug 25, 2014
119	042010-7030	2506 103rd Street East LLC	\$183,508.00	Aug 28, 2014
156	042015-2138	Jeremy & Emily Martinson	\$10,318.00	Aug 28, 2014
120	042010-7031	2506 103rd Street East LLC	\$374,385.00	Aug 28, 2014
125	362500-0374	Edgewood Investors LLC	\$381,755.00	Sep 16, 2014
123	362500-0375	Edgewood Investors LLC	\$346,445.00	Sep 16, 2014
115R	042010-3139	George & Arlyn Skarich	\$28,360.00	Oct 21, 2014

Account	Tax Parcel No.	Property Owner	Original Assessment	Date Paid
050	042010-6021	Roger & Pamela Shannon	\$14,740.00	Oct 22, 2014
075	042010-2087	Makena Kai LLC	\$7,370.00	Nov 24, 2014

Total 2014 \$2,073,542.00

126	042009-4015	Northwest Bus Sales Inc.	\$203,406.00	Jul 10, 2015
110	042009-4115	Norman A Massie	\$452,505.00	Aug 28, 2015
120	042010-7031	2506 103rd Street East LLC	\$374,385.00	Sep 8, 2015
119	042010-7030	2506 103rd Street East LLC	\$183,508.00	Sep 8, 2015
050	042010-6021	Roger & Pamela Shannon	\$14,740.00	Sep 24, 2015
140R	042009-4079	Docken Properties LP	\$31,905.00	Nov 6, 2015
125	362500-0374	Edgewood Investors LLC	\$381,755.00	Dec 22, 2015
123	362500-0375	Edgewood Investors LLC	\$346,445.00	Dec 22, 2015

Total 2015 \$1,988,649.00 (1)

110	042009-4115	Norman A Massie	\$452,505.00	Mar 21, 2016
126	042009-4015	Northwest Bus Sales Inc.	\$203,406.00	Aug 10, 2016
120	042010-7031	2506 103rd Street East LLC	\$374,385.00	Aug 29, 2016
119	042010-7030	2506 103rd Street East LLC	\$183,508.00	Aug 29, 2016
050	042010-6021	Roger & Pamela Shannon	\$14,740.00	Sep 21, 2016
140R	042009-4079	Docken Properties LP	\$31,905.00	Oct 24, 2016

Total 2016 \$1,260,449.00 (2)

119	042010-7030	2506 103rd Street East LLC	\$183,508.00	Jan 10, 2017
120	042010-7031	2506 103rd Street East LLC	\$374,385.00	Jan 10, 2017

Total 2017 \$557,893.00 (3)

85 PAID-IN-FULL ASSESSMENTS

\$12,796,824.32

SINCE USDA LOAN

\$ 3,806,991.00

Sewer Local Improvement District No. 1

Assessment Summary -- December 31, 2016

ACCOUNT NUMBER	TAX PARCEL NUMBER	PROPERTY OWNER	ASSESSMENT AMOUNT	PRINCIPAL BALANCE	CURRENT INTEREST	DELINQUENT INTEREST	ACCRUED PENALTIES	PAYMENT IN FULL	TOTAL OVERDUE
001	042003-2111	Eugene & Young Choy, Daniel Kellogg	178,701.94	133,979.81	5,694.14	0.00	0.00	139,673.95	0.00
002R	042003-2021	Edward & Enid Duncan	212,700.00	183,825.44	7,812.58	0.00	0.00	191,638.02	0.00
003	042003-2083	Edgewood Property Development LLC	221,768.73	166,326.53	7,068.88	0.00	0.00	173,395.41	0.00
005	042003-2081	Edgewood Property Development LLC	104,910.51	78,682.86	3,344.02	0.00	0.00	82,026.88	0.00
006	042003-2080	Edgewood Property Development LLC	92,993.95	69,745.45	2,964.18	0.00	0.00	72,709.63	0.00
007	042003-2056	Edgewood Property Development LLC	274,627.93	205,970.93	8,753.76	0.00	0.00	214,724.69	0.00
008	042003-2004	Edgewood Property Development LLC	274,768.46	205,959.76	8,753.29	0.00	0.00	214,713.05	0.00
010	042003-6056	Hasit LLC	45,693.00	34,269.75	1,456.46	0.00	0.00	35,726.21	0.00
012	042003-2160	Frisco Properties LLC	18,424.00	13,813.00	587.05	0.00	0.00	14,400.05	0.00
013	042003-2118	Harry L McDowell	14,740.00	11,055.00	469.84	0.00	0.00	11,524.84	0.00
014	042003-2029	Jeffrey & Beverly Ward	14,532.40	10,899.30	463.22	0.00	0.00	11,362.52	0.00
015	042003-2159	HTK Management LLC	83,524.80	62,590.99	2,769.31	0.00	0.00	65,360.30	0.00
016	042003-6066	Hasit LLC	56,747.00	42,560.25	1,808.81	0.00	0.00	44,369.06	0.00
017	042003-2164	Frisco Properties LLC	41,855.51	31,391.61	1,334.14	0.00	0.00	32,725.75	0.00
018	042003-6058	Hasit LLC	152,779.70	114,584.80	4,869.85	0.00	0.00	119,454.65	0.00
019	042003-2158	Accord Inc.	163,531.00	122,648.25	5,212.55	0.00	0.00	127,860.80	0.00
022	657500-0010	O D S Investments LLC	50,852.00	38,139.00	1,620.91	0.00	0.00	39,759.91	0.00
023	657500-0022	Edgewood Center LLC	69,276.00	51,957.00	2,208.17	0.00	0.00	54,165.17	0.00
024	657500-0030	Edgewood Center LLC	68,539.00	51,404.25	2,184.68	0.00	0.00	53,588.93	0.00
025	657500-0040	Kenneth B Foster	56,010.00	47,608.50	2,023.36	4,046.72	967.41	54,645.99	10,615.13
026	657500-0021	ADF I LLC	77,383.00	58,037.25	2,466.58	0.00	0.00	60,503.83	0.00
027R	042003-3077	1999 Stokes Family LLC	379,315.00	336,231.16	14,289.82	0.00	0.00	350,520.98	0.00
028	042003-3040	Jeanette Wheeler	14,740.00	11,054.72	469.83	0.00	0.00	11,524.55	0.00
029	042003-3026	Jeanette Wheeler	17,688.00	13,265.66	563.79	0.00	0.00	13,829.45	0.00
030	042003-3029	David Zahradnik & Crystal McDowell	29,479.00	25,057.15	1,064.93	2,132.96	509.66	28,764.70	5,590.52
031R	042003-3140	Suelo Marina LLC	322,595.00	322,595.00	13,710.29	27,420.58	4,669.76	368,395.63	64,349.84
032	042003-7049	Mykola Polishchuk	11,055.00	6,849.21	291.09	0.00	0.00	7,140.30	0.00
033	042003-7050	John & Linda Pettit	61,906.00	46,429.50	1,973.25	0.00	0.00	48,402.75	0.00

ACCOUNT NUMBER	TAX PARCEL NUMBER	PROPERTY OWNER	ASSESSMENT AMOUNT	PRINCIPAL BALANCE	CURRENT INTEREST	DELINQUENT INTEREST	ACCRUED PENALTIES	PAYMENT IN FULL	TOTAL OVERDUE
034	042003-3084	Daniel & Linda Grossruck	257,206.00	192,904.50	8,198.44	0.00	0.00	201,102.94	0.00
035	042003-7058	Plemmons Hutchens LLC	126,540.00	94,905.00	4,033.46	0.00	0.00	98,938.46	0.00
036	042003-7059	Plemmons Hutchens LLC	671,635.89	503,726.94	21,408.39	0.00	0.00	525,135.33	0.00
037	042003-7061	Lennar Northwest Inc.	663,780.00	497,835.00	21,157.99	0.00	0.00	518,992.99	0.00
039	042003-3142	Edgewood Veterinary Clinic Inc.	25,057.00	18,792.75	798.69	0.00	0.00	19,591.44	0.00
040	742000-0013	Alan W Jones Family Trust	17,688.00	13,266.00	563.81	0.00	0.00	13,829.81	0.00
042	742000-0020	Alan W Jones Family Trust	22,109.00	16,581.75	704.72	0.00	0.00	17,286.47	0.00
046	042010-2024	Baker-Edgewood LLC	27,268.00	20,451.00	869.17	0.00	0.00	21,320.17	0.00
047	042010-2099	Baker-Edgewood LLC	24,320.00	18,240.00	775.20	0.00	0.00	19,015.20	0.00
048	042010-2007	Edgewood Commercial LLC	427,616.38	342,093.10	14,538.96	15,275.99	1,470.29	373,378.34	38,127.10
049	042010-6020	Nybo Investments II LLC	32,427.00	24,320.25	1,033.61	0.00	0.00	25,353.86	0.00
051	042010-2105	Red Carpet Flooring Inc.	131,573.96	98,671.89	4,193.56	0.00	0.00	102,865.45	0.00
052	042009-5009	Edgewood Bible Church	61,169.00	45,876.75	1,949.76	0.00	0.00	47,826.51	0.00
053	042009-5011	Sandra Rosenberg	40,534.00	34,453.90	1,464.29	3,273.12	716.71	39,908.02	8,043.23
054	042010-2060	Baker-Edgewood LLC	41,271.00	30,953.25	1,315.51	0.00	0.00	32,268.76	0.00
055	042010-2059	Jon Rogers & Ronda Buchanan	22,109.00	17,687.20	751.71	834.95	77.83	19,351.69	2,018.23
056	042010-2098	Rogers Buchanan Revocable Living Trust	9,581.00	8,143.85	346.11	773.66	172.51	9,436.13	1,904.27
057	042009-5010	Edgewood Bible Church	39,797.00	29,847.75	1,268.53	0.00	0.00	31,116.28	0.00
058	042010-2021	Jeffrey S Bradshaw	36,112.00	28,889.60	1,227.81	1,268.77	123.31	31,509.49	3,197.68
059	042009-1030	Edgewood Bible Church	25,794.00	19,345.50	822.18	0.00	0.00	20,167.68	0.00
061	042009-1024	Edgewood Bible Church	46,430.00	34,822.50	1,479.96	0.00	0.00	36,302.46	0.00
062	042010-2019	John Ulrich	36,849.00	27,636.75	1,245.75	0.00	0.00	28,882.50	0.00
063	042009-1020	Edgewood Bible Church	33,901.00	25,425.75	1,080.59	0.00	0.00	26,506.34	0.00
065	042010-2008	Edgewood Heights LLC	1,505,793.68	1,204,634.96	51,196.99	53,792.38	5,177.43	1,314,801.76	134,259.49
067	363000-0090	Jeffery & Karen Twyford	36,112.00	28,830.59	1,225.30	1,225.30	121.57	31,402.76	3,152.47
068R	042009-1134	Ray & Eldean Rempel & Tina Rempel	790,535.00	751,008.25	31,917.85	31,917.85	1,291.88	816,135.83	72,736.48
069	042010-2102	Edgewood Heights LLC	1,453,164.50	1,162,531.58	49,407.59	51,912.27	4,996.47	1,268,847.91	129,566.97
070	042009-1032	Carol A Davis	89,911.00	67,433.25	2,865.91	0.00	0.00	70,299.16	0.00
071R	042009-1012	Darlene Masters & Patricia Schmidt	328,267.00	295,440.30	12,556.21	0.00	0.00	307,996.51	0.00
072	042010-2108	Carrera Holdings LLC	22,109.00	17,687.20	751.71	818.21	77.16	19,334.28	2,000.82
073	042010-2104	Carrera Holdings LLC	870,612.61	696,490.09	29,600.83	30,521.12	2,970.19	759,582.23	77,021.94
074	042010-2033	Carrera Holdings LLC	600,581.62	480,465.30	20,419.78	21,060.46	2,049.18	523,994.72	53,138.72
076	042009-1111	Northwood Estate LLC	110,547.00	88,437.60	3,758.60	3,966.47	380.79	96,543.46	9,874.61

ACCOUNT NUMBER	TAX PARCEL NUMBER	PROPERTY OWNER	ASSESSMENT AMOUNT	PRINCIPAL BALANCE	CURRENT INTEREST	DELINQUENT INTEREST	ACCRUED PENALTIES	PAYMENT IN FULL	TOTAL OVERDUE
079R	042009-1051	Darlene Masters & Patricia Schmidt	100,678.00	90,610.20	3,850.93	0.00	0.00	94,461.13	0.00
081	042009-1084	Sripriya Ramshanker & Anand Sundaram	227,727.00	182,181.60	8,226.64	8,226.64	786.66	199,421.54	20,399.65
082	042009-1083	Sripriya Ramshanker & Anand Sundaram	32,427.00	25,941.60	1,171.43	1,171.43	112.02	28,396.48	2,904.80
084A	042009-5031	Cobalt Storage Edgewood LLC	196,260.33	147,195.23	6,255.80	0.00	0.00	153,451.03	0.00
086A	042009-1148	Michael & Elizabeth Hardin	197,287.04	147,965.29	6,288.52	0.00	0.00	154,253.81	0.00
088	042010-6030	Randy Libri & Tina Wendling	15,477.00	11,607.75	493.33	0.00	0.00	12,101.08	0.00
089	042010-6031	City of Edgewood	16,951.00	12,713.25	540.31	0.00	0.00	13,253.56	0.00
090	042010-2012	City of Edgewood	824,680.00	618,510.00	26,286.68	0.00	0.00	644,796.68	0.00
091	042009-1019	Roesch 24th Street LLC	33,164.00	24,873.00	1,057.10	0.00	0.00	25,930.10	0.00
092	042009-1022	Roesch 24th Street LLC	53,799.00	40,349.25	1,714.84	0.00	0.00	42,064.09	0.00
096	042009-1027	Myoung Kun & Jong Ok Yun	18,424.00	13,818.00	587.26	0.00	0.00	14,405.26	0.00
097	042009-1146	Myoung Kun & Jong Ok Yun	23,583.00	17,687.25	751.71	0.00	0.00	18,438.96	0.00
098	042010-2013	Pacwest Energy LLC	39,797.00	29,847.75	1,268.53	0.00	0.00	31,116.28	0.00
099	042010-2031	Steve & Christine Cope	22,109.00	16,581.75	704.72	0.00	0.00	17,286.47	0.00
100	042010-2040	Gordon Clausnitzer	38,323.00	28,742.25	1,221.55	0.00	0.00	29,963.80	0.00
102	042010-2041	City of Edgewood	64,854.00	48,640.50	2,067.22	0.00	0.00	50,707.72	0.00
103	042009-4070	Jimmy & Karla Hillberg	40,534.00	30,388.95	1,291.53	0.00	0.00	31,680.48	0.00
108	042009-4018	Helen Neave & Patricia Bymers	58,958.00	39,170.97	1,664.77	0.00	0.00	40,835.74	0.00
109	042009-4125	Gary Finlayson & D Ellsworth	215,935.00	87,866.08	3,734.31	0.00	0.00	91,600.39	0.00
114	042010-3086	Holgate Properties LLC	88,596.00	70,876.80	3,012.26	3,012.26	298.50	77,199.82	7,740.56
116	042010-3145	Karen S Gearhart	134,867.00	101,150.25	4,298.89	0.00	0.00	105,449.14	0.00
118	042010-3027	Mitchell & Ann Maughan	125,286.00	93,964.50	3,993.49	0.00	0.00	97,957.99	0.00
119	042010-7030	2506 103rd Street East LLC	183,508.00	137,043.92	5,824.37	0.00	0.00	142,868.29	0.00
120	042010-7031	2506 103rd Street East LLC	374,385.00	279,591.03	11,882.62	0.00	0.00	291,473.65	0.00
127	042009-8022	Virginia M Brown	67,802.00	50,851.50	2,161.19	0.00	0.00	53,012.69	0.00
128R	362500-0373	AKA The Brickhouse LLC	21,270.00	20,206.50	858.78	858.78	34.76	21,958.82	1,957.04
129	042009-8023	James & Corinne Le Ford	67,065.00	50,298.75	2,137.70	0.00	0.00	52,436.45	0.00
130	362500-0372	North Meridian Associates et al	129,708.00	97,281.00	4,134.44	0.00	0.00	101,415.44	0.00
131R	042009-4080	Docken Properties LP	106,350.00	95,156.85	4,044.17	0.00	0.00	99,201.02	0.00
132	042010-3106	Chong Nam & Young Suk Yi	50,115.00	37,586.25	1,597.42	0.00	0.00	39,183.67	0.00
133R	042009-4023	Docken Properties LP	63,810.00	57,094.10	2,426.50	0.00	0.00	59,520.60	0.00
134	042010-3074	Dorothy Bartelson	14,003.00	10,502.25	446.35	0.00	0.00	10,948.60	0.00
135	042010-3013	Dorothy Bartelson	16,951.00	12,713.25	540.31	0.00	0.00	13,253.56	0.00

ACCOUNT NUMBER	TAX PARCEL NUMBER	PROPERTY OWNER	ASSESSMENT AMOUNT	PRINCIPAL BALANCE	CURRENT INTEREST	DELINQUENT INTEREST	ACCRUED PENALTIES	PAYMENT IN FULL	TOTAL OVERDUE
136	042010-3078	Scott Bartelson	14,740.00	11,055.00	469.84	0.00	0.00	11,524.84	0.00
138	042010-3065	Dorothy Bartelson	13,266.00	9,949.50	422.85	0.00	0.00	10,372.35	0.00
139	042009-8026	Roesch 24th Street LLC	87,701.00	65,775.75	2,795.47	0.00	0.00	68,571.22	0.00
141	042010-3097	L & L Associates I LLC	75,909.00	56,931.75	2,419.60	0.00	0.00	59,351.35	0.00
142	042010-3026	L & L Associates I LLC	91,385.00	68,538.75	2,912.90	0.00	0.00	71,451.65	0.00
143	042009-8013	Roesch 24th Street LLC	70,750.00	53,062.50	2,255.16	0.00	0.00	55,317.66	0.00
144	042010-3023	Jeanette Wheeler	39,797.00	29,846.99	1,268.50	0.00	0.00	31,115.49	0.00
145	042010-3042	Patricia Twiggs & Jerry Moore	29,479.00	22,109.25	939.64	0.00	0.00	23,048.89	0.00
148	042010-3072	Geraldine R Thomas	91,385.00	68,247.46	2,900.52	0.00	0.00	71,147.98	0.00
151	042010-3011	Geraldine R Thomas	49,378.00	36,876.11	1,567.23	0.00	0.00	38,443.34	0.00
152	042016-1022	Reba Golden	16,214.00	12,160.50	578.02	0.00	0.00	12,738.52	0.00
153	042016-1020	Reba Golden	15,477.00	11,607.75	551.83	0.00	0.00	12,159.58	0.00
154	042016-1024	Reba Golden	8,107.00	6,080.25	289.01	0.00	0.00	6,369.26	0.00
155	042015-2137	Jeremy & Emily Martinson	37,586.00	28,189.50	1,198.05	0.00	0.00	29,387.55	0.00
157	042015-2068	Timothy & Denise Haisch	44,219.00	33,164.25	1,409.48	0.00	0.00	34,573.73	0.00
109 ACTIVE ACCOUNTS			16,089,614.94	12,677,365.16	539,671.52	263,509.92	27,004.09	13,507,550.69	648,599.55
20 DELINQUENT ACCOUNTS									

Term (years): 20
 Installment: 6
 Due Date: August 31, 2017
 Interest Rate: 4.250%
 Penalty Rate: 12.00%