

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.



CITY COUNCIL REGULAR MEETING AGENDA Lake Stevens School District Educational Service Center (Admin. Bldg.) 12309 22nd Street NE, Lake Stevens

Tuesday, October 11, 2016 – 7:00 p.m.

NOTE:

WORKSHOP ON VOUCHERS AT 6:45 P.M.

CALL TO ORDER:	7:00 P.M.	Mayor
PLEDGE OF ALLEGIANCE		Council President
ROLL CALL:		
APPROVAL OF AGENDA:		Council President
EMPLOYEE ANNIVERSARIES		Steve
GUEST BUSINESS:		
COUNCIL BUSINESS:		Council President
MAYOR'S BUSINESS:		
CITY DEPARTMENT REPORT:	Update	
CONSENT AGENDA:		
	*A Approve 2016 Vouchers	Barb
	*B Approve City Council Workshop Meeting Minutes of September 27, 2016	Barb
	*C Approve City Council Regular Meeting Minutes of September 27, 2016	Barb
	*D Approve FCS Group Scope of Service -Task 2 Annexation Study	Barb

CLOSED RECORD HEARING:

No Public Testimony Will Be Taken

CLOSED RECORD HEARING FORMAT:

1. Open of Hearing
2. Staff presentation
3. Council's questions of staff
4. Discussion by City Council

Lake Stevens City Council Regular Meeting Agenda

October 11, 2016

5. Closing of Hearing
6. COUNCIL ACTION:
 - a. Approve
 - b. Approve with modifications
 - c. Deny
 - d. Remand

*A. Public Hearing Libengood Rezone Melissa

ACTION ITEMS:

- *A Resolution 2016-19 re Establishment of the Lake Stevens Library Capital Facility Area Mayor
- *B Ord No. 973 re Legal Action Against City Officials & Employees Grant
- *C Approve Resolution 2016-18 re Surplus Real Property Russ
- *D Update to Long Range Planning Work Plan Russ

DISCUSSION ITEM:

EXECUTIVE SESSION:

ADJOURN

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



CITY DEPARTMENT REPORT
October 11, 2016 CITY COUNCIL MEETING

Finance Director/City Clerk

- The 2015 Annual Impact Fee Report has been uploaded to the City website and is attached for your review.
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Police Department

- I am continuing to implement my 30/60/90 day plan
 - Met with Mayor
 - Continuing to meet with all employees
 - Had first all hands meeting
 - Started review of numerous PD policies and programs
 - Met with Guild representative
 - Met numerous city and community representatives
- Received the new Police boat, and took it for a shake down ride
 - Will now install all required equipment
- Preparing for entry and lateral oral boards
 - Back fill for Detective Sergeant position
- Started first Citizens Academy on 10-06-16
- Scheduled Community meeting, on holiday issues, for October 19th
- Met with Budget Committee earlier today



Public Works Department

- Grade Road embankment repair– The only item still remaining is the placement of the guardrail before this section of roadway can be reopen. Though the construction project is completed that will still be a need to perform some wetland mitigation measures which are expected to be performed in 2017. It is estimated that \$50,000 will cover this cost and work may be performed by a non-profit group within the City. This mitigation work is not expected to have any impact on the operation of the roadway.
- Aerator condition initial find – CRUX, the diving consultant, has completed the initial inspection and will be preparing a demolition plan and cost estimate. It was however discovered that the center platform and air distribution system (riser) is only support by 2 cables, where originally there was 8 support cables. CRUX reported this immediately after this discovery that the riser was at high risk of sinking. This is a part of the aerator that needs to be moved (not originally wanted to be sunk). If the riser sinks, this would result in a much higher removal cost that if removed in its current condition. Staff will be bringing a staff report forward to Council for the removal this year. The remainder of the system is currently believed to not be at risk and will be taken out for bids.
- Mechanic – the City received a good selection of candidates this round and 6 are scheduled for interview next week. The Fire District, who is interested in co-locating with the City, will have the Fire Marshal helping in the interviews. It is possible that the Mechanic will be on staff in November if a successful candidate is found.

- Boat Launch – temporary repairs were performed recently and both ramps have been open. The southern ramp was beyond repairs so the work performed to get it reopen was to effectively place crush rock over the existing ramp. This will be monitored to see if this will allow for the southern ramp to remain open. If not, it may permanently be closed until the new ramps are installed in 2018.

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Human Resources Department

- H.R. is in the process of contacting candidates and preparing for another round of Entry-level and Lateral Police Officer Oral Boards.
- The City's WellCity Application will be due by February 1st. H.R. has started application process.
- Work continues on the hazardous chemical inventory. Safety Data Sheets are being compiled for the revision of the Public Works SDS manuals.
- H.R. is in the process of conducting department safety meetings during October. This quarter's safety topic is "Talking to your doctor" when utilizing your health benefits.
- WCIA will be conducting their annual COMPACT audit on Lake Stevens October 18th. This year's audit topic is the use of Volunteers.
- Employee Benefits Fair is scheduled for October 19th.
- H.R. will be attending the 4th quarter WCIA Full Board meeting in Seatac on October 21st.



MEMORANDUM

To: John Spencer, Mayor
City Councilmembers

From: Barb Stevens, Finance Director/ City Clerk

Date: October 11, 2016

Subject: Impact Fee Report - 2015

RCW 82.02.070 related to impact fees provides that: “Annually, each county, city or town imposing impact fees shall provide a report on each impact fee account showing the source and amount of all moneys collected, earned, or received and system improvements that were financed in whole or in part by impact fees.” This report is presented to City Council in response to that requirement.

The City began collecting impact fees for transportation and parks in the 1990’s. Park impact fees are Growth Management Act based impact fees for mitigation of residential impacts on parks. These are accounted for collectively citywide.

The Southwest Annexation, effective on December 31, 2009, included approximately 80 projects under review by Snohomish County. 20th Street SE, a major east-west arterial being widened by the County, was also included in the annexation. As of May 21, 2011, 19 subdivisions in the Southwest Annexation area requiring payment of traffic mitigation fees were approved by the County and seven additional subdivisions had pending applications in review at the County. The subdivisions approved by the County included traffic mitigation fees which included funding for 20th Street SE to be paid to the County. In September 2011, the City amended its code to collect the traffic mitigation fees imposed by the County in this newly annexed area. These are listed as Traffic - GMA County Pre Annexation.

In 2012, the City completed a traffic mitigation study to determine GMA-related traffic mitigation fees and related code amendments to ensure adequate transportation facilities both within subareas and citywide. With the passage of Ordinance 876, in September 2012, three traffic impact zones (TIZ) were established. They consist of TIZ 1 – East Lake Stevens, TIZ 2 – West Lake Stevens, and TIZ 3 – South Lake Stevens.

Prior to these changes, traffic impact fees were authorized within the Transportation Improvement Project (TIP) element of the Comprehensive Plan and accounted for by individual project. These are included in the Pre 2011 SEPA column.

During 2015, \$599,896 in transportation impact fees and \$373,655 in park impact fees were collected. Also, investment interest of \$6,307 was earned on invested impact fees. Investment interest is allocated

proportionally to each mitigation zone and type. GMA County Pre Annexation fees accounted for the majority of activity collecting 51% followed by TIZ 2 at 38%.

Impact Fee Revenues 2012 - 2015							
Year	Park Mitigation	Traffic	Traffic	Traffic	Traffic	Traffic	Traffic
		Pre 2011 SEPA	GMA County Pre-Annexation	WSDOT	TIZ 1	TIZ 2	TIZ 3
2012	\$339,454	\$10,021	\$728,193	\$6,587			
2013	\$168,896	\$50,528	\$272,605	\$408	\$38,416	\$2,917	\$14,585
2014	\$317,546	\$0	\$324,708		\$69,979	\$5,863	\$11,668
2015	\$373,655	\$0	\$303,970		\$41,498	\$229,803	\$24,625

Note: Impact fee revenues above are exclusive of interest earnings.

From 1993 to 2013, the City has expended approximately \$1.3 million of the traffic mitigation funds on various projects like the Lundeen roundabout, and multiple sidewalk projects. In the same period, approximately \$640,000 of park mitigation funds were expended on various park projects and park purchases including the Eagle Ridge Park purchase in 2010. No mitigation dollars were spent in 2014.

In 2015, GMA County Pre-Annexation mitigation fees of \$169,422 were spent on one project. The project was for 20th Street SE Phase II, and includes ROW, planning and design costs.

At yearend 2015, the fund balance was \$4,427,606 which is made up of different types of mitigation zones and uses as seen below:

ROAD IMPROVEMENT FUND FUND 301				
	2012	2013	2014	2015
Ending Fund Balance-Pre 2011 SEPA	\$ 999,607	\$ 1,059,024	\$ 1,059,940	\$ 1,061,484
Ending Fund Balance-TSA/TDM (GMA)	731,355	958,667	1,284,480	1,421,096
Ending Fund Balance-WSDOT ANNEX	6,855	7,272	7,278	7,289
Ending Fund Balance-TIZ 1	0	38,462	108,535	150,252
Ending Fund Balance-TIZ 2	0	2,921	8,791	238,941
Ending Fund Balance-TIZ 3	0	14,603	26,293	50,993
Ending Fund Balance - Park Unrestricted	436,687	605,811	924,155	1,297,867
Ending Fund Balance - Park AQ & D	141,570	141,768	141,890	142,084
Ending Fund Balance - Tree	55,680	55,758	55,806	57,600
Total Ending Fund Balance	\$ 2,371,754	\$ 2,884,286	\$ 3,617,169	\$ 4,427,606

Respectfully,

Barb Stevens
Finance Director/ City Clerk

**BLANKET VOUCHER APPROVAL
 2016**

Payroll Direct Deposits	9/30/2016	\$157,758.16
Payroll Checks	41194-41198	\$12,383.95
Tax Deposit(s)	9/30/2016	\$63,967.01
Electronic Funds Transfers	ACH	\$195,816.35
Claims	41193, 41199-41271	\$314,811.90
Void Checks	41194, 41180	(\$6,231.72)
Total Vouchers Approved:		\$738,505.65

This 11th day of October 2016:

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment or a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Lake Stevens, and that I am authorized to authenticate and certify to said claim.

 Finance Director/Auditing Officer

 Mayor

We, the undersigned Council members of the City of Lake Stevens, Snohomish County, Washington, do hereby approve for payment of the above mentioned claims:

 Councilmember



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Checks to be Approved for 9/23/2016 to 10/6/2016

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	Amount	
Ace Hardware	41199						Check Total	\$187.86
		10/6/2016	51961	101-016-542-64-31-00	ST-Traffic Control - Supply	Paint supplies for traffic lines on streets	\$14.12	
			52026	001-010-576-80-31-00	PK-Operating Costs	Duct tape/markers	\$4.70	
				101-016-544-90-31-02	ST-Operating Cost	Duct tape/markers	\$4.71	
				410-016-531-10-31-02	SW-Operating Costs	Duct tape/markers	\$4.71	
			52069	001-010-576-80-31-05	PK-Swim Beach Ops	Fasteners - swim beach dock repair	\$8.65	
			52095	001-010-576-80-31-05	PK-Swim Beach Ops	Spraypaint for swim beach dock	\$21.76	
			52114	410-016-531-10-31-02	SW-Operating Costs	bushing/coupling for PW26 Vactor	\$17.95	
			52115	410-016-531-10-31-02	SW-Operating Costs	spray nozzle/coupling for PW26 Vactor	\$32.10	
			52126	001-010-576-80-31-05	PK-Swim Beach Ops	Drill bit/fasteners swim beach dock repair	\$33.44	
			52138	001-010-576-80-31-00	PK-Operating Costs	Dog waste bags for park dispensers	\$11.94	
			52158	001-008-521-21-31-00	LE-Boating Operating	Grab bar/fasteners	\$29.23	
	52183	001-010-576-80-31-05	PK-Swim Beach Ops	lumber - swim beach dock repair	\$4.55			
Advantage Building Services	41200						Check Total	\$997.50
		10/6/2016	2550	001-012-573-90-31-00	CS-Community Activity-Aquafest	Janitorial services for Aquafest	\$800.00	
				621-000-386-00-00-00	Retainage -Public Bldg Maint	Retainage - Advantage Janitorial Services	(\$40.00)	
			2551	001-012-575-50-31-00	CS-Community Center-Ops	Carpet cleaning at Community Center	\$250.00	
			621-000-386-00-00-00	Retainage -Public Bldg Maint	Retainage - Advantage Building Services	(\$12.50)		
AFLAC	0						Check Total	\$1,671.60
		10/6/2016	970538	001-000-284-00-00-00	Payroll Liability Other	Employee paid Insurance Prem	\$1,671.60	
Alexander Printing	41201						Check Total	\$27.30
		10/6/2016	48416	001-007-558-50-31-01	PL-Operating Costs	Business cards - Jim Haugen	\$27.30	
ArchiveSocial	41202						Check Total	\$597.00
		10/6/2016	2488	510-006-518-80-49-00	License Renewal - Annual Maint	Archiving services	\$597.00	
Assoc of Washington Cities EFT	0						Check Total	\$107,877.09
		10/6/2016	10/01/16	001-000-283-00-00-00	Payroll Liability Medical	Medical Insurance Premium	\$107,877.24	
				001-013-518-30-20-00	GG-Benefits	Medical Insurance Premium	(\$0.15)	
Bills Blueprint	41203						Check Total	\$59.13
		10/6/2016	539818	101-016-544-90-31-02	ST-Operating Cost	20th St NE Construction Drawing	\$59.13	
Bruce C Allen & Assoc Inc	41204						Check Total	\$2,800.00
		10/6/2016	15-0098C	001-013-518-20-41-00	GG-Professional Service	Appraisal of Grade Road Site	\$2,800.00	



Checks to be Approved for 9/23/2016 to 10/6/2016

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	Amount	
Canon Financial Services Inc	41205						Check Total	\$34.13
		10/6/2016	16506638	001-010-576-80-48-00	PK-Repair & Maintenance	Copier maintenance & repair	\$11.37	
				101-016-542-30-48-00	ST-Repair & Maintenance	Copier maintenance & repair	\$11.38	
				410-016-531-10-48-00	SW-Repairs & Maintenance	Copier maintenance & repair	\$11.38	
CDW Government Inc	41206						Check Total	\$250.15
		10/6/2016	FGX9855	001-012-557-30-31-00	CS-Visitor Center	Infocus Lightcast Key for VIC	\$250.15	
Cemex Inc	41207						Check Total	\$498.50
		10/6/2016	9434040687	410-016-531-10-31-02	SW-Operating Costs	Asphalt for Vernon Rd Storm project	\$240.79	
			9434049836	410-016-531-10-31-02	SW-Operating Costs	Asphalt for sink hole on 99th St	\$257.71	
CHS Engineers LLC	41208						Check Total	\$3,669.56
		10/6/2016	371608-1608	001-007-558-50-41-01	PL-CA-Developer Reimb	LUA2016-0090 Stevens Ridge Deposit	\$3,669.56	
City of Everett	41209						Check Total	\$2,960.00
		10/6/2016	116002346	001-008-554-30-51-00	LE-Environmental-Animal Contro	Animal shelter services August 2016	\$2,960.00	
Code Publishing Co Inc	41210						Check Total	\$99.97
		10/6/2016	54396	001-003-514-20-41-00	CC-Professional Services	Municipal Code publishing-Ord 971	\$99.97	
Comcast	41211						Check Total	\$76.18
		10/6/2016	0808840 9/16	001-010-576-80-42-00	PK-Communication	Internet services - City Shop	\$25.40	
				101-016-543-30-42-00	ST-Communications	Internet services - City Shop	\$25.39	
				410-016-531-10-42-00	SW-Communications	Internet services - City Shop	\$25.39	
	41212						Check Total	\$151.32
		10/6/2016	0827887 9/16	101-016-542-64-47-00	ST-Traffic Control -Utility	Traffic signal control	\$151.32	
	41213						Check Total	\$112.17
		10/6/2016	0692756 9/16	001-008-521-20-42-00	LE-Communication	Internet services - Market Place	\$112.17	
	41214						Check Total	\$68.18
		10/6/2016	0810218 9/16	001-008-521-20-42-00	LE-Communication	Internet services - N Lakeshore Dr	\$68.18	
Comdata Corporation	41215						Check Total	\$818.87
		10/6/2016	20255400	101-016-542-30-32-00	ST-Fuel	Fuel	\$380.13	
				410-016-531-10-32-00	SW-Fuel	Fuel	\$380.13	
			20256290	001-004-514-23-43-00	FI-Travel & Meetings	Fuel for travel to WFOA	\$58.61	
Crossons Auto Repair Inc	41216						Check Total	\$167.19
		10/6/2016	49241	101-016-542-30-48-00	ST-Repair & Maintenance	Repair of PW13	\$83.60	



Checks to be Approved for 9/23/2016 to 10/6/2016

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	Amount
Crossons Auto Repair Inc	41216	10/6/2016	49241	410-016-531-10-48-00	SW-Repairs & Maintenance	Repair of PW13	\$83.59
Check Total							\$2,475.00
Dept of Retirement (Deferred Comp)	0	10/6/2016	10/01/16	001-000-282-00-00-00	Payroll Liability Retirement	Employee Portion-State Deferre	\$2,475.00
Check Total							\$74,617.28
Dept of Retirement PERS LEOFF	0	10/6/2016	10/01/16	001-000-282-00-00-00	Payroll Liability Retirement	PERS LEOFF Contributions	\$74,617.28
Check Total							\$240.24
Dicks Towing Inc	41217	10/6/2016	157915	001-008-521-20-48-00	LE-Repair & Maintenance Equip	Tow PT55 to County Shop for repair	\$114.66
			157921	001-008-521-80-40-01	LE - Evidence Impound	Evidence impound case #2016-17509	\$125.58
Check Total							\$22,563.56
Discount Fence	41218	10/6/2016	1196	001-008-594-21-63-00	LE-Capital Outlays	Fence around Police Station	\$13,307.58
				621-000-386-00-00-02	Retainage - Other PW Project	Retainage - Discount Fence	(\$665.38)
			1197	101-016-542-30-48-00	ST-Repair & Maintenance	Retainage - Discount Fence	\$1,306.80
				621-000-386-00-00-02	Retainage - Other PW Project	Retainage - Discount Fence	(\$65.34)
			1198	101-016-542-30-48-00	ST-Repair & Maintenance	Chain link fence 9900 N Davies	\$6,240.00
				621-000-386-00-00-02	Retainage - Other PW Project	Retainage - Discount Fence	(\$312.00)
			1199	101-016-542-30-48-00	ST-Repair & Maintenance	Retainage - Discount Fence	\$2,352.24
				621-000-386-00-00-02	Retainage - Other PW Project	Retainage - Discount Fence	(\$117.61)
			1200	001-010-576-80-48-00	PK-Repair & Maintenance	Repair slide gate City Shop	\$181.50
				101-016-542-30-48-00	ST-Repair & Maintenance	Repair slide gate City Shop	\$181.50
				410-016-531-10-48-00	SW-Repairs & Maintenance	Repair slide gate City Shop	\$181.50
				621-000-386-00-00-02	Retainage - Other PW Project	Repair slide gate City Shop	(\$27.23)
Check Total							\$63,967.01
Electronic Federal Tax Pmt System EFTPS	0	10/6/2016	10/01/16	001-000-281-00-00-00	Payroll Liability Taxes	Federal Payroll Taxes	\$63,967.01
Check Total							\$22.76
Everett Stamp Works	41219	10/6/2016	19774	001-008-521-20-31-00	LE-Office Supplies	Nameplate - Dyer	\$22.76
Check Total							\$192.17
Jennie Fenrich	41220	10/6/2016	9/16/16 req	001-007-558-50-43-00	PL-Travel & Mtgs	Expense reimb PermitTrax training-Fenrich	\$192.17
Check Total							\$5,197.25
Financial Consulting Solutions Group	41221	10/6/2016	2563-21609071	001-004-514-23-41-00	FI-Professional Service	Strategic Financial Plan consulting	\$5,197.25



Checks to be Approved for 9/23/2016 to 10/6/2016

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	Amount	
Firstline Communications	41222						Check Total	\$192.22
		10/6/2016	139750	001-006-518-80-48-00	IT-Repair & Maintenance	Remote maintenance	\$192.22	
Donna Foster	41223						Check Total	\$49.01
		10/6/2016	37194	001-012-575-50-31-00	CS-Community Center-Ops	Maximum Occupancy signs	\$49.01	
Frontier	41224						Check Total	\$176.31
		10/6/2016	4253340835 9/16	001-013-518-20-42-00	GG-Communication	Telephone services	\$58.77	
				101-016-543-30-42-00	ST-Communications	Telephone services	\$58.77	
				410-016-531-10-42-00	SW-Communications	Telephone services	\$58.77	
	41225						Check Total	\$63.69
10/6/2016	4253979674 9/16	101-016-542-64-47-00	ST-Traffic Control -Utility	Traffic control modem	\$63.69			
Gall LLC	41226						Check Total	\$329.81
		10/6/2016	006010708	001-008-521-20-26-00	LE-Clothing	Uniform shirts - Dyer	\$232.03	
			006036991	001-008-521-20-26-00	LE-Clothing	Uniform trousers - Dyer	\$97.78	
Glens Welding and Machine Inc	41227						Check Total	\$801.03
		10/6/2016	S9088	410-016-531-10-45-00	SW-Equipment Rental	Pump rental to pump storm water	\$35.94	
			S9091	001-010-576-80-31-00	PK-Operating Costs	Weedeater Tag 1112	\$119.78	
				101-016-544-90-31-02	ST-Operating Cost	Weedeater Tag 1112	\$119.77	
				410-016-531-10-31-02	SW-Operating Costs	Weedeater Tag 1112	\$119.77	
			S9165	001-010-576-80-48-00	PK-Repair & Maintenance	Chainsaw repair	\$35.13	
				101-016-542-30-48-00	ST-Repair & Maintenance	Chainsaw repair	\$35.13	
				410-016-531-10-48-00	SW-Repairs & Maintenance	Chainsaw repair	\$35.13	
			S9166	101-016-544-90-31-02	ST-Operating Cost	Hydraulic Hose for PW34	\$39.64	
				410-016-531-10-31-02	SW-Operating Costs	Hydraulic Hose for PW34	\$39.64	
			S92.12	001-010-576-80-31-00	PK-Operating Costs	Chainsaw supplies	\$73.70	
				101-016-544-90-31-02	ST-Operating Cost	Chainsaw supplies	\$73.70	
				410-016-531-10-31-02	SW-Operating Costs	Chainsaw supplies	\$73.70	
Grainger	41228						Check Total	\$927.65
		10/6/2016	9219189157	001-010-576-80-31-00	PK-Operating Costs	Loppers	\$72.67	
				101-016-544-90-31-02	ST-Operating Cost	Loppers	\$72.67	
				410-016-531-10-31-02	SW-Operating Costs	Loppers	\$72.67	
		9220329297	001-010-576-80-31-00	PK-Operating Costs	Tire inflator & case	\$62.94		



Checks to be Approved for 9/23/2016 to 10/6/2016

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	Amount
Grainger	41228	10/6/2016	9220329297	101-016-544-90-31-02	ST-Operating Cost	Tire inflator & case	\$62.94
				410-016-531-10-31-02	SW-Operating Costs	Tire inflator & case	\$62.94
			9226450113	101-016-544-90-31-02	ST-Operating Cost	Pavement stencil	\$151.38
			9227975001	001-010-576-80-31-03	PK-Lundeen-Op Costs	Lundeen restroom supplies	\$267.86
			9233031534	001-010-576-80-31-00	PK-Operating Costs	Danger Flammable Liquids signs	\$19.81
				101-016-544-90-31-02	ST-Operating Cost	Danger Flammable Liquids signs	\$19.81
				410-016-531-10-31-02	SW-Operating Costs	Danger Flammable Liquids signs	\$19.81
			9237401899	101-016-544-90-31-02	ST-Operating Cost	General purpose spotlight	\$21.07
410-016-531-10-31-02	SW-Operating Costs	General purpose spotlight		\$21.08			
Check Total							\$543.32
Granite Construction Supply	41229	10/6/2016	262_00064808	101-016-542-64-31-00	ST-Traffic Control - Supply	Stickers for traffic cones	\$223.15
			262_00064815	001-010-576-80-31-00	PK-Operating Costs	For official use decals	\$37.02
				101-016-542-64-31-00	ST-Traffic Control - Supply	Sidewalk closed signs	\$209.09
				101-016-544-90-31-02	ST-Operating Cost	For official use decals	\$37.03
			410-016-531-10-31-02	SW-Operating Costs	For official use decals	\$37.03	
Check Total							\$809.93
Great Floors	41230	10/6/2016	755314	001-008-521-20-31-01	LE-Operating Costs	Floor install at Police Dept	\$852.56
				621-000-386-00-00-00	Retainage -Public Bldg Maint	Retainage - Great Floors	(\$42.63)
Check Total							\$701.15
HB Jaeger Co LLC	41231	10/6/2016	177179/1	410-016-531-10-31-02	SW-Operating Costs	Storm drain bee hive	\$605.05
			177180/1	410-016-531-10-31-02	SW-Operating Costs	Handle/hook/rod for storm drain bee hive	\$96.10
Check Total							\$331.50
Honey Bucket	41232	10/6/2016	0550131020	001-010-576-80-45-00	PK-Equipment Rental	Honey bucket rental - swim beach	\$117.50
			0550131021	001-010-576-80-45-00	PK-Equipment Rental	Honey bucket rental - boat launch	\$214.00
Check Total							\$1,496.00
ISOsource	41233	10/6/2016	CW194997	001-006-518-80-41-00	IT-Professional Services	IT consulting services	\$1,496.00
							Check Total
J Thayer Company Inc	41234	10/6/2016	1075337-0	001-007-558-50-31-00	PL-Office Supplies	Spoons/pens	\$12.46
				001-007-559-30-31-00	PB-Office Supplies	Spoons/pens	\$12.47
			1076966-0	001-007-558-50-31-00	PL-Office Supplies	Paper/organizer/files/clips/pens/sorter	\$86.82
				001-007-559-30-31-00	PB-Office Supplies	Paper/organizer/files/clips/pens/sorter	\$86.82
			1078780-0	001-008-521-20-31-00	LE-Office Supplies	Postage labels	\$153.48



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Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	Amount
J Thayer Company Inc	41234	10/6/2016	1079921-0	001-007-558-50-31-00	PL-Office Supplies	Markers/paper/ink cartridges	\$90.81
				001-007-559-30-31-00	PB-Office Supplies	Markers/paper/ink cartridges	\$90.82
				101-016-544-90-31-01	ST-Office Supplies	Markers/paper/ink cartridges	\$90.81
				410-016-531-10-31-01	SW-Office Supplies	Markers/paper/ink cartridges	\$90.81
			1080985-0	001-010-576-80-31-00	PK-Operating Costs	dog waste bags for parks	\$92.55
			1081204-0	001-003-514-20-31-00	CC-Office Supply	monthly planner	\$16.89
				001-004-514-23-31-00	FI-Office Supplies	wall calendar	\$21.66
				001-013-518-20-31-00	GG-Operating	air freshener/tissue/paper/paper plates	\$50.79
			1083089-0	101-016-544-90-31-02	ST-Operating Cost	hand held magnifiers	\$18.00
				410-016-531-10-31-02	SW-Operating Costs	hand held magnifiers	\$18.00
			C1079403-0	001-007-558-50-31-00	PL-Office Supplies	Paper return	(\$12.52)
				001-007-559-30-31-00	PB-Office Supplies	Paper return	(\$12.52)
				101-016-544-90-31-01	ST-Office Supplies	Paper return	(\$12.52)
				410-016-531-10-31-01	SW-Office Supplies	Paper return	(\$12.51)
Kamins Construction Inc	41235	Check Total					\$98,116.48
		10/6/2016	3	309-016-595-61-63-01	Sidewalk Construction	91st Avenue SE Sidewalk	\$98,116.48
Lake Industries LLC	41236	Check Total					\$922.00
		10/6/2016	31709	101-016-544-90-31-02	ST-Operating Cost	Fill Hauled by the Yard	\$20.00
				410-016-531-10-31-02	SW-Operating Costs	Fill Hauled by the Yard	\$20.00
		31711	101-016-544-90-31-02	ST-Operating Cost	Fill Hauled by the Yard	\$20.00	
			410-016-531-10-31-02	SW-Operating Costs	Fill Hauled by the Yard	\$20.00	
		31717	101-016-544-90-31-02	ST-Operating Cost	Fill Hauled by the Yard	\$60.00	
			410-016-531-10-31-02	SW-Operating Costs	Fill Hauled by the Yard	\$60.00	
		31721	101-016-544-90-31-02	ST-Operating Cost	Fill Hauled by the Yard	\$60.00	
			410-016-531-10-31-02	SW-Operating Costs	Fill Hauled by the Yard	\$60.00	
		31732	101-016-544-90-31-02	ST-Operating Cost	Fill Hauled by the Yard	\$60.00	
			410-016-531-10-31-02	SW-Operating Costs	Fill Hauled by the Yard	\$60.00	
		31736	101-016-544-90-31-02	ST-Operating Cost	Fill Hauled by the Yard	\$60.00	
			410-016-531-10-31-02	SW-Operating Costs	Fill Hauled by the Yard	\$60.00	
		31741	101-016-544-90-31-02	ST-Operating Cost	Fill Hauled by the Yard	\$40.00	
			410-016-531-10-31-02	SW-Operating Costs	Fill Hauled by the Yard	\$40.00	
31744	101-016-544-90-31-02	ST-Operating Cost	Fill Hauled by the Yard	\$40.00			



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Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	Amount
Lake Industries LLC	41236	10/6/2016	31744	410-016-531-10-31-02	SW-Operating Costs	Fill Hauled by the Yard	\$40.00
			31751	101-016-544-90-31-02	ST-Operating Cost	Fill/Asphalt/Concrete Hauled by the Yard	\$39.00
				410-016-531-10-31-02	SW-Operating Costs	Fill/Asphalt/Concrete Hauled by the Yard	\$39.00
			31755	101-016-544-90-31-02	ST-Operating Cost	Asphalt Hauled by the Yard	\$12.00
				410-016-531-10-31-02	SW-Operating Costs	Asphalt Hauled by the Yard	\$12.00
			31768	101-016-544-90-31-02	ST-Operating Cost	Concrete w/rebar Hauled by the Yard	\$50.00
			410-016-531-10-31-02	SW-Operating Costs	Concrete w/rebar Hauled by the Yard	\$50.00	
Lake Stevens Chamber of Commerce	41237	Check Total \$1,500.00					
		10/6/2016	Oct 2016	001-013-518-90-49-01	GG-Chamber of Commerce	October 2016 contribution for VIC	\$1,500.00
Lake Stevens Police Guild	41238	Check Total \$1,028.00					
		10/6/2016	10/01/16	001-000-284-00-00-00	Payroll Liability Other	Employee Paid Union Dues	\$1,028.00
Lake Stevens School District	41239	Check Total \$3,081.15					
		10/6/2016	1539	001-006-518-80-32-00	IT-Fuel	Fuel	\$35.73
				001-007-558-50-32-00	PL-Fuel	Fuel	\$21.34
				001-007-559-30-32-00	PB-Fuel	Fuel	\$167.93
				001-010-576-80-32-00	PK-Fuel Costs	Fuel	\$67.30
				001-013-518-20-32-00	GG-Fuel	Fuel	\$21.34
				101-016-542-30-32-00	ST-Fuel	Fuel	\$1,133.13
				410-016-531-10-32-00	SW-Fuel	Fuel	\$1,133.13
		2136	001-010-576-81-49-00	PK-Park Board-Miscellaneous	Park Board Community Meeting	\$170.00	
		2144	001-001-511-60-45-01	Legislative - Rentals	City Council - facility rental	\$221.25	
001-007-558-50-43-00	PL-Travel & Mtgs		Design Review board mtg/CUO Public Mtg/Hearing Examiner	\$110.00			
Lowes Companies	41240	Check Total \$57.96					
		10/6/2016	911406	001-007-558-50-31-01	PL-Operating Costs	Wooden stakes for land development signs	\$57.96
Daniel Manning	41241	Check Total \$2,178.00					
		10/6/2016	8/6/16	001-013-518-20-41-00	GG-Professional Service	Photography services for City Website	\$2,178.00
Monroe Correctional Complex	41242	Check Total \$595.69					
		10/6/2016	MCC1608.467	001-010-576-80-48-00	PK-Repair & Maintenance	DOC Work Crew - August 2016	\$12.07
				001-013-518-20-48-00	GG-Repair & Maintenance	DOC Work Crew - August 2016	\$76.75
				101-016-542-30-48-00	ST-Repair & Maintenance	DOC Work Crew - August 2016	\$163.91
				410-016-531-10-48-00	SW-Repairs & Maintenance	DOC Work Crew - August 2016	\$342.96



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Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	Amount	
National League of Cities	41243						Check Total	\$1,861.00
		10/6/2016	122658	001-013-518-20-49-00	GG-Miscellaneous	Membership - Natl League of Cities	\$1,861.00	
Nationwide Retirement Solution	0						Check Total	\$1,325.00
		10/6/2016	10/01/16	001-000-282-00-00-00	Payroll Liability Retirement	Employee Portion-Nationwide	\$1,325.00	
North River Boats	41193						Check Total	\$45,846.04
		9/26/2016	20054	520-008-594-21-63-00	Capital Equipment	2017 Almar 20 ft Seahawk Patrol Boat	\$45,846.04	
Ogden Murphy Wallace	41244						Check Total	\$6,000.00
		10/6/2016	Buy In Fee	001-011-515-30-41-00	LG-Professional Service	Buy in Fee for Mobilitie/ROW Use Auth Consortium	\$6,000.00	
Outcomes by Levy LLC	41245						Check Total	\$5,270.15
		10/6/2016	216-09-LS	001-013-511-20-41-02	GG-Advisory Srv - Lobbying	Legislative/regulatory consulting for Sept 2016	\$5,270.15	
Owen Equipment Company	41246						Check Total	\$245.54
		10/6/2016	00081466	410-016-531-10-31-02	SW-Operating Costs	Hose end for Vactor truck PW26	\$245.54	
Petty Cash Account	41247						Check Total	\$158.47
		10/6/2016	10/2/16 req	001-001-511-60-43-00	Legislative - Travel & Mtgs	Ice for Council meetings	\$3.98	
				001-004-514-23-31-00	FI-Office Supplies	Printer cable	\$5.99	
				001-004-514-23-43-00	FI-Travel & Meetings	SCCFOA meetings	\$54.00	
				001-007-594-59-63-00	PB-Capital Outlay	Vehicle License - building	\$47.25	
				530-016-594-48-60-00	Purchase Of Capital Equipment	Vehicle License - PW	\$47.25	
					Check Total	\$24,195.07		
Prothman Company	41248	10/6/2016	2016-5618	001-002-513-11-41-00	AD-Professional Services	Consulting services - Swenson	\$4,587.19	
				101-016-542-30-41-02	ST-Professional Service	Consulting services - Swenson	\$929.84	
				401-070-535-10-41-00	SE-Professional Service	Consulting services - Swenson	\$61.99	
				410-016-531-10-41-01	SW-Professional Services	Consulting services - Swenson	\$619.89	
		2016-5621	001-008-521-20-41-00	LE-Professional Services	Consulting services - Krusey	\$7,267.68		
		2016-5628	001-008-521-20-41-00	LE-Professional Services	Consulting services - Krusey	\$10,728.48		
Puget Sound Clean Air Agency	41249						Check Total	\$4,789.50
		10/6/2016	Q4 2016	001-013-553-70-51-00	GG-Air Pollution	Q4 2016 Clean Air Assessment	\$4,789.50	
Purchase Power	41250						Check Total	\$350.00
		10/6/2016	9/23/16	001-007-558-50-42-00	PL-Communication	Postage	\$117.15	
				001-008-521-20-42-00	LE-Communication	Postage	\$14.99	
				001-013-518-20-42-00	GG-Communication	Postage	\$214.10	



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Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	Amount
Purchase Power	41250	10/6/2016	9/23/16	101-016-543-30-42-00	ST-Communications	Postage	\$1.88
				410-016-531-10-42-00	SW-Communications	Postage	\$1.88
Check Total							\$861.10
Sherwin-Williams Co	41251	10/6/2016	0550-9	001-010-576-80-31-00	PK-Operating Costs	Brushes/gloves	\$14.32
				101-016-544-90-31-02	ST-Operating Cost	Brushes/gloves	\$14.33
				410-016-531-10-31-02	SW-Operating Costs	Brushes/gloves	\$14.33
			0572-3	101-016-542-64-31-00	ST-Traffic Control - Supply	Paint for street lines	\$117.34
			0974-1	001-010-576-80-31-03	PK-Lundeen-Op Costs	Paint for Lundeen Picnic shelter	\$453.66
			3230-1	101-016-542-64-31-00	ST-Traffic Control - Supply	Paint for street lines	\$119.52
			3318-4	101-016-542-64-31-00	ST-Traffic Control - Supply	Paint for street lines	\$127.60
Check Total							\$949.61
Signs Plus Inc	41252	10/6/2016	23211	001-012-557-30-31-00	CS-Visitor Center	Signs at VIC	\$949.61
							\$949.61
Check Total							\$203.96
Mark Sniffen	41253	10/6/2016	9/29/16 req	001-007-559-30-31-02	PB - Clothing	Boot reimbursement - Sniffen	\$203.96
							\$203.96
Check Total							\$4,295.31
Snohomish County Conservation Dist	41254	10/6/2016	2448	410-016-531-50-31-15	DOE EG160393-4 Capacity	Q2 2016 Salaries & Benefits	\$4,295.31
							\$4,295.31
Check Total							\$1,290.66
Snohomish County PUD	41255	10/6/2016	100260670	001-010-576-80-47-00	PK-Utilities	200493443 Cath Creek Park meter 73867	\$18.36
			104541497	101-016-542-63-47-00	ST-Lighting - Utilities	203730189 Traffic Signal	\$60.85
			104541501	101-016-542-63-47-00	ST-Lighting - Utilities	203731153 Traffic Signal	\$102.43
			117823827	001-008-521-50-47-00	LE-Utilities	200558690 Police N Lakeshore Drive	\$109.44
			121135545	001-010-576-80-47-00	PK-Utilities	203599006 City Shop	\$138.60
				101-016-543-50-47-00	ST-Utilities	203599006 City Shop	\$138.60
				410-016-531-10-47-00	SW-Utilities	203599006 City Shop	\$138.64
			121138462	001-010-576-80-47-00	PK-Utilities	202340527 Yard	\$8.73
				101-016-542-63-47-00	ST-Lighting - Utilities	202340527 Yard	\$8.73
				410-016-531-10-47-00	SW-Utilities	202340527 Yard	\$8.74
			121140083	101-016-542-63-47-00	ST-Lighting - Utilities	203582010 Street Lights	\$76.06
			127756243	001-010-576-80-47-00	PK-Utilities	205395999 Visitor Center	\$85.64
			144201183	101-016-542-63-47-00	ST-Lighting - Utilities	202988481 Street Lights	\$202.79
			144202642	001-010-576-80-47-00	PK-Utilities	203531959 Mobile at 2424 Soper Hill Rd	\$38.10
			154029982	101-016-542-63-47-00	ST-Lighting - Utilities	203728159 Traffic Signal	\$49.88



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Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	Amount
Snohomish County PUD	41255	10/6/2016	163637026	001-008-521-50-47-00	LE-Utilities	203033030 Police Dept Water	\$19.03
			163641016	101-016-542-63-47-00	ST-Lighting - Utilities	202013249 Traffic Signal	\$86.04
Sound Publishing Inc	41256	Check Total					\$308.60
	10/6/2016	EDH719739	001-007-558-50-41-03	PL-Advertising	LUA2016-0117 Tyler Preliminary Plat	\$101.60	
			EDH720292	001-007-558-50-41-03	PL-Advertising	LUA2016-0113 PH Lake Stevens Retail Variance	\$75.80
			EDH722169	001-013-518-30-41-01	GG-Advertising	Ordinance 971	\$31.08
			EDH722672	001-013-518-30-41-01	GG-Advertising	Arts Commission Cancellation/meeting location change	\$36.24
			EDH723490	001-013-518-30-41-01	GG-Advertising	Sept 27 2016 City Council Study Session	\$31.08
			EDH724572	001-013-518-30-41-01	GG-Advertising	Ordinance 964	\$32.80
Standard Insurance Company	0	Check Total					\$5,703.12
	10/6/2016	10/01/16	001-000-284-00-00-00	Payroll Liability Other	Life/Disability Ins Premiums	\$148.00	
			001-002-513-11-20-00	AD-Benefits	Life/Disability Ins Premiums	\$0.00	
			001-003-514-20-20-00	CC-Benefits	Life/Disability Ins Premiums	\$145.31	
			001-004-514-23-20-00	FI-Benefits	Life/Disability Ins Premiums	\$146.13	
			001-005-518-10-20-00	HR-Benefits	Life/Disability Ins Premiums	\$70.67	
			001-006-518-80-20-00	IT-Benefits	Life/Disability Ins Premiums	\$139.15	
			001-007-558-50-20-00	PL-Benefits	Life/Disability Ins Premiums	\$519.64	
			001-007-559-30-20-00	PB-Benefits	Life/Disability Ins Premiums	\$308.61	
			001-008-521-20-20-00	LE-Benefits	Life/Disability Ins Premiums	\$2,628.10	
			001-010-576-80-20-00	PK-Benefits	Life/Disability Ins Premiums	\$237.16	
			001-013-518-30-20-00	GG-Benefits	Life/Disability Ins Premiums	\$28.28	
			101-016-542-30-20-00	ST-Benefits	Life/Disability Ins Premiums	\$672.67	
			401-070-535-10-20-00	SE-Benefits	Life/Disability Ins Premiums	\$40.21	
410-016-531-10-20-00	SW-Benefits	Life/Disability Ins Premiums	\$619.19				
Barbara Stevens	41257	Check Total					\$15.99
	10/6/2016	9/25/16 req	001-001-513-10-49-05	Executive - Board/Staff Apprec	Supplies for Police Chief Changing of the Guard	\$15.99	
Tacoma Screw Products Inc	41258	Check Total					\$587.41
	10/6/2016	18132001	001-010-576-80-31-00	PK-Operating Costs	Nuts/gloves	\$21.61	
			101-016-544-90-31-02	ST-Operating Cost	Nuts/gloves	\$21.61	
			410-016-531-10-31-02	SW-Operating Costs	Nuts/gloves	\$21.61	
		18132812	101-016-544-90-31-02	ST-Operating Cost	Nuts/bolts/marketing paint/glass cleaner	\$112.45	
		410-016-531-10-31-02	SW-Operating Costs	Nuts/bolts/marketing paint/glass cleaner	\$224.90		



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Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	Amount
Tacoma Screw Products Inc	41258	10/6/2016	18132813	001-010-576-80-31-00	PK-Operating Costs	Safety glasses	\$16.16
				101-016-544-90-31-02	ST-Operating Cost	Safety glasses	\$16.16
				410-016-531-10-31-02	SW-Operating Costs	Safety glasses	\$16.16
			18133658	001-010-576-80-31-00	PK-Operating Costs	Screws/nuts/bolts/gloves	\$45.59
				101-016-544-90-31-02	ST-Operating Cost	Screws/nuts/bolts/gloves	\$45.58
				410-016-531-10-31-02	SW-Operating Costs	Screws/nuts/bolts/gloves	\$45.58
Teamsters Local No 763		41259	Check Total				\$888.00
	10/6/2016	09/30/16	001-000-284-00-00-00	Payroll Liability Other	Union Dues		\$888.00
Terra Services Inc		41260	Check Total				\$8,473.92
	10/6/2016	1613156_1	001-007-559-30-41-00	PB-Professional Srv	Temporary coverage Permit Specialist		\$820.51
			001-010-576-80-41-00	PK-Professional Services	Temporary coverage Public Works Admin		\$124.90
			001-013-518-20-41-00	GG-Professional Service	Temporary coverage Public Works Admin		\$124.90
			101-016-542-30-41-02	ST-Professional Service	Temporary coverage Permit Specialist		\$234.43
				ST-Professional Service	Temporary coverage Public Works Admin		\$499.58
			410-016-531-10-41-01	SW-Professional Services	Temporary coverage Permit Specialist		\$117.22
				SW-Professional Services	Temporary coverage Public Works Admin		\$499.58
		16-13580	001-007-559-30-41-00	PB-Professional Srv	Temporary coverage Permit Specialist		\$1,025.64
			001-010-576-80-41-00	PK-Professional Services	Temporary coverage Public Works Admin		\$156.12
			001-013-518-20-41-00	GG-Professional Service	Temporary coverage Public Works Admin		\$156.12
			101-016-542-30-41-02	ST-Professional Service	Temporary coverage Permit Specialist		\$293.04
				ST-Professional Service	Temporary coverage Public Works Admin		\$624.48
			410-016-531-10-41-01	SW-Professional Services	Temporary coverage Permit Specialist		\$146.52
				SW-Professional Services	Temporary coverage Public Works Admin		\$624.48
		16-13996	001-007-559-30-41-00	PB-Professional Srv	Temporary coverage Permit Specialist		\$1,025.64
			001-010-576-80-41-00	PK-Professional Services	Temporary coverage for Public Works Admin		\$156.12
			001-013-518-20-41-00	GG-Professional Service	Temporary coverage for Public Works Admin		\$156.12
			101-016-542-30-41-02	ST-Professional Service	Temporary coverage Permit Specialist		\$293.04
				ST-Professional Service	Temporary coverage for Public Works Admin		\$624.48
			410-016-531-10-41-01	SW-Professional Services	Temporary coverage Permit Specialist		\$146.52
				SW-Professional Services	Temporary coverage for Public Works Admin		\$624.48
Tetra Tech Inc		41261	Check Total				\$23,674.97
	10/6/2016	51091510	101-016-544-20-41-00	ST-Prof Srv - Engineering	36rh St NE Bridge Inspection		\$1,966.80



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Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	Amount	
Tetra Tech Inc	41261	10/6/2016	51091869	304-016-594-31-63-00	Capital - SWM Drainage Improve	2016 Pavement Condition Rating Survey	\$12,970.67	
			51091978	101-016-542-30-41-02	ST-Professional Service	2016 Pavement Condition Rating Survey	\$8,737.50	
United Way of Snohomish Co	41262	Check Total						\$61.68
		10/6/2016	09/30/16	001-000-284-00-00-00	Payroll Liability Other	Employee Contributions	\$61.68	
UPS	41263	Check Total						\$15.63
		10/6/2016	74Y42386	001-008-521-20-42-00	LE-Communication	Evidence shipping	\$15.63	
Valley Freightliner Inc	41264	Check Total						\$2,105.06
		10/6/2016	SR302000795:01	101-016-542-30-48-00	ST-Repair & Maintenance	Repair on PW19	\$1,052.53	
				410-016-531-10-48-00	SW-Repairs & Maintenance	Repair on PW19	\$1,052.53	
Verizon Northwest	41265	Check Total						\$2,882.81
		10/6/2016	9772532270	001-001-513-10-42-00	Executive - Communication	Wireless phone services	\$70.72	
				001-002-513-11-42-00	AD-Communications	Wireless phone services	\$100.19	
				001-003-514-20-42-00	CC-Communications	Wireless phone services	\$55.44	
				001-005-518-10-42-00	HR-Communications	Wireless phone services	\$52.61	
				001-006-518-80-42-00	IT-Communications	Wireless phone services	\$179.13	
				001-007-558-50-42-00	PL-Communication	Wireless phone services	\$170.18	
				001-007-559-30-42-00	PB-Communication	Wireless phone services	\$164.53	
				001-008-521-20-42-00	LE-Communication	Wireless phone services	\$1,600.01	
				001-010-576-80-42-00	PK-Communication	Wireless phone services	\$163.33	
				101-016-543-30-42-00	ST-Communications	Wireless phone services	\$163.33	
410-016-531-10-42-00	SW-Communications	Wireless phone services	\$163.34					
Gina Waggoner	41266	Check Total						\$250.00
		10/6/2016	8/18/16	001-005-517-90-41-00	HR-Wellness Program	Communication Workshops - Aug 1 & Aug 8	\$250.00	
Washington State Support Registry	0	Check Total						\$402.46
		10/6/2016	10/01/16	001-000-284-00-00-00	Payroll Liability Other	Employee Paid Child Support	\$402.46	
Washington Teamsters Welfare Trust EFT	0	Check Total						\$1,744.80
		10/6/2016	09/30/16	001-000-283-00-00-00	Payroll Liability Medical	Teamsters Dental Ins Premiums	\$1,744.80	
Watch Systems	41267	Check Total						\$79.48
		10/6/2016	31167	001-008-521-20-31-01	LE-Operating Costs	Community Notification - sex offender	\$79.48	
Wave Broadband	41268	Check Total						\$1,367.86
		10/6/2016	01222184	001-002-513-11-42-00	AD-Communications	Telephone Service	\$10.54	



Checks to be Approved for 9/23/2016 to 10/6/2016

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	Amount
Wave Broadband	41268	10/6/2016	01222184	001-003-514-20-42-00	CC-Communications	Telephone Service	\$21.08
				001-004-514-23-42-00	FI-Communications	Telephone Service	\$21.08
				001-005-518-10-42-00	HR-Communications	Telephone Service	\$10.54
				001-006-518-80-42-00	IT-Communications	Telephone Service	\$31.62
				001-007-558-50-42-00	PL-Communication	Telephone Service	\$68.54
				001-007-559-30-42-00	PB-Communication	Telephone Service	\$10.54
				001-008-521-20-42-00	LE-Communication	Telephone Service	\$358.46
				001-012-575-30-42-00	CS-Historical-Communications	Telephone Service Museum	\$10.53
				001-012-575-50-42-00	CS-Community Center - Comm	Telephone Service Senior Ctr	\$10.54
				001-013-518-20-42-00	GG-Communication	Telephone Service	\$42.15
				101-016-543-30-42-00	ST-Communications	Telephone Service Shop	\$60.65
				410-016-531-10-42-00	SW-Communications	Telephone Service Shop	\$60.65
			01225127	510-006-518-80-49-00	License Renewal - Annual Maint	Fiber lease for New World Connection	\$650.94
Weed Graafstra & Associates Inc	41269	Check Total					\$18,342.25
		10/6/2016	156	001-011-515-30-41-00	LG-Professional Service	Legal services - general matters	\$18,342.25
Western Conference of Teamsters Pension Trust	41270	Check Total					\$2,125.64
		10/6/2016	09/30/16	001-000-282-00-00-00	Payroll Liability Retirement	Employee Contributions - Teamster Pension	\$2,125.64
Russel Wright	41271	Check Total					\$741.18
		10/6/2016	9/21/16 req	001-007-558-50-43-00	PL-Travel & Mtgs	Travel expenses for Planning Directors Conference-Wright	\$741.18
Total							\$574,595.26



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

Tuesday, September 27, 2016
Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street N.E. Lake Stevens

CALL TO ORDER: 6:00 p.m. by Council President Sam Low

ELECTED OFFICIALS PRESENT: Mayor John Spencer, Councilmembers Kim Daughtry, Sam Low, Todd Welch, Raichel McDaniel, Kathy Holder and Marcus Tageant

ABSENT: Councilmember Kurt Hilt

STAFF MEMBERS PRESENT: Interim City Administrator Mary Swenson, Finance Director/City Clerk Barb Stevens, Senior Accountant Josh Roundy and Deputy City Clerk Kathy Pugh

OTHERS:

2017 Budget Study Session: Director Stevens presented the 2016 budget versus estimated totals and reviewed the 2017 estimated revenue and preliminary proposed budget. She then responded to Councilmembers' questions.

Adjourn:

The workshop adjourned at 6:49 p.m.

John Spencer, Mayor

Kathy Pugh, Deputy City Clerk



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

Tuesday, September 27, 2016
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 John Spencer

ELECTED OFFICIALS PRESENT: Mayor John Spencer, Councilmembers Kim Daughtry, Sam Low, Welch Todd, Rauchel McDaniel, Kathy Holder, Marcus Tageant

ELECTED OFFICIALS ABSENT: Councilmember Kurt Hilt

STAFF MEMBERS PRESENT: Interim City Administrator Mary Swenson, Finance Director/City Clerk Barb Stevens, Community Development Director Russ Wright, Public Works Director Mick Monken, Police Chief John Dyer, Sgt. Ron Brooks, Officer David Carter, Deputy City Clerk Kathy Pugh and City Attorney Grant Weed

OTHERS:

Pledge of Allegiance: Council President Low introduced Boy Scout Troop 184 which led the Pledge of Allegiance.

Roll Call: Moved by Councilmember Daughtry, seconded by Councilmember Tageant, to excuse Councilmember Hilt from the meeting. On vote the motion carried (6-0-0-1).

Approval of Agenda: Removed consent agenda item (F) re Adjustment to Salary Schedule for Human Resources Director. Moved by Councilmember Daughtry, seconded by Councilmember Welch, to approve the agenda as amended. On vote the motion carried (6-0-0-1).

Employee Appreciation: Mayor Spencer recognized Ralph Krusey for his excellence in the position of Interim Police Chief and presented him with a plaque recognizing his contributions and exemplary service to the City.

Oath of Office: Mayor Spencer introduced new Chief of Police John Dyer and administered the Oath of Office.

Chief Dyer thanked the Mayor and Councilmembers for the opportunity to serve the City of Lake Stevens, his family for their support, his friends and outgoing Interim Chief Ralph Krusey. Chief Dyer said he is looking forward to working with the officers and staff of the Lake Stevens Police Department.

Mayor Spencer announced a brief recess at 7:11 p.m. The meeting was reconvened at 7:19 p.m.

Employee Recognition: Sgt. Ron Brooks introduced Officer David Carter who is being recognized for his outstanding work as the lead marine patrol officer for the year. Officer Carter received the gold 2016 recreational boater safety education merit award from the State and a Performance Incident Report. He was responsible for replacing and cleaning numerous buoys on the lake, updating swim beach signage, setting up the swim area markers at Lundeen beach, and worked with lakefront homeowners to bring their buoys into compliance. Additionally Officer Carter worked with the Lake Stevens Water Ski Association and the Lake Stevens Rowing Club, and he worked to complete a video on the lake, along with many other projects. Officer Carter's efforts have made the City's Marine Patrol one of the best in the state.

Guest Business:

Terry Buck, 318 95th Drive SE, Lake Stevens, is concerned about what he calls selective code enforcement relating to no parking signs installed on one side of his street after a complaint was received by the City. Mr. Buck believes the code should be enforced uniformly.

Mayor Spencer responded this will be reviewed by the Public Works Committee.

Council Business:

- Councilmember Daughtry: Planning and Economic Development Subcommittee, Sewer Utility, Snohomish County Cities for Improved Transportation (SCCIT).
- Councilmember Low: Opioid Forum at Cavelero, library property dedication; Attorney Interviews, review of City Administrator applications.
- Councilmember Welch: Budget Subcommittee
- Councilmember McDaniel: Sewer Utility, Public Safety meeting, Fire District Strategic Planning.
- Councilmember Holder: No report.
- Councilmember Tageant: Interviews, Budget Subcommittee, Sewer Utility

Mayor's Business: Sno-Isle library property dedication, City Administrator applications, Master Builders Conference, City surplus of a horse.

City Department Report.

- Public Works Director Monken: Grade Road update, 36th Street NE bridge repair update, boat launch repair update, Mr. Livers gifted the City approximately 300 square feet on the Hartford Trail connection for a bench and picnic table.
- Community Development Director Wright: Meeting with Snohomish County Parks staff re Cavelero Park, second Open House for Downtown Subarea coming up at end of October or beginning of November
- Interim City Administrator Swenson: Working with Council to set a date for a retreat in early 2017
- Finance Director/City Clerk Stevenson: Budget, Washington State Finance Officers Association
- Police Chief Dyer: 30/60/90 day Plan to integrate into community, Fire Department Strategic Planning

Consent Agenda:

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Low, to approve (A) 2016 Vouchers [Payroll Direct Deposits of \$174,578.37, Payroll Check Nos. 41099-41101 totaling \$5,494.15, Tax Deposits of \$73,809.16, Electronic Funds Transfers (ACH) totaling \$8,124.79, Claims Check Nos. 41102-41192 totaling \$527,263.16, Total Vouchers Approved: \$789,269.81], (B) City Council Regular Meeting Minutes of September 13, 2016, (C) Extension of Agreement with Property Disposition Services, (D) Letter of Engagement with Ogden Murphy re Small Cellular Facility Consortium, (E) Reclassification of Civil Engineer Position to Engineer Senior Level, (F) [Removed] (G) Reclassification of One Part-Time Cashier-Receptionist to Office Assistant. On vote the motion carried (6-0-0-1).

Public Hearing:

Public Hearing and First and Final Reading of Ordinance 964 re Floodplain Code

Amendments: Deputy City Clerk Pugh opened the public hearing and read the rules of procedure for the record.

Community Development Director Russ Wright presented the staff report and said that the amendments are being brought forward following Department of Ecology's 2015 Community Assistance Visit ("CAV") and the issuance of DOE's findings that the City's floodplain permits contain deficiencies. Director Wright reviewed the recommended changes. Director Wright reviewed the public process for addressing these deficiencies and concluded that with the passage of Ordinance 964 the Lake Stevens Municipal Code will be in compliance with DOE's recommendations. Director Wright then responded to Councilmembers' questions.

Mayor Spencer invited public comment; there were none.

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember Tageant, to close the public comment portion of the public hearing. On vote the motion carried (6-0-0-1).

MOTION: Moved by Councilmember Welch, seconded by Councilmember Tageant, to close the public hearing. On vote the motion carried (6-0-0-1).

MOTION: Moved by Councilmember Welch, seconded by Councilmember McDaniel, to approve Ordinance 964 amending the Lake Stevens Municipal Code Section 14.08 entitled "Basic Definitions and Interpretations" and Section 14.64 entitled "Special Flood Hazard Areas, Drainage, and Erosion." On vote the motion carried (6-0-0-1).

Action Items:

2016 Pavement Overlay Final Project Acceptance: Civil Engineer Adam Emerson updated on the 2016 Pavement Overlay project completion and requested that Council formally accept the project.

MOTION: Moved by Councilmember Low, seconded by Councilmember Welch, to accept the 2016 Pavement Overlay Final Project. On vote the motion carried (6-0-0-1).

Approve Concession Agreement with Papa's Woodfire Pizza: Economic Development Coordinator Jeanie Ashe presented the staff report and said that Papa's Wood Fired Pizza is

working with City staff to apply for a concession agreement to operate a pizza concession at Lundeen Park on Friday, Saturday and Sunday from October 7, 2016 through December 18, 2016. Tonight's requested action is to authorize the Mayor to enter into the concession agreement once Papa's Wood Fired Pizza has submitted a concession application and successfully complied with all conditions. Ms. Ashe then responded to Councilmembers' questions.

Norm, owner of Papa's Wood Fire Pizza, said that often people pick up pizzas and leave. He is busy usually between 5:30 and 7:00 p.m. and during the day business is "so-so". People did tend to stay and visit when he was at the Machias Market. He doesn't normally sell beverages, but could if requested.

Councilmembers Tageant and McDaniel would like input from the Parks Coordinator before a decision is made, and Councilmember McDaniel added there are other locations that are private that might be better suited for this type of business.

Councilmember Low commented this is a short term commitment to see if this is a viable opportunity that would work in the Lake Stevens community.

Councilmember Tageant would like to see a full application submittal before voting.

Councilmember Holder believes this is a good short-term opportunity, and that public-private partnerships are being undertaken in many public areas.

MOTION: Moved by Councilmember Low, seconded by Councilmember Welch, to authorize the Mayor to enter into a concessionaire agreement with Papa's Wood Fired Pizza once the applicant has submitted a completed application and successfully complied with all conditions. On vote the motion carried (4-2-0-1).

Amendment to Professional Services Agreement with Crandall Arambula re Scope of

Work: Director Wright presented the staff report and said that the main amendment is to increase the scope of work to allow for a videographer to develop videotape of the public participation process that will be available for all city residents to view. This will provide an additional outreach for people who are not able to attend the public meetings and also will provide a historical record of the meetings. The videographer will work at the direction Crandall Arambula and be paid by that consultant. Director Wright said that the other change is to correct an error in the original contract amount. He then responded to Councilmembers' questions.

Councilmember McDaniel believes the consultants needs to work within the budget they were given.

Mayor Spencer commented that he requested this as he believes it is an excellent way to convey the various alternatives in short time clips to the public, and to in turn receive public response to the ideas. Mayor Spencer said there is not enough money in the contract to allow for this addition to the scope.

In response to Councilmember Holder's question, Director Wright said that the videos would be both informational and show public meetings.

Councilmember Daughtry commented that this would help to relieve misinformation that is circulated on social media.

Mayor Spencer updated on the cost of the two videos that were prepared previously at the City's request.

MOTION: Moved by Councilmember Low, seconded by Councilmember Holder, to approve the amendment to the Professional Services Agreement with Crandall Arambula re Scope of Work. On vote the motion carried (6-0-0-1).

Councilmember Tageant left the meeting at 8:19 p.m.

Study Session: Director Wright reviewed the proposed Annexation Strategy Plan with Council and responded to Councilmembers' questions. He added that he spoke with Councilmember Tageant in depth about the strategies and relayed that Councilmember Tageant is in favor of moving forward.

Executive Session: Mayor Spencer announced an executive session for 10 minutes to consider the purchase or sale of real estate beginning at 8:32 p.m. and ending at 8:42 p.m. with action to follow.

Mayor Spencer noted that although Councilmember Tageant had to leave early this evening, he had disclosed a conflict with regards to the topic of the executive session and would have abstained from voting.

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember McDaniel to authorize the mayor to enter purchase and sale agreements for the property known as the Grade Road property and simultaneously with the property known as Ridgeline, with the assessed value of the property being acquired being greater than the property being sold. On vote the motion carried (5-0-1-1).

Adjourn:

Moved by Councilmember Low, seconded by Councilmember Welch to adjourn the meeting at 8:44 p.m. On vote the motion carried (5-0-0-2).

John Spencer, Mayor

Kathy Pugh, Deputy City Clerk



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda October 11, 2016
Date: _____

Subject: Approve FCS Group Scope of Service for Task 2 – Annexation Analysis

Contact	Barb Stevens, Finance Director/City	Budget	Not to Exceed
Person/Department:	<u>Clerk</u>	Impact:	<u>\$40,400</u>

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Approve FCS Group Scope of Service for Task 2 – Annexation Analysis

SUMMARY/BACKGROUND:

Council approved a professional services agreement with FCS Group on May 10, 2016 in an amount not to exceed \$85,000. This PSA will be performed on a per task basis, with each task being approved by the Finance Subcommittee or Council prior to being undertaken and completed.

Task 2: Performing an Annexation Analysis

The FCS group has provided a scope of services, budget, and timeline for task 2. The task budget is estimated at \$40,400 based on hourly rates. The initial amount set aside for this task was \$20,000. This estimate made by staff was quite low considering the amount of work necessary to complete the analysis. Due to the cost of task 1 coming in significantly under budget, neither an amendment to the agreement, nor an amendment to the budget are needed at this time.

The initial timeline for receiving a work product is late January to early February 2017

APPLICABLE CITY POLICIES: N/A

BUDGET IMPACT: None

ATTACHMENTS:

1. Annexation Analysis – Scope of Services

SCOPE OF WORK AND TASK PLAN

Task 1 – Kick-Off Meeting and Background Review

We will conduct a kick off meeting with the City’s Project Manager and other key City staff to review the project, methodology, timelines, expectations, and desired outcomes. Based on the goals for this project, the first task is to discuss and confirm the final scope and City data requirements. We will also compile and issue a data request for information such as a list of services currently provided to the annexation area by the City and Snohomish County and any other service contracts with the County or other jurisdictions, previous studies of the area, and any other documentation describing any existing cost of services analysis. We will also do an on-site tour of the proposed annexation area.

Task 2 – Identify Annexation Area’s Community and Fiscal Characteristics

Based on our discussions with City staff, we will identify the annexation area’s community and fiscal characteristics. These characteristics, such as square miles, population, government facilities, parks and road miles, will be used to forecast potential revenues and costs for the area. Although information might be available from any previous studies, some of the information might need to be updated to the most current year (e.g. assessed values, property tax levy rates, etc.). Based on a review of the available information, we will determine what updates are needed, identify the sources of the information, conduct any necessary research, and collect new data. We will rely on the City to provide GIS data and files associated with annexation area so can create maps and data for the area.

Task 3 – Identify Potential City Revenues

Based on the area’s community and fiscal characteristics and a review of the City’s revenue sources, we will identify potential revenues that might be generated by the area. We will identify the General Fund revenues (e.g. property taxes, sales taxes, etc.) as well as revenues for other major funds, such as the Street Fund and Surface/Storm Water Fund. We will also identify any City financial policies related to revenues to determine what impacts they might have on revenues generated by the annexation. In identifying and developing the revenues, we will work with the City’s Finance staff to review the City’s revenues and policies and how they will also be incorporated in the City’s forecasting model.

Task 4 – Identify Potential City Services and Expenditures

Based on our previous work in Tasks 2 and 3 we will then identify the City’s expenditures that are needed to provide City services to the annexation area and its residents. As part of this effort we will interview the different department directors to determine the potential costs for providing services to the area. Working with the departments, cost factors, workload factors, and service levels will be identified and will be used to estimate the cost of services. Working with the City staff we will also determine if there are any capital expenditures that the City will need financing to provide similar levels of service to the area and its residents. We will also interview Snohomish County service providers to determine their current costs of providing services to the annexation area and what capital improvement plans the County might have already planned for the area.

Task 5 – Analyze Potential Impacts on the City and the Annexation Area

Based on the analyses in Tasks 3 and 4, we will analyze the potential impacts that an annexation will have on the City and the residents, and property owners and whether the annexation will result in a positive or negative financial cost benefit for the City. As part of the impact analysis, we will also review how the impacts affect the City’s financial policies and its long range forecast.

Task 6 – Identify Impacts on Snohomish County and Other Jurisdictions

Based on the community and fiscal characteristics of the area, we will also identify the financial impacts that an annexation will have on Snohomish County and other jurisdictions that currently serve the area. We will work these other jurisdictions to confirm the impacts.

Task 7 – Prepare a Report

A report will be prepared that describes the key assumptions, revenues, costs, and impacts that the annexation might have on the City as well as other jurisdictions. We will provide the City with a draft report to review, and we will then discuss the results and review any comments that the City staff might have concerning the draft report. Once the issues and comments have been addressed, a final report will be issued. We will provide five bound copies of the report and an electronic copy.

Task 8 – Present Results to the City Council

Once the final report has been submitted, we will prepare and make one presentation to the City Council on the results of the study. Before making the presentation, we will meet with the City staff to review the presentation before it is finalized.

BUDGET ESTIMATE

The table below summarizes our estimated cost to perform the task plan.

Tasks	Consultant Hours				Total Labor Hours	Budget
	Principal Moy	Analyst Elting	GIS Analyst Wood	Admin. Support		
<i>Effective Hourly Billing Rates:</i>	\$235	\$125	\$125	\$80		
Task 1 – Kick-Off Meeting	4	4	-	2	10	\$1,600
Task 2 – Identify Community and Fiscal Characteristics	2	12	16	-	30	\$3,970
Task 3 – Identify Potential City Revenues	12	24	8	-	44	\$6,820
Task 4 – Identify Potential City Services and Expenditures	20	60	-	-	80	\$12,200
Task 5 – Analyze Potential Impacts on the City and the Annexation Area	8	16	-	-	24	\$3,880
Task 6 – Identify Impacts on Snohomish County and Other Jurisdictions	2	4	-	-	6	\$970
Task 7 – Prepare a Report	16	32	8	2	58	\$8,920
Task 8 – Present Results to the City Council	6	2	-	1	9	\$1,740
Travel (mileage)						\$300
Total Project Budget	70	154	32	5	261	\$40,400



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Date: **Agenda** October 11, 2016

Subject: **Libengood Site-Specific Rezone (LUA2016-0110)**

Contact Person/Department: Melissa Place, Planning & Community Development
Budget Impact: none

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

1. Closed Record Public Hearing and First and Final Reading for Ordinance 974 related to the Libengood Rezone (LUA2016-0110).
2. **Motion to approve Ordinance 974:** An ordinance of the city of Lake Stevens, amending the zoning for a 1.17 acre parcel as part of the Libengood Rezone (City File No. LUA2016-0110) located at 1926 Vernon Road, Lake Stevens, WA 98258 and changing the zoning on the subject parcel from Public/Semi-Public to High Urban Residential.

SUMMARY:

Closed Record Public Hearing and First and Final Reading of Ordinance 974 (**Exhibit 1**) related to the Libengood Rezone (LUA2016-0110).

BACKGROUND/HISTORY:

The applicant, William Libengood, has applied for a site-specific rezone, pursuant to Lake Stevens Municipal Code (LSMC) 14.16C.090(b)(1), of an approximately 1.17 acre parcel in the Public/Semi-Public (P/PS) zoning district, located at 1926 Vernon Road, Lake Stevens, WA. The applicant requests that the subject parcel change from the Public/Semi-Public (P/PS) zoning district to the High Urban Residential (HUR) zoning district. No change is proposed to the underlying Medium Density Residential (MDR) land use designation. The applicant does not plan to develop the property at this time. Rezoning the property from public to residential will allow the applicant to obtain a residential loan for the property to ultimately purchase the property from the Lake Stevens Sewer District.

The properties to the north and one to the south are zoned High Urban Residential, and the properties to the east are zoned Waterfront Residential. All of the properties to the north are identified by the Medium Density Residential land use designation. An existing driveway off of Vernon Road provides access to the site.

No changes to the existing access to/from Vernon Road are proposed by the applicant as part of the rezone application. Per the applicant, the short and long term development for the site is to include a private garage/shop for the existing single family residence. Under that condition, the proposed rezone from Public/Semi-Public to High Urban Residential should not produce any additional PM peak hour trips since the primary use of the site will not change. If the site is redeveloped, at the time of development permit application, the applicant shall submit a traffic study showing impacts to critical intersections along with a study for safety at the development's intersection with Vernon Road. This study would likely need to include issues of sight distance, speed, volume and geometry.

The project site is characterized by an existing Category III wetland, steep slopes, and a Type “NP” stream along the southwestern boundary of the property. The WDFW Priority Habitats and Species (PHS) map indicates the probability of an eagle nest on the property just south of the property under application. The property is partially developed with an existing single-family home (currently a duplex) and gravel driveway. If the applicant were to develop in the future, the city will review all site-specific impacts related to the land use and zoning changes at the time of development permit application.

Site-specific rezones are Type IV applications subject to a recommendation from the Hearing Examiner to City Council per Chapter 14.16A – Table 14.16A-I and Part IV – Chapter 14.16B. The proponent has submitted a project narrative in support of the rezone.

The city received the application on July 27, 2016 and issued a Determination of Completeness on August 5, 2016. A public meeting was held on September 12, 2016. A public hearing was held on September 12, 2016 and the Hearing Examiner issued a recommendation of approval on September 23, 2016. 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.

The State of Washington Growth Management Act (GMA) requires cities and counties to engage in a planning process. The thirteen exclusive goals that guide this process include but are not limited to urban growth, sprawl reduction, housing, property rights, the environment, public participation and provisions for public services. The City of Lake Stevens must balance these sometimes competing goals and produce a Comprehensive Plan that guides future development, and this Plan is then implemented through municipal code pursuant to specific development regulations. The Lake Stevens Hearing Examiner has determined that this rezone request is consistent with the Comprehensive Land Use Map and policies, is in compliance with the Growth Management Act and is in general conformance with the Lake Stevens Municipal Code (LSMC).

Any future land use action resulting from the rezone will be subject to the rules and standards in effect at the time of application, including but not limited to public noticing, subdivision, construction, environment review, critical areas, streets and stormwater.

FINDINGS AND CONCLUSIONS:

The Hearing Examiner has found the Libengood Rezone to be consistent with LSMC 14.16C.090 and has submitted a recommendation (**Exhibit 1**) to the City Council recommending approval of the proposal with conditions based on the findings and conclusions contained in the staff report (**Exhibit 2**).

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 974, with exhibits including the Hearing Examiner Recommendation

Exhibit 2 – Hearing Examiner Staff Report

EXHIBIT 1

CITY OF LAKE STEVENS LAKE STEVENS, WASHINGTON

ORDINANCE NO. 974

AN ORDINANCE OF THE CITY OF LAKE STEVENS, AMENDING THE ZONING FOR 1.17 ACRES AS PART OF THE LIBENGOOD REZONE (CITY FILE NO. LUA2016-0110) LOCATED AT 1926 VERNON ROAD, LAKE STEVENS, WA 98258 AND CHANGING THE ZONING ON A PARCEL CURRENTLY ZONED PUBLIC/SEMI-PUBLIC TO HIGH URBAN RESIDENTIAL.

WHEREAS, the City received an application for a site-specific rezone (City File No. LUA2016-0110) on July 27, 2016 referred to as the Libengood Rezone; and

WHEREAS, the Libengood Rezone includes approximately 1.17 acres adjacent to Vernon Road and Lundeen Parkway (**Exhibit A**). The proposal would change the zoning designation on parcel 00604900500000 from Public/Semi-Public (P/SP) to High Urban Residential (HUR). Pursuant to the requirements for a site-specific zoning map amendment in Lake Stevens Municipal Code (LSMC) 14.16C.090, no change is proposed to the underlying Medium Density Residential (MDR) comprehensive plan land use designation.

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.

WHEREAS, the Comprehensive Plan land use designation for the subject parcel is Medium Density Residential (MDR) which supports the High Urban Residential (HUR) zoning designations per Table 14.36-I as found in Chapter 14.36 LSMC; and

WHEREAS, Ordinance No. 468 establishes that the High Urban Residential designation has been adopted into Chapter 14.36 (Zoning Districts and Zoning Map) LSMC. Chapters 14.40 and 14.48 LSMC contains the applicable use and development regulations for the High Urban Residential zoning district.

WHEREAS, the city and its partner agencies did review the application materials pursuant to the requirements of LSMC 14.16C.090; and

WHEREAS, the city determined the proposal to be exempt from a State Environmental Policy Act (SEPA) checklist pursuant to Chapter 16.04 LSMC and the WAC 197-11-800(6)(c); and

WHEREAS, the city is in receipt of public comments submitted in writing and presented orally at the duly-held public meeting and the duly held public hearing on September 12, 2016; and

WHEREAS, site-specific zoning map amendments 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 and supported by

evidence from an open-record hearing; and

WHEREAS, the Hearing Examiner conducted a duly noticed open-record public hearing on September 12, 2016, and all public testimony has been given full consideration; and

WHEREAS, the Hearing Examiner on September 23, 2016 provided the City with a decision recommending approval of the rezone request, subject to conditions, as the proposed rezone meets the legal criteria for approving a rezone as set forth in LSMC 14.16C.090 and applicable state requirements; and

WHEREAS, the City Council considered the Hearing Examiner's recommendation at a closed record public hearing on October 11, 2016.

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

Section 1. The City Council adopts and incorporates the findings and conclusions for approving a rezone as set forth in the Hearing Examiner's recommendation, pursuant to LSMC 14.16C.090, and adopts the Hearing Examiner's Recommendation, including the conditions of approval, attached hereto as **Exhibit B**, dated September 23, 2016 and the city council staff report, dated October 11, 2016.

Section 2. The City Council makes the following 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. 937.

Section 3. The Official Zoning Map is hereby amended, as depicted in **Exhibit A**, by changing the zoning on parcel 00604900500000 to High Urban Residential (HUR).

Section 4. The city will review future development applications for the property receiving the High Urban Residential zoning district designation under the applicable use and development regulations of the Lake Stevens Municipal Code in effect at the time of application.

Section 5. 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 6. 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 11th day of October, 2016.

John Spencer, Mayor

ATTEST/AUTHENTICATION:

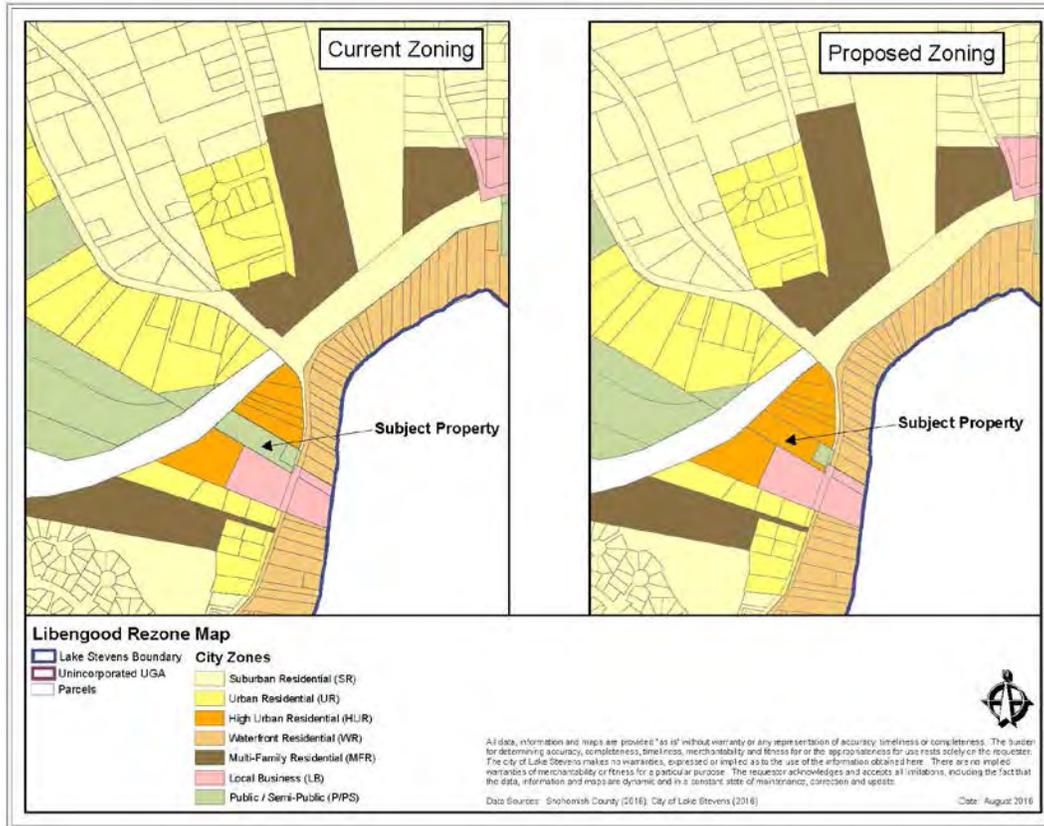
Barb Stevens Finance Director/
City Clerk

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

First Reading: October 11, 2016
Published:
Effective Date:

Exhibit A



Project #: LUA2016-0110
Current Zoning: Public/Semi-Public
Proposed Zoning: High Urban Residential

EXHIBIT B

BEFORE THE HEARING EXAMINER FOR THE CITY OF LAKE STEVENS

In the Matter of the Application of)	No. LUA2016-0110
)	
William Libengood)	Libengood Site-Specific Rezone
)	
)	FINDINGS, CONCLUSIONS,
<u>For a Site-Specific Rezone</u>)	AND RECOMMENDATION

SUMMARY OF RECOMMENDATION

The Hearing Examiner recommends that the Applicant's request for a rezone of approximately 1.17 acres of property at 1926 Vernon Road from Public/Semi-Public to High Urban Residential be **APPROVED**.

SUMMARY OF RECORD

Hearing Date:

The City of Lake Stevens Hearing Examiner held an open record hearing on the request on September 12, 2016.

Testimony:

The following individuals presented testimony under oath at the open record hearing:

Melissa Place, City Senior Planner
William Libengood

Exhibits:

The following exhibits were admitted into the record:

1. Land Use Development Application, received July 27, 2016
2. Applicant Narrative, dated July 21, 2016
3. Email from William Libengood to Melissa Place, dated August 29, 2016
4. Notice of Complete Application, dated August 5, 2016
5. Notice Materials:
 - a. Affidavit of Notice, dated August 15, 2016
 - b. Notice of Application, Notice of Public Meeting, & Notice of Public Hearing, dated August 15, 2016
 - c. Copy of Posted Notice, undated
6. Public Comments:
 - a. Letter from Jamie and David Entz, dated August 23, 2016
 - b. Letter from Darlene and Dennis Brawford, Roger Treichler, Len Labato, and Kara Vietti, dated August 23, 2016

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- c. Response letter from Melissa Place to Jamie and David Entz, dated August 31, 2016
- d. Response letter from Melissa Place to Darlene and Dennis Brawford, Roger Treichler, Len Labato, and Kara Vietti, dated August 31, 2016
7. Critical Areas Information:
 - a. Map and Aerial Photograph, dated May 7, 2008
 - b. Critical Areas Site Plan, recorded September 20, 2002
8. SEPA Categorical Exemption Determination, dated August 10, 2016
9. Rezone Map, dated August 2016
10. Staff Report, dated August 31, 2016

The Hearing Examiner enters the following Findings and Conclusions based upon the testimony and exhibits admitted at the open record hearing:

FINDINGS

Application and Notice

1. William Libengood (Applicant) requests a zoning map amendment to rezone an approximately 1.17-acre parcel from Public/Semi-Public to High Urban Residential. The subject property is located at 1926 Vernon Road and is currently developed with a single-family residence.¹ *Exhibit 1; Exhibit 2; Exhibit 10, Staff Report, page 1.*
2. The City of Lake Stevens (City) determined the application was complete on August 5, 2016. On August 11, 2016, the City published notice of the application, associated public meeting, and open record public hearing in the *Everett Herald*. The next day, the City mailed notice of the application, public meeting, and public hearing to the Applicant and property owners within 300 feet of the project site, and posted notice at the property, at City Hall, and at the City's planning department. On August 15, 2016, the City also posted notice of the project, public meeting, and public hearing on its website. *Exhibit 5; Exhibit 10, Staff Report, pages 2 and 3.*
3. The City received two public comments in response to its notice materials. Area residents Jamie and David Entz wrote expressing concern over increased traffic in the area and problems with increased density on the property. Neighboring property owners Darlene and Dennis Brawford, Roger Treichler, Len Labato, and Kara Vietti wrote to express concern about safety issues with Vernon Road; development effects on the environment, especially in relation to an area eagle nest; and drainage issues.² City

¹ The property subject to the rezone request is identified by Snohomish County tax parcel number 0060490050000. A legal description of the property is included with the application and project narrative. *Exhibit 1; Exhibit 2.*

² Both public comments reference problems with increased density in the "R1" and "R2" zoning areas. In her response letters, City Senior Planner Melissa Place notes that the "R1" and "R2" zones reference former zoning designations under the Snohomish County Code, not the City's current zoning designations for the property and surrounding areas. *Exhibit 6.*

Senior Planner Melissa Place wrote response letters to both public comments. Specifically, she noted:

- The Applicant does not currently have plans to develop the property with greater density; rezoning the property would allow the Applicant to obtain a residential loan and purchase the property from the Lake Stevens Sewer District.
- No changes to the existing site access from Vernon Road are proposed because the Applicant has not proposed changing the primary use of the site. Were the Applicant to develop the property with up to 14 additional residential units, as allowed in the High Urban Residential zone, traffic impacts to the greater transportation network would likely be negligible. The Applicant would, however, be required to submit a traffic study with the submission of any preliminary plat assessing traffic impacts and safety.
- Properties directly north and south of the property are also zoned High Urban Residential.
- Future development of the property would be severely restricted by the presence of existing critical areas on-site. These include a Type “NP” stream on the property, steep slopes, and a Category III wetland with associated buffers. Were the Applicant to further develop the property, a State Environmental Policy Act (SEPA) checklist would be required to ensure that best available science is used to protect the environment and wildlife.
- Further development of the site would also be subject to federal management guidelines for bald eagles.

Exhibit 6.

State Environmental Policy Act

4. City staff determined that the rezone was categorically exempt from review under the State Environmental Protection Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW), and issued a categorical exemption letter for the proposal on August 10, 2016. Ms. Place testified that, under Washington Administrative Code (WAC) 197-11-800(6)(c), the rezone proposal is exempt from environmental review because the project site is in an urban growth area, the rezone does not require an amendment to the City’s Comprehensive Plan, and the Comprehensive Plan was previously subject to environmental review. Ms. Place also explained that, were the Applicant to move forward with plans to subdivide the property, SEPA review for the specific land use proposal would be necessary. *Exhibit 8; Exhibit 10, Staff Report, pages 6 and 7; Testimony of Ms. Place.*

Site-Specific Rezone

5. The property is currently developed with an existing single-family residence (a duplex), built in 1918, and a gravel driveway. The Applicant may build a private garage/shop for the existing residence but has no other plans to further develop the property. Moderate and steep slopes are present at the site, and these slopes may constitute Geologically Hazardous Areas under Chapter 14.88 Lake Stevens Municipal Code (LSMC). A Type “NP” stream is present along the southwestern boundary of the property, and a Category

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III wetland and its associated buffers encumber much of the project site; the stream and wetland are critical areas under Chapter 14.88 LSMC, and all future development of the site would be subject to further critical areas review. A priority habitats and species map from the Washington State Department of Fish and Wildlife (WDFW) indicates the probability of an eagle nest on the property. Future development of the site would be subject to federal management guidelines for bald eagles. Lake Stevens Sewer District owns the property and has expressed interest in selling it to the Applicant. *Exhibit 1; Exhibit 2; Exhibit 3; Exhibit 6; Exhibit 7; Exhibit 10, Staff Report, pages 6 and 7.*

6. The GMA requires certain cities and counties to engage in a planning process. *RCW 36.70A.040.* Thirteen exclusive goals guide that process. *RCW 36.70A.020.* These goals concern urban growth, sprawl reduction, transportation, housing, economic development, property rights, permitting, natural resource industries, open space and recreation, the environment, citizen participation and coordination, public facilities and services, and historic preservation. *RCW 36.70A.020.* Any jurisdiction subject to the GMA's planning requirement must balance these sometimes competing goals (*see Feil v. E. Wash. Growth Mgmt. Hrgs. Bd.*, 172 Wn.2d 367, 259 P.3d 227 (2011)) and produce a comprehensive plan that guides future growth and development. *RCW 36.70A.040-.120.* The jurisdiction must then enact development regulations implementing the comprehensive plan and otherwise act in conformity with the comprehensive plan. *RCW 36.70A.120.*
7. The City designated the property as Medium-Density Residential (MDR) under its Comprehensive Plan. The City adopted the MDR designation to allow single-family, two-family, and some multi-family residential development with a gross density between 4 to 12 units per acre based on zoning. The MDR comprehensive plan designation allows for High Urban Residential (HUR) zoning. The MDR designation includes detached and attached units, accessory units, townhouses, condominiums, duplexes, tourist homes, special service homes, and manufactured/mobile homes. The MDR designation also allows limited public/semi-public, community, and recreational uses. The City places the MDR designation on property located in transition areas between high-density designations and rural areas where infrastructure is readily available. *City Comprehensive Plan, Land Use Element, Pages LU-14 and LU-17.* The City has designated the adjacent property to the north and southwest as MDR under its Comprehensive Plan. *Exhibit 1; Exhibit 10, Staff Report, pages 1, 2, and 4.*
8. The property is currently zoned HUR, and additional infrastructure is readily available for the property. The City has also zoned parcels to the north and southwest as HUR. Adjacent property to the southeast is zoned Local Business, and the property directly east is designated Public/Semi-Public; the Lake Stevens Sewer District operates a sewer pump station on that property. The surrounding lots, where developed, are generally developed with single-family residences. *Exhibit 9; Exhibit 10, Staff Report, page 2.*

9. The HUR zoning district is “designed to accommodate single-family detached or attached residential uses at medium densities in areas served by public water and sewer facilities. Some types of two-family residences are allowed.” *LSMC 14.36.010(d)*.
10. The Applicant would be required to comply with SEPA and the best available science provisions of the GMA at the time of any future development permit application. Conditions of approval related to a specific land use application would require the Applicant to comply with City ordinances, including its critical area ordinances, and compliance would mitigate environmental impacts of the rezone and any proposed subdivision. *Exhibit 2; Exhibit 7; Exhibit 10, Staff Report, pages 3 and 6.*

Testimony

11. Ms. Place testified generally about the application and how it would meet the site-specific rezone requirements of LSMC 14.16C.090(g), specifically stating that the Lake Stevens Sewer District wishes to sell the property, which constitutes a changed circumstance. She noted that, if the rezone were approved and the Applicant moves forward with subdividing the land, the proposal would have to comply with all of the plat requirements of Chapter 58.17 RCW and Title 14 LSMC, including stormwater requirements, critical areas requirements, and requirements for construction plan approval. She stressed, however, that the Applicant has explicitly told the City that he has no interest in further developing the property at this time and that he understands that any future development of the property would be severely limited by on-site critical areas and associated buffers. Ms. Place also reiterated the response to public concerns about traffic and environmental impacts from her written response letters: namely, that any future development would be subject to further environmental review and that traffic impacts would be studied more fully if a specific land use application were submitted. *Testimony of Ms. Place.*
12. Applicant William Libengood testified that he has no immediate plans to further develop the property and is seeking the site-specific rezone to acquire financing to purchase the property. *Testimony of Mr. Libengood.*

Staff Recommendation

13. Ms. Place testified that City staff recommends the Hearing Examiner forward a recommendation of approval, with five conditions, to the City Council. Mr. Libengood testified that he understands and agrees with the City’s proposed conditions. *Exhibit 10, Staff Report, pages 6 and 7; Testimony of Ms. Place; Testimony of Mr. Libengood.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to recommend approval of a site-specific rezone request pursuant to LSMC 14.16B.450 and 14.16C.090(c).

Criteria

The Hearing Examiner may recommend approval of a site-specific rezone request if the following criteria are satisfied:

- (1) The amendment complies with the Comprehensive Plan Land Use Map, policies, and provisions and adopted subarea plans;
- (2) The amendment is in compliance with the Growth Management Act;
- (3) The amendment serves to advance the public health, safety and welfare;
- (4) The amendment is warranted because of changed circumstances, a mistake, or because of a need for additional property in the proposed zoning district;
- (5) The subject property is suitable for development in general conformance with zoning standards under the proposed zoning district;
- (6) The amendment will not be materially detrimental to uses or property in the immediate vicinity of the subject property;
- (7) Adequate public facilities and services are likely to be available to serve the development allowed by the proposed zone;
- (8) The probable adverse environmental impacts of the types of development allowed by the proposed zone can be mitigated, taking into account all applicable regulations, or the unmitigated impacts are acceptable;
- (9) The amendment complies with all other applicable criteria and standards in this title.³

LSMC 14.16C.090(g).

Conclusions Based on Findings

The proposed rezone satisfies the criteria for approval found in LSMC 14.16.090(g) and should be approved. The proposed rezone would not require amendment of the City Comprehensive Plan and would be consistent with the Comprehensive Plan's Medium-Density Residential designation of the property: High Urban Residential (HUR) zoning is allowed in property designated Medium-Density Residential under the Comprehensive Plan. Conditions placed on any future land development permits would ensure that the proposal would comply with the development regulations required by the Growth Management Act and Title 14 of the Lake Stevens Municipal Code. The proposed rezone would, as conditioned, serve the public

³ LSMC 14.16C.090(g) includes a tenth criteria inapplicable to this application related to adopted subarea plans.

health, safety, and welfare. Changed circumstances, specifically the Sewer District's desire to sell the property and the City's growth over the last several decades warrants the rezone. The property is suitable for single-family residential development that complies with the standards of the HUR zone. Although the proposed rezone is categorically exempt from SEPA review, the Applicant would need to submit an environmental checklist at the time of development permit application for any future development, and thus conditions of approval related to any specific land use application would ensure that the Applicant complies with all relevant environmental, stormwater, and critical areas regulations. The proposed rezone would not add a significantly greater number of vehicle trips than development of the property under its existing zoning designation, and further traffic analysis would be required were the Applicant seek to subdivide or develop the property. Adequate public facilities and services are available to the property. Although the public has expressed concerns over traffic and environmental impacts from development of the land in question, those concerns would be more adequately addressed were the Applicant to bring a specific land use application forward.

Conditions are necessary to ensure that the Applicant adheres to requirements, if necessary, for redevelopment of the site (including obtaining additional information about traffic and environmental impacts) and complies with all applicable federal, state, and local regulations.
Findings 1 – 13.

RECOMMENDATION

Based on the preceding Findings and Conclusions, the Hearing Examiner recommends the Applicant's request for a site-specific rezone of property at 1926 Vernon Road from Public/Semi-Public to High Urban Residential be **APPROVED**, with the following conditions:

1. Exhibit 9 depicts the area to be rezoned from the Public/Semi-Public zoning district to the High Urban Residential zoning district. This rezone is contingent upon the Hearing Examiner's recommendation of approval and final approval by the City Council. Upon approval, the proposed change shall be incorporated into an official revised Lake Stevens zoning map.
2. If the site is redeveloped, at the time of development permit application, the project proponents shall contact the U.S. Department of Fish and Wildlife to ascertain any permit requirements or restrictions regarding bald eagles and osprey.
3. If the site is redeveloped, at the time of development permit application, the Applicant shall submit a State Environmental Policy Act (SEPA) checklist in compliance with the Washington State Growth Management Act (GMA) and local municipal code to ensure that best available science is used to protect the environment and wildlife as applicable.
4. If the site is redeveloped, at the time of development permit application, the Applicant shall submit a traffic study showing impacts to critical intersections along with a study for safety at the development's intersection with Vernon Road. This study would likely need to include issues of sight distance, speed, volume, and geometry.

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5. All future development shall comply with federal, state, and local regulations in effect at the time of application.

Recommended this 23rd day of September 2016.



ANDREW MICHAEL REEVES
Hearing Examiner
Sound Law Center



Planning and Community Development
Type IV Review
Site-Specific Rezone
The Libengood Rezone / LUA2016-0110

Hearing Date: September 12, 2016

A. PROJECT DESCRIPTION AND REQUEST

The applicant, William Libengood, has applied for a site-specific rezone, pursuant to Lake Stevens Municipal Code (LSMC) 14.16C.090(b)(1), of an approximately 1.17 acre parcel in the Public/Semi-Public (P/PS) zoning district, located at 1926 Vernon Road, Lake Stevens, WA (**Exhibit 1**). The applicant requests that the subject parcel change from the Public/Semi-Public (P/PS) zoning district to the High Urban Residential (HUR) zoning district. No change is proposed to the underlying Medium Density Residential comprehensive plan land use designation.

The primary contact for the project, Mr. Richard Turner, has submitted a project narrative in support of the proposed rezone (**Exhibit 2**). The applicant does not plan to develop the property at this time with additional residential units per an email dated August 29, 2016 (**Exhibit 3**). As discussed with city staff, the short and long term development for the site is to include a private garage/shop for the existing single family residence. Rezoning the property from public to residential will allow the applicant to obtain a residential loan for the property to ultimately purchase the property from the Lake Stevens Sewer District.

The project site is characterized by an existing Category III wetland, steep slopes, and a Type "NP" stream along the southwestern boundary of the property. The property is partially developed with an existing single-family home (currently a duplex) and gravel driveway. If the applicant were to develop in the future, the city will review all site-specific impacts related to the land use and zoning changes at the time of development permit application.

Site-specific zoning map amendment applications are Type IV permits subject to a public hearing and hearing examiner recommendation prior to a public hearing with City Council per Chapter 14.16A - Table 14.16A-I and Part IV - Chapter 14.16B.

B. GENERAL INFORMATION

1. Date of Application: July 27, 2016
2. Completeness Date: August 5, 2016
3. Project Name: The Libengood Site-Specific Rezone
4. Project Location: 1926 Vernon Road, Lake Stevens, WA 98258
5. Tax Parcel Number: 00604900500000
6. Property Owner: Lake Stevens Sewer District
7. Applicant: William Libengood
8. Primary Contact: Richard Turner
9. Total Area of Project: 1.17 acres / 50,965 square feet

10. Comprehensive Plan Land Use Designations, Zoning Designation and Existing Land Uses of the Site and Surrounding Area:

AREA	LAND USE DESIGNATION	ZONING	EXISTING USE
Project Site	Medium Density Residential	Public/Semi-Public	Duplex and Undeveloped
North	Medium Density Residential	High Urban Residential	Single Family Residences
South	Medium Density Residential and Downtown/Local Commerce	High Urban Residential and Local Business	Boat/RV storage and Undeveloped
East	Medium Density Residential	Public/Semi-Public	Sewer pump station
West	Right-of-way	Right-of-way	Existing road – Lundeen Parkway

11. Public Utilities and Services Provided by:

Water:	Snohomish County PUD	Gas:	Puget Sound Energy
Sewer:	Lake Stevens Sewer District	Cable TV:	Comcast
Garbage:	Allied Waste/Waste Management	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. The applicant, William Libengood, submitted a Type IV application for a site-specific rezone on July 27, 2016 (**Exhibit 1**), accompanied by a project narrative (**Exhibit 2**), title report, and purchase and sale agreement. Rezones are Type IV permit applications pursuant to Chapter 14.16B LSMC: Part IV and subject to the regulations of LSMC 14.16C.090. The Hearing Examiner provides recommendations to the City Council for Type IV permits.
- b. The city deemed the application complete on August 5, 2016 (**Exhibit 4**).

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

2. Notices²

The city published a combined Notice of Application, Notice of Public Meeting, and Notice of Public Hearing per LSMC 14.16A.230 and LSMC 14.16B.415, 425, and 440 on August 15, 2016 (**Exhibit 5**).

¹ Project analysis is based on a review of current materials applicable to the project and current City and Snohomish County records.

² Public notice includes a combination of project site and city website posting, publication in the Everett Herald and mailing of postcards pursuant to the requirements of Lake Stevens Municipal Code 14.16A.225 and LSMC 14.16B.405-480.

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

3. Public Comment:

The city is in receipt of two written letters of concern about the proposed rezone application (**Exhibit 6**).

a. Environmental

- i. The public voiced environmental concerns regarding a stream and wetland on the property and nearby eagle and osprey nests. City critical area records do indicate a Type "NP" stream as defined by LSMC 14.88.400(g)(3) and a Category III wetland and associated buffer covering a large portion of the property (**Exhibit 7**). A Critical Area Site Plan (CASP) establishing NGPA areas and showing steep slopes on the property was recorded with the county on September 20, 2002 (**Exhibit 7b**). The existing home was built in 1918 and was built prior to critical area regulations.
- ii. The WDFW Priority Habitats and Species (PHS) map indicates the probability of an eagle nest on the property just south of the property under application. Bald eagles are no longer listed as a State Threatened species, but remain classified by WDFW as a State Sensitive species. Osprey are listed as a monitored species by WDFW and do not have a listed status federally. Development is subject to federal management guidelines for bald eagles, which the applicant is responsible for adhering to at the time of development. If the site is redeveloped, at the time of a development permit application, the applicant shall contact the U.S. Department of Fish and Wildlife to ascertain any permit requirements or restrictions regarding bald eagles and osprey.
- iii. If the site is redeveloped, at the time of development permit application, the applicant shall also be required to submit a State Environmental Policy Act (SEPA) checklist in compliance with the Washington State Growth Management Act (GMA) and local municipal code in order to ensure that best available science is used to protect the environment and wildlife as applicable.

b. Traffic

- i. The public also voiced concerns about future development on the property increasing traffic in the area, unsafe access to/from Vernon Road, speed control along Vernon Road and the property becoming high density.
- ii. No changes to the existing access to/from Vernon Road are proposed by the applicant as part of the rezone application. Per the applicant, the short and long term development for the site is to include a private garage/shop for the existing single family residence. Under that condition, the proposed rezone from Public/Semi-Public to High Urban Residential should not produce any additional PM peak hour trips since the primary use of the site will not change.
- iii. The city does, however, recognize that the rezone from P/SP to HUR does carry the potential to develop additional residential units on that site, up to 14 per the application. Under this condition the parcel has the potential to generate 14 PM peak hour trips. Under the current zoning use of the property has the potential to generate approximately 5-6 PM peak hour trips. The impacts of these 8-9 additional trips would likely cause little impact to the greater transportation network. Both the "Fish" and "Vernon Mini" roundabouts have additional capacity meaning 8-9 additional trips should have negligible impact to these critical intersections.

- iv. Should, however, the owner wish to move forward with a full development (14 SFR) the city will require, at the time of preliminary plat, that the applicant submit a traffic study showing impacts to critical intersections along with a study for safety at the development's intersection with Vernon Road. This study would likely need to include issues of sight distance, speed, volume and geometry. Additionally, the city would collect traffic impact fees to further ensure that adequate public street system facilities are available to serve traffic from any new development.
- v. The zoning cited in the letters reference Snohomish County zoning rather than the current city zoning designations. Properties directly north and south of the subject property are zoned High Urban Residential, parallel to what the applicant is proposing. As stated earlier in the report, the applicant does not intend to develop the property in the future. Future development of the property is severely restricted by the presence of existing critical areas, thus the number of residential units that could theoretically be built based on the existing gross site area would likely not be practically achieved.

4. Comprehensive Plan and Permissible Uses:

- a. The existing and proposed comprehensive plan designations and zoning districts are identified in the following table. Pursuant to the thresholds for a site-specific zoning map amendment as defined by LSMC 14.16C.090(b)(1), the proposed rezone will conform to the currently adopted Comprehensive Plan land use designation.

Existing Land Use Designation	Proposed Land Use Designation
Medium-Density Residential	NO CHANGE: Remains Medium-Density Residential
Existing Zoning District	Proposed Zoning District
Public/Semi-Public	High Urban Residential

- b. Upon approval of the zoning map amendment change from the Public/Semi-Public (P/PS) zoning district to the High Urban Residential (HUR) zoning district, the subject property will be subject to the regulations for the High Urban Residential zone. Chapters 14.40 and 14.48 LSMC contain the applicable development regulations for the High Urban Residential zone. LSMC 14.36.010 (a) and (d) establish the following objectives for the city's residential zones in general, and provide further detail on the purpose of the HUR zoning district:

“(a) The following residential districts are hereby established: Suburban Residential, Urban Residential, High Urban Residential, Waterfront Residential, and Multi-Family Residential. Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts. Other objectives of some of these districts are explained in the remainder of this section.

(d) The High Urban Residential (HUR-12) district is designed to accommodate single-family detached or attached residential uses at medium densities in areas served by public water and sewer facilities. Some types of two-family residences are allowed in these districts on larger lots.”

LSMC 14.36.034 provides further detail on the purpose of the P/PS zoning district:

"A Public/Semi-Public district is hereby established to accommodate public and semi-public uses, such as schools, government services and facilities, public utilities, community facilities, parks, etc., on publicly owned land."

c. Development Intensity

Presumably, the property was assigned the P/PS zoning due to its ownership by a public utility district and the existing sewer pump station on the adjacent lot fronting Vernon Road.

The parcel may have a gross density of 14 potential units if the rezone is approved and the property changes to the High Urban Residential zoning district (1.17 acres x 43,560 square feet = 50,965 square feet / 3,600 square foot minimum lot size = 14 units).

The amount of units that are feasible on the site are limited by the presence of critical areas in the form of the existing wetland and a Type "NP" stream. Necessary roads, stormwater features and other infrastructure will also affect overall net density.

CONCLUSION: The proposed rezone will conform to the currently adopted Comprehensive Plan land use designation and meet the intent of the proposed zoning district.

5. Rezoning criteria:

Rezoning criteria are found in LSMC 14.16C.090. The applicant has provided a narrative corresponding to the following specific criteria (**Exhibit 2**). A brief analysis follows.

- i. *Rezoning are either site-specific or area-wide. Map amendments are considered major if they rezone five or more tracts of land in separate ownership or any parcel of land, regardless of the number of lots or owners, in excess of 50 acres. All other map amendments are minor.* The proposed rezone is for a single parcel approximately 1.17 acres in size. This proposal is a minor map amendment.
- ii. *Site-specific rezoning are rezoning of a particular property(ies) which conform to the Comprehensive Plan or an adopted subarea plan.* The proposed rezone will conform to the current Comprehensive Plan land use designation of Medium Density Residential. The proposed HUR zoning district is compatible with the MDR land use designation as per Table 14.36-I, Land Use Designation/Zone Compatibility Matrix. This proposal is a site-specific rezone.
- iii. *A site-specific rezone shall be reviewed in the manner and following the procedures established in Chapters 14.16A and 14.16B for a Type IV review.* The applicant has submitted a Type IV application (**Exhibit 1**) in compliance with LSMC 14.16C.090(c). The proposal shall be referred to the Hearing Examiner for a recommendation to City Council pursuant to LSMC 14.16C.090(e)(1).
- iv. *Amendments to the Official Zoning Map may be initiated by the City Council, the Planning Commission, or the City Administration.(2) Any other person may also petition the Planning Department to amend the Official Zoning Map. The petition shall be filed with the Department of Planning and Community Development and shall include: (i) The name, address, and phone number of the applicant; (ii) A description of all land proposed to be rezoned including a map highlighting the specific parcels; and (iii) A rationale for the proposed map changes.* The applicant has submitted a Type IV application (**Exhibit 1**) and a project narrative (**Exhibit 2**) in compliance with LSMC 14.16C.090(d).
- v. *No application shall be filed which on its face will not comply with the Lake Stevens Comprehensive Plan.* No change is proposed to the underlying Comprehensive Plan Land Use designation.

- vi. *No application without signatures of owners representing 75 percent of the area proposed for rezone shall be filed or accepted for filing.* Lake Stevens Sewer District who owns the property has signed the application.
- vii. **Decision Criteria:**
 - 1. If the rezone is approved, the proposal will be consistent with the Comprehensive Land Use Map designation of Medium Density Residential.
 - 2. The rezone is consistent with the Growth Management Act as the city can establish its local zoning and has met public notice requirements.
 - 3. The proposed rezone advances goals and policies of the Comprehensive Plan Housing Element. At the time of development, any application will need to meet state and local regulations in effect and ensure concurrency standards are met.
 - 4. The amendment will advance the public health, safety and welfare of the public pursuant to added roads and sidewalks, utility connections and the construction of housing in advancement of the Housing Element Goals and Policies of the city's Comprehensive Plan.
 - 5. Limited future development may occur due to existing critical areas however any buildable portions of the property will be required to meet zoning standards in effect at the time of development. Any future development application will need to meet state and local regulations in effect and ensure concurrency standards are met.
 - 6. The proposal will not be materially detrimental to adjacent land uses as conditioned.
 - 7. As conditioned and in accordance with municipal standards there will be adequate infrastructure to develop the site under the proposed zoning.
 - 8. Environmental impacts can be mitigated.
 - 9. The proposal complies with municipal standards for a rezone application.
 - 10. The project is not within a designated subarea.

CONCLUSION: As proposed and as conditioned herein, the rezone satisfies the rezone and decision criteria established in LSMC 14.16C.090.

- 6. Environmental Review and Critical Areas:
 - a. The proposal is exempt from SEPA review pursuant to Chapter 16.04 LSMC and the WAC 197-11-800 (6)(c)(ii) because the applicant does not propose an amendment to the city's Comprehensive Plan (**Exhibit 8**).
 - b. There is a Type "NP" stream, steep slopes, and a Category III wetland identified on the property which will be subject to the requirements of Chapter 14.88 LSMC if the property is redeveloped (**Exhibit 7**) (See Section C.2.b for further discussion of critical areas on site).
 - c. If the site is redeveloped, at the time of development permit application, the project proponents shall contact the U.S. Department of Fish and Wildlife to ascertain any permit requirements or restrictions regarding bald eagles and osprey.

CONCLUSION: The application as conditioned meets the SEPA standards identified in Chapter 16.04 LSMC. Development near identified critical areas will be subject to the requirements of Chapter 14.88 LSMC.

7. 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 the Traffic Impact Zone 2: West Lake Stevens. The subject property will be subject to applicable traffic impact fees in effect at the time of future development.
- c. Public Works has determined that under the conditions proposed by the applicant, the proposed rezone from Public/Semi-Public to High Urban Residential should not produce any additional PM peak hour trips since the primary use of the site will not change. If the site is redeveloped, at the time of development permit application, the applicant shall submit a traffic study showing impacts to critical intersections along with a study for safety at the development's intersection with Vernon Road. This study would likely need to include issues of sight distance, speed, volume and geometry.

CONCLUSION: The application as conditioned will have to meet the Traffic Impact standards at the time of development.

D. CONDITIONS

The requested site-specific minor zoning map amendment (LUA2016-0110) is consistent with the rezone criteria, permit processing procedures, the existing Comprehensive Land Use designation and all other applicable municipal code requirements, subject to the Conditions noted below:

1. **Exhibit 9** depicts the area to be rezoned from the Public/Semi-Public zoning district to the High Urban Residential zoning district. This rezone is contingent upon the Hearing Examiner's recommendation of approval and final approval by City Council. Upon approval, the proposed change will be incorporated into an official revised Lake Stevens zoning map.
2. If the site is redeveloped, at the time of a development permit application, the project proponents shall contact the U.S. Department of Fish and Wildlife to ascertain any permit requirements or restrictions regarding bald eagles and osprey.
3. If the site is redeveloped, at the time of development permit application, the applicant shall also be required to submit a State Environmental Policy Act (SEPA) checklist in compliance with the Washington State Growth Management Act (GMA) and local municipal code in order to ensure that best available science is used to protect the environment and wildlife as applicable.
4. If the site is redeveloped, at the time of development permit application, the applicant shall submit a traffic study showing impacts to critical intersections along with a study for safety at the development's intersection with Vernon Road. This study would likely need to include issues of sight distance, speed, volume and geometry.
5. If the site is redeveloped all future development must comply with federal, state and local regulations in effect at the time of application.

E. STAFF RECOMMENDATION

Staff recommends that the Hearing Examiner 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



Melissa Place, *Senior Planner*

August 31, 2016

Date of Completion

F. RECONSIDERATION AND APPEALS

Any party of record may file a written request with the Hearing Examiner for reconsideration within 10 business days of the date of the Hearing Examiner's decision pursuant to LSMC 14.16B.450(f). The request shall explicitly set forth alleged errors of procedure or fact. The Hearing Examiner shall act within 14 days after the filing of the request for reconsideration by denying the request, issuing a revised decision, or calling for an additional public hearing.

Any party of record may appeal the City Council's final decision to the Snohomish County Superior Court by filing a land use petition, which meets the requirements set forth in Chapter 36.70C RCW. The petition must be filed and served upon all necessary parties as set forth in State law and within the 21-day time period as set forth in RCW 36.70C.040 pursuant to LSMC 14.16B.730. The appeal period shall commence upon the City Council's final decision and not upon expiration of the reconsideration period.

G. EXHIBITS¹

1. Type IV Application, received on July 27, 2016
2. Applicant Narrative, received on July 27, 2016
3. Email correspondence between applicant and staff dated August 29, 2016
4. Notice of Complete Application, issued on August 5, 2016
5. Notices
 - a. Affidavit of Notice
 - b. Combined Notice of Application, Notice of Public Meeting, and Notice of Public Hearing, issued on August 15, 2016
 - c. Postcard combined Notice of Application, Notice of Public Meeting, and Notice of Public Hearing, issued on August 15, 2016
6. Emails and letters of concern with staff responses
7. Critical Areas Information – City Critical Areas Map
 - a. Critical Areas Map and Aerial of the Property, The Jay Group Inc., May 7, 2008
 - b. Critical Areas Site Plan, Recorded on September 20, 2002
8. SEPA Exemption dated August 10, 2016
9. Rezone Map

Distributed to the Following Parties:

1. William Libengood, Applicant
2. Richard Turner, Primary Contact
3. Tonya Christoffersen, Lake Stevens Sewer District, Property Owner
4. Jamie & David Entz, Party of Record
5. Roger Treichler, Party of Record

6. Darlene & Dennis Brawford, Party of Record
7. Kara Vietti, Party of Record
8. Len Labato, Party of Record

¹ All date-stamped application materials are available to view at the Permit Center.



Planning and Community Development
 1812 Main Street, P O Box 257
 Lake Stevens WA 98258
 Phone Number (425) 377-3235

To Be Completed By Staff	
Date of Application:	7/27/16
Staff Initials:	JS
Permit Number:	LUA 2016-110

TYPE IV, V AND VI - COUNCIL DECISIONS LAND USE DEVELOPMENT APPLICATION

CHECK ONE		
<p>TYPE IV – Quasi-judicial</p> <p><input type="checkbox"/> Essential Public Facility</p> <p><input type="checkbox"/> Planned Neighborhood Development</p> <p><input checked="" type="checkbox"/> Rezone – Site Specific Zoning Map Amendment</p> <p><input type="checkbox"/> Secure Community Transition Facility</p> <p><input type="checkbox"/> Type IV Other: _____</p>	<p>TYPE V – Quasi-judicial</p> <p><input type="checkbox"/> Final Plats</p> <p><input type="checkbox"/> Plat Alterations</p> <p><input type="checkbox"/> Plat Vacations</p> <p><input type="checkbox"/> Right-of-Way Vacations</p> <p><input type="checkbox"/> Type V Other: _____</p>	<p>TYPE VI – Legislative</p> <p><input type="checkbox"/> Comprehensive Plan Amendment, Map and Text</p> <p><input type="checkbox"/> Development Agreements</p> <p><input type="checkbox"/> Land Use Code Amendments</p> <p><input type="checkbox"/> Rezones – Area Wide Zoning Map Amendments</p> <p><input type="checkbox"/> Type VI Other: _____</p>

ARE ANY LOWER LEVEL PERMITS REQUIRED? Yes No Describe: _____

Property Information	Site Address: 1926 Vernon RD, Lake Stevens, WA 98258			
	Assessor Parcel No: 0060490050000		Area of property	Square Feet: 51,053 Acres: 1.172
	Land Use Designation: P/SP		Zoning: P/SP	
	Number of Buildings on Site/: 1 Duplex		Number to be Retained:	
	Existing Impervious Surface Area: ~5050		Proposed Impervious Surface Area:	
Applicant	Name/Company: William Libengood			
	Address: 1910 74th Ave SE		City/State/Zip: Lake Stevens, WA 98258	
	Phone: 206-972-7325		Applicants relationship to owner: Buyer	
	Fax: 425-835-0756		Email: asimplesale@hotmail.com	
Primary Contact	Name/Company: RICHARD TURNER			
	Address: 1910 74th Ave SE		City/State/Zip: LAKE STEVENS, WA. 98258	
	Phone: 425-212-0235		Email: _____	
	Fax: _____			

Property Owner	Name/Company: <i>Lake Stevens Sewer District</i>				
	Address: <i>1106 Vernon RD SW</i>		City/State/Zip: <i>Lake Stevens, WA 98258</i>		
	Phone: <i>425-334-8588</i>		Email:		
	Fax: <i>425-335-5947</i>				
Project Description	Grading Quantities		Cut: <i>2500 cy</i>		Fill: <i>2500 cy</i>
	Proposed project/land use (attach additional sheets if necessary):				
	<i>Rezone to High Urban Residential for Medium Density Residential land use. Future construction of up to 14 residential units with drive aisle + onsite detention.</i>				
Building Information	Gross Floor Area of Existing and Proposed Buildings:				
	Bldg 1:	Bldg: 2	Bldg 3:	Bldg 4:	Bldg 5:
	Gross Floor Area by Use of Buildings (please describe use as well as floor area):				
	Use 1:				
	Use 2:				
	Use3:				
Use4:					

You may not begin any activity based on this application until a decision, including the resolution of any appeal, has been made. Conditions or restrictions may be placed on your permit if it is approved. After the City has acted on your application, you will receive notice of the outcome. If an appeal is filed, you may not begin any work until the appeal is settled. You may also need approvals from other agencies; please check this before beginning any activity.

This application expires 180 days after the last date that additional information is requested (LSMC 14316A.245)

If you suspect that your site contains a stream or wetland or is adjacent to a lake, you may need a permit from the state or federal government.

I DECLARE UNDER PENALTY OF THE PERJURY LAWS THAT THE INFORMATION I HAVE PROVIDED ON THIS APPLICATION IS TRUE, CORRECT AND COMPLETE.


 Signature of Property Owner/Agent

7-24-16
 Date of Application

By affixing my signature I certify that I am the legal owner of the property for which this application is issued or an authorized agent of the owner.



Planning and Community Development

1812 Main Street, P O Box 257

Lake Stevens WA 98258

Phone Number (425) 377-3235

To be completed by staff

Date of Application: _____

Staff Initials: _____

Permit Number: _____

STATEMENT OF OWNERSHIP/APPLICANT AUTHORITY

I certify or declare under penalty of perjury under the laws of the state of Washington that:

1. This application is authorized by the all the land owners with authority to bind the land/property;
2. That the developer is operating under the landowner's authority;
3. That the developer and/or landowner is either an individual or a duly formed and qualified corporation, partnership, or other legal entity; and
4. That the person signing all applications or other legal documents is authorized by the legal entity and/or landowner to do so; and
5. That the application and submittals are true and correct to the best of my information.

Applicant

Signature:

Name: WILLIAM P. LILENGOOD

Address: 1910 74th AVE S.E

LAKE STEVENS WA 98258

Phone: 206-972-7325

Email address: asimplesale@hotmail.com

Property Owner(s)

Signature:

Name: Tonya Christoffersen

Address: 1106 Vernon Rd, Ste A

Lake Stevens WA 98258

Phone: 425 334 8588

Email address: TChristoffersen@

lkstevenssewer.org

Signature: _____

Name: _____

Address: _____

Phone: _____

Email address: _____

NOTE ON ENTERING PROPERTY

The City of Lake Stevens may enter onto the property, which is the subject of this application during the hours of 7:00 a.m. to 5:00 p.m., Monday – Friday, for the sole purpose of inspecting the limited area of the property, which is necessary to process this application. In the event the City determines that such an inspection is necessary during a different time or day, the City employees or agents will contact applicant verbally or in writing at least 24 hours before entering.

LEGAL DESCRIPTION

That portion of Tract 'F', VERNON PARK, according to the plat thereof recorded in Volume 9 of Plats, page 62, records of Snohomish County, Washington, described as follows:

Commencing at the Northwest corner, of the East half, of Section 12, Township 29 North, Range 5 East, W.M.;

THENCE South $00^{\circ}11'04''$ West, along the West line of said Subdivision, 5,258.81 feet to the Southwest corner of said Subdivision;

THENCE North $30^{\circ}30'53''$ East, 2,991.67 feet to the Intersection of the Southwesterly line of said Tract 'F' and the Southeasterly right-of-way of Lundeen Parkway, as conveyed to the State of Washington by Deed dated October 15, 1984, recorded under Auditor's File No. 3411090248 and the Point of Beginning;

THENCE South $59^{\circ}33'22''$ East, along the Southwesterly line of said Tract 'F', 496.09 feet to the Northwesterly margin of Vernon Road;

THENCE North $15^{\circ}00'48''$ East, along said Northwesterly margin, 30.98 feet;

THENCE North $59^{\circ}33'22''$ West, parallel with and 30 feet Northeasterly of said Southwesterly line, as measured at right angles, 87.99 feet;

THENCE North $25^{\circ}22'11''$ East, 99.67 feet to the Northeasterly line of said Tract 'F';

THENCE North $59^{\circ}39'43''$ West, along said Northeasterly line, 346.28 feet to its Intersection with Southeasterly right-of-way of said Lundeen Parkway;

THENCE South $54^{\circ}24'10''$ West, along said Southeasterly right-of-way, 4.77 feet;

THENCE South $49^{\circ}40'07''$ West, continuing along said Southeasterly right-of-way 131.62 feet to the Point of Beginning;



9740 Evergreen Way * Everett, Washington 98204

(425) 356-2700

FAX (425) 356-2708

LUA 2016-110

SURVEYORS • PLANNERS • ENGINEERS

July 21, 2016

City of Lake Stevens
Planning and Community Development
1820 Main Street
Lake Stevens, WA 98258
425-377-3235

RE: Site Specific Rezone Narrative

To whom it may concern:

The applicant, William Libergood, proposes a site-specific rezone of a 1.172-acre parcel in the Public/Semi-Public (P/SP) zoning, located at 1926 Vernon Road, Lake Stevens, WA. The subject parcel would be rezoned High Urban Residential (HUR). This rezoning would allow the proposed change of Land Use Designation from Public/Semi-Public (P/SP) to Medium Density Residential (MDR), which would coincide with the current Comprehensive Plan Map. Adjacent parcels to the north and southwest of the site are currently zoned High Urban Residential, with Local Business and Waterfront Residential lying to the southeast and east, respectively. This rezone would also allow the future residential development of the parcel, adding up to 14 new residential units to the area.

The proposal meets the following decision criteria:

- a) "The amendment complies with the Comprehensive Plan Land Use Map."
 - The proposed rezone would allow the parcel to be designated Medium Density Residential, which complies with the current Comprehensive Plan Map.
- b) "The amendment is in compliance with the Growth Management Act."
 - The City of Lake Stevens Comprehensive Plan is designed to be in compliance with the Growth Management Act; therefore, the proposal to make the parcel compliant with the Comprehensive Plan Map would allow it to conform to the Growth Management Act.
- c) "The amendment serves to advance the public health, safety, and welfare."
 - The rezone proposal would allow the development of the parcel for residential housing, providing new living space within the City of Lake Stevens.
- d) "The amendment is warranted because of changing circumstances, a mistake, or because of a need for additional property in the proposed zoning district."
 - The amendment would allow the parcel to be brought into conformance with the current Comprehensive Plan Map Medium Density Residential designation.
- e) "The subject property is suitable for development in general conformance with zoning standards under the proposed zoning district."
 - The parcel in question has existing access to Vernon Road and could be developed according to HUR and MDR development standards.

9740 Evergreen Way * Everett, Washington 98204

(425) 356-2700

FAX (425) 356-2708



SURVEYORS • PLANNERS • ENGINEERS

- f) "The amendment will not be materially detrimental to uses or property in the immediate vicinity of the subject property."
 - The amendment would allow the property to conform to adjacent residential densities and uses. The proposal would not cause detriment to adjacent uses.
- g) "Adequate public facilities and services are likely to be available to serve the development allowed by the proposed zone."
 - The property currently takes access from Vernon Road and would have access to any public facilities and services available through Vernon Road.
- h) "The probable adverse environmental impacts of the types of development allowed by the proposed zone can be mitigated, taking into account all applicable regulations, or the unmitigated impacts are acceptable."
 - Any future development according to the HUR/MDR standards would be mitigated through the use of proper BMPs during and after construction, including but not limited to: temporary erosion control measures, on-site stormwater detention and mitigation, stormwater treatment apparatuses, and landscape soil amendments.
- i) "The amendment complies with all the other applicable criteria and standards in this title."
 - There are no other known criteria or standards that would affect this proposal. It is assumed that any future development would conform to all applicable criteria and standards.

Please let me know if you have any questions regarding the rezone request, thanks.

Sincerely,

Jesse Jarrell

Jesse Jarrell, P.E.
Project Manager

From: [Will P](#)
To: [Melissa Place](#)
Subject: Re: Libengood Rezone 2016-0110
Date: Monday, August 29, 2016 1:51:37 PM
Attachments: [image001.png](#)

It has the potential to build 14. Units per what zoning allows. But I don't have any intentions at this time in doing so. The application was filled out that due to the zoning.

Sincerely William Libengood

On Aug 29, 2016, at 11:04 AM, "mplace@lakestevenswa.gov" <mplace@lakestevenswa.gov> wrote:

Dear Richard,

I am just following up to my phone call with you last Friday regarding a statement from you as to the future development of the property. The application stated 14 future residential units but you have told me verbally that you and Mr. Libengood have no such intention for the property. Rather, your collective goal is to only build a shop/garage on the property to house race cars.

Please respond to this email and let me know if this is correct and whether the information on the application is incorrect and does not reflect your true future intentions of the property. Also please let us know why you are pursuing a rezone for the property.

Please let me know by the end of the day tomorrow (Tuesday, August 30th) for inclusion within the staff report to the Hearing Examiner.

Thank you, Melissa

Melissa Place, Senior Planner
City of Lake Stevens | Planning & Community Development
1812 Main Street | PO Box 257
Lake Stevens, WA 98258-0257
425.377.3229 | mplace@lakestevenswa.gov
<image001.png>



Planning & Community Development

1812 Main Street
P.O. Box 257
Lake Stevens, WA 98258

August 5, 2016

Richard Turner
1910 74th Ave SE
Lake Stevens, WA 98258

RE: LUA2016-0110

Dear Mr. Turner,

This letter is to inform you that the City of Lake Stevens has determined your application for a rezone received July 27, 2016 project number LUA2016-0110 to be complete pursuant to Lake Stevens Municipal Code 14.16A.220(f) and 14.16A.230(c) on August 5, 2016.

This determination of completeness means the city has received application fees and basic information needed to start its review. This determination is not a project approval. The city may require additional or corrected information to ensure the proposal meets city requirements.

Feel free to contact me at 425-377-3229 or mplace@lakestevenswa.gov if you have any questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "Melissa Place".

Melissa Place, Senior Planner

CC: William Libengood, Applicant
Tonya Christoffersen, Lake Stevens Sewer District
Jesse Jarrell, PE



AFFIDAVIT OF NOTICE

Project Name: LUA 2016-0110

Project Number: Libengood Rezone

Place Posted

Date Posted

Signature

1. Property

8/12/16

[Signature]

2. City Hall

8/12/16

[Signature]

3. Planning

8/12/16

[Signature]

4. Everett Herald

8/11/16

[Signature]

5. Mailings

8/12/16

[Signature]

6. Website

8/15/16

[Signature]



NOTICE OF APPLICATION, NOTICE OF PUBLIC MEETING, & NOTICE OF PUBLIC HEARING For a Site-Specific Rezone

PROJECT NAME/ FILE NUMBER: Libengood Rezone / LUA2016-0110

APPLICANT: William Libengood

PROPERTY OWNER: Lake Stevens Sewer District

PROJECT LOCATION: 1926 Vernon Road, Lake Stevens, WA 98258 / APN
00604900500000

DATE OF APPLICATION: July 27, 2016

COMPLETENESS DATE: August 5, 2016

NOTICE OF APPLICATION ISSUED: August 15, 2016

END OF COMMENT PERIOD: August 29, 2016

PUBLIC MEETING DATE / TIME: **Monday, September 12, 2016 / 5:30 p.m.**

LOCATION: Lake Stevens School District Educational Service Center
(Administration Building) 12309 22nd St. NE, Lake Stevens, WA
98258

PUBLIC HEARING DATE / TIME: **Monday, September 12, 2016 / 6:00 p.m.**

LOCATION: Lake Stevens School District Educational Service Center
(Administration Building) 12309 22nd St. NE, Lake Stevens, WA
98258

Project Description: The applicant is proposing a site-specific rezone of a 1.17 acre property with one existing duplex located on the parcel. The applicant is proposing to rezone the property from the current zoning of Public/Semi-Public (P/PS) to High Urban Residential (HUR) zoning.

Permits Required: Site-specific rezone approval. The rezone has been determined exempt from SEPA review as per WAC 197-11-800(6)(c).

Permit Type/Process: Per the Lake Stevens Municipal Code (LSMC) 14.16C.090, a site specific rezone is a Type IV review with a public hearing before the Hearing Examiner with a final decision on the rezone by City Council, based on the Hearing Examiner's recommendation. A public meeting will be held to inform citizens about the proposal prior to the public hearing before the Hearing Examiner.

PUBLIC REVIEW AND COMMENT:

Interested parties may submit written comments before the public meeting or provide verbal comments at the public meeting. Interested parties may also submit written comments before the public hearing or testify in person. Comments can be submitted to City Hall, Attn: Melissa Place, PO Box 257, Lake Stevens, WA 98258 or by email at mplace@lakestevenswa.gov. Persons who submit written or oral testimony may appeal the decision.



NOTICE OF APPLICATION, NOTICE OF PUBLIC MEETING, & NOTICE OF PUBLIC HEARING For a Site-Specific Rezone

Upon publication of the Notice of Application, there is a 14-day period comment period. The deadline for public comments is **4:00 PM, August 29, 2016**.

The project file, including the staff report, site map and recommendations is available for review at the Permit Center, located behind City Hall, Monday-Friday 8:30 am- 4:30 pm. Limited materials are available at: <http://www.ci.lake-stevens.wa.us/index.aspx?nid=380>.

It is the City's goal to comply with the American with Disabilities Act. The City offers its assistance to anyone with special needs, including the provision of TDD services.

Distribution: Applicant
 Posted at Permit Center, City Hall, Subject Property and Website
 Mailed to property Owners within 300 feet of project site
 Published in Everett Herald

City of Lake Stevens - Notice of Land Use Application, Notice of Public Meeting & Notice of Public Hearing**LIBENGOOD REZONE****PROJECT #** LUA2016-0110**LOCATION:**1926 VERNON ROAD, LAKE
STEVENS, WA 98258**APPLICANT:** WILLIAM
LIBENGOOD**DATE OF APPLICATION:** 7/27/2016**DATE OF COMPLETENESS:**
8/5/2016**END OF COMMENT PERIOD:**
8/29/2016**PUBLIC MEETING DATE / TIME:**
Monday, September 12, 2016 / 5:30
p.m.**PUBLIC HEARING DATE / TIME:**
Monday, September 12, 2016 / 6:00 p.m.**LOCATION:** Lake Stevens School
District Educational Service Center
(Administration Building) 12309
22nd St. NE, Lake Stevens, WA
98258

The applicant is proposing a site-specific rezone of a 1.17 acre property with one existing duplex located on the parcel. The applicant is proposing to rezone the property from the current zoning of Public/Semi-Public (P/PS) to High Urban Residential (HUR) zoning. **Permit Type / Process:** A Type IV – rezone application. **SEPA Environmental Review:** The proposal has been determined exempt from SEPA review. **Permits Required:** Site-specific rezone approval.

Interested parties may submit written comments before the public meeting or provide verbal comments at the public meeting. Interested parties may also submit written comments before the public hearing or testify in person. Comments can be submitted to City Hall, Attn: Melissa Place, PO Box 257, Lake Stevens, WA 98258 or by email at mplace@lakestevenswa.gov. Persons who submit written or oral testimony may appeal the decision. Limited materials are available at:
<http://www.ci.lakestevens.wa.us/index.aspx?nid=380>.

August 23, 2016

City of Lake Stevens

Regarding: Libengood Rezone / LU 92016-0110

To whom it may concern
we/I am opposed to the proposed project
for several reasons

Increased traffic - already a high
speed road / congestion.

Zoning is R1 & R2 and proposed
site is high density and is unacceptable
for the area

Sincerely
Jamie Entz & David Entz
2103 Vernon Road
Lake Stevens Washington



AUG 3 2016

CITY OF LAKE STEVENS 23 AUG 2016

RE: LIBENGOOD REZONE

LU A 2016-0110

TO WHOM IT MAY CONCERN:

I AM ~~OPPOSED~~ OPPOSED TO THE REZONE FOR PUBLIC SAFETY. UNSAFE EGRESS & ENTRANCE TO VERNON RD, SPEED CONTROL IS OUT OF CONTROL.

THE RESIDENTIAL NEIGHBORHOOD IS ^{NOT} HIGH DENSITY MULTI UNIT APARTMENTS, R-1 LAKESIDE, R-2 WESTSIDE OF VERNON ROAD.

VERNON ROAD WOULD NEED MAJOR MODIFICATION - EGRESS LANES ACCELATION LANE, SPEED CONTROL BUMPS ETC OR ACCIDENTS WILL BE THE RESULT OF THIS PROPOSAL.

VERY TRULY,

Roger J. Treidler

1915 Vernon Rd

Lake Stevens WA 98258

Dorlene Brauford

Dorlene Brauford

2026 Vernon Rd

2031 Vernon Rd

LK. STEVENS

PAGE 2

ENVIRONMENTAL DRAINAGE
FROM LUNDEEN PARKWAY GOES
THRU 1926 VERNON ROAD

WILDLIFE CONCERNS - OSPREY
NESTS NEARBY WILL BE
DISTURBED. EAGLE NEST &
WELANDS.

VERY TRULY,

LEN LABATO LEN LABATO

2027 VERNON RD
L. S. WA.



Dennis Braun 6
2031 Vernon Road - 425-334-5930

Roger C Treukler
1915 Vernon RR

Lake Stevens, WA 98258
714-376-6305

Kara Vietti
2113 Vernon Rd
Lake Stevens 425-334-2920



Planning & Community Development

1812 Main Street
P.O. Box 257
Lake Stevens, WA 98258

August 31, 2016

Jamie and David Entz
2103 Vernon Road
Lake Stevens, WA 98258

RE: Libengood Rezone / LUA2016-0110

Dear Mr. and Mrs. Entz,

Thank you for taking the time to contact the City and comment on the proposed Libengood site-specific rezone application (LUA2016-0110). Your comments are included in the staff report to the Hearing Examiner. I have included a copy of the staff report (sans exhibits) to this letter. It is also available to view online at the following link: <http://www.ci.lake-stevens.wa.us/index.aspx?nid=380>. If you would like hard copies of the exhibits please let me know and we would be happy to provide those to you.

The applicant does not plan to develop the property at this time with residential units per an email to the city dated August 29, 2016 (included in the staff report). As discussed with city staff, the short and long term development for the site is to include a private garage/shop for the existing single family residence. Rezoning the property from public to residential will allow the applicant to obtain a residential loan for the property to ultimately purchase the property from the Lake Stevens Sewer District.

No changes to the existing access to/from Vernon Road are proposed by the applicant as part of the rezone application. Per the applicant, the short and long term development for the site is to include a private garage/shop for the existing single family residence. Under that condition, the proposed rezone from Public/Semi-Public to High Urban Residential should not produce any additional PM peak hour trips since the primary use of the site will not change. The city does, however, recognize that the rezone from P/SP to HUR does carry the potential to develop additional residential units on that site, up to 14 per the application. Under this condition the parcel has the potential to generate 14 PM peak hour trips. Under the current zoning use of the property has the potential to generate approximately 5-6 PM peak hour trips. The impacts of these 8-9 additional trips would likely cause little impact to the greater transportation network. Both the "Fish" and "Vernon Mini" roundabouts have additional capacity meaning 8-9 additional trips should have negligible impact to these critical intersections.

Should, however, the owner wish to move forward with a full development (14 SFR) the city will require, at the time of preliminary plat, that the applicant submit a traffic study showing impacts to critical intersections along with a study for safety at the development's intersection with Vernon Road. This study would likely need to include issues of sight distance, speed, volume and geometry. Additionally, the city

would collect traffic impact fees to further ensure that adequate public street system facilities are available to serve traffic from any new development.

The zoning cited in the letters reference Snohomish County zoning rather than the current city zoning designations. Properties directly north and south of the subject property are zoned High Urban Residential, parallel to what the applicant is proposing. As stated earlier in this letter, the applicant does not intend to develop the property in the future. Future development of the property is severely restricted by the presence of existing critical areas, thus the number of residential units that could theoretically be built based on the existing gross site area would likely not be practically achieved.

I hope this addresses the concerns identified in your letter. Please feel free to call or email me if you have further questions/concerns.

Sincerely,



Melissa Place, Senior Planner



Planning & Community Development

1812 Main Street
P.O. Box 257
Lake Stevens, WA 98258

August 31, 2016

Roger Treichler, 1915 Vernon Road
Darlene & Dennis Brawford, 2031 Vernon Road
Len Labato, 2027 Vernon Road
Kara Vietti, 2113 Vernon Road
Lake Stevens, WA 98258

RE: Libengood Rezone / LUA2016-0110

Dear Mr. and Mrs. Brawford, Mr. Treichler, Mr. Labato, and Ms. Vietti,

Thank you for taking the time to contact the City and comment on the proposed Libengood site-specific rezone application (LUA2016-0110). Your comments are included in the staff report to the Hearing Examiner. I have included a copy of the staff report (sans exhibits) to this letter. It is also available to view online at the following link: <http://www.ci.lake-stevens.wa.us/index.aspx?nid=380>. If you would like hard copies of the exhibits please let me know and we would be happy to provide those to you.

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The zoning cited in the letters reference Snohomish County zoning rather than the current city zoning designations. Properties directly north and south of the subject property are zoned High Urban Residential, parallel to what the applicant is proposing. As stated earlier in this letter, the applicant does not intend to develop the property in the future. Future development of the property is severely restricted by the presence of existing critical areas, thus the number of residential units that could theoretically be built based on the existing gross site area would likely not be practically achieved.

City critical area records do indicate a Type "NP" stream as defined by LSMC 14.88.400(g)(3), steep slopes, and a Category III wetland and associated buffer covering a large portion of the property (Exhibit 7). The existing home was built in 1918 and was built prior to critical area regulations. The WDFW Priority Habitats and Species (PHS) map indicates the probability of an eagle nest on the property just south of the property under application. Bald eagles are no longer listed as a State Threatened species, but remain classified by WDFW as a State Sensitive species. Osprey are listed as a monitored species by WDFW and do not have a listed status federally. Development is subject to federal management guidelines for bald eagles, which the applicant is responsible for adhering to at the time of development.

If the site is redeveloped, at the time of a development permit application, the applicant shall contact the U.S. Department of Fish and Wildlife to ascertain any permit requirements or restrictions regarding bald eagles and osprey. If the site is redeveloped, also at the time of development permit application, the applicant shall also be required to submit a State Environmental Policy Act (SEPA) checklist in compliance with the Washington State Growth Management Act (GMA) and local municipal code in order to ensure that best available science is used to protect the environment and wildlife as applicable.

I hope this addresses the concerns identified in your letter. Please feel free to call or email me if you have further questions/concerns.

Sincerely,



Melissa Place, Senior Planner



City of Lake Stevens Critical Areas Inventory

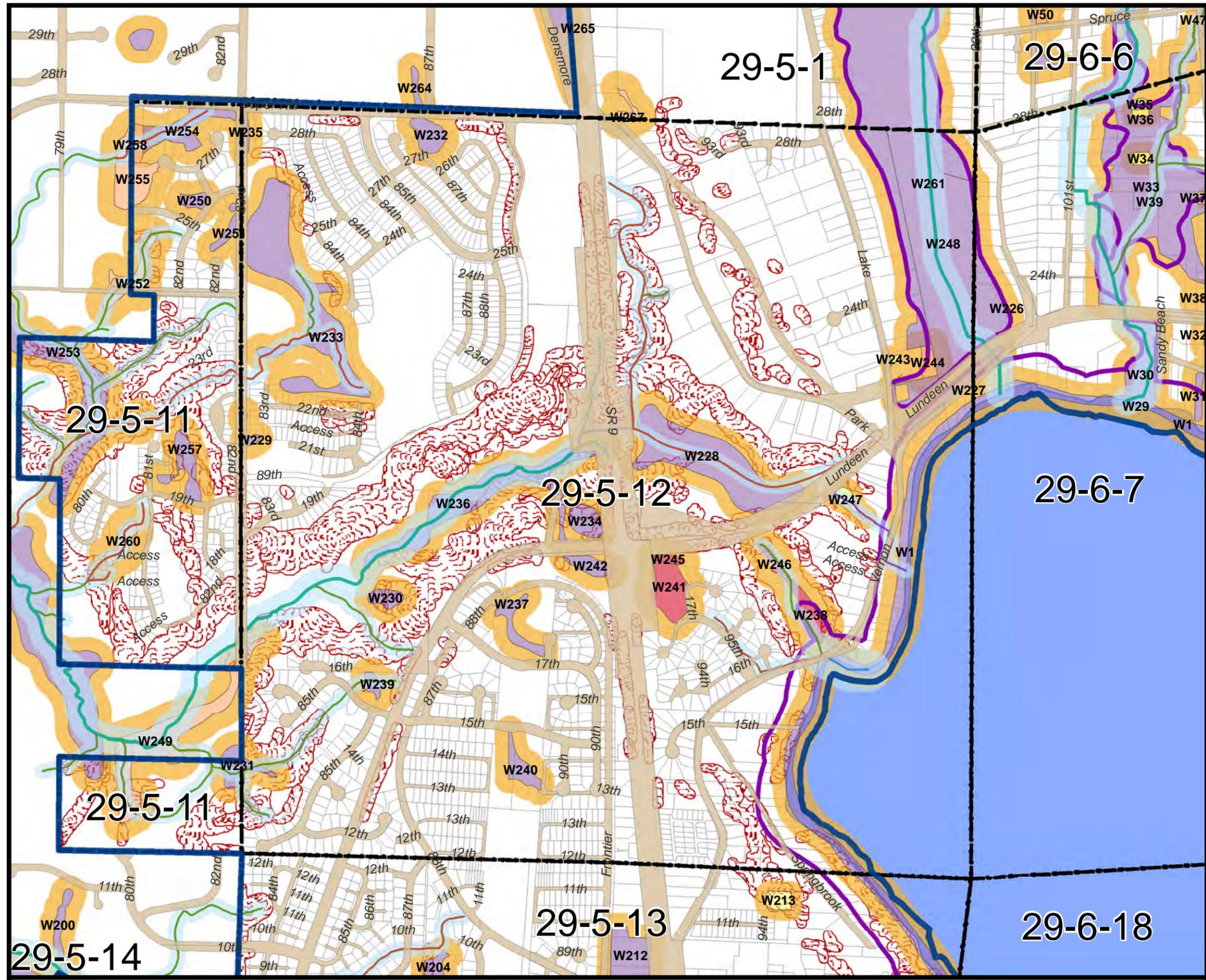
Boundaries & Features

- Lake Stevens City Limits
- TRS
- Right-of-Way
- Lake Stevens Waterbodies
- Designated Shoreline Boundary
- Steep Slope Areas
- Native Growth Protection Area



Wetland Category Stream Type

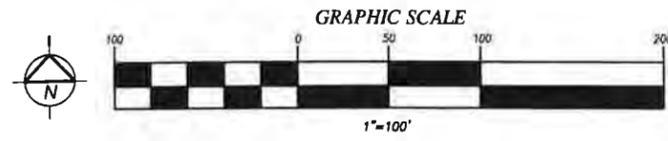
- | | |
|-----------------|----------------|
| Cat I | F |
| Cat II | Np |
| Cat III | Ns |
| Cat IV | S |
| Unclassified | U |
| Wetland Buffers | Stream Buffers |



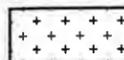
**MADLINE POINT
 Critical Areas Report**

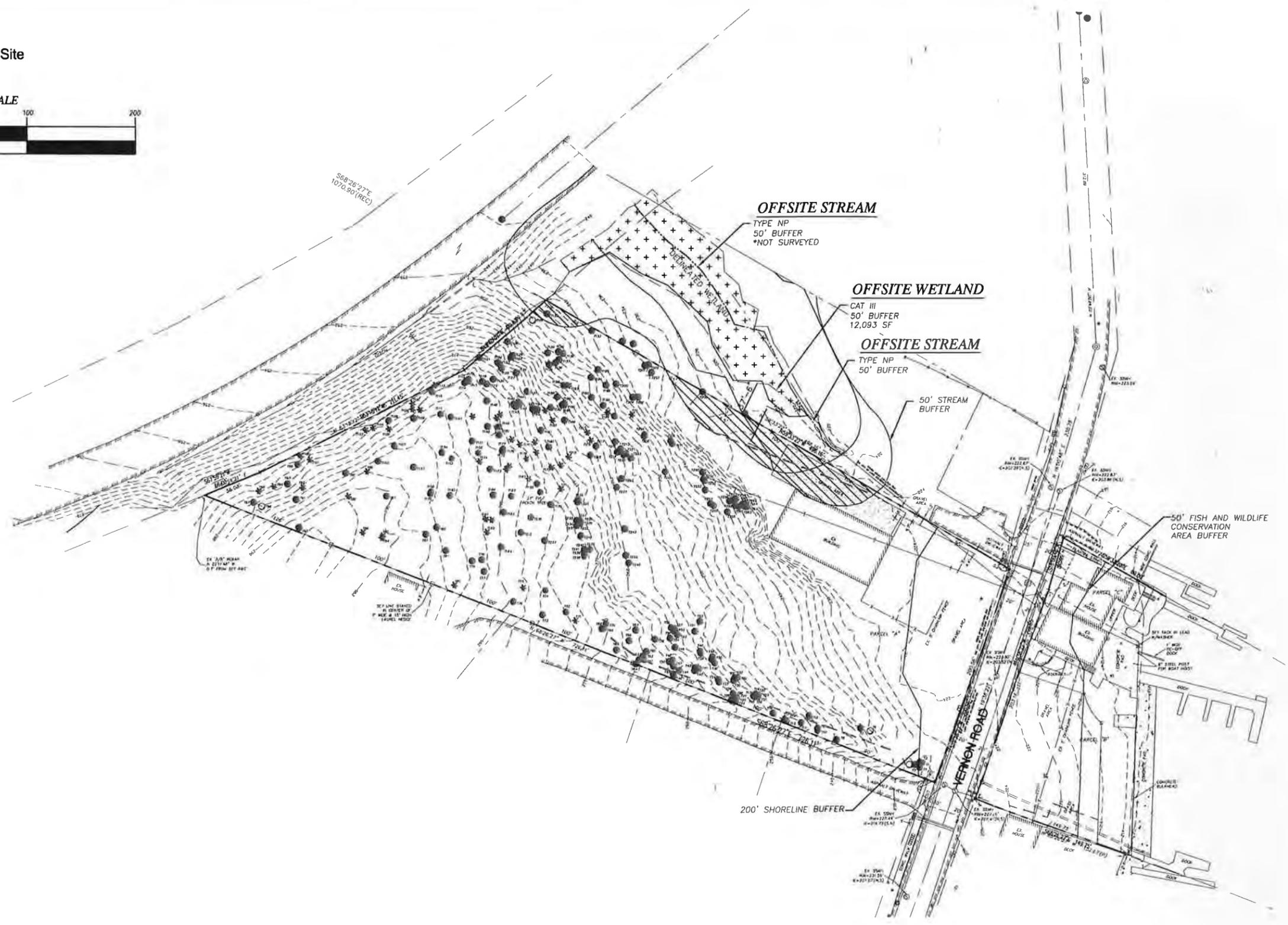
Critical Areas

Figure #6: Critical Areas on the Project Site
 Scale 1:100



CRITICAL AREAS LEGEND

-  WETLAND AREAS
-  BUFFER AREAS



Madeline Point Critical Areas Report, Habitat Management Plan and Mitigation Plan

Critical Areas Delineation Map

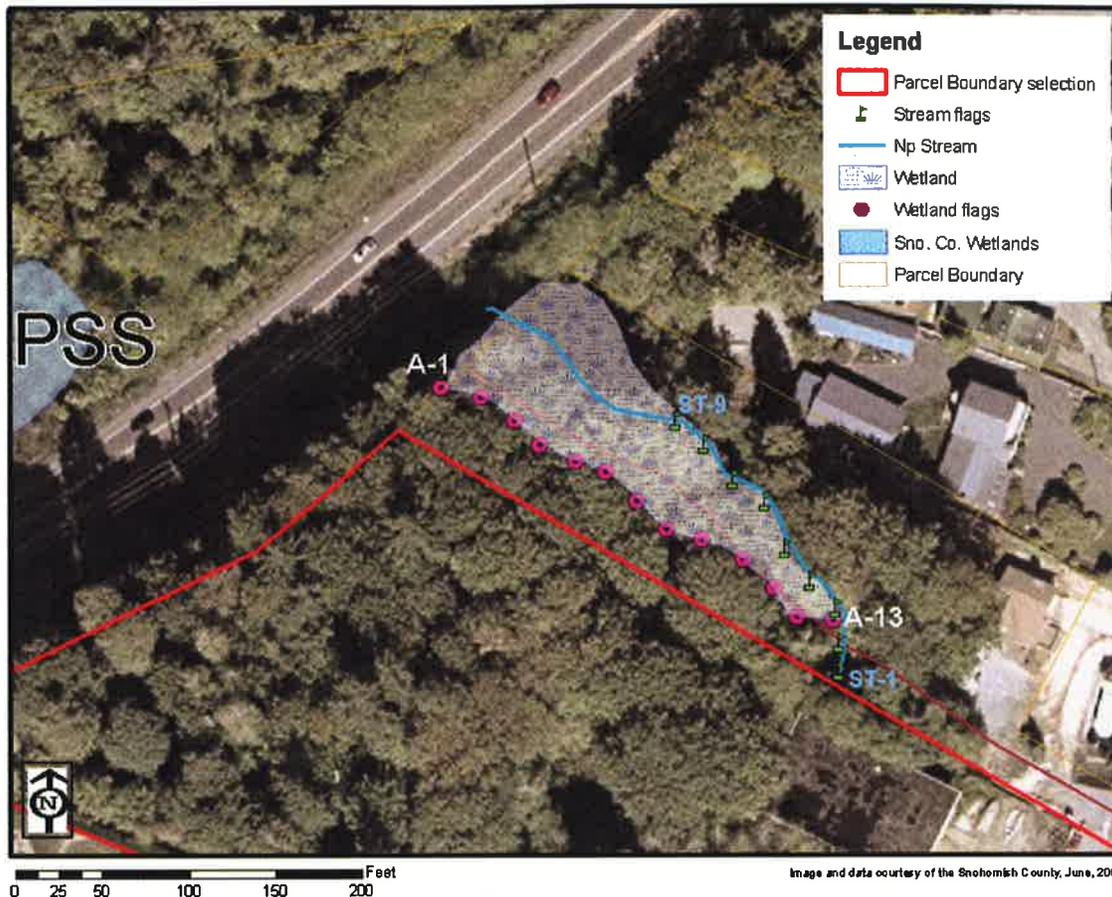


Figure 5: Critical Area Delineation Map



200209200509
09/20/2002 02:47 PM Snohomish
P.0006 RECORDED County

200209200509

COVER SHEET

Return Address:
Lake Stevens Sewer District
9327 4th Street NE, #8
Everett, WA 98205

RECORDER'S NOTE:
PORTIONS OF THIS DOCUMENT
ARE POOR QUALITY FOR SCANNING.

Document Title: CRITICAL AREAS SITE PLAN

Reference Numbers:

Snohomish Co. Project File #: 00111032

Grantee: LAKE STEVENS SEWER DISTRICT

Section, Township, Range: Section 12 Township 29N Range 5E

Legal Description:

Tract 'F', Vernon Park, according to the plat thereof recorded in Volume 9 of Plats, Page 62, records of Snohomish County, Washington;

EXCEPT that portion conveyed to the State of Washington by Deed dated October 15, 1984, recorded under Auditor's File No. 8411090248;

Property Tax Account Number: 00604900500000

NGFA BOUNDARY DESCRIPTION (CONTINUED):

Revegetated Native Landscaping Area within 150' FWHCA:
That portion of Lot 2 of Short Subdivision Exemption recorded under A.F.N. 200203120781, records of Snohomish County, Washington.

Commencing at Northeast corner of said Lot 2, being on the Northwesterly margin of Vernon Road, as measured 20 feet from the centerline of said Vernon Road; thence North 59°39'43" West 5.16 feet, along the Northeasterly line of said Lot 2 to a point 25.00 feet Northwesterly of the centerline of said Vernon Road, as measured perpendicular to said centerline and the Point of Beginning; thence continuing North 59°39'43" West 39.50 feet, along said Northeasterly line; thence South 04°36'43" West 22.20 feet; thence South 59°39'43" East 24.65 feet, parallel with and 20.00 feet Southwesterly of said Northeasterly line, as measured perpendicular to said Northeasterly line, thence South 16°00'48" West 81.98 feet, more or less, to a point in the Southwesterly line of said Lot 2 and being parallel with and 10.00 feet Northwesterly of the Southeasterly line of said Lot 2; thence South 59°33'22" East 10.33 feet, along the Southwesterly line of said Lot 2 to a point 5.00 feet Northwesterly of the Southeasterly line of said Lot 2, as measured perpendicular to said Southeasterly line; thence North 16°00'48" East 102.64 feet, parallel with and 5.00 feet Northwesterly of said Southeasterly line to the Point of Beginning and containing 1,565 square feet, more or less.

NATIVE GROWTH PROTECTION AREA is to be left permanently undisturbed in a substantially natural state. No clearing, grading, filling, building construction or placement, or road construction of any kind shall occur, except removal of hazardous trees. The activities as set forth in SCC 32.10.110(29)a,c,d are allowed when approved by the County.
CRITICAL AREA SETBACK: No grading, filling, building construction or placement, or road construction of any kind shall occur, except removal of hazardous trees. The activities as set forth in SCC 32.10.110(29)a,c,d are allowed when approved by the County.
Representations on this site plan may be approximations only and should not be used for purposes other than for determining general locations of critical areas. Development activities beyond the scope of this plan may require additional studies and approvals.



200209200509

Return Address:
Darwin Smith
9327 4th Street NE
Everett, WA 98205

CRITICAL AREAS SITE PLAN

Snohomish County Project File #00111032 (for Shoreline Resubmittal)
Applicant: Darwin Smith, General Manager, Lake Stevens Sewer District
Project Name: Lundeen Parkway/Vernon Road Bypass - Phase II
Tax Account # 00604900500000
Critical Areas:
Wetland: 11,140 square feet
Wetland Buffer: 15,400 s.f.
Steep Slopes: 6,440 s.f.
Revegetated Area at Lift Station 15 Site (within 200 ft of Lake Stevens): 3,950 s.f.

NGPA BOUNDARY DESCRIPTION:

Category 3 Wetland and Buffer:

That portion of Tract 'F', Vernon Park, according to the plat thereof recorded in Volume 9 of Plats, Page 62, records of Snohomish County, Washington described as follows:

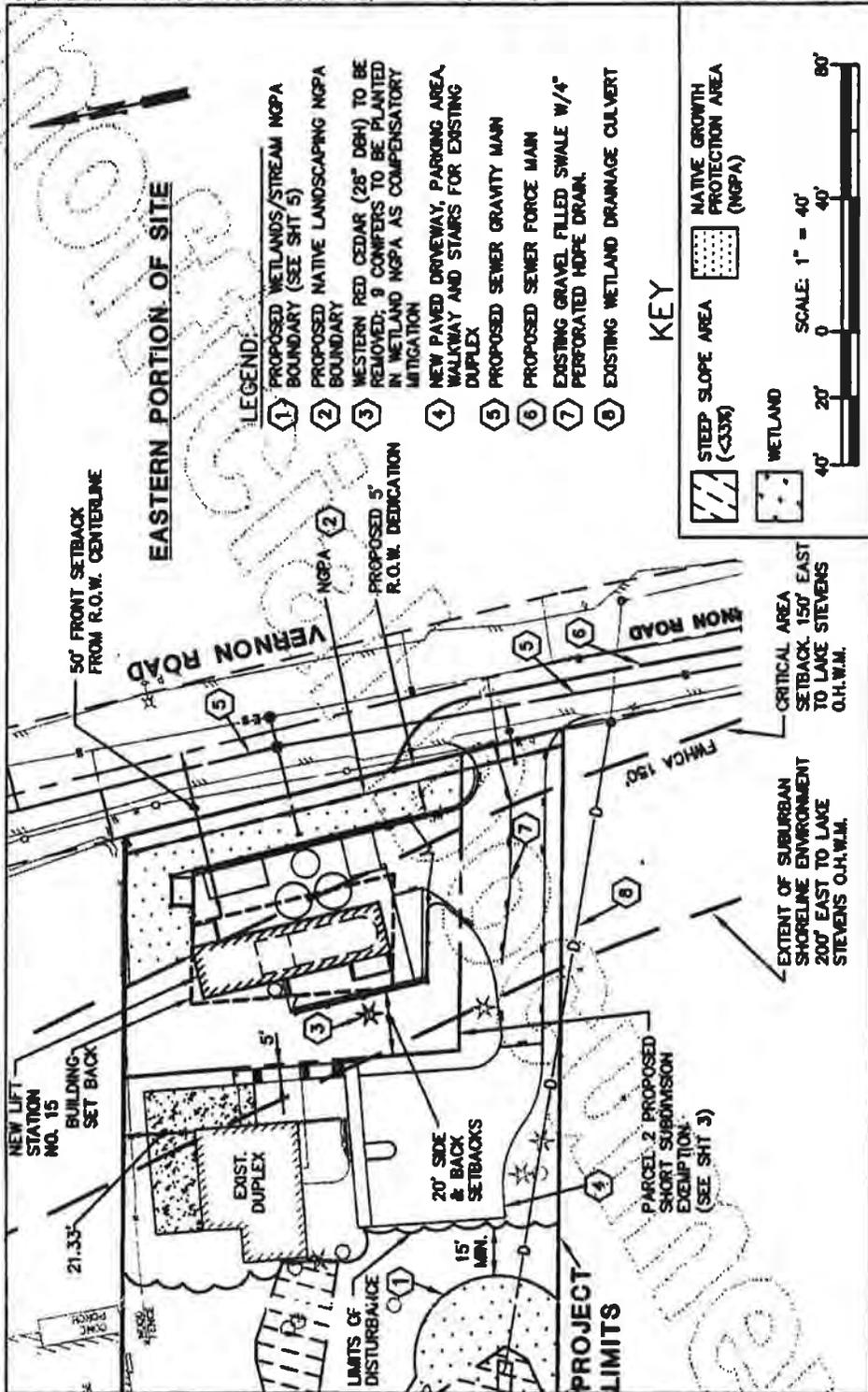
Commencing at the Northwest corner, of the East half, of Section 12, Township 29 North, Range 5 East, of the Willamette Meridian; thence South 00°11'04" West 5258.81 feet, along the West line of said subdivision to the Southwest corner of said subdivision; thence North 30°30'53" East 2991.67 feet to the intersection of the Southwesterly line of said Tract 'F' and the Southeasterly right-of-way of Lundeen Parkway, as conveyed to the State of Washington by Deed dated October 15, 1984, recorded under Auditor's File No. 8411090248 and the Point of Beginning; thence South 59°33'22" East 11.94 feet along the Southwesterly line of said Tract F; thence North 65°49'35" East 46.71 feet; thence South 61°11'01" East 60.38 feet; thence South 34°21'36" East 93.48 feet to the Southwesterly line of said Tract 'F'; thence South 59°33'22" East 142.41 feet along said Southwesterly line to a point on a non-tangent curve to the left; said curve having a radial bearing of North 15°11'03" West, a radius of 25 feet, and an included angle of 46°04'53"; thence Northerly, Northeasterly and Easterly along said curve 63.74 feet; thence North 28°17'07" West 167.39 feet to the Northeasterly line of said Tract F, thence North 59°39'43" West 115.05 feet along said Northeasterly line, to the most Northerly corner of said Tract F and the Southeasterly right-of-way of Lundeen Parkway; thence South 54°24'10" West 4.77 feet along said Southeasterly right-of-way; thence continuing along said Southeasterly right-of-way South 49°40'07" West 131.62 feet to the Point of Beginning. Containing 26524 square feet, more or less.



200209200509

APPLICANT: DARWIN SMITH - LAKE STEVENS SEWER DISTRICT
 PROJECT #: 00111032
 TAX ACCT #: 00604900500000
 SITE PLAN: PFN 00-111032 SECTION 12, TWP 29 N, R 5 E, W.M.

SHEET 4 OF 5



APPROVED SNO CO PDS DATE APPLICANT DATE

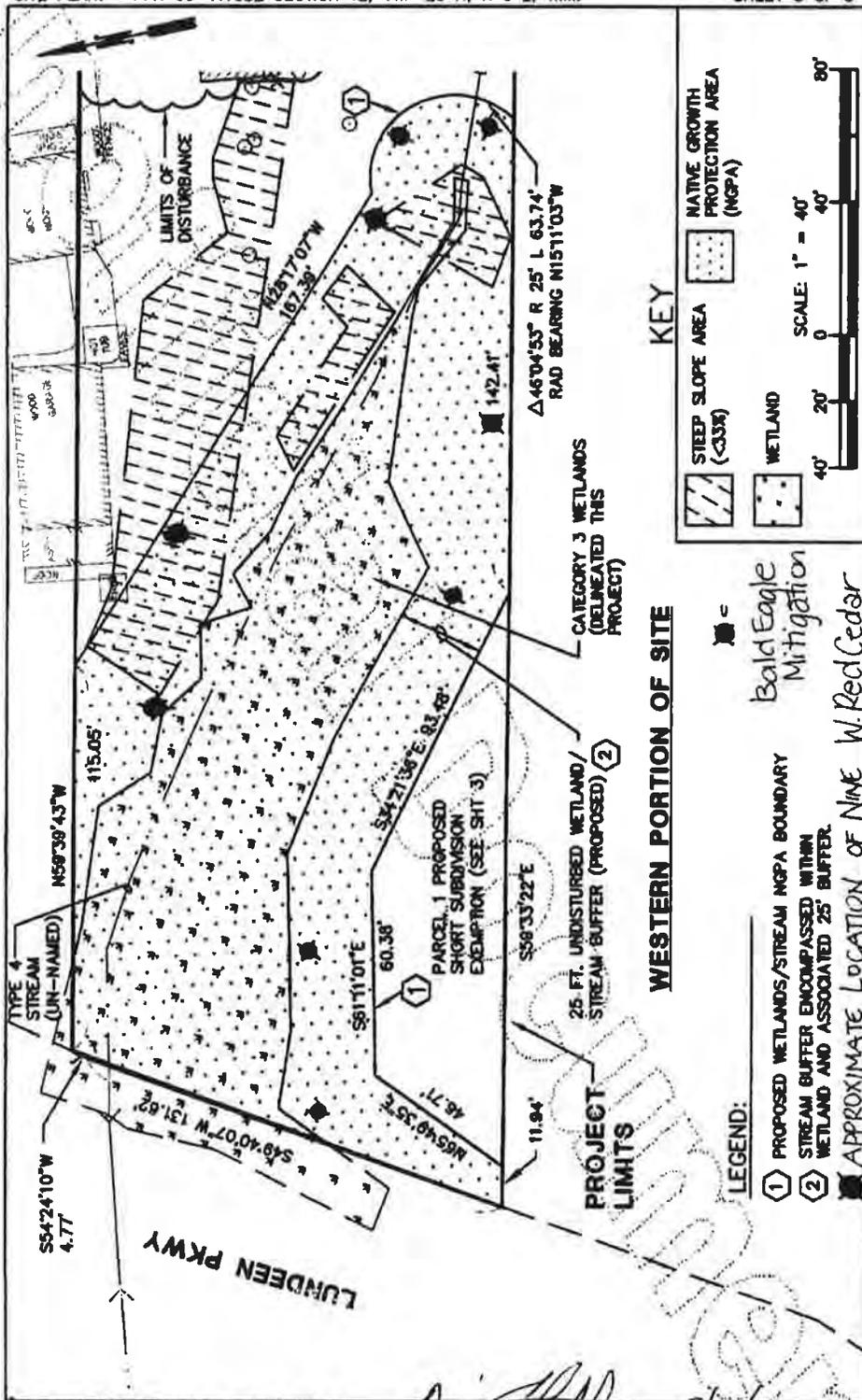
Jacqueline C. Nelson 04/24/02 *Darwin Smith* 9/20/02

THE NATIVE GROWTH PROTECTION AREA IS TO BE LEFT PERMANENTLY UNDISTURBED IN A SUBSTANTIALLY NATURAL STATE. NO CLEARING, GRADING, FILLING, BUILDING CONSTRUCTION OR PLACEMENT, OR ROAD CONSTRUCTION OF ANY KIND SHALL OCCUR, EXCEPT REMOVAL OF HAZARDOUS TREES. THE ACTIVITIES AS SET FORTH IN SCC 32.10.110(29)A, C, D, ARE ALLOWED WHEN APPROVED BY THE COUNTY. CRITICAL AREA SETBACK: NO GRADING, FILLING, BUILDING CONSTRUCTION OR PLACEMENT, OR ROAD CONSTRUCTION OF ANY KIND SHALL OCCUR, EXCEPT REMOVAL OF HAZARDOUS TREES. THE ACTIVITIES SET FORTH IN SCC 32.10.110(29) A, C, D, ARE ALLOWED WHEN APPROVED BY THE COUNTY.

200209200509

APPLICANT: DARWIN SMITH - LAKE STEVENS SEWER DISTRICT
 PROJECT #: 00111032
 TAX ACCT #: 00804900500000
 SITE PLAN: PFN 00-111032 SECTION 12, TWP 29 N, R 5 E, W.M.

SHEET 5 OF 5



KEY

-  STEEP SLOPE AREA (<math><33\%</math>)
-  WETLAND
-  NATIVE GROWTH PROTECTION AREA (NGPA)

SCALE: 1" = 40'

0 20' 40' 80'

WESTERN PORTION OF SITE

LEGEND:

-  PROPOSED WETLANDS/STREAM NGPA BOUNDARY
-  STREAM BUFFER ENCOMPASSED WITHIN WETLAND AND ASSOCIATED 25' BUFFER.
-  APPROXIMATE LOCATION OF NINE W. Red Cedar

 = Bald Eagle Mitigation

APPROVED SNO CO PDS DATE APPLICANT DATE

McQuinn C. Munn 04/24/02 *Darwin Smith* *10/10/16*

THE NATIVE GROWTH PROTECTION AREA IS TO BE LEFT PERMANENTLY UNDISTURBED IN A SUBSTANTIALLY NATURAL STATE. NO CLEARING, GRADING, FILLING, BUILDING CONSTRUCTION OR PLACEMENT, OR ROAD CONSTRUCTION OF ANY KIND SHALL OCCUR, EXCEPT REMOVAL OF HAZARDOUS TREES. THE ACTIVITIES AS SET FORTH IN SCC 32.10.110(29)A, C, D, ARE ALLOWED WHEN APPROVED BY THE COUNTY. CRITICAL AREA SETBACK: NO GRADING, FILLING, BUILDING CONSTRUCTION OR PLACEMENT, OR ROAD CONSTRUCTION OF ANY KIND SHALL OCCUR, EXCEPT REMOVAL OF HAZARDOUS TREES. THE ACTIVITIES SET FORTH IN SCC 32.10.110(29) A, C, D, ARE ALLOWED WHEN APPROVED BY THE COUNTY.

200209200509



Planning & Community Development

1820 Main Street
Lake Stevens, WA 98258
(425) 377-3235
Fax (425) 212-3327

SEPA CATEGORICAL EXEMPTION DETERMINATION

File Number: LUA2016-0110
Project Title: Libengood Rezone
Applicant: William Libengood
Address/Project Location: 1926 Vernon Road, Lake Stevens, WA 98258 / APN 00604900500000

SUMMARY OF PROPOSAL

The applicant is proposing a site-specific rezone of a 1.17 acre property with one existing duplex located on the parcel. The applicant is proposing to rezone the property from the current zoning of Public/Semi-Public (P/PS) to High Urban Residential (HUR) zoning.

EXISTING SITE CONDITIONS

The current site is a Lake Stevens Sewer District owned property, partially forested, with an existing duplex on the lot.

WAC 197-11-800 CATEGORICAL EXEMPTIONS

The proposal is categorically exempt per WAC 197-11-800(6)(c) – Land Use Decisions, Rezones - *Where an exempt project requires a rezone, the rezone is exempt only if: (i) The project is in an urban growth area in a city or county planning under RCW 36.70A.040; (ii) The proposed rezone is consistent with and does not require an amendment to the comprehensive plan; and (iii) The applicable comprehensive plan was previously subjected to environmental review and analysis through an EIS under the requirements of this chapter prior to adoption; and the EIS adequately addressed the environmental impacts of the rezone.*

FINDINGS AND CONCLUSIONS

Per WAC 197-11-800 – Proposed actions contained in Part Nine are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitation on categorical exemptions contained in WAC 197-11-305.

SEPA DETERMINATION

The project, as proposed, falls under the categorical exemption for Land Use Decisions

Prepared by,

Melissa Place

Melissa Place, Senior Planner

August 10, 2016

Date

Approved,

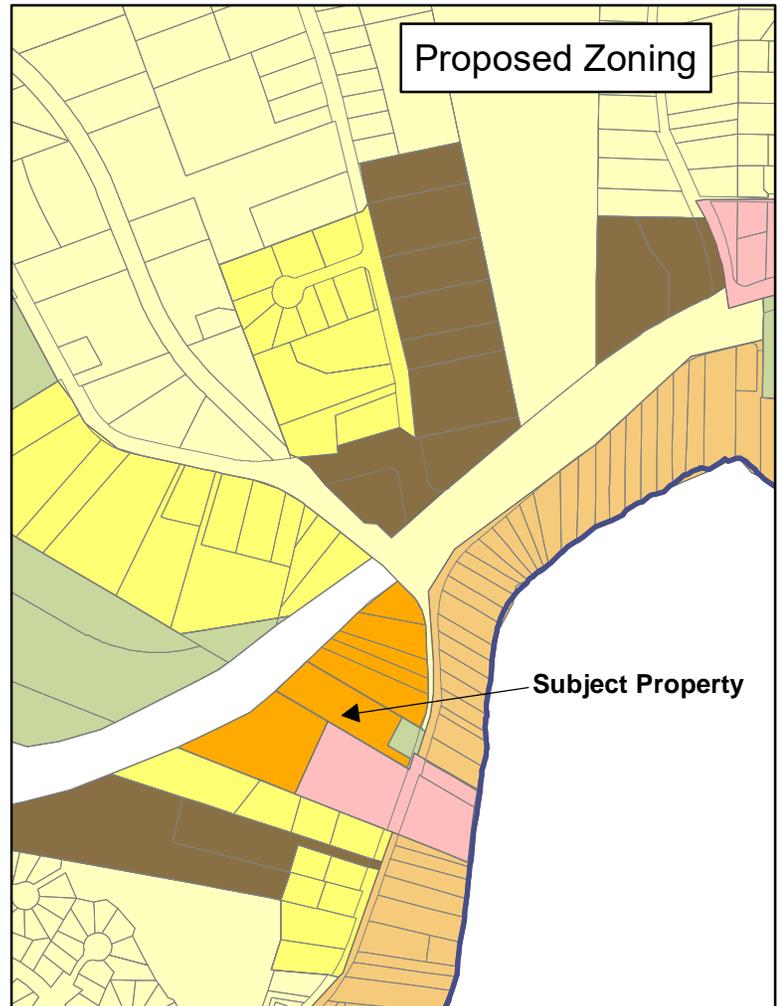
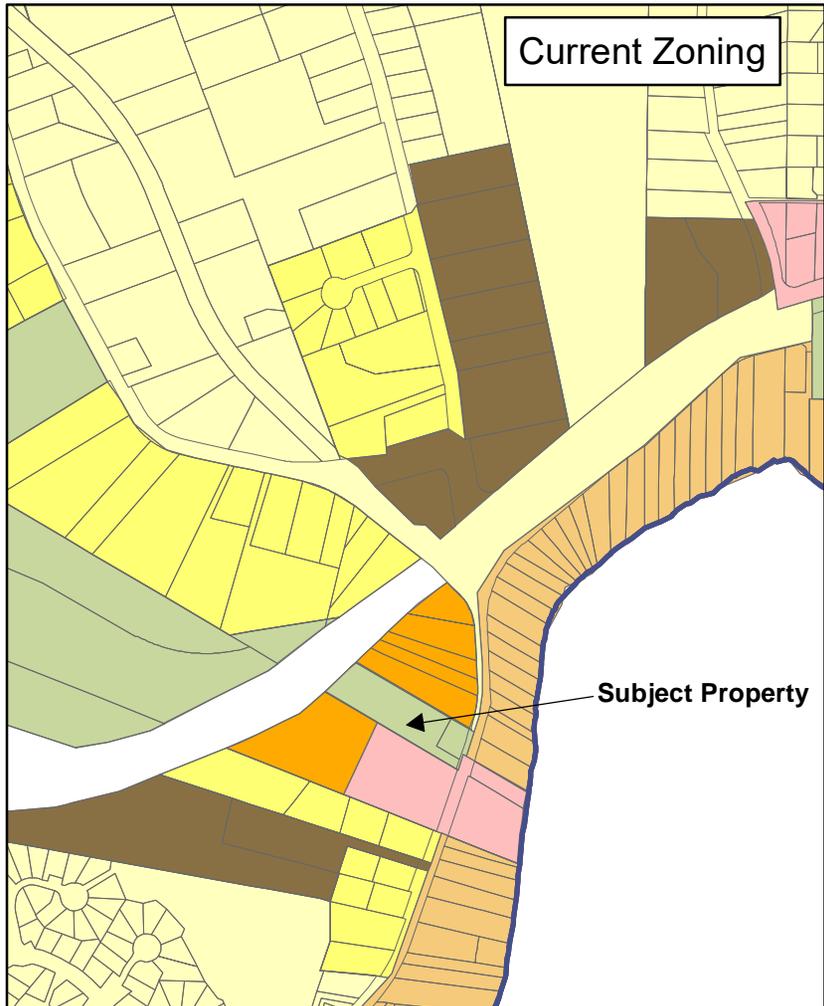
Russell Wright

Russell Wright, Community Development Director

8/10/16

Date

Responsible official: Russell Wright, Community Development Director
Address: City of Lake Stevens, P.O. Box 257, Lake Stevens, WA 98258
Phone: 425-377-3315



Libengood Rezone Map

- Lake Stevens Boundary
- Unincorporated UGA
- Parcels

- City Zones**
- Suburban Residential (SR)
 - Urban Residential (UR)
 - High Urban Residential (HUR)
 - Waterfront Residential (WR)
 - Multi-Family Residential (MFR)
 - Local Business (LB)
 - Public / Semi-Public (P/PS)



All data, information and maps are provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The city of Lake Stevens makes no warranties, expressed or implied as to the use of the information obtained here. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts all limitations, including the fact that the data, information and maps are dynamic and in a constant state of maintenance, correction and update.

Data Sources: Snohomish County (2016), City of Lake Stevens (2016)

Date: August 2016



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council **Agenda** 10/11/16
Date: _____

Subject: Resolution No. 2016-19 Requesting the Establishment of the Lake Stevens Library Capital Facility Area to Finance Library Capital Facilities and Thereby Expand Library Service

Contact Mary Swenson, Executive **Budget Impact:** N/A
Person/Department: _____

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

Authorize Mayor to sign Resolution No. 2016-19 Requesting the Establishment of the Lake Stevens Library Capital Facility Area to Finance Library Capital Facilities and Thereby Expand Library Service

SUMMARY/BACKGROUND:

This resolution requires approval of the City Council to order to submit this to the County for approval. Exhibits A and B require execution by both the City and Sno-Isle Library District.

APPLICABLE CITY POLICIES:

BUDGET IMPACT:

N/A

ATTACHMENTS:

- ▶ Attachment: Resolution 2016-19
- ▶ Exhibit A: Joint Request for Establishment of Lake Stevens Library Capital Facility Area
- ▶ Exhibit B: Memorandum of Understanding Concerning Lake Stevens Library Facilities and Services

RESOLUTION NO. 2016-19

A RESOLUTION OF THE CITY OF LAKE STEVENS REQUESTING THE ESTABLISHMENT OF THE LAKE STEVENS LIBRARY CAPITAL FACILITY AREA TO FINANCE LIBRARY CAPITAL FACILITIES AND THEREBY EXPAND LIBRARY SERVICE.

WHEREAS, library service to the residents of the City of Lake Stevens (the “City”) and the residents of the area surrounding the City is provided through a facility (the “Lake Stevens Library”) owned by the City and operated by the Sno-Isle Intercounty Rural Library District (the “Library District”); and

WHEREAS, the City and the areas surrounding the City have experienced a rapid growth in the number of residents; and

WHEREAS, the growing population has resulted in increased usage of the existing Lake Stevens Library; and

WHEREAS, the existing Lake Stevens Library cannot accommodate the larger collection needs of the growing population, cannot support events and programs requested by community members, and cannot be expanded at its current location; and

WHEREAS, the City and the Library District have entered into an Interlocal Agreement for Joint Planning and Development of Public Library and City Civic Facilities, dated August 22, 2016 (the “Joint Development Agreement”), pursuant to which the City and the Library District will jointly develop a public campus (the “Campus”) consisting of a new stand-alone library facility, other civic facilities and shared supporting facilities on certain parcels that are currently owned or will be acquired by the City and the Library District, respectively; and

WHEREAS, chapter 27.15 RCW permits, upon the request of the City and the Library District and the approval of the voters, the creation of a library capital facility area to construct, acquire, maintain and remodel library capital facilities; and

WHEREAS, the cost of developing a new library on the Campus to replace the existing Lake Stevens Library can most fairly be paid by those residents of the area served by the new Lake Stevens Library through the establishment of a library capital facility area and its issuance of bonds to finance the acquisition, construction, furnishing and equipping of the new Lake Stevens Library; and

WHEREAS, the Library District and the City expect that (a) the new library facility on the Campus will be developed in accordance with the Joint Site Development Plan to be adopted pursuant to Section 2 of the Joint Development Agreement, under the supervision and control of the Project Coordinating Committee described in Section 11 of the Joint Development Agreement; (b) except as otherwise provided in the Joint Development Agreement or Joint Site Development Plan, the Library District shall be responsible for designing, administering the

construction, furnishing and equipping of, and owning, operating and maintaining the new Lake Stevens Library to be financed by the approved ballot propositions as set forth in the Memorandum of Understanding between the Library District and the City (in the form attached hereto as Exhibit B); and (c) the Lake Stevens Library Capital Facility Area governing body will enter into an appropriate interlocal agreement with the City and the Library District agreeing to such arrangements;

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

1. Approval and Creation of Lake Stevens Library Capital Facility Area. The City finds that a new library facility in the City is essential to the public welfare and to the residents of the City and the residents of Snohomish County in the areas surrounding the City. The City hereby approves of creation of a library capital facility area to be known as the “Lake Stevens Library Capital Facility Area.”

2. Request to the Snohomish County Council. The City requests that the Snohomish County Council, pursuant to chapter 27.15 RCW, provide for establishing the Lake Stevens Library Capital Facility Area and submit to the voters of the said area two ballot propositions at a special election to be held on February 14, 2017, which shall read substantially as follows:

Proposition 1: The Snohomish County Council adopted Resolution No. ____, concerning a proposition to establish the Lake Stevens Library Capital Facility Area, with boundaries that are coextensive with those of the Lake Stevens School District. This proposition would establish the Lake Stevens Library Capital Facility Area with all the powers provided in chapter 27.15 RCW, including the power to construct, acquire, maintain and remodel library capital facilities. Shall this proposition be:

APPROVED REJECTED

Proposition 2: The Snohomish County Council adopted Resolution No. ____, concerning a proposition to enable the Lake Stevens Library Capital Facility Area to finance a library facility. This proposition would authorize the Lake Stevens Library Capital Facility Area to acquire, construct, furnish and equip a new library in Lake Stevens; to incur indebtedness to finance such improvements through the issuance of up to _____ dollars (\$_____) in general obligation bonds maturing within 20 years; and to levy annual excess property taxes to repay such bonds. Shall this proposition be:

APPROVED REJECTED

3. Approval of Joint Request. The City approves the Joint Request for Establishment of the Lake Stevens Library Capital Facility Area (the “Joint Request”), attached hereto as Exhibit A.

4. Election Costs. The Library District shall pay all of the costs of submitting the two ballot propositions to the voters of the proposed area.

5. Memorandum of Understanding. The City hereby approves the Memorandum of Understanding between the City and the Library District (hereinafter the “Memorandum of Understanding”) in the form attached hereto as Exhibit B. The Mayor is authorized to approve any revisions made to the Memorandum of Understanding that are determined to be in the best interests of the City and to execute the Memorandum of Understanding on behalf of the City.

6. Condition of Request. This request is conditioned upon the receipt of a similar resolution from the Library District requesting creation of the Lake Stevens Library Capital Facility Area.

7. Authorization to Submit Resolution to the Snohomish County Council. The Mayor and the City Clerk are hereby authorized and directed to certify a copy of this Resolution and submit it to the Snohomish County Council with the Joint Request.

Passed by the City Council and approved by the Mayor of the City of Lake Stevens, Washington, at a regular meeting thereof held this ____ day of _____, 2016.

CITY OF LAKE STEVENS, WASHINGTON

By: _____
John Spencer, Mayor

ATTEST:

Barb Stevens, City Clerk

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

Exhibit A

**JOINT REQUEST FOR ESTABLISHMENT OF
LAKE STEVENS LIBRARY CAPITAL FACILITY AREA**

**Joint Request of the City of Lake Stevens and
the Sno-Isle Intercounty Rural Library District**

WHEREAS, library service to the residents of the City of Lake Stevens (the “City”) and the residents of the area surrounding the City is provided through a facility (the “Lake Stevens Library”) owned by the City and operated by the Sno-Isle Intercounty Rural Library District (the “Library District”); and

WHEREAS, the City and the areas surrounding the City have experienced a rapid growth in the number of residents; and

WHEREAS, the growing population has resulted in increased usage of the Lake Stevens Library; and

WHEREAS, the existing Lake Stevens Library cannot accommodate the larger collection needs of the growing population, cannot support events and programs requested by community members, and cannot be expanded at its current location; and

WHEREAS, the City and the Library District have entered into an Interlocal Agreement for Joint Planning and Development of Public Library and City Civic Facilities, dated August 22, 2016 (the “Joint Development Agreement”), pursuant to which the City and the Library District will jointly develop a public campus (the “Campus”) consisting of a new stand-alone library facility, other civic facilities and shared supporting facilities on certain parcels that are currently owned or will be acquired by the City and the Library District, respectively; and

WHEREAS, chapter 27.15 RCW permits, upon the request of the City and the Library District and the approval of the voters, the creation of a library capital facility area to construct, acquire, maintain and remodel library capital facilities; and

WHEREAS, the cost of developing a new library on the Campus to replace the existing Lake Stevens Library can most fairly be paid by those residents of the area served by the new Lake Stevens Library through the establishment of a library capital facility area and its issuance of bonds to finance the acquisition, construction, furnishing and equipping of the new Lake Stevens Library; and

WHEREAS, the City and the Library District have each, by resolutions attached hereto as Exhibits 1 and 2, approved the establishment of the Lake Stevens Library Capital Facility Area and the submittal of this joint request; and

WHEREAS, the Library District and the City expect that (a) the new library facility on the Campus will be developed in accordance with the Joint Site Development Plan to be adopted

pursuant to Section 2 of the Joint Development Agreement, under the supervision and control of the Project Coordinating Committee described in Section 11 of the Joint Development Agreement; (b) except as otherwise provided in the Joint Development Agreement or Joint Site Development Plan, the Library District shall be responsible for designing, administering the construction, furnishing and equipping of, and owning, operating and maintaining the library capital facilities financed by the approved ballot propositions as set forth in the Memorandum of Understanding between the Library District and the City; and (c) the Lake Stevens Library Capital Facility Area governing body will enter into an appropriate interlocal agreement with the City and the Library District agreeing to such arrangements;

NOW THEREFORE, the City of Lake Stevens and the Sno-Isle Intercounty Rural Library District request as follows:

1. Joint Request. The City and the Library District jointly request that the Snohomish County Council, pursuant to chapter 27.15 RCW, provide for establishing a library capital facility area to be known as the “Lake Stevens Library Capital Facility Area” and submit to the voters of the said area two ballot propositions at a special election to be held on February 14, 2017, which shall read substantially as follows:

Proposition 1: The Snohomish County Council adopted Resolution No. ____, concerning a proposition to establish the Lake Stevens Library Capital Facility Area, with boundaries that are coextensive with those of the Lake Stevens School District. This proposition would establish the Lake Stevens Library Capital Facility Area with all the powers provided in chapter 27.15 RCW, including the power to construct, acquire, maintain and remodel library capital facilities. Shall this proposition be:

APPROVED REJECTED

Proposition 2: The Snohomish County Council adopted Resolution No. ____, concerning a proposition to enable the Lake Stevens Library Capital Facility Area to finance a library facility. This proposition would authorize the Lake Stevens Library Capital Facility Area to acquire, construct, furnish and equip a new library in Lake Stevens; to incur indebtedness to finance such improvements through the issuance of up to _____ dollars (\$_____) in general obligation bonds maturing within 20 years; and to levy annual excess property taxes to repay such bonds. Shall this proposition be:

APPROVED REJECTED

2. Boundaries of the Lake Stevens Library Capital Facility Area. The boundaries of the Lake Stevens Library Capital Facility Area shall be coextensive with those of the Lake Stevens School District as described in Exhibit 3 attached to this joint request and incorporated herein by this reference.

3. Costs. The Library District shall pay all of the costs of submitting the two ballot propositions to the voters of the proposed area.

APPROVED this ____ day of _____, 2016.

CITY OF LAKE STEVENS, WASHINGTON

SNO-ISLE INTERCOUNTY RURAL
LIBRARY DISTRICT

By: _____
John Spencer, Mayor

Susan Cohn, President

ATTEST:

Barb Stevens, City Clerk

Marti Anamosa, Secretary

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

Exhibit B

**MEMORANDUM OF UNDERSTANDING CONCERNING
LAKE STEVENS LIBRARY FACILITIES AND SERVICES**

I. PARTIES

This Memorandum of Understanding (“MOU”) is entered into by and among the City of Lake Stevens, a Washington municipal corporation (the “City”), and the Sno-Isle Intercounty Rural Library District, a Washington municipal corporation (the “Library District”) (the City and Library District are collectively hereafter referred to herein as the “Parties”).

II. PURPOSE AND RECITALS

- 2.1 The existing Lake Stevens Library is presently owned by the City and operated by the Library District to serve residents of the City and surrounding areas.
- 2.2 The City and areas surrounding the City have experienced growth in the number of residents, and the growing population has resulted in increased usage of the existing Lake Stevens Library.
- 2.3 The existing Lake Stevens Library cannot accommodate the larger collection needs of the growing population, cannot support events and programs requested by community members, and cannot be expanded at its current location.
- 2.4 The City and the Library District have previously entered into an Interlocal Agreement for Joint Planning and Development of Public Library and City Civic Facilities (the “Joint Development Agreement”), dated August 22, 2016, pursuant to which the City and the Library District will jointly develop a public campus (the “Campus”) consisting of a new stand-alone library facility, other civic facilities and shared supporting facilities on certain parcels that are currently owned or will be acquired by the City and the Library District, respectively.
- 2.5 The City Council of the City and the Board of Trustees of the Library District have determined that the cost of developing a new library on the Campus to replace the existing Lake Stevens Library can most fairly be paid by those residents of the area served by the Lake Stevens Library through the establishment of a library capital facility area and its issuance of bonds to finance the acquisition, construction, furnishing and equipping of a new library on the Campus (the “New Lake Stevens Library”).

- 2.6 The Parties intend to request that two propositions be submitted to the voters, on February 14, 2017: one to authorize the formation of the Lake Stevens Library Capital Facility Area (“LSLCFA”), and the second one to authorize the LSLCFA to issue bonds to finance the acquisition, construction, furnishing and equipping of the New Lake Stevens Library (collectively, the “Proposed Ballot Propositions”) and to levy the corresponding excess taxes to pay the bonds. The Parties wish to clearly identify the agreements and understandings between the parties for the submission of the Proposed Ballot Propositions, so that the voters can clearly evaluate the Proposed Ballot Propositions.

III. APPLICABILITY AND TERM

- 3.1 Applicability. This MOU shall apply to the Proposed Ballot Propositions and otherwise as expressly set forth herein.
- 3.2 Term. This MOU shall remain in effect until the occurrence of any of the following events: (a) the Proposed Ballot Propositions are not submitted to the voters on February 14, 2017; (b) neither of the Proposed Ballot Propositions receives sufficient votes to pass as verified by certification of the February 14, 2017 election; or (c) the approval, execution and delivery of a three-party interlocal agreement by and among the City, the Library District and the LSLCFA (which agreement shall include, *inter alia*, the material substantive provisions of this MOU) with respect to the acquisition, design, construction, furnishing, equipping, operations and maintenance of the New Lake Stevens Library. In the event the Proposed Ballot Proposition to form the LSLCFA receives sufficient votes to pass, but the Proposed Ballot Proposition to issue bonds and to levy the corresponding excess taxes to pay the bonds does not receive sufficient votes to pass, either party on thirty (30) days notice to the other may terminate this MOU.

IV SEPARATE RESPONSIBILITIES OF PARTIES

- 4.1 Funding. In the event of passage of the Proposed Ballot Propositions, the newly formed LSLCFA shall issue the bonds in the full amount, as approved by the voters, and deliver the proceeds to the Library District exclusively to pay or reimburse the Library District for the costs of acquiring, designing, constructing, furnishing and equipping the New Lake Stevens Library, consistent with the provisions of chapter 27.15 RCW.
- 4.2 Title to Facility. Legal title to the property consisting of the New Lake Stevens Library (the “Property”), including but not limited to the land, building, furnishings, library collections and equipment acquired with bond proceeds, shall be held by the Library District.

- 4.3 Maintenance and Operation. In the event of passage of the Proposed Ballot Propositions, the Library District shall maintain and operate the New Lake Stevens Library.
- 4.4 Abandonment of Library Development. In the event that the Library District abandons development of the New Lake Stevens Library, the Library District shall offer the City an option to purchase the Property (or the property described in Exhibit B of the Joint Development Agreement, as applicable) at its then-current fair market value as determined by a mutually agreed-upon MAI-certified appraiser. If the option to purchase is not exercised within six (6) months of it being offered, the Library District may offer the Property for sale to others on terms as it sees fit.

V. JOINT RESPONSIBILITIES OF PARTIES

- 5.1 Design and Construction of the Library. The New Lake Stevens Library shall be developed in accordance with the Joint Site Development Plan to be adopted pursuant to Section 2 of the Joint Development Agreement, under the supervision and control of the Project Coordinating Committee described in Section 11 of the Joint Development Agreement. Except as otherwise provided in the Joint Development Agreement or the Joint Site Development Plan, the Library District, on behalf of the LSLCFA, shall select and contract with the architects, engineers and other consultants and contractors, and shall approve their work. Costs of developing the Campus, including the portion thereof occupied by the New Lake Stevens Library, shall be allocated between the City and the Library District in accordance with Section 12 of the Joint Development Agreement. The Library District shall be responsible for administering the finances and construction of the New Lake Stevens Library from proceeds of the bond issue. The costs of acquisition, design, construction, furnishing and equipping the New Lake Stevens Library shall be paid (or reimbursed) from proceeds of the LSLCFA bond issue. The Library District shall be responsible for the selection and acquisition of the furnishings, library collections and equipment.
- 5.2 Election Costs. The Library District shall pay all of the costs of submitting the Proposed Ballot Propositions to the voters of the proposed LSLCFA.
- 5.3 Joint Request For Submission of Proposed Ballot Propositions. The Parties shall submit a joint request with their respective resolutions requesting that the Snohomish County Council submit the Proposed Ballot Propositions to the voters at an election to be held on February 14, 2017, as set forth therein.

VI. DISPUTE RESOLUTION

- 6.1 The Parties mutually agree to enter into mediation through an agreed upon mediator and process, if agreement cannot be reached regarding interpretation or implementation of any provision of this MOU. The parties shall use the mediation process in good faith to attempt to come to agreement early in the process, and prior to any appeals or litigation which either might otherwise be entitled to bring.

VII. CONTACTS FOR PARTIES

City Administrator
City of Lake Stevens

1812 Main Street
P.O. Box 257
Lake Stevens, WA 98258
[phone]

Jonalyn Woolf-Ivory
Library Director
Sno-Isle Intercounty Rural
Library District

7312 35th Avenue NE
Marysville, WA 98271
(360) 651-7000

IN WITNESS WHEREOF, the parties have signed this MOU, effective on the latest date indicated below.

DATED this ____ day of _____, 2016.

CITY OF LAKE STEVENS, WASHINGTON

SNO-ISLE INTERCOUNTY RURAL
LIBRARY DISTRICT

John Spencer, Mayor

Susan Cohn, President
Sno-Isle Libraries Board of Trustees

Date: _____

Date: _____

ATTEST:

ATTEST:

Barb Stevens, City Clerk

Marti Anamosa, Secretary

Approved as to form:

Grant K. Weed
City Attorney



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council **Agenda** 10/11/16
Date: _____

Subject: Ordinance No. 973 Regarding Legal Action Against City Officials and Employees

Contact Mary Swenson, Executive **Budget Impact:** N/A
Person/Department: _____

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

Authorize Mayor to sign Ordinance No. 973 regarding Legal Action Against City Officials and Employees.

SUMMARY/BACKGROUND:

A review of the Lake Stevens Municipal Code discovered that the City currently does not have code provisions regarding how the City would defend legal actions against City Officials and Employees. It is rare that a City does not have code provisions relating to this and it is recommended that the City Council adopt such a code.

APPLICABLE CITY POLICIES:

BUDGET IMPACT:

N/A

ATTACHMENTS:

- ▶ Exhibit A: Ordinance 973 - Legal Action Against City Officials and Employees
- ▶ Exhibit B:
- ▶ Exhibit C:

CITY OF LAKE STEVENS
LAKE STEVENS, WASHINGTON
ORDINANCE NO. 973

AN ORDINANCE OF THE CITY OF LAKE STEVENS, ESTABLISHING A NEW CHAPTER 2.86 OF THE LAKE STEVENS MUNICIPAL CODE (LSMC) ENTITLED “LEGAL ACTION AGAINST CITY OFFICIALS AND EMPLOYEES” AND PROVIDING FOR SEVERABILITY.

WHEREAS, RCW 4.96.041 provides that cities may by ordinance or resolution establish a process for representation and payment for expenses of defense of public officers, employees and volunteers for acts or omissions conducted in good faith and within the scope of their official duties; and

WHEREAS, the City Council of the City of Lake Stevens finds it to be in the public interest to establish a process for legal actions against public officials, and employees referenced in RCW 4.96.041; and

WHEREAS, establishing consistent policies for officials and employees to follow increases efficiency and predictability responding to claims and litigation;

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

Section 1. A new chapter LMC 2.86 Entitled “Legal Action Against City Officials and Employees” is hereby added and shall read as follows:

2.86.010 Definitions.

2.86.020 Legal representation.

2.86.030 Conditions of representation or payment of claims or judgments.

2.86.040 Refusal to cooperate to render chapter inapplicable.

2.86.050 Certain actions and occurrences excluded.

2.86.060 Payment of claims.

2.86.070 Conflict with insurance policies.

2.86.010 Definitions.

As used in this chapter, the following definition shall apply:

“Officials and employees” means all elected city officials, including the mayor and members of the city council, together with the city administrator, the city attorney, the city engineer, the city clerk, the police chief, and all full and part-time employees of the city.

2.86.020 Legal representation.

As a condition of their service and employment for and on behalf of the City of Lake Stevens, the city shall provide to all officials and employees such legal representation as may be reasonably necessary to defend any claims and/or litigation resulting from any conduct, acts or omissions of such officials or employees arising from or in good faith purported to be within the scope or course of their service or employment with the City of Lake Stevens, including claims and/or litigation by officials or employees against other officials or employees.

2.86.030 Conditions of representation or payment of claims or judgments.

Except as may be provided in any applicable municipal policy of insurance, the city attorney, or an attorney designated by the city attorney, at the request and on behalf of any official or employee of the city, shall investigate and defend such claims or litigation, and, if a claim is deemed by the city attorney to be a proper claim, or if judgment is rendered against such an official or employee, such claim or judgment shall be paid by the city; provided, that:

(1) In the event of any incident or course of conduct giving rise to a claim for damage and/or litigation, the official or employee involved, as soon as practicable, shall give the city attorney written notice thereof, identifying the official or employee involved, and containing all information known to the official or employee with respect to the date, time, place and circumstances surrounding the incident or conduct, as well as the names and addresses of all persons allegedly injured or otherwise damaged thereby, and the names and addresses of all witnesses;

(2) Upon receipt thereof, the official or employee shall forthwith deliver any demand, notice, summons or other process relating to any such incident or conduct to the city attorney, and shall cooperate with the city attorney or an attorney designated by the city attorney, and, upon request, shall assist in making settlements of any suits and in enforcing any claim for any right of subrogation against any persons or organization that may be liable to the city because of any damage or claim of loss arising from said incident or course of conduct;

(3) Such officials or employees shall attend interviews, depositions, hearings and trials, and shall assist in cooperating with the City's insurance defense counsel when appointed, and shall assist in securing and giving evidence and obtaining the attendance of witnesses;

2.86.040 Refusal to cooperate to render chapter inapplicable.

In the event that any official or employee covered by this chapter fails or refuses to cooperate as provided in LSMC 2.86.030, or elects to provide his own representation with respect to any such claim and/or litigation, then the provisions of this chapter shall be inapplicable and of no force and effect with respect to any such claim and/or litigation.

2.86.050 Certain actions and occurrences excluded.

The obligations assumed under this chapter by the city and the city attorney or other appointed defense counsel shall not apply to any dishonest, fraudulent, criminal or malicious act of an official or employee, or to any act of an official or employee which is outside of the scope and course of his or her official duties and employment with the city. Further, the provisions of this chapter shall have no force and effect with respect to any accident, occurrence or circumstance in which the city or the officials or employees are insured against loss or damages under the terms of any valid insurance policy.

2.84.060 Payment of claims.

The provisions of this chapter shall not modify existing procedures or requirements of law for processing and payment of claims against the city, or of judgments in those cases in which the city is a party defendant.

2.84.070 Conflict with insurance policies.

Nothing contained in this chapter shall be construed to modify or amend any provision of any policy of insurance wherein the City of Lake Stevens or any official or employee thereof is the named insured. In the event of any conflict between this chapter and the provisions of any such policy of insurance, the policy provision shall be controlling.

Section 2. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

Section 3. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this ____ day of _____, 2016

John Spencer, Mayor

ATTEST/AUTHENTICATION:

Barb Stevens, City Clerk

APPROVED AS TO FORM:

Grant Weed, City Attorney

First and Final Reading:
Published:
Effective:

ORDINANCE NO. 973



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Date: **Agenda** October 11, 2016

Subject: Resolution No. 2016-18 Surplus Real Property

Contact Person/Department:	Russ Wright, Community Development Director and Jeanie L. Ashe, Economic Development Coordinator	Budget Impact:	Revenue from sales
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RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

Approve Resolution 2016-18 - A resolution of the city of Lake Stevens, Washington authorizing the City Council to surplus real property along the 20th Street SE Corridor and authorizing the mayor or designee to convey or sell real property pursuant to Chapter 2.98 LSMC.

SUMMARY/BACKGROUND: Prior to the Lake Stevens' southwest annexation, Snohomish County acquired several parcels of real property along the 20th Street SE corridor for a road widening project. The County has since transferred and conveyed all parcels listed in Exhibit A and depicted in Exhibit B of the resolution.

Lake Stevens Municipal Code (LSMC) 2.98.010 authorizes the City Council to surplus real property when it is not needed for some present or future municipal use and if it can be sold for a reasonable return.

There are 10 city-owned properties or portions of properties on the 20th Street SE corridor that the City's Public Works Director and Community Development Director have determined are not needed for present or future use and should be returned to the tax rolls.

Resolution No. 2016-18 was presented to the Planning and Economic Development subcommittee. The subcommittee asked if there is an opportunity for Community Transit to use the surplus property for bus stops and how will profits from the sale of surplus property be managed.

APPLICABLE CITY POLICIES: Chapter 2.98 LSMC

BUDGET IMPACT: Revenue from sales will be put in a dedicated capital fund for infrastructure improvements within the 20th Street SE Corridor subarea

ATTACHMENTS:

- ▶ Exhibit A: Resolution 2016-18

RESOLUTION NO. 2016-18

**A RESOLUTION OF THE CITY OF LAKE STEVENS, WASHINGTON
AUTHORIZING THE CITY COUNCIL TO SURPLUS REAL PROPERTY ALONG
THE 20TH STREET SE CORRIDOR AND AUTHORIZING THE MAYOR OR
DESIGNEE TO CONVEY OR SELL REAL PROPERTY PURSUANT TO CHAPTER
2.98 OF THE LAKE STEVENS MUNICIPAL CODE.**

WHEREAS, prior to the Southwest annexation Snohomish County acquired several parcels of real property along 20th Street SE corridor as part of a road widening project; and

WHEREAS, the County has transferred and conveyed said parcels or real property identified in Exhibit A and depicted in Exhibit B to the City following the Southwest annexation; and

WHEREAS, Lake Stevens Municipal Code (LSMC) 2.98.010 authorizes the City Council to surplus real property when it is not needed for some present or future municipal use and if it can be sold for a reasonable return; and

WHEREAS, LSMC 2.98.020 authorizes the Mayor to dispose of surplus property for a reasonable return or to benefit the public interest by sealed bid, auction, negotiated sale or special disposition; and

WHEREAS, the City Council has determined that the properties or portions of properties identified in Exhibit A and depicted in Exhibit B, as the properties or portions of properties no longer needed for present or future municipal uses; and

WHEREAS, the City Council deems it to be in the public interest to sell or convey real property where the property is no longer useful to the City; and

WHEREAS, the City Council deems it necessary to establish a dedicated capital project fund from the proceeds of property sales to be spent on infrastructure improvements within the 20th Street SE Corridor subarea, including but not limited to road improvements, pedestrian improvements and/or stormwater improvements; and

WHEREAS, for reporting purposes, local governments should use capital project funds to account for the accumulation of resources that are restricted, committed, or assigned for expenditure for capital outlays

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

Section 1. The City Council hereby authorizes the Mayor or the Mayor's designee to sell or dispose of the properties or portions of properties identified in Exhibit A and depicted in Exhibit B according to the provisions of Chapter 2.98 LSMC including determining fair market value and appropriate process for disposition thereof.

Section 2. The City Council hereby resolves that the proceeds from surplus property sales should be set aside in a capital project fund to pay for public infrastructure improvements including but not limited to road improvements, pedestrian improvements and/or stormwater improvements within the 20th Street SE Corridor subarea.

Section 3. The City of Lake Stevens hereby establishes Fund 310 as the 20th Street SE Corridor Capital Projects Fund.

PASSED by the City Council of the City of Lake Stevens, Washington this ____ day of _____, 2016.

John Spencer, Mayor

ATTEST:

APPROVED AS TO FORM:

Barb Stevens, City Clerk

Grant Weed, City Attorney

EXHIBIT A

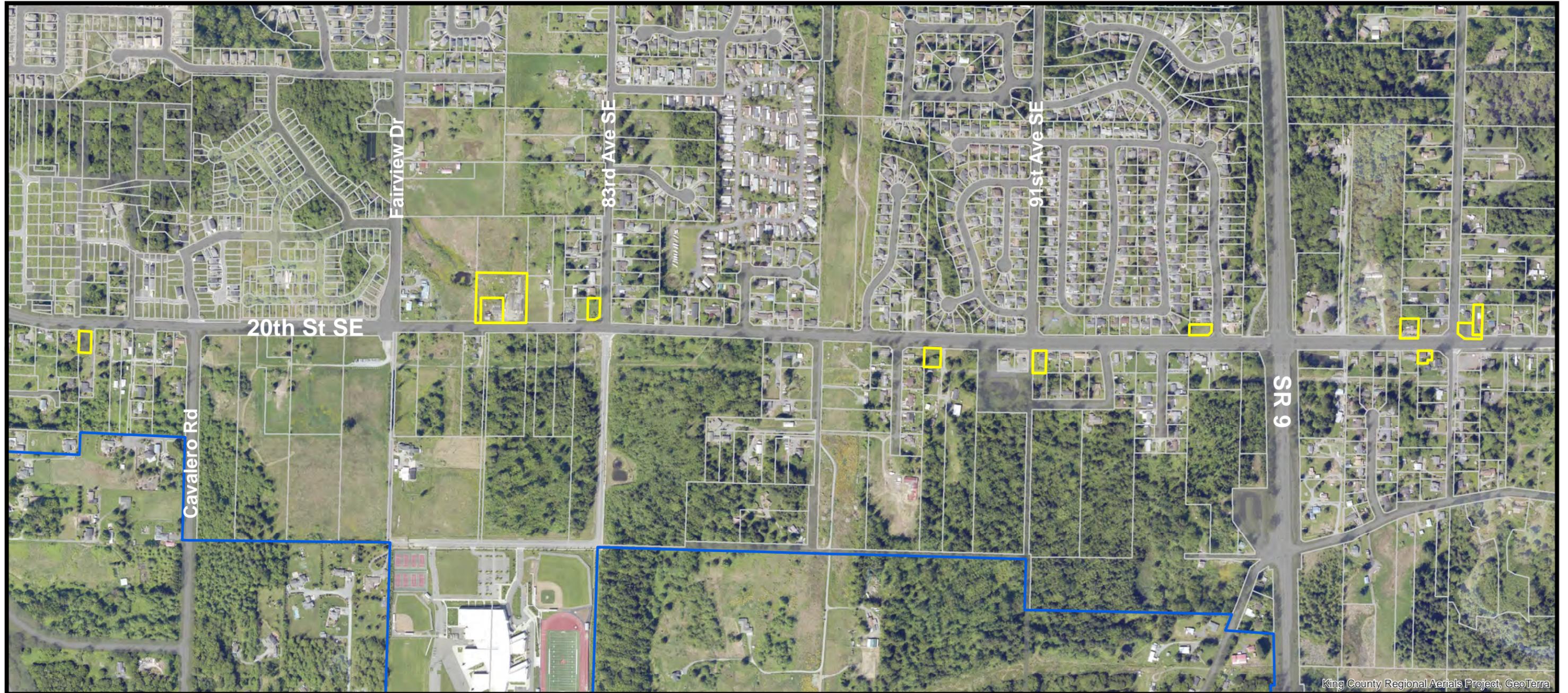
List of properties or portions of properties identified by parcel number under the legal ownership of the City of Lake Stevens.

431400300202; 29052600207800; 609500000700; 00457000001903; 0473400000400;
004709000003000; 045700000507; 00457000002802; 29061900302100; 29061900302801;



Exhibit B

20th St SE Surplus Properties



 Properties for Surplus

0 0.125 0.25 0.5 Miles



King County Regional Aerials Project, GeoTerra



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda October 11,, 2016
Date: _____

Subject: Update 2016 Long Range Planning Work Program

Contact Russ Wright,
Person/Department: Community Development Director **Budget** None
Impact: _____

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

Provide Direction on Potential Amendments to the 2016 Long Range Planning Work Program

DISCUSSION ITEMS:

The City Council reviewed and approved the 2016 Work Program on February 23, 2016, which included amendments related to Environmental Regulations, Miscellaneous Updates, Economic Development, Process and Housekeeping. There are several mandatory updates necessary for the city to stay compliant with current state and federal regulations, updates needed to implement the comprehensive plan and carry-over items from 2015. Five zoning code amendments from the work program have been completed and five additional code amendments are under review. The 2016 Comprehensive Plan Docket is nearing completion and the Downtown Subarea Plan is underway.

Community members, city administration and council members have indicated an interest in adding the following code amendments to the work program, including:

1. Limiting heights in the downtown core until the Downtown Subarea Plan is complete – staff has proposed that building heights be limited to 45-feet in the downtown Central Business District and Mixed Use zones temporarily until the Downtown Lake Stevens Subarea Plan is complete. This restriction strikes a balance between allowing potential development and protecting views in the area. A forty-five foot height limit is based on a review of regional cities with town centers, including those located near lakes.
2. Allowing additional extensions for approved land use applications – Snohomish County has updated its processing codes to allow approved subdivisions to be extended for an additional two years beyond the state maximum. This means some projects could remain active for up to 12 years without being completed. Current City regulations mirror state requirements and allow for extensions of up to 10 years. One of the benefits of extending approvals is reducing potential costs for re-applying for expired applications. The negative aspect of additional extensions is allowing potentially non-conforming projects to continue – many of which are designed to county not city standards, resulting in inconsistent neighborhood design and standards.
3. Allowing car washes and storage units in the Local Business (LB) zoning district as allowed uses – Two separate individuals have approached the City about changes to the allowed uses in the LB zoning district. The first request would be to allow storage units in this zone. The second request would be to allow car washes in this zone. Council approved similar amendments recently to allow

car sales in the LB zoning district. This change would be a citizen-initiated amendment. Staff would recommend that these uses be limited to highway-oriented locations.

4. Allowing ATVs on the public right-of-way – Staff has been asked to review an ordinance from Granite Falls that allows the operation of all-terrain vehicles on the public right-of-way. Planning, Public Works and Police Staff will evaluate this request as to safety, noise and maintenance and bring back a recommendation to City Council
5. Other –Master Builder members have approached the city about considering amendments to private road standards and model home regulations. These would return as citizen-initiated amendments.

Staff has met with the Planning and Economic Development Subcommittee on these proposals to gauge interest in bringing these items forward. The Subcommittee recommended moving forward with establishing temporary restrictions for building heights downtown. The Planning Commission has also reviewed this proposal. The Subcommittee did not support allowing additional permit extensions, but wanted to hear from other councilmembers. The Subcommittee was fine with accepting citizen-initiated applications for expanded uses in the LB zoning District. They believed the ATV ordinance should receive further review before being brought to Council for a decision. The Subcommittee has not discussed merits of revised private road standards or model home regulations.

Staff is looking for direction from Council as to how they would like to proceed.

APPLICABLE CITY POLICIES:

Municipal code and comprehensive plan

BUDGET IMPACT:

No budget impacts
