

Lake Stevens City Council Regular Meeting Agenda

September 22, 2014

- | | | |
|----|---|----------------|
| *B | Public Hearing and consideration of first reading of Ordinances No. 917, 2014 Comprehensive Plan Update, No. 918, Kjorsvik Map Amendment and No. 919, Huber Map Amendment | Sally/
Russ |
| *C | Public Hearing and consideration of first reading of Ordinance 920, Kjorsvik Rezone | Russ |

**CLOSED RECORD
PUBLIC HEARING:**

PUBLIC HEARING FORMAT

1. Open Public Hearing
2. Staff presentation
3. Applicant's comments
4. Parties in interest comments
5. Applicant's rebuttal comments
6. Discussion by City Council
7. Closing comments from staff
8. Close Hearing
9. COUNCIL ACTION:
 - a. Approve
 - b. Deny
 - c. Continue

- | | | |
|----|---|------|
| *D | Closed Record Public Hearing in consideration of first reading of Ordinance 921, Huber Rezone | Russ |
|----|---|------|

ACTION ITEMS:

- | | | |
|----|---|------|
| *A | Resolution 2014-6 Declaring an Emergency and Authorizing the Mayor to Enter into Contract with B&B Utilities & Excavating, LLC for Repair of 20 th Street SE | Mick |
|----|---|------|

DISCUSSION ITEMS

- | | | |
|----|---|-----|
| *A | Snohomish County Cities – 2015 Legislative Agenda | Kim |
|----|---|-----|

**COUNCIL PERSON'S
BUSINESS**

MAYOR'S BUSINESS

STAFF REPORTS

EXECUTIVE SESSION

ADJOURN



City of Lake Stevens Vision Statement



By 2030, we are a sustainable community around the lake with a vibrant economy, unsurpassed infrastructure and exceptional quality of life.

* ITEMS ATTACHED	** ITEMS PREVIOUSLY DISTRIBUTED	# ITEMS TO BE DISTRIBUTED
------------------	---------------------------------	---------------------------

THE PUBLIC IS INVITED TO ATTEND Special Needs

The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact Steve Edin, City of Lake Stevens ADA Coordinator, (425) 377-3227, at least five business days prior to any City meeting or event if any accommodations are needed. For TDD users, please use the state's toll-free relay service, (800) 833-6384, and ask the operator to dial the City of Lake Stevens City Hall number.

NOTICE:

All proceedings of this meeting are audio recorded, except Executive Sessions



This page left blank intentionally



MEMO

To Mayor and Council, City of Lake Stevens
From: Ken Harvey, Communications Director, Sno-Isle Libraries
Date: September 10, 2014
Re: 2014 Lake Stevens Library Focus Group Research

Summary

Sno-Isle Libraries commissioned two sets of community focus groups in June 2014 as a follow up to community phone, mail and online surveys conducted by Sno-Isle Libraries in fall 2013. Focus Group consensus was that the existing library facility is inadequate and there should be a public vote for a larger library building on a new site.

Background

Research Objectives

The library district hoped to better understand:

- library use patterns and travel habits of Lake Stevens residents
- perceptions of how adequately or inadequately the current library serves the community
- resident expectations around a potential expanded library facility
- feelings around different site options, if a new library were to be built
- information needs deemed critical to a ballot measure to fund a new library in Lake Stevens

Focus Groups

- 2 separate groups
 - group of residents from east side of the lake
 - group from west side of Lake Stevens
- approximately 20 participants total
- participant composition
 - active library customers
 - inactive customers
 - non-customers

Summary of Key Findings

Library Use and Current Library

Approximately 80% of the focus group participants were registered library customers. However, not all participants use the Lake Stevens Library. Some use the Marysville

Library while others use the library in Snohomish. Group participants indicated they choose to visit a library based on various factors:

- convenience within their normal commute to job or school
- available space inside a library facility to browse, read, or enjoy a program
- sufficient library materials available onsite to meet the demand

Participants were asked how they felt about the current facility. Group assessment was that:

- current library is too small
- customers minimize time inside because the building is too cramped and uncomfortable to spend much time inside
- those who use the Lake Stevens Library, only use it to pick-up reserved materials and return them
- library staff are an asset

Community Resource Needed

Several participants remarked that Lake Stevens needs a community landmark and civic center. Both groups discussed the need for a community focal point, other than the lake, and how a library facility could serve that role. According to focus group consensus, this is a role the current library facility has no chance of fulfilling for a growing city of 30,000 residents.

In addition, many participants remarked that a new Lake Stevens Library would be a logical component of a larger community and civic complex.

New Site and Facility

Most participants were initially interested in seeing a larger facility built on the existing site. Group discussion led to consensus that while the current lakefront location is a positive, community needs would be better served with a bigger library on a new site.

Most focus group participants agreed the master plan for a new library site should also include building space for a new city hall, police station or other public offices. Participants felt shared site and associated infrastructure costs would be more economical to taxpayers.

Grade Road Site Favored

Participants considered and discussed several potential locations for a larger library. Both groups of participants reviewed a small set of suggested locations on the east and west sides of the lake. The two groups suggested alternatives and weighed pluses and minuses.

Overall, the Grade Road site drew the most positive remarks by both groups.

- ample buildable space at the site
- aesthetically pleasing surroundings
- good, but not great overall transportation access (major roads)
- access to public transportation
- proximity to traditional, downtown Lake Stevens
- ease of access by residents on east side of community

Grade Road downsides

- farther travel distance for west-side residents
- longer travel time due to slow posted road speeds to reach the site
- distance from other retail and commercial destinations

Frontier Village Primary Alternative

Frontier Village positives included:

- easy transit/transportation access
- existing retail destination area

Frontier Village downsides

- pedestrian safety perceptions from the lack of pedestrian infrastructure
- traffic congestion along Hwy 9 and major intersections
- public safety perceptions around retail center

Several other sites were suggested, received consideration and discussed during the sessions. Problems with other optional sites centered mostly on:

- vehicle and pedestrian access
- lack of transit support
- low surrounding population density
- already close proximity to libraries in Marysville and Snohomish

Suggested Priorities in New Library Facility

Focus group participants discussed various priorities for a new library facility. There was widespread agreement that all suggested improvements discussed were tied to a larger library.

Top group priorities for a new library in both sessions, were:

- adequate space for additional books and library materials
- a larger inventory of current popular literature, periodicals, and reference materials
- quiet space for comfortable reading
- quiet space for studying
- multi-use community space reconfigurable from small meeting rooms for library activities to classroom/auditorium size needs

Desired “bells and whistles” for a larger library included:

- more children’s programs,
- more public computers and devices
- digital multimedia production center
- employment and career resources
- Lake Stevens historical archives
- distance learning via webcam and videoconferencing

- remote access to worldwide educational resources

Public Vote on Larger, New Library

Participants reviewed costs associated with similar Sno-Isle library project construction costs in Snohomish County.

There was almost unanimous support for placing a library ballot measure before Lake Stevens voters. There were 2-4 residents overall who were unconvinced by the end of the focus group discussion that funding a new library made sense for the community at this time.

Group consensus was that voters would be well-served by adequate information surrounding a potential future library ballot measure that included:

- clear statement of the library capital project
 - size
 - scope
 - cost
 - timeline
- a master plan strategy
 - which anticipated future expansion needs
 - provided outdoor spaces
 - reflected or anticipated other public offices and services
 - reflected or anticipated a community or civic center vision

**BLANKET VOUCHER APPROVAL
 2014**

We, the undersigned Council members of the City of Lake Stevens, Snohomish County, Washington, do hereby certify that the merchandise or services hereinafter specified have been received and that the following vouchers have been approved for payment:

Payroll Direct Deposits	9/15/2014	\$137,636.29
Payroll Checks	37375-37376	\$4,867.54
Tax Deposit(s)	9/16/2014	\$58,409.86
Electronic Funds Transfers	ACH	\$5,422.27
Claims	37374, 37377- 37453	\$198,137.44
Void Checks	37361	(\$635.85)
Total Vouchers Approved:		\$403,837.55

This 22nd day of September 2014:

 Mayor

 Councilmember

 Finance Director

 Councilmember

 Councilmember

 Councilmember



This page left blank intentionally



Accounts Payable Checks and EFTs for period of 09/09/2014 to 09/22/2014

Invoice	AccountCode	Account Description	Item Description	Amount	
Dept of Revenue			Check 0	9/16/2014	\$1,864.81
Aug 2014	001-005-518-10-31-01	HR-Operating Cost	Excise Use Taxes - August 2014	\$30.01	
Aug 2014	001-008-521-20-31-00	LE-Office Supplies	Excise Use Taxes - August 2014	\$51.87	
Aug 2014	001-010-576-80-31-00	PK-Operating Costs	Excise Use Taxes - August 2014	\$16.30	
Aug 2014	001-013-518-90-49-06	GG-Excise Tax	Excise Taxes - August 2014	\$165.54	
Aug 2014	410-016-531-10-44-00	SW-Excise Taxes	Excise Taxes - August 2014	\$1,593.38	
Aug 2014	410-016-531-50-31-14	DOE G1400295 - Capacity Exp	Excise Use Taxes - August 2014	\$7.71	
Nationwide Retirement Solution			Check 0	9/16/2014	\$1,150.00
9/15/14	001-000-282-00-00-00	Payroll Liability Retirement	9/15/14 Employee paid Nationwide Deferred Comp	\$1,150.00	
Washington State Support Registry			Check 0	9/16/2014	\$402.46
9/15/14	001-000-284-00-00-00	Payroll Liability Other	9/15/14 Employee paid Child Support	\$402.46	
EFTPS Electronic Federal Tax Pmt System			Check 0	9/16/2014	\$58,409.86
9/15/14	001-000-281-00-00-00	Payroll Liability Taxes	9/15/14 Employee and Employer paid Federal Taxes	\$58,409.86	
Dept of Retirement (Deferred Comp)			Check 0	9/16/2014	\$2,005.00
9/15/14	001-000-282-00-00-00	Payroll Liability Retirement	9/15/14 Employee paid DOR Deferred Comp	\$2,005.00	
Pfau Cochran Vertetis Amala PLLC Trust Account			Check 37374	9/9/2014	\$22,500.00
Moreno	001-013-519-20-49-00	GG-Judgments & Settlements	Settlement	\$22,500.00	
Snohomish County PUD			Check 37377	9/9/2014	\$476.23
124101969	001-010-576-80-47-00	PK-Utilities	203599006	\$95.98	
124101969	101-016-543-50-47-00	ST-Utilities	203599006	\$95.98	
124101969	410-016-531-10-47-00	SW-Utilities	203599006	\$95.98	
100144559	410-016-531-20-47-00	SW-Aerator Utilities	202427720	\$33.99	
114149752	410-016-531-20-47-00	SW-Aerator Utilities	202150405	\$154.30	

Invoice	AccountCode	Account Description	Item Description	Amount	
Business Card			Check 37378	9/16/2014	\$3,072.17
09/14 2772	001-001-513-10-43-00	Executive - Travel & Mtgs	Chamber meeting	\$10.00	
09/14 2772	001-001-513-10-43-00	Executive - Travel & Mtgs	2014 AWC Regional meeting	\$45.00	
09/14 2772	001-002-513-11-31-00	AD-Office Supply	Supplies	\$8.79	
09/14 2772	001-002-513-11-43-00	AD-Travel & Meetings	2014 AWC Regional meeting	\$45.00	
09/14 2772	001-002-513-11-43-00	AD-Travel & Meetings	Budget/staffing meeting	\$37.33	
09/14 4268	001-007-558-50-41-03	PL-Advertising	Help wanted - Assoc Planner	\$150.00	
09/14 1324	001-007-558-50-41-03	PL-Advertising	Mailer - BuDu race	\$123.38	
09/14 1324	001-007-558-50-41-03	PL-Advertising	Mailer - Ironman	\$97.22	
09/14 1324	001-007-558-50-41-03	PL-Advertising	Mailer - Huber	\$16.21	
09/14 1324	001-007-558-50-41-03	PL-Advertising	Mailer - Stonebriar	\$27.53	
09/14 7750	001-007-558-50-41-03	PL-Advertising	Mailer - Huber	\$47.44	
09/14 1324	001-007-558-50-43-00	PL-Travel & Mtgs	Chamber meeting	\$10.00	
09/14 1324	001-007-558-50-43-00	PL-Travel & Mtgs	Training-Market Research & Analysis	\$45.00	
09/14 1324	001-007-559-30-31-01	PB-Operating Cost	Data searches	\$39.90	
09/14 1324	001-007-559-30-31-01	PB-Operating Cost	Contact report	\$0.95	
09/14 8877	001-008-521-20-31-00	LE-Office Supplies	Laptop privacy filter	\$39.92	
09/14 8877	001-008-521-20-31-00	LE-Office Supplies	Returned USB connector	(\$33.17)	
09/14 8877	001-008-521-20-31-01	LE-Operating Costs	Transcription services	\$27.00	
09/14 8877	001-008-521-20-31-01	LE-Operating Costs	Ammo & blue training guns	\$384.32	
09/14 0979	001-008-521-20-31-01	LE-Operating Costs	Equipment bags for vehicles	\$135.95	
09/14 0979	001-008-521-20-32-00	LE-Fuel	Fuel for generator	\$1.04	
09/14 4268	001-008-521-20-41-03	LE-Advertising	Help wanted - Lateral Police Officer	\$195.00	
09/14 4268	001-008-521-20-42-00	LE-Communication	Postage - Police Dept	\$200.00	
09/14 4183	001-008-521-20-43-00	LE-Travel & Meetings	Training travel - Lambier	\$261.19	
09/14 0979	001-008-521-20-43-00	LE-Travel & Meetings	Travel for training	\$6.40	
09/14 8877	001-008-521-20-43-00	LE-Travel & Meetings	Open house reception for New Chief	\$25.90	

Invoice	AccountCode	Account Description	Item Description	Amount	
09/14 8877	001-008-521-20-43-00	LE-Travel & Meetings	Transcription services	\$8.25	
09/14 4183	001-008-521-20-43-00	LE-Travel & Meetings	Training travel - Lambier	\$147.84	
09/14 0979	001-008-521-20-43-00	LE-Travel & Meetings	Travel for training	\$7.25	
09/14 0979	001-008-521-20-43-00	LE-Travel & Meetings	Travel for training	\$11.20	
09/14 8877	001-008-521-20-43-00	LE-Travel & Meetings	Transcription services	\$7.07	
09/14 8877	001-008-521-20-43-00	LE-Travel & Meetings	Transcription services	\$8.66	
09/14 0979	001-008-521-20-43-00	LE-Travel & Meetings	Travel for training	\$14.75	
09/14 0979	001-008-521-20-43-00	LE-Travel & Meetings	Travel for training	\$14.75	
09/14 0979	001-008-521-20-43-00	LE-Travel & Meetings	Travel for training	\$8.85	
09/14 8877	001-008-521-20-43-00	LE-Travel & Meetings	Transcription services	\$5.99	
09/14 8877	001-008-521-20-43-00	LE-Travel & Meetings	Transcription services	\$8.07	
09/14 0979	001-008-521-20-49-00	LE-Miscellaneous	License tag for PT56	\$49.25	
09/14 7750	001-010-576-80-31-00	PK-Operating Costs	Animal waste bags	\$234.00	
09/14 4268	001-013-518-20-31-00	GG-Operating	Solicitor background check	\$10.00	
09/14 2772	101-016-542-30-41-01	ST-Advertising	Help wanted - Civil engineer	\$25.00	
09/14 7750	101-016-542-64-31-00	ST-Traffic Control - Supply	Neighborhood watch signs	\$225.60	
09/14 7750	101-016-542-90-31-01	ST-Clothing	Uniform sample	\$36.93	
09/14 7750	101-016-542-90-31-01	ST-Clothing	Uniform sample	\$33.74	
09/14 7750	101-016-544-90-31-02	ST-Operating Cost	Orange safety vests	\$86.01	
09/14 7750	410-016-531-10-31-00	SW-Clothing	Uniform sample	\$36.92	
09/14 7750	410-016-531-10-31-00	SW-Clothing	Uniform sample	\$33.74	
09/14 7750	410-016-531-10-31-02	SW-Operating Costs	Orange safety vests	\$86.00	
09/14 2772	410-016-531-10-41-05	SW-Advertising	Help wanted - Civil engineer	\$25.00	
Comcast			Check 37379	9/16/2014	\$95.21
8/14 0692756	001-008-521-20-42-00	LE-Communication	Internet - Market Place	\$95.21	
Lake Stevens Police Guild			Check 37380	9/16/2014	\$952.00
9/15/14	001-000-284-00-00-00	Payroll Liability Other	9/15/14 Employee paid Union Dues	\$952.00	

Invoice	AccountCode	Account Description	Item Description	Amount	
Snohomish County Cities			Check 37381	9/16/2014	\$175.00
9/18 meeting	001-001-511-60-43-00	Legislative - Travel & Mtgs	Snohomish County Cities 9/18/14 meeting	\$105.00	
9/18 meeting	001-008-521-20-43-00	LE-Travel & Meetings	Snohomish County Cities 9/18/14 meeting	\$70.00	
A Bat			Check 37382	9/22/2014	\$110.00
17917	001-010-576-80-31-00	PK-Operating Costs	Backflow Assembly Cert - irrigation systems	\$110.00	
Ace Hardware			Check 37383	9/22/2014	\$82.57
43629	001-008-521-20-31-01	LE-Operating Costs	Keys	\$4.32	
43471	001-008-521-20-31-01	LE-Operating Costs	Paint for PD office	\$60.40	
43540	001-013-518-20-31-00	GG-Operating	Circuit tester/Electrical connector	\$17.85	
ACES			Check 37384	9/22/2014	\$329.00
10259GR	001-005-517-60-31-00	HR-Safety Program	Safety Mtg: Pedestrian safety	\$75.67	
10259GR	101-016-517-60-31-00	ST-Safety Program	Safety Mtg: Pedestrian safety	\$126.67	
10259GR	410-016-517-60-31-00	SW-Safety Program	Safety Mtg: Pedestrian safety	\$126.66	
Advantage Building Services			Check 37385	9/22/2014	\$439.39
529068	621-013-586-00-00-05	Public Bldg Maint Retain Reimb	Retainage Release March 2013-Feb 2014	\$439.39	
Alexander Printing			Check 37386	9/22/2014	\$166.48
39692	001-004-514-23-31-00	FI-Office Supplies	1500 Security Window #10 Envelopes	\$166.48	
Barnes James			Check 37387	9/22/2014	\$114.00
8/6 Req	001-008-521-21-43-00	LE-Boating-Travel	Per Diem 2014 Marine Law Enforcement Conf	\$64.00	
8/28 Exp Rpt	001-008-521-40-49-01	LE-Staff Development	Certification fee-Child Passenger Safety	\$50.00	
Blumenthal Uniforms			Check 37388	9/22/2014	\$94.43
90088	001-008-521-20-26-00	LE-Clothing	Uniform pants and alterations-Lambier	\$94.43	
Bratwear			Check 37389	9/22/2014	\$278.56
12053	001-008-521-21-26-00	LE-Boating Clothing	Shirt/Pants and alterations-Barnes	\$278.56	
Carquest Auto Parts Store			Check 37390	9/22/2014	\$95.13
2421-211262	101-016-544-90-31-02	ST-Operating Cost	Automotive Fuses	\$8.25	

Invoice	AccountCode	Account Description	Item Description	Amount
2421-210792	101-016-544-90-31-02	ST-Operating Cost	Multi-Conductor cable	\$43.44
2421-210792	410-016-531-10-31-02	SW-Operating Costs	Multi-Conductor cable	\$43.44
City of Everett			Check 37391	9/22/2014
				\$2,225.00
I14002029	001-008-554-30-51-00	LE-Environmental-Animal Contro	Animal shelter services July 2014	\$2,015.00
I14002171	410-016-531-10-31-02	SW-Operating Costs	Lab analysis	\$210.00
City of Marysville			Check 37392	9/22/2014
				\$33,504.82
POLIN11-0452	001-008-523-60-51-00	LE-Jail	Prisoner Housing July 2014	\$17,665.00
POLIN11-0454	001-008-523-60-51-00	LE-Jail	Prisoner Housing August 2014	\$11,142.12
14-015	001-013-512-50-41-00	GG-Municipal Court Fees	Court Fees August 2014	\$4,697.70
Code Publishing Co			Check 37393	9/22/2014
				\$100.52
47605	001-003-514-20-41-00	CC-Professional Services	Municipal Code publishing services	\$100.52
Comcast			Check 37394	9/22/2014
				\$249.02
08/14 0443150	001-002-513-11-42-00	AD-Communications	Internet services - All City	\$2.59
09/14 0443150	001-002-513-11-42-00	AD-Communications	Internet services - All City	\$2.40
08/14 0443150	001-003-514-20-42-00	CC-Communications	Internet services - All City	\$7.76
09/14 0443150	001-003-514-20-42-00	CC-Communications	Internet services - All City	\$7.19
08/14 0443150	001-004-514-23-42-00	FI-Communications	Internet services - All City	\$5.17
09/14 0443150	001-004-514-23-42-00	FI-Communications	Internet services - All City	\$4.79
08/14 0443150	001-005-518-10-42-00	HR-Communications	Internet services - All City	\$2.59
09/14 0443150	001-005-518-10-42-00	HR-Communications	Internet services - All City	\$2.40
08/14 0443150	001-006-518-80-42-00	IT-Communications	Internet services - All City	\$5.17
09/14 0443150	001-006-518-80-42-00	IT-Communications	Internet services - All City	\$4.79
08/14 0443150	001-007-558-50-42-00	PL-Communication	Internet services - All City	\$20.68
09/14 0443150	001-007-558-50-42-00	PL-Communication	Internet services - All City	\$19.16
09/14 0443150	001-008-521-20-42-00	LE-Communication	Internet services - All City	\$69.46
08/14 0443150	001-008-521-20-42-00	LE-Communication	Internet services - All City	\$74.97

Invoice	AccountCode	Account Description	Item Description	Amount	
08/14 0443150	001-010-576-80-42-00	PK-Communication	Internet services - All City	\$3.45	
09/14 0443150	001-010-576-80-42-00	PK-Communication	Internet services - All City	\$3.19	
08/14 0443150	101-016-543-30-42-00	ST-Communications	Internet services - All City	\$3.45	
09/14 0443150	101-016-543-30-42-00	ST-Communications	Internet services - All City	\$3.19	
08/14 0443150	410-016-531-10-42-00	SW-Communications	Internet services - All City	\$3.43	
09/14 0443150	410-016-531-10-42-00	SW-Communications	Internet services - All City	\$3.19	
Comcast			Check 37395	9/22/2014	\$130.80
08/14 0827887	101-016-542-64-48-00	ST-Traffic Control - R&M	Traffic Signal control	\$130.80	
Comcast			Check 37396	9/22/2014	\$85.71
08/14 0808840	001-010-576-80-42-00	PK-Communication	Internet services - City Shop	\$28.57	
08/14 0808840	101-016-543-30-42-00	ST-Communications	Internet services - City Shop	\$28.57	
08/14 0808840	410-016-531-10-42-00	SW-Communications	Internet services - City Shop	\$28.57	
Comdata Corporation			Check 37397	9/22/2014	\$336.62
20214156	001-008-521-20-32-00	LE-Fuel	Fuel	\$144.76	
20214156	001-008-521-21-32-00	LE-Boating-Fuel	Fuel	\$191.86	
Cooking Light			Check 37398	9/22/2014	\$24.00
2806766271	001-005-517-90-41-00	HR-Wellness Program	Cooking Light subscription	\$24.00	
Corporate Office Supply			Check 37399	9/22/2014	\$669.83
153943i	001-008-521-20-31-00	LE-Office Supplies	Cork Bulletin board	\$43.39	
153967i	001-008-521-20-31-00	LE-Office Supplies	Dry Erase board	\$249.07	
154170i	001-008-521-20-31-00	LE-Office Supplies	Envelopes/pens/markers/post its	\$377.37	
Crystal and Sierra Springs			Check 37400	9/22/2014	\$288.39
5249844090114	001-007-558-50-31-01	PL-Operating Costs	Bottled water	\$25.70	
5249844090114	001-007-559-30-31-01	PB-Operating Cost	Bottled water	\$25.70	
5249844090114	001-013-518-20-31-00	GG-Operating	Bottled water	\$82.81	
5249844090114	101-016-544-90-31-02	ST-Operating Cost	Bottled water	\$77.09	
5249844090114	410-016-531-10-31-02	SW-Operating Costs	Bottled water	\$77.09	

Invoice	AccountCode	Account Description	Item Description	Amount	
Databar Inc			Check 37401	9/22/2014	\$371.92
210502	001-004-514-23-31-00	FI-Office Supplies	2000 Multipurpose Checks		\$371.92
Day Wireless Systems 16			Check 37402	9/22/2014	\$97.92
368988	001-008-521-20-48-00	LE-Repair & Maintenance	Speed gun repair		\$97.92
Electronic Business Machines			Check 37403	9/22/2014	\$302.46
103220	001-013-518-20-48-00	GG-Repair & Maintenance	Copier Maint		\$302.46
Evergreen State Heat			Check 37404	9/22/2014	\$673.32
25691	001-008-521-20-48-00	LE-Repair & Maintenance	HVAC repair at Police Station		\$673.32
Feldman and Lee			Check 37405	9/22/2014	\$6,982.50
08/2014	001-011-515-91-41-00	LG-General Indigent Defense	Public Defender services		\$6,982.50
Frontier			Check 37406	9/22/2014	\$82.35
9/14 4253340835	001-013-518-20-42-00	GG-Communication	Telephone services		\$27.45
9/14 4253340835	101-016-543-30-42-00	ST-Communications	Telephone services		\$27.45
9/14 4253340835	410-016-531-10-42-00	SW-Communications	Telephone services		\$27.45
Frontier			Check 37407	9/22/2014	\$62.18
09/14 425397967	101-016-542-64-47-00	ST-Traffic Control -Utility	Traffic control modem		\$62.18
Glens Rental Sales and Service			Check 37408	9/22/2014	\$198.36
S7330	101-016-544-90-31-02	ST-Operating Cost	Gear Housing for Stihl HS80 hedger		\$99.18
S7330	410-016-531-10-31-02	SW-Operating Costs	Gear Housing for Stihl HS80 hedger		\$99.18
Granite Construction Supply			Check 37409	9/22/2014	\$211.72
54398	101-016-542-64-31-00	ST-Traffic Control - Supply	Sign-No Left Turn		\$76.02
54405	101-016-544-90-31-02	ST-Operating Cost	Sign-Event in Progress		\$81.45
54399	101-016-544-90-31-02	ST-Operating Cost	Industrial strength Velcro		\$54.25
Griffen Chris L			Check 37410	9/22/2014	\$705.00

Invoice	AccountCode	Account Description	Item Description	Page 18	Amount
4Z335002LSP	001-011-515-91-41-00	LG-General Indigent Defense	Public Defender services		\$262.50
4Z0160120LSP	001-011-515-91-41-00	LG-General Indigent Defense	Public Defender services		\$255.00
4Z0259201LSP	001-011-515-91-41-00	LG-General Indigent Defense	Public Defender services		\$187.50
HB Jaeger Co LLC			Check 37411	9/22/2014	\$105.45
151543	410-016-531-10-31-02	SW-Operating Costs	Couplers and concrete mix		\$105.45
Industrial Supply Inc			Check 37412	9/22/2014	\$151.74
542268	101-016-544-90-31-02	ST-Operating Cost	Brooms		\$25.46
542808	101-016-544-90-31-02	ST-Operating Cost	Post hole diggers		\$50.41
542268	410-016-531-10-31-02	SW-Operating Costs	Brooms		\$25.46
542808	410-016-531-10-31-02	SW-Operating Costs	Post hole diggers		\$50.41
Integra Telecom Inc			Check 37413	9/22/2014	\$927.54
12343744	001-002-513-11-42-00	AD-Communications	Telephone services		\$13.63
12343744	001-003-514-20-42-00	CC-Communications	Telephone services		\$27.27
12343744	001-004-514-23-42-00	FI-Communications	Telephone services		\$27.27
12343744	001-005-518-10-42-00	HR-Communications	Telephone services		\$13.63
12343744	001-006-518-80-42-00	IT-Communications	Telephone services		\$40.90
12343744	001-007-558-50-42-00	PL-Communication	Telephone services		\$88.67
12343744	001-007-559-30-42-00	PB-Communication	Telephone services		\$13.63
12343744	001-008-521-20-42-00	LE-Communication	Telephone services		\$463.80
12343744	001-012-575-30-42-00	CS-Historical-Communications	Telephone services		\$13.63
12343744	001-012-575-50-42-00	CS-Community Center - Comm	Telephone services		\$13.63
12343744	001-013-518-20-42-00	GG-Communication	Telephone services		\$54.54
12343744	101-016-543-30-42-00	ST-Communications	Telephone services		\$78.47
12343744	410-016-531-10-42-00	SW-Communications	Telephone services		\$78.47
Intoximeters Inc			Check 37414	9/22/2014	\$944.00
474728	001-000-333-20-60-00	DOT Fed Ind 20.600 Hwy Safety	Breathalyzer supplies		\$944.00
Jamison Julie			Check 37415	9/22/2014	\$745.95

Invoice	AccountCode	Account Description	Item Description	Amount
refund 1169	001-008-521-20-20-00	LE-Benefits	Medical Benefits	\$745.95
Johns Cleaning Service			Check 37416	9/22/2014
1431	001-008-521-20-26-00	LE-Clothing	Uniform cleaning services	\$164.41
Lake Stevens Fire			Check 37417	9/22/2014
8021	001-008-521-20-31-01	LE-Operating Costs	Annual fire inspection-Police Station	\$95.00
8010	001-008-521-20-31-01	LE-Operating Costs	Annual fire inspection-LakeShore Drive	\$65.00
Lake Stevens Sewer District			Check 37418	9/22/2014
9/2014	001-008-521-50-47-00	LE-Utilities	Sewer service-Police station and LakeShore Dr	\$154.00
9/2014	001-010-576-80-47-00	PK-Utilities	Sewer service-Lundeen Park	\$154.00
9/2014	001-012-572-20-47-00	CS-Library-Utilities	Sewer services - Library	\$77.00
9/2014	001-013-518-20-47-00	GG-Utilities	Sewer service-City Hall/Permit Ctr/Family Ctr	\$308.00
9/2014	101-016-543-50-47-00	ST-Utilities	Sewer service-99th Ave SE property	(\$9.21)
Law Offices of Weed Graafstra			Check 37419	9/22/2014
129	001-011-515-30-41-00	LG-Professional Service	Legal Services - August 2014	\$8,375.10
Lowes Companies			Check 37420	9/22/2014
911224	101-016-542-64-31-00	ST-Traffic Control - Supply	Sign Posts	\$80.75
Michael & Alexander PLLC			Check 37421	9/22/2014
12884	001-008-521-20-41-02	LE-Professional Srv-Legal	Legal services	\$113.00
Modern Marketing			Check 37422	9/22/2014
MMI104462	001-008-521-20-31-01	LE-Operating Costs	Cable ties	\$104.46
Northeast Wisconsin Technical College			Check 37423	9/22/2014
SFT00001000067	001-008-521-40-49-01	LE-Staff Development	Taser recertification - Aukerman	\$175.00
Northwest Cascade Inc			Check 37424	9/22/2014
2-1013168	001-010-576-80-45-00	PK-Equipment Rental	HoneyBucket rental - Boat launch	\$138.00
Office of The State Treasurer			Check 37425	9/22/2014
Aug 2014	633-007-586-00-00-02	Building - State Bl	August 2014 State Court Fees	\$63.00

Invoice	AccountCode	Account Description	Item Description	Page 20	Amount
Aug 2014	633-008-586-00-00-03	Public Safety And Ed. 1986	August 2014 State Court Fees		\$3,332.40
Aug 2014	633-008-586-00-00-04	Public Safety And Education	August 2014 State Court Fees		\$2,082.40
Aug 2014	633-008-586-00-00-05	Judicial Information System-Ci	August 2014 State Court Fees		\$670.17
Aug 2014	633-008-586-00-00-08	Trauma Care	August 2014 State Court Fees		\$248.15
Aug 2014	633-008-586-00-00-09	School Zone Safety	August 2014 State Court Fees		\$27.59
Aug 2014	633-008-586-00-00-10	Public Safety Ed #3	August 2014 State Court Fees		\$112.95
Aug 2014	633-008-586-00-00-11	Auto Theft Prevention	August 2014 State Court Fees		\$330.36
Aug 2014	633-008-586-00-00-12	HWY Safety Act	August 2014 State Court Fees		\$17.04
Aug 2014	633-008-586-00-00-13	Death Inv Acct	August 2014 State Court Fees		\$15.07
Aug 2014	633-008-586-00-00-14	WSP Highway Acct	August 2014 State Court Fees		\$85.43
Outcomes by Levy LLC			Check 37426	9/22/2014	\$4,869.66
2014-08-LS	001-013-511-20-41-02	GG-Advisory Srv - Lobbying	Lobbying services - August 2014		\$4,869.66
Pakor Inc NW8935			Check 37427	9/22/2014	\$485.15
917335	001-008-521-20-31-00	LE-Office Supplies	Passport camera supplies		\$485.15
Pitney Bowes			Check 37428	9/22/2014	\$112.17
9619164-SP14	001-013-518-20-45-00	GG-Equipment Rental	Postage machine rental		\$112.17
Pitney Bowes Inc			Check 37429	9/22/2014	\$77.85
615580	001-013-518-20-31-00	GG-Operating	Postage machine ink/sealing solution		\$77.85
Puget Sound Energy			Check 37430	9/22/2014	\$35.11
09/14 24316495	001-010-576-80-47-00	PK-Utilities	Natural Gas - City Shop		\$11.70
09/14 24316495	101-016-543-50-47-00	ST-Utilities	Natural Gas - City Shop		\$11.70
09/14 24316495	410-016-531-10-47-00	SW-Utilities	Natural Gas - City Shop		\$11.71
Puget Sound Energy			Check 37431	9/22/2014	\$75.50
09/14 3723810	001-008-521-50-47-00	LE-Utilities	Natural Gas - Lakeshore Dr		\$75.50
S Morris Co			Check 37432	9/22/2014	\$11.55
150881	101-016-542-30-41-02	ST-Professional Service	Deceased Animal Disposal		\$11.55

Invoice	AccountCode	Account Description	Item Description	Amount	
Safeguard Pest Control Inc			Check 37433	9/22/2014	\$209.92
42975	001-013-518-20-48-00	GG-Repair & Maintenance	Pest Control -Permit/Family Center	\$104.96	
42517	001-013-518-20-48-00	GG-Repair & Maintenance	Pest Control -Permit/Family Center	\$104.96	
Seattle Pump			Check 37434	9/22/2014	\$371.41
14-3736	410-016-531-10-35-00	SW-Small Tools	X-tend a claw 8-16 ft	\$371.41	
Snohomish County PUD			Check 37435	9/22/2014	\$14,000.68
143865850	001-008-521-50-47-00	LE-Utilities	203033030	\$138.36	
150459868	001-008-521-50-47-00	LE-Utilities	202766820	\$1,376.46	
153721157	001-010-576-80-47-00	PK-Utilities	203531959	\$72.24	
137239249	101-016-542-63-47-00	ST-Lighting - Utilities	205320781	\$90.28	
140550835	101-016-542-63-47-00	ST-Lighting - Utilities	201860178	\$275.21	
130727001	101-016-542-63-47-00	ST-Lighting - Utilities	201973682	\$43.12	
114155355	101-016-542-63-47-00	ST-Lighting - Utilities	202670725	\$1,128.33	
140549425	101-016-542-63-47-00	ST-Lighting - Utilities	202988481	\$319.34	
114155354	101-016-542-63-47-00	ST-Lighting - Utilities	202648101	\$1,011.47	
163408135	101-016-542-63-47-00	ST-Lighting - Utilities	205338056	\$84.56	
150456546	101-016-542-63-47-00	ST-Lighting - Utilities	204719074	\$16.57	
114155353	101-016-542-63-47-00	ST-Lighting - Utilities	202624367	\$9,113.55	
107523520	101-016-542-63-47-00	ST-Lighting - Utilities	201595113	\$331.19	
Snohomish County PW S			Check 37436	9/22/2014	\$11,730.84
1000366260	101-016-542-64-48-00	ST-Traffic Control - R&M	Traffic light repairs	\$1,030.84	
1000366677	410-016-591-31-78-01	SW-Parkway Crossing Det Pond	Infrastructure Maint & Habitat Restoration	\$10,700.00	
Snohomish County Sherrifs Office			Check 37437	9/22/2014	\$4,410.60
2014-2195	001-008-523-60-51-00	LE-Jail	Prisoner Housing July 2014	\$4,410.60	
Snohomish County Treasurer			Check 37438	9/22/2014	\$128.24
August 2014	633-008-586-00-00-01	Crime Victims Compensation	August 2014 Crime Victims Compensation	\$128.24	
Snopac			Check 37439	9/22/2014	\$26,039.54

Invoice	AccountCode	Account Description	Item Description	Page 22	Amount
6909	001-008-528-00-51-00	LE-Snopac Dispatch	Dispatch services		\$26,039.54
Sonsray Machinery LLC			Check 37440	9/22/2014	\$22,785.05
P00512-09	101-016-544-90-31-02	ST-Operating Cost	Wheel bearing kit - Backhoe		\$133.42
P00512-09	410-016-531-10-31-02	SW-Operating Costs	Wheel bearing kit - Backhoe		\$133.41
E00003-09	530-016-594-48-60-00	Purchase Of Capital Equipment	Trailer VIN# 1JKTDA247EM013452		\$22,518.22
Sound Publishing Inc			Check 37441	9/22/2014	\$666.84
EDH585102	001-004-514-23-41-01	FI-Advertising	Ordinance 915 2014 Budget amendment		\$27.64
EDH582795	001-007-558-50-41-03	PL-Advertising	LUA2014-0058 Frontage Rd Improvements		\$123.96
EDH584482	001-007-558-50-41-03	PL-Advertising	LUA2014-0061 DR Horton		\$75.80
EDH582842	001-007-558-50-41-03	PL-Advertising	Public Hearing-Comprehensive Plan amendments		\$113.64
EDH585216	001-007-558-50-41-03	PL-Advertising	Cavalero Community Park Planning mtg		\$41.40
EDH585283	001-007-558-50-41-03	PL-Advertising	LUA2014-0058 LSSD Ed Center		\$65.48
EDH584475	001-007-558-50-41-03	PL-Advertising	LUA2014-0008 Huber Rezone		\$43.12
EDH585306	001-007-558-50-41-03	PL-Advertising	Road Closure - BUDU Triathlon		\$41.40
EDH582846	001-007-558-50-41-03	PL-Advertising	LUA2014-0010 Kjorsivk Rezone		\$106.76
EDH585096	001-013-518-30-41-01	GG-Advertising	Ordinance 914 Salary Commission		\$27.64
Staples			Check 37442	9/22/2014	\$61.43
3242181311	001-008-521-20-31-00	LE-Office Supplies	Card Stock/Report covers		\$24.71
3242082196	001-008-521-20-31-00	LE-Office Supplies	Avery Labels		\$14.14
3242318570	001-008-521-20-42-00	LE-Communication	Netgear 5 port switch		\$22.58
Stericycle Inc			Check 37443	9/22/2014	\$10.36
3002755287	001-008-521-20-41-00	LE-Professional Services	Hazardous waste disposal		\$10.36
Tacoma Screw Products Inc			Check 37444	9/22/2014	\$165.22
18052665	001-010-576-80-31-00	PK-Operating Costs	Nitrile Gloves		\$26.86
18052665	101-016-544-90-31-02	ST-Operating Cost	Nitrile Gloves		\$26.87
30568774	101-016-544-90-31-02	ST-Operating Cost	Nitrile Gloves/screws/seal rings/pins		\$42.31
30568774	410-016-531-10-31-02	SW-Operating Costs	Nitrile Gloves/screws/seal rings/pins		\$42.31

Invoice	AccountCode	Account Description	Item Description	Amount
18052665	410-016-531-10-31-02	SW-Operating Costs	Nitrile Gloves	\$26.87
The Officer Survival Initiative			Check 37445	9/22/2014
2014-238	001-008-521-20-31-01	LE-Operating Costs	Tourniquet Kits	\$4,008.36
The Seattle Times			Check 37446	9/22/2014
461002	001-007-558-50-41-03	PL-Advertising	Help wanted - Associate Planner	\$225.00
464990	001-007-558-50-41-03	PL-Advertising	Help wanted - Permit Specialist	\$225.00
UPS			Check 37447	9/22/2014
74Y42354	001-008-521-20-42-00	LE-Communication	Evidence shipping	\$20.73
US Postal Service			Check 37448	9/22/2014
Box 257	001-013-518-20-31-00	GG-Operating	Annual PO Box service for Box #257	\$132.00
Verizon Northwest			Check 37449	9/22/2014
471507126-00001	001-001-513-10-42-00	Executive - Communication	Wireless Phone Services	\$82.22
471507126-00001	001-002-513-11-42-00	AD-Communications	Wireless Phone Services	\$82.22
471507126-00001	001-003-514-20-42-00	CC-Communications	Wireless Phone Services	\$16.97
471507126-00001	001-005-518-10-42-00	HR-Communications	Wireless Phone Services	\$52.20
471507126-00001	001-006-518-80-42-00	IT-Communications	Wireless Phone Services	\$124.40
471507126-00001	001-007-558-50-42-00	PL-Communication	Wireless Phone Services	\$82.22
471507126-00001	001-007-559-30-42-00	PB-Communication	Wireless Phone Services	\$81.09
471507126-00001	001-008-521-20-42-00	LE-Communication	Wireless Phone Services	\$1,310.00
471507126-00001	001-010-576-80-42-00	PK-Communication	Wireless Phone Services	\$120.51

Invoice	AccountCode	Account Description	Item Description	Amount	
471507126-00001	101-016-543-30-42-00	ST-Communications	Wireless Phone Services	\$120.51	
471507126-00001	410-016-531-10-42-00	SW-Communications	Wireless Phone Services	\$120.51	
Wachtveitl Jerad			Check 37450	9/22/2014	\$63.00
9/10 req	001-008-521-20-43-00	LE-Travel & Meetings	PerDiem for training-Investigation of Mobile Devices	\$63.00	
Washington State Dept of Enterprise Svcs			Check 37451	9/22/2014	\$89.02
73124189	001-008-521-20-31-00	LE-Office Supplies	Business cards-Lorentzen/Taylor/Lambier	\$89.02	
Washington State Patrol			Check 37452	9/22/2014	\$218.00
15000959	001-013-518-20-31-00	GG-Operating	Solicitor background check	\$20.00	
15001552	633-008-586-00-00-06	Gun Permit - FBI Remittance	Weapons permit background checks	\$198.00	
Zachor and Thomas Inc PS			Check 37453	9/22/2014	\$8,580.00
633	001-011-515-30-41-01	PG-Prosecutor Fees	Prosecutor services	\$8,580.00	
Total Disbursements				\$261,969.57	

**CITY OF LAKE STEVENS
REGULAR CITY COUNCIL MEETING MINUTES**

Monday, September 8, 2014
Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street N.E. Lake Stevens

CALL TO ORDER: 7:00 p.m. by Mayor Pro Tem Daughtry

COUNCILMEMBERS PRESENT: Todd Welch, Suzanne Quigley, Kathy Holder, Kim Daughtry, Marcus Tageant, Sam Low and John Spencer

COUNCILMEMBERS ABSENT: None.

STAFF MEMBERS PRESENT: City Administrator Jan Berg, Planning Director Becky Ableman, Finance Director/City Clerk Barb Stevens; Police Chief Dan Lorentzen, Senior Planner Russ Wright and City Attorney Cheryl Beyer

GUESTS: Aquafest Board member Janice Huxford; and Kristina Gallant, Analyst for Alliance for Housing Affordability

Mayor Little was absent from the meeting.

Guest Business: Janice Huxford, 625 South Lake Stevens Road, thanked the City for its support of 2014 Aquafest. Aquafest has moved on to 2015 with the election of a new executive board of which she is a member. Ms. Huxford reviewed the Aquafest 2015 priorities that have been identified by the executive board. She thanked the City for the opportunity to use BOSS to provide support and backup show services to assist with facilities, shows and site management and believes they contributed greatly to the success of Aquafest 2014. Ms. Huxford thanked the City for its financial support in 2014 and requested financial support for Aquafest 2015. She then responded to Council's questions.

Consent Agenda:

MOTION: Councilmember Low moved, Councilmember Tageant seconded, to approve the Consent Agenda: (A) Approve 2014 vouchers [Payroll Direct Deposits 8/29/2014 for \$123,362.24, (B) Payroll Checks 37328-37330 for \$4,863.20, Tax Deposits 8/29/2014 of \$49,274.10, Electronic Funds Transfers ACH of \$145,330.70, Claims Checks 37331-37373 for \$58,723.64, Void Check 37303 for \$175.00, Total Vouchers Approved for \$381,378.88], (B) Approve Council workshop meeting minutes of August 25, 2014, and (C) Approve Council regular meeting minutes of August 25, 2014. Motion passed unanimously (7-0-0-0).

Action Items:

Stonebriar Phase 2 Final Plat Approval. Senior Planner Russ Wright presented the Staff Report and requested Council accept and approve the Stonebriar Subdivision Phase 2 final plat, and responded to Council's questions.

MOTION: Councilmember Tageant moved, Councilmember Welch seconded to accept and approve the final plat of Stonebriar Subdivision Phase 2. Motion passed unanimously (7-0-0-0).

Professional Services Agreement with Outcomes by Levy LLC. City Administrator Jan Berg presented the Staff Report and requested Council authorize the mayor to sign the Professional Services Agreement with Outcomes by Levy LLC, extending the Professional Services Agreement one year from October 1, 2014 through September 30, 2015, and responded to Council members' questions.

MOTION: Councilmember Spencer moved, Councilmember Low seconded, to authorize the Mayor to sign the Professional Services Agreement with Outcomes by Levy LLC. Motion passed unanimously (7-0-0-0).

Discussion Items:

Community Housing Profile Presentation – Alliance for Housing Affordability. Planning Director Rebecca Ableman introduced Kristina Gallant, Analyst for Alliance for Housing Affordability. Ms. Gallant provided an overview of housing affordability and needs in Snohomish County in general and specifically in Lake Stevens. Planning Director Ableman and Ms. Gallant responded to Council's questions.

Council Person's Business: Councilmembers reported on the following: Daughtry: SCCIT and AMTEC tour; Low: Health Board, Parks Joint Planning meeting; Spencer: Sewer Utility meeting; Holder: Sewer Utility meeting; Tageant: Sewer Utility meeting.

Staff Reports: Staff reported on the following: City Administrator Berg: State Route 9 Coalition will meet September 30, 2014 at 8:00 a.m. at Lake Stevens Fire Headquarters, Budget subcommittee; Planning Director Ableman: reminded of Cavalero Park planning meeting September 9 at 7:00 p.m., Park Board; Planning Commission met last week; City may want to consider traffic impact fees and developer incentives, staff will review and bring this back to Council for discussion; Police Chief Lorentzen: circulated a press release regarding a new online crime reporting system, and also distributed and reviewed the 2014 Second Quarter Report.

Executive Session: Mayor Pro Tem Daughtry recessed the meeting for a five minute executive session at 8:05 p.m. for the purpose of discussing three litigation matters, two with no action to follow and one with action to follow. Executive session concluded at 8:10 p.m. and the public meeting was reconvened.

MOTION: Councilmember Welch moved, Councilmember Tageant seconded, to authorize the Mayor to sign a settlement agreement in the amount of \$22,500 in the case of Moreno-Toro vs. Lake Stevens public records lawsuit. Motion passed unanimously (7-0-0-0).

Adjourn: Councilmember Low moved, Councilmember Welch seconded, to adjourn the meeting at 8:11 p.m. Motion carried unanimously (7-0-0-0).

Kim Daughtry, Mayor Pro Tem

Barb Stevens, Finance Director/City Clerk

**CITY OF LAKE STEVENS
CITY COUNCIL SPECIAL MEETING MINUTES**

Tuesday, September 9, 2014
Cavelero Mid High Commons
8220 – 24th Street SE, Lake Stevens

CALL TO ORDER: 7:00 p.m.

COUNCILMEMBERS PRESENT: Todd Welch, Kathy Holder, Sam Low and Kim Daughtry

COUNCILMEMBERS ABSENT: Marcus Tageant, John Spencer, Suzanne Quigley

STAFF MEMBERS PRESENT: Planning Director Becky Ableman and Senior Planner Sally Payne

Councilmembers met and participated in the Open House for Cavalero Park Planning.

Adjourn. 8:30 p.m.

Kim Daughtry, Council President

Barb Stevens, Finance Director/City Clerk



This page left blank intentionally



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: September 22, 2014

Subject: Frontage Road Development Improvement Code Amendment (LUA2014-0058).

Contact Person/Department: Sally Payne, Planning & Community Development **Budget Impact:** none

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

1) Hold a public hearing over proposed Frontage Road Development Improvements code amendment (LUA2014-0058) concerning Chapter 14.56 – (14.56.170) Right-of-Way Improvements and Dedication to Precede Development or Building of Title 14 of the Land Use Code.

2) Motion a to approve Ordinance 916, “AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON, REPEALING EXISTING LSMC SECTION 14.56.170 AND REPLACING IT WITH A NEW SECTION 14.56.170 ENTITLED “RIGHT-OF-WAY DEDICATION AND FRONTAGE IMPROVEMENTS”.

SUMMMARY:

Public Hearing and first reading on a proposed code amendment to the current frontage road improvement requirements. Council may continue the hearing to October 13, 2014 for a second and final reading.

BACKGROUND/HISTORY:

On 24th March 2014, staff presented the issue of frontage road improvements requirements to the City Council for discussion and direction. It was the consensus of the Council that there are situations, such as when there are no sidewalks in close proximity of a new single-family development, where the installation of sidewalks with a single-family development didn't seem necessary. Furthermore, Council members commented that staff should have more discretion to implement this requirement. Staff was directed by the Council to prepare a code revision that would address these issues.

Staff proposed a complete code revision. On July 14, 2014 staff presented the proposed code revisions for frontage road improvements to City Council for discussion. Council recommended changes to the proposed code revision concerning the “sun setting” of the no-protest agreement for the formation of a Local Improvement District (LID) and the conditions which would allow City staff to waive the frontage road requirements. Council's recommendations were incorporated into the proposed code revision to include the “sun setting” of the no-protest agreement to the formation of an LID after 10 years to be consistent with Revised Code of Washington (RCW) which states that no-protest agreements are statutorily subject to a maximum duration of 10 years. In addition, the proposed revision includes a recommendation made by City Council to waive frontage road improvements if there are no existing sidewalks along the same side of the street within 2 adjacent lots or 100 feet, whichever is less, of the subject property on either side, rather than 200 feet as proposed by staff.

Planning Commission held a public hearing on September 3, 2014 and forwarded a recommendation that City Council approve Frontage Road Development Improvement Code Amendment (LUA2014-0058).

Proposed Land Use Code Amendments:

In brief the proposed code:

- Requires all development to dedicate, as needed, frontage right-of-way
 - Requires all development to perform frontage improvements with exceptions considered only for single family and duplex residential units
 - Defines four (4) exceptions to deviate from current frontage for single family and duplex units as:
 - (i) There are no existing sidewalks along the same side of the street within 2 adjacent lots or 100 feet, whichever is less, of the property on either side;
 - (ii) Construction of frontage improvements will adversely impact critical areas that cannot be adequately mitigated in accordance with LSMC 14.88 or the State Environmental Policy Act pursuant to LSMC Title 16;
 - (iii) A safety issue is created by constructing the frontage improvements;
 - (iv) A public roadway improvement project is scheduled and fully funded for construction and said improvements include the adjacent site frontage.
 - General statement on State and Federal law
 - Identify Appeal section of code
-

FINDINGS AND CONCLUSIONS:

1. *Compliance with selected Transportation Goals of the Comprehensive Plan*

- Transportation Goal 6.5 – Provide an affordable level of service for the roadway network.

Compliance with selected Utilities and Public Services and Facilities Goals of the Comprehensive Plan

- Ensure that utilities provide service in a manner that is environmentally sensitive, safe, reliable and compatible with the surrounding properties.

Conclusions – The proposed code amendments are consistent with some Transportation and Utility goals.

2. *Compliance with the State Environmental Policy Act (SEPA)(Chapter 97-11 WAC and Title 16 LSMC)*

- Staff prepared an environmental checklist for the proposed code revisions dated August 18, 2014.
- The SEPA official issued a Determination of Nonsignificance on August 19, 2014.
- The city has not received any appeals related to the SEPA determination.

Conclusions – The proposed code amendments have met local and state SEPA requirements.

3. *Compliance with the Growth Management Act (RCW 36.70A.106)*

- The city requested expedited review from the Department of Commerce on June 24, 2014.
- The Department of Commerce sent a letter of acknowledgment on August 11, 2014.
- Staff will file the final ordinance with the Department of Commerce within 10 days of City Council action.

Conclusions – The proposed code amendments have met Growth Management Act requirements.

4. *Public Notice and Comments*

- The city published a notice of SEPA determination in the Everett Herald on August 19, 2014.
- The city published a notice of Public Hearing in the Everett Herald on August 19 and August 30, 2014.
- The city notified interested parties of the SEPA DNS and public hearing on August 18, 2014.

Conclusions – The City has met public notice requirements per Chapter 14.16B LSMC.

APPLICABLE CITY POLICIES: Title 14 – Chapter 14.56 (14.56.170)

BUDGET IMPACT: There is no budget impact.

ATTACHMENTS:

Planning Commission Letter of Recommendation

Draft Ordinance 916 with exhibits



September 3, 2014

Lake Stevens City Council
1812 Main Street
Lake Stevens, WA 98258

**Subject: Planning Commission Recommendation
Frontage Road Development Improvement Code Amendment (LUA2014-0056)**

Dear Council Members:

The Lake Stevens Planning Commission held a public hearing on Wednesday, September 3, 2014 to consider proposed code amendments to the current the requirements for frontage road improvements single family development.

Commissioners Present: Avdic, Barnet, Davis, Huxford, Matlack and Petershagen
Commissioners Absent: Hault

PLANNING COMMISSION PUBLIC HEARING (September 3, 2014)

Planning and Community Development staff presented the proposed code amendment and responded to questions. Staff discussed the background and overview of the proposed amendment including direction provided by City Council to proceed with preparing a proposed code amendment and described whether the proposed amendment met the requirements for approving land use code amendments

No public testimony was presented on the proposed code amendment.

FINDINGS AND CONCLUSIONS

The Planning Commission hereby adopts staff's findings and conclusions, as outlined in the staff report, dated September 3, 2014 2014, and concludes that the proposed amendments:

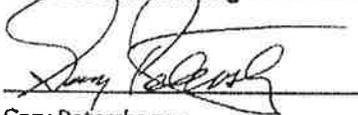
- (1) Are consistent with the adopted Lake Stevens Comprehensive Plan;
- (2) Meet the criteria for amending the land use code; and
- (3) Comply with the Growth Management Act.

PLANNING COMMISSION RECOMMENDATION

Commissioner Barnett made a motion to forward a recommendation to the City Council to approve Frontage Road Development Improvement Code Amendment (LUA2014-0056). Commissioner Davis seconded the motion. Motion passed 6-0-0-1.

Respectfully submitted,

Lake Stevens Planning Commission


_____, Chair
Gary Petershagen


_____, Vice Chair
Janice Huxford

**CITY OF LAKE STEVENS
LAKE STEVEN, WASHINGTON**

ORDINANCE NO. 916

**AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON,
REPEALING EXISTING LSMC SECTION 14.56.170 AND REPLACING IT
WITH A NEW SECTION 14.56.170 ENTITLED "RIGHT-OF-WAY
DEDICATION AND FRONTAGE IMPROVEMENTS" AND PROVIDING FOR
SEVERABILITY AND EFFECTIVE DATE**

WHEREAS, the City of Lake Stevens wishes to update the current requirements for the installation of frontage road improvements for new single family residential units to allow the Public Works Director or designee, discretion in allowing variations from the requirements under certain conditions and to update the code to include definitions for frontage improvements, better define guidelines for single-family units and include language which is consistent with State and Federal law regarding nexus and rough proportionality; and

WHEREAS, the City prepared a State Environmental Policy Act (SEPA) checklist, dated August 18, 2014 and issued a Determination of Nonsignificance for the proposed code amendments on August 19, 2014 and published notice of the same in the Lake Stevens Journal; and

WHEREAS, in taking the actions set forth in this Ordinance, the City has complied with the requirements of the State Environmental Policy Act, Chapter 43.21C RCW; and

WHEREAS, pursuant to RCW 36.70A.106, the City submitted a Notice of Proposed Amendment and Request for Expedited Review to the Washington State Department of Commerce on August 8, 2014 for review; and

WHEREAS, the Washington State Department of Commerce granted expedited review on August 26, 2104; and

WHEREAS, following notice as required by law, the Lake Stevens Planning Commission conducted a public hearing on September 3, 2014 to consider revisions to the frontage road improvement requirements and recommended approval of the same; and

WHEREAS, the Lake Stevens City Council has reviewed the Planning Commission's findings, conclusion, and recommendations; and

WHEREAS, the Lake Stevens City Council conducted public hearings on September 22, 2014 and October 13, 2014 to consider adopting revisions to the frontage road improvement requirements.

NOW, THEREFORE, THE LAKE STEVENS CITY COUNCIL DO ORDAIN AS FOLLOWS:

Section 1. The City Council hereby adopts the above recitals as findings and concludes that the proposed amendments contained in this Ordinance are:

- (1) Consistent with the adopted Lake Stevens Comprehensive Plan;

- (2) Comply with the Growth Management Act; and
- (3) Advance the public health, safety and welfare.

Section 2. LSMC14.56.170 is hereby repealed in its entirety and replaced with a new section 14.56.170 “Right-of-Way Dedication and Frontage Improvements” which shall read as set forth in Exhibit 1, attached hereto and incorporated herein by this reference.

Section 3. Repealer. All portions of other ordinances in conflict herewith are hereby repealed.

Section 4. Severability. If any section, clause, phrase, or term of this ordinance is held for any reason to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, and the remaining portions shall be in full force and effect.

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

PASSED by the City Council of the City of Lake Stevens this day of October 13, 2014.

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Kathy Pugh, Deputy City Clerk

APPROVED TO FORM

Grant Weed, City Attorney

1st Reading: September 22, 2014
2nd and Final Reading: October 13, 2014
Published:
Effective Date:

EXHIBIT 1 –

Title 14 Land Use Code - Chapter 14.56 Streets and Sidewalks

14.56.170 Right-of-Way Dedication and Frontage Improvements.

Right-of-way dedication to the public and frontage improvements are required for all new development unless the applicant or property owner shows the project qualifies for the exceptions described in this section. No building permit shall be issued for development until right-of-way dedication and frontage improvement requirements have been satisfied.

(a) Right-of-way width. The width of right-of-way dedication shall be determined in accordance with the roadway classifications defined in Chapter 14.56 LSMC, the Comprehensive Plan and the classification standards with the adopted Engineering Design and Development Standards (EDDS). Existing right-of-way widths matching or exceeding the current standards shall satisfy the width requirement. A reduction of right-of-way dedication width may be considered by the Public Works Director or his/her designee under the following conditions:

(1) Where critical areas or their buffers as defined in Chapter 14.88 LSMC exist within the proposed dedication area; or

(2) The dedication would deny reasonable economic use of the property under the standards of this Title. The applicant or property owner must demonstrate all of the following to receive a reduction in right-of-way width dedication requirements:

- (i) The allowed land uses cannot reasonably be accomplished; and
- (ii) A reduction in the size, scope, configuration, density or consideration of alternative designs as proposed will not accomplish the project as allowed under existing land use regulations; and
- (iii) In cases where the applicant has rejected alternatives to the project as proposed due to other constraints such as zoning or parcel size, the applicant must show there has been a reasonable attempt to remove or accommodate such constraints.

The application or property owner pursuing a reduction in right-of-way dedication width must use the Deviation process specified in LSMC 14.56.135. Supporting documentation and applicable application fees shall be submitted with the Deviation request.

(b) Frontage Improvements Required. Frontage improvements are required to be installed along the abutting public street frontage of the property to be developed. Resurfacing an existing public street to its centerline shall not be required for single-family or duplex development.

(1) "Frontage improvements" used in this section as defined in the City's adopted EDDS refer to the construction, reconstruction or repair of the following facilities along public rights-of-way abutting a property being developed:

- (i) Curbs, gutters, and sidewalks;
 - (ii) Planter strips (or tree wells);
 - (iii) Underground storm drainage and other utility facilities;
 - (iv) Resurfacing of the existing public street to the centerline; and
 - (v) Construction of new street within dedicated unopened right-of-way.
- (2) Frontage improvements shall be constructed for the following new development:
- (i) Subdivisions and short subdivisions;

- (ii) Multifamily developments;
- (iii) Binding site plans;
- (iv) All other residential projects unless expressly exempt pursuant to subsection (3) or a waiver is granted in accordance with subsection (5);
- (v) Commercial projects;
- (vi) Municipal or agency building projects and
- (vii) Industrial projects.

(3) Frontage requirements related to the construction of a single-family or duplex dwelling unit shall be considered completed provided the following exceptions apply:

(i) An existing lot in an existing single-family subdivision, short plat, or binding site plan where the lots are fully developed and frontage improvements were constructed to the standards in effect at the time of final plat recording; or

(ii) A new single family residence on an existing lot or replacement of an existing single family residence where there are no frontage improvements meeting city standards constructed within 200 feet of the lot or improvements identified through an approved subdivision and potential exists for future development.

(4) The granting of an exception or waiver as outlined in subsection (3) or subsection (5) of this section does not waive the property owner's requirement to dedicate right-of-way as established in this section.

(5) The Public Works Director may waive or modify the requirement to construct frontage improvements for new development when the applicant or property owner demonstrates that at least one of the following conditions exist and the owner of the new development either executes a no-protest agreement to form a Local Improvement District for the subject street frontage or pays a fee in lieu of constructing frontage improvements as approved by the Public Works Director or designee. Said no-protest agreement shall have an effective term of 10 years from the time of the City's acceptance:

(i) There are no existing sidewalks along the same side of the street within 2 adjacent lots or 100 feet, whichever is less, of the property on either side;

(ii) Construction of frontage improvements will adversely impact critical areas that cannot be adequately mitigated in accordance with LSMC 14.88 or the State Environmental Policy Act pursuant to LSMC Title 16;

(iii) A safety issue is created by constructing the frontage improvements;

(iv) A public roadway improvement project is scheduled and fully funded for construction and said project that includes the adjacent site frontage.

The applicant or property owner shall apply for a waiver using the Deviation process specified in LSMC 14.56.135. The application shall address how the criteria set forth in LSMC 14.56.135(c) are met and how the applicable conditions in this subsection above apply to the project. Any supporting documentation and applicable application fees shall be submitted with the Deviation request.

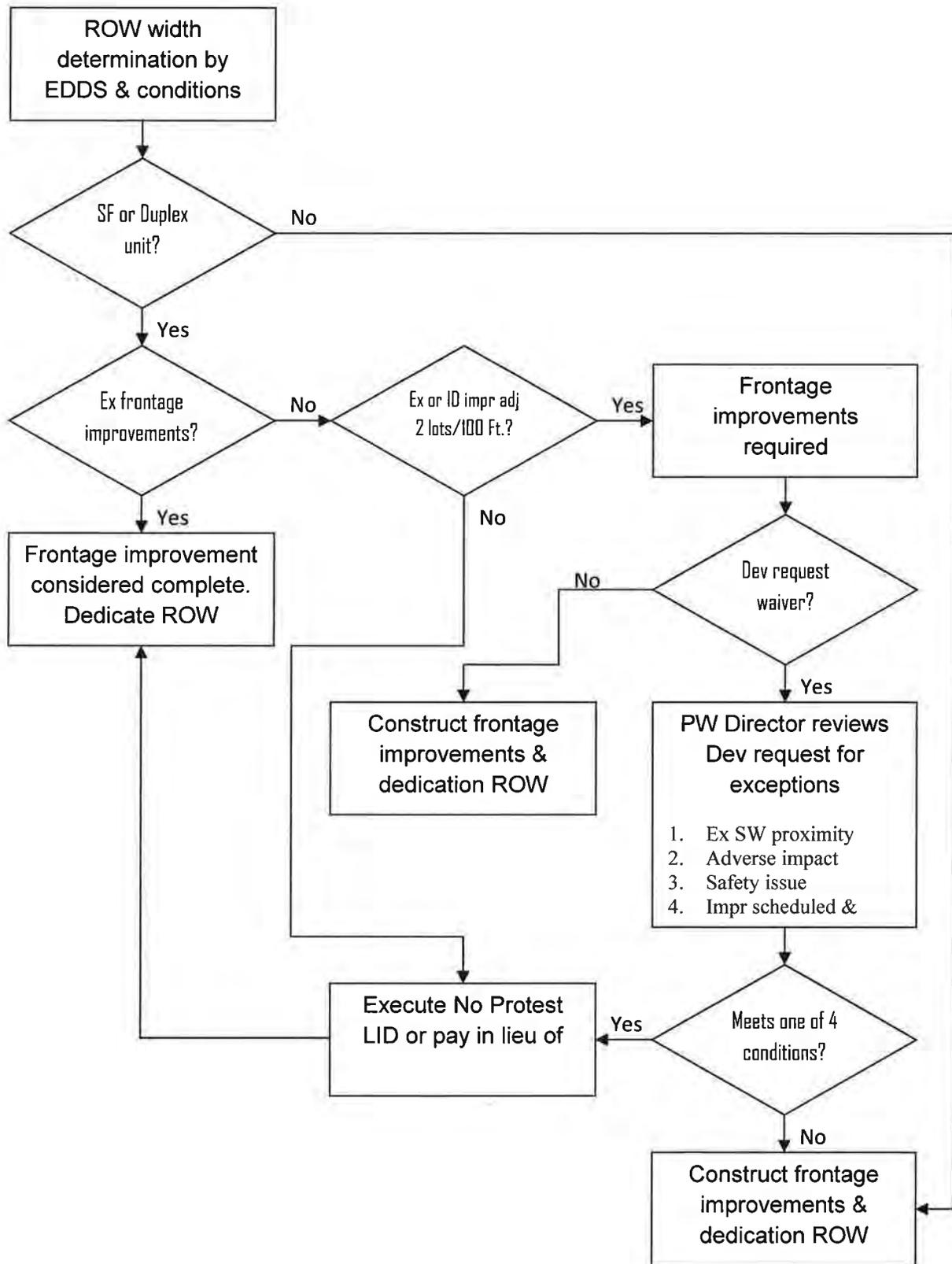
(c) Dedication of Right-of Way. Dedication of right-of-way is required to be executed prior to building permit issuance or final project approval. For Subdivisions, Short Subdivisions and Binding Site Plans the dedication shall be required on the final recording documents. For projects that are not part of a subdivision of land, the applicant shall submit the required executed documents on forms provided by the City. The City shall record the documents upon obtaining the appropriate City signatures and the applicant or property owner pays the recording fees.

(d) Acceptance of Frontage Improvements. The Public Works Director or designee may approve an extension for the completion of the improvements for up to one year if the Public Works Director or designee receives a surety bond or equivalent cash deposit ensuring the timely completion of the improvements. Said surety bond shall meet the requirements set forth in Section 14.16A.180 (Security Mechanisms).

(e) State or Federal Law. Where an applicant demonstrates under applicable State or Federal law that the required dedication or improvements are unlawful, the Public Works Director or designee, to the extent the obligation is unlawful, shall not require the dedication or improvements required by this section as a condition of final acceptance or of building permit issuance.

(f) Appeal of Director Decision. Any appeal of the Director or designee's determination shall be processed using the appeal processes specified for the underlying application pursuant to LSMC14.16A.265. A timely appeal shall be required in order to constitute an exhaustion of remedies under this section.

LSMC 14.56.170 – Process Flow Chart





This page left blank intentionally



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: September 22, 2014

Subject: 2014 Comprehensive Plan Amendments (LUA2014-0013, LUA 2014-0007 and LUA 2014-0009) – Public Hearing

Contact Person/Department: Russ Wright and Sally Payne,
Planning & Community
Development

Budget Impact: none

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

1. **Hold a public hearing** for the 2014 Comprehensive Plan Docket and first reading of Ordinance Nos. 917, 918 and 919.
2. **A Motion To Approve Ordinance No. 917**, An Ordinance Of The City Of Lake Stevens, Washington Amending The Lake Stevens Comprehensive Plan; Approving City-Initiated Text Amendments T-1 through T-4 As Part Of The City's Annual Comprehensive Plan Amendment And Update Process
3. **A Motion To Approve Ordinance No. 918**, An Ordinance Of The City Of Lake Stevens, Washington Amending The Official Comprehensive Plan Land Use Map, Enacted By Ordinance No. 902; Approving A Citizen-Initiated Map Amendment (M2 – Kjorsvik LUA2014-0009), Which Changes The Land Use Designation For Parcels Located Near SR-9 And Soper Hill Road To Commercial And Local Commercial (LC), Pursuant To The City's Annual Amendment And Update Process
4. **A Motion To Approve Ordinance No. 919**, An Ordinance Of The City Of Lake Stevens, Washington Amending The Official Comprehensive Plan Land Use Map, Enacted By Ordinance No. 902; Approving A Citizen-Initiated Map Amendment (M1 – Huber LUA 2014-0007), Which Changes The Land Use Designation For Two Parcels Located Near Sr-204 And 10th Street SE To Local Commercial (LC), Pursuant To The City's Annual Amendment And Update Process

SUMMARY: Public hearing to consider city-initiated amendments including two (2) substantive text amendments and other minor administrative amendments to the Comprehensive Plan (LUA2014-0013) and two (2) citizen-initiated amendments to the land use map.

BACKGROUND/ HISTORY:

Under the Growth Management Act, the City can amend its Comprehensive Plan and Future Land Use Map once per year, with a few exceptions, through an annual docket process.

The city is proposing text amendments to the Comprehensive Plan (LUA2014-0013) as summarized below and included in Ordinance 917 (**Exhibit 1**).

1. T-1 – The city is proposing a text amendment to Chapter 5 – the Parks, Recreation and Open Space Element, which would add and describe the City Boat Launch Improvement as a project on the Capital Project List of the Parks Element.

2. T-2 – The city is proposing a text amendment to Chapter 8 – the Capital Facilities Element, which would add the City Boat Launch Improvement as a capital project and add a pedestrian safety improvement project to the Capital Project List.
3. T-3 and T-4 – Along with the specific defined text amendments, staff will also include standard administrative amendments, including incorporating SEPA documents as a new appendix and updating the dates on the cover, footnotes, Table of Contents and Introduction.

The city has received two citizen-initiated amendments to the land use map as summarized below and included in Ordinance 918 (**Exhibit 2**) and Ordinance 919 (**Exhibit 3**).

1. M-2 – Kjorsvik map amendment (LUA2014-0010) to change the land use designation on seven parcels, totaling approximately 9 acres, to Commercial from High Density Residential and Medium-Density Residential and change the land use designation on two parcels from Mixed-Use to Local Commercial. Combined, these parcels total approximately two acres. All of the described properties are located near the eastern intersection of SR-9 and Soper Hill Road.
2. M-1 – Huber map amendment (LUA2014-0007) to change the land use designation, on two parcels totaling approximately 3.7 acres located at 1113 SR-204, from Medium-Density Residential to Local Commercial. Access to the site would be through an existing commercial development off 10th Street SE.

The proposed Comprehensive Plan amendments were sent to the Washington Department of Commerce on July 18, 2014 for the required 60-day review by State agencies. Staff has issued SEPA determination for LUA2014-0007 (Huber) and LUA2014-0009 (Kjorsvik). A SEPA Addendum and Adoption of Existing Documents was issued on September 17, 2014.

FINDINGS AND CONCLUSIONS:

The Planning Commission held a public hearing for the 2014 Comprehensive Plan Docket on September 3, 2014 and forwarded a letter (**Exhibit 4**) recommending that the City Council approve the items on the 2014 Docket.

The items on the ratified docket have been analyzed against the criteria to grant or deny an amendment. An analysis form (**Exhibits 5a through 5f**) for each proposed Comprehensive Plan map correction and text amendment is attached showing how the proposals meet requirements for granting the proposed amendments.

APPLICABLE CITY POLICIES: Chapters 14.16A, 14.16B and 14.16C of the Lake Stevens Municipal Code and Lake Stevens Comprehensive Plan

BUDGET IMPACT: There is not a budget impact.

EXHIBITS (attached):

Exhibit 1 – Ordinance 917, with exhibits

Exhibit 2 – Ordinance 918, with exhibits

Exhibit 3 – Ordinance 919, with exhibits

Exhibit 4 – Planning Commission Recommendation Letter

Exhibit 5a through 5f – Analysis Forms

**CITY OF LAKE STEVENS
Lake Stevens, Washington
ORDINANCE NO. 917**

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON AMENDING THE LAKE STEVENS COMPREHENSIVE PLAN; APPROVING CITY-INITIATED TEXT AMENDMENTS T-1 (CHAPTER 5 PARKS, RECREATION AND OPEN SPACE ELEMENT), T-2 (CHAPTER 8 CAPITAL FACILITIES PLANT), T-3 (APPENDICES), T-4 (COVER, FOOTERS, TABLE OF CONTENTS, INTRODUCTION) AS PART OF THE CITY'S ANNUAL COMPREHENSIVE PLAN AMENDMENT AND UPDATE PROCESS; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

WHEREAS, as one of the cities in Snohomish County, the City of Lake Stevens is required to review, and if needed, revise its Comprehensive Plan and development regulations to ensure the plan and regulations comply with the Growth Management Act, Chapter 36.70A RCW; and

WHEREAS, on July 27, 2006, the Lake Stevens City Council enacted Ordinance No. 726 adopting an updated Comprehensive Plan for the City of Lake Stevens, and on November 27, 2006, enacted Ordinance No. 739 adopting Comprehensive Plan provisions consistent with the incomplete provisions adopted in Ordinance No. 726; and

WHEREAS, the Growth Management Act allows jurisdictions to amend comprehensive plans once a year, except in those situations enumerated in RCW 36.70A.130(2)(a); and

WHEREAS, the 2014 Comprehensive Plan amendments (2014 Docket) include two citizen-initiated maps amendments (adopted by separate action) and city initiated text amendments, which propose to revise the Comprehensive Plan land use map, text and figures; and

WHEREAS, pursuant to RCW 36.70A.130 all of the Comprehensive Plan amendments set forth in this ordinance were considered concurrently so the cumulative effect of the proposals could be ascertained; and

WHEREAS, on September 17, 2014, the City issued a State Environmental Policy Act (SEPA) Addendum No. 7 to the Integrated 2005 Comprehensive Plan and Environmental Impact Statement Along with the Adoption and Adoption of Existing Environmental Documents; and

WHEREAS, in taking the actions set forth in this ordinance, the City has complied with the requirements of the State Environmental Policy Act, Ch. 43.21C RCW; and

WHEREAS, on July 18, 2014, the City submitted the proposed 2014 Comprehensive Plan land use map, text and figure amendments to the Washington State Department of Commerce for its 60-day review and received documentation of completion of the procedural requirement; and

WHEREAS, the Lake Stevens Planning Commission, after review of the proposed 2014 Comprehensive Plan land use map, text and figure amendments, held a duly noticed public hearing on September 03, 2014 , and all public testimony was given full consideration; and

WHEREAS, the Lake Stevens City Council reviewed the Planning Commission's recommendation relating to the proposed 2014 Comprehensive Plan land use map, text and figure amendments and held a duly noticed public hearing and considered all public testimony on September 22, 2014 and October 13, 2014.

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

Section 1. The City Council hereby finds that 2014 citizen-initiated map amendments and city-initiated text amendments meet approval criteria for amendments to the Comprehensive Plan:

1. The Amendments are consistent with the Growth Management Act and other applicable State laws;
2. The Amendments are consistent with the applicable Countywide Planning Policies;
3. The Amendments are consistent with the Community Vision or other goals, policies, and provisions of the Comprehensive Plan;
4. The Amendments can be accommodated by all applicable and available public services and facilities, including transportation;
5. The Amendments will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses, and/or residents; and
6. The Amendments will result in long-term benefits to the community as a whole, and are in the best interest of the community.

Section 2. The amendments shall be included with the Comprehensive Plan filed in the office of the Planning and Community Development Department and shall be available for public inspection.

Section 3. The City Council hereby amends the Comprehensive Plan and Ordinances No. 726 and 739, by adopting 2014 City-initiated Text Amendments T-1 (Chapter 5 Parks, Recreation and Open Space Element) as set forth below:

Pages 5-34 and 35 – Add Improvement Project No. 3 to capital projects list, as described below - remainder of section remains unchanged.

Improvement Project No.3 – City Boat Launch Improvement

Total Cost: \$527,000

Target Start Date: 2016

Description: Construction of a fully renovated boat launch along with development of associated amenities to modernize the site, improve public safety and enhance access for all users.

Proposed Funding Sources: Washington State Recreation and Conservation Office Grant

Location: Lake Stevens Town Center on the lake's North Cove off 17th Place NE

Justification: This project would meet the identified preference for improved boat launching facilities and increased site usability and safety for all boaters.

Section 4. The City Council hereby amends the Comprehensive Plan and Ordinances No. 726 and 739, by adopting 2014 City-initiated Text Amendments T-2 (Chapter 8 Capital Facilities Element) as set forth below:

Page 8-16 – Add grant source to list of State Grants and Loans - remainder of section remains unchanged.

Washington State Recreation and Conservation Office: Provides leadership, grant funding and technical assistance for the building of trails, parks, boating facilities, water access, and more. Office administers 12 grant programs for providing recreation, conserving habitat, measuring farmland and recovering salmon. Applicants must complete a planning process before applying for funding. Most grants require either a cash or in-kind contribution up to 50% of the cost of the project.

Page 8-37 – Add pedestrian improvement project 91st Street SE as a Transportation Project to Capital Improvements Table 8.1 as shown below - remainder of table remains unchanged.

Page 8-39 – Add repair, renovation and improvements to boat launch as a Parks Project to Capital Improvements, Table 8.1 as shown below - remainder of table remains unchanged.

Table 8.1 – Capital Improvements, 2012 – 2032								
TRANSPORTATION								
ROAD	FROM	TO	COST	YEAR/S	Local	State/Fed	Mitigation	Dev Imp
<u>91st Street SE Pedestrian Improvements</u>	<u>8th Street SE</u>	<u>20th Street SE</u>	<u>\$1,700,000</u>	<u>2015</u>		<u>X</u>	<u>X</u>	
Table 8.1 – Capital Improvements, 2012 – 2032								
PARKS*								
PROJECT	FROM	TO	COST	YEAR/S	Local	State/Fed	Mitigation	Dev Imp
Improvements								
<u>Boat Launch North Cove Park</u>			<u>527,000</u>	<u>2016</u>		<u>X</u>	<u>X</u>	

Section 5. The City Council hereby amends the Comprehensive Plan and Ordinances No. 726 and 739, by adopting 2014 City-initiated Text Amendments T-3 (Appendices) by adding Addendum No. 7 and Adoption of Existing Environmental Documents to the Integrated 2005 Comprehensive Plan and Final Environmental Impact Statement for the 2043 Docket as Appendix N (**Exhibit A attached hereto and incorporated by this reference**).

Section 6. The City Council hereby amends the Comprehensive Plan and Ordinances No. 726 and 739, by adopting 2014 City-initiated Text Amendments T-4 (Cover, Footers, Table of Content and Introduction), as set forth below:

Cover Sheet – Add 10/2014 - remainder of section remains unchanged

Table of Contents – Add Appendix N - remainder of section remains unchanged

Footers affected chapters – Add 10/2014 - remainder of section remains unchanged

Page 1-29 – Add sentence to end of “Environmental Review” Section B to reference SEPA Addendum No. 7 - remainder of section remains unchanged.

Addendum No. 7 to the Integrated 2005 Comprehensive Plan and Final Environmental Impact Statement for the 2013 Docket was issued on October 29, 2013 and is included in **Appendix N**.

Section 7. Severability. If any section, clause, phrase, or term of this ordinance is held for any reason to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, and the remaining portions shall be in full force and effect.

Section 8. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five days after the date of publication.

PASSED by the City Council of the City of Lake Stevens this 13th day of October, 2014.

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Kathleen Pugh, Deputy City Clerk

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

First Reading: September 22, 2014

Second Reading: October 13, 2014

Published:

Effective Date:

DRAFT

EXHIBIT A

APPENDIX N

**ADDENDUM NO. 7 AND ADOPTION OF EXSISTING DOCUMENTS TO
INTEGRATED 2005 COMPREHENSIVE PLAN & FEIS AND ADOPTION
OF EXISTING DOCUMENTS**

DRAFT

ADDENDUM NO. 7 AND ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENTS

TO THE CITY OF LAKE STEVENS INTEGRATED 2005 COMPREHENSIVE PLAN AND FINAL ENVIRONMENTAL IMPACT STATEMENT

**Adoption of Two Map Amendments and Text Revisions to
Chapter 5 Parks, Recreation and Open Space Element,
Chapter 8 Capital Facilities Element, Appendices, and
Covers, Footers and Table of Contents
with the 2014 Docket**



Prepared in Compliance with
The Washington State Environmental Policy Act of 1971
Chapter 43.21C Revised Code of Washington
Chapter 197-11 Washington Administrative Code
Lake Stevens Municipal Code Title 16

Date of Issuance: September 17, 2014

ADDENDUM #7 TO INTEGRATED 2005 COMPREHENSIVE PLAN & FEIS



September 17, 2014

The Department of Planning and Community Development have prepared Addendum No. 7 to the City of Lake Stevens Integrated 2005 Comprehensive Plan and Final Environmental Impact Statement (FEIS) issued July 17, 2006 along with an adoption of existing environmental documents.

This addendum and adoption of existing environmental documents provides additional environmental information for the adoption of the following GMA Comprehensive Plan map and text amendments:

- Title Page, Table of Contents and Introduction – Update the dates on the title page, header and footers, the table of contents and introduction references as needed with final draft;
- Chapter 4 – Add updated Figure 4.1 – City Land Use Map
 - LUA2014-0007 – citizen-initiated map amendment to change the land use designation, on two parcels totaling approximately 3.7 acres located at 1113 SR-204, from Medium-Density Residential to Local Commercial. The city issued a DNS on August 19, 2014 for LUA 2014-007 and 008 – no comments or appeals were received. The city hereby adopts this existing DNS (Exhibit 1) by reference and incorporates it into Addendum No. 7.
 - LUA2014-0009 – citizen-initiated map amendment to change the land use designation on seven parcels, totaling approximately nine acres, to Commercial from High Density Residential and Medium-Density Residential and change the land use designation on a single parcel from Mixed-Use to Local Commercial along with a city recommended expansion to the adjacent parcel. The city issued an MDNS on August 19, 2014 for LUA2014-009 and 0010 – one comment was received and no appeals were filed. The city hereby adopts this existing MDNS (Exhibit 2) by reference and incorporates it into Addendum No. 7.
- Chapter 5 Parks, Recreation and Open Space Element – Add Improvement Project No. 3 City Boat Launch Improvement (Pages 5-34 and 35);
- Chapter 8 Capital Facilities Element
 - Add grant source to list of State Grants and Loans (Pages 8-16)
 - Add Transportation Project to Capital Improvements Table 8.1 (pages 8-37)
 - Add Parks Project to Capital Improvements Table 8.1 (pages 8-39); and
- Add Appendix N as SEPA Addendum No. 7.

This addendum and incorporation of existing documents adds further information to the existing FEIS. The document addresses the environmental information specifically related to proposed map and text revisions to the Comprehensive Plan; it does not identify detailed project impacts. Specific project actions will require further environmental review as they are considered for implementation.

Review of the proposed amendments occurred at a Planning Commission public hearing on September 3, 2014 and is scheduled for City Council public hearing on September 22, 2014.

If you have any questions or comments on the proposed SEPA addendum, please contact Russ Wright at (425) 212-3315 or rwright@lakestevenswa.gov.

Sincerely,

Rebecca Ableman, *Planning and Community Development Director*

ADDENDUM #7 TO INTEGRATED 2005 COMPREHENSIVE PLAN & FEIS

Fact Sheet

Proposed Non-Project Action:

The proposed non-project action consists of minor map and text amendments for the 2014 Docket including two proposed citizen map amendments, which underwent individual SEPA review and city text amendments to the Parks and Capital Facilities elements adding additional capital projects and incorporating standard administrative updates and SEPA documents into the plan. The GMA requirements contained in Chapter 36.70A RCW apply to this action.

Description of Proposal:

The 2014 Docket contains two map amendments, two substantive text amendments, and other minor administrative amendments to the City of Lake Stevens Comprehensive Plan Amendments:

- Title Page, Table of Contents and Introduction – Update the dates on the title page, header and footers, the table of contents and introduction references as needed with final draft;
- Chapter 4 – Add updated Figure 4.1 – City Land Use Map
- LUA2014-0007 – citizen-initiated map amendment to change the land use designation, on two parcels totaling approximately 3.7 acres located at 1113 SR-204, from Medium-Density Residential to Local Commercial. The city issued a DNS on August 19, 2014 for LUA 2014-007 and 008 – no comments or appeals were received. The city hereby adopts this existing DNS (Exhibit 1) by reference and incorporates it into Addendum No. 7.
- LUA2014-0009 – citizen-initiated map amendment to change the land use designation on seven parcels, totaling approximately nine acres, to Commercial from High Density Residential and Medium-Density Residential and change the land use designation on a single parcel from Mixed-Use to Local Commercial along with a city recommended expansion to the adjacent parcel. The city issued an MDNS on August 19, 2014 for LUA2014-009 and 0010 – one comment was received and no appeals were filed. The city hereby adopts this existing MDNS (Exhibit 2) by reference and incorporates it into Addendum No. 7.
- Chapter 5 Parks, Recreation and Open Space Element – Add Improvement Project No. 3 City Boat Launch Improvement (Pages 5-34 and 35);
- Chapter 8 Capital Facilities Element
 - Add grant source to list of State Grants and Loans (Pages 8-16)
 - Add Transportation Project to Capital Improvements Table 8.1 (pages 8-37)
 - Add Parks Project to Capital Improvements Table 8.1 (pages 8-39); and
- Add Appendix N as SEPA Addendum No. 7.

RCW 36.70A.130 allows amendments to the Comprehensive Plan once per year with some exceptions. The current action comprises the City's annual changes to its Comprehensive Plan.

ADDENDUM #7 TO INTEGRATED 2005 COMPREHENSIVE PLAN & FEIS

Purpose of the FEIS This addendum and adoption of existing environmental documents is to add information relating to the 2014 Comprehensive Plan amendments. This addendum and adoption of existing environmental documents does not substantially change the analysis of alternatives considered in the City's Integrated 2005 Comprehensive Plan (July 2006) and FEIS (July 17, 2006). The City has considered the impacts of the proposed programmatic actions to the FEIS document. No additional significant impacts beyond those identified in the FEIS are expected to occur. To the extent that the existing environmental documents listed in this Addendum or other published documents have analyzed such changes, no additional programmatic action level environmental review will be required. This Addendum is issued in accordance with WAC 197-11-625 and WAC 197-11-630. Additional changes to the proposal may be considered during the public hearing process. The addendum and adoption of existing environmental documents satisfies the City of Lake Stevens' environmental review for the 2014 Comprehensive Plan Docket.

Addendum:

Location of Proposal: City of Lake Stevens

**Proponent/
Lead Agency:** City of Lake Stevens, P.O. Box 257, Lake Stevens, WA 98258
(425) 377-3235

Required Approvals: Adoption of GMA Comprehensive Plan map and text amendments granted by Lake Stevens City Council

Circulation: This addendum and adoption of existing environmental documents is being sent SEPA review agencies and interested parties.

Comment: No comment period is required for this addendum.

Contact Person: Russ Wright, *Senior Planner*
(425) 212-3315 or rwright@lakestevenswa.gov

Date of Issuance: September 17, 2014

Responsible Official:
Signature: 
Rebecca Ableman, *Planning & Community Development Director*

Public Hearing: The Planning Commission held a public hearing on the proposed Comprehensive Plan amendments September 3, 2014. Following receipt of a recommendation from the Planning Commission, the City Council will also hold a public hearing on September 22, 2014 before taking final action.

Documents: The Integrated 2005 Comprehensive Plan and Final Environmental Impact Statement, as addended is available at the Permit Center. Electronic copies may be requested. The City website also has a copy of the current plan and FEIS at www.lakestevenswa.gov.

SEPA Distribution List

Local Agencies

City of Arlington
City of Everett
City of Marysville
City of Marysville
City of Snohomish
City of Snohomish
Economic Development Council of Sno. Co.
Lake Stevens Fire
Lake Stevens School District
Lake Stevens Sewer District
Marysville School District
Snohomish County
Snohomish Health District
Snohomish School District

State and Federal Agencies

Dept. of Archaeology & Historic Preservation
Dept of Agriculture
Department of Commerce
Department of Corrections
Department of Ecology
Department of Fish and Wildlife
Department of Health
Department of Natural Resources
Department of Social & Health Services
Department of Transportation
Energy Facility Site Evaluation Council
Environmental Protection Agency
Parks & Recreation Commission
Puget Sound Partnership
Puget Sound Regional Council
Snoqualmie Nation
Tulalip Tribes
US Army Corps of Engineers

Utilities

Comcast
Frontier
Puget Sound Energy
Republic Services
Sno Co PUD

Interested Parties

Futurewise
Master Builders
M. Martin
C. Stenstrom
D. Huber
W. Kjorsvik
G. Kallicott

AMENDMENTS

2014 City-Initiated Text Amendment Request #T-1 (Chapter 5 Parks, Recreation and Open Space Element),

Pages 5-34 and 35 – Add Improvement Project No. 3; and

Improvement Project No.3 – City Boat Launch Improvement

Total Cost: \$527,000

Target Start Date: 2016

Description: Construction of a fully renovated boat launch along with development of associated amenities to modernize the site, improve public safety and enhance access for all users.

Proposed Funding Sources: Washington State Recreation and Conservation Office Grant

Location: Lake Stevens Town Center on the lake’s North Cove off 17th Place NE

Justification: This project would meet the identified preference for improved boat launching facilities and increased site usability and safety for all boaters.

2014 City-Initiated Text Amendment Request #T-2 (Chapter 8 Capital Facilities Plant),

Page 8-16 – Add grant source to list of State Grants and Loans

Washington State Recreation and Conservation Office: Provides leadership, grant funding and technical assistance for the building of trails, parks, boating facilities, water access, and more. Office administers 12 grant programs for providing recreation, conserving habitat, measuring farmland and recovering salmon. Applicants must complete a planning process before applying for funding. Most grants require either a cash or in-kind contribution up to 50% of the cost of the project.

Page 8-37 – Add Transportation Project to Capital Improvements, 2012-2032, Table 8.1- pedestrian improvement project 91st Street SE

Page 8-39 – Add Parks Project to Capital Improvements, 2012-2032, Table 8.1, repair, renovation and improvements to boat launch

Table 8.1 – Capital Improvements, 2012 – 2032								
TRANSPORTATION								
ROAD	FROM	TO	COST	YEAR/S	Local	State/Fed	Mitigation	Dev Imp
<u>91st Street SE Pedestrian Improvements</u>	<u>8th Street SE</u>	<u>20th Street SE</u>	<u>\$1,700,000</u>	<u>2015</u>		X	X	
Table 8.1 – Capital Improvements, 2012 – 2032								
PARKS*								
PROJECT	FROM	TO	COST	YEAR/S	Local	State/Fed	Mitigation	Dev Imp
Improvements								
<u>Boat Launch North Cove Park</u>			<u>527,000</u>	<u>2016</u>		X	X	

2014 City-Initiated Text Amendment Request #T-3 (Appendices), add a new Appendix N with the SEPA Addendum No. 7 of the Integrated 2005 Comprehensive Plan and Environmental Impact Statement.

2014 City-Initiated Text Amendment Request #T-4 (Cover, Footers, Table of Contents, Introduction), to update the Cover, Footers and Table of Contents, of the Comprehensive Plan and other affected sections, by adopting the amendments required after making amendments.

Cover Sheet – Add 10/2014

Table of Contents – Add Appendix N

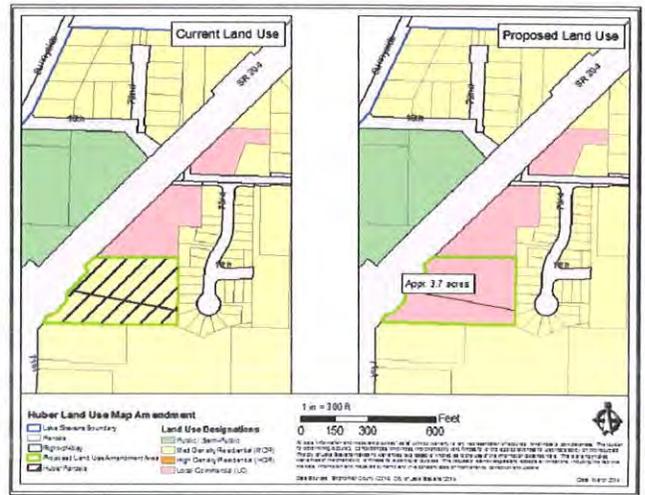
Footers affected chapters – Add 10/2014

Page 1-29 – Add sentence to end of “Environmental Review” Section B to reference SEPA Addendum No. 7.

Addendum No. 7 to the Integrated 2005 Comprehensive Plan and Final Environmental Impact Statement for the 2013 Docket was issued on October 29, 2013 and is included in **Appendix N**.

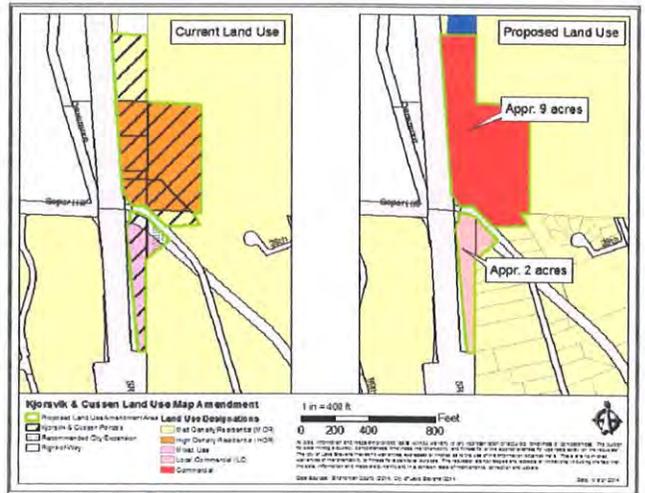
2014 Citizen-Initiated Map Amendment Request #M-1 (Chapter 4 Land Use Element)

LUA2014-0007 – citizen-initiated map amendment to change the land use designation, on two parcels totaling approximately 3.7 acres located at 1113 SR-204, from Medium-Density Residential to Local Commercial. The city issued a DNS on August 19, 2014 – no comments or appeals were received.



2014 Citizen-Initiated Map Amendment Request #M-2 (Chapter 4 Land Use Element)

LUA2014-0009 – citizen-initiated map amendment to change the land use designation on seven parcels, totaling approximately nine acres, to Commercial from High Density Residential and Medium-Density Residential and change the land use designation on a single parcel from Mixed-Use to Local Commercial along with a city recommended expansion to the adjacent parcel. The city issued an MDNS on August 19, 2014 – one comment was received and no appeals were filed.



Matrix of Impacts and Mitigation Measures for 2014 Comprehensive Plan Docket Amendments

Environmental Topic	Distinguishing Impacts of the Alternatives
Earth, Air Quality, Water Quality, Plants and Animals	Comprehensive Plan map and text amendments will have no impact on these environmental resources. Project specific application will be subject to additional SEPA review at the time of application.
Noise	Comprehensive Plan map and text amendments will have no impact on these environmental resources. Project specific application will be subject to additional SEPA review at the time of application.
Land Use	Comprehensive Plan map and text amendments will have no impact on these environmental resources. Map amendments would slightly increase available commercial land supply
Relationship to Plans and Policies	Comprehensive Plan map and text amendments will have no impact on these environmental resources.
Population and Employment	Comprehensive Plan map and text amendments will have no impact on these environmental resources. Map amendments would slightly increase available commercial land supply
Housing	Map amendments would slightly decrease available housing land supply
Cultural Resources	Comprehensive Plan map and text amendments will have no impact on these environmental resources. Project specific application will be subject to additional SEPA review at the time of application
Transportation	Comprehensive Plan map and text amendments will have no impact on these environmental resources. Project specific application will be subject to additional SEPA review at the time of application.
Parks and Recreation; Fire, Police and Court Services; Libraries and Schools	Comprehensive Plan map and text amendments will have no impact on these environmental resources. Project specific application will be subject to additional SEPA review at the time of application
Water Supply; Sanitary Sewer; Storm Sewer; Solid Waste; Utilities (Electricity, Natural Gas, Telecommunications, Electromagnetic Fields)	Comprehensive Plan map and text amendments will have no impact on these environmental resources. Project specific application will be subject to additional SEPA review at the time of application



DETERMINATION OF NON-SIGNIFICANCE

Proposal: Huber Comprehensive Plan Amendment and Rezone – LUA2014-0007 and LUA2014-0008

Description of Proposal: The applicant has applied for a comprehensive plan designation change and concurrent rezone of approximately four (4) acres near the eastern intersection of SR-204 and 10th Street SE. The proponent has submitted a project narrative, environmental checklist and traffic report in support of the proposed map changes. The proposal would change the land use designation and zoning on two parcels from Medium Density Residential (Suburban Residential) to Local Commercial (Local Business). The property directly to the north is zoned Local Business and the properties to the east and south are zoned Suburban Residential. A change in topography separates the residential properties from the subject properties. Highway SR-204 abuts the properties to the west. Future access to the site would be off 10th Street SE through the existing commercial development. The proposed changes could support nearly 30,000 square of new commercial development. The city will review all site-specific impacts related to the land use and zoning changes at the time of development.

Project Location: 1113 SR-204, Lake Stevens, WA 98258 (Section 23, Township 29, Range 5E)

Proponent: Dave Huber, on behalf of Laura Greiert

Lead Agency: City of Lake Stevens

Threshold Determination: The City of Lake Stevens, acting as lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This MDNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date of issuance.

Issuance Date: August 19, 2014

SEPA Responsible Official:


Rebecca Ableman, Planning & Community Development Director

Contact Person: Russ Wright, Senior Planner

Phone: 425-212-3315

Comments on the Threshold Determination: Interested parties may comment on this Threshold Determination, by submitting written comments to the Responsible Official at the address below by **September 2, 2014**. The Responsible Official may incorporate any substantial comments into the MDNS. If the MDNS is substantially modified, it will be reissued for further public review.

Appeals: Parties of Record may appeal this Mitigated Determination of Non-Significance by submitting an appeal to City of Lake Stevens, P.O. Box 257, Lake Stevens, WA 98258, Attn: Planning and Community Development no later than 5:00 PM, **September 2, 2014**. The appeal must be in writing, contain a concise statement of the matter being appealed and the basic rationale for the appeal. A fee is required per the City's Fee Resolution. Please note that failure to file a timely and complete appeal shall constitute a waiver of all rights to an administrative appeal under City code.



MITIGATED DETERMINATION OF NON-SIGNIFICANCE

Proposal: Kjorsvik Comprehensive Plan Amendment and Rezone – LUA2014-0009 and LUA2014-0010

Description of Proposal: The applicant has applied for a comprehensive plan designation change and concurrent rezone of approximately 11 acres near the eastern intersection of SR-9 and Soper Hill Road. The proposal would change the land use designation and zoning on seven parcels in the northeastern corner of the project area to Commercial (Commercial District) from High Density Residential (Multifamily Residential and High Urban Residential) and Medium-Density Residential (Suburban Residential) and change the land use designation and zoning on a single parcel in the southeastern corner of the project area from Mixed-Use (Mixed-Use) to Local Commercial (Local Business). The city is recommending the second proposed zoning change be extended to the adjacent parcel to the east. The proponent has submitted a project narrative, environmental checklist and traffic report in support of the proposed changes.

The vacant properties directly to the north are zoned General Industrial Development Agreement and High Urban Residential. The vacant properties to the east are zoned High Urban Residential. The developed properties to the south are zoned Urban Residential and Suburban Residential. Highway SR-9 abuts the properties to the west. Future access to the site would be off Soper Hill Road via a new road.

Future development under the proposed land use and zoning would add 2,303 additional daily trips and 188 PM peak-hour trips. The proposed changes could support nearly 90,000 square of new commercial development. The city has not modeled traffic improvements for this area under its current capital facilities plan or street network. The applicant will need to analyze local roadway impacts in depth at the time of development to ensure concurrency standards can be met. Future access and circulation will need to address impacts to SR-9 and Soper Hill Road, access to the proposed commercial areas, circulation along Soper Hill Road, and impacts to the intersection of Soper Hill Road and Lake Drive. The city will review all site-specific impacts related to the land use and zoning changes at the time of development.

Project Location: Intersection of SR-9 and Soper Hill Road, Lake Stevens, WA 98258 (Portions of Section 1 and 12 Township 29, Range 5E)

Proponent: Walter Kjorsvik

Lead Agency: City of Lake Stevens

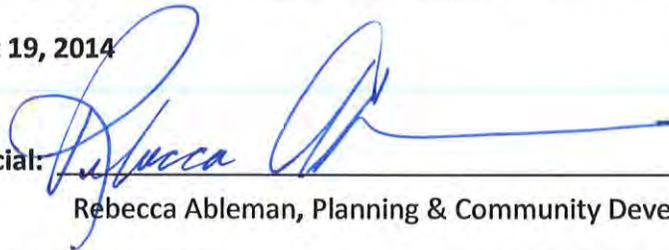
Threshold Determination: The City of Lake Stevens, acting as lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This MDNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date of issuance.

Mitigation Measures:

1. The proponent or successor must analyze local roadway impacts related to future development under the proposed land use designations and zoning to ensure concurrency standards can be met and consider the following issues and potential solutions as part of their analysis:
 - a. Analyze intersection of SR-9 and Soper Hill.
 - b. Propose alignment for new local collector road north of Soper Hill for access to the commercial development with a roundabout intersection connecting to Soper Hill placed as far to the east of SR-9 as possible. The new public road should terminate at the end of the property along its eastern property line.
 - c. Analyze intersection of Soper Hill Road and Lake Drive to ensure concurrency standards can be met. Recommend including a mini-roundabout at this location.
 - d. Analyze southern leg of Soper Hill for impacts to existing residential area. Future improvements should consider limiting northbound access to roundabout to one-way entrance. The southern section of Soper Hill Road may remain a two-way street for residential traffic provided a turnaround at the north end of this section is provided. Upon completion of a future connecting road between the northern ends of Soper Hill Road and Lake Drive, Soper Hill may become a permanent northbound one-way road.

Issuance Date: August 19, 2014

SEPA Responsible Official:



Rebecca Ableman, Planning & Community Development Director

Contact Person: Russ Wright, Senior Planner

Phone: 425-212-3315

Comments on the Threshold Determination: Interested parties may comment on this Threshold Determination, by submitting written comments to the Responsible Official at the address below by **September 2, 2014**. The Responsible Official may incorporate any substantial comments into the MDNS. If the MDNS is substantially modified, it will be reissued for further public review.

Appeals: Parties of Record may appeal this Mitigated Determination of Non-Significance by submitting an appeal to City of Lake Stevens, P.O. Box 257, Lake Stevens, WA 98258, Attn: Planning and Community Development no later than 5:00 PM, **September 2, 2014**. The appeal must be in writing, contain a concise statement of the matter being appealed and the basic rationale for the appeal. A fee is required per the City's Fee Resolution. Please note that failure to file a timely and complete appeal shall constitute a waiver of all rights to an administrative appeal under City code.

**CITY OF LAKE STEVENS
Lake Stevens, Washington**

ORDINANCE NO. 918

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON AMENDING THE OFFICIAL COMPREHENSIVE PLAN LAND USE MAP, ENACTED BY ORDINANCE NO. 902; APPROVING A CITIZEN-INITIATED MAP AMENDMENT (M2 - KJORSVIK LUA2014-0009), WHICH CHANGES THE LAND USE DESIGNATION FOR PARCELS LOCATED NEAR SR-9 AND SOPER HILL ROAD TO COMMERCIAL AND LOCAL COMMERCIAL (LC), PURSUANT TO THE CITY'S ANNUAL AMENDMENT AND UPDATE PROCESS PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

WHEREAS, as one of the cities in Snohomish County, the City of Lake Stevens is required to review, and if needed, revise its Comprehensive Plan and development regulations to ensure the plan and regulations comply with the Growth Management Act, Chapter 36.70A RCW; and

WHEREAS, the Growth Management Act allows jurisdictions to amend comprehensive plans once a year, except in those situations enumerated in RCW 36.70A.130(2)(a); and

WHEREAS, on December 9, 2013, the Lake Stevens City Council enacted Ordinance No. 902 adopting an updated Comprehensive Plan Land Use Map; and

WHEREAS, the 2014 Comprehensive Plan Docket includes the Kjorsvik Map Amendment (M-2 - LUA 2014-0009), which would change the land use designation for parcels 00590700030401, 00590700032001, 00590700032000, 29050100401100, 00590700032002, 29050100401300 and 29051200200600 to Commercial (COM) and change the land use designation on parcels 00604900000804 and 00604900000706 to Local Commercial (LC), as depicted in **Exhibit A**.

WHEREAS, the proposed land use map amendment M-2 requires a concurrent rezone with a separate legislative review and approval to be adopted separately; and

WHEREAS, on July 18, 2014, the City submitted the proposed 2014 Comprehensive Plan land use map, text and figure amendments to the Washington State Department of Commerce for its 60-day review and received documentation of completion of the procedural requirement; and

WHEREAS, the City issued a State Environmental Policy Act (SEPA) Mitigated Determination of Non-Significance on August 19, 2014 for M-2 (City File No. LUA2014-0009 / 0010) - One comment and no appeals were received during the 14-day comment period; and

WHEREAS, on September 17, 2014, the City issued a State Environmental Policy Act (SEPA) Addendum No. 7 to the Integrated 2005 Comprehensive Plan and Environmental Impact Statement that adopted the Kjorsvik MDNS by reference; and

WHEREAS, in taking the actions set forth in this ordinance, the City has complied with the requirements of the State Environmental Policy Act, Ch. 43.21C RCW; and

WHEREAS, the Lake Stevens Planning Commission, after review of the proposed 2014 Comprehensive Plan land use map, text and figure amendments, held a duly noticed public hearing on September 03, 2014, and all public testimony was given full consideration; and

WHEREAS, the Lake Stevens City Council reviewed the Planning Commission's recommendation relating to the proposed 2014 Comprehensive Plan land use map, text and figure amendments and held a duly noticed public hearing and considered all public testimony on September 22, 2014 and October 13, 2014; and

WHEREAS, pursuant to RCW 36.70A.130 all of the Comprehensive Plan amendments set forth as part of the 2014 Docket were considered concurrently to ascertain the cumulative effect of the proposals.

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

Section 1. The City Council hereby finds that the Kjorsvik Map Amendment (M2 - LUA2014-0009) meets the approval criteria for amendments to the Comprehensive Plan:

1. The Amendments are consistent with the Growth Management Act and other applicable State laws;
2. The Amendments are consistent with the applicable Countywide Planning Policies;
3. The Amendments are consistent with the Community Vision or other goals, policies, and provisions of the Comprehensive Plan;
4. The Amendments can be accommodated by all applicable and available public services and facilities, including transportation;
5. The Amendments will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses, and/or residents; and
6. The Amendments will result in long-term benefits to the community as a whole, and are in the best interest of the community.

Section 2. The map amendment shall be included with the Comprehensive Plan filed in the office of the Planning and Community Development Department and shall be available for public inspection.

Section 3. The City Council hereby amends the Official Land Use Map, enacted by Ordinance No. 902 as amended, and approves the Kjorsvik Map Amendment (M2 - LUA2014-0009) changing land use designation for parcels 00590700030401, 00590700032001, 00590700032000, 29050100401100, 00590700032002, 29050100401300 and 29051200200600 to Commercial (COM) and changing the land use designation on parcels 00604900000804 and 00604900000706 to Local Commercial (LC) as depicted in **Exhibit A attached hereto and incorporated by this reference.**

Section 4. Severability. If any section, clause, phrase, or term of this ordinance is held for any reason to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, and the remaining portions shall be in full force and effect.

Section 5. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five days after the date of publication.

PASSED by the City Council of the City of Lake Stevens this 13th day of October, 2014.

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Kathleen Pugh, Deputy City Clerk

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

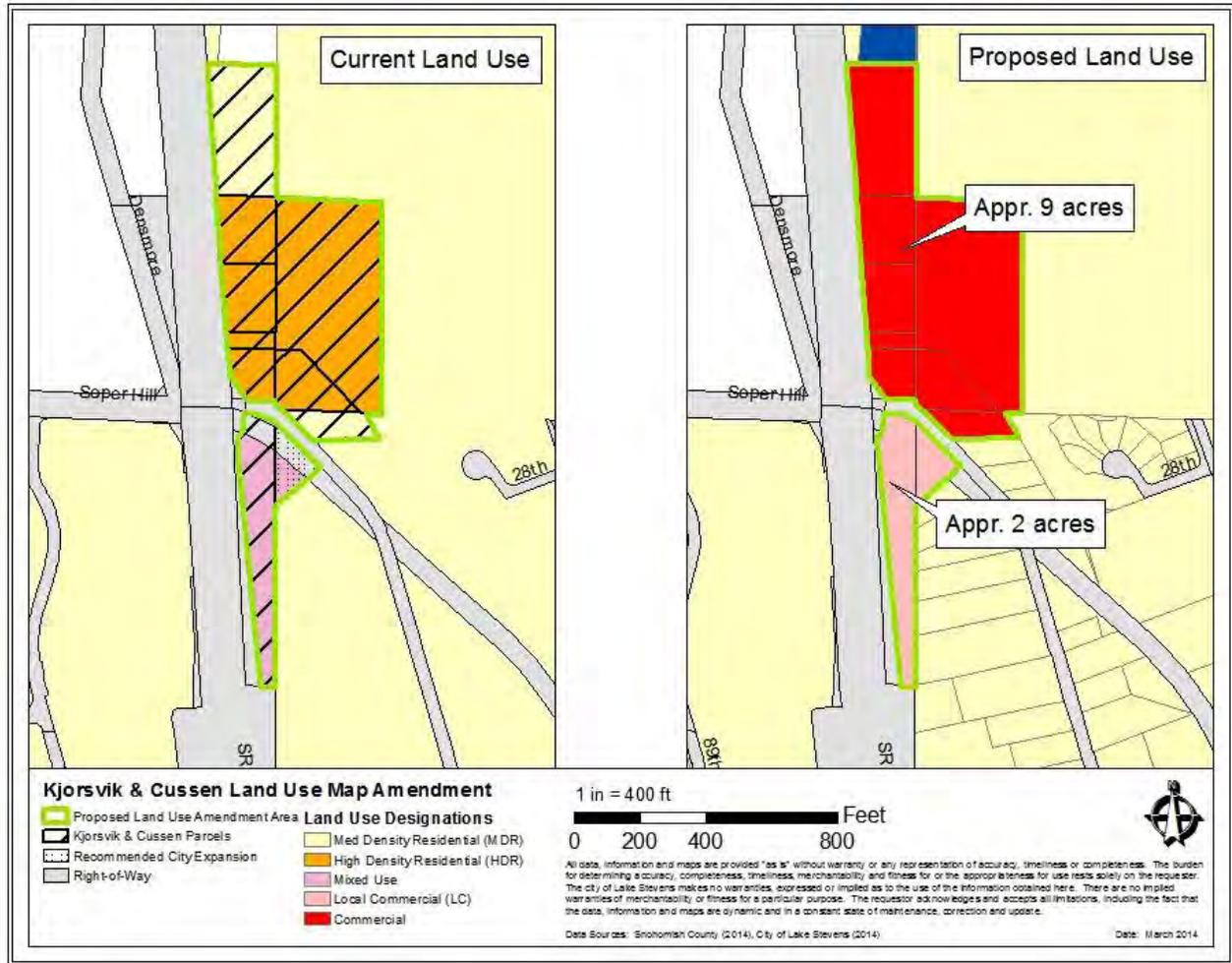
First Reading: September 22, 2014

Second Reading: October 13, 2014

Published:

Effective Date:

EXHIBIT A



**CITY OF LAKE STEVENS
Lake Stevens, Washington**

ORDINANCE NO. 919

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON AMENDING THE OFFICIAL COMPREHENSIVE PLAN LAND USE MAP, ENACTED BY ORDINANCE NO. 902; APPROVING A CITIZEN-INITIATED MAP AMENDMENT (M1 - HUBER LUA 2014-0007), WHICH CHANGES THE LAND USE DESIGNATION FOR TWO PARCELS LOCATED NEAR SR-204 AND 10TH STREET SE TO LOCAL COMMERCIAL (LC), PURSUANT TO THE CITY'S ANNUAL AMENDMENT AND UPDATE PROCESS; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

WHEREAS, as one of the cities in Snohomish County, the City of Lake Stevens is required to review, and if needed, revise its Comprehensive Plan and development regulations to ensure the plan and regulations comply with the Growth Management Act, Chapter 36.70A RCW; and

WHEREAS, the Growth Management Act allows jurisdictions to amend comprehensive plans once a year, except in those situations enumerated in RCW 36.70A.130(2)(a); and

WHEREAS, on December 9, 2013, the Lake Stevens City Council enacted Ordinance No. 902 adopting an updated Official Comprehensive Plan Land Use Map; and

WHEREAS, the 2014 Comprehensive Plan Docket includes the Huber map amendment (M-1 - LUA 2014-0007), which would change the land use designation for parcels 29052300202800 and 29052300202700, containing approximately four acres located near the eastern intersection of SR-204 and 10th Street SE, from Medium Density Residential (MDR) to Local Commercial (LC), as depicted in Exhibit A, on the official Comprehensive Plan Land Use Map;

WHEREAS, the proposed land use map amendment M-1 requires a concurrent rezone with a separate quasi-judicial review and approval process to be adopted separately; and

WHEREAS, on July 18, 2014, the City submitted the proposed 2014 Comprehensive Plan land use map, text and figure amendments to the Washington State Department of Commerce for its 60-day review and received documentation of completion of the procedural requirement; and

WHEREAS, the City issued a State Environmental Policy Act (SEPA) Determination of Non-Significance on August 19, 2014 for M-1 (City File No. LUA2014-0007 / 0008) - no comments or appeals were received within the 14-day comment period; and

WHEREAS, on September 17, 2014, the City issued a State Environmental Policy Act (SEPA) Addendum No. 7 to the Integrated 2005 Comprehensive Plan and Environmental Impact Statement that adopted the Huber DNS by reference; and

WHEREAS, in taking the actions set forth in this ordinance, the City has complied with the requirements of the State Environmental Policy Act, Ch. 43.21C RCW; and

WHEREAS, the Lake Stevens Planning Commission, after review of the proposed 2014 Comprehensive Plan land use map, text and figure amendments, held a duly noticed public hearing on September 03, 2014 , and all public testimony was given full consideration; and

WHEREAS, the Lake Stevens City Council reviewed the Planning Commission's recommendation relating to the proposed 2014 Comprehensive Plan land use map, text and figure amendments and held a duly noticed public hearing and considered all public testimony on September 22, 2014 and October 13, 2014; and

WHEREAS, pursuant to RCW 36.70A.130 all of the Comprehensive Plan amendments set forth as part of the 2014 Docket were considered concurrently to ascertain the cumulative effect of the proposals.

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

Section 1. The City Council hereby finds that the Huber Map Amendment (M1 – LUA2014-0007) meets the approval criteria for amendments to the Comprehensive Plan:

1. The Amendments are consistent with the Growth Management Act and other applicable State laws;
2. The Amendments are consistent with the applicable Countywide Planning Policies;
3. The Amendments are consistent with the Community Vision or other goals, policies, and provisions of the Comprehensive Plan;
4. The Amendments can be accommodated by all applicable and available public services and facilities, including transportation;
5. The Amendments will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses, and/or residents; and
6. The Amendments will result in long-term benefits to the community as a whole, and are in the best interest of the community.

Section 2. The map amendment shall be included with the Comprehensive Plan filed in the office of the Planning and Community Development Department and shall be available for public inspection.

Section 3. The City Council hereby amends the Official Land Use Map, enacted by Ordinance No. 902 as amended, and approves the Huber Map Amendment (M-1 - LUA2014-0007) changing the land use designation for parcels 29052300202800 and 29052300202700 to Local Commercial (LC) as depicted in **Exhibit A attached hereto and incorporated by this reference.**

Section 4. Severability. If any section, clause, phrase, or term of this ordinance is held for any reason to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, and the remaining portions shall be in full force and effect.

Section 5. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five days after the date of publication.

PASSED by the City Council of the City of Lake Stevens this 13th day of October, 2014.

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Kathleen Pugh, Deputy City Clerk

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

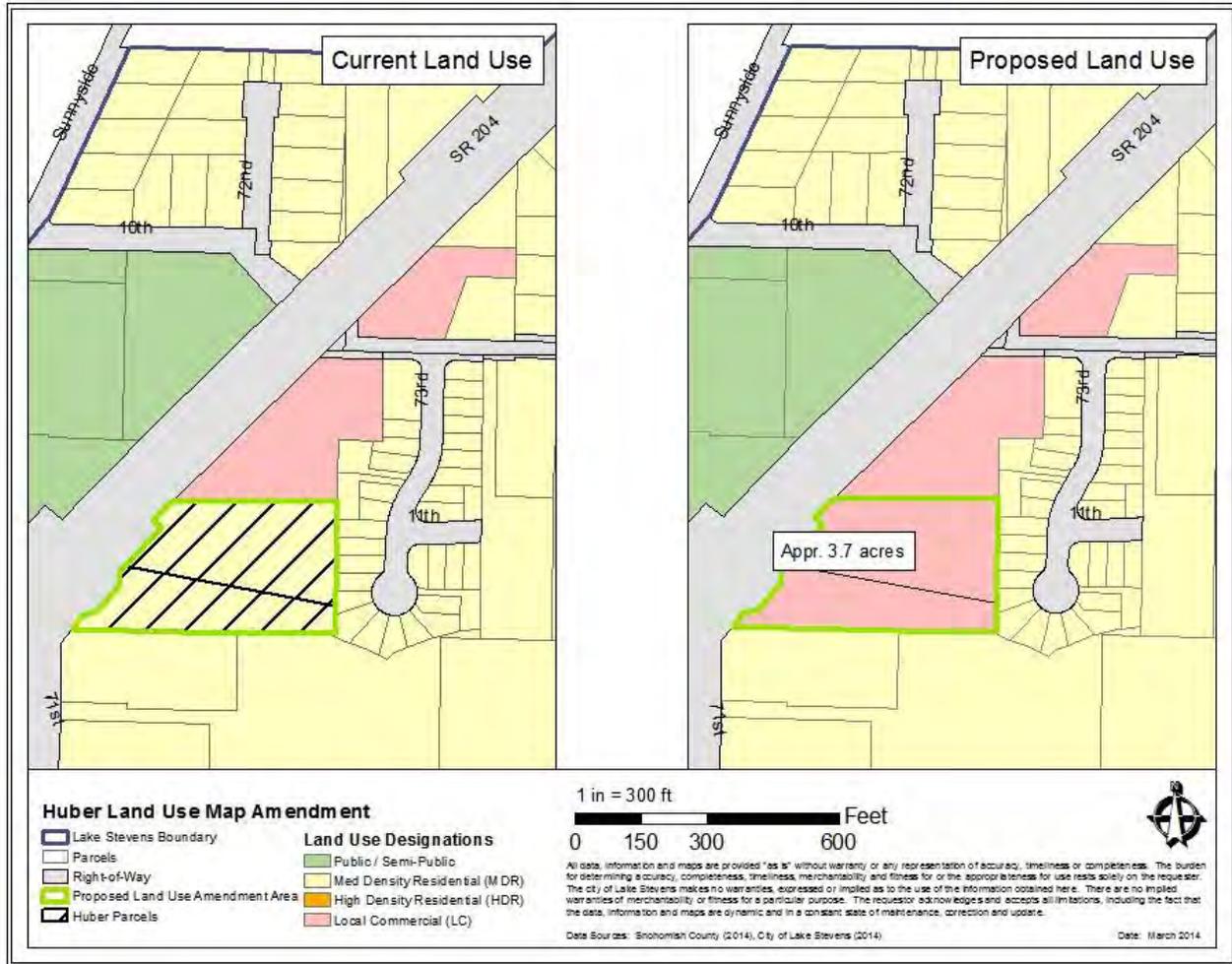
First Reading: September 22, 2014

Second Reading: October 13, 2014

Published:

Effective Date:

EXHIBIT A





September 3, 2014

Lake Stevens City Council
1812 Main Street
Lake Stevens, WA 98258

**Subject: Planning Commission Recommendation
2014 Comprehensive Plan – LUA 2014-0007, LUA2014-0009 and LUA2014-0013**

Dear Council Members:

The Lake Stevens Planning Commission held a public hearing on Wednesday, September 3, 2014 to consider proposed map and text amendments to the Comprehensive Plan.

Commissioners Present: Avdic, Barnet, Davis, Huxford, Matlack and Petershagen
Commissioners Absent: Hoult

PLANNING COMMISSION PUBLIC HEARING (September 3, 2014)

Planning and Community Development staff presented the proposed amendments and responded to questions. Staff discussed the background and overview of the Docket and Comprehensive Plan amendments; presented each proposed amendment individually, describing whether each proposal met the requirements for approving amendments. A detailed analysis of each element was completed in the Staff Summary for Grant or Denial.

G. Kallicott provided public testimony and asked for clarification on the proposed location of a recommended roundabout related to the Kjorsvik map amendment (M-2 - LUA 2014-0009). Staff responded that the recommended roundabout would be located on the applicant’s property, not at the Soper Hill SR-9 intersection.

FINDINGS AND CONCLUSIONS

The Planning Commission hereby adopts staff’s findings and conclusions, as outlined in the staff report and Staff Summary for Grant or Denial, dated September 3, 2014 2014, and concludes that the proposed amendments:

- (1) Are consistent with the adopted Lake Stevens Comprehensive Plan;
- (2) Meet the criteria for amending the Comprehensive Plan; and
- (3) Comply with the Growth Management Act.

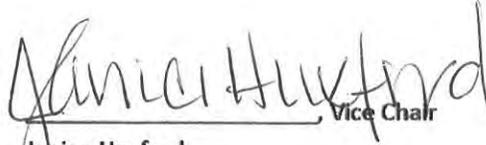
PLANNING COMMISSION RECOMMENDATION

Commissioner Huxford made a motion to forward a recommendation to the City Council to approve Text Amendments T-1 through T-4 (LUA2014-0013) and Map Amendments M-1 (LUA 2014-0007) and M-2 (LUA2014-0009). Commissioner Barnet seconded the motion. Motion passed 6-0-0-1.

Respectfully submitted,

Lake Stevens Planning Commission


_____, Chair
Gary Petershagen


_____, Vice Chair
Janice Huxford



2014 Comprehensive Plan Docket Map Amendment

Staff Summary for Grant or Denial
 T-1 Chapter 5 (LUA2014-0013)

SUMMARY
Location in Comprehensive Plan: Chapter 5 Parks, Recreation & Open Space Element
Proposed Change(s): City-initiated request (LUA2014-0013) to add and describe the City Boat Launch Improvement as a project on the Capital Project List of the Parks Element.
Specific changes are attached
Applicant: City of Lake Stevens Planning & Community Development

GRANTING OR DENIAL OF AMENDMENTS (Comprehensive Plan Chapter 1– page 1-26) <i>For both city and privately-initiated amendments, the city shall take into consideration, but is not limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan:</i>	
1. The effect upon the physical, natural, economic, and/or social environments.	
Discussion: The proposed Parks and Recreation project will have beneficial effects upon the physical, natural, economic, and/or social environments at the time of implementation.	
2. The compatibility with and impact on adjacent land uses and surrounding neighborhoods including whether the amendment would create pressure to change the land use designation of other properties in the vicinity.	
Discussion: The proposed Parks and Recreation project will have no direct impact to specific land uses or neighborhoods.	
3. The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools.	
Discussion: The proposed Parks and Recreation project will have beneficial impacts to public park facilities and services and meets a define recreation need.	
4. The quantity and location of land planned for the proposed land use type and density.	
Discussion: The proposed Parks and Recreation project will not change the land use type and density.	
5. The effect, if any, upon other aspects of the Comprehensive Plan.	
Discussion: The proposed Parks and Recreation project will need to be incorporated into Chapter 8 – the Capital Facilities Element.	

AMENDMENT CRITERIA (Comprehensive Plan Chapter 1– pages 1-26 and 1-27) <i>The city may amend the Comprehensive Plan <u>only if</u> it finds the amendment meets all of the following:</i>	Yes	No
1. The amendment must be consistent with the Growth Management Act and other applicable State laws.	X	
Discussion: The application was received as part of the annual docket cycle and has been submitted to the Department of Commerce for review.		

2. The amendment must be consistent with the applicable Countywide Planning Policies.	X	
Discussion: The proposal provides countywide recreational opportunities.		
3. The amendment must not be in conflict with the Community Vision or other goals, policies, and provisions of the Comprehensive Plan.	X	
Discussion: The proposal supports many goals and policies of the Comprehensive Plan.		
4. The amendment can be accommodated by all applicable public services and facilities, including transportation.	X	
Discussion: The boat launch is located in an area with existing public facilities. Any required facilities will be installed at the time of development.		
5. The amendment will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses or residents.	X	
Discussion: The proposal upon construction will increase the usability of the city boat launch.		
6. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.	X	
Discussion: The proposal supports many goals and policies of the Comprehensive Plan and upon completions will benefit the overall parks and recreation opportunities in the city and region.		

Staff recommends this proposal be X GRANTED or _____ DENIED based on the criteria in the Comprehensive Plan and LSMC.

The Planning Commission recommends this proposal be X GRANTED or _____ DENIED based on the criteria in the Comprehensive Plan and LSMC.

The City Council _____ GRANTS or _____ DENIES this proposal based on the criteria in the Comprehensive Plan and LSMC.



2014 Comprehensive Plan Docket Map Amendment

Staff Summary for Grant or Denial
 T-2 Chapter 8 (LUA2014-0013)

SUMMARY
Location in Comprehensive Plan: Chapter 8 Capital Facilities Element
Proposed Change(s): City-initiated request (LUA2014-0013) to add a park project (City Boat Launch) and pedestrian safety improvement project (91st Ave SE) to the Capital Project List.
Specific changes are attached
Applicant: City of Lake Stevens Planning & Community Development

GRANTING OR DENIAL OF AMENDMENTS (Comprehensive Plan Chapter 1– page 1-26) <i>For both city and privately-initiated amendments, the city shall take into consideration, but is not limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan:</i>	
1. The effect upon the physical, natural, economic, and/or social environments.	
Discussion: The proposed capital projects will have beneficial effects upon the physical, natural, economic, and/or social environments at the time of implementation, specifically recreation and public safety.	
2. The compatibility with and impact on adjacent land uses and surrounding neighborhoods including whether the amendment would create pressure to change the land use designation of other properties in the vicinity.	
Discussion: The proposed capital projects will have no direct impact to specific land uses and will have positive impacts to the safety and recreational opportunities for neighborhoods near the projects at the time of construction.	
3. The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools.	
Discussion: The proposed capital projects benefit public park facilities and the pedestrian street network.	
4. The quantity and location of land planned for the proposed land use type and density.	
Discussion: The proposed capital projects will not change the land use type and density.	
5. The effect, if any, upon other aspects of the Comprehensive Plan.	
Discussion: The proposed Parks and Recreation project will need to be incorporated into Chapter 5 – the Parks, Recreation and Open Space Element.	

AMENDMENT CRITERIA (Comprehensive Plan Chapter 1– pages 1-26 and 1-27) <i>The city may amend the Comprehensive Plan <u>only</u> if it finds the amendment meets all of the following:</i>	Yes	No
	1. The amendment must be consistent with the Growth Management Act and other applicable State laws.	X

Discussion: The application was received as part of the annual docket cycle and has been submitted to the Department of Commerce for review.		
2. The amendment must be consistent with the applicable Countywide Planning Policies.	X	
Discussion: The proposed capital projects increases regional recreational opportunities and multimodal transportation.		
3. The amendment must not be in conflict with the Community Vision or other goals, policies, and provisions of the Comprehensive Plan.	X	
Discussion: The proposed capital projects support many goals and policies of the Comprehensive Plan.		
4. The amendment can be accommodated by all applicable public services and facilities, including transportation.	X	
Discussion: The proposed capital projects are located in an areas with existing public facilities. Any required facilities will be installed at the time of development.		
5. The amendment will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses or residents.	X	
Discussion: The proposed capital projects upon construction will increase the usability of the city boat launch and 91 st street for pedestrians.		
6. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.	X	
Discussion: The proposed capital projects support many goals and policies of the Comprehensive Plan and upon completions will benefit the overall parks and recreation opportunities in the city and region and transportation systems on 91 st Ave.		

Staff recommends this proposal be X GRANTED or _____ DENIED based on the criteria in the Comprehensive Plan and LSMC.

The Planning Commission recommends this proposal be X GRANTED or _____ DENIED based on the criteria in the Comprehensive Plan and LSMC.

The City Council _____ GRANTS or _____ DENIES this proposal based on the criteria in the Comprehensive Plan and LSMC.



2014 Comprehensive Plan Docket Map Amendment

Staff Summary for Grant or Denial
 T-3 Appendices (LUA2014-0013)

SUMMARY
Location in Comprehensive Plan: New Appendix N
Proposed Change(s): City-initiated text changes to the Comprehensive Plan, as part of the 2014 Comprehensive Plan Docket (LUA2014-0013), to add SEPA environmental review documents as a new appendix. (SEPA Addendum will be adopted after PC Hearing, but prior to City Council Action).
Specific changes are attached
Applicant: City of Lake Stevens Planning & Community Development

GRANTING OR DENIAL OF AMENDMENTS (Comprehensive Plan Chapter 1– page 1-26) <i>For both city and privately-initiated amendments, the city shall take into consideration, but is not limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan:</i>	
1.	The effect upon the physical, natural, economic, and/or social environments.
	Discussion: The proposed text amendment is procedural and will not affect the physical, natural, economic, and/or social environments at the time of implementation, specifically recreation and public safety.
2.	The compatibility with and impact on adjacent land uses and surrounding neighborhoods including whether the amendment would create pressure to change the land use designation of other properties in the vicinity.
	Discussion: The proposed text amendment is procedural and will not have direct impact to specific land uses and neighborhoods.
3.	The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools.
	Discussion: The proposed text amendment is procedural and will not affect public facilities and services.
4.	The quantity and location of land planned for the proposed land use type and density.
	Discussion: The proposed text amendment is procedural and will not affect land use type and density.
5.	The effect, if any, upon other aspects of the Comprehensive Plan.
	Discussion: The proposed text amendment is procedural and will not affect other elements of the Comprehensive Plan.

AMENDMENT CRITERIA (Comprehensive Plan Chapter 1– pages 1-26 and 1-27) <i>The city may amend the Comprehensive Plan <u>only if</u> it finds the amendment meets all of the following:</i>	Yes	No
1. The amendment must be consistent with the Growth Management Act and other applicable State laws.	X	

Discussion: The application was received as part of the annual docket cycle and has been submitted to the Department of Commerce for review.		
2. The amendment must be consistent with the applicable Countywide Planning Policies.	X	
Discussion: The proposed text amendment has no effect on countywide planning policies.		
3. The amendment must not be in conflict with the Community Vision or other goals, policies, and provisions of the Comprehensive Plan.	X	
Discussion: The proposed text amendment does not affect goals and policies of the Comprehensive Plan.		
4. The amendment can be accommodated by all applicable public services and facilities, including transportation.	X	
Discussion: The proposed text amendment does not affect existing public facilities and services.		
5. The amendment will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses or residents.	X	
Discussion: The proposed text amendment does not affect any lands or neighborhoods.		
6. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.	X	
Discussion: The proposed text amendment does not affect the community.		

Staff recommends this proposal be X GRANTED or _____ DENIED based on the criteria in the Comprehensive Plan and LSMC.

The Planning Commission recommends this proposal be X GRANTED or _____ DENIED based on the criteria in the Comprehensive Plan and LSMC.

The City Council _____ GRANTS or _____ DENIES this proposal based on the criteria in the Comprehensive Plan and LSMC.



2014 Comprehensive Plan Docket Map Amendment

Staff Summary for Grant or Denial
 T-4 TOC (LUA2014-0013)

SUMMARY
Location in Comprehensive Plan: Cover, footers and Table of Contents.
Proposed Change(s): City-initiated text changes to the Comprehensive Plan, as part of the 2014 Comprehensive Plan Docket (LUA2014-0013), to update the dates on the cover, footnotes and the Table of Contents.
Specific changes are attached
Applicant: City of Lake Stevens Planning & Community Development

GRANTING OR DENIAL OF AMENDMENTS (Comprehensive Plan Chapter 1– page 1-26) <i>For both city and privately-initiated amendments, the city shall take into consideration, but is not limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan:</i>	
1. The effect upon the physical, natural, economic, and/or social environments.	
Discussion: The proposed text amendment is procedural and will not affect the physical, natural, economic, and/or social environments at the time of implementation, specifically recreation and public safety.	
2. The compatibility with and impact on adjacent land uses and surrounding neighborhoods including whether the amendment would create pressure to change the land use designation of other properties in the vicinity.	
Discussion: The proposed text amendment is procedural and will not have direct impact to specific land uses and neighborhoods.	
3. The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools.	
Discussion: The proposed text amendment is procedural and will not affect public facilities and services.	
4. The quantity and location of land planned for the proposed land use type and density.	
Discussion: The proposed text amendment is procedural and will not affect land use type and density.	
5. The effect, if any, upon other aspects of the Comprehensive Plan.	
Discussion: The proposed text amendment is procedural and will not affect other elements of the Comprehensive Plan.	

AMENDMENT CRITERIA (Comprehensive Plan Chapter 1– pages 1-26 and 1-27) <i>The city may amend the Comprehensive Plan <u>only if</u> it finds the amendment meets all of the following:</i>	Yes	No
1. The amendment must be consistent with the Growth Management Act and other applicable State laws.	X	

Discussion: The application was received as part of the annual docket cycle and has been submitted to the Department of Commerce for review.		
2. The amendment must be consistent with the applicable Countywide Planning Policies.	X	
Discussion: The proposed text amendment has no effect on countywide planning policies.		
3. The amendment must not be in conflict with the Community Vision or other goals, policies, and provisions of the Comprehensive Plan.	X	
Discussion: The proposed text amendment does not affect goals and policies of the Comprehensive Plan.		
4. The amendment can be accommodated by all applicable public services and facilities, including transportation.	X	
Discussion: The proposed text amendment does not affect existing public facilities and services.		
5. The amendment will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses or residents.	X	
Discussion: The proposed text amendment does not affect any lands or neighborhoods.		
6. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.	X	
Discussion: The proposed text amendment does not affect the community.		

Staff recommends this proposal be X GRANTED or _____ DENIED based on the criteria in the Comprehensive Plan and LSMC.

The Planning Commission recommends this proposal be X GRANTED or _____ DENIED based on the criteria in the Comprehensive Plan and LSMC.

The City Council _____ GRANTS or _____ DENIES this proposal based on the criteria in the Comprehensive Plan and LSMC.



2014 Comprehensive Plan Docket Map Amendment

Staff Summary for Grant or Denial
 M-1 Huber Map Amendment (LUA2014-0007)

SUMMARY	
Location in Comprehensive Plan: Chapter 4 Land Use Element – Figure 4.1 Land Use Map	
Proposed Change(s): Citizen-initiated request (LUA2014-0007) to change the land use designation, for two parcels near SR-204 and 10 th Street SE, from Medium Density Residential to Local Commercial, as illustrated on the attached map. The applicant has also applied for a concurrent rezone application. The Hearing Examiner will hold a hearing for the rezone application and make a recommendation to City Council separately.	
The applicant has provided a Comprehensive Plan Criteria Narrative (Exhibit a)	
Applicant: Dave Huber	Property Location(s): 1113 SR-204 (approximately 3.7 acres)
Existing Land Use Designation	Proposed Land Use Designation
Medium-Density Residential	Local Commercial
Existing Zoning District	Proposed Zoning District
Suburban Residential	Local Business

FACTORS TO CONSIDER FOR REVIEWING MAP AMENDMENTS
(Comprehensive Plan Chapter 1 – page 1-25)
<p>1. How is the proposed land use designation supported by or consistent with the existing policies of the various elements of the Comprehensive Plan? If it is not, the development should demonstrate how the change is in the best long-term interest of the City.</p>
<p>Discussion: The proposal is for a minor land use map change and complies with Vision Goals (VG-1 through VG-7), specifically VG-3 and VG-5.</p> <ul style="list-style-type: none"> • GOAL 4.3 Economic Development: Attain The Highest Level Of Economic Well-Being Possible For All Citizens In Lake Stevens Through The Achievement Of A Stable And Diversified Economy Offering A Wide Variety Of Employment Opportunities; • GOAL 4.20 Promote Neighborhood Commercial Uses In Appropriate Places; • GOAL 4.22 Apply Commercial Land Use Designations To Prevent Strip Or "Leap-Frog" Commercial Development; and <p>GOAL 9.5: Improve The City's Economic Condition for a Healthy, Vibrant and Sustainable Community.</p>
<p>2. How does the proposed land use designation promote a more desirable land use pattern for the community? If so, a detailed description of the qualities of the proposed land use designation that make the land use pattern for the community more desirable should be provided to enable the Planning Commission and City Council to find that the proposed land use designation is in the community's best interest.</p>
<p>Discussion: The proposal would create commercial nodes consistent with goals and policies found in the Economic Development and Land Use elements of the Comprehensive Plan to help the city achieve its financial goals for increased employment and retail opportunities.</p>

<p>3. What impacts would the proposed change of land use designation have on the current use of other properties in the vicinity, and what measures should be taken to ensure compatibility with the uses of other properties in the vicinity?</p>
<p>Discussion: The traffic report for this proposal does not indicate that a significant change will occur in the level of service. The property will take access through an existing commercial development and will appear as a continuation of that development. Future development will be subject to rules in effect to ensure consistency with neighboring properties.</p>
<p>4. Comments received from affected property owners and residents.</p>
<p>Discussion: No comments have been received relative to this proposal.</p>

<p>GRANTING OR DENIAL OF AMENDMENTS (Comprehensive Plan Chapter 1– page 1-26) <i>For both city and privately-initiated amendments, the city shall take into consideration, but is not limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan:</i></p>
<p>1. The effect upon the physical, natural, economic, and/or social environments.</p>
<p>Discussion: Redesignation of the 3.7-acre parcel from Medium-Density Residential to Local Commercial would have no effect upon the physical, natural, economic and/or social environments as a non-project action. Future development will be subject to rules in effect to ensure consistency with neighboring properties.</p>
<p>2. The compatibility with and impact on adjacent land uses and surrounding neighborhoods including whether the amendment would create pressure to change the land use designation of other properties in the vicinity.</p>
<p>Discussion: Redesignation of the parcel from Medium-Density Residential to Local Commercial is consistent with the parcels to the north, west, south and east and will therefore be compatible with adjacent and surrounding land uses and neighborhoods. The property north of the site (across 10th Street SE) also has the same designation. The properties to the east are above the grade of the proposed commercial area. The area to the west is a state highway (SR-204). The area to the south is restricted by critical areas.</p>
<p>3. The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools.</p>
<p>Discussion: The parcel is located in an area with existing public facilities and services and has utilities on site. Any required facilities will be installed at the time of development.</p>
<p>4. The quantity and location of land planned for the proposed land use type and density.</p>
<p>Discussion: The parcel proposed for redesignation is very small at 3.7-acre and will not affect citywide land use and density.</p>
<p>5. The effect, if any, upon other aspects of the Comprehensive Plan.</p>
<p>Discussion: Redesignation of the parcel will have no other effects on the Comprehensive Plan. The proposal will result in a slight alteration to the commercial and residential land use supply as described in Tables 4.0a and 4.0b. This table will be updated as part of the 2015 Comprehensive Plan.</p>

AMENDMENT CRITERIA (Comprehensive Plan Chapter 1– pages 1-26 and 1-27) <i>The city may amend the Comprehensive Plan <u>only if</u> it finds the amendment meets all of the following:</i>	Yes	No
1. The amendment must be consistent with the Growth Management Act and other applicable State laws.	X	
Discussion: The application was received as part of the annual docket cycle and has been submitted to the Department of Commerce for review.		
2. The amendment must be consistent with the applicable Countywide Planning Policies.	X	
Discussion: The proposal does not affect Countywide Planning Policies		
3. The amendment must not be in conflict with the Community Vision or other goals, policies, and provisions of the Comprehensive Plan.	X	
Discussion: The proposal supports many goals and policies of the Comprehensive Plan as addressed earlier.		
4. The amendment can be accommodated by all applicable public services and facilities, including transportation.	X	
Discussion: The parcel is located in an area with existing public facilities and services and has utilities on site. Any required facilities will be installed at the time of development.		
5. The amendment will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses or residents.	X	
Discussion: The proposal will provide a neighborhood shopping node with access to a collector and arterial, provide opportunities for small employers and provide a benefit to adjacent residential neighborhoods. Any future development will need to meet citywide concurrency standards and development regulations to protect critical areas. Future development will likely be subject to project specific SEPA review as well.		
6. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.	X	
Discussion: The proposal supports many goals and policies of the Comprehensive Plan as addressed earlier, specifically economic development and land use goals to achieve additional retail and job opportunities balanced with housing.		

Staff recommends this proposal be X GRANTED or _____ DENIED based on the criteria in the Comprehensive Plan and LSMC.

The Planning Commission recommends this proposal be X GRANTED or _____ DENIED based on the criteria in the Comprehensive Plan and LSMC.

The City Council _____ GRANTS or _____ DENIES this proposal based on the criteria in the Comprehensive Plan and LSMC.



2014 Comprehensive Plan Docket Map Amendment

Staff Summary for Grant or Denial
 M-2 Kjorsvik Map Amendment (LUA2014-0009)

SUMMARY	
Location in Comprehensive Plan: Chapter 4 Land Use Element – Figure 4.1 Land Use Map	
Proposed Change(s): The applicant has applied for a comprehensive plan designation change and concurrent rezone of approximately 11 acres near the eastern intersection of SR-9 and Soper Hill Road. The proposal would change the land use designation and zoning on seven parcels in the northeastern corner of the project area to Commercial (Commercial District) from High Density Residential (Multifamily Residential and High Urban Residential) and Medium-Density Residential (Suburban Residential). The request would also change the land use designation and zoning on a single parcel in the southeastern corner of the project area from Mixed-Use (Mixed-Use) to Local Commercial (Local Business). The city is recommending the second proposed land use and zoning change be extended to the adjacent parcel to the east.	
The applicant has provided a Comprehensive Plan Criteria Narrative (Exhibit a)	
Applicant: Walter Kjorsvik	Property Location(s): Eastern intersection of SR-9 & Soper Hill Road (approximately 11 acres)
Existing Land Use Designation	Proposed Land Use Designation
Segment 1 - High Density Residential and Medium-Density Residential	Commercial
Segment 2 – Mixed-Use	Local Commercial

FACTORS TO CONSIDER FOR REVIEWING MAP AMENDMENTS (Comprehensive Plan Chapter 1 – page 1-25)
1. How is the proposed land use designation supported by or consistent with the existing policies of the various elements of the Comprehensive Plan? If it is not, the development should demonstrate how the change is in the best long-term interest of the City.
<p>Discussion: The proposal is for a minor land use map change and complies goals and policies:</p> <p><u>Vision Goals</u></p> <p>VG-3 The community will focus its economic development activity in the Hartford Road Industrial Area, three Community growth centers and small neighborhood service centers.</p> <p>VG-5 The city of Lake Stevens will encourage the development of the local economy by: providing a predictable development atmosphere; emphasizing diversity in the range of goods and services; encouraging non-consumptive, sustainable level markets; and ensuring that as the economy changes employment opportunities are balanced with a range of housing opportunities.</p> <p><u>Land Use Element</u></p> <p>Goal 4.1 Ensure that land uses optimize economic benefit and the enjoyment and protection of natural resources while minimizing the threat to health, safety and welfare;</p>

Goal 4.3 Economic development: attain the highest level of economic well-being possible for all citizens in Lake Stevens through the achievement of a stable and diversified economy offering a wide variety of employment opportunities;

Goal 4.4 Neighborhood conservation: achieve a well balanced and well organized combination of open space, commercial, industrial, recreation and public uses served by a convenient and efficient transportation network while protecting the fabric and character of residential neighborhoods; and

Goal 4.20 Promote neighborhood commercial uses in appropriate places.

Goal 4.22 Apply commercial land use designations to prevent strip or "leap-frog" commercial development.

Policy 4.22.1 discourage strip development and encourage nodal development through adoption of zoning designations, specific design guidelines and development regulations.

Goal 4.40 design and build a healthy community to improve the quality of life for all people who live, work, learn, and play within the city.

Economic Development Element:

Goal 9.3: Provide a predictable development atmosphere, emphasize diversity of goods and services available, and ensure employment opportunities are balanced with a range of housing opportunities.

Policy 9.3.1 provide opportunities to achieve a jobs/housing balance that encourages and advances smart growth goals including financial stability, environmental integrity, and a healthy community.

Policy 9.3.2 develop strategies and techniques to adjust the balance at an appropriate rate that the regional market can absorb.

Goal 9.5: improve the city's economic condition for a healthy, vibrant and sustainable community.

2. How does the proposed land use designation promote a more desirable land use pattern for the community? If so, a detailed description of the qualities of the proposed land use designation that make the land use pattern for the community more desirable should be provided to enable the Planning Commission and City Council to find that the proposed land use designation is in the community's best interest.

Discussion:

The proposal would create commercial nodes consistent with goals and policies found in the Economic Development and Land Use elements of the Comprehensive Plan to help the city achieve its financial goals for increased employment and retail opportunities.

3. What impacts would the proposed change of land use designation have on the current use of other properties in the vicinity, and what measures should be taken to ensure compatibility with the uses of other properties in the vicinity?

Discussion: The traffic report for this proposal indicated a potential to effect the level of service in the area.

The property will take access through an existing commercial development and will appear as a continuation of that development. Future development will be subject to rules in effect to ensure consistency with neighboring properties. The city has reviewed the traffic fee report and concluded the traffic generated from potential uses with the proposed zoning will require onsite and offsite improvements to ensure concurrency not previously identified in the capital facilities plan. The Public Works Director issued a memorandum on August 15, 2014 that analyzed potential traffic impacts and provided recommendations for improvements. The SEPA official incorporated these recommendations into the Mitigated Determination of Non-Significance as conditions.

4. Comments received from affected property owners and residents.

Discussion: Neighbors in the vicinity voiced concerns related to traffic impacts and the current condition of Soper Hill at the ratification hearing. This individual also indicated a preference for high-quality-development.

GRANTING OR DENIAL OF AMENDMENTS (Comprehensive Plan Chapter 1– page 1-26) <i>For both city and privately-initiated amendments, the city shall take into consideration, but is not limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan:</i>	
1. The effect upon the physical, natural, economic, and/or social environments.	
Discussion: Redesignation of the 11 acres would have no immediate effect upon the physical, natural, economic and/or social environments as a non-project action. Future development will be subject to rules in effect to ensure consistency with neighboring properties.	
2. The compatibility with and impact on adjacent land uses and surrounding neighborhoods including whether the amendment would create pressure to change the land use designation of other properties in the vicinity.	
Discussion: Redesignation of the parcels to Commercial and Local Commercial is consistent with the parcels to the north, west, south and east and will therefore be compatible with adjacent and surrounding land uses and neighborhoods. The property north of the site are vacant or planned for industrial development. The properties to the northeast are vacant; while adjacent properties to the south and southeast contain existing residential neighborhoods near Soper Hill Road. The area to the west is a state highway (SR-9).	
3. The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools.	
Discussion: The parcel is located in an area without existing public facilities including sewer and adequate traffic infrastructure. Essential infrastructure would be required to be extended and constructed and in place to ensure concurrency at the time of development.	
4. The quantity and location of land planned for the proposed land use type and density.	
Discussion: The parcel proposed for redesignation is 11-acres and will not affect citywide land use and density for commercial uses significantly. Currently, approximately four percent of the city is dedicated to commercial use.	
5. The effect, if any, upon other aspects of the Comprehensive Plan.	
Discussion: Redesignation of the parcel will have no other effects on the Comprehensive Plan. The proposal will result in a slight alteration to the commercial and residential land use supply as described in Tables 4.0a and 4.0b. This table will be updated as part of the 2015 Comprehensive Plan.	

AMENDMENT CRITERIA (Comprehensive Plan Chapter 1– pages 1-26 and 1-27) <i>The city may amend the Comprehensive Plan <u>only</u> if it finds the amendment meets all of the following:</i>	Yes	No
1. The amendment must be consistent with the Growth Management Act and other applicable State laws.	X	
Discussion: The application was received as part of the annual docket cycle and has been submitted to the Department of Commerce for review.		
2. The amendment must be consistent with the applicable Countywide Planning Policies.	X	
Discussion: The proposal does not affect Countywide Planning Policies		
3. The amendment must not be in conflict with the Community Vision or other goals, policies, and provisions of the Comprehensive Plan.	X	

Discussion: The proposal supports many goals and policies of the Comprehensive Plan as addressed earlier.		
4. The amendment can be accommodated by all applicable public services and facilities, including transportation.	X	
Discussion: The parcels will extend public services and utilities at the time of development.		
5. The amendment will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses or residents.	X	
Discussion: The proposal will provide a neighborhood-shopping node with access to a collector and arterial, provide opportunities for small employers and provide a benefit to adjacent residential neighborhoods. Any future development will need to meet citywide concurrency standards and development regulations to protect critical areas. Future development will likely be subject to project specific SEPA review as well.		
6. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.	X	
Discussion: The proposal supports many goals and policies of the Comprehensive Plan as addressed earlier, specifically economic development and land use goals to achieve additional retail and job opportunities balanced with housing.		

Staff recommends this proposal be X GRANTED or _____ DENIED based on the criteria in the Comprehensive Plan and LSMC.

The Planning Commission recommends this proposal be X GRANTED or _____ DENIED based on the criteria in the Comprehensive Plan and LSMC.

The City Council _____ GRANTS or _____ DENIES this proposal based on the criteria in the Comprehensive Plan and LSMC.



This page left blank intentionally



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: September 22, 2014

Subject: Kjorsvik Rezone (LUA2014-0010)

Contact Person/Department: Russ Wright, Planning &
Community Development

Budget Impact: none

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

1. Public Hearing and First reading for Ordinance 920 related to the Kjorsvik Rezone (LUA2014-0010).
2. **Motion to approve Ordinance 920** an ordinance of the city of Lake Stevens, Amending the Official Zoning Map, enacted by Ordinance No. 903; Approving The Kjorsvik Rezone (City File No. LUA2014-0010) near the eastern intersection of Soper Hill Road and SR-9 by rezoning seven parcels of the project to commercial district and two parcels of the project to local business; Repealing Ordinance 780; Repealing Resolution 2008-4; and Rescinding a development agreement related to a previous rezone, recorded under Snohomish County Recording No. 200808120549

SUMMARY:

Public Hearing and First Reading of Ordinance 920 related to the Kjorsvik Rezone (LUA2014-0010)

BACKGROUND/HISTORY:

The applicant applied for a comprehensive plan map change (LUA2014-0009) and concurrent area-wide rezone (LUA2014-0010) of approximately 11 acres near the eastern intersection of SR-9 and Soper Hill Road. The proposal would rezone seven parcels in the northeastern corner of the project area to Commercial District from Multifamily Residential, High Urban Residential and Suburban Residential. The request would also rezone two parcels in the southeastern corner of the project area from Mixed-Use Local Business. Future development under the proposed land use and zoning could add 2,303 additional daily trips and 188 PM peak-hour trips. The proposed changes could support nearly 90,000 square of new commercial development. Staff has recommended that the subarea regulations found in Chapter 14.38 LSMC be applied to the portions of the site to be zoned Commercial District.

The vacant properties directly to the north are zoned General Industrial Development Agreement and High Urban Residential. The vacant properties to the east are zoned High Urban Residential. The developed properties to the south are zoned Urban Residential and Suburban Residential. Highway SR-9 abuts the properties to the west. Future access to the site would be off Soper Hill Road via a new road.

Area-wide rezones are Type VI applications subject to a recommendation from the Planning Commission to City Council, per Chapter 14.16B LSMC, Part VI. The proponent has submitted a project narrative, environmental checklist and traffic report in support of the rezone.

The city received the application on January 30, 2014 and issued a Determination of Completeness on April 7, 2014. The city issued a Mitigated Determination Non-Significance on August 19, 2014. The Planning Commission recommended approval to the City Council for the proposed Land Use Change and

Rezone on September 3, 2014. City staff provided public notice for all actions by a combination of publication in the Everett Herald, direct mailings, posting the site and posting city bulletin boards.

A previous rezone included a development agreement that placed restrictions upon certain nighttime, high traffic and industrial land uses. This agreement would not be applicable to the proposed zoning designation. Staff has recommended that City Council rescind the Development Agreement as part of the adopting ordinance.

FINDINGS AND CONCLUSIONS:

The Planning Commission has found the Kjorsvik Rezone to be consistent with LSMC 14.16C.090 and has submitted a forwarded a letter (**Exhibit 2**) to the City Council recommending approval of the proposal based on the findings and conclusions contained in the staff report (**Exhibit 3**).

APPLICABLE CITY POLICIES: Chapters 14.16A, 14.16B and 14.16C of the Lake Stevens Municipal Code

BUDGET IMPACT: There is not a budget impact.

EXHIBITS (attached):

Exhibit 1 – Ordinance 920, with exhibits

Exhibit 2 – Planning Commission Recommendation Letter

Exhibit 3 – Staff Report

**CITY OF LAKE STEVENS
LAKE STEVENS, WASHINGTON**

ORDINANCE NO. 920

AN ORDINANCE OF THE CITY OF LAKE STEVENS, AMENDING THE OFFICIAL ZONING MAP, ENACTED BY ORDINANCE NO. 903; APPROVING THE KJORSVIK REZONE (CITY FILE NO. LUA2014-0010) NEAR THE EASTERN INTERSECTION OF SOPER HILL ROAD AND SR-9 BY REZONING SEVEN PARCELS OF THE PROJECT TO COMMERCIAL DISTRICT AND TWO PARCELS OF THE PROJECT TO LOCAL BUSINESS; REPEALING ORDINANCE 780; REPEALING RESOLUTION 2008-4 AND RESCINDING A DEVELOPMENT AGREEMENT RELATED TO A PREVIOUS REZONE, RECORDED UNDER SNOHOMISH COUNTY RECORDING NO. 200808120549; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

WHEREAS, on December 9, 2013, the Lake Stevens City Council enacted Ordinance No. 903 adopting an updated Official Zoning Map; and

WHEREAS, the City received separate applications for a comprehensive plan map amendment (City File No. LUA2014-0009) and concurrent rezone (City File No. LUA2014-0010) on January 30, 2014 referred to as the Kjorsvik Rezone; and

WHEREAS, the Kjorsvik Rezone includes approximately 11 acres near the eastern intersection of SR-9 and Soper Hill Road (**Exhibit A**). The proposal would change the zoning designation on parcels 00590700030401, 00590700032001, 00590700032000, 29050100401100, 00590700032002, 29050100401300 and 29051200200600, in the northeastern corner of the project area, to Commercial District (CD) from Multifamily Residential (MFR), High Urban Residential (HUR) and Suburban Residential (SR). The request would also change the zoning on parcels 00604900000804 and 00604900000706, in the southeastern corner of the project area, to Local Business (LB) from Mixed-Use (MU).

WHEREAS, Section 14.16C.090 of the Lake Stevens Municipal Code (LSMC) sets forth the process for rezone applications; and

WHEREAS, pursuant to LSMC 14.16C.090(b) the rezone is a minor amendment, as there are less than five tracts and less than 50 acres involved, but is considered an area-wide rezone because the proposed changes involve different property owners, changes across rights-of-way, and changes to more than one land use designation; and

WHEREAS, the Comprehensive Plan land use designation for the subject parcels are Commercial (COM) and Local Commercial (LC) per Ordinance No. 918, which support the Commercial District (CD) Local Business (LB) zoning designations per Table 14.36-I as found in Chapter 14.36 LSMC; and

WHEREAS, Ordinance No. 876 established the Commercial District zoning district, with the adoption of the Subarea Plans, in September 2012. This designation has been adopted into Chapter 14.36 LSMC, but not into chapters 14.40 (Permissible Uses) and 14.48 (Density and Dimensional Regulations). Chapter 14.38 LSMC contains the applicable use and development regulations for the Commercial District; and

WHEREAS, the southern parcels 00604900000804 and 00604900000706 are currently subject to a Development Agreement (Resolution 2008-4 / Snohomish County Recording No. 200808120549) tied to the Mixed-Use Designation, adopted by Ordinance No. 780; and

WHEREAS, upon approval of the proposed rezone to Local Business, the Development Agreement will no longer be applicable to the properties as the development agreement (Resolution 2008-4 / Snohomish County Recording No. 200808120549) placed restrictions upon certain nighttime, high traffic and industrial land uses identified in sections 1 through 4 and grants the city authority to rescind the requirement for the development agreement as set forth in Ordinance 780.

WHEREAS, the City submitted 2014 Comprehensive Plan land use map, text and figure amendments to the Washington State Department of Commerce for its 60-day review on July 18, 2014; and

WHEREAS, the city issued a State Environmental Policy Act (SEPA) Mitigated Determination of Non-Significance on August 19, 2014 for M-2 (City File No. LUA2014-0009 / 0010) – one comment was received and no appeals were received within the 14-day comment period; and

WHEREAS, area-wide rezones are Type VI legislative decisions, per Table 14.16A-I as found in Chapter 14.16A LSMC, which requires a recommendation from the Planning Commission to City Council, based on written findings and conclusions, supported by evidence from an open-record hearing; and

WHEREAS, the Planning Commission conducted a duly noticed open-record public hearing on September 03, 2014, and all public testimony has been given full consideration; and

WHEREAS, the Planning Commission provided the City Council with a recommendation letter along with findings and conclusions to approve the rezone request as the proposed rezone meets the legal criteria for approving a rezone as set forth in LSMC 14.16C.090, Chapter 14.16A LSMC and applicable state requirements; and

WHEREAS, the City Council considered the Planning Commission's recommendation on September 22, 2014 and October 13, 2014.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE STEVENS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council hereby adopts and incorporates by reference the findings and conclusions for approving a rezone, pursuant to LSMC 14.16C.090, set forth in the Planning Commission's recommendation letter, dated September 3, 2014 and the staff report, dated August 29, 2014.

Section 2. The City Council makes the following conclusions based on the entire record of this proceeding, including all testimony and exhibits:

- A. The public hearings by the Planning Commission and City Council satisfy the public participation requirements of Chapter 14.16A LSMC.
- B. The SEPA process conducted for this ordinance satisfies the requirements of the State Environmental Policy Act codified in Chapter 43.21C RCW as implemented by Chapter 197-11 WAC and Title 16 LSMC.
- C. The zoning map amendment adopted by this ordinance complies with the Growth Management Act (Chapter 36.70A RCW).
- D. The zoning map amendment adopted by this ordinance is consistent with the adopted Lake Stevens Comprehensive Plan per Ordinance No. 918.

Section 3. The Official Zoning Map as amended and enacted by Ordinance 903 is hereby amended by rezoning parcels 00590700030401, 00590700032001, 00590700032000, 29050100401100, 00590700032002, 29050100401300 and 29051200200600 to Commercial District (CD) and rezoning parcels 00604900000804 and 00604900000706 to Local Business (LB) as depicted in **Exhibit A attached hereto and incorporated by this reference.**

Section 4. The city will review future development applications for the properties receiving the Commercial District zoning under the applicable use and development regulations of Chapter 14.38 LSMC.

Section 5. Resolution 2008-4 (Snohomish County Recording No. 200808120549) and Ordinance 780 restricting the land uses on parcels 00604900000804 and 00604900000706 are hereby repealed and replaced with this ordinance and the development Agreement associated therewith is hereby rescinded.

Section 6. This Ordinance or a separate instrument evidencing the rescission of the Development Agreement, recorded under Auditor's No. 200808120549, shall be recorded following the effective date of this Ordinance.

Section 7. Severability. If any section, clause, phrase, or term of this ordinance is held for any reason to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, and the remaining portions shall be in full force and effect.

Section 8. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five days after the date of publication.

PASSED by the City Council of the City of Lake Stevens this 13th day of October, 2014.

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Kathleen Pugh, Deputy City Clerk

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

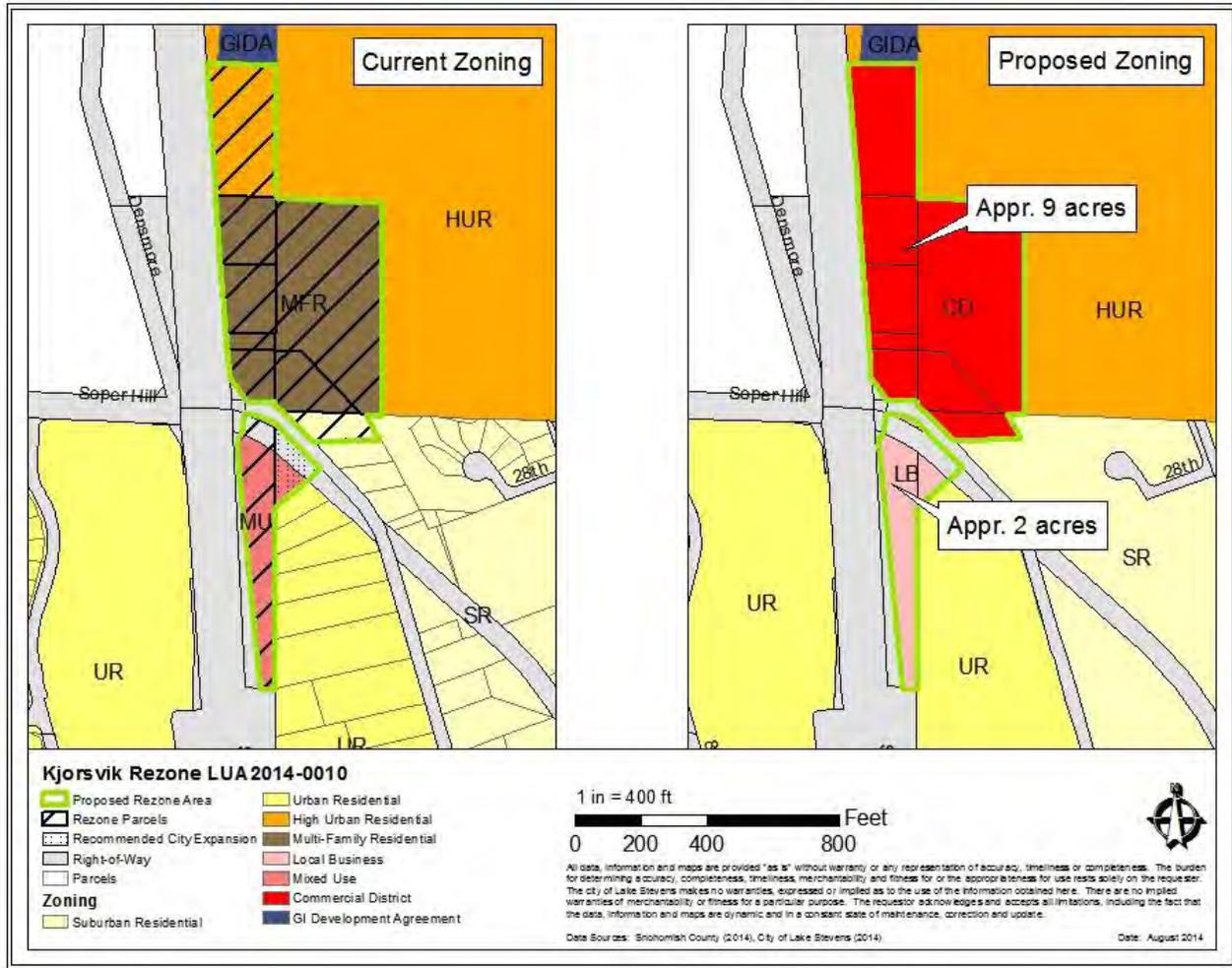
First Reading: September 22, 2014

Second Reading: October 13, 2014

Published:

Effective Date:

Exhibit A





September 3, 2014

Lake Stevens City Council
1812 Main Street
Lake Stevens, WA 98258

**Subject: Planning Commission Recommendation
Kjorsvik Rezone – LUA 2014-0010**

Dear Council Members:

The Lake Stevens Planning Commission held a public hearing on Wednesday, September 3, 2014 to consider an area-wide rezone (LUA2014-0010) submitted concurrently with a map amendment to the Comprehensive Plan (LUA2014-0009). The proposal would change the land use designation and zoning on seven parcels in the northeastern corner of the project area to Commercial (Commercial District) from High Density Residential (Multifamily Residential and High Urban Residential) and Medium-Density Residential (Suburban Residential). The request would also change the land use designation and zoning on a single parcel in the southeastern corner of the project area from Mixed-Use (Mixed-Use) to Local Commercial (Local Business). The city is recommending the second proposed land use and zoning change be extended to the adjacent parcel to the east.

Commissioners Present: Avdic, Barnet, Davis, Huxford, Matlack and Petershagen
Commissioners Absent: Hoult

PLANNING COMMISSION PUBLIC HEARING (September 3, 2014)

Planning and Community Development staff presented the proposed rezone and responded to questions. Staff discussed the background of the proposal and described the merits of proposal as it relates to the requirements for approval. City staff provided a formal staff report to the Planning Commission for its review.

Commissioners asked questions about how the proposal affects the transportation network, specifically walkability, the staff recommendation to make Soper Hill a one-way street in the future and any comments from the Washington State Dept. of Transportation. Staff responded that it has looked at goals and policies related to transportation and walkability in its analysis and will look at specific regulations at the time of future development. Staff also indicated that its approach to recommending Soper Hill as a one-way street is to limit commercial and cut-through traffic on Soper Hill because of the limitations of existing right-of-way width. Staff informed the Planning Commission making Soper Hill a one-way road would provide room for a pedestrian path along Soper Hill Road in the future. Staff noted that WSDOT has been notified about the proposal through the SEPA process, but has not provided any comments at this time.

Planning Commissioners also asked questions about zoning impacts, specifically setbacks to adjacent properties and the existing development agreement. Staff responded that there would be landscaped buffers between new buildings and neighboring properties. Staff indicated that City Council would make the

decision if the current development agreement be abandoned or modified. Staff also mentioned that it has recommended future development be reviewed under the subarea plan regulations and design guidelines.

Kyle Mose provided public testimony and asked if a dead end road has been considered on Soper Hill Road as it relates to the Kjorsvik rezone (LUA 2014-0010). Staff responded that it has analyzed several traffic alternatives, including a dead end on Soper Hill Road.

FINDINGS AND CONCLUSIONS

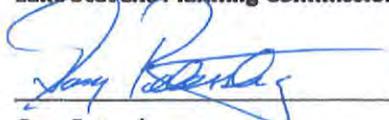
The Planning Commission hereby adopts staff's findings and conclusions, as outlined in the staff report and, dated August 29, 2014, and concludes that the proposed rezone is consistent with rezone criteria (Chapter 14.16C LSMC), applicable Comprehensive Plan Goals and Policies, permit processing procedures, and all other applicable municipal code requirements, subject to conditions noted below:

PLANNING COMMISSION RECOMMENDATION

Commissioner Matlack made a motion that the Planning Commission forward findings of fact (Section C) and conditions (Section D) for the Kjorsvik Rezone (LUA2014-0010) to the City Council with a recommendation to approve. Commissioner Barnet seconded the motion. Motion passed 6-0-0-1.

Respectfully submitted,

Lake Stevens Planning Commission


_____, Chair
Gary Petershagen


_____, Vice Chair
Janice Huxford



Type VI Decision
Area-wide Rezone
Planning and Community Development

August 29, 2014

Kjorsvik Rezone

LUA2014-0010

A. PROJECT DESCRIPTION AND REQUEST

The applicant has applied for a comprehensive plan designation change and concurrent rezone of approximately 11 acres near the eastern intersection of SR-9 and Soper Hill Road. The proposal would change the land use designation and zoning on seven parcels in the northeastern corner of the project area to Commercial (Commercial District) from High Density Residential (Multifamily Residential and High Urban Residential) and Medium-Density Residential (Suburban Residential). The request would also change the land use designation and zoning on a single parcel in the southeastern corner of the project area from Mixed-Use (Mixed-Use) to Local Commercial (Local Business). The city is recommending the second proposed land use and zoning change be extended to the adjacent parcel to the east.

B. GENERAL INFORMATION

1. Date of Application: January 30, 2014
2. Determination of Completion: January 30, 2014 (letter sent April 7, 2014)
3. Property Location: Eastern intersection of SR-9 & Soper Hill Road
4. Total Area of Project: Approximately 11 acres
5. Applicant / Contact: Walter Kjorsvik / Harry Cussen
6. Owners:
 - Jenkins (Parcel No. 00590700030401, 00590700032001, 00590700032000, 29050100401100, 00590700032002 and 29050100401300)
 - Kjorsvik (Parcel No. 29051200200600)
 - Nelson (Parcel No. 00604900000804)
 - Taff (Parcel No. 00604900000706)
7. Comprehensive plan land use designation, zoning designation and existing uses of the site and surrounding area:

AREA	LAND USE DESIGNATION	ZONING	EXISTING USE
Project Site	Medium Density Residential	Suburban Residential	Undeveloped
North of Site	Snohomish County	Snohomish County	Undeveloped
South of Site	Medium Density Residential	Urban Residential	Undeveloped
East of Site	Snohomish County	Snohomish County	Undeveloped
West of Site	Medium Density Residential	Suburban Residential	Undeveloped

Kjorsvik LUA2014-0010

8. Public Utilities and Services Available In The Area

Water:	Snohomish County PUD	Gas:	Puget Sound Energy
Sewer:	Lake Stevens Sewer District	Cable TV:	Comcast
Garbage:	Allied Waste or Waste Mgmt	Police:	City of Lake Stevens
Storm Water:	City of Lake Stevens	Fire:	Lake Stevens Fire District
Telephone:	Verizon	School:	Lake Stevens School Dist.
Electricity:	Snohomish County PUD	Hospital:	Providence Hospital

C. ANALYSIS¹

1. Application Process

- a. Walt Kjorsvik submitted a rezone application (**Exhibit 1**) on January 30, 2014, a Type IV permit, per Chapter 14.16B LSMC, Part IV. The hearing examiner provides recommendations for Type IV permits.
- b. The applicant submitted a written request to expand the area of the comprehensive plan map change and concurrent rezone on March 7, 2014 (**Exhibit 2**). The request included approvals from affected property owners.
- c. The city issued a Determination of Completeness on April 7, 2014 (**Exhibit 3**).
- d. The applicant submitted revised application materials on July 29, 2014 including a rezone narrative (**Exhibit 4**).
- e. The applicant submitted an email clarifying their preferred zoning to address discrepancies included in revised materials (**Exhibit 5**).
- f. The city determined that the revised application constituted an area wide rezone because it now dealt with multiple properties and owners. Area wide rezones are Type VI applications subject to a recommendation from the Planning Commission to City Council, per Chapter 14.16B LSMC, Part VI.²

CONCLUSION: The application meets the procedural requirements for Type VI applications established in Title 14 of the LSMC.

2. Notices³

- a. Notice of Application: August 19, 2014 (**Exhibit 6a**)
- b. SEPA Notification: August 19, 2014 (**Exhibit 6a**)
- c. Notice of Public Hearing: 8/19/14 & 8/26/14 (**Exhibit 6b**)

¹ Project analysis is based on review of current materials applicable to the project.

² The rezone application (LUA 2014-0010) associated with the RM-2 Map amendment (LUA2014-0009) is considered a minor, area-wide rezone because the proposed changes involve different property owners, changes across rights-of-way, and changes to more than one land use designation. LUA 2014-0010 rezone will be reviewed as a Type VI application and will be reviewed concurrently with the comprehensive plan map amendment and include a public hearing in front of the Planning Commission who will recommend approval to the City Council. Final approval will be by ordinance following a Public Hearing

³ Public notice includes a combination of posting, publication and mailing pursuant to the requirements of Lake Stevens Municipal Code 14.16A.225 and LSMC 14.16B.630.

Kjorsvik LUA2014-0010

CONCLUSION: The city has met the noticing requirements for Type VI applications established in Chapter 14.16B LSMC, Part VI.

3. Comprehensive Plan, Zoning, and Uses:

- a. The existing and proposed comprehensive plan designations and zoning districts are identified in the following table. Existing and proposed zoning illustrated in **Exhibit 7a** (rezone map).

Existing Land Use Designation	Proposed Land Use Designation
Segment 1 - High Density Residential and Medium-Density Residential	Commercial
Segment 2 - Mixed-Use	Local Commercial
Existing Zoning District	Proposed Zoning District
Segment 1 - High Urban Residential, Multifamily Residential and Suburban Residential	Commercial District
Segment 2 - Mixed-Use	Local Business

- b. The adjacent zoning districts and associated uses are identified in the following table. Adjacent zoning districts are illustrated in **Exhibit 7b** (adjacent zoning map).

Adjacent Zoning Districts		Current Use
North	General Industrial Development Agreement & High Urban Residential	Vacant GI has pending approval for a storage unit
South	Urban Residential	Single-family along Soper Hill Road
East	Urban Residential Suburban Residential High Urban Residential	Single-family along both sides of Soper Hill Road Vacant School District abutting site in northern segment
West	SR-9	Public ROW, city of Marysville (across highway) and power line easements (across highway)

c. Zoning Analysis

The Commercial District replaced the Subregional Commercial Designation with the adoption of the Subarea Plans in September 2012. This designation has been adopted into Chapter 14.36 LSMC, but not into chapters 14.40 (Permissible Uses) and 14.48; (Density and Dimensional Regulations). Chapter 14.38 LSMC contains the applicable development regulations for the Commercial District zone.

LSMC 14.36.020(i) states, “the Commercial District (CD) is designed to accommodate the high intensity retail needs of the community and regional market by attracting a mix of large to small format retail stores and restaurants to create a vibrant and unified regional shopping center. Transportation accessibility, exposure to highways and arterials with adequate public services and traffic capacity characterize this district.”

The southern properties are currently subject to a Development Agreement tied to the Mixed-Use Designation. Upon approval of the proposed rezone to Local Business,

Kjorsvik LUA2014-0010

the Development Agreement will no longer be applicable to the proposed development as written. Chapters 14.40 and 14.48 contain the applicable development regulations for the Local Business zone.

LSMC 14.36.020(d) states, "The Local Business (LB) zone is designed to accommodate commercial development generally similar to the types permissible in a Central Business District, except that it is intended that this zone be placed along arterials to cater to commuters, or as a transition in some areas between a higher intensity zone (e.g., commercial, industrial, etc.) and a lower intensity zone (e.g., residential, park, etc.), or may provide for a smaller scale shopping center that primarily serves one neighborhood or area of the City (as opposed to a sub-regional or regional shopping center)."

d. Vision Goals

VG-3 The community will focus its economic development activity in the Hartford Road Industrial Area, three Community growth centers and small neighborhood service centers.

VG-5 The city of Lake Stevens will encourage the development of the local economy by: providing a predictable development atmosphere; emphasizing diversity in the range of goods and services; encouraging non-consumptive, sustainable level markets; and ensuring that as the economy changes employment opportunities are balanced with a range of housing opportunities.

e. Land Use Element: The Land Use Element includes goals and policies that support managed growth when public facilities and services are available; protection of natural resources; accommodate growth that enhances the city's character; achieve a diverse array of housing opportunities; and provide a healthy community to live, work, learn, and play.

In 2010, the City completed an Economic Development Strategy. The main findings suggested residents were spending retail dollars outside the City and leaving the City to work (Land Use Element Page 4-30).

A list of some applicable sections and goals from the Land Use Element are listed below.

Goal 4.1 Ensure that land uses optimize economic benefit and the enjoyment and protection of natural resources while minimizing the threat to health, safety and welfare;

Goal 4.3 Economic development: attain the highest level of economic well-being possible for all citizens in Lake Stevens through the achievement of a stable and diversified economy offering a wide variety of employment opportunities;

Goal 4.4 Neighborhood conservation: achieve a well balanced and well organized combination of open space, commercial, industrial, recreation and public uses served by a convenient and efficient transportation network while protecting the fabric and character of residential neighborhoods; and

Subsection 2. Downtown/Local Commercial – Allows medium to high intensity commercial uses, including the Central Business District and other dense arrangements of professional offices and retail stores. This designation allows mixed-use development. This land use designation may be placed on lands between Sub-Regional Commercial and residential areas to act as a

buffer. Also allows limited public/semi-public, community, and recreational uses (Land Use Element Page 4-35).

Subsection 5. Commercial District – The Commercial District allows for high-intensity commercial and employment with some mixed-use. Principal uses include community and regional retail centers, offices, business parks, civic, cultural, recreational, and associated uses. Multi-family residential uses could be included above or behind commercial uses. This land use designation should be located in areas with direct access to highways and arterials in addition to transit facilities, adequate public services and traffic capacity (Land Use Element Page 4-37).

Goal 4.20 Promote neighborhood commercial uses in appropriate places.

Goal 4.22 Apply commercial land use designations to prevent strip or "leap-frog" commercial development.

Policy 4.22.1 discourage strip development and encourage nodal development through adoption of zoning designations, specific design guidelines and development regulations.

Goal 4.40 design and build a healthy community to improve the quality of life for all people who live, work, learn, and play within the city.

- f. Economic Development Element: The Economic Development Element includes goals and policies that support diversifying the local economy and creating a balanced job to housing ratio. A list of some applicable sections and goals from the Economic Development Element are listed below.

Goal 9.3: Provide a predictable development atmosphere, emphasize diversity of goods and services available, and ensure employment opportunities are balanced with a range of housing opportunities.

Policy 9.3.1 provide opportunities to achieve a jobs/housing balance that encourages and advances smart growth goals including financial stability, environmental integrity, and a healthy community.

Policy 9.3.2 develop strategies and techniques to adjust the balance at an appropriate rate that the regional market can absorb.

Goal 9.5: improve the city's economic condition for a healthy, vibrant and sustainable community.

4. Rezone Criteria: Rezone Criteria is found in LSMC 14.16C.090. The applicant has provided a narrative responding to the specific criteria. A brief analysis will follow.
- a. If the concurrent rezone is approved, the proposal will be consistent with Comprehensive Land Use Map.
 - b. The rezone is consistent with the Growth Management Act as the city can establish its local zoning and has met public notice requirements.
 - c. The proposed rezone advances identified goals and policies of the Comprehensive Plan. At the time of development, any application will need to meet state and local regulations in effect and ensure concurrency standards are met.

Kjorsvik LUA2014-0010

- d. The city has an imbalance of commercial lands and has imbalance between jobs and housing. Currently, approximately four percent of the city is dedicated to commercial use. This proposal will help provide additional opportunities for small-scale commercial development.
- e. The site contains adequate area to develop and is configured at the intersection of an arterial and collector. At the time of development, any application will need to meet state and local regulations in effect and ensure concurrency standards are met.
- f. The proposal will not be materially detrimental to adjacent land uses as conditioned.
- g. As conditioned and in accordance with municipal standards there will be adequate infrastructure to develop the site under the proposed zoning.
- h. Environmental impacts can be mitigated.
- i. The proposal complies with municipal standards for a rezone application.
- j. The project is not within a designated subarea.

CONCLUSION: The proposal as conditioned meets the rezone standards.

5. Environmental Review:

- a. Critical Areas:
 - i. There are two Category III wetlands located on Parcel 29051200200600 in the southern segment of the request; and
 - ii. A Category II Wetland located offsite, east of the northern segment of the request.
- b. Shoreline Designation and Shoreline Uses: the properties are not located with the shoreline boundaries of Lake Stevens.
- c. Flood Zones: the properties are not located within the 100-year flood zone.
- d. The applicant submitted a revised environmental checklist on July 29, 2014 (**Exhibit 8a**). The environmental checklist provides a combined analysis of the comprehensive plan change and proposed rezone.
- e. The city issued a Mitigated Determination Non-Significance on August 19, 2014 (**Exhibit 8b**).
- f. Snohomish County Surface Water Provided a comment on August 21, 2014 (**Exhibit 8c**).

CONCLUSION: The proposal as conditioned meets the SEPA standards identified in Chapter 16.04 LSMC and will not create significant environmental impacts. Development near identified critical areas will be subject to Chapter 14.88 LSMC.

6. Traffic Impacts

- a. Chapter 14.112 LSMC establishes mitigation requirements for traffic impacts to Lake Stevens' roads from development.
- b. The property is located in Traffic Impact Zone 2.
- c. The applicant submitted a traffic report on July 29, 2014 (**Exhibit 9a**). The reports suggested potential uses with the proposed zoning could generate approximately

Kjorsvik LUA2014-0010

2,300 additional daily vehicle trips and 188 new pm peak hour trips at the time of development.

- d. The city has reviewed the traffic fee report and concluded the traffic generated from potential uses with the proposed zoning will require onsite and offsite improvements to ensure concurrency not previously identified in the capital facilities plan.
- e. The Public Works Director issued a memorandum on August 15, 2014 that analyzed potential traffic impacts and provided recommendations for improvements (**Exhibit 9b**). The SEPA official incorporated these recommendations into the Mitigated Determination of Non-Significance as conditions.

CONCLUSION: The proposal as conditioned meets the Traffic Impact standards at the time of development.

D. CONDITIONS

The requested rezone (LUA2014-0010) is consistent with rezone criteria, applicable Comprehensive Plan Goals and Policies, permit processing procedures, and all other applicable municipal code requirements, subject to conditions noted below:

1. **Exhibit 7a** depicts the areas to be rezoned to Local Business and Commercial District, contingent on the Planning Commission and City Council approving the concurrent Comprehensive Land Use Map Amendment.
2. All future development within the rezoned area shall conform to the Mitigated Determination of Non-Significance, dated August 19, 2014 (**Exhibit 7b**).
3. All future development must comply with state and local regulations in effective at the time of application.
4. The Development Agreement will be abandoned or replaced subject to City Council approval.
5. The properties rezoned to Commercial District will be subject to the applicable development regulations in Chapter 14.38 (e.g., bulk regulations, land uses, design guidelines, etc.) subject to City Council approval.

E. STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a **RECOMMENDATION OF APPROVAL, SUBJECT TO THE CONDITIONS IN SECTION D**, to City Council.

CITY OF LAKE STEVENS, DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Recommendation Completed by

Signed original on file

August 29, 2013

Russell Wright, *Senior Planner*

Date

Kjorsvik LUA2014-0010

F. EXHIBITS

1. Application
2. Revised Application
3. Notice of Complete Application
4. Rezone Narrative
5. Email from H. Cussen
6. Notices
 - a. Notice of Application/ SEPA: August 19, 2014
 - b. Notice of Public Hearing: August 19, 2014 & August 26, 2014
7. Maps
 - a. Rezone Map
 - b. Adjacent Zones
8. Environmental Review
 - a. Revised Environmental Checklist
 - b. Mitigated Determination of Non-Significance
 - c. Snohomish County Comments
9. Traffic
 - a. Traffic Report
 - b. PW Director's Memo

APPEALS: The action of the City Council on a Type VI proposal may be appealed together with any SEPA threshold determination by filing a petition with the Growth Management Hearings Board pursuant to the requirements set forth in RCW [36.70A.290](#). The petition must be filed within the 60-day time period set forth in RCW [36.70A.290\(2\)](#). The appeal period shall commence upon the City Council's final decision and not upon expiration of the reconsideration period. Judicial appeal is to Snohomish County Superior Court.

Distributed to the Following Parties:

1. Jenkins, Kjorsvik, Nelson, Taff (owners)
2. M. Martin (interested party)
3. C. Stenstrom with Snohomish County (interested party)



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: September 22, 2014

Subject: Huber Rezone (LUA2014-0008)

Contact Person/Department: Russ Wright, Planning &
Community Development

Budget Impact: none

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

1. Closed Record Hearing and First reading for Ordinance 921 related to the Huber Rezone (LUA2014-0008).
2. Motion to approve Ordinance 921, an ordinance of the city of Lake Stevens, Amending the Official Zoning Map, enacted by Ordinance No. 903; Approving the Huber Rezone (City File No. LUA2014-0008) by rezoning two parcels near SR-204 and 10th Street SE from Suburban Residential to Local Business

SUMMARY:

Public Hearing and First Reading of Ordinance 921 related to the Huber Rezone (LUA2014-0008)

BACKGROUND/HISTORY:

The applicant applied for a comprehensive plan map change (LUA2014-0007) and concurrent site-specific rezone (LUA2014-0008) of approximately four acres near the eastern intersection of SR-204 and 10th Street SE. Site-specific rezones are Type IV quasi-judicial decisions, per Table 14.16A-I as found in Chapter 14.16A LSMC. The Hearing Examiner provides a recommendation to City Council, based on written findings and conclusions, supported by evidence from an open-record hearing. The proponent has submitted a project narrative, environmental checklist and traffic report in support of the rezone.

The proposal would rezone two parcels from Suburban Residential to Local Business. The property directly to the north is zoned Local Business and the properties to the east and south are zoned Suburban Residential. A change in topography separates the residential properties from the subject properties. Highway SR-204 abuts the properties to the west. Future access to the site would be off 10th Street SE through an existing commercial development. The proposed changes could support nearly 30,000 square of new commercial development. The city will review all site-specific impacts related to the land use and zoning changes at the time of development.

The city received the application on January 30, 2014 and issued a Determination of Completeness on April 7, 2014. The city issued a Determination Non-Significance on August 19, 2014. The Planning Commission recommended approval to the City Council for the proposed Land Use Change on September 3, 2014. The Hearing Examiner held a public hearing on September 10, 2014. City staff provided public notice for all actions by a combination of publication in the Everett Herald, direct mailings, posting the site and posting city bulletin boards.

FINDINGS AND CONCLUSIONS:

The Hearing Examiner's recommendation will be provided separately

APPLICABLE CITY POLICIES: Chapters 14.16A, 14.16B and 14.16C of the Lake Stevens Municipal Code

BUDGET IMPACT: There is not a budget impact.

EXHIBITS (attached):

Exhibit 1 – Ordinance 921, with exhibits

**CITY OF LAKE STEVENS
LAKE STEVENS, WASHINGTON**

ORDINANCE NO. 921

AN ORDINANCE OF THE CITY OF LAKE STEVENS, AMENDING THE OFFICIAL ZONING MAP, ENACTED BY ORDINANCE NO. 903; APPROVING THE HUBER REZONE (CITY FILE NO. LUA2014-0008) BY REZONING TWO PARCELS NEAR SR-204 AND 10TH STREET SE FROM SUBURBAN RESIDENTIAL TO LOCAL BUSINESS; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

WHEREAS, on December 9, 2013, the Lake Stevens City Council enacted Ordinance No. 903 adopting an updated Official Zoning Map; and

WHEREAS, the City received separate applications for a comprehensive plan map amendment (City File No. LUA2014-0007) and a concurrent rezone (City File No. LUA2014-0008) on January 30, 2014 referred to as the Huber Rezone; and

WHEREAS, the Huber Rezone includes two parcels (**Exhibit A**), which contain approximately 4 acres, located near the eastern intersection of SR-204 and 10th Street SE, identified as parcel numbers 29052300202800 and 29052300202700; and

WHEREAS, Section 14.16C.090 of the Lake Stevens Municipal Code (LSMC) sets forth the process for rezone applications; and

WHEREAS, pursuant to LSMC 14.16C.090(b) the rezone is a minor site-specific amendment, as there are less than five tracts and less than 50 acres involved; and

WHEREAS, the Comprehensive Plan land use designation for the subject parcels is Local Commercial (LC) per Ordinance No. 919, which supports the Local Business (LB) zoning designation per Table 14.36-I as found in Chapter 14.36 LSMC; and

WHEREAS, the City submitted 2014 Comprehensive Plan land use map, text and figure amendments to the Washington State Department of Commerce for its 60-day review on July 18, 2014; and

WHEREAS, the City issued a State Environmental Policy Act (SEPA) Determination of Non-Significance on August 19, 2014 – no comments or appeals were received within the 14-day comment period; and

WHEREAS, site-specific rezones are Type IV quasi-judicial decisions, per Table 14.16A-I as found in Chapter 14.16A LSMC, which requires a recommendation from the Hearing Examiner to City Council, based on written findings and conclusions, supported by evidence from an open-record hearing; and

WHEREAS, the Hearing Examiner conducted a duly noticed open-record public hearing on September 10, 2014, and all public testimony has been given full consideration; and

WHEREAS, the Hearing Examiner recommends the City Council _____ the rezone request as the proposed rezone meets the legal criteria for _____ a rezone as set forth in LSMC 14.16C.090 and applicable state requirements; and

WHEREAS, the City Council considered the Hearing Examiner's written findings, conclusions and recommendation at a closed record hearing on September 22, 2014.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE STEVENS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council _____ and incorporates the findings and conclusions for _____ a rezone, pursuant to LSMC 14.16C.090, and as set forth in the Hearing Examiner's recommendation, dated September XX, 2014, attached hereto as **Exhibit B and incorporated by this reference.**

Section 2. The City Council makes the following additional conclusions based on the entire record of this proceeding, including all testimony and exhibits:

- A. The open record public hearing of the Hearing Examiner and the closed record public hearing of the City Council satisfy the public participation requirements of Chapter 14.16A LSMC.
- B. The SEPA process conducted for this ordinance satisfies the requirements of the State Environmental Policy Act codified in Chapter 43.21C RCW as implemented by Chapter 197-11 WAC and Title 16 LSMC.
- C. The zoning map amendment adopted by this ordinance complies with the Growth Management Act (Chapter 36.70A RCW).
- D. The zoning map amendment adopted by this ordinance is consistent with the adopted Lake Stevens Comprehensive Plan per Ordinance No. 919.

Section 3. The Official Zoning Map as amended and enacted by Ordinance No. 903 is hereby amended by rezoning parcels 29052300202800 and 29052300202700 to Local Business (LB) as depicted in **Exhibit A attached hereto and incorporated by this reference.**

Section 4. Severability. If any section, clause, phrase, or term of this ordinance is held for any reason to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, and the remaining portions shall be in full force and effect.

Section 5. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five days after the date of publication.

PASSED by the City Council of the City of Lake Stevens this 22nd day of September, 2014.

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Kathleen Pugh, Deputy City Clerk

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

First Reading: September 22, 2014

Second Reading: October 13, 2014

Published:

Effective Date:

DRAFT

Exhibit A

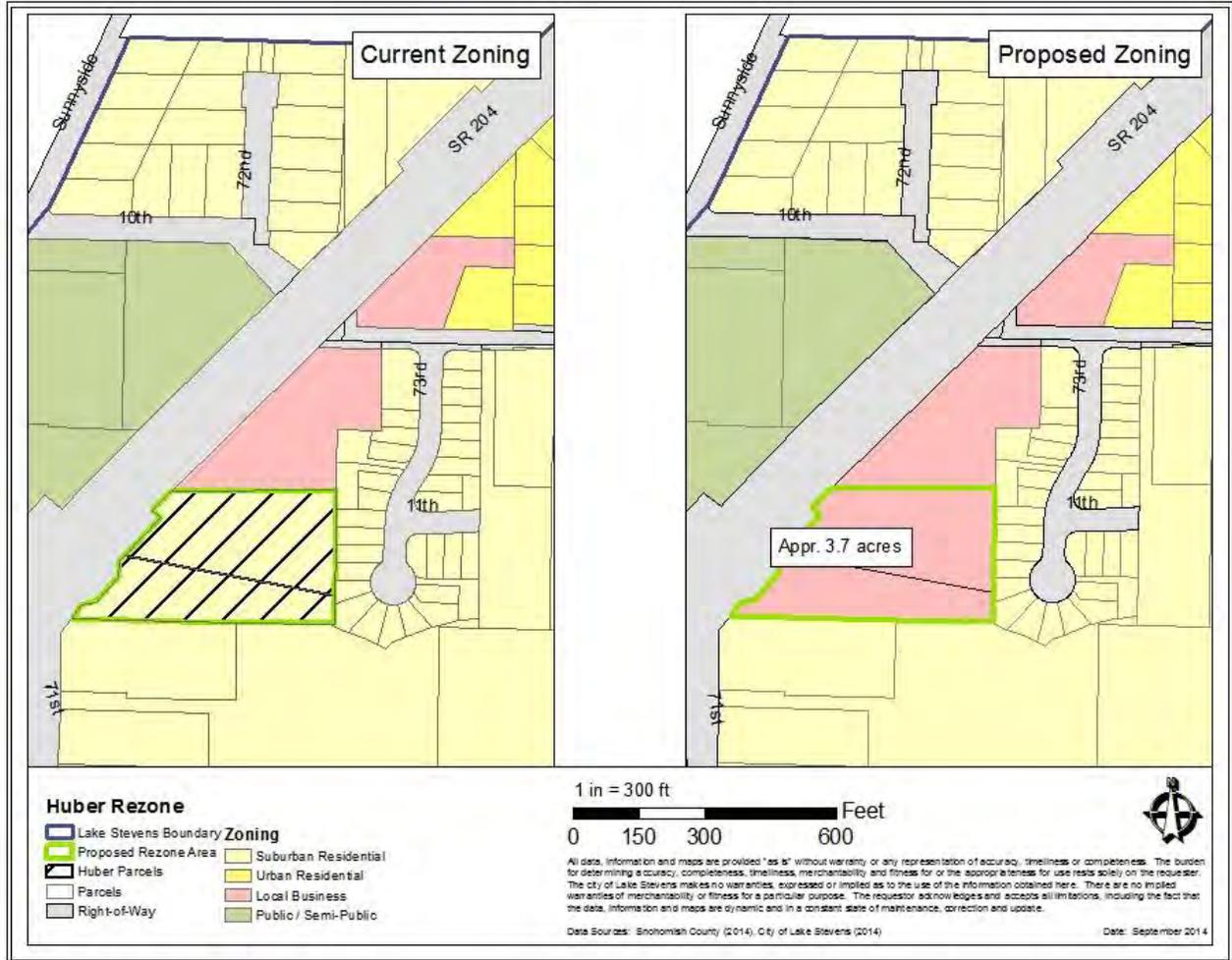


Exhibit B

Hearing Examiner Recommendation

DRAFT



This page left blank intentionally



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda 22 September 2014
Date: _____

Subject: Resolution 2014-6 Declaring an Emergency for road repairs on 20th Street SE near the 8900 Block.

Contact	Mick Monken	Budget	\$7,000 (not to
Person/Department:	Public Works	Impact:	exceed)

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Approve Resolution 2014-6 Declaring an Emergency Exists and authorizing the Mayor to sign a contract with B&B Utilities & Excavating, LLC for road repairs on 20th Street SE near the 8900 Block.

SUMMARY/BACKGROUND: On September 15, 2014 while performing a utility adjustment of a sewer manhole at approximately the 8900 Block on 20th Street SE the contractor, B&B Utilities & Excavating, LLC, discovered a sink hole under the pavement along the southern and easterly side of the existing manhole. This is in an area where previous utility work was completed by the Lake Stevens Sewer District.

Through exploration of the sink area, it was discovered that this condition appears to have been the result of material consolidation of the backfill which was performed under the County during the original sewer system installation during the Phase I of the 20th Street SE widening project. This work was performed in 2008-2009 and would not be covered under the original contractor's warranty of work.

The Public Works Director determined that in the interests of public safety it was necessary to proceed immediately with repair of the roadway. As the extent of the work was not known until an exploratory was performed, the Contract was put on a Time and Material contract. Under this type of contract, the City would pay actual labor, equipment, and material costs plus a markup per the State allowed standards.

APPLICABLE CITY POLICIES: LSMC §14.08.020

BUDGET IMPACT: \$7,000 based on time and material (actual costs)

ATTACHMENTS:

- ▶ Exhibit A: Resolution 2014-6 Declaring an Emergency and Authorizing an Emergency Public Works Contract to Perform Emergency Road Repairs to 20th Street SE in the area of the 8900 Block
- ▶ Exhibit B: Contract with B&B Utilities & Excavating, LLC

CITY OF LAKE STEVENS
Lake Steven Washington

RESOLUTION NO. 2014- 6

A RESOLUTION OF THE CITY OF LAKE STEVENS DECLARING AN EMERGENCY TO EXIST AND AUTHORIZING AN EMERGENCY WORKS CONTRACT FOR THE REPAIR AND RESTORATION OF 20th STREET, S.E.

WHEREAS, as a result of a sinkhole in the vicinity of the 8900 block of 20th Street, S.E., the street has suffered damage, and further damage and risk will occur if immediate repair work is not commenced; and

WHEREAS, discovery of a sinkhole in the vicinity of the 8900 block of 20th Street, S.E., creates an emergency, which requires immediate remediation; and

WHEREAS, the public health, safety and welfare of the City's transportation system will be jeopardized due to the City's inability to keep said street open to travel;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE STEVENS AS FOLLOWS:

1. An emergency exists, and property or persons within the City would suffer material injury or damage by delay, and the public health, safety and welfare would suffer material injury or damage by delay, and such emergency is now hereby proclaimed.
2. The existence of such emergency, and the facts constituting the emergency, are set out in the recital paragraphs of this Resolution.
3. The City Council does hereby waive the requirements of RCW 35A.40.210(2) and RCW 35.23.352 requiring public bidding to contract for repair and restoration of the 8900 block of 20th Street, S.E., and remediation of the emergency.

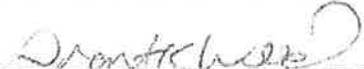
4. The City Council directs Staff to enter into an emergency work contract to repair the damage and to appropriately repair and restore the 8900 block of 20th Street, S.E. The City Administrator is authorized to enter into an appropriate emergency works contract with a qualified contractor for said emergency work and any work previously contracted for to remediate this public emergency is hereby ratified and approved.

PASSED by the City Council and APPROVED by the Mayor this ____ day of September, 2014.

CITY OF LAKE STEVENS

Vern Little, Mayor

APPROVED AS TO FORM:



Grant K. Weed, City Attorney

ATTEST:

Barb Stevens, City Clerk

SMALL PUBLIC WORKS CONTRACT FOR EMERGENCY REPAIRS

THIS SMALL PUBLIC WORKS CONTRACT (“Contract”) is made and entered into this _____ day of September, 2014, by and between B&B Utilities and Excavating, LLC (“Contractor”) and the City of Lake Stevens, a municipal corporation (“City”).

WHEREAS, Contractor is currently mobilized and has been working at 20th Street SE in the area of the 8900 block to perform utility adjustments; and

WHEREAS, Contractor discovered a sink hole in the eastbound travel lane of 20th Street SE in the area of the 8900 block that needs immediate repairs for public safety and usage of the roadway; and

WHEREAS, the Contractor represents that it is qualified and possesses sufficient skills and the necessary capabilities to perform, carry out and complete said work and submitted a verbal agreement to perform said work on a time and materials basis to the City to do said work; and

WHEREAS, the Contractor and the City desire to enter into this Contract for emergency repairs in accordance with the terms and conditions of this Contract.

NOW, THEREFORE, in consideration of the terms, conditions and agreements contained herein, the City and Contractor agree as follows:

1. Scope of Work—the Project.

The Contractor shall perform, carry out and complete the 8900 block 20th Street SE Sink Area Emergency Repairs Project (“Project”) in accordance with this Contract and the incorporated Contract Documents specified in Section 2. The Project shall be completed no later than 19 September 2014.

2. Contract Documents.

The following documents are incorporated into the Contract by this reference:

- a. Plans and Contract Drawings.
- b. Scope of Work.
- c. Proposal/Bid Submittal (attached).
- d. 2010 Standard Specifications for Road, Bridge, and Municipal Construction (WSDOT/APWA) (“Standard Specifications”) (referenced but not attached).
- e. 2010 APWA Supplement General Special Provisions (referenced but not attached).
- f. Addenda (**if any**)
- g. Payment and Performance Bond (attached) (**optional-see Section 5**).
- h. Retainage Bond (attached) (**optional-see Section 5**).

In the event of any inconsistencies or conflicts between the language of this Contract and these incorporated documents, the language of the Contract shall prevail over the language of the documents.

3. Commencement of Work.

Because of the emergency nature of the work, Contractor shall proceed immediately but shall take all reasonable steps to complete the following as soon as is practicable.

- a. Contract has been signed and fully executed by the parties.
- b. The Contractor has provided the City with the certificates of insurance required under Section 22.
- c. The Contractor has obtained a City of Lake Stevens Business License.
- d. The Contractor has provided the City with satisfactory documentation that Contractor is licensed and bonded as a contractor in the Washington State.

4. Time is of the Essence/Liquidated Damages.

Time is of the essence in the performance of this Contract. The Contractor shall diligently pursue the Project work to physical completion by the date specified in Section 1. If said work is not completed within the time specified, the Contractor agrees to pay the City as liquidated damages the sum set forth in Section 1-08.9 of the Standard Specifications for each and every calendar day said work remains uncompleted after expiration of the specified time.

5. Payment for Project.

a. Total Contract Sum for Project. Excluding approved changes orders, the City shall pay the Contractor for satisfactory completion of the Project under the Contract a total Contract Sum not to exceed \$7,000.00 in accordance with the scope of work, with actual cost to be based on time and materials to perform the repair services and including all applicable Washington State Sales Tax. The total Contract Sum includes all expenses and costs incurred in planning, designing and constructing the Project, including, but not limited to, applicable sales and use taxes, costs and expenses for overhead, profit, labor, materials, supplies, permits, subcontractors, consultants, and professional services necessary to construct and complete the Project.

b. Payments shall be for Performance of Project Work. Payments for work provided hereunder shall be made following the performance of such work, unless otherwise permitted by law and approved in writing by the City. No payment shall be made for any work rendered by the Contractor except as identified and set forth in this Contract.

c. Right to Withhold Payments if Work is Unsatisfactory. If during the course of the Contract, the work rendered does not meet the requirements set forth in the Contract, the Contractor shall correct or modify the required work to comply with the requirements of the Contract. The City shall have the right to withhold payment for such work until it meets the requirements of the Contract.

d. Payments. Progress payments shall be based on the timely submittal by the Contractor of the City's standard payment request form. The form shall be appropriately completed and signed by the Contractor. Applications for payment not signed and/or completed shall be considered incomplete and ineligible for payment consideration. The City shall initiate authorization for payment after receipt of a satisfactorily completed payment request form and shall make payment to the Contractor within approximately thirty (30) calendar days thereafter.

e. Payments for Alterations and/or Additions. Requests for changes orders and/or payments for any alterations in or additions to the work provided under this Contract shall be in accordance with the change order process set forth in Section 1-04.4 of the Standard Specifications.

f. Final Payment. As a small public works project under \$35,000, the City shall not withhold statutory retainage under RCW Chapter 60.28. However, the parties agree that the City shall not make the Final Payment to the Contractor under this Contract until the Public Works Director has issued a Final Acceptance of the Project and the following has occurred:

- i. A release has been obtained from the Washington State Department of Revenue.
- ii. Affidavits of Wages Paid for the Contractor and all Subcontractors are on file with the Contracting Agency (RCW 39.12.040).
- iii. A certificate of Payment of Contributions Penalties and Interest on Public Works Contract is received from the Washington State Employment Security Department.
- iv. Washington State Department of Labor and Industries (per Section 1-07.10 of the Standard Specifications) shows the Contractor is current with payments of industrial insurance and medical premiums.
- v. Releases from all of Contractor's subcontractors and/or suppliers have been provided to the City, or the period for filing claims by said subcontractors and/or suppliers has expired without claims being filed.
- vi. If requested by the City, the Contractor shall provide the City with proof that insurance required under Section 22 remains in effect.

g. Final Acceptance. Final Acceptance of the Project is determined when the Project is accepted by the Public Works Director as being one hundred percent (100%) complete.

h. Payment in the Event of Termination. In the event this Contract is terminated by the either party, the Contractor shall not be entitled to receive any further amounts due under this Contract until the work specified in the Scope of Work is satisfactorily completed, as scheduled, up to the date of termination. At such time, if the unpaid balance of the amount to be paid under the Contract exceeds the expense incurred by the City in finishing the work, and all damages sustained by the City or which may be sustained by the City or which may be sustained by the reason of such refusal, neglect, failure or discontinuance of Contractor performing the work, such excess shall be paid by the City to the Contractor. If the City's expense and damages exceed the unpaid balance, Contractor and his surety shall be jointly and severally liable therefore to the City and shall pay such difference to the City. Such expense and damages shall include all reasonable legal expenses and costs incurred by the City to protect the rights and interests of the City under the Contract.

i. Maintenance and Inspection of Financial Records. The Contractor and its subcontractors shall maintain reasonable books, accounts, records, documents and other evidence pertaining to the costs and expenses allowable, and the consideration paid under this Contract, in accordance with reasonable and customary accepted accounting practices. All such books of account and records required to be maintained by this Contract shall be subject to inspection and audit by representatives of City and/or of the Washington State Auditor at all reasonable times, and the Contractor shall afford the proper facilities for such inspection and audit to the extent such books and records are under control of the City, and all Project Contracts shall similarly provide for such inspection and audit rights. Such books of account and records may be copied by representatives of City and/or of the Washington State Auditor where necessary to conduct or document an audit. The Contractor shall preserve and make available all such books of account and records in its control for a period of three (3) years after final payment under this Contract, and Bunker Repair Project subcontracts shall impose similar duties on the subcontractors.

6. Term of Contract.

This Contract shall commence upon commencement of work by Contractor and shall terminate upon final payment by the City to the Contractor, unless sooner terminated by either party under Section 7 or applicable provision of the Contract.

7. Termination of Contract.

a. Except as otherwise provided under this Contract, either party may terminate this Contract upon ten (10) working days' written notice to the other party in the event that said other party is in default and fails to cure such default within that ten-day period, or such longer period as provided by the non-defaulting party. The notice of termination shall state the reasons therefore and the effective date of the termination.

b. The City may also terminate this Contract in accordance with the provisions of Section 1-08.10 of the Standard Specifications.

8. Status of Contractor.

The Contractor is a licensed, bonded and insured contractor as required and in accordance with the laws of the State of Washington. Contractor is acting as an independent contractor in the performance of each and every part of this Contract. No officer, employee, volunteer, and/or agent of either party shall act on behalf of or represent him or herself as an agent or representative of the City. Contractor and its officers, employees, volunteers, agents, contractors and/or subcontractors shall make no claim of City employment nor shall claim against the City any related employment benefits, social security, and/or retirement benefits. Nothing contained herein shall be interpreted as creating a relationship of servant, employee, partnership or agency between Contractor and the City.

9. Permits.

The Contractor will apply for, pay for and obtain any and all City, county, state and federal permits necessary to commence, construct and complete the Project. All required permits and associated costs shall be included in the Total Contract Sum for Project.

10. Business License Required.

The Contractor shall obtain a City of Lake Stevens Business License prior to commencement of work under this Contract.

11. Work Ethic.

The Contractor shall perform all work and services under and pursuant to this Contract in timely, professional and workmanlike manner.

12. City Ownership of Work Products.

All work products (reports, maps, designs, specifications, etc.) prepared by or at the request of Contractor regarding the planning, design and construction of the Project shall be the property of the City. Contractor shall provide the City with paper and electronic copies of all work products in possession or control of Contractor at the request of final payment from Contractor or upon written request from the City.

13. Job Safety.

a. General Job Safety. Contractor shall take all necessary precaution for the safety of employees on the work site and shall comply with all applicable provisions of federal, state and local regulations, ordinances and codes. Contractor shall erect and properly maintain, at all times, as required by the conditions and progress of the work, all necessary safeguards for the protection of workers and the public and shall post danger signs warning against known and unusual hazards.

b. Trench Safety Systems. The Contractor shall ensure that all trenches are provided with adequate safety systems as required by RCW Chapter 49.17 and WAC 296-155-650 and -655. The Contractor is responsible for providing the competent person and registered professional engineer required by WAC 296-155-650 and -655.

14. Prevailing Wages.

Contractor shall pay its employees, and shall require its subcontractors to pay their employees, prevailing wages as required by and in compliance with applicable state and/or federal law and/or regulations, including but not limited to RCW Chapter 39.12 and RCW Chapter 49.28. Prior to final payment under this Contract, Contractor shall certify in writing that prevailing wages have been paid for all work on the Project as required and in accordance with applicable law and/or regulations.

15. Taxes and Assessments.

The Contractor shall be solely responsible for compensating its employees, agents, and/or subcontractors and for paying all related taxes, deductions, and assessments, including, but not limited to, applicable use and sales taxes, federal income tax, FICA, social security tax, assessments for unemployment and industrial injury, and other deductions from income which may be required by law or assessed against either party as a result of this Contract.

16. Nondiscrimination Provision.

During the performance of this Contract, the Contractor shall comply with all applicable equal opportunity laws and/or regulations and shall not discriminate on the basis of race, age, color, sex, sexual orientation, religion, national origin, creed, veteran status, marital status, political affiliation, or the presence of any sensory, mental or physical handicap. This provision shall include but not be limited to the following: employment, upgrading, demotion, transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, selection for training, and the provision of work and services under this Contract. The Contractor further agrees to maintain notices, posted in conspicuous places, setting forth the provisions of this nondiscrimination clause. The Contractor understands that violation of this provision shall be cause for immediate termination of this Contract and the Contractor may be barred from performing any services or work for the City in the future unless the Contractor demonstrate to the satisfaction of the City that discriminatory practices have been eliminated and that recurrence of such discriminatory practices is unlikely.

17. The Americans with Disabilities Act.

The Contractor shall comply, and shall require its subcontractors to comply, with the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq. (ADA), and its implementing regulations, and Washington State's anti-discrimination law as contained in RCW Chapter 49.60 and its implementing regulations, with regard to the work and services provided pursuant to this Contract. The ADA provides comprehensive civil rights to individuals with disabilities in the area of employment, public accommodations, public transportation, state and local government services, and telecommunications.

18. Compliance With Law.

The Contractors shall perform all work and services under and pursuant to this Contract in full compliance with any and all applicable laws, rules, and regulations adopted or promulgated by any governmental agency or regulatory body, whether federal, state, local, or otherwise.

19. Guarantee of Work.

a. The Contractor guarantees and warrants all of its work, materials, and equipment provided and utilized for this Project to be free from defects for a period of one (1) year from the date of final acceptance of the Project work. The Contractor shall remedy any defects in its Project work, and the materials, and equipment utilized in the Project and pay for any damages resulting therefrom which shall appear within a period of one (1) year from the date of final acceptance of the Project work unless a longer period is specified. The City will give notice of observed defects with reasonable promptness.

b. The guarantee/warranty period shall be suspended from the time a significant defect is first documented by the City until the work or equipment is repaired or replaced by the Contractor and accepted by the City. In the event that fewer than ninety (90) calendar days remain in the guarantee period after acceptance of such repair or replacement (after deducting the period of suspension above), the guarantee period shall be extended to allow for at least ninety

(90) calendar days guarantee of the work from the date of acceptance of such repair or equipment.

c. The Contractor shall also provide the City with manufacturer's warranties for all components, materials and equipment installed as part of the Project.

20. Contractor's Risk of Loss.

It is understood that the whole of the work under this Contract is to be done at the Contractor's risk, and that he has familiarized himself with all existing conditions and other contingencies likely to affect the work, and has made his bid accordingly, and that he shall assume the responsibility and risk of all loss or damage to materials or work which may arise from any cause whatsoever prior to completion.

21. Indemnification and Hold Harmless.

a. The Contractor shall indemnify, defend and hold the City, its elected officials, agents, officers and/or employees harmless from and against any and all claims, demands, liabilities, losses, costs, damages or expenses of any nature whatsoever (including all costs and attorneys' fees) to or by third parties arising from, resulting from or connected with the work and services performed or to be performed under this Contract by the Contractor and/or its directors, officers, agents, employees, consultants, and/or subcontractors to the fullest extent permitted by law and subject to the limitations provided below.

b. The Contractor's duty to indemnify the City shall not apply to liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the City or its elected officials, agents, officers and/or employees.

c. The Contractor's duty to indemnify the City for liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the concurrent negligence of (a) the City and/or its elected officials, agents, officers and/or employees, and (b) the Contractor and/or its directors, officers, agents, employees, consultants, and/or subcontractors, shall apply only to the extent of negligence of Contractor and/or its directors, officers, agents, employees, consultants, and/or subcontractors.

d. The Contractor specifically and expressly waives any immunity that may be granted it under the Washington State Industrial Insurance Act, Title 51 RCW, as provided in RCW 4.24.115. The indemnification obligation under this Contract shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable to or for any third party under workers compensation acts, disability benefits acts, or other employee benefits acts; provided the Contractor's waiver of immunity by the provisions of this paragraph extends only to claims against the Contractor by the City and does not include, or extend to, any claims by the Contractor's employees directly against Contractor. The obligations of Contractor under this subsection have been mutually negotiated by the parties hereto, and Contractor acknowledges that the City would not enter into this Contract without the waiver thereof of Contractor.

e. Nothing contained in this section or Contract shall be construed to create a liability or a right of indemnification by any third party.

f. The provisions of this section shall survive the expiration or termination of this Contract with respect to any event occurring prior to such expiration or termination.

22. Insurance.

The Contractor shall procure, and maintain for the duration of the Contract, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, their agents, representatives, employees or subcontractors. Failure by the Contractor to maintain the insurance as required shall constitute a material breach of contract upon which the City may, after giving five (5) working days notice to the Contractor to correct the breach, immediately terminate the Contract or at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, off set against funds due the Contractor from the City.

a. Minimum Scope of Insurance.

The Contractor shall obtain insurance of the types described below:

- i. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA Automobile 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
- ii. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, stop gap liability, independent contractors, products-completed operations, personal injury and advertising injury, and liability assumed under an insured contract. The Commercial General Liability insurance shall be endorsed to provide the Aggregate Per Project Endorsement ISO form CG 25 03 11 85. There shall be no endorsement or modification of the Commercial General Liability insurance for liability arising from explosion, collapse or underground property damage. The City shall be named as an insured under the Contractor's Commercial General Liability insurance policy with respect to the work performed for the City using ISO Additional Insured endorsement CG 20 10 10 01 and Additional Insured-Completed Operations endorsement CG 20 37 10 01 or substitute endorsements providing equivalent coverage.
- iii. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
- iv. Required. Builders Risk insurance covering interests of the City, the Contractor, Subcontractors, and Sub-contractors in the work. Builders Risk insurance shall be on a all-risk policy form and shall insure against the perils of

fire and extended coverage and physical loss or damage including flood and earthquake, theft, vandalism, malicious mischief, collapse, temporary buildings and debris removal. This Builders Risk insurance covering the work will have a deductible of \$5,000 for each occurrence, which will be the responsibility of the Contractor. Higher deductibles for floor and earthquake perils may be accepted by the City upon written request by the Contractor and written acceptance by the City. Any increased deductibles accepted by the City will remain the responsibility of the Contractor. The Builders Risk insurance shall be maintained until final acceptance of the work by the City.

b. Minimum Amounts of Insurance.

The Contractor shall maintain the following insurance limits:

- i. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
- ii. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate and a \$2,000,000 products-completed operations aggregate limit.
- iii. Required. Builders Risk insurance shall be written in the amount of the completed value of the project with no coinsurance provisions.

c. Other Insurance Provisions.

The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability and Commercial General Liability insurance.

- i. The Contractor's insurance coverage shall be primary insurance with respect to the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be in excess of the Contractor's insurance and shall not contribute with it.
- d. Acceptability of Insurers.

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

e. Verification of Coverage.

The Contractor shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the Automobile Liability and Commercial General Liability insurance of the Contractor before commencement of the work. Throughout the term of this Contract, the Contractor shall provide the City with proof of insurance upon request by the City.

Required. Before any exposure to loss may occur, the Contractor shall file with the City a copy of the Builders Risk insurance policy that includes all applicable conditions, exclusions, definitions, terms and endorsements related to this Project.

f. Contractor's Insurance for Other Losses.

The Contractor shall assume full responsibility for all loss or damage from any cause whatsoever to any tools, Contractor's employee owned tools, machinery, equipment, or motor vehicles owned or rented by the Contractor, or the Contractor's agents, suppliers or subcontractors as well as to any temporary structures, scaffolding and protective fences.

g. Subcontractors.

The Contractor shall include all subcontractors as insured under its policies or shall furnish separate certifications and endorsements for each subcontractor. All coverage for subcontractors shall be subject to all of the same insurance requirements as stated herein for the Contractor.

h. Waiver of Subrogation.

The Contractor and the City waive all rights against each other, any of their subcontractors, lower tier subcontractors, agents and employees, each of the other, for damages caused by fire or other perils to the extent covered by Builders Risk insurance or other property insurance obtained pursuant to the Insurance Requirements Section of this Contract or other property insurance applicable to the work. The policies shall provide such waivers by endorsement or otherwise.

i. Notice of Cancellation of Insurance.

In the event that the Contractor receives notice (written, electronic or otherwise) that any of the above required insurance coverage is being cancelled and/or terminated, the Contractor shall immediately (within forty-eight (48) hours) provide written notification of such cancellation/termination to the City.

23. Assignment and Subcontractors.

a. The Contractor shall not assign this Contract or any interest herein, nor any money due to or to become due hereunder, without first obtaining the written consent of the City.

b. The Contractor shall not subcontract any part of the services to be performed hereunder without first obtaining the consent of the City and complying with the provisions of this section.

c. In the event the Contractor does assign this Contract or employ any subcontractor, the Contractor agrees to bind in writing every assignee and subcontractor to the applicable terms and conditions of the Contract documents.

d. The Contractor shall, before commencing any work, notify the City in writing of the names of any proposed subcontractors. The Contractor shall not employ any subcontractor or other person or organization (including those who are to furnish the principal items or materials or equipment), whether initially or as a substitute, against whom the City may have reasonable objection. Each subcontractor or other person or organization shall be identified in writing to the City by the Contractor prior to the date this Contract is signed by the Contractor. Acceptance of any subcontractor or assignee by the City shall not constitute a waiver of any right of the City to reject defective work or work not in conformance with the contract documents. If the City, at any time, has reasonable objection to a subcontractor or assignee, the Contractor shall submit an acceptable substitute.

e. The Contractor shall be fully responsible for all acts and omissions of its assignees, subcontractors and of persons and organization directly or indirectly employed by it and of persons and organizations for whose acts any of them may be liable to the same extent that it is responsible for the acts and omissions of person directly employed by it.

f. The Contract does not and shall not create or be construed to create any relationship, contractual or otherwise, between the City and any subcontractor or assignee. Nothing in the Contract shall create any obligation on the part of the City to pay or to assure payment of any monies due any subcontractor or assignee.

24. Severability.

a. If a court of competent jurisdiction holds any part, term or provision of this Contract to be illegal or invalid, in whole or in part, the validity of the remaining provisions shall not be affected, and the parties' rights and obligations shall be construed and enforced as if the Contract did not contain the particular provision held to be invalid.

b. If any provision of this Contract is in direct conflict with any statutory provision of the State of Washington, that provision which may conflict shall be deemed inoperative and null and void insofar as it may conflict, and shall be deemed modified to conform to such statutory provision.

25. Integration and Supersession.

This Contract sets forth all of the terms, conditions, and Contracts of the parties relative to the Project, and supersedes any and all such former Contracts which are hereby declared terminated and of no further force and effect upon the execution and delivery hereof. There are no terms, conditions, or Contracts with respect thereto except as provided herein, and no amendment or modification of this Contract shall be effective unless reduced to writing and executed by the parties. In the event of any conflicts or inconsistencies between this Contract and the Declaration, the terms of this Contract shall control in all cases.

26. Non-Waiver.

A waiver by either party hereto of a breach of the other party hereto of any covenant or condition of this Contract shall not impair the right of the party not in default to avail itself of

any subsequent breach thereof. Leniency, delay or failure of either party to insist upon strict performance of any Contract, covenant or condition of this Contract, or to exercise any right herein given in any one or more instances, shall not be construed as a waiver or relinquishment of any such Contract, covenant, condition or right.

27. Survival.

Any provision of this Contract which imposes an obligation after termination or expiration of this Contract shall survive the term or expiration of this Contract and shall be binding on the parties to this Contract.

28. Contract Representatives and Notices.

This Contract shall be administered for the City by the City's Contract Representative, Barb Stevens, and shall be administered for the Contractor by the Contractor's Contract Representative Jeff Brown. Unless stated otherwise herein, all notices and demands shall be in writing and sent or hand-delivered to the parties at their addresses as follows:

To the City:

City of Lake Stevens
City Clerk
1812 Main Street, P.O. Box 257
Lake Stevens, WA 98258-0257
(425) 334-1012

To the Contractor:

Jeff Brown, Superintendent
B&B Utilities and Excavating, LLC
POB 293
Bothell, WA 98041-0293
(425) 398-5906

or to such addresses as the parties may hereafter designate in writing. Notices and/or demands shall be sent by registered or certified mail, postage prepaid, or hand-delivered. Such notices shall be deemed effective when mailed or hand-delivered at the addresses specified above.

29. Third Parties.

The City and Contractor are the only parties to this Contract and are the only parties entitled to enforce its terms. Nothing in this Contract gives, is intended to give, or shall be construed to give or provide, any right or benefit, whether directly or indirectly or otherwise, to third persons.

30. Governing Law.

This Contract shall be governed by and construed in accordance with the laws of the State of Washington.

31. Venue.

The venue for any action to enforce or interpret this Contract shall lie in the Superior Court of Washington for Snohomish County, Washington.

32. Attorney Fees

Should either the City or the Contractor commence any legal action relating to the provisions of this Contract or the enforcement thereof, the prevailing party shall be awarded

judgment for all costs of litigation including, but not limited to, costs, expert witnesses, and reasonable attorney fees.

33. Authority,

The person executing this Agreement on behalf of Contractor represents and warrants that he or she has been fully authorized by Contractor to execute this Agreement on its behalf and to legally bind Contractor to all the terms, performances and provisions of this Agreement. The person executing this Contractor on behalf of the City represents and warrants that he or she has been fully authorized by the City to execute this Contractor on its behalf and to legally bind the City to all the terms, performances and provisions of this Contractor.

34. Counterparts.

This Contract may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Contract.

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed the day and year first hereinabove written.

CITY OF LAKE STEVENS

**CONTRACTOR
B & B Utilities and Excavating, LLC**

By: _____
Vern Little, Mayor

By: _____

Print Name: _____

Title: _____

Approved as to form:

Grant Weed, City Attorney

Acknowledgement of Waiver of Contractor's Industrial Insurance Immunity:

City Signature

Contractor Signature

SCOPE OF WORK

Background: On 15th September 2014, during a utility adjustment of a sewer manhole at approximately 8900 Block on 20th Street SE, a sink hole was discovered under the pavement along the southern and easterly side of the manhole. The sink area was approximately 12 inches in depth and was estimated to have an affected area of 60 plus square feet. A probe was performed around the sink area that extended approximately 2 feet below in what appeared to be un-compacted material. A determination was made that the pavement surface, approximately 10 inches in depth, needed to be removed to discover the extent of the sink area and to perform compaction and backfill to bring the material up to grade. No utilities in the surrounding area were in close proximity of the sink area except the sewer main, which is a dry line and showed no signs of infiltration of material.

Scope of Work: Remove pavement over the area where the sinking area is identified. Pavement removal will be performed in exploratory method to determine the identified sink area. It is currently estimated that this area should not exceed a 10 by 10 foot opening. Once the sink area is exposed, mechanical compaction will be performed of the existing material. The City will make a determination when the compaction level is acceptable using a probe in the compacted material. Once the City finds the compaction acceptable, a 1-½ inch (or as approved by the City) crush minus material shall be used for backfill to bring the road base up to 6 inches below final grade. The patch shall be 6 inches of asphalt concrete surface course placed in 2 inch compacted lifts to the finish grade. Edges of the patch shall be sealed.

Payment: Work shall be performed on time and material under an emergency contract.

City Contact: Scott Wicken shall be the City's designated contact person for this work.

c:\users\mmonken\AppData\Local\Microsoft\Windows\Temporary Internet
Files\Content.Outlook\avfcvzja\sos - 20th se sink hole - emergency contract.docx



This page left blank intentionally

City of Lake Stevens

Memo

To: City Council
From: Kim Daughtry
Date: September 22, 2014
RE: Snohomish County Cities – 2015 Legislative Agenda

Snohomish County Cities is developing a one-page ranking of high level legislative priorities for 2015 and requests input as to each city's top five rankings. This is intended to provide a basis for discussion with state legislators at the November legislative dinner meeting.

Attached for purposes of this discussion is a September 11, 2014 letter from Mike Todd, Vice President, Snohomish County Cities, with attachments.



Snohomish County Cities

2014 Executive Board

Dave Earling, President • Mike Todd, Vice President • Nicola Smith, Secretary/Treasurer
Jon Nehring, Mayor at Large • Chris Raezer, Councilmember at Large • Kim Daughtry, Past President

September 11, 2014

Dear Mayor, Council President, and City Manager/City Administrator:

Snohomish County Cities is developing a one-page, high-level legislative agenda that will form the basis of our discussion with state legislators at our November legislative dinner meeting.

This piece can also be used by all cities when they meet with their state legislators to help put city-specific needs in context with the broader regional needs of Snohomish County. We will create this in collaboration with Economic Alliance Snohomish County during the month of October, and we'd like your city council to provide input in that process. (The SCC 2014 legislative agenda is attached as an example.)

At the August SCC dinner meeting, attendees had a chance to propose and discuss possible items for consideration (the list is on the second page of this letter). We then did a straw poll on what cities' top three priorities should be. Attendance was not a true cross-section of all our member cities, so we'd like to now engage you and your city council to get better data about the top priorities we all can agree upon.

Would you please have a discussion with your council about the top priorities for Snohomish County Cities for the upcoming state legislative session? Please select your top five from the attached list, rank the top five from most to least important, and get that result back to us by the end of September. The rankings from all cities will then be compiled and used to craft a platform of top priorities that apply to all Snohomish County Cities in coordination with the message from Economic Alliance Snohomish County.

Questions can be directed to Mike Todd at mtodd@cityofmillcreek.com.

On behalf of the Executive Board, thank you for your help in this important work.

Mike Todd
Vice President
Snohomish County Cities
mtodd@cityofmillcreek.com
425-337-0509

Attachment: 2014 SCC Legislative Agenda

Possible components of SCC's legislative agenda:

1. Pass a statewide transportation investment package with \$1B for Snohomish County
2. Maintain existing funding for infrastructure including the Public Works Trust Fund
3. Maintain existing state-shared revenues including streamlined sales tax, and restore liquor revenue sharing
4. Protect cities against mandates with new/increased requirements that come without funding (e.g., public defender caseload, GMA planning, environmental issues)
5. Provide additional authority to impose fees to offset municipal courts costs and court-imposed mandates
6. Resist transferring responsibility for services/programs from state to cities
7. Provide authority for new revenue sources to fund ST3
8. Improve ability to move freight
9. Reduce impact on cities of nuisance public records requests
10. Continue funding for higher education (WSU Everett in particular)
11. Provide expanded funding for STEM networks
12. Assurance that tax incentives provide promised results (e.g, Boeing got tax breaks for promised jobs, which may not remain in Snohomish County/WA state)
13. Provide funding to address mental health issues and impact on criminal justice system

2014 REGIONAL PRIORITIES Snohomish County Cities



Snohomish County is a critical economic center for Washington State. Snohomish County Cities is a collaboration of electeds from the 20 cities within our county. The purpose of the following priorities is to increase the economic vitality of Snohomish County by means of Education & Workforce, Transportation & Infrastructure, and Fiscal Health & Flexibility.

EDUCATION & WORKFORCE

- Expand higher education opportunities in Snohomish County. More specifically support for EdCC and EvCC, the WSU Programs at University Center at EvCC, and UW Bothell.
- Strengthen state and local initiatives to improve STEM educational outcomes in the early learning and K-12 systems.

TRANSPORTATION & INFRASTRUCTURE

- Pass a robust, multimodal statewide transportation package that addresses the highway and transit investments outlined in the 2013 Snohomish County Regional Transportation Priorities list, including local maintenance needs.

FISCAL HEALTH & FLEXIBILITY

- Restore local liquor revenue sharing to the historic revenue-sharing formulas.
- Halt and refrain from raiding infrastructure funds, such as the Public Works Assistance Account, and build them back to health.
- Share new marijuana revenue.

For more information about the Snohomish County Cities regional priorities, please contact:

Councilmember Mike Todd
City of Mill Creek
VP, Snohomish County Cities
(P) 425.337.0509
MTodd@cityofmillcreek.com



MANUFACTURING



1st in **manufacturing jobs** with 65,000 direct jobs and 745+ companies. Also 1st in aerospace manufacturing with 47,000 direct jobs and 215+ companies.

TECHNOLOGY



2nd in the number of **technology-based jobs**.

WAGES



\$6.2 billion in wages supported by manufacturing and aerospace.