EXHIBIT LIST

Exhibit A Records requests stating both Flora Diaz and David Hall have no oath, 2019, 2pgs

Exhibit B: oath required code citations, 2019-current, 2 pgs

Exhibit C Record showing Examiner has no oath, 2019, 1 page

Exhibit D marked-up photo, missing landscape, and EMC citation, 2018-2019, 2 pgs

Exhibit E Rittmann's App19-002 appeal P. 1, evidence it was not sent to Examiner, and her ruling on said email (ie not ruling on Rittmann's App19-002), 2019 , 4 pgs.

Exhibit F A copy of LUPA info spoken before Mayor and Council, Feb 5, 2020, 1 pg

Exhibit G Contract Examiner signed, requiring her to defend the City, 4/10/17, 7 pgs

Exhibit H Flow chart of Hearing Examiner Review, 2018-current, 1 pg

Exhibit I EMC violations and penalties, 2015-2020, 1 pg

Exhibit J Order Granting motion to Dismiss Pursuant to CR 12(b)(6), April 12, 2019, 2 pgs

Exhibit K App18-006 appeal, w/o Exhibits, Oct. 2018, 11 pgs

Exhibit L ex parte emails from and to "Examiner" Rice, Jul. 1, 2019, 1 pg

Exhibit M EMC landscaping code that applied at time of JJ application, 2015, 4 pgs

Exhibit N eTrakit records showing demo done months after plans closed, 2015, 1 pg

Everett WA Public Records Center <[illegible]>
To: [illegible]

(April 1, 2019)

—Please respond above this line—

Everett WA

RE: PUBLIC RECORDS REQUEST of March 25, 2019, Reference # [illegible]

Dear Jean,

The City of Everett received a public records request from you on March 25, 2019 you requested the following:

"Any or administrative request? Pitt request for current oath, bond, license, and evidence of authorization for the following City of Everett officers: Mayor Cassie Franklin, atty David Hall, atty Ella Flores, Director Allen Gillan, Land Use planning Manager Steve Ingalsbe, and assistant planner Grace Pollard:
1. A copy of the "Evidence of Authorization" Citizen Steve Ingalsbe-land use planning manager, Grace Pollard- assistant Planner, and Allen Gillan, Director, required to produced upon request while acting in his official capacity as stated at RCW 46.64.083 (1).
2.a copy of bar cards and bond, and current license of officer David Hall - Atty (WSBA 15289) and Ella Flores No 44527
RCW 35.23.081, RCW 35A.12.080 and RCW 39.27.120 Oaths and bond of officials, requires Oaths and bond of officials.
EMC 2.10.4.080
2. "Corporate officer" means an officer or official of the public corporation, irrespective of designation, but excluding members of the board of directors that do not hold a corporate office.
As Planning Department is under the police department (through not patrol officers) RCW 46.64.083 (1) [illegible] - Any police officer shall on request produce evidence of his or her authorization as such."

The City has provided the following responsive records: (1) the Mayor's Oath of Office; (2) the Mayor's bond; (3) Mr. Gillan's Oath of Office; and (4) evidence of Mr. Hall and Ms. Flores's, which the City interprets to mean their licenses to practice law in Washington State. These are the records responsive to your request. Please note that the Washington State Bar Association has not issued Mr. Hall or Ms. Flores a physical document entitled "license" but maintains a directory of actively licensed attorneys on their website at WSBA.org.

There are no responsive records for the remainder of your request, including your request for "evidence of authorization" for employees Allen Gillan, Steve Ingalsbe, and Grace Pollard. Further, evidence of authorization for these individuals is a request for information that would require the City conduct additional legal research and is outside of the scope of the Public Records Act. It seems that this portion of your request is based on the belief that the planning division is a part of the Everett police department. This is not the case, in fact the planning division is a part of the community planning and economic development department. We hope this clears up any confusion surrounding this issue.

These records have been released to the City of Everett Public Records Center. Click the link below this message to login to the Public Records Center and retrieve the records.

To download your records:

- If you are not logged in, please login
- Navigate to the 'My Request Center'
- Select 'View My Requests'
- Select 'View Files'
- Your records are listed under "Files" in the blue box

This is the City of Everett's last and definite response to your request and your request is now closed. Thank you for your patience in awaiting this information.

Sincerely,

City Clerk's Office

To monitor the progress or update this request please log into the Everett WA Public Records Center.

[illegible]
To: Everett WA Public Records Center

April 22, 2019

I did not receive Attorney David Hall or Flora Diaz's oath of office. That was important. I need their oath of office that was valid as of 2019, starting January as they have been testifying to matters and/or writing conclusions in matters that apply to me.

Exhibit A p. 1/2

← Back Archive Move Delete Spam •••

Everett WA Public Records Center <everettwa@mycusthelp.net>
To: jeanrittmann@frontier.com

Apr 22 at 6:06 PM

--- Please respond above this line ---

EVERETT
WASHINGTON

RE: PUBLIC INFORMATION ACT REQUEST of 3/25/2019, Reference #E000147-032519

Dear Jean,

The City has provided responsive records and does not have records recording an oath of office for David Hall or Flora Diaz.

Sincerely,

City Clerk's Office

To monitor the progress or update this request please log into the Everett WA Public Records Center.

Exhibit A p. 2/2

codepublishing.com/WA/Everett/html/EverettCH/Everett...

Sec. 4.10. Oath of Office.

Every officer, before entering upon the duties of office, shall make and file with the Clerk an oath or affirmation to support the Constitution of the United States and the State of Washington, and to perform faithfully, honestly and impartially, the duties of office.

codepublishing.com/WA/Everett/#!/Everett10/Everett1002.html

Municipal Code

Results [X]

194 hits

1.02.130 Officer—Public officer.

"Officer" and "public officer" means a person holding office under a city, county, or state government or the federal government who performs a public function and in so doing is vested with the exercise of some sovereign power of government and includes all assistants, deputies, clerks and employees of any public officer and all persons lawfully exercising or assuming to exercise any of the powers or functions of a public officer. (Ord. 1145-85 § 14(12), 1985)

codepublishing.com/WA/Everett/#!/Everett02/Everett0210.html

Municipal Code

Results [X]

62 hits

2.10.070 Other appointive officers.

Other appointive officers of the city of Everett shall be as follows:

Accounting manager

Activities coordinator

Administrative [redacted]

Administrative coordinator

Administrative secretary

Administrative services superintendent

Animal control manager

[redacted] (part-time)

[redacted] I

[redacted] II

[redacted] III

Exhibit B p. 1/2

codepublishing.com/WA/Everett/#!/Everett01/Everett0101.html

Municipal Code

1.01.010 Adoption.

Pursuant to the provisions of RCW 35A.21.500 through 35A.21.570, there is adopted the "Everett Municipal Code," as compiled, edited and published by Book Publishing Company, Seattle, Washington. (Ord. 954.75 § 1, 1975)

1.01.020 Title—Citation—Reference.

This code shall be known as the "Everett Municipal Code" and it shall be sufficient to refer to said code as the "Everett Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the Everett Municipal Code. Further reference may be had to the titles, chapters, sections and subsections of the Everett Municipal Code and such references shall apply to that

wsba.org/docs/default-source/licensing/admissions/scoring-and-nap/oath-of-attorney.pdf?sfvrsn=63ab3cf1_58

WASHINGTON STATE BAR ASSOCIATION

INSTRUCTIONS ON HOW TO TAKE THE OATH OF ATTORNEY:

APR 9(f): Oath of Attorney. The Oath of Attorney must be taken before an elected or appointed judge, excluding judges pro tempore, sitting in open court in the state of Washington. In the event a successful applicant is outside the state of Washington and the Washington Supreme Court is satisfied that it is impossible or impractical for the applicant to take the Oath before an elected or appointed judge in this state, the Court may, upon proper application setting forth all the circumstances, designate a person authorized by law to administer Oaths, before whom the applicant may appear and take said Oath.

app.leg.wa.gov/RCW/default.aspx?cite=42.12.010

WASHINGTON STATE LEGISLATURE

RCWs > Title 42 > Chapter 42.12 > Section 42.12.010

Beginning of Chapter << 42.12.010 >> 42.12.020

RCW 42.12.010

Causes of vacancy.

Every elective office shall become vacant on the happening of any of the following events:

(1) The death of the incumbent;

(2) His or her resignation. A vacancy caused by resignation shall be deemed to occur upon the effective date of the resignation;

(3) His or her removal;

(4) Except as provided in RCW * 3.46.067 and 3.50.057, his or her ceasing to be a legally registered voter of the district, county, city, town, or other municipal or quasi municipal corporation from which he or she shall have been elected or appointed, including where applicable the council district, commissioner district, or ward from which he or she shall have been elected or appointed;

(5) His or her conviction of a felony, or of any offense involving a violation of his or her official oath;

(6) His or her refusal or neglect to take his or her oath of office, or to give or renew his or her official bond, or to deposit such oath or bond within the time prescribed by law;

Exhibit B p. 2/2

law.cornell.edu/wex/administrative_law_judge_(alj)

Cornell Law School

Legal Information Institute | LII
OPEN ACCESS TO LAW SINCE 1992

Suppor

ABOUT LII ▸ GET THE LAW ▸ LAWYER DIRECTORY LEGAL ENCYCLOPEDIA ▸ HELP OUT ▸

LII Wex **Administrative Law Judge (ALJ)**

Administrative Law Judge (ALJ)

Definition

An independent hearing examiner who presides at an administrative hearing. An ALJ has the power to administer oaths, receive evidence, take testimony, and make initial findings of fact or law. An ALJ's findings are subject to review and modification by agency heads. Also termed *hearing examiner*; *hearing officer*; and *trial examiner*.

- wex
  - LIFE EVENTS
  - disability law
  - THE LEGAL PROCESS
  - administrative law
  - courts and procedure
  - employment law
  - government

law.cornell.edu/uscode/text/28/453

Cornell Law School

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Suppo

ABOUT LII ▸ GET THE LAW ▸ LAWYER DIRECTORY LEGAL ENCYCLOPEDIA ▸ HELP OUT ▸

28 U.S. Code § 453. Oaths of justices and judges

U.S. Code Notes

prev | next

'Each justice or judge of the United States shall take the following oath or affirmation before performing the duties of his office: "I, ____ ____, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ____ under the Constitution and laws of the United States. So help me God."

Exhibit C pg 1/2

← Back Archive Move Delete Spam •••

— Please respond above this line —

EVERETT
WASHINGTON

RE: PUBLIC INFORMATION ACT REQUEST of 7/31/2019, Reference #E000429-073119

Our previous response remains unchanged. There is no oath of office for Hearing Examiners.

Sincerely,

City Clerk's Office

To monitor the progress or update this request please log into the Everett WA Public Records Center.

Exhibit C p. 2/2

Exhibit A

View of Jimmy Johns from my #B Northeast window

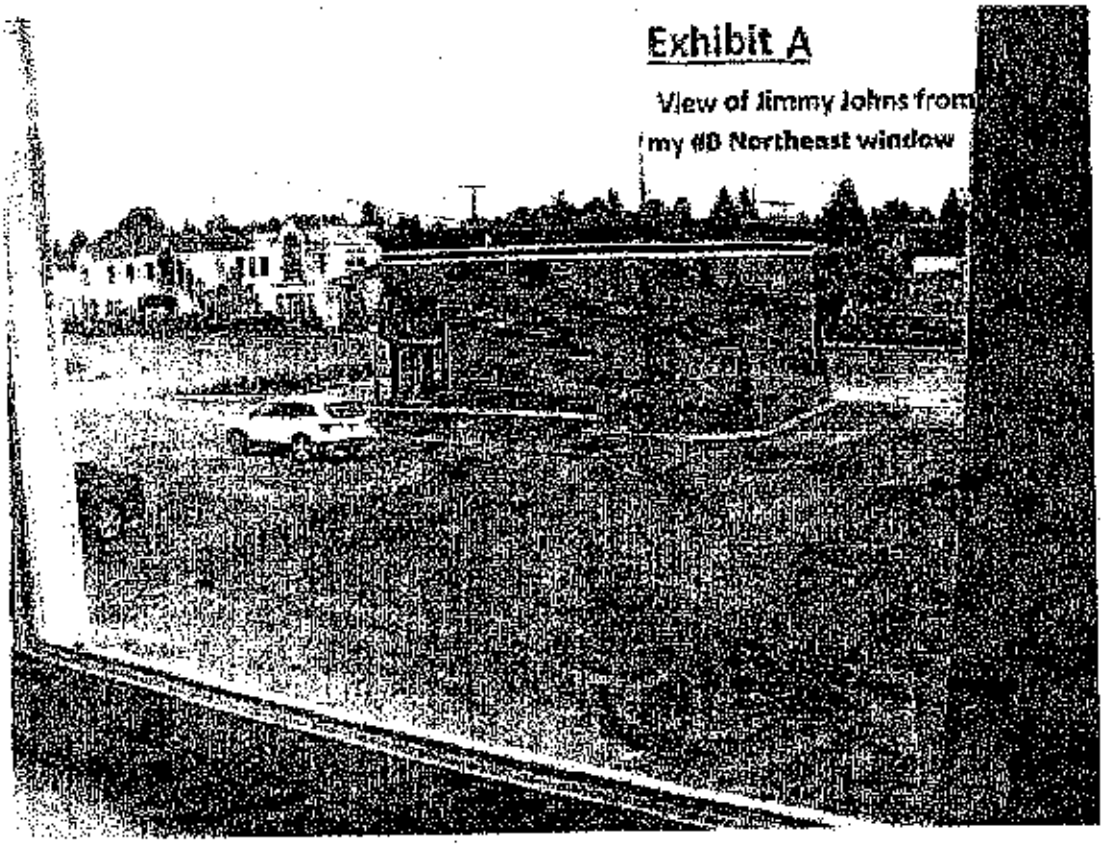
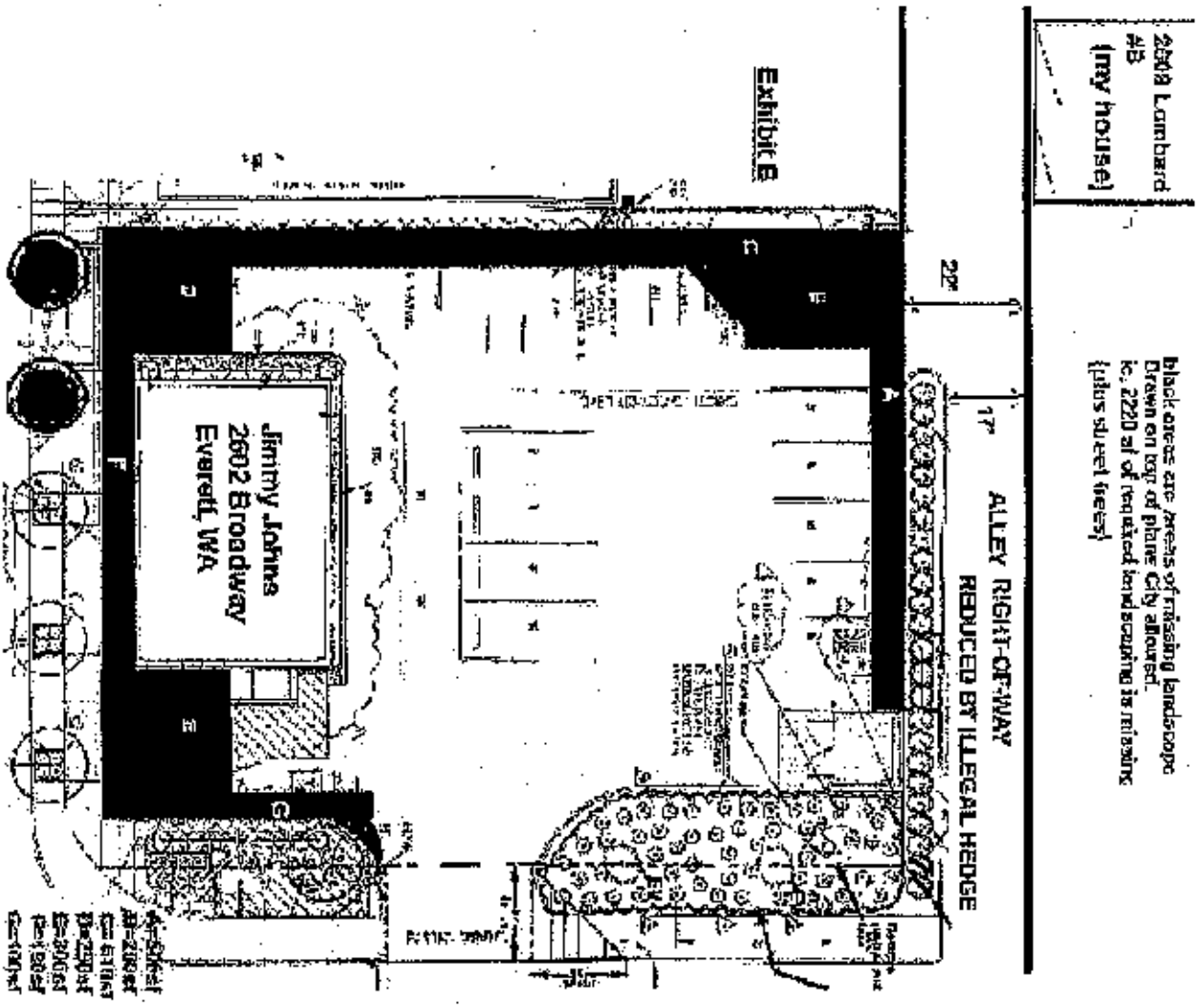


Exhibit A1

View of Jimmy Johns from Rittmann's #B Northeast window



Exhibit D p 1/2



Title 19 ZONING
Chapter 19.35 LANDSCAPING AND SCREENING REQUIREMENTS Help Text Size: -A +A SHARE

7 hits First Hit Prev Hit Next Hit Prev Doc Next Doc Hide

19.35.020 Purpose. SHARE

The purpose of this chapter is to [redacted] between land uses and zones; screen undesirable views which have a blighting effect upon adjoining streets and properties; provide a visual buffer and physical separation between land uses of varying intensities on abutting properties; minimize the impacts of noise, light and glare; temper the extremes of microclimates; provide privacy; reduce dust; reduce the visual monotony of large expanses of paved parking lots; implement the policies of the Everett general plan; reduce storm water runoff and pollution of surface waters, reduce erosion and sedimentation; conserve energy; aid in regulating vehicle circulation; and retain existing natural vegetation and protect and preserve urban wildlife habitat to the extent feasible. (Ord. 1671-89 (part), 1989.)

Exhibit D p. 2/2

EVERETT
WASHINGTON

CITY of EVERETT
PLANNING and COMMUNITY DEVELOPMENT

ADMINISTRATIVE DECISION APPEAL FORM (Do not alter form)

FOR OFFICAL USE ONLY
FILE # App 19-002
FEE $ $533.00 RECEIPT # 908303
ASSIGNED TO:

RECEIVED
JUN 25 2019
CITY OF EVERETT
PLANNING DEPT

STAMP IN DATE

Hearing Examiner Review

- ☑ Appeal of Review Process I Decision
- ☐ Appeal of Review Process II Decision
- ☐ Appeal of Application of Development Standards
- ☐ Appeal of Short Subdivision
- ☐ Appeal of Binding Site Plan
- ☐ Appeal of Administrative Shoreline Permit
- ☐ Other _____

CONTACT INFORMATION

Name of Appellant Jean Rittmann Phone 4253179352
Address 2016 Broadway Ave City Everett State WA Zip Code 98201

If applicable, list all additional Appellants below:

Name of Appellant #2 _____ Phone _____
Address _____ City _____ State _____ Zip Code _____
Name of Appellant #3 _____ Phone _____
Address _____ City _____ State _____ Zip Code _____
Name of Appellant #4 _____ Phone _____
Address _____ City _____ State _____ Zip Code _____
Name of Appellant #5 _____ Phone _____
Address _____ City _____ State _____ Zip Code _____

DECISION BEING APPEALED

Project Number B1503-020 Project Name Jimmy Johns; Planning Final & Landscape Approval
Property Address or Location 2602 Broadway Ave

Signature of Appellant _____ **Date** June 24, 2019

If applicable:

Signature of Appellant #2 _____ Date _____
Signature of Appellant #3 _____ Date _____
Signature of Appellant #4 _____ Date _____
Signature of Appellant #5 _____ Date _____

Please Note: Policy requires that the appellant or the appellant's representative be present at the public hearing. The burden of proof for all appeals provided for by the City of Everett Zoning Code shall be upon the Appellant. All appeals must be filed on forms provided by the planning department and will not be considered valid unless the appeal form is filled out clearly, completely, and legibly and is accompanied by the applicable fee. This form shall not be altered in any way.

Exhibit E p1/4

Everett WA Public Records Center <everettwa@mycusthelp.net>
To: jeanrittmann@frontier.com

Sep 5 at 9:03 AM

Exhibit E p 2 of 4

--- Please respond above this line ---

EVERETT
WASHINGTON

RE: PUBLIC INFORMATION ACT REQUEST of 9/5/2019, Reference #E000512-090519

Dear Jean,

The City of Everett received a public records request from you on 9/5/2019. You requested the following:

"Did ANYONE from the City send a copy of APP19-002 to Examiner's office (ie to Anne Weesh, who is the only one allowed to send anything to Examiner) between the dates of APP19-002 (June 25, 2019) and Aug 1, 2019? If so, who and on what date. Invoice max $1"

After a diligent search, the City of Everett has located no records which are responsive to your request.

Thank you for your patience in awaiting this information.

Sincerely,

City Clerk's Office

Exhibit E

EVERETT
WASHINGTON

CITY OF EVERETT
Land Use Hearing Examiner

BEFORE THE HEARING EXAMINER
FOR CITY OF EVERETT

NO APPEAL #

In the Matter of the Appeal of Jean Rittmann of (a) Planning Department approval(s) regarding a landscape plan at Jimmy Johns Restaurant at 2602 Broadway Avenue, Everett, WA As impacting views at 2609 Lombard Avenue, Everett	ORDER DISMISSING APPEAL

False. Submitted in person - Exhibit E p. 1

Background

Jean Rittmann submitted an appeal (by email) dated June 25, 2019 and an attached declaration, which the City of Everett Examiner received on July 1, 2019. Because the appeal and declaration were confusing and did not clearly identify the City decision appealed from, on July 10, 2019 the undersigned requested a one page clarification of the appeal, which was timely submitted.

The Examiner requested a response from the City of Everett legal department, which was received on July 30, 2019. Ms. Rittmann submitted a reply, which was not invited.

Discussion

The current appeal challenges the June 21, 2019 final landscaping inspection approval of the installation of landscaping pursuant to an approved landscape plan associated with building permit #B1503-020.

Ms. Rittmann, co-author of the landscape plan, previously appealed the City's approval of her plan.* Her appeal was heard and denied by the City's hearing examiner in a decision issued February 21, 2019. Ms. Rittmann appealed the examiner's decision to Superior Court pursuant to the Land Use Petition Act; the court dismissed her appeal.

False - Rittmann NEVER Filed a LUPA

The "decision" issued by the City on June 21, 2019 to grant final inspection approval to the installation of landscaping, indicating that it was installed consistent with the approved plan, is

* No. Improper forced removal of zoning requirements from plan before he would approve.

FALSE / made-up

not a "decision" that is appealable pursuant to Everett Municipal Code. The Code does not afford a third party appeal of inspection reports. As such, the Examiner lacks authority to hear and grant relief based on the current appeal.

From the June 25, 2019 appeal and declaration, as well as from Ms. Rittmann's reply to the City's response to her appeal, it is clear that Ms. Rittmann's true intent remains the challenge of the landscape plan, the approval of which plan already upheld after a full and complete appeal hearing. The Everett Municipal Code does not provide for a second appeal of the approval of the landscape plan.

ORDER
The appeal is dismissed.

Ms. Rittmann is expressly informed that no further appeals related to the landscape plan approved in connection with building permit #B1503-020 will be accepted, as the matter is final and cannot be appealed again.

ORDERED: August 1, 2019

Sharon A. Rice
City of Everett Hearing Examiner

for Mayor Franklin

City falsely claimed LUPA applied #2 of 12

The city's **crowning** lie was saying LUPA applied to landscaping. But LUPA does NOT apply. LUPA – land use petition act – applies to BUILDINGS. It has nothing – nothing whatsoever to do with zoning or landscaping requirements. The city repeated LUPA LUPA LUPA six times in its 12(b)(6), as if repetition of fiction made it so. But it was a lie.

What is LUPA? Basically, it limits the number of days one can protest some **new construction**. And not just ANY construction: it applies to fully vetted larger building plans. Contractor has to publicly display large signs on site for weeks, are required to contact all property owners within 150', and post public notice in like a newspaper. It involves a director's decision, where strict guidelines in law must be followed, including national, state, and local laws. That is, LUPA is for thoroughly vetted large building plans.

LUPA has nothing NOTHING whatsoever to do with zoning and landscaping.

Zoning and landscaping have clearly written, extremely detailed law requirements.

Landscaping laws are duty, and "administrative review is code compliance verification". Staff and manager are required by law to verify plans meet law. As I read last week, "**Any person ...who violates any provision of this code shall be deemed guilty",** so if a manager or staff approves violations, City law says the staff is guilty.

I do not know how legal came up with the convolution of falsely thinking LUPA applied to landscaping. Likely because, if true, it would remove City duty, therein stop lawsuits.

The LUPA lie, along with legal lying that city had no duty, created the perfect opportunity for planning to cheat. Like if, a land manager wanted to take kickbacks in exchange for not requiring landscaping, no one could appeal his approval, because landscaping plans are approved in secret. Landscaping plans are often not even dated, and often continuously altered for months, sometimes years. It's like the perfect crime.

It appears Planning has presumed for decades that they could approve violations as they please, and that the violations they approved were permanent. That is why, when Jimmy Johns tried to correct a zoning violation, Ingalsbe told them they couldn't. How insane is that!

Anyway, LUPA is lie 2 of 12 lies the City told the court. The court gave me 2 days to disprove it all. In Reconsideration I **proved** LUPA did not apply and **proved** attorney Hall perjured- bold faced lied to the court. "Silence is consent" proved the City consented that LUPA was a lie, and Hall had perjured.

I thought, since I proved LUPA was a lie, the city would just fix things. But instead there's been further cover-up.

I proved that the City was wrong: LUPA didn't apply to landscaping, I've proved to you the City has duty. Yet you all still won't fix the 30+ landscaping violations at my two restaurant neighbors. Why is that?

Jean Rittmann 2809 Lombard Ave, Everett, WA EverettCheats.com Feb.5, 2020

Exhibit F

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:
Appointment Confirmation and Personal Services Contract for Land Use and Code Enforcement Hearing Examiner

04/19/2017	Briefing	
	Proposed Action	
	Consent	
04/26/2017	Action	
	First Reading	
	Second Reading	
	Third Reading	
	Public Hearing	
	Budget Advisory	

COUNCIL BILL #	
Originating Department	Legal
Contact Person	Jim Iles
Phone Number	(425) 257-8739
FOR AGENDA OF	April 19, 2017

Initialed by:
Department Head
CAA
Council President

Location | **Preceding Action** | **Attachments** | **Department(s) Approval**
Administration, Legal, Planning, Code Enforcement

Amount Budgeted	-0-	
Expenditure Required	$6,000/month	Account Number(s):
Budget Remaining	-0-	
Additional Required	-0-	

DETAILED SUMMARY STATEMENT:
James Driscoll will complete his final term as the City's land use and code enforcement hearing examiner on July 31, 2017. At that time, he will begin providing pro tem hearing examiner services to the City. The Mayor now recommends confirmation of the appointment of Sharon Rice, who has been providing hearing examiner pro tem services to the City for the past 10 years, to the position of hearing examiner beginning August 1, 2017.

Having already completed an initial one-year term in her role as hearing examiner pro tem, this appointment is for a four-year term. Chapter 2.23 Everett Municipal Code.

Consistent with the terms of the proposed appointment, the City has negotiated a contract for Ms. Rice's land use and code enforcement hearing examiner services.

RECOMMENDATION (Exact action requested of Council):
Concur with the Mayor's appointment of hearing examiner and authorize the Mayor to execute a personal services contract with Sharon Rice as the land use and code enforcement hearing examiner for a term of four years, beginning August 1, 2017.

see p. 2

Exhibit G 1/7

CITY

PERSONAL SERVICES CONTRACT
(LAND USE – CODE ENFORCEMENT HEARING EXAMINER)

THIS CONTRACT, entered into the 16th day of May, 2017, by and between the City of Everett, a municipal corporation under the laws of the State of Washington, hereinafter referred to as the "City" and Sharon Rice, hereinafter referred to as the "Hearing Examiner."

WHEREAS, it is in the best interest of the City and its citizens to provide a land use regulatory hearing system and an administrative civil code enforcement system to fairly implement and enforce land use regulations and other City codes; and

WHEREAS, the City adopted Ordinance No. 692-80 (as amended) creating the Land Use Hearing Examiner Office and Ordinance No. 1383-87 (as amended) creating the violations hearing examiner to hear Code Enforcement matters; and

WHEREAS, in accordance with EMC 2.23.040, the Mayor must appoint, with the concurrence of four city council members, the violations and land use hearing examiner for a one-year probationary term followed by a four-year term; and

WHEREAS, the Hearing Examiner has completed her probationary term by acting as the Land Use and Violations Hearing Examiner Pro Tem since 2007; and

WHEREAS, City Council has concurred with the Mayor's appointment of the Hearing Examiner for a four-year term beginning August 1, 2017; and

WHEREAS, the Hearing Examiner has expertise and experience to perform the tasks as assigned herein;

NOW, THEREFORE, the City and the Hearing Examiner mutually agree as follows:

1. The Hearing Examiner shall receive and examine available information, conduct hearings, prepare a record thereof, enter findings of fact and conclusions based on these facts and enter decisions and recommendations, all as specified in Ordinance No. 692-80 (as amended); conduct hearings and make decisions which can be incorporated into findings of fact, conclusions of law and orders as provided in Ordinance No. 1383-87 (as amended); and conduct such hearings and make decisions as otherwise required by City ordinance(s).

2. This Contract neither constitutes nor creates an employer-employee relationship. The Hearing Examiner must provide services under this Contract as an independent contractor. The Hearing Examiner must comply with all federal and state laws and regulations applicable to independent contractors including, but not limited to, the

Exhibit G 2/7

requirements listed in this Section 3. The Hearing Examiner agrees to indemnify and defend the City from and against any claims, valid or otherwise, made against the City because of these obligations.

In addition to the other requirements of this Section 3, if the Hearing Examiner is a sole proprietor, the Hearing Examiner agrees that the Hearing Examiner is not an employee or worker of the City under Chapter 51 of the Revised Code of Washington, Industrial Insurance for the service performed in accordance with this Contract, by certifying to the following:

(1) The Hearing Examiner is free from control or direction over the performance of the service; and

(2) The service performed is outside the usual course of business for the City, or will not be performed at any place of business of the City, or the Hearing Examiner is responsible for the costs of the principal place of business from which the service is performed; and

(3) The Hearing Examiner is customarily engaged in an independently established business of the same nature as the service performed, or has a principal place of business for the service performed that is eligible for a business deduction for federal income tax purposes; and

(4) On the effective date of this Contract, the Hearing Examiner is responsible for filing a schedule of expenses, for the next applicable filing period, with the internal revenue service for the type of service performed; and

(5) By the effective date of this Contract or within a reasonable time thereafter, the Hearing Examiner has established an account with the department of revenue and other state agencies, where required, for the service performed for the payment of all state taxes normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington; and

(6) By the effective date of this Contract, the Hearing Examiner is maintaining a separate set of records that reflect all items of income and expenses of the services performed.

Any and all employees of the Hearing Examiner, while engaged in the performance of any services performed under this Contract, shall be considered employees of only the Hearing Examiner and not employees of the City. The Hearing Examiner shall be solely liable for any and all claims that may or might arise under the Worker's Compensation Act on behalf of said employees or Hearing Examiner, while so engaged and for any and all claims made by a third party as a consequence of any negligent act or omission on the part of the Hearing Examiner's employees, while so engaged on any of the services performed under this Contract.

Hearing Examiner shall comply with all applicable provisions of the Fair Labor Standards Act and other legislation affecting its employees and the rules and regulations issued thereunder insofar as applicable to its employees and shall at all times save the City free, clear and harmless from all actions, claims, demands and expenses arising out of said act, and rules and regulations that are or may be promulgated in connection therewith.

The Hearing Examiner assumes full responsibility for the payment of all payroll taxes, use, sales, income, or other form of taxes (such as state and, city business and occupation taxes), fees, licenses, excises or payments required by any city, federal or state legislation which are now or may during the term of the Contract be enacted as to all persons employed by the Hearing Examiner and as to all duties, activities and requirements by the Hearing Examiner for services performed under this Contract and Hearing Examiner shall assume exclusive liability therefore, and meet all requirements thereunder pursuant to any rules or regulations that are now or may be promulgated in connection therewith.

3. The Hearing Examiner agrees to obtain a City of Everett business license prior to performing any work pursuant to this Contract. The Hearing Examiner agrees to register and obtain any State of Washington business licenses, Department of Revenue account and/or unified business identifier number as required by RCW 50.04.140 and 51.08.195 prior to performing work pursuant to this Contract.

4. Ownership of Work Products. The City shall keep the official record in each Hearing Examiner matter and all primary copies of exhibits. The Hearing Examiner shall possess only secondary, working copies of all data, materials, reports, memoranda and any other documents or recordings developed under this Agreement. All completed decisions shall become the property of the City. The City agrees that if it uses the decisions of the Hearing Examiner for purposes unrelated to the subject matter for which the decision was prepared, it does so at its sole risk.

5. The services of the Hearing Examiner pursuant to this Contract are to commence on August 1, 2017, and expire not later than four (4) years following this date. At such time services are provided pursuant to this Contract, all prior contracts between the Hearing Examiner and the City for the same services are hereby superseded.

6. Termination of this Contract before the expiration date may be accomplished by the Hearing Examiner by giving the City a sixty (60) days written notice of termination. Termination of this Contract before the expiration date may be accomplished by the City as outlined in EMC 2.23.050 (as amended).

7. Compensation for the Hearing Examiner for the services pursuant to this Contract shall be a retainer fee of Six Thousand Dollars ($6,000) per month.

Exhibit G 4/7

8. Notices

A. Notices to the City of Everett shall be sent to the following address:

City of Everett
Attn: Mayor's Office
2930 Wetmore Avenue
Everett, WA 98201

City of Everett
Attn: City Attorney's Office
2930 Wetmore Avenue, Ste. 10-C
Everett, WA 98201

B. Notices to the Hearing Examiner shall be sent to the following address:

Sharon Rice
20126 Ballinger Way NE, #167
Seattle, WA 98155

9. This Contract contains the complete and integrated understanding and agreement between the parties and supersedes any understanding, agreement of negotiation whether oral or written not set forth herein.

10. It is agreed that venue for any lawsuit arising out of the Contract shall be Snohomish County.

11. Any waiver by the Hearing Examiner or the City or the breach of any provision of this Contract by the other party will not operate, or be construed, as a waiver of any subsequent breach by either party or prevent either party from thereafter enforcing any such provisions.

11. If any part of this Contract is found to be in conflict with applicable laws, such part shall be inoperative, null and void, insofar as it is in conflict with said laws, and the remainder of the Contract shall remain in full force and effect.

12. This Contract may be modified by a writing explicitly identified as a modification of this Contract that is signed by authorized representatives of the City and the Hearing Examiner.

/
/
/

IN WITNESS WHEREOF, the parties have hereto set their hands the day and year first above written.

CITY OF EVERETT

Ray Stephanson, Mayor

HEARING EXAMINER

Sharon A. Rice

Attest:

Sharon Fuller
City Clerk

Approved as to form:

James D. Iles
City Attorney

Exhibit 5 6/7

STATE RETIREMENT SYSTEMS FORM
ATTACHMENT TO PERSONAL SERVICES CONTRACT
THE HEARING EXAMINER MUST COMPLETE AND SIGN THIS FORM

1. Does the Hearing Examiner have twenty-five (25) or more employees? ☐ Yes ☒ No
   IF YES: SKIP QUESTION 2, SKIP QUESTION 3, AND SIGN BELOW.
   IF NO: ANSWER QUESTIONS 2 AND 3.

2. If a Hearing Examiner employee will perform services under this Contract, did that employee retire under the Public Employers' Retirement System (PERS), School Employees' Retirement System (SERS), or Teachers' Retirement System (TRS)? ☐ Yes ☒ No

3. Answer the appropriate question below for the Hearing Examiner's business organization:

   Sole Proprietor. Did the Hearing Examiner retire under the Public Employers' Retirement System (PERS), School Employees' Retirement System (SERS), or Teachers' Retirement System (TRS)? ☐ Yes ☐ No

   Partnership. If a partner will perform services under this Contract, did that partner retire under the Public Employers' Retirement System (PERS), School Employees' Retirement System (SERS), or Teachers' Retirement System (TRS)? ☐ Yes ☐ No

   Limited Liability Company. If a member will perform services under this Contract, did that member retire under the Public Employers' Retirement System (PERS), School Employees' Retirement System (SERS), or Teachers' Retirement System (TRS)? ☐ Yes ☒ No

   Corporation. If a shareholder will perform services under this Contract, did that shareholder retire under the Public Employers' Retirement System (PERS), School Employees' Retirement System (SERS), or Teachers' Retirement System (TRS)? ☐ Yes ☐ No

Hearing Examiner Name: Sharon A Rice
Hearing Examiner Phone Number: 253 295 0395
Signature: [signature] Printed Name: Sharon A Rice Title: Principal

Exhibit G 7/7

Administrative Decision Appeal Process Flow Chart
Hearing Examiner Review

Appeal Submitted
within 14 calendar days of decision

(The appellant is precluded from later raising any appeal issue other than those specifically noted in the written appeals statement.)

↓

Planning Staff Schedules Public Hearing
Applicant and Appellant Notified

(All appeals of Review Processes I or II project permit decisions, and any appeal of environmental determinations (other than a DS) shall be considered together in a single consolidated appeal hearing before the Hearing Examiner.)

↓

Appellant Files Memorandum
within 10 calendar days of filing the appeal and at least 20 calendar days prior to the hearing

(Appellant files memorandum with Hearing Examiner's Office setting forth the appellant's arguments and authority. This shall be restricted to those issues set forth in appellant's typed appeals statement. This memorandum should restate the issues of appeal, cite all policies and ordinances which the appellant feels have not been property applied by the City, and state all of the arguments the appellant plans to provide at the hearing. The appellant should begin typing this memorandum prior to obtaining notice of a hearing date.)

↓

City Submits Staff Report
at least 10 calendar days prior to the hearing

(City staff provides Hearing Examiner and Appellant a staff report responding to Appellant's memorandum.)

↓

Appellant Files Response
at least 5 calendar days prior to the hearing

(Appellant files memorandum with the Hearing Examiner. The scope of the reply shall be restricted to responding to issues raised in the staff report.)

↓

Hearing Examiner Holds Hearing

↓

Hearing Examiner Decision
10 working days after hearing

The Examiner's decision is final. Appeals are to Snohomish County Superior Court.

(The Hearing Examiner's decision starts a 10 working day request for reconsideration period. Parties of record may request reconsideration of the Examiner's decision, but this is not required.)

→ **Reconsideration Requested**
Hearing Examiner denies request or holds new hearing

Exhibit H

land use petition act

Search

Advanced Search

Everett WA

Everett Municipal Code — Title 15 LOCAL PROJECT REVIEW PROCEDURES, Chapter 15.24 PUBLIC NOTICE AND APPEALS — Help — Text Size: A- A+ — SHARE

Search Results [X]

Searching for "land use petition act"

Save Search

Items 1 - 3 of 3

View All Sections With Hits

Chapter 15.24 PUBLIC NOTICE AND APPEALS (12 hits)

Chapter 8.21 REUSABLE BAGS (1 hit)

Chapter 20.08 NOISE CONTROL (4 hits)

3 places

Home < >

Chapter 15.24
PUBLIC NOTICE AND APPEALS

Sections:

15.24.010 Overview.

15.24.310 SEPA appeals. SHARE

A. Procedural and Substantive Compliance. For purposes of utilizing SEPA to assist in governmental planning and decisionmaking the city recognizes a right of appeal by any aggrieved person on whether governmental action is in compliance with the substantive and procedural provisions of SEPA, including a threshold determination (DNS, MDNS or DS), adequacy of an EIS, and of a decision document issued by the responsible official or city which conditions or denies a project on the basis of SEPA substantive authority. Any SEPA appeal shall meet the requirements of SEPA (see RCW 43.21C.075), the SEPA ordinance (Chapter 20.04), and this title as further specified in this section.

B. Review Process V and VI—Judicial Appeal Only. Except for Determination of Significance, no SEPA administrative appeal to the city is provided for Review Process V and VI other than for an appeal of a determination of significance to the examiner. The examiner's open record appeal hearing shall occur prior to any permit hearing by a body designated under Review Process V and VI to make a recommendation or decision on the project. Any further SEPA appeal shall not occur prior to a permit decision under Review Process V or VI. Any appeals of Review Process V and VI decisions shall be to Snohomish County superior court under Chapter 36.70C RCW (the Land Use Petition Act or LUPA).

C. Review Process I, II and III—Administrative and Judicial Appeal. SEPA administrative appeals are provided for Review Process I, II, and III. All SEPA administrative appeals shall be to the examiner and are subject to the consolidated appeals provisions of this title. Any appeal of the examiner's decision shall be to Snohomish County superior court under Chapter 36.70C RCW. This means:

1. For Review Process I and II permits, one open record appeal hearing is allowed on the appeal of a SEPA threshold determination and permit together. If the examiner requires an EIS, one subsequent open record appeal is allowed on the adequacy of the EIS and permit together.

2. For Review Process III permits, the examiner must hear the SEPA administrative appeal for a Review Process III permit at the same open public hearing where the examiner makes a recommendation or decision on the permit. If the examiner requires an EIS or supplemental EIS, the examiner must hear any appeal of the EIS at the

Motion (2).doc ^ Order to show cau....doc ^ Motion (2).doc ^ Order to show cau....doc ^ Show all

(Ord. 3643-16 § 3, 2016)

6.21.040 Violations. SHARE

A. It shall be unlawful to violate or be in conflict with this chapter. Each day, defined as the twenty-four-hour period beginning at 12:01 a.m., in which violation of this chapter occurs, shall constitute a separate violation.

B. Any person, firm, business, corporation, or association or any agent thereof who violates any of the provisions of this chapter shall be subject to the provisions of Chapter 1.20. In the event an appeal of an order issued pursuant to Chapter 1.20 is not subject to Chapter 36.70C RCW (the Land Use Petition Act), appeal shall be by writ of certiorari.

C. Upon a first violation of any part of this chapter, a notice of violation may issue to the offending person, firm, business, corporation, or association or any agent thereof. The notice of violation shall contain the date of and alleged type of violation. The notice of violation shall be regarded as a warning and no other sanctions shall be implemented. Notice shall be served upon the premises to the highest ranking employee currently on duty at the time of delivery.

D. If after the issuance of a notice of violation the offender commits subsequent noncompliance, the penalty for each offense shall be a maximum fine of two hundred fifty dollars.

First Hit Prev Hit Next Hit Prev Doc Next Doc Hide Hits

provided, shall this chapter be deemed to repeal, amend or modify any law, ordinance or regulation relating to noise, but shall be deemed additional to existing legislation and common law on noise. (Ord. 634-76 § 12(8), 1976).

20.08.220 Enforcement—Violation—Penalty. SHARE

A. It shall be unlawful to violate or be in conflict with this chapter. Each day, defined as the twenty-four-hour period beginning at 12:01 a.m., in which violation of this chapter occurs, shall constitute a separate violation.

B. Any person, firm, corporation or association or any agent thereof who violates any of the provisions of this chapter shall be subject to the provisions of Chapter 1.20. In the event an appeal of an order issued pursuant to Chapter 1.20 is not subject to Chapter 36.70C RCW (the Land Use Petition Act), appeal shall be by writ of certiorari.

Exhibit I p/2

11. All codes adopted pursuant to Section 16.005.050 are hereby amended by the addition of the following:

Violations and Penalties

1. A violation of the provisions of this Code shall be subject to the City's Civil Enforcement Procedures as set forth in Chapter 1.20 EMC and any person, firm or corporation who violates any provision of this Code shall be subject to said enforcement procedures. Provided that, regardless of language to the contrary, any violation citation issued concerning a violation of this Code may be issued by the Building Official or his or her designee, or by a code enforcement officer with the concurrence of the Building Official or his or her designee.

2. Any person, firm or corporation who violates any provision of this Code shall be deemed guilty of a misdemeanor, and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued or permitted, and upon conviction of any such violation, such person, firm or corporation shall be punishable by a fine not to exceed one thousand dollars, or imprisonment in jail not to exceed ninety days or by both such fine and imprisonment.

3. The enforcement provisions and procedures provided in this Code are not exclusive and the City is authorized to pursue any remedy it deems appropriate or as otherwise provided by law.

4. The issuance or granting of a permit or approval of plans and/or specifications shall not be deemed or construed to be a permit for, or an approval of, any violations of any of the provisions of this Code or any other law or regulation. No permit presuming to give authority to violate or cancel the provision of this Code shall be valid, except insofar as the work or use, which it authorized, is lawful.

5. The issuance or granting of a permit or approval of plans and/or specifications shall not prevent the Building Official or his or her designee from thereafter requiring the correction of errors in said plans and/or specifications or from preventing construction operation being carried on thereunder when in violation of this Code or of any other ordinance, law or regulations or from revoking any certification of approval when issued in error.

12. All codes adopted pursuant to Section 16.005.030 are hereby amended by the addition of the following:

Authority to Abate

1. Any violation of this Code determined to exist after inspection by the Building Official, or his or her designee, is hereby declared to be a nuisance.

2. Where a nuisance exists, the City Attorney on behalf of the City is authorized to institute injunction, mandamus, or other appropriate action or proceeding to prevent the violation of this Code.

3. Notwithstanding paragraph (2), the City Attorney is authorized to apply to any court of competent jurisdiction for and such court, upon hearing and for cause shown, may grant a temporary or permanent injunction restraining any person, firm and/or corporation from violating any provision of this Code and compelling compliance herewith. The cost of such action shall be taxed against the violator.

Exhibit H

1.20.010 Violation citations—Issuance—Default—Repeat violators.

SHARE

A. Who May Issue a Violation Citation. Personnel assigned to the city of Everett code compliance program, the director or supervisor of code compliance or his/her designee (hereinafter referred to as "a code compliance officer") is authorized to issue and serve a violation citation upon reasonable belief that the following has occurred:

Exhibit I p. 2/2

19-2-01827-31
ORDGMWP 27
Order of Dismissal With Prejudice
5373777

Filed in Open Court
4-12, 20 19
SONYA KRASKI
COUNTY CLERK
By Carletta Curry
Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SNOHOMISH

JEAN V. RITTMANN, a Washington resident,

Petitioner,

v.

CITY OF EVERETT, a Washington municipal corporation,

Respondent.

Cause No.: 19-2-01827-31

ORDER GRANTING MOTION TO DISMISS PURSUANT TO CR 12(B)(6)

This matter having come before the Court on Respondent City of Everett's Motion to Dismiss Pursuant to CR 12(b)(6); the Parties attending through their counsel of record if so represented; the Court having heard and considered the City's motion, the documents filed herein, and the arguments of present counsel or parties; and the Court being in all matters fully advised, hereby ORDERS, ADJUDGES, AND DECREES, that

1. This case is hereby dismissed [X] with [ ] without prejudice pursuant to CR 12(b)(6).

Dated this 12th day of April, 2019.

Snohomish County Superior Court Judge

ORIGINAL

OFFICE OF THE CITY ATTORNEY
CITY OF EVERETT
2930 Wetmore Avenue, Suite. 10-C
Everett, WA 98201
(425) 257-7000

Exhibit J

Presented By:

Flora E. Diaz, WSBA No. 44627
Attorney for Respondent City of Everett

Jean V. Rittmann
Petitioner *Pro Se*

OFFICE OF THE CITY ATTORNEY
CITY OF EVERETT
2930 Wetmore Avenue, Suite 10-C
Everett WA 98201
(425) 257-7000

Exhibit J
p. 1

RECEIVED
OCT 29 2018
HEARING EXAMINER

CITY of EVERETT
PLANNING and COMMUNITY DEVELOPMENT

ADMINISTRATIVE DECISION APPEAL FORM (Do not alter form)

FOR OFFICAL USE ONLY
FILE # APP 18-006
FEE $ 533 RECEIPT # 207593
ASSIGNED TO:

RECEIVED
OCT 26 2018
CITY OF EVERETT
PLANNING DEPT

STAMP IN DATE

Hearing Examiner Review
- [x] Appeal of Review Process I Decision
- [ ] Appeal of Review Process II Decision
- [ ] Appeal of Application of Development Standards
- [ ] Appeal of Short Subdivision
- [ ] Appeal of Binding Site Plan
- [ ] Appeal of Administrative Shoreline Permit
- [ ] Appeal of Unlisted Use Determination
- [ ] Other _____

CONTACT INFORMATION

Name of Appellant Jean V. Rittmann Phone 425 317 9332
Address 2016 Broadway Ave. City Everett State WA Zip Code 98201

If applicable, list all additional Appellants below:

Name of Appellant #2 _____ Phone _____
Address _____ City _____ State _____ Zip Code _____
Name of Appellant #3 _____ Phone _____
Address _____ City _____ State _____ Zip Code _____
Name of Appellant #4 _____ Phone _____
Address _____ City _____ State _____ Zip Code _____
Name of Appellant #5 _____ Phone _____
Address _____ City _____ State _____ Zip Code _____

DECISION BEING APPEALED

Project Number _____ Project Name Jimmy John's Landscape plan Approval
Property Address or Location 2602 Broadway Ave, Everett, WA

Signature of Appellant _____ Date Oct 26, 2018

If applicable:
Signature of Appellant #2 _____ Date _____
Signature of Appellant #3 _____ Date _____
Signature of Appellant #4 _____ Date _____
Signature of Appellant #5 _____ Date _____

Please Note: Policy requires that the appellant or the appellant's representative be present at the public hearing. The burden of proof for all appeals provided for by the City of Everett Zoning Code shall be upon the Appellant. All appeals must be filed on forms provided by the planning department and will not be considered valid unless the appeal form is filled out clearly, completely, and legibly and is accompanied by the applicable fees. This form shall not be altered in any way.

Exhibit K p1/10

Appeal JVR

Appellant:
Jean V.Rittmann owner of 2609 Lombard A & B
2016 Broadway Ave
Everett, WA 98201

Oct. 30, 2018

Respondents:
City of Everett
Everett Permit Services
3200 Cedar Street, 2nd Floor
Everett, WA 98201 (425) 257-8731

Appeal JVR

property owner:
SHAW BROADWAY LLC -Mary and Marlin Shaw: governing persons
1020 148TH AVE NE
BELLEVUE, WA 98007

personal property owner: currently Freaky Fast on Broadway,. DBA Jimmy Johns

Applicant: Jimmy Johns. Steve Shaw 425 394 6857 shawassociates@gmail.com is contact.

Decision Making Officials: Planner Grace Pollard, Land Use Manager Steve Ingalsbe, Director Allen Giffen; Mayor Cassie Franklin, 2930 Wetmore, Everett, WA 98201

Applicant Jimmy Johns' site: 2602 Broadway Ave zone: BMU

Letter of Appeal appealing Planning's Oct. 17, 2018 approval of landscape plan of Applicant Jimmy Johns at 2602 Broadway. (Exhibit C)

STATEMENT:

I declare: The City first denied then allowed Rittmann Appeal of Jimmy Johns landscaping plan 10/17/18 Approval: a written administrative decision. Said plans Land Use Manager Ingalsbe himself said do not meet zoning law, one law violation being south 5 x 122' of Type III landscaping is missing. Without the Development Standard, Rittmann's view of Jimmy Johns' parking lot are not softened, and her reputation with client Jimmy Johns alleged damaged. Also alleged, the new use plans of 2015 contained multiple prohibited driveway approaches, prohibited prior to 7/18/18 Ordinance change (just enacted), where Type III landscaping was required. This July, City simply eliminated ALL Development Standards, standards in place for decades, allegedly removed to conceal McDonald's 30+ zoning violations. Development Standards removed by Mayor and Council, after McDonalds zoning

Exhibit K p.2

JVR

violations brought to the City's attention at McDonalds, to undermine enforcement of laws City Officers themselves had violated. I have proof of all said. Decades-old laws removed in that 7/18/18 Ordinance within on or about a month after them being brought to the City's attention. That is, as soon as multiple zoning violations were brought to the City's attention, the City changed and removed laws that have been in place for decades, in alleged order to save itself, instead of correcting violations! Changing law to make violations no longer standing violations, only aprevious violations, alleged Malfeasance of Office and intentional torts by Mayor Franklin, all Council members, Director Giffen, and Manager Ingalsbe. That is, the City revoked laws just to have businesses get away with not having met the laws at the time the business was a new use or created the violation, City now substantially saying 'previous laws don't count'.

By officer Ingalsbe making multiple efforts, finally successful, in having zoning law of South Type III *removed* from plans, and by allowing approval of plans once the zoning requirement was removed, Ingalsbe allegedly committed intentional tort. By requiring subordinate Planner Pollard to approve plans Ingalsbe himself stated did not meet zoning law, alleged Ingalsbe made her complicit in his illegal act. By approving plans with multiple prohibited driveway approaches, both in 2015 plans, and of issue even with just-changed laws, where landscape is required, alleged Ingalsbe breach of duty.

Alleged how City itself violates Rittmann's 4th, 6th, and 14th Amendment rights: 1. City never disclosed Jimmy Johns' plans for public view. City doesn't require posting of most plans for public view or input, and can conceal plans till after 14 day appeal period expires. Rittmann filed zoning complaints against Jimmy Johns prior to Approval, many, which would improve Rittmann's view, were not fixed on Approved plans, alleged **violating Rittmann's right to due process.** Zoning complaints, like Rittmann's, are directed to the planner of record, to self-determine if they wish to admit an error or tort and fix it, or, by themselves, prosecute Rittmann by seizing her property rights: alleged **violating Rittmann's right to impartial jury.** By the City itself CHANGING zoning laws, once violations are

DVL

brought to its attention, alleged to relieve itself of liability in approving clear zoning violations, Mayor, Council, Landscaping Director, and others violate impartial jury, due process, and illegal seizure of Rittmann's property rights, and alleged conduct Malfeasance of Office.

City doesn't require Planning to reply to complaints. Without the required landscape at Jimmy Johns, alleged City violates Rittmann's right to protection against illegal seizure (seizure of property rights granted by City zoning laws). And Planning will not meet with Rittmann or reply with Director's letter to let Rittmann appeal regarding 30+ *other* alleged zoning violations that have seized Rittmann's property rights. Alleged removal of constitutional rights resulted in the City not enforcing its own laws and *appearance of unfairness*, causing Rittmann anguish and detriment to her property.

Examiner should mandate the City mandate Jimmy Johns to meet zoning laws of 5' of Type III landscaping on South lot line, and remove both north and east prohibited driveway approaches, disallowed at the time Jimmy Johns was a new use, approved on 2015 plans, to be replaced with law-required landscape. This court should further grant injunctive relief by mandating the City meet 4th, 6th, and 14th Amendment rights by: hereafter requiring posting of all land use plans for a meaningful time, for public input; mandate the City hereafter require correction of all zoning violations brought to its attention; mandate the City reply, by appealable Director's letter, to zoning violation complaints the City finds are not zoning violations, by City citing specific law that shows complaint does not identify a zoning violation; and mandate the City hereafter have impartial jury to field zoning complaints. AND, as the City changes its laws after zoning violations have been brought to its attention, alleged to conceal malfeasance, Mandate the City mandate enforcement of laws in place at the time of creation of a violation.

Recently-7/18/18 altered ordinance, which used to state, "*No permit for a driveway approach shall be granted where reasonable egress and ingress, for the purpose for which the property is used, can be secured from the alley*". NOW ordinance states access to public streets "*will only be allowed as an*

Joan Rittmann- Pro Se Appellant, 2016 Broadway, Everett, WA 98201

Exhibit K p. 4

DVR

exception to using the alley for access"... "*Planning Director, may allow access from the street, in-lieu, or in addition to , using the alley.*" Also *removed* in July18/18 Ordinance was the requirement that "Driveways on Broadway shall have a minimum separation of one hundred feet." Jimmy Johns' 2015 approved plans violated both zoning laws prior to ordinance changes, just like McDonalds did . Jimmy Johns has THREE points of entry: alley, and double approaches at Broad-way and 26th street. Alleged appearance of unfairness; alleged no due process afforded Rittmann.

1. Nature of use or proposed use: restaurant, Jimmy Johns, 2602 Broadway, zoned BMU

2. The purpose for the particular development standard which is being appealed:

Standard is NOT being appealed, Ingalsbe not requiring standards is being appealed. If Standards were applied to Jimmy Johns, it would improve Rittmann's views out her 2609 Lombard Ave #B windows (Exhibits A). adding required 5' of Type III (4 trees) on S. lot line + multiple trees & shrubs in-stead of prohibited driveway approaches. I say Ingalsbe acted unlawfully by removing S. 5' of Type III & passing 7/17/18, Prohibited Driveway approaches: both of Jimmy John's double driveway off 26th and off Broadway are hazards and do not meet Lot line/frontage landscaping requirements. Zoning complaints, like Rittmann's, are directed to planner of record and Supervisor, to self-determine if they wish to fix an error or tort, or, by themselves, prosecute Rittmann by seizing her property rights:

I allege Ingalsbe has shown a pattern of prosecuting Rittmann to conceal his department's errors and torts, like letting other neighbor McDonalds allegedly violate 30+ zoning laws. I say the City's policies, or lack thereof, have violated many of Rittmann's constitutional rights:

Alleged how City itself violates Rittmann's 4th, 6th, and 14th Amendment rights: I. City never disclosed Jimmy Johns' plans for public view. City doesn't require posting of most plans for public view or input, and can conceal plans till after 14 day appeal period expires. Rittmann filed zoning complaints against Jimmy Johns prior to Approval, many, which would improve Rittmann's view, were not fixed on Approved plans, alleged violating **Rittmann's right to due process**. Zoning complaints,

like Rittmann's, are directed to the planner of record, to self-determine if they wish to admit an error or tort and fix it, or, by themselves, prosecute Rittmann by seizing her property rights: alleged violating Rittmann's right to impartial jury. City didn't reply to Rittmann's complaints over Jimmy Johns' prohibited driveway approaches (prohibited when Jimmy Johns made new use), where landscape is alleged required. City doesn't require Planning to reply to complaints. Without the required landscape at Jimmy Johns, alleged City violates Rittmann's right to protection against illegal seizure (seizure of property rights granted by City zoning laws). And Planning will not meet with Rittmann or reply with Director's letter to let Rittmann appeal, alleged further violating Rittmann's right to due process. Alleged-removal of constitutional rights has resulted in the City not enforcing its own laws, resulting in detriment to Rittmann's property. The City's policies have helped create the conditions for Ingalsbe to allegedly commit violations of Rittmann's constitutional rights, violate of City & State laws, make intentional torts, resulting in his high position allegedly committing Nonfeasance, Misfeasance, & Malfeasance of Office, all breach of duty.

3. Criteria used by Planning Director in applying the development standard that is being appealed: Land Use Manager Steve Ingalsbe made the decision that he is not requiring zoning law of 5' x 122' of Type III landscaping on south lot line because it wasn't on previously-approved drawings at the time of Jimmy Johns application 3 years ago.

Alleged how Ingalsbe averts law: 1. Public doesn't have access to most approved land use plans till after the 14 day appeal period expires, meaning City denies the public 14th Amendment right to be heard. With no oversight, Ingalsbe can profit by approving plans that don't meet zoning laws. 2. If public later files zoning violation complaints, Ingalsbe won't grant meeting or reply in any manner that can be appealed, eliminating all public right to be heard. Ingalsbe obstructs correcting the violations to conceal wrongdoing. Like, Ingalsbe discarded 7+ long-standing City laws at Jimmy Johns & 30+ laws at restaurant X, abutting Rittmann, causing detriment to Rittmann's property.

JVL

('Restaurant X' didn't even *submit* a landscaping plan!). I say Ingalsbe violates City & State laws, 14th Amendment, commits intentional torts; all a pattern of breach of duty.

History: Re Jimmy Johns doing business for 3 years without certificate of Occupancy. [2015 bank building torn down, restaurant built, some landscaping, started doing business]4/5/16 Inspector Pomeroy cited "Zoning requirements not met". 2/23/18 Jimmy Johns given temporary Certificate of Occupancy, now believed expired on or about a month ago. Planning required them to update their landscape drawings to meet some, but not all requirements. Planner Grace Pollard said the NW corner of the plans had to show placement and count of shrubs plus add 2 trees. Other zoning requirements missing from 2015 plans: two 15' thuja cut to 30" for alley view EMC 19.31A.040B2, irrigation 19.35.115, remove weeds 19.35.130A3, replace dead shrubs 19.41.030, provide assurance device EMC 19.40. Landscape final required for Certificate of Occupancy, so no final is a procedural error. When there has been a procedural error, or many errors, the locality must go back and repeat the procedure. Ingalsbe removed the Type III requirement from Applicant's plans and would not correct prohibited driveway approaches (prohibited at time of New Use), said being two DOUBLE approaches, where landscaping was required. Prohibited approaches believed required special permits at the time of the New Use application, and none was applied for or granted. Said violations are nuisances to Rittmann's property [[same as City allowing Rittmann's other neighbor McDonalds 30+ zoning violations, violations as a new use and others at the time the violations were not legally allowed by Planning. To remove the violations, 7/18/18, the City simply removed the zoning laws in place for decades!]].

4. The appellant's basis for appealing the application of the particular development standard.

Appellant is not appealing the development standard, but Steve Ingalbe's purposefully averting development standards, standards stated in code as "shall", making them requirements.

5. The impact that the development standard requested by the appellant should have on the following:

a. the proposed use: Requiring Development Standards would greatly improve Appellant's views.

DVR

Zoning laws City won't require of Jimmy Johns (and McDonalds) were decades-old laws, and Ingalsbe and the City has no legal right to avert City and State laws, in place at the time of the violations, to be overridden for its personal agenda.

b. **Surrounding properties:** Rittmann owns the property catty-corner to Jimmy Johns in the alley, and her view is directly effected by Ingalsbe's determination not to follow Development Standards in requiring the Type III on S. lot line, which requires 4 trees. Prohibited double driveway approaches (prohibited at the time of Jimmy Johns being a new use) are required to instead be ~4 required trees + shrubs and such would soften Rittmann's views.

c. **Public right-of-way.** Public right of way was cleared by Public works (Beyham) that the required interior lot line south 5 feet would have no effect on right of way.

d. **Environmentally sensitive areas:** not applicable.

e. **Other standards required by this ordinance:** Ingalsbe said he is not requiring the Development Standard cause he considers it an unintentional error on 2015 plans: plans that were never posted or publicly available within 14 day appeal period. Twice Ingalsbe went out of his way to have the S. zone requirement *removed* from the 7/18 plans Jimmy Johns submitted that contained the required 5 x 122' of Type III: first by telling Planner Pollard to inform Jimmy Johns that he is not requiring the Type III, then by meeting with the drafter of the plans to assure the Type III landscaping was removed from the plans. Rittmann was DRAFTER of the plans, that being the ONLY opportunity to appeal these violations, and said meeting being ONLY opportunity to get response as to why City will not site McDonalds for its 30+ zoning violations, all turned into the City. (Memorandum Addendum Part Y)

Alleged, this is a pattern of Ingalsbe' Breach of Duty, who, by City not granting Public rights, is able to thwart disclosure of errors & torts. Alleged, Planning just says he's right, and Mayor, etc. don't know the laws much to know they aren't following the law, such causing Public like Rittmann great anguish. Re Jimmy Johns, if Rittmann hadn't drafted the plans, the missing requirements: likely permanent rape

of Rittmann's property rights. 1. Plans never publicly disclosed before approval. 2. Plan approval never posted on-line, preventing public from Records Requesting plans. 3. If somehow public got inside info that Planning just approved some plans, Planning can still stop access to them till after the 14 day appeal period, 4. Continuous records requests (to catch approvals) delays records, & City only required to *reply*, not fill requests 5. Public must find email that documents approval to file appeal. 6. Planning officials so sure they'd stopped all ways for public to appeal that 10/17/18 when Rittmann tried to Appeal Jimmy Johns' plan approval, Director Giffen said NO. 7. When zoning complaints are later filed, Planning doesn't have to reply in any way to filer of complaints, or write a letter, Director's letter being virtually the only way one can appeal any violation. Ie, officers have found they can avoid following ANY City and state laws. Back in 1994, McDonalds was required to post plans, so alleged to prevent anyone contesting the blatant zoning violations, **it just never submitted landscaping plans at all.** Being #2 on fortune 500, they are aware Planning officers have no supervision that requires them to meet any zoning law. This situation is ripe for malfeasance of Office. I have personally seen missing requirements at many McDonalds' properties.

f. Overall public health, safety and welfare: many busy-street drive approaches congests traffic. Jimmy John's Broadway & 26th residential street accesses alleged should be prohibited. **By Planning officers knowingly not enforcing City laws, having City change the laws to allow violations to continue, and eliminating the public's right to be heard, the City has itself created a detriment to public health, safety and welfare:** Horrid examples are at Rittmann's other neighbor McDonalds (detailed in Addendum Part X)

g. Relevant policies of the Everett Comprehensive Plan:

Land Use Manager obstructs comprehensive plan by not requiring, and intentionally obstructing zoning laws the City itself set forth, most laws being in place for over 25 years; laws that City ordinances meticulously set forth in Comprehensive Plan. Jimmy Johns is but another example of how lack of

JVR

independent oversight on legal matters can greatly effect the community and Comprehensive Plan.

6. Any findings of conclusions issued in writing by the Planning Department or Planning Director:

Planner Pollard's 10/17/18 written approval of Jimmy John's Plans, sent via email, stating, "I have approved the Jimmy John's revised landscape plan. Please see attached." 10/17/18 filing of my Appeal was obstructively denied by Director Giffen's verbal orders to Kelsey at Permit Services to not allow it.

APPLICATION CODE REQUIREMENTS

EMC19.35.120A "*New Development. All new uses shall provide landscaping in accordance with the requirements of this chapter* "...EMC 19.35.120A "*Landscaping required pursuant to this title shall be installed in accordance with the approved landscape plan prior to the issuance of a certificate of occupancy..*" *[Jimmy Johns has been in business 3 years without meeting Occupancy requirements (& McDonalds DB for 24 years),EMC* 19.35.040 "*Landscaping shall be located where indicated by Table 35-1.*" *["Table 35-1 interior lot lines (2) Abutting Zone "Others" Type III " 5 feet or distance between building and lot line, whichever is less"]* "*Type III landscaping shall consist of: 1. ...trees ...with a mix of ...ground covers and low shrubs... Trees shall be spaced at intervals no greater than thirty feet on center...*, EMC 13.16.050F, (prior to City's 7/18/18 ordinance, "*No permit for a driveway approach shall be granted where reasonable egress and ingress for the purpose for which the property is used, can be secured from the alley*"

REQUEST/remedy sought

NOW, THEREFORE, Jean V. Rittmann prays for relief as follows:

1. Examiner should declare that:

   a. Examiner grants injunctive relief by mandating the City mandate Jimmy Johns to meet City zoning law of 5' of Type III landscaping on South buffer, without which is violation of Jean V. Rittmann's protection against illegal seizure of Rittmann's property rights granted by City zoning laws; and

   b. Examiner grants injunctive relief by mandating the City mandate Jimmy Johns to meet zoning law EMC 13.16.050.F, Prohibited driveway approaches, by removing both north and east

JVR

prohibited driveway approaches, to be replaced with law-required landscape, without which is a violation of Jean V. Rittmann's property rights granted by City zoning laws; and

c. The City, by not requiring itself to meet its own laws, has caused detriment to Jean V. Rittmann's property, a violation of Rittmann's right to protection against illegal seizure, said being an unauthorized, ultra vires action; and

d. Examiner grants injunctive relief by mandating the City hereafter meet Public's 14th Amendment rights by requiring posting of all land use plans for a meaningful time, for public input; and

j. Examiner grants injunctive relief by mandating the City hereafter meet Public's 6th Amendment rights by mandating the City require correction of all zoning violations brought to its attention; and

k. Examiner grants injunctive relief by mandating the City meet meet Public's 14th Amendment rights by replying with appealable Director's letter, to persons who turn in zoning violation complaints that the City finds are not zoning violations, by City citing specific law that shows complaint does not identify a zoning violation; and

l. Examiner grants injunctive relief by mandating the City meet public's 6th Amendment rights by hereafter having an impartial jury to field zoning complaints; and

n. Examiner grants injunctive relief to the Public by mandating the City revoke the Certificate of Occupancy of any business property that has not completed landscaping that meets all zoning laws brought to the City's attention, and City not granting permanent Certificate of Occupancy till all zoning laws all met.

o. Mandate the City Mandate the City mandate enforcement of laws in place at the time of creation of a violation, without which is violation of due process, violation of impartial jury, violation of unlawful seizure of property rights, all unauthorized, ultra vires action.

2. Examiner should issue a writ of mandamus to the Mayor; and

3. Examiner should issue an injunction ; and

4. Examiner should deem these complaints to be amended in the interests of justice demand amendment; and

5. Examiner should grant any other relief that is just and equitable.

I declare under penalty of perjury under the Laws of the State of Washington that the forgoing is true and correct. Signed in Everett, Washington on Oct. 30, 2018

Jean Rittmann – Appellant and owner of 2609 Lombard A & B (alley catty-corner from Jimmy Johns)
2016 Broadway Ave, Everett, WA, 98201

Jeanne Johnson Jacobs

From:	Katie Rathbun
Sent:	Monday, July 1, 2019 11:31 AM
To:	Sharon Rice; Anne Weech
Cc:	David Hall
Subject:	RE: building is proposing this change
Follow Up Flag:	Follow up
Flag Status:	Flagged

Examiner Rice,

I think it would be very helpful to have your perspective. I will be in an meeting this afternoon, and, if you are okay with it, will recommend you be included in the early discussions. Having provided examiner services here and in other areas that use different processes and procedures will be very valuable. Not to mention thinking through the issues like the one you mention below.

Thanks,

REPLY to have meeting

Katie Rathbun
Assistant City Attorney | Everett City Attorney's Office
425.257.7007 | 2930 Wetmore Ave, Everett, WA 98201
everettwa.gov | Facebook | Twitter

Note: Emails and attachments sent to and from the City of Everett are public records and may be subject to disclosure pursuant to the Public Records Act.

From: Sharon Rice <sharonrice@hearing-examiner.com>
Sent: Monday, July 1, 2019 11:23 AM
To: Anne Weech <AWeech@everettwa.gov>
Cc: Katie Rathbun <KRathbun@everettwa.gov>
Subject: RE: building is proposing this change

Hi Katie and Anne,

What is happening with this? If this change is made for building code violations, would all violations be handled that way? If EMC violations on the same property are not also handled this way, the same respondent could potentially be required to appear before the examiner in two proceedings with different burdens of proof, which would be very confusing for members of the public, as well as for staff.

Should I be involved in the conversations on this proposed change?

Sharon Rice
Hearing Examiner

From: Anne Weech <AWeech@everettwa.gov>
Sent: Monday, July 1, 2019 8:07 AM
To: Sharon Rice <sharonrice@hearing-examiner.com>
Subject: building is proposing this change

Exhibit L

JVR

B. Shrubs. Required shrubs shall be at least two-gallon size and at least eighteen inches high at the time of planting.

C. Ground Covers.

1. Ground cover includes low-growing, living plant materials such as perennials, grass, low-growing shrubs, and similar plants. For purposes of this title, chipped wood, bark, similar mulching materials or nonliving artificial plant materials are not acceptable substitutes for required ground cover, except that in portions of LID stormwater facilities that count toward required landscaping, no more than twenty-five percent of the required ground cover may be in rock and mulch.

2. In order to accomplish ninety percent coverage of bare soil by ground cover within three years, spacing for ground cover shall be as follows:

a. Two-and-one-half-inch pots: twelve inches on center;

b. Four-inch pots: eighteen inches on center;

c. One-gallon pots: twenty-four inches on center;

d. Alternative spacing of particular species may be approved by the city if documentation concerning the effectiveness of the ground cover is submitted with the landscape plan.

D. Plant Materials, Size, Characteristics. All plant materials, sizes and characteristics shall be in accordance with the current American Standards for Nursery Stock.

1. See the city's recommended tree list for recommended species.

2. The use of plant species native to the Pacific Northwest is encouraged.

3. Species listed in Snohomish County's noxious weeds lists (Classes A, B and C) are prohibited and shall be eradicated or controlled when present. Invasive species such as English ivy cultivars "Baltica," "California," "Pittsburgh," and Star, Atlantic ivy, and Scotch broom shall not be planted.

4. See the city's stormwater regulations for additional standards for plantings in stormwater facilities. (Ord. 3322-13 § 6, 2013; Ord. 2657-02 § 33, 2002; Ord. 1671-88 (part), 1988. Formerly 35.110.)

19.35.080 Application of landscape categories and type (Table 35-1).

A. Perimeter Landscaping. Table 35-1 of this section establishes the type and width of landscaping required along property lines for the landscape category required in each individual zone in Table 6.1. This chart establishes the minimum requirements for each landscape category. However, additional standards may be required in individual zones (Table 6.1 identifies when additional standards may apply, for example in the B-3, SMU, E-1, and MUO zones) or for uses being reviewed under review processes involving the hearing examiner, planning commission or city council as set forth in Title 15, Local Project Review Procedures, when necessary to enhance compatibility between zones and uses. Where a minimum width of landscaping is specified, the actual width of the planting area shall be measured. Curbs, paving or other protective or boundary marking devices shall not be included in the measurement of landscape width.

B. Application of Type IV Landscaping. Type IV landscaping shall be used in the following circumstances:

1. All uses which are indicated as requiring Landscape Category E in the use-standards tables of individual zones.

2. All interior portions of lots which are not developed with buildings, parking area and uses and which are not regulated by subsection A of this section, or Section 19.35.090 or 19.35.090, or by other more specific landscape regulations contained in this title.

Table 35-1

Street Frontage (1)			Interior Lot Lines (2)		
Landscape Category	Type	Width of Landscaping	Abutting Zone	Type	Width of Landscaping
A	III	Minimum setback depth (3)	Single-family (4)	II	15 feet or width of required setback, whichever is less
			Others	III	5 feet or distance between building and lot line, whichever is less
B	III	10 feet or distance between lot line and building, whichever is less (3)	Residential (5)	II or I	15 feet 10 feet
			Others	III	5 feet or distance between building and lot line, whichever is less
C	III	10 feet or distance between building and lot line, whichever is less (3) (8) (10)	Residential (5)	I	25 feet
			Commercial (6) (11)	II	10 feet
			Industrial (7) (11)	II	5 feet

Exhibit M-1

2 A mix of evergreen and deciduous shrubs, with not more than thirty percent being deciduous, at least two-gallon size and a minimum of eighteen inches high at the time of planting planted at a density of five per one hundred square feet of planting area, together with other living ground cover planted to attain a coverage of ninety percent within three years of planting.

Trees to be planted under overhead electric power lines shall be species recommended in Snohomish County PUD No. 1's Tree Book, Puget Sound Energy's Energy Landscaping or an alternative approved by the planning director. If the species planted is expected to be less than twenty feet high at maturity, the planning director may require that additional trees be planted.

C Type III: Ornamental Effects Landscaping. Type III landscaping is intended to provide a visual separation of uses from streets and visual separation of compatible uses so as to soften the appearance of the development from public streets and soften the appearance of parking areas, buildings, and other improvements. Type III landscaping shall consist of:

1 Canopy-type broadleaf deciduous trees or spreading evergreen trees planted in beds or strips with a mix of living evergreen and deciduous ground covers and low shrubs. Up to one hundred percent of the trees may be deciduous. Deciduous trees shall have a minimum caliper of two and one-half inches at the time of planting. Evergreen trees shall have a minimum height of six feet at time of planting. Trees shall be spaced at intervals no greater than thirty feet on center.

Trees planted in Type III landscaped areas along street frontages must have a minimum spread of ten feet and a minimum height of twenty feet at maturity, unless a lower height is required under power lines. Trees to be planted under overhead electric power lines shall be species recommended in Snohomish County PUD No. 1's Tree Book, Puget Sound Energy's Energy Landscaping or an alternative approved by the planning director. If the species planted is expected to be less than twenty feet high at maturity, the planning director may require that additional trees be planted. Trees that do not meet these standards, such as palm trees and Thuja occidentalis "emerald green," may only be permitted for a portion of the landscaping through the modification process in Section 35.070A.5 when the proposal includes superior design quality, and increases the number of trees provided.

2 Shrubs and living ground cover shall be chosen and planted to attain a coverage of ninety percent within three years of planting. Shrubs shall be a minimum of eighteen inches high at the time of planting and shall be planted at a density of five shrubs per one hundred square feet of that portion of the landscape area which is not planted in ground cover. Ground cover may be used for up to seventy-five percent of the required ninety percent coverage.

3. Along interior lot lines where buildings on both sides of an interior lot line are five feet or less from the property line, one of the following screening methods may be used rather than the standards in subsections C.1 and 2 of this section:

a Per recorded agreement with adjacent property owner, provide a low landscaped hedge at least three feet wide between the building and the property line. The hedge shall include at least one three-gallon shrub for every three lineal feet.

b. Provide a solid wood fence or masonry wall, or combination of wood and masonry, six feet in height and located along the property line.

c Other treatments that meet the intent of the standards as approved by the planning director. Lower fencing and/or reduced or alternative landscaping treatments will require a recorded agreement with applicable adjacent property owner(s).

Exhibit # p. 2

14. Maintenance and plant replacement schedules when required landscaping is provided in containers, such as when the location of underground utilities prevents the installation of required street trees. (Ord. 3322-13 § 12, 2013: Ord. 1849-02 § 35, 1992: Ord. 1671-89 (part), 1989.)

19.35.115 Irrigation plan requirements.

A. All landscape areas shall be provided with an irrigation system. The planning director may waive the requirement for an irrigation system when existing mature vegetation would be harmed by installation of an irrigation system for that portion of the required landscape area where the mature vegetation is located. The planning director may also waive irrigation requirements for all or portions of a site through the modification process in Section 19.35.070 when the applicant commits to ensuring the full establishment of plantings that do not need irrigation at maturity, or will otherwise be watered during low rainfall conditions. When approving a modification, the planning director may require a five-year maintenance assurance device.

B. Except for residential projects with two or fewer units, irrigation plans shall be prepared and approved by either a Washington State licensed landscape architect or an irrigation association certified irrigation designer.

C. Irrigation plans must include:

1. Method of irrigation of required landscape areas and schematic of irrigation system.

2. Backflow prevention device.

3. Service location.

Irrigation plans and equipment are encouraged to include rain shut off devices and evapotranspiration based schedules.

D. Irrigation systems shall not be located within public right-of-way unless approved by the public works department. (Ord. 3322-13 § 13, 2013.)

19.35.120 Landscaping installation and performance assurance requirements.

A. Landscaping required pursuant to this title shall be installed in accordance with the approved landscape plan prior to the issuance of a certificate of occupancy or final project approval. An applicant may request a temporary certificate of occupancy for an exception to this requirement. If a temporary certificate is issued, all required landscaping shall be installed within six months after issuance of the temporary certificate of occupancy. The planning department shall require a performance assurance device, as described in Chapter 19.40, prior to issuing a temporary certificate of occupancy.

B. Prior to issuance of a final certificate of occupancy, the planning department shall verify that the landscaping is installed in accordance with the approved landscape plan. The engineer of record shall certify that planting areas were prepared and amended per the landscaping plan requirements, and that all construction debris was removed from the landscape areas prior to soil preparation and installation of plants.

C. If the installation of the required landscaping or screening is not completed within the period specified, the performance assurance device may be used by the city to contract for completion of the installation. Upon completion of the installation, any portion of the remaining security shall be returned.

D. The planning department shall perform the final landscape and screening inspection prior to any performance assurance device being returned. Any portion of the landscaping not installed properly shall cause the certificate of occupancy to be withheld or revoked until the project is completed or cause the assurance device to be used by the city. (Ord. 3322-13 § 14, 2013: Ord. 1671-89 (part), 1989.)

19.35.130 Landscape maintenance and maintenance assurance requirements.

A. All landscape areas required by this title shall be maintained in accordance with the following standards:

1. All landscaping shall be maintained with respect to pruning, mowing, watering, weeding, insect control, fertilizing, or other requirements to create a healthy growing condition, attractive appearance, and to maintain the purpose of the landscape type.

a. Pruning of trees must be consistent with ANSI A300 (Part 1) American National Standard for Tree Care Operations—Tree, Shrub, and Other Woody Plant Management—Standard Practices (Pruning) and companion publication Best Management Practices Tree Pruning. The topping, shearing or pollarding of trees is prohibited.

b. Required trees shall not be pruned to maintain a height below twenty feet, except as required under power lines or as approved through the landscape modification process in Section 24.070.A.5.

c. Portions of trees that extend over areas used by pedestrians or vehicle maneuvering or parking areas, or that abut driveways, shall be limbed up to a height of seven feet to maintain pedestrian and vehicle clearance and clear lines of sight.

2. Dead, diseased, stolen, vandalized, improperly pruned, or damaged plants shall be replaced within three months, with the plants indicated on the approved landscape plan.

3. All landscaped areas shall be maintained reasonably free of weeds and trash.

4. All required landscaping which is located within public right-of-way shall be maintained by the abutting property owner.

5. All corner lots shall maintain a vision clearance triangle. See Section 19.070.C for additional standards.

6. All LID stormwater management facilities shall also be maintained in accordance with the city of Everett stormwater management manual.

B. A maintenance assurance device, as described in Chapter 19.40, shall be required by the planning department to ensure that landscaping will be maintained for two years, according to the approved plans and specifications. (Ord. 3322-13 § 15, 2013: Ord. 2657-02 § 34, 2002: Ord. 1849-92 § 36, 1992: Ord. 1671-89 (part), 1989.)

19.35.140 Landscape enforcement.

When the city takes enforcement action under Section 19.41.030 to ensure that dead, diseased, stolen, vandalized, improperly pruned, or damaged plants are replaced, a two-year maintenance assurance device, as described in Chapter 19.40, shall be required for the replaced landscaping. (Ord. 3322-13 § 16, 2013.)

Exhibit

Exhibit A p.3

to or used by the city and over which it has jurisdiction to regulate the matters covered hereby, without first obtaining a permit from the city engineer, and no permit shall be granted until the applicant shall file with the city engineer for his approval a copy of a drawing showing the location and size of all such proposed improvements to serve the property affected. (Prior code § 13.36.020)

13.16.040 Improvement permit issuance.

Before approving the drawing of such improvement and issuing the permit the city engineer shall determine that the proposed improvement is in conformance with the provisions and standards hereinafter set forth (and shall stamp his approval on the application). (Prior code § 13.36.040)

13.16.050 Prohibited locations.

Driveways shall be located as follows:

A. No driveway approach shall be permitted to encompass any municipal facility under the permit provided for herein.

Applicant may be authorized to relocate any municipal facility including any within the limits of a curb return which may be encroached upon as allowed under subsections C and D of this section;

B. At street intersections, no portion of any driveway approach, including end slopes, shall be permitted between the limits of the intersection of the prolonged property lines and the curb, except as may be allowed under subsections C and D of this section;

C. At street intersections no portion of any driveway approach, including end slopes, shall be permitted between the limits of the intersection of the prolonged back edges of the sidewalks and the curb, except as may be allowed under subsection D of this section;

D. On all curb returns at street intersections, where the radius is twenty-five feet or more, driveway approaches, including end slopes, may encroach upon each end of the return for a distance equal to twelve and one-half percent of the total length of the arc of the curb return, thus leaving at least seventy-five percent of the length of the arc of the curb return face free from driveway encroachment;

E. Notwithstanding the provisions of subsections B and C of this section, at street intersections no portion of any driveway approach including end slopes shall be permitted between the points of curvature of the curb return where the radius of the curb is twenty feet or less;

F. No permit for a driveway approach shall be granted where reasonable egress and ingress, for the purpose for which the property is used, can be secured from the alley;

G. No driveway approach for commercial purposes shall be allowed unless sufficient space is provided for vehicles, twenty feet in length to turn around before returning to the street, or unless an exit to an alley or secondary street is provided, or unless approved by the city council. (Prior code § 13.36.050)

13.16.060 Length of driveway approach apron.

The length of a driveway approach apron shall conform to the following dimensions:

A. For residential driveways, not less than ten feet nor more than twelve feet for single driveways, and not more than twenty feet for double driveways;

B. For commercial driveways, when one or more driveway approaches serve a given property frontage, no single apron shall exceed thirty feet in length, if the property abuts a street where the posted speed limit is twenty-five miles or less per hour, or thirty-five feet where the posted speed limit is above twenty-five but under forty-five miles per hour, or forty feet where the posted speed limit is forty-five or

Exhibit

Exhibit M p. 4

Construction Permits
Apply / New Permit
Search Permit
Pay Fees

Land Use Projects
Apply for New Project
Search Projects
Pay Fees
Fees Estimator

Properties
Search Property

Inspections
Schedule
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Project Search

Search By: Address | Contains | 2502 broadway | SEARCH

Search Results

Search Results

PROJECT_NO
APP18-001
PREAPP13-013
ZONE-001
PREAPP13-028
REVI15-012

Project #REVIzg-012

Project Info | Site Info | Comment (0)

Description: Design Review
Type: REVIEW_PROCESS_1
Subtype:
Planner: Grace Pollard
Status: APPROVED
Applied: 5/18/2015
Approved:
Closed: 5/18/2015
Expired:
Status: 6/16/2015
Complete:
Notes:

Everett Municipal Code

NO APPROVED DATE

The City of Everett, Washington makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation. Utilization of this website indicates understanding and acceptance of this statement.

Contains | 2502 broadway | SEARCH

https://pw.everettwa.gov/eTRAKIT/Se

Permit #D1503-002

Inspections

Permit Info | Site Info | Inspections(2) | Reviews (3)

Type: DEMOLITION
Subtype:
Description of Permit: DEMO BANK BUILDING
Status: ARCHIVED
Applied Date: 3/11/2015
Approved Date: 3/11/2015
Issued Date: 3/31/2015
Finaled Date: 10/14/2015
Expiration Date:
Description Notes:

Exhibit N