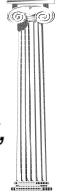


City of Lake Stevens Vision Statement



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
Monday, December 9, 2013 - 7:00 p.m.

NOTE: **WORKSHOP ON VOUCHERS AT 6:45 P.M.**

CALL TO ORDER: 7:00 p.m.
Pledge of Allegiance

ROLL CALL:

GUEST BUSINESS:

CONSENT AGENDA: *A. Approve December vouchers. Barb
*B. Approve Council regular meeting minutes of November Carin
25, 2013.

PUBLIC HEARINGS:

PUBLIC HEARING FORMAT:

1. Open Public Hearing
2. Staff presentation
3. Council's questions of staff
4. Proponent's comments
5. Comments from the audience
6. Close public comments portion of hearing
7. Discussion by City Council
8. Re-open the public comment portion of the hearing for additional comments (optional)
9. Close Hearing
10. COUNCIL ACTION:
 - a. Approve
 - b. Deny
 - c. Continue

*A. Public Hearings in consideration of second and final readings of: Russ

1. Ordinance No. 902, 2013 Comprehensive Plan Docket
2. Ordinance No. 903, code amendments.

Lake Stevens City Council Regular Meeting Agenda

December 9, 2013

- ACTION ITEMS:**
- A. Reappointment of Pam Barnet to the Planning Commission. Vern
 - *B. Approve acceptance of Stonebriar Subdivision Phase I. Russ
 - *C. Approve Professional Services Agreement with Berk Consulting Inc. - Economic Development Support Market and Development Information. Becky
 - *D. Approve Public Defender agreement with Feldman and Lee. Jan
 - *E. Approve first and final reading of Ordinance No. 892, concerning potentially dangerous and dangerous dogs. Dan

DISCUSSION ITEMS:

COUNCIL PERSON'S BUSINESS:

MAYOR'S BUSINESS:

STAFF REPORTS:

INFORMATION ITEMS:

- EXECUTIVE SESSION:**
- A. Potential litigation and real estate purchase.

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

**BLANKET VOUCHER APPROVAL
 2013**

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

Payroll Direct Deposits	907992-908055	\$154,196.49
Payroll Checks	36048	\$2,435.93
Electronic Funds Transfers	668-673	\$140,200.51
Claims	36049-36127	\$264,345.80
Void Checks	35999	(\$285.78)
Tax Deposit(s)	11/27/2013	\$65,953.22
Total Vouchers Approved:		\$626,846.17

This 9th day of December 2013:

 Mayor

 Councilmember

 Finance Director

 Councilmember

 Councilmember

 Councilmember



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Direct Deposit Register

02-Dec-2013

Wells Fargo - AP

Lake Stevens

Direct Deposits to Accounts

01-Dec-2013	<u>Vendor</u>	<u>Source</u>	<u>Amount</u>	<u>Draft#</u>	<u>Bank Name</u>	<u>Transit</u>	<u>Account</u>
12112	AFLAC	C	\$1,521.40	668	Wells Fargo	121000248	4159656917
101	Assoc. Of Washington Cities	C	\$79,725.64	669	Wells Fargo	121000248	4159656917
9407	Department of Retirement (Pers	C	\$52,226.67	670	Wells Fargo	121000248	4159656917
9408	NATIONWIDE RETIREMENT SOL	C	\$1,573.25	671	Wells Fargo	121000248	4159656917
1418	Standard Insurance Company	C	\$4,751.09	672	Wells Fargo	121000248	4159656917
9405	Wash State Support Registry	C	\$402.46	673	Wells Fargo	121000248	4159656917
Total:			\$140,200.51		Count:	6.00	

Direct Deposit Summary

<i>Type</i>	<i>Count</i>	<i>Total</i>
C	6	\$140,200.51

Pre-Note Transactions

Detail Check Register

03-Dec-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
36049	03-Dec-13	13824	Wash Teamsters Welfare Trust		\$1,308.60
12/01/13		Insurance Premiums		\$1,308.60	\$0.00
001010576802000		Parks - Benefits		\$58.16	
101016542002000		Street Fund - Benefits		\$625.22	
410016542402000		Storm Water - Benefits		\$625.22	
			Total Of Checks:		\$1,308.60

Detail Check Register

05-Dec-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
36050	09-Dec-13	1579	ACE HARDWARE		\$136.06
40045			Tape measure	\$5.96	\$0.00
					\$5.96
			410016542403102 Storm Water - Operating Costs	\$5.96	
40301			Binders/Link Chain/Turn Bkl/Chain	\$98.65	\$0.00
					\$98.65
			101016542660000 Street Fund - Snow & Ice Contr	\$98.65	
40302			Link Chain	\$5.41	\$0.00
					\$5.41
			101016542660000 Street Fund - Snow & Ice Contr	\$5.41	
40359			light bulbs	\$26.04	\$0.00
					\$26.04
			001013519903100 General Government - Operating	\$26.04	
36051	09-Dec-13	13328	ACES		\$940.00
9718			Safety: Confined Space	\$940.00	\$0.00
					\$940.00
			001003517620000 Admin. Safety program	\$105.02	
			101016517620000 safety program	\$197.58	
			101016542004001 Street Fund - Staff Developmen	\$247.50	
			410016517620000 safety program	\$142.40	
			410016542404901 Storm Water - Staff Developmen	\$247.50	
36052	09-Dec-13	12921	ADVANTAGE BUILDING SERVICES		\$651.70
13-0631			Janitorial Services	\$651.70	\$0.00
					\$651.70
			001007558004100 Planning - Professional Servic	\$27.31	
			001007559004100 Building Department - Professi	\$27.31	
			001008521004100 Law Enforcement - Professional	\$285.00	
			001010576804100 Parks - Professional Services	\$18.20	
			001013519904100 General Government - Professio	\$148.20	
			001013555504100 Community Center - Cleaning	\$109.25	
			101016542004100 Street Fund - Professional Ser	\$18.21	
			410016542404101 Storm Water - Professional Ser	\$18.22	
36053	09-Dec-13	13401	Angel Transport and Towing		\$276.93
1573			towing for case 13-02220	\$276.93	\$0.00
					\$276.93
			001008521003104 Law Enforcement-Operating Cost	\$276.93	
36054	09-Dec-13	179	Blumenthal Uniforms		\$2,618.96
24412			Clothing - Adams	\$834.05	\$0.00
					\$834.05
			001008521002600 Law Enforcment Clothing	\$834.05	
24413			Adams uniforms	\$710.03	\$0.00
					\$710.03
			001008521002600 Law Enforcment Clothing	\$710.03	

Detail Check Register

05-Dec-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor		Check Amount
26708			Badges and medals	\$85.20	\$85.20
001008521003104			Law Enforcement-Operating Cost	\$85.20	
33421			Clothing - Taylor	\$336.66	\$336.66
001008521002600			Law Enforcment Clothing	\$336.66	
33424			Shirts - Lorentzen	\$212.20	\$212.20
001008521002600			Law Enforcment Clothing	\$212.20	
36574			Clothing - Taylor	\$291.08	\$291.08
001008521002600			Law Enforcment Clothing	\$291.08	
36575			Pepper spray	\$78.62	\$78.62
001008521003104			Law Enforcement-Operating Cost	\$78.62	
36577			Clothing - Lorentzen	\$71.12	\$71.12
001008521002600			Law Enforcment Clothing	\$71.12	
36055	09-Dec-13	179	Blumenthal Uniforms		\$13.13
36573			Clothing - uniform stars	\$13.13	\$13.13
001008521002600			Law Enforcment Clothing	\$13.13	
36056	09-Dec-13	13780	BUDU Racing		\$100.00
Refund			SPE2012-0001 refund deposit	\$100.00	\$100.00
001000386000001			Refundable Customer Deposits	\$100.00	
36057	09-Dec-13	11952	Carquest Auto Parts Store		\$515.08
2421-198196			Battery for PW31 John Deere Backh	\$103.55	\$103.55
101016542003102			Street Fund Operating Costs	\$72.49	
410016542403102			Storm Water - Operating Costs	\$31.06	
2421-198254			Filters & Oil	\$86.07	\$86.07
001003518104800			IT Dept-Repair & Maint	\$28.69	
001013519903100			General Government - Operating	\$28.69	
101016542003102			Street Fund Operating Costs	\$28.69	
2421-198271			Wiper motor	\$71.56	\$71.56
101016542003102			Street Fund Operating Costs	\$50.09	
410016542403102			Storm Water - Operating Costs	\$21.47	
2421-198272			Blower motor	\$36.17	\$36.17
001003518104800			IT Dept-Repair & Maint	\$36.17	

Detail Check Register

05-Dec-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor		Check Amount
2421-198378			Auto Batteries	\$98.98	\$0.00 \$98.98
101016542003102			Street Fund Operating Costs	\$69.29	
410016542403102			Storm Water - Operating Costs	\$29.69	
2421-198379			New battery for PW34 Case Backho	\$103.55	\$0.00 \$103.55
101016542003102			Street Fund Operating Costs	\$72.49	
410016542403102			Storm Water - Operating Costs	\$31.06	
2421-198398			Fuse and Terminal	\$15.20	\$0.00 \$15.20
101016542003102			Street Fund Operating Costs	\$15.20	
36058	09-Dec-13	274	City of Everett		\$3,100.00
I13003011			Animal shelter services	\$3,100.00	\$0.00 \$3,100.00
001008539004100			Code Enforcement - Professiona	\$3,100.00	
36059	09-Dec-13	276	City Of Lake Stevens		\$4,923.09
13-0631			Retainage - Advantage	\$34.30	\$0.00 \$34.30
001007558004100			Planning - Professional Servic	\$1.44	
001007559004100			Building Department - Professi	\$1.44	
001008521004100			Law Enforcement - Professional	\$15.00	
001010576804100			Parks - Professional Services	\$0.96	
001013519904100			General Government - Professio	\$7.80	
001013555504100			Community Center - Cleaning	\$5.75	
101016542004100			Street Fund - Professional Ser	\$0.96	
410016542404101			Storm Water - Professional Ser	\$0.95	
Pmt No 2			Retainage - Trinity Contractors	\$4,888.79	\$0.00 \$4,888.79
309016595616301			Sidewalk Construction	\$4,888.79	
36060	09-Dec-13	12004	CITY OF MARYSVILLE		\$22,682.35
13-021			Court Citations Nov 2013	\$4,639.11	\$0.00 \$4,639.11
001013512500001			Municipal Court Fees	\$4,639.11	
POLIN11-0355			Prisoner Hsg November 2013	\$18,043.24	\$0.00 \$18,043.24
001008523005100			Law Enforcement - Jail	\$18,043.24	
36061	09-Dec-13	13030	COMCAST		\$85.71
11/13 0810218			Internet - N Lakeshore Dr	\$85.71	\$0.00 \$85.71
001008521004200			Law Enforcement - Communicatio	\$85.71	
36062	09-Dec-13	13030	COMCAST		\$75.71
11/13 0692756			Internet services - Market PI	\$75.71	\$0.00 \$75.71
001008521004200			Law Enforcement - Communicatio	\$75.71	

Detail Check Register

05-Dec-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount		
36063	09-Dec-13	13757	Comdata Corporation			\$127.13
20194889	Fuel			(\$0.16)	\$0.00	(\$0.16)
001008521003200	Law Enforcement - Fuel			(\$0.16)		
20195455	Fuel			\$127.29	\$0.00	\$127.29
001008521003200	Law Enforcement - Fuel			\$127.29		
36064	09-Dec-13	91	Corporate Office Supply			\$854.30
145137i	toner for SRO printer			\$245.74	\$0.00	\$245.74
001008521003100	Law Enforcement - Office Suppl			\$245.74		
145198i	office supplies			\$278.71	\$0.00	\$278.71
001008521003100	Law Enforcement - Office Suppl			\$278.71		
145342i	office supplies			\$329.85	\$0.00	\$329.85
001008521003100	Law Enforcement - Office Suppl			\$329.85		
36065	09-Dec-13	13582	Deborah Smith			\$94.75
Turkey bowl exp	Wellness event supplies			\$94.75	\$0.00	\$94.75
001003517400000	Admin. Wellness program			\$94.75		
36066	09-Dec-13	9330	Dept of Emergency Management			\$15,853.00
I000345905	Q3 & Q4 Emergency Services			\$15,853.00	\$0.00	\$15,853.00
001013525005100	General Government - Emergency			\$15,853.00		
36067	09-Dec-13	456	Dunlap Industrial Hardware			\$187.34
1310529-01	(10) bags oil/gas/chemical absorben			\$187.34	\$0.00	\$187.34
101016542003102	Street Fund Operating Costs			\$187.34		
36068	09-Dec-13	473	Electronic Business Machines			\$79.20
093885	Copier Maint			\$79.20	\$0.00	\$79.20
001007558004800	Planning - Repairs & Maint.			\$39.60		
101016542004800	Street Fund - Repair & Mainten			\$19.80		
410016542404800	Storm Water - Repairs & Maint.			\$19.80		
36069	09-Dec-13	13390	Evergreen State Heat			\$211.78
23422	HVAC service - Senior Ctr			\$211.78	\$0.00	\$211.78
001013555506400	New Senior Center			\$211.78		
36070	09-Dec-13	13468	Feldman & Lee			\$6,982.50
Nov 2013	Public Defender services			\$6,982.50	\$0.00	\$6,982.50

Detail Check Register

05-Dec-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor			Check Amount
001013512800000			Court Appointed Attorney Fees			\$6,982.50
36071	09-Dec-13	13764	Frontier			\$145.38
11/13 4253979674			Phone services	\$145.38	\$0.00	\$145.38
101016542640000			Street Fund - Traffic Control	\$145.38		
36072	09-Dec-13	12393	GLENS RENTAL SALES & SERVICE			\$65.16
S5502			Post hole auger	\$65.16	\$0.00	\$65.16
101016542640000			Street Fund - Traffic Control	\$65.16		
36073	09-Dec-13	13010	Grainger			\$452.17
9282573618			Light fixture	\$68.44	\$0.00	\$68.44
001013551503100			Community Center - Operations	\$68.44		
9283539493			Batteries	\$43.12	\$0.00	\$43.12
101016542003102			Street Fund Operating Costs	\$30.18		
410016542403102			Storm Water - Operating Costs	\$12.94		
9283769512			Batteries	\$39.38	\$0.00	\$39.38
101016542003102			Street Fund Operating Costs	\$14.00		
101016542660000			Street Fund - Snow & Ice Contr	\$13.38		
410016542403102			Storm Water - Operating Costs	\$12.00		
9286041448			Batteries	\$43.88	\$0.00	\$43.88
101016542003102			Street Fund Operating Costs	\$30.72		
410016542403102			Storm Water - Operating Costs	\$13.16		
9287524442			Air Hose	\$58.94	\$0.00	\$58.94
101016542003102			Street Fund Operating Costs	\$41.26		
410016542403102			Storm Water - Operating Costs	\$17.68		
9295934666			Rakes	\$68.03	\$0.00	\$68.03
101016542003102			Street Fund Operating Costs	\$47.62		
410016542403102			Storm Water - Operating Costs	\$20.41		
9299378274			Tarp/light fixture	\$92.72	\$0.00	\$92.72
001010576803100			Parks - Operating Costs	\$24.28		
001013519903100			General Government - Operating	\$68.44		
9302021804			Starting fluid	\$37.66	\$0.00	\$37.66
101016542003102			Street Fund Operating Costs	\$26.36		
410016542403102			Storm Water - Operating Costs	\$11.30		
36074	09-Dec-13	13010	Grainger			\$5.25
9282972430			Sidewall/ceiling register	\$5.25	\$0.00	\$5.25

Detail Check Register

05-Dec-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
101016542003102			Street Fund Operating Costs	\$5.25	
36075	09-Dec-13	13971	Granite Construction Co		\$251.95
51202			City Vehicle Decals	\$251.95	\$0.00
101016542003102			Street Fund Operating Costs	\$178.50	
410016542403102			Storm Water - Operating Costs	\$73.45	
36076	09-Dec-13	13130	J & J Polygraph Service, LLC		\$175.00
1174			Polygraph Exam PE13-0313	\$175.00	\$0.00
001008521004100			Law Enforcement - Professional	\$175.00	
36077	09-Dec-13	13327	Jennifer Anderson		\$416.66
Dec 2013			Section 125 - Dep Care Reimb	\$416.66	\$0.00
001000281000000			Payroll Liabilities	\$416.66	
36078	09-Dec-13	852	Lake Stevens Journal		\$130.65
80342			2013 Docket Comp Plan	\$73.70	\$0.00
001007558004400			Planning - Advertising	\$73.70	
80372			Ordinance 906	\$33.50	\$0.00
001013514304400			General Government - Advertisin	\$33.50	
80438			Ordinances 904 & 905	\$23.45	\$0.00
001013514304400			General Government - Advertisin	\$23.45	
36079	09-Dec-13	12751	LAKE STEVENS POLICE GUILD		\$957.00
12/01/13			Union Dues	\$957.00	\$0.00
001000281000000			Payroll Liabilities	\$957.00	
36080	09-Dec-13	9340	Lake Stevens School District		\$2,152.74
786			Fuel	\$2,152.74	\$0.00
001003518103200			IT - Fuel	\$53.30	
001007559003200			Building Department - Fuel	\$135.48	
001010576803200			Parks - Fuel Costs	\$16.16	
001013519903200			General Government - Fuel	\$57.24	
101016542003200			Street Fund - Fuel	\$1,491.58	
410016542403200			Storm Water - Fuel	\$398.98	
36081	09-Dec-13	860	Lake Stevens Sewer District		\$675.00
12/13			Utilities - Sewer	\$675.00	\$0.00

Detail Check Register

05-Dec-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001008521004700			Law Enforcement - Utilities	\$150.00	
001010576804700			Parks - Utilities	\$150.00	
001012572504700			Library - Utilities	\$75.00	
001013519904700			General Government - Utilities	\$300.00	
36082	09-Dec-13	12841	Law Offices of Weed, Graafstra		\$10,908.25
120			Legal services	\$10,908.25	\$0.00 \$10,908.25
001005515204100			Legal - Professional Service	\$10,908.25	
36083	09-Dec-13	12603	LES SCHWAB TIRE CENTER		\$218.42
40200106582			Replace tire on Case Backhoe (PW	\$218.42	\$0.00 \$218.42
101016542003102			Street Fund Operating Costs	\$218.42	
36084	09-Dec-13	13404	LexisNexis		\$175.77
1420700-201311130			Database searches	\$175.77	\$0.00 \$175.77
001008521004100			Law Enforcement - Professional	\$175.77	
36085	09-Dec-13	12215	LOWES COMPANIES		\$139.70
927395			Electrical wiring and parts for shop r	\$139.70	\$0.00 \$139.70
001010576803100			Parks - Operating Costs	\$20.96	
101016542003102			Street Fund Operating Costs	\$83.82	
410016542403102			Storm Water - Operating Costs	\$34.92	
36086	09-Dec-13	14066	Modus Technology Inc		\$151.55
6650			Transferring East Everett files from	\$151.55	\$0.00 \$151.55
001007558004902			Planning - Printing and Bindin	\$151.55	
36087	09-Dec-13	12800	Monroe Correctional Complex		\$394.59
MCC1311.009			Work Crew services	\$394.59	\$0.00 \$394.59
001013519904800			General Government - Repair/Ma	\$39.46	
101016542004800			Street Fund - Repair & Mainten	\$217.02	
410016542404800			Storm Water - Repairs & Maint.	\$138.11	
36088	09-Dec-13	14028	Natalie Quick Consulting		\$1,000.00
12/2/13			Prof services	\$1,000.00	\$0.00 \$1,000.00
001007558804111			Planning-Economic Development	\$1,000.00	
36089	09-Dec-13	14065	Northwest Transcribers		\$417.00
2134P			Interview Transcriptions	\$292.00	\$0.00 \$292.00
001008521004100			Law Enforcement - Professional	\$292.00	
2140P			Trascriptions	\$125.00	\$0.00 \$125.00
001008521004100			Law Enforcement - Professional	\$125.00	

Detail Check Register

05-Dec-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
36090	09-Dec-13	1091	Office Of The State Treasurer		\$6,297.56
11/2013			Nov 2013 State Court Fees	\$6,297.56	\$0.00
					\$6,297.56
633008559005100			Building Department - State Bl	\$54.00	
633008589000003			Public Safety And Ed. (1986 As	\$2,969.74	
633008589000004			Public Safety And Education	\$1,814.17	
633008589000005			Judicial Information System-Ci	\$743.16	
633008589000008			Trauma Care	\$217.59	
633008589000010			Public Safety Ed #3	\$91.48	
633008589000011			Auto Theft Prevention	\$287.76	
633008589000012			HWY Safety Act	\$20.56	
633008589000013			Death Inv Acct	\$14.85	
633008589000014			WSP Highway Acct	\$84.25	
36091	09-Dec-13	14060	Outcomes by Levy LLC		\$5,161.59
2013-11-LS			Retainer & Expenses - Nov 2013	\$5,161.59	\$0.00
					\$5,161.59
001013511204102			Advisory Srv - Lobbying	\$5,161.59	
36092	09-Dec-13	13943	PartsMaster		\$370.53
20718695			Locking clamps	\$62.89	\$0.00
					\$62.89
101016542003102			Street Fund Operating Costs	\$44.02	
410016542403102			Storm Water - Operating Costs	\$18.87	
20735717			Wire/sealant	\$99.42	\$0.00
					\$99.42
101016542003102			Street Fund Operating Costs	\$69.59	
410016542403102			Storm Water - Operating Costs	\$29.83	
20736527			Wire/Fuses	\$97.79	\$0.00
					\$97.79
101016542003102			Street Fund Operating Costs	\$68.45	
410016542403102			Storm Water - Operating Costs	\$29.34	
20737445			Plier clamp	\$55.93	\$0.00
					\$55.93
101016542003102			Street Fund Operating Costs	\$39.15	
410016542403102			Storm Water - Operating Costs	\$16.78	
20738169			Connector w/sealant/disk	\$54.50	\$0.00
					\$54.50
101016542003102			Street Fund Operating Costs	\$38.15	
410016542403102			Storm Water - Operating Costs	\$16.35	
36093	09-Dec-13	13304	Purchase Power		\$350.00
11/2013			Postage	\$350.00	\$0.00
					\$350.00
001007558004200			Planning - Communication	\$46.66	
001013519904200			General Government - Communica	\$278.14	
101016542004200			Street Fund - Communications	\$12.60	
410016542404200			Storm Water - Communications	\$12.60	
36094	09-Dec-13	12540	Republic Services #197		\$354.88

Detail Check Register

05-Dec-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor		Check Amount	
0197-001654843			Dumpster services	\$354.88	\$0.00	\$354.88
101016542003102			Street Fund Operating Costs	\$169.88		
101016542004500			Street Fund - Rentals/Leases	\$7.56		
410016542403102			Storm Water - Operating Costs	\$169.88		
410016542404501			Storm Water - Equipment Rental	\$7.56		
36095	09-Dec-13	12540	Republic Services #197			\$255.54
0197-001654653			Dumpster services	\$255.54	\$0.00	\$255.54
001010576803102			Soper Hill Maintenance	\$242.49		
001010576804500			Parks - Equipment Rental	\$13.05		
36096	09-Dec-13	12540	Republic Services #197			\$113.17
0197-001655385			Dumpster services	\$113.17	\$0.00	\$113.17
001013519903100			General Government - Operating	\$100.22		
001013519904500			General Government-Equip Renta	\$12.95		
36097	09-Dec-13	13911	Sky Valley Towing			\$673.20
401022			Evidence Tow	\$374.00	\$0.00	\$374.00
001008521003104			Law Enforcement-Operating Cost	\$374.00		
401029			evidence tow case 13-03011	\$299.20	\$0.00	\$299.20
001008521003104			Law Enforcement-Operating Cost	\$299.20		
36098	09-Dec-13	13878	Snohomish Conservation Dist			\$675.78
9			Rain Garden contract labor	\$675.78	\$0.00	\$675.78
410016531503106			DOE - G1100280 LID Grant Exp	\$675.78		
36099	09-Dec-13	12961	SNOHOMISH COUNTY PUD			\$13,878.84
104108621		200860922		\$689.72	\$0.00	\$689.72
001013555504700			Community Center - Utilities	\$689.72		
107420623		202624367		\$9,119.88	\$0.00	\$9,119.88
101016542630000			Street Fund - Street Lighting	\$9,119.88		
107420624		202648101		\$825.14	\$0.00	\$825.14
101016542630000			Street Fund - Street Lighting	\$825.14		
127315081		203203245		\$368.35	\$0.00	\$368.35
001010576804700			Parks - Utilities	\$368.35		
130629202		202670725		\$1,138.78	\$0.00	\$1,138.78
101016542630000			Street Fund - Street Lighting	\$1,138.78		

Detail Check Register

05-Dec-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor		Check Amount
140458563	200206019			\$613.35	\$613.35
	001013519904700		General Government - Utilities	\$613.35	
140458564	200245215			\$613.31	\$613.31
	001013519904700		General Government - Utilities	\$613.31	
140458565	200321172			\$510.31	\$510.31
	001013519904700		General Government - Utilities	\$510.31	
36100	09-Dec-13	12961	SNOHOMISH COUNTY PUD		\$1,904.51
107421308	202289237			\$137.69	\$137.69
	001010575304901		Historical Museum	\$68.85	
	001010575304905		Grimm House Expenses	\$68.84	
110736574	201783685			\$269.52	\$269.52
	001013519904700		General Government - Utilities	\$269.52	
114055083	201595113			\$346.96	\$346.96
	101016542630000		Street Fund - Street Lighting	\$346.96	
120690300	203115522			\$364.61	\$364.61
	101016542630000		Street Fund - Street Lighting	\$364.61	
124000641	203599006			\$299.96	\$299.96
	001010576804700		Parks - Utilities	\$99.99	
	101016542004700		Street Fund - Utilities	\$99.99	
	410016542404701		Storm Water Utilities	\$99.98	
137142949	202013249			\$190.95	\$190.95
	101016542630000		Street Fund - Street Lighting	\$190.95	
140454973	203582010			\$195.22	\$195.22
	101016542630000		Street Fund - Street Lighting	\$195.22	
143968921	203728159			\$99.60	\$99.60
	101016542630000		Street Fund - Street Lighting	\$99.60	
36101	09-Dec-13	12961	SNOHOMISH COUNTY PUD		\$392.92
104108528	200748721			\$92.36	\$92.36
	001010576804700		Parks - Utilities	\$92.36	
110735997	201973682			\$43.12	\$43.12

Detail Check Register

05-Dec-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
101016542630000			Street Fund - Street Lighting	\$43.12	
117372577	204719074			\$15.25	\$0.00
101016542630000			Street Fund - Street Lighting	\$15.25	
117373018	202513354			\$33.93	\$0.00
001010576804700			Parks - Utilities	\$33.93	
127312461	200493443			\$40.45	\$0.00
001010576804700			Parks - Utilities	\$40.45	
137142365	202340527			\$32.03	\$0.00
001010576804700			Parks - Utilities	\$10.68	
101016542004700			Street Fund - Utilities	\$10.68	
410016542404701			Storm Water Utilities	\$10.67	
137146407	201956075			\$50.76	\$0.00
001013519904700			General Government - Utilities	\$50.76	
147081805	202427720			\$85.02	\$0.00
410016542404700			Storm Water-Aerat. Utilities	\$85.02	
36102	09-Dec-13	12961	SNOHOMISH COUNTY PUD		\$3.68
127311028	205320781			\$3.68	\$0.00
101016542630000			Street Fund - Street Lighting	\$3.68	
36103	09-Dec-13	1382	Snohomish County PW (V)		\$7,526.69
I000345874			Vehicle Repair & Maint	\$7,526.69	\$0.00
001008521004800			Law Enforcement - Repair & Mai	\$1,706.94	
101016542004800			Street Fund - Repair & Mainten	\$3,708.05	
101016542640000			Street Fund - Traffic Control	\$332.88	
101016542660000			Street Fund - Snow & Ice Contr	\$149.30	
410016542404800			Storm Water - Repairs & Maint.	\$1,629.52	
36104	09-Dec-13	1388	Snohomish County Treasurer		\$117.66
11/2013			Nov 2013 Crime Victims Comp	\$117.66	\$0.00
633008589000001			Crime Victims Compensation	\$117.66	
36105	09-Dec-13	1356	SNOPAC		\$26,195.76
6374			Dispatch Services	\$26,195.76	\$0.00
001008528005100			Law Enforcement - Snopac Dispa	\$26,195.76	
36106	09-Dec-13	453	Sound Law Center		\$3,748.50

Detail Check Register

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Lake Stevens

Check No	Check Date	VendorNo	Vendor		Check Amount
1558			Hearing Examiner LUA2013-0023&0	\$3,748.50	\$0.00 \$3,748.50
001007558004103			Planning - Prof.Serv-Hearing E	\$3,748.50	
36107	09-Dec-13	14002	Springbrook Software Inc		\$155.49
INV26859			Sales tax on previously pd inv 676	\$155.49	\$0.00 \$155.49
001004514234800			Finance - Fin. Software Maint	\$155.49	
36108	09-Dec-13	13994	Strategies 360		\$1,500.00
772-10401addl			Hwy 9 Prof services	\$1,500.00	\$0.00 \$1,500.00
001013511204101			Advisory Srvs - Lobbying	\$1,500.00	
36109	09-Dec-13	12579	SUMMIT LAW GROUP		\$270.50
64708			Prof services	\$270.50	\$0.00 \$270.50
001005515204100			Legal - Professional Service	\$270.50	
36110	09-Dec-13	13800	Tab Products Co LLC		\$1,732.17
2207943			2014 case files	\$1,732.17	\$0.00 \$1,732.17
001008521003100			Law Enforcement - Office Suppl	\$1,732.17	
36111	09-Dec-13	13891	Tacoma Screw Products Inc		\$191.49
18022828			(1) Hi-Vis winter jacket to replace wo	\$60.72	\$0.00 \$60.72
001010576802600			Parks - Clothing	\$22.75	
101016542002600			Street Fund - Clothing	\$37.97	
30447522			Cable tie/screws	\$26.77	\$0.00 \$26.77
101016542003102			Street Fund Operating Costs	\$26.77	
30454313			Cable tie/screws	\$28.04	\$0.00 \$28.04
101016542003102			Street Fund Operating Costs	\$28.04	
30455518			Screws/krimpa seal ring	\$27.42	\$0.00 \$27.42
101016542003102			Street Fund Operating Costs	\$27.42	
30459477			TSP heavy duty floor dry	\$48.54	\$0.00 \$48.54
101016542003102			Street Fund Operating Costs	\$33.98	
410016542403102			Storm Water - Operating Costs	\$14.56	
36112	09-Dec-13	13689	TaxCalcUSA		\$60.83
14167-405			W2 forms and 1099 Misc forms	\$60.83	\$0.00 \$60.83
001004514233100			Finance - Office Supplies	\$60.83	
36113	09-Dec-13	11787	Teamsters Local No. 763		\$550.00
11/2013			Union Dues	\$550.00	\$0.00 \$550.00

Detail Check Register

05-Dec-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001000281000000			Payroll Liabilities	\$550.00	
36114	09-Dec-13	1491	The Everett Herald		\$146.20
LG527221			2013 Docket-Comp Plan amendmen	\$70.52	\$0.00 \$70.52
001007558004400			Planning - Advertising	\$70.52	
LG529505			LUA2013-0131 Stonebriar	\$75.68	\$0.00 \$75.68
001007558004400			Planning - Advertising	\$75.68	
36115	09-Dec-13	14061	Trinity Contractors Inc		\$92,887.01
Est No 2			Pmt No 2 on 20th St NE Sidewalk	\$92,887.01	\$0.00 \$92,887.01
309016595616301			Sidewalk Construction	\$92,887.01	
36116	09-Dec-13	13112	Tyler Enterprises		\$425.00
Oct/Nov 2013			Building inspections svcs	\$425.00	\$0.00 \$425.00
001007559004100			Building Department - Professi	\$425.00	
36117	09-Dec-13	11788	United Way of Snohomish Co.		\$315.68
11/2013			Employee contributions	\$315.68	\$0.00 \$315.68
001000281000000			Payroll Liabilities	\$315.68	
36118	09-Dec-13	13045	UPS		\$16.95
74Y42463			Evidense shipping	\$16.95	\$0.00 \$16.95
001008521004200			Law Enforcement - Communicatio	\$16.95	
36119	09-Dec-13	12158	VERIZON NORTHWEST		\$2,521.22
9715504259			Wireless Phone services	\$2,521.22	\$0.00 \$2,521.22
001003511104200			Executive - Communication	\$82.43	
001003513104200			Administration-Communications	\$82.16	
001003514104200			City Clerks-Communications	\$29.54	
001003516104200			Human Resources-Communications	\$52.14	
001003518104200			IT Dept-Communications	\$104.28	
001007558004200			Planning - Communication	\$141.72	
001008521004200			Law Enforcement - Communicatio	\$1,524.51	
001010576804200			Parks - Communication	\$168.15	
101016542004200			Street Fund - Communications	\$168.15	
410016542404200			Storm Water - Communications	\$168.14	
36120	09-Dec-13	12845	ZACHOR & THOMAS, INC. P.S.		\$8,250.00
624			Prosecutor services	\$8,250.00	\$0.00 \$8,250.00
001013515210000			Prosecutor fees	\$8,250.00	

Detail Check Register

05-Dec-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount
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Total Of Checks:				\$256,384.31
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Detail Check Register

05-Dec-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
36121	09-Dec-13	12187	AUCKLAND ENTERPRISES		\$575.00
654			Tree removal in Greenwood Village	\$575.00	\$0.00
					\$575.00
001010576804800			Parks - Repair & Maintenance	\$575.00	
36122	09-Dec-13	11952	Carquest Auto Parts Store		\$492.71
2421-198207			Tractor lamp	\$29.69	\$0.00
					\$29.69
101016542660000			Street Fund - Snow & Ice Contr	\$29.69	
2421-198418			LOF for PW26 sweeper	\$463.02	\$0.00
					\$463.02
101016542004102			Street Fund-Sweeping	\$350.00	
410016542404103			Street Sweeping	\$113.02	
36123	09-Dec-13	274	City of Everett		\$450.00
I13003034			Lab Analysis	\$450.00	\$0.00
					\$450.00
410016542404101			Storm Water - Professional Ser	\$450.00	
36124	09-Dec-13	14058	Enterprise Supply Inc		\$4,257.00
INV012146			de-ice spreader & tank	\$4,257.00	\$0.00
					\$4,257.00
530018594006400			Purchase Of Capital Equipment	\$4,257.00	
36125	09-Dec-13	13010	Grainger		\$89.18
9303183736			Inverter	\$65.39	\$0.00
					\$65.39
101016542003102			Street Fund Operating Costs	\$45.77	
410016542403102			Storm Water - Operating Costs	\$19.62	
9305360605			Butane	\$23.79	\$0.00
					\$23.79
101016542003102			Street Fund Operating Costs	\$23.79	
36126	09-Dec-13	12961	SNOHOMISH COUNTY PUD		\$456.26
110734105			200558690	\$118.40	\$0.00
					\$118.40
001008521004700			Law Enforcement - Utilities	\$118.40	
127316587			203730189	\$160.46	\$0.00
					\$160.46
101016542630000			Street Fund - Street Lighting	\$160.46	
127316588			203731153	\$177.40	\$0.00
					\$177.40
101016542630000			Street Fund - Street Lighting	\$177.40	
36127	09-Dec-13	13891	Tacoma Screw Products Inc		\$332.74
18022289			Safety clothing	\$288.45	\$0.00
					\$288.45
101016542002600			Street Fund - Clothing	\$191.75	
410016542402600			Storm Water-Clothing	\$96.70	

Detail Check Register

05-Dec-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount		
18023440			screws	\$44.29	\$0.00	\$44.29
		001010576803100	Parks - Operating Costs	\$44.29		
Total Of Checks:						\$6,652.89

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

Monday, November 25, 2013
Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street N.E. Lake Stevens

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

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

COUNCILMEMBERS ABSENT: Neal Dooley and Mayor Vern Little

STAFF MEMBERS PRESENT: City Administrator Jan Berg, City Attorney Cheryl Beyer, Planning Director Becky Ableman, Senior Planner Russ Wright, Finance Director Barb Stevens, Public Works Director Mick Monken, Human Resource Director Steve Edin, Interim Police Chief Dan Lorentzen, Sergeant Craig Valvick, Officer Jim Barnes, Interim Police Commander Dennis Taylor and Office Assistant Carin Hinman

OTHERS: Kathleen Friend, Ward Isom, Al Lansing, Katrina Sperry and Steve Ewing

Excused Absence. Councilmember Holder moved to excuse Councilmember Dooley, seconded by Councilmember Tageant; motion carried unanimously. (6-0-0-1)

Introduction. Interim Police Commander Dennis Taylor was introduced to Council. He reported on his Police Department strategic planning process. It will include a 360 degree performance program which will include stakeholder's surveys and interviews, with a mission, vision and values to meet the stakeholder's expectations. It will also include staffing analysis, a marketing plan, peer evaluations, and supervisor evaluations. This planning process will help to 'rebrand' the City of Lake Stevens Police Department. Officer Barnes commented the Police Guild completely support Interim Police Commander Taylor's new direction to create a better Police Department based on service and dedication to the community.

Guest Business. Kathleen Friend from the Family Center gave an annual report on their Healthy Families Project stating that needs are increasing. They served 4,981 people for the year 2012-2013. They have 498 volunteers that put in 4,494 hours. They provide services for family, physical and financial needs. The Family Center needs more help while the budget remains the same.

Katrina Sperry thanked the Lake Stevens Police Department for working on helping to clean up their neighborhood crime issues.

Consent Agenda. Councilmember Tageant moved to approve the Consent Agenda items (A. Approve November vouchers [Payroll Direct Deposits 907937-907991 for \$127,349.58, Payroll Checks 35973 for \$2,544.30, Electronic Funds Transfers 663-667 for \$4,866.63, Claims 35974-36047 for \$199,459.56, Void Checks 35925 for (\$21.69), Tax Deposit 11/15/2013 for \$52,293.64, for total vouchers approved of \$386,492.02]; B. Approve Council regular meeting

minutes of November 12, 2013; and C. Approve first and final reading of Ordinance No. 905, 2013 budget amendment), seconded by Councilmember Holder; motion carried unanimously. (6-0-0-1)

Public Hearing in consideration of second and final reading of Ordinance No. 904 proposed 2014 budget. The public hearing procedure, which will be followed for both hearings, was read by City Attorney Beyer.

Finance Director Stevens reviewed the revisions and adjustments to Ordinance No. 904 since the previous presentation to Council.

Public Comment: None

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

MOTION: Councilmember Tageant moved to close the public hearing on Ordinance No. 904, seconded by Councilmember Holder; motion carried unanimously. (6-0-0-1)

MOTION: Councilmember Holder moved to approve second and final reading of the 2014 budget Ordinance No 904, seconded by Councilmember Quigley.

Councilmember Welch commented he will vote no because he does not approve of police staffing.

Council discussed at length Police staffing levels for 2014.

Motion carried with Councilmember Welch voting no. (5-1-0-1)

Public Hearing in consideration of first readings of: Ordinance No. 902, 2013 Comprehensive Plan Docket and Ordinance No. 903, Code Housekeeping Amendments. Senior Planner Russ Wright commented that the Comprehensive Plan Docket is done once a year to make sure the City is current with state law. This is a recommendation for the Council to hold a 2013 Docket Public Hearing and first reading of Ordinance No. 902 for the proposed 2013 Comprehensive Plan Amendments and Ordinance No. 903 for Code Housekeeping Amendments and to continue the hearing to December 9, 2013 for a second and final reading.

Public Comment: None

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

MOTION: Councilmember Tageant moved to close the public hearing, seconded by Councilmember Daughtry; motion carried unanimously. (6-0-0-1)

MOTION: Councilmember Welch moved to approve the recommendation for the City Council to hold a 2013 Docket Public Hearing and first reading of Ordinance No. 902 for the proposed 2013 Comprehensive Plan Amendments and Ordinance No. 903 for Code Housekeeping

Amendments and that the Council will continue the hearing to December 9, 2013 for a second and final reading, seconded by Councilmember Daughtry; motion carried unanimously. (6-0-0-1)

Adopt Resolution No. 2013-13, Fees Amendment. Public Works Director Monken reported the only change to the fees resolution is the EDDS deviation request fee. The proposed base fee charge is \$150 for the first two hours and \$75/hour for additional time.

Councilmember Tageant recommended fee per lot rather than the deviation fee presented.

MOTION: Councilmember Welch moved to adopt Resolution No. 2013-13, fees amendment, seconded by Councilmember Holder; motion carried unanimously. (6-0-0-1)

Approve traffic calming partnership – Heleena Hills Homeowners Association (HOS). Public Works Director Monken reviewed the Heleena Hills HOA concerns with sight distance and traffic speeds along 10th Street NE at the 84th Drive NE intersection. Heleena Hills HOA is requesting to work with the City to solve the problem by installing a roundabout island with plastic curbs. The City would provide the labor with the HOA providing the materials.

Heleena Hills HOA president Steve Ewing 8617 11th Street NE stated that the County and the developer want nothing to do with the many existing issues, such as storm drains, very high traffic, sight distance problems and speeders. He requested the City step up and handle these issues. Liability should not be with their association when someone gets hurt. He thanked the Council for their consideration on this matter.

MOTION: Councilmember Daughtry moved to approve traffic calming partnership – Heleena Hills Homeowners Association, seconded by Councilmember Holder; motion carried unanimously. (6-0-0-1)

Approve City Attorney Retainer Agreement with Weed, Graafstra and Benson for 2014. City Administrator Berg reviewed the annual renewal of City/Attorney agreement proposing to lower the retainer hours to 30 from 35 with hourly rate increase from \$160 to \$175.

MOTION: Councilmember Welch moved to approve City Attorney Retainer Agreement with Weed, Graafstra and Benson for 2014, seconded by Councilmember Holder; motion carried unanimously. (6-0-0-1)

Council Person's Business: Councilmembers reported on the following meetings: Tageant - Sewer District meeting; Holder - Southwest interceptor is moving forward; Welch - questioned 91st street patching and if the potholes are contractors responsibility. Public Works Director Monken responded the contractor is responsible; and Daughtry – spoke before the Senate Subcommittee for Transportation in Olympia, Senate and House are going forward with the transportation package, and SCT meeting Wednesday looking to raise the threshold for SEPA determinations.

Mayor's Business: None

Staff Reports: Staff reported on the following: City Administrator Berg - thanked Councilmember Daughtry for going to Olympia to testify and complimented him on his talk and also thanked Public Works Director Monken for driving, priorities are for 2014 transportation

funding; Planning Director Ableman - there will be a small contract next meeting for business recruitment; Finance Director Stevens - audit is complete and it went great; Public Works Director Monken - also complimented Councilmember Daughtry on his talk in Olympia; Interim Police Commander Lorentzen – survey will be provided in the next few weeks for the Police Department strategic planning process.

Executive Session. At 8:55 p.m. Mayor Pro Tem Spencer called for a five minute executive session to approve appraisal services with Macaulay and Associates with action to follow. The executive session ended at 9:00 p.m.

MOTION: Councilmember Daughtry moved to sign the Professional Services Agreement with Macaulay and Associates not to exceed \$3,800.00, seconded by Councilmember Welch; motion carried unanimously. (6-0-0-1)

Adjourn: 9:01 p.m.

John Spencer, Mayor Pro Tem

Carin Hinman, Office Assistant



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: December 9, 2013

Subject: 2013 Comprehensive Plan Amendments (2013 Docket) and Code Housekeeping Amendments (LS2013-0008) – Public Hearing

Contact Person/Department: Russ Wright, Planning **Budget Impact:** None

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: **The recommendation is for the City Council to hold a 2013 Docket Public Hearing and final reading of Ordinance No. 902 for the proposed Comprehensive Plan amendments and Ordinance No. 903 for Code Housekeeping Amendments on December 9, 2013.**

SUMMARY: Attached are Ordinance No. 902 including one City-proposed map correction and seven City-proposed text amendments (*Attachment A*) and Ordinance No. 903 including Code Housekeeping Amendments (*Attachment B*) ratified by the City Council on July 8, 2013. Most of the Comprehensive Plan amendments are normal updates related to the Docket, related to the recently adopted subarea plans or other code amendments, and general updates due to changes in state regulations or requirements. The Code Housekeeping Amendments correct minor code errors and revisions found during code implementation and update code to be consistent with the GMA Comprehensive Plan. The Park Board recommends approving the Park Plan (*Attachment C*). The Planning Commission recommends approving all Comprehensive Plan amendments and Code Housekeeping amendments (*Attachment D*).

BACKGROUND: Under the Growth Management Act, the City can amend its Comprehensive Plan and Future Land Use Map once per year with a few exceptions, as part of an annual “Docket.” The Comprehensive Plan has a specified docket process to follow (pages 1-20 to 1-27). This year’s docket includes one City proposed map correction and seven City proposed text amendments. In addition, Code Housekeeping Amendments are proposed by the City. No private amendments were proposed.

The Planning Commission held a public hearing for recommendation to ratify the 2013 Docket on June 19, 2013. City Council ratified the 2013 Docket July 8, 2013. The Planning Commission held a public hearing for recommendation for final review and approval of the 2013 Docket including the Comprehensive Plan Amendments and the Code Housekeeping Amendments on November 6, 2013. The City Council was briefed on the proposed Comprehensive Plan Amendments based on the analysis forms and the Code Housekeeping Amendments on November 12, 2013. City Council held a first public hearing on the 2013 Docket November 25, 2013.

Staff sent the proposed Comprehensive Plan amendments to the Washington Department of Commerce on October 1, 2013 for the required 60-day review by State agencies. Commerce sent a revised response letter to the City on November 21, 2013 (*Appendix E*). The City’s SEPA official issued Addendum No. 6 to the Integrated 2005 Comprehensive Plan and Environmental Impact Statement on November 8, 2013. No comments were received.

RM-2 and RT-2 were placeholders to be used if the Downtown Framework Plan was adopted before finalizing the Docket; since this was not completed, these two items are not included in the final docket. In addition RT-8 was an open item to allow the City Council to add any additional items to the Docket. During review of the Park Plan, it was determined that park projects need to be added to Chapter 8 Capital Facilities Element, Table 8-1 Capital Improvements, 2012-2032.

The items on the ratified docket have been analyzed against the criteria to grant or deny an amendment on the analysis forms discussed at the November 12 briefing. All proposals meet requirements for granting the proposed amendments.

DISCUSSION: The 2013 Docket includes both Comprehensive Plan Amendments and Code Housekeeping Amendments. Separate ordinances were prepared to meet the required decision criteria for each set of amendments. Ordinance No. 902 (see **Appendix A**) includes the Comprehensive Plan Land Use Map correction and text amendments. Ordinance No. 903 (see **Appendix B**) includes the Code Housekeeping amendments including a Zoning Map correction and code amendments.

The Comprehensive Plan establishes six criteria listed on pages 1- 26 to 1-27 to grant or deny a Plan amendment. The items on the ratified docket have been analyzed against the criteria to grant or deny an amendment. All proposals meet all requirements for granting the proposed amendments.

For both City and privately-initiated amendments, the City shall take into consideration, but is not limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan:

- 1. The effect upon the physical, natural, economic, and/or social environments.*
- 2. The compatibility with and impact on adjacent land uses and surrounding neighborhoods including whether the amendment would create pressure to change the land use designation of other properties in the vicinity.*
- 3. The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools.*
- 4. The quantity and location of land planned for the proposed land use type and density.*
- 5. The effect, if any, upon other aspects of the Comprehensive Plan.*

The City may amend the Comprehensive Plan only if it finds the amendment meets all of the following:

- 1. The amendment must be consistent with the Growth Management Act and other applicable State laws;*
- 2. The amendment must be consistent with the applicable County-wide Planning Policies;*
- 3. The amendment must not be in conflict with the Community Vision or other goals, policies, and provisions of the Comprehensive Plan;*
- 4. The amendment can be accommodated by all applicable public services and facilities, including transportation;*
- 5. The amendment will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses, or residents;*
- 6. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.*

The Code Housekeeping Amendments must meet the required decision criteria for a code amendment (LSMC 14.16C.075(f)):

Decision Criteria. In approving code amendments to this title, the City Council shall make the following findings:

- (1) The amendment is consistent with the adopted Lake Stevens Comprehensive Plan;*
- (2) The amendment is in compliance with the Growth Management Act; and*
- (3) The amendment serves to advance the public health, safety and welfare.*

The proposed Code Housekeeping amendments meet the decision criteria above.

APPLICABLE CITY POLICIES: Chapter 14.16A LSMC, LSMC 14.16C.040, and Chapter 1 of the Comprehensive Plan establish procedures for amendments to the City's Comprehensive Plan. LSMC 14.16C.075 establishes procedures for amendments to the Land Use Code.

BUDGET IMPACT: No budget impact.

ATTACHMENTS:

- A. Ordinance No. 902 (Attorney Approved as-to-form)
- B. Ordinance No. 903 (Attorney Approved as-to-form)
- C. Park Board Recommendation Letter on Park Plan dated October 30, 2013
- D. Planning Commission Recommendation Letter dated November 6, 2013
- E. Letter from Washington State Department of Commerce dated November 21, 2013

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

ORDINANCE NO. 902

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON AMENDING THE COMPREHENSIVE PLAN, ORDINANCES NO. 726 AND 739, AS AMENDED, AND TITLE 14 LSMC, BY APPROVING THE 2013 DOCKET: ONE CITY-INITIATED MAP AMENDMENT #M-1 (MAP CORRECTION FOR 20th ST SE STORMWATER DETENTION FACILITY REDESIGNATION) AND SEVEN CITY-INITIATED TEXT AMENDMENT REQUESTS #T-1 AMENDING CHAPTER 1 ENTITLED "INTRODUCTION", #T-3 AMENDING CHAPTER 5 ENTITLED "PARKS AND RECREATION ELEMENT", #T-4 AMENDING CHAPTER 6 ENTITLED "TRANSPORTATION ELEMENT", #T-5 AMENDING CHAPTER 7 ENTITLED "UTILITIES & PUBLIC SERVICES & FACILITIES ELEMENT", #T-6 AMENDING SECTION ENTITLED "APPENDICES", #T-7 AMENDING COVER, FOOTERS AND TABLE OF CONTENTS, AND #T-8 AMENDING CHAPTER 8 ENTITLED "CAPITAL FACILITIES ELEMENT", WHICH AMEND THE COMPREHENSIVE PLAN LAND USE MAP, TEXT AND FIGURES PURSUANT TO THE CITY'S ANNUAL COMPREHENSIVE PLAN AMENDMENT AND UPDATE PROCESS.

WHEREAS, as one of the cities in Snohomish County, the City of Lake Stevens is required under RCW 36.70A.130(4)(a) to review and, if needed, revise its Comprehensive Plan and development regulations to ensure the plan and regulations comply with the Growth Management Act, Ch. 36.70A RCW; and

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

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

WHEREAS, the 2013 Comprehensive Plan amendments (2013 Docket) ratified by the City Council on July 8, 2013 include no Privately-Initiated Amendment Requests, one City-Initiated Map Amendment Request and seven City-Initiated Text Amendment Requests, which propose to revise the Comprehensive Plan land use map, text and figures; and

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

WHEREAS, on November 8, 2013, the City issued a State Environmental Policy Act (SEPA) Addendum No. 6 to the Integrated 2005 Comprehensive Plan and Environmental Impact Statement; and

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

WHEREAS, on October 1, 2013, the City submitted the proposed 2013 Comprehensive Plan land use map, text and figure amendments to the Washington State Department of Commerce for its 60-day review and received a revised acknowledgement letter documenting completion of procedural requirements on November 21, 2013; and

WHEREAS, the proposed land use map amendment (#M-1) is a map correction and does not require a concurrent rezone; and

WHEREAS, the Lake Stevens Planning Commission, after review of the proposed 2013 Comprehensive Plan land use map, text and figure amendments, held duly noticed public hearing on November 6, 2013, and all public testimony was given full consideration; and

WHEREAS, on November 25 and December 9, 2013, the Lake Stevens City Council reviewed the Planning Commission's recommendation relating to the proposed 2013 Comprehensive Plan land use map, text and figure amendments and held a duly noticed public hearing, and all public testimony has been given full consideration.

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

Section 1. The City Council hereby finds that 2013 City-Initiated Map and Text Amendments in this Ordinance meet the necessary criteria for approval of amendments to the Comprehensive Plan, in that:

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

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

Section 3. The City Council hereby corrects the Comprehensive Plan and Ordinances No. 726 and 739, as amended, by adopting 2013 City-Initiated Land Use Map Amendment Request #M-1, which corrects the Official Land Use Map (Figure 4.1 Land Use Map) by amending the boundaries for the land use designation of "P/SP" on Parcel No. 29061900302700 (XXXXX 20th Street SE, Lake Stevens) and land use designation of "MU" on Parcel No. 29061900301200 (10227 20th Street SE, Lake Stevens) due to equal acreage of dedication and vacation changing boundaries only and not

changing total acreage in each designation and set forth as shown in map and record of survey incorporated in **Exhibit A**. The boundary change is a map correction and does not require a concurrent site-specific rezone, but does include a concurrent Official Zoning Map correction.

Section 4. The City Council hereby amends the Comprehensive Plan and Ordinances No. 726 and 739, as amended, by adopting 2013 City-Initiated Text Amendment Request #T-1 (Chapter 1 Introduction) which updates the section entitled “*Public Process for Docket Cycles*” on pages 1-7 through 1-9 for the 2013 amendments to simplify the section and remove the separate docket cycle public meeting tables; and updates the Environmental Review section with the 2013 environmental process on page 1-29, of the Comprehensive Plan, as set forth below:

Pages 1-7 to 1-9 – Simplify section by removing separate docket cycle public meeting schedules.

Public Process for Docket Cycles

The Annual((2007)) Docket Cycles included the following meetings for public participation during the adoption process for Plan amendments:

<u>Annual((2007)) Docket Ratification</u>	
((April 30	Planning Commission Meeting
June 20	Planning Commission Hearing/Set Final Docket
July 16	City Council Workshop/ <u>Briefing</u>
July 23))	City Council Ratification of Final Docket
<u>Annual((2007)) Adoption of Amendments</u>	
((November 7	Planning Commission Public Hearing & <u>Recommendation to City Council on Adoption of</u> <u>Amendments</u>
December 3	City Council Workshop/ <u>Briefing</u>
December 5	((Planning Commission Adopt Amendments)) <u>Hearing Examiner Public Hearing for Associated</u> <u>Rezone, if required</u>
December 10	City Council Public Hearing
December 17	City Council Adoption of Amendments & <u>Rezones</u>
December 31))	Amendments Effective

~~((The 2008 Docket included the following meetings for public participation during the adoption process for Plan amendments:-~~

<u>2008 Docket Ratification</u>	
June 4	Planning Commission Meeting
July 2	Planning Commission Hearing/Set Final Docket
August 4	City Council Workshop
August 11	City Council Ratification of Final Docket
<u>2008 Adoption of Amendments</u>	
October 1	Planning Commission Public Hearing
November 5	City Council Workshop
November 17	Planning Commission Adopt Amendments
November 24	City Council Public Hearing & Adoption of Amendments
December 8	Amendments Effective

The 2009 Docket included the following meetings for public participation during the adoption process for Plan amendments:

2009 Docket Ratification	
March 4	Planning Commission Hearing/Set Final Docket
March 16	City Council Workshop
March 23	City Council Ratification of Final Docket
2009 Adoption of Amendments	
May 4	City Council Workshop
May 6	Planning Commission Public Hearing
May 11	City Council Public Hearing & Adoption of Amendments
May 25	Amendments Effective

The 2010 Docket included the following meetings for public participation during the adoption process for Plan amendments:

2010 Docket Ratification	
May 5	Planning Commission Hearing/Set Final Docket
May 24	City Council Ratification of Final Docket
2010 Adoption of Amendments	
July 7	Planning Commission Public Hearing
July 19	City Council Workshop
July 26	City Council Public Hearing & Adoption of Amendments
August 9	Amendments Effective

The 2011 Docket included the following meetings for public participation during the adoption process for Plan amendments:

2011 Docket Ratification	
September 7	Planning Commission Hearing/Set Final Docket
September 26	City Council Ratification of Final Docket
2011 Adoption of Amendments	
October 24	City Council Briefing
November 2	Planning Commission Public Hearing
November 28	City Council Public Hearing & Adoption of Amendments
December 12	Amendments Effective

The 2012 Docket included the following meetings for public participation during the adoption process for Plan amendments:

2012 Docket Ratification	
September 5	Planning Commission Hearing/Set Final Docket
September 24	City Council Ratification of Final Docket
2012 Adoption of Amendments	
October 22	City Council Briefing
October 25	Hearing Examiner Public Hearing for Associated Rezone
November 7	Planning Commission Public Hearing
December 10	City Council Public Hearing & Adoption of Amendments &

~~December 24~~

~~Rezone
Amendments Effective))~~

The Lake Stevens Center Subarea Plan and 20th Street SE Corridor Subarea Plan had separate and combined public participation processes. Each subarea plan includes a Public Process Summary as an appendix. The summary includes a list of public meetings, open houses, public hearings, document issuance dates, etc., held to elicit comments from the public on the Planned Actions, environmental impact statements, subarea plans, capital facilities plan, development regulations, design guidelines, and zoning map and land use map changes. Public comments and responses on the draft environmental impact statements are included in the Final EIS.

Page 1-29 – Add sentence to end of “Environmental Review” Section to reference SEPA Addendum No. 6.

B. Environmental Review

A complete environmental review can be found in **Appendix A** of the Comprehensive Plan. Comments on the environmental analysis were gathered at the same time the overall Plan was circulated for public review. Adjustments were made based on comments received. The result is a Comprehensive Plan that responds to environmental goals of the community and complies with the State Environmental Policy Act. An addendum to the Final Environmental Impact Statement for the 2007 Docket was issued on November 16, 2007 and is included in **Appendix B**. An addendum to the Final Environmental Impact Statement for the 2008 Docket was issued on October 10, 2008 and is included in **Appendix G**. A Determination of Nonsignificance and Adoption of Existing Environmental Documents for the 2009 Docket was issued on March 25, 2009 and is included in **Appendix H**. An addendum to the Final Environmental Impact Statement for the 2009 revisions to the Capital Facilities Plan with amendment of the 2009 City Budget was issued on October 12, 2009 and is included in **Appendix I**. A Determination of Nonsignificance and Adoption of Existing Environmental Documents for the 2010 Docket was issued on July 7, 2010 and is included in **Appendix J**. Addendum No. 4 to the Integrated 2005 Comprehensive Plan and Final Environmental Impact Statement for the 2011 Docket was issued on October 19, 2011 and is included in **Appendix K**. Addendum No. 5 to the Integrated 2005 Comprehensive Plan and Final Environmental Impact Statement for the 2012 Docket was issued on October 12, 2012 and Adoption of Existing Environmental Documents for the Lake Stevens School District Capital Facilities Plan 2012-2017 was issued on October 19, 2012 and are included in **Appendix L**. Addendum No. 6 to the Integrated 2005 Comprehensive Plan and Final Environmental Impact Statement for the 2013 Docket was issued on November 8, 2013 and is included in **Appendix M**.

Draft and final environmental impact statements were issued for each subarea plan (20th Street SE Corridor and Lake Stevens Center) during the Subarea Planning Process. The documents included analysis of the subarea plans, planned actions, capital facilities plan, development regulations, design guidelines, zoning and land use map amendments, land use code amendments, and comprehensive plan amendments.

Section 5. The City Council hereby amends the Comprehensive Plan and Ordinances No. 726 and 739, as amended, by adopting 2013 City-Initiated Text Amendment Request #T-3 (Chapter 5 Parks and Recreation Element), which replaces the entire chapter with the updated Parks Recreation and Open Space Plan, of the Comprehensive Plan by adopting the amended Chapter set forth in **Exhibit B**.

Section 6. The City Council hereby amends the Comprehensive Plan and Ordinances No. 726 and 739, as amended, by adopting 2013 City-Initiated Text Amendment Request #T-4 (Chapter 6 Transportation Element), which amends the chapter by repealing Goal 6-10 on pages 6-23 to 6-24

related to Table 6-1 Street Inventory and removing Table 6-1 "Street Inventory" on pages 6-26 to 6-44, of the Comprehensive Plan by adopting the amendments set forth below:

Page 6-23- 6-24 – repeal Goal 6.10 and associated policies related to Table 6-1 "Street Inventory" as Table 6-1 is not necessary to publish as part of the Comprehensive Plan.

GOAL 6.10 ~~REPEALED IN 2013 DOCKET~~((UPDATE TRANSPORTATION ELEMENT OF THE COMPREHENSIVE PLAN TO VERIFY THE EXISTING ROAD INVENTORY AND UPDATE WITH NEW INVENTORY GENERATED FROM ANNEXED AREAS.

Policies

- ~~6.10.1 The City will perform a review of the existing Street Inventory in Table 6-1. Corrections and additions regarding the names and locations will be made to make the current.~~
- ~~6.10.2 Table 6-1 will be updated with the newly acquired roads from Snohomish County resulting from the Frontier Village, Soper Hill, Chapel Hill Fire District, and other annexations occurring before the next comprehensive plan docket cycle.~~
- ~~6.10.3 The City will perform a field evaluation to update and verify the classifications and conditions for all the roads in Table 6-1 in effort to obtain current and accurate information.)~~

Pages 6-26 to 6-44 – remove Table 6-1 Street Inventory.

Section 7. The City Council hereby amends the Comprehensive Plan and Ordinances No. 726 and 739, as amended, by adopting 2013 City-Initiated Text Amendment Request #T-5 (Chapter 7 Utilities & Public Services & Facilities Element), which updates the Figure 7.4 "Lake Stevens School District #4 Service Area" by adding the Snohomish School District boundaries on Page 7-10 and updates the Policy 7.3.6 to be consistent with the recently adopted amended underground utilities code (Ordinance No. 888) on page 7-22, of the Comprehensive Plan by adopting the amendments set forth in attached and incorporated **Exhibit C** and below:

Page 7-10 – update Figure 7.4 "Lake Stevens School District #4 Service Areas" with the Snohomish School District Boundaries and rename to "School District Service Areas" (Exhibit C).

Page 7-22 – update Utility Policy 7.3.6 for consistency with recently amended underground utilities code.

GOAL 7.3 PROCESS PERMITS FOR UTILITY FACILITIES IN A FAIR AND TIMELY MANNER AND IN ACCORD WITH THE DEVELOPMENT REGULATIONS WHICH ENCOURAGE PREDICTABILITY.

Policies

- 7.3.1 The City shall promote co-location of new public and private utility distribution facilities and coordination of construction timing to minimize construction-related disruptions and reduce the cost to the public of utility delivery.
- 7.3.2 The City will provide timely and effective notice to utilities to encourage coordination of public and private utility trenching activities for new construction and maintenance and repair of existing roads.

- 7.3.3 The City shall encourage provision of an efficient, cost effective and reliable utility service by ensuring land will be made available for the location of utility lines or other utilities.
- 7.3.4 The City will promote the extension of distribution lines to and within the urban growth area. Coordinate land use and facility planning to allow eventual siting and construction of any utility distribution lines within or adjacent to rights-of-way which are being dedicated or within roads which are being constructed or reconstructed.
- 7.3.5 The City shall review and amend existing regulations as necessary, including the critical areas ordinance, to allow maintenance, repair, installation and replacement of utilities.
- 7.3.6 The City will require underground utilities in all new developments, except:
- (a) If the Public Works Director determines that an underground system cannot reasonably be installed according to accepted engineering practices or undergrounding would adversely impact services not adjacent to the proposed site;
 - (b) For aboveground utility lines located along the following roadways:
 - (i) State Route 9,
 - (ii) State Route 92,
 - (iii) State Route 204,
 - (iv) Lundeen Parkway from SR 9 to Callow Road,
 - (v) 20th Street NE except between 118th Avenue NE and 127th Avenue NE,
 - (vi) Grade Road, and
 - (vii) 20th Street SE; or
 - (c) Power lines carrying a voltage of 15 kV or more.
- 7.3.7 The City shall encourage system design practices intended to minimize the number and duration of interruptions to customer service.
- 7.3.8 The City will continue to work with the Lake Stevens Sewer District to review and amend existing regulations to provide commonality, consistency, predictability and concurrent levels of sewer permits and regulation.
- 7.3.9 The City will cooperatively develop new regulations, as required or needed to further the purposes and goals of the Unified Sewer Service and Annexation Agreement and area-wide systems of sewer service.

Section 8. The City Council hereby amends the Comprehensive Plan and Ordinances No. 726 and 739, as amended, by adopting 2013 City-Initiated Text Amendment Request #T-6 (Appendices), to add a new Appendix M with the SEPA Addendum No. 6 of the Integrated 2005 Comprehensive Plan and Environmental Impact Statement as set forth in the attached and incorporated **Exhibit D** and update Appendix F with the current Six-Year Transportation Improvement Program as set forth in the attached and incorporated **Exhibit E**.

Section 9. The City Council hereby amends the Comprehensive Plan and Ordinances No. 726 and 739, as amended, by adopting 2013 City-Initiated Text Amendment Request #T-7 (Cover, Footers and Table of Contents), to update the Cover, Footers and Table of Contents, of the Comprehensive Plan, by adopting the amendments required after making amendments in Sections 3 through 10 of this ordinance.

Section 10. The City Council hereby amends the Comprehensive Plan and Ordinances No. 726 and 739, as amended, by adopting 2013 City-Initiated Text Amendment Request #T-8 (Chapter 8 Capital Facilities Element), to update Page 8-8 and Table -1 Capital Improvements, 2012 – 2032

for Parks and Table 8-2 – Unfunded Improvements, of the Comprehensive Plan, by adopting the amendments set forth below:

Page 8-28 Parks Section –

Parks: Chapter 5 is the Parks, Recreation and Open Space Element, which establishes specific goals and policies to guide decision-making and contains a detailed needs assessment for planning, acquisition, development and improvement of facilities and lands. The needs assessment provides the framework for the capital parks and recreation projects identified in Table 8-1. ~~((The City currently exceeds its' adopted level of service. However, at public meetings there has been continued and sustained testimony of the need for athletic fields and a skate park. The City in coordination with civic groups, citizens and public agencies is pursuing avenues to build the skate park.~~

~~In 2010 the City was able to purchase property adjacent to Eagle Ridge Park for additional park property and subsequently adopted a Park Master Plan. The plan calls for active and passive low impact uses while also housing the Lake Stevens Senior Center. The City expects to fund capital improvements to this park over the next 10-15 years through impact fees, grants, and donations.)~~

GOALS AND POLICIES

GOAL 8.1 PROVIDE PUBLIC FACILITIES IN A MANNER WHICH PROTECTS INVESTMENTS IN, AND MAXIMIZES USE OF, EXISTING FACILITIES AND PROMOTES ORDERLY COMPACT URBAN GROWTH.

PROJECT			COST	YEAR/S	Local	State/Fed	Mitigation	Dev Imp
Table 8-1 – Capital Improvements, 2014 – 2034								
<u>PARKS*</u>								
<u>Planning</u>								
<u>Cavalero Community Park Master Plan Joint Planning</u>			<u>10,000</u>	<u>2014-2015</u>	<u>X</u>		<u>X</u>	
<u>Wayfinding Plan</u>			<u>20,000</u>	<u>2015</u>			<u>X</u>	
<u>Trails, Paths and Pedestrian Facilities Master Plan</u>			<u>15,000</u>	<u>2015</u>			<u>X</u>	<u>X</u>
<u>Downtown Open Space Master Plan</u>			<u>30,000</u>	<u>2020</u>		<u>X</u>	<u>X</u>	
<u>Acquisition</u>								
<u>Neighborhood Park Acquisition (near 20th Street SE)</u>			<u>317,671</u>	<u>2019 - 2024</u>			<u>X</u>	
<u>Lakeside Path Right-of-Way/Easement Acquisition (northern section)</u>			<u>237,382</u>	<u>2015-2020</u>	<u>X</u>	<u>X</u>	<u>X</u>	
<u>Lakeside Path Right-of-Way/Easement Acquisition (eastern section)</u>			<u>222,684</u>	<u>2020-2025</u>	<u>X</u>	<u>X</u>		
<u>Lakeside Path Right-of-Way/Easement Acquisition (southern portion)</u>			<u>1.15 million</u>	<u>2030-2034</u>	<u>X</u>	<u>X</u>		
<u>Shoreline Acquisition</u>			<u>1 – 1.5 million</u>	<u>2020-2025</u>		<u>X</u>	<u>X</u>	
<u>Power Line Trail Right-of-Way/Easement Acquisition</u>			<u>838,200</u>	<u>2020-2025</u>		<u>X</u>	<u>X</u>	
<u>Development</u>								
<u>Complete Phase 1 of the Eagle Ridge Master Plan</u>			<u>80,712</u>	<u>2015</u>			<u>X</u>	<u>X</u>
<u>Complete Phase 2 of the Eagle Ridge Master Plan</u>			<u>271,205</u>	<u>2017</u>			<u>X</u>	<u>X</u>
<u>Complete Phase 3 of the Eagle Ridge Master Plan</u>			<u>560,005</u>	<u>2020</u>			<u>X</u>	<u>X</u>
<u>Power Line Trail Construction (northern segment)</u>			<u>699,600</u>	<u>2025-2030</u>			<u>X</u>	
<u>Power Line Trail Construction (southern segment)</u>			<u>641,700</u>	<u>2030-2034</u>			<u>X</u>	
<u>Improvements</u>								
<u>Hartford Road Walking Path/Trail Head</u>			<u>41,173</u>	<u>2014</u>		<u>X</u>	<u>X</u>	
<u>Catherine Creek and Centennial Woods Trail Improvements</u>			<u>15,206</u>	<u>2020</u>	<u>X</u>		<u>X</u>	

TABLE 8-2 UNFUNDED IMPROVEMENTS

Subject	Project	Cost (Thousands)	Potential/Proposed Funding Source
	Eagle Ridge Park Master Plan		
((Parks	Improvements Phase II	\$271	P&R District
	Eagle Ridge Park Master Plan		
Parks	Improvements Phase III	\$395	P&R District
Parks	Athletic Park (Land)	\$1,100	P&R District
Parks	Resource Park (Land)	\$528	P&R District
Parks	Trails	\$320	P&R District
Parks	Support Facility	\$500	P&R District
Parks	Community Center	\$1,200	P&R District
Parks	Basketball, uncovered	\$855	P&R District
Parks	Basketball, covered	\$1,200	P&R District
Parks	Volleyball	\$15	P&R District
Parks	Tennis, lighted	\$685	P&R District
Parks	Tennis, unlighted	\$190	P&R District
Parks	Football	\$1,205	P&R District
Parks	Soccer	\$250	P&R District
Parks	Baseball/Softball	\$7,265	P&R District
Parks	Jogging	\$0	P&R District
Parks	Picnic	\$460	P&R District
Parks	Swimming Beach	\$750	P&R District
Parks	Fishing	\$0	P&R District
Parks	Boat Launch	\$500	P&R District
Parks	Camping, Vehicle	\$0	P&R District
Parks	Camping, Tent	\$0	P&R District
Parks	Walking, Park	\$140	P&R District
Parks	Horseback Riding	\$15	P&R District))
Storm	Walker Hill Road ditch rocking	\$5	Storm Fund
Storm	East Lakeshore	\$500	Storm Fund
Storm	Hartford Drive	\$200	Storm Fund
Storm	Walker Hill & Grade Road	\$400	Storm Fund
Storm	Drainage - Grade Road Culvert	\$200	Storm Fund
Storm	North Lakeshore	\$300	Storm Fund
Storm	Bio Swale - Industrial District	\$750	Storm Fund
Storm	Lundeen Creek - Various Improvements	\$100,000	Storm Fund

Section 11. 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 12. 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 ____ day of December, 2013.

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Norma J. Scott, City Clerk/Admin Asst

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

First Reading:
Second Reading:
Published:
Effective Date:

EXHIBIT A

#M-1

**LAND USE MAP CORRECTION FOR PARCELS NO.
29061900302700 AND 29061900301200**

**AND
RECORD OF SURVEY**



EXHIBIT B

**PARKS, RECREATION &
OPEN SPACE ELEMENT**

Chapter 5: Parks, Recreation & Open Space Element





Chapter 5 – Parks, Recreation and Open Space Element

CHAPTER 5: PARKS, RECREATION, AND OPEN SPACE ELEMENT



INTRODUCTION

Public parks, recreational facilities and open spaces improve the quality of life for community residents by providing areas for families and friends to socialize. Parks and open spaces create natural buffers between neighborhoods and create functional corridors for humans and wildlife throughout the urban environment.

The Parks, Recreation and Open Space Element of the Comprehensive Plan “Park Plan” establishes specific goals and policies that will help guide decision-making related to acquisition, development and improvement of facilities and lands. The Park Plan contains an inventory of the City's current parks, recreation facilities and open spaces; analyzes the City's ability to provide adequate parks, open space, and recreation services; sets service standards and guidelines; and identifies implementation strategies.

Regulatory/Policy Background

The Park Plan conforms to the Growth Management Act (GMA) (Chapter 36.70A RCW) and considers the planning criteria developed by the Washington State Recreation and Conservation Office (RCO).

The GMA includes several sections relating to parks, recreation, and open spaces:

- RCW 36.70A.020(9) establishes a planning goal to “Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.” Capital improvements are included within the definition of “Public Facilities.”
- RCW 36.70A.030 (Mandatory Element). Cities may impose impact fees for the provision of Public Facilities (including publicly owned parks, open space and recreation facilities) (RCW 36.70A.040, RCW 82.02.050). Impact fees must be based on demands on existing facilities by new development, and additional improvements required to serve new development (RCW 82.02.090).
- RCW 36.70A.070(8) requires a park and recreation element, which is consistent with the capital facilities plan element as it relates to park and recreation facilities.



Chapter 5 – Parks, Recreation and Open Space Element

Furthermore, this section states, “The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.”

- RCW 36.70A.150 states jurisdictions shall identify lands useful for public purposes and includes recreation.
- RCW 36.70A.160 requires jurisdictions to “identify open space corridors within and between urban growth areas. They shall include lands useful for recreation, wildlife habitat, trails, and connection of critical areas as defined in RCW 36.70A.030.”

The Park Plan includes the planning elements (listed below) as recommended by the RCO, which ensures continued eligibility for grant funds administered by that agency:

- Inventory,
- Public Involvement,
- Demand & Need Analysis,
- Goals & Objectives,
- Capital Improvement Program (six year plan for acquisition, development, renovation, & restoration projects), and
- Plan Adoption.

Facility Classifications, Characteristics and Inventory

There are many reasons for governments to provide parks, open space, recreational opportunities, cultural amenities, and trails for their citizens. Parks offer innumerable physical and psychological benefits by providing safe places for the community to exercise, recreate, meditate, and generally escape daily pressures. The City of Lake Stevens has a variety of parks ranging from small mini-parks serving a block or two to community parks designed to provide recreational opportunities to the City and beyond. In addition, special use and school parks, open spaces, and trails expand the variety of recreation areas available to the community. The inventory of parks, open spaces, and trails includes a mix of City and county facilities. Table 5.1 provides a brief description of the facilities, within or adjacent to the City of Lake Stevens, and describes the various park classifications; provides descriptions for each classification; and lists typical sizes, amenities and community service areas. Figure 5.1 illustrates the location of these same facilities and identifies prominent amenities associated with each facility. A detailed description of park types and individual parks and open spaces follows along with detailed maps of individual park classification types.



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Table 5.1 – Park, Recreation & Open Space Classifications and Characteristics

Type	Typical Size	Description & Typical Amenities	Typical Area Served
Community Park	> 10 acres	Informal, formal, active, & passive recreation parks that serve a community with a mix of features (e.g., playgrounds, landscaping, picnic areas, trails, sports fields, structures, parking, special features, permanent restrooms, etc.)	Within 2.5 miles of residential areas
Neighborhood Park	≤ 10 acres	Informal, active, & passive recreation areas that serve adjacent residential neighborhoods that provide multi-use areas with a mix of playgrounds, landscaping, picnicking, trails, single or small sports fields, parking, restrooms, etc.	Within 1 mile of residential areas
Mini-Park	≤ 1 acre	Small public/private areas including playgrounds, landscaping, plazas, and picnic benches that serve the needs of the immediate neighborhood or commercial district	Within 1/2 mile of residential or commercial areas
School Parks	Varies	Playfields, playgrounds, sports & recreation facilities located at schools, distributed throughout the City, that may substitute for other park types and compliment the City's inventory	Varies
Special Use Parks & Facilities	Varies	Any public or private park or facility providing a unique experience or specific recreation need and/or commercial purpose distributed throughout the City	Varies
Trails & Pedestrian Facilities	Varies	Soft surface or paved trails, walking paths, sidewalks or multi-use trails for walking, hiking, and bicycling distributed throughout the City	1 multi-use trail w/in 1 mile of residential areas
Open Space	Varies	Low intensity and passive recreation areas such as Native Growth Protection Areas, greenbelts, or undeveloped areas distributed throughout the City	Varies, based on resource availability

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Figure 5.1 – Lake Stevens Parks & Recreation Facilities



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Inventory of Facilities

The following section includes an inventory of the parks, open space tracts, recreational facilities, and cultural programs and facilities found within or near the City. The City has approximately 146 acres of public parks, 10 acres devoted to special uses, 122 acres of open space and approximately seven miles of the Centennial trail (adjacent to or within City limits) in addition to approximately five miles of park trails. The numbers include City and county facilities (mini-parks, neighborhood parks and community parks), special use parks, trails and open space (undeveloped property and Native Growth Protection Areas). In addition to the public facilities described, there are approximately 145 acres of private parks and open spaces and an additional three miles of private trails that compliment the City's inventory. Different homeowner's associations are responsible for these facilities created during the subdivision process for specific neighborhoods.

Community Parks

Community parks have the largest service area and attract citizens from across the community. A large size and variety of amenities characterize community parks. These parks provide a mix of informal, active, and passive recreation areas with permanent facilities. Community Parks are generally at least 10-acres, but must be large enough to provide room for multiple uses such as sports fields, a recreation center, and group-use shelters alongside large open areas and playgrounds. Community parks should provide easy vehicular and pedestrian access to park users from the street network, sidewalks and bike lanes with dedicated parking areas. Community parks may benefit from multijurisdictional cooperation for facility planning, development and maintenance.

Cavalero Community Park – The park is located off 20th Street SE, in the southeastern part of the City. Because the park has a large undeveloped area and is located within the City of Lake Stevens, the City and Snohomish County are preparing to revise the master plan for this facility through a joint planning effort in the near future. Currently Cavalero has an off-leash dog area and undeveloped open space.



Eagle Ridge Park — City Council adopted the Eagle Ridge Park Master Plan in 2010. The plan includes a capital cost estimate and a schedule to implement the Master Plan in three phases over a 10-15 year period. The master plan includes details for park development and proposed amenities and recreational opportunities. The overall vision



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for the park is that of an ‘outdoor classroom’ with both passive and active recreational activities that embrace and enhance the natural beauty of this park. Eagle Ridge currently houses the Lake Stevens Senior Center, soft trails, and open spaces. This park is notable for its eagle habitat. The master plan for this park envisions picnic shelters; a community garden; amphitheater; interconnected trails and educational features such as an interpretive center, outdoor classrooms and interpretive signage. The plan promotes the use of Low Impact Development in design and construction.



Lake Stevens Community Athletic Park

LSC Park, east of the City limits, is a 43-acre Snohomish County park. This park provides the largest athletic complex near Lake Stevens with baseball/softball fields, soccer fields and basketball courts. LSC Park also includes a picnic shelter, playground, walking path, permanent restrooms and landscaping.





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Table 5.2 – Community Park Inventory

Facility	Location	Owner	Acres	Picnic Shelter/Benches	Playground	Trail/Pathway	Basketball	Football/Soccer Fields	Softball/Baseball	View Corridor	Restrooms	Community Center	Open Space	Landscaping	Other
Cavalero Community Park	2032 79th Ave SE	Snohomish County	32.93			X				X			X		X
Eagle Ridge	2424 Soper Hill Road	City of Lake Stevens	28.20			X				X		X	X		X
Lake Stevens Community Park	1601 North Machias Rd	Snohomish County	43.24	X	X	X	X	X	X		X		X	X	
Total Acres			104.37												

As shown in Table 5.2, Lake Stevens Community Park provides the widest variety of recreational and active amenities. However, once Eagle Ridge and Cavalero parks are completed, each park will diversify the overall profile for community-level parks and contribute a unique set of amenities. Planning efforts for these parks should build on the unique characteristics of the site and address underrepresented or community preferred recreational uses. Figure 5.2 illustrates the distribution of community parks within and adjacent to Lake Stevens. As shown, there is a small gap, in the service area, located in the southeastern border of the Urban Growth Area. This small gap creates a minor divergence from the service standard for community parks. This gap may need to be addressed in the future if opportunities arise to provide additional meaningful recreation lands in the vicinity. It is more important to assure that Eagle Ridge and Cavalero parks provide a mix of high-quality recreational amenities, as they develop.

Neighborhood parks

Neighborhood parks are the “backbone” of the City’s parks inventory. These parks offer common gathering sites for social interaction, physical activity and play to residents from contiguous neighborhoods or a larger service area depending on amenities provided. Neighborhood parks should be located in highly visible and centralized locations that provide convenient and safe access for vehicles, pedestrians and



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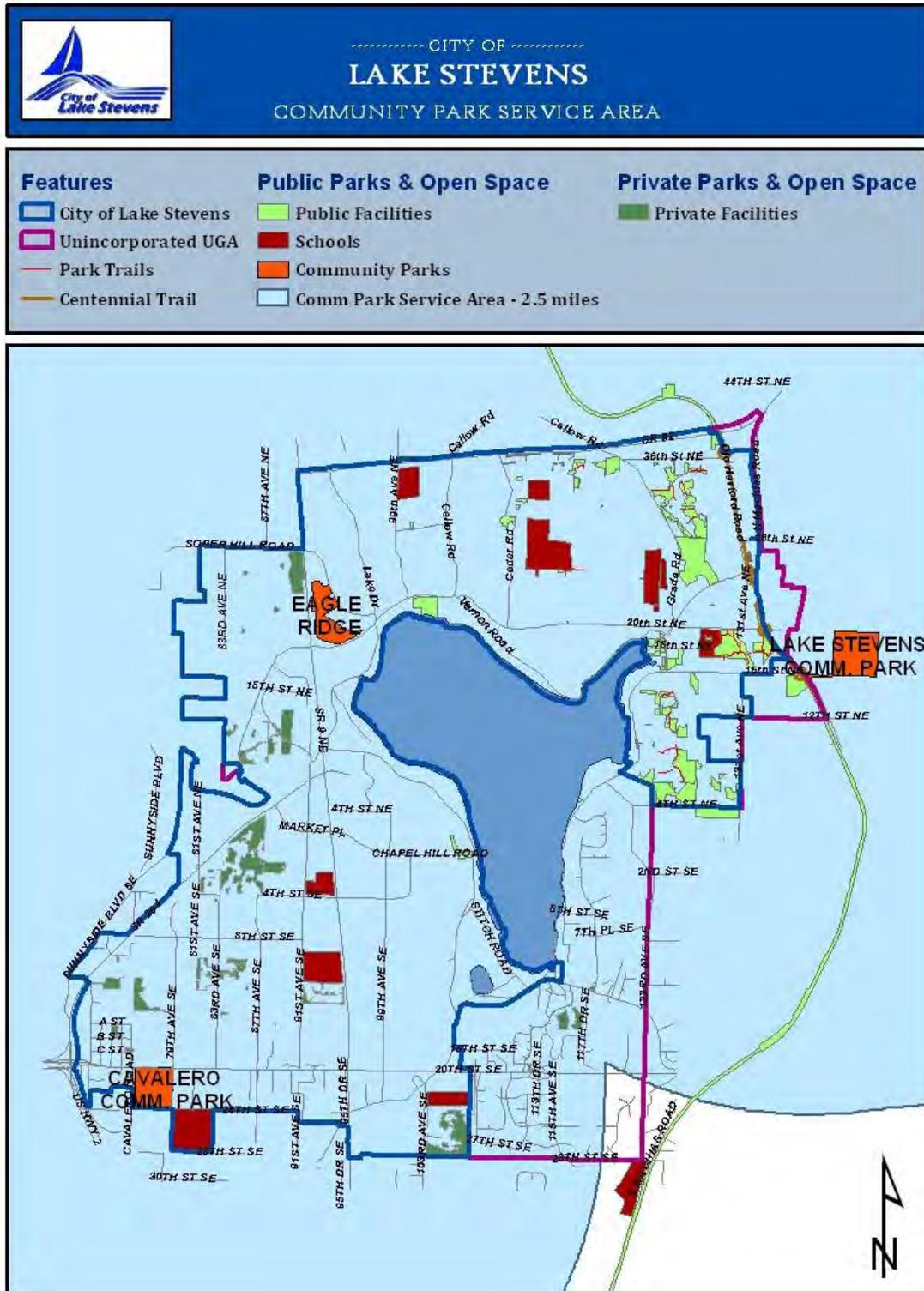


Figure 5.2 – Community Park Distribution



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bicyclists. This park type often incorporates passive and active recreational opportunities as well as provides multi-purpose facilities. Neighborhood parks should include permanent restrooms and parking areas.

Catherine Creek Park – An eight-acre community park, which the City leases from the Lake Stevens School District. This park is located adjacent to Mount Pilchuck Elementary School, between 20th Street NE and 16th Street NE. The park is maintained primarily as a "natural" park with a network of trails, access to Catherine Creek, and picnic facilities. It also includes a unique disc golf course, installed and maintained by the community in 2000.



Centennial Woods Park — A 6.3 acre passive recreation park purchased in 1997 through the Snohomish County Conservation Futures grant program. This park includes trails through the site, which connect the Centennial Trail to Catherine Creek Park (with an eye on an eventual connection to downtown).

Lundeen Park – A nine-acre multi-use park located south of Lundeen Parkway at 99th Avenue NE. Facilities include a public pier, 500 feet of shoreline, swimming area, two basketball courts, a children's playground and a tot lot (Sarita's Playground), interpretive stations along a salmon-spawning creek, a caretaker's residence, public restrooms, a rinse-off shower, a covered picnic area, and 98 parking spaces. The Lake Stevens Chamber of Commerce has a Visitor Center at the park.





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North Cove Park – A four-acre waterfront park located at the extreme northeast end of the lake. Access is available to downtown Lake Stevens, next to the City Hall complex. The park has a 250-foot municipal boardwalk/pier (interpretation, fishing & picnicking, but no boat access), picnic tables, and two horseshoe pits. Parking facilities are shared with the City Hall complex. The City is currently planning for future expansion and development of the park.



Wyatt County Park – A three-acre regional park, formerly known as Davies Beach, located four miles from downtown, across the lake, on Davies Road. Facilities include a public boat launch, a dock (for boats), a fishing pier, a swimming area, restrooms, picnic tables, and 80 parking spaces. This park is especially busy during summer weekends.



As shown in Table 5.3, Lundeen Park provides the widest variety of amenities, notably beach access, picnic facilities and playgrounds. Both Centennial Woods and Catherine Creek provide good locations to expand nature trails and add permanent restrooms and parking areas. Many people consider North Cove Park the “heart of downtown”. This Park should undergo a master planning effort to complement the “Downtown Plan” when completed. All of the neighborhood parks could expand playground facilities and add small athletic components. North Cove and Lundeen parks should continue to promote and develop water-related activities.



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Table 5.3 – Neighborhood Park Inventory

Facility	Location	Owner	Acres	Picnic Shelter/Benches	Playground	Trail/Pathway	Basketball	Beach / Swimming	Dock	Boat Launch	View Corridor	Restrooms	Open Space	Landscaping	Other
Catherine Creek	12708 20th St NE	Lake Stevens School District	16.55	X		X							X		X
Centennial Woods	131st Dr NE	City of Lake Stevens	6.02			X							X		
Lundeen Park	10108 Lundeen Parkway	City of Lake Stevens	10.05	X	X		X	X	X		X	X		X	X
North Cove	Main St & North Lane	City of Lake Stevens	2.28	X		X			X		X			X	X
Wyatt Park	20 South Davies Rd	Snohomish County	2.48	X				X	X	X	X	X		X	X
Neighborhood Parks Total Acres			37.37												

Figure 5.3 illustrates the distribution of neighborhood-level parks within Lake Stevens. As shown, there are gaps in the services area in the southern and western part of the City. To provide equity of distribution, the City should concentrate on acquiring lands in the southern part of the City for additional neighborhood parks as opportunities arise. The gap in the western part of the City is smaller and not as crucial, as two large private parks and an informal trail network provides some recreational outlets for the neighborhoods west of SR-9.

Mini-Parks

Mini-parks often referred to as “pocket parks” or “tot lots” are the smallest recreation sites within the park inventory. Mini-parks may be public or private. Many were created with neighborhood subdivisions. Mini-parks should be easily accessible to surrounding neighborhoods or within commercial centers. Ideally, mini-parks connect neighborhoods or commercial centers by paths, trails, sidewalks, bikeways, or greenways.



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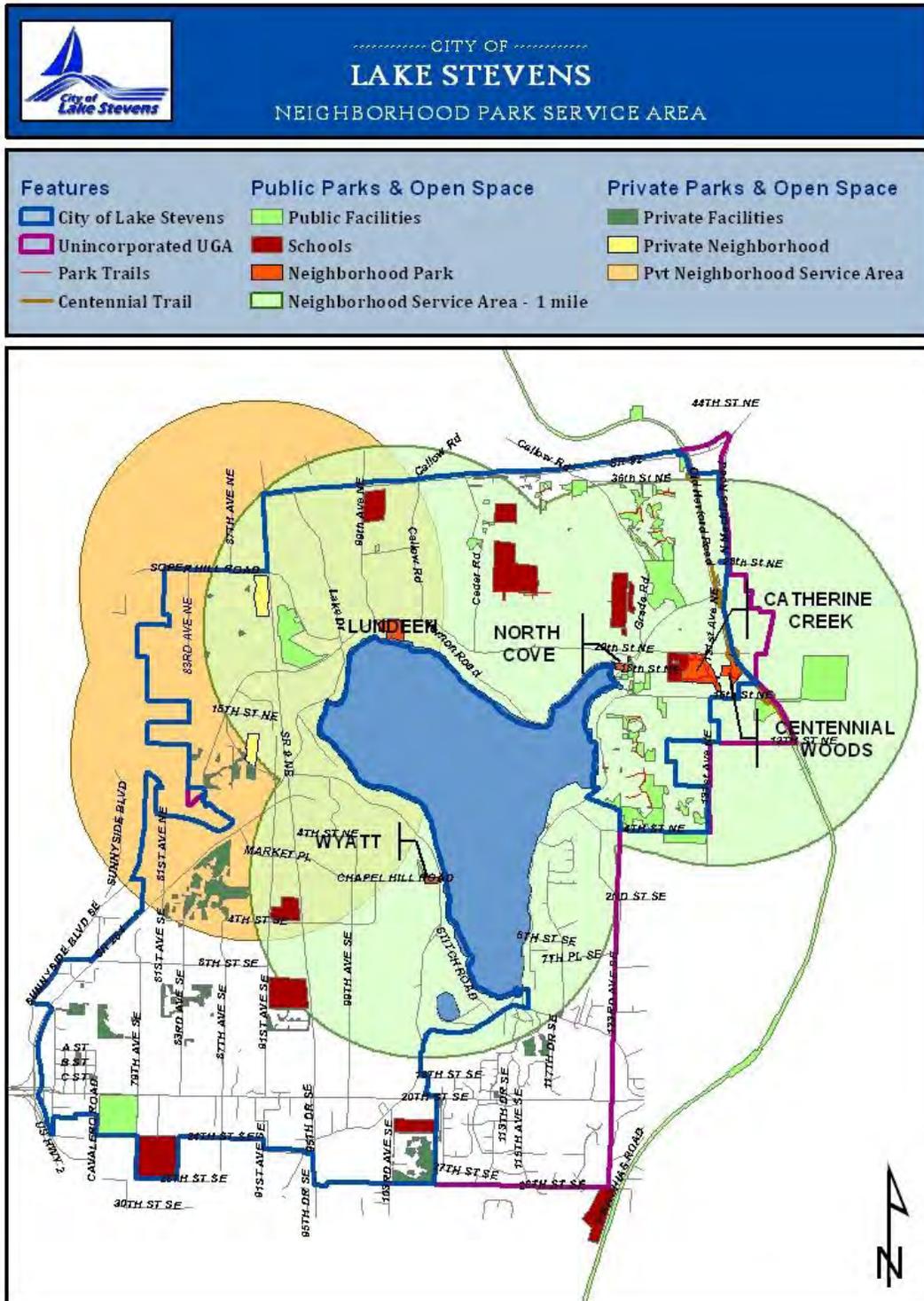


Figure 5.3 – Neighborhood Park Distribution



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Kid's Oasis Playground – A 0.5-acre playground located on the grounds of Mt. Pilchuck Elementary School. This park was built in 1992 as a community volunteer project, with help from individuals, businesses, the City, and the Lake Stevens School District. The playground is a "fantasy-style" wooden castle. Parking is available in the school parking lot. Children and parents use the playground throughout the year.

North Lakeshore Swim Beach – A popular 0.5-acre waterfront park providing lake access for summertime swimmers on North Cove. This park is located approximately 0.2 miles west of downtown on North Lakeshore Drive. Facilities include 560 square feet of useable beach, a 600 square foot municipal swimming dock, a portable restroom, and 10 parking spaces.



Sunset Beach – This is a 0.25-acre, County-owned, waterfront park whose primary use is water access and picnicking. It is located 0.3 mile south of downtown on East Lake Stevens Road. Facilities include a public dock, picnic tables, and six parking spaces. This park is especially busy during the summer season.

North Lakeshore and Sunset Park provide parallel amenities, while Kids Oasis provides the largest community playground, as shown in Table 5.4. In addition to the public mini-parks there are approximately 18 acres of private mini-parks. The City will continue to promote mini-parks in new neighborhoods and commercial areas as they develop, especially where gaps exist in the City, as shown in Figure 5.4.



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Table 5.4 – Mini-Park Inventory

Facility	Location	Owner	Acres	Picnic Shelter/Benches	Playground	Trail/Pathway	Beach/Swimming	Softball/Baseball	Dock	View Corridor	Open Space	Landscaping
Mini-Park – Public												
Kids Oasis	12708 20th St NE	Lake Stevens School District	0.36		X							
North Lakeshore Swim Beach	North Lakeshore Dr	City of Lake Stevens	0.71				X		X	X		
Sunset Park	410 E Lake Stevens Rd	Snohomish County	0.60	X			X		X	X		X
Mini-Park – Created w/ Subdivisions Dedicated to the Public												
Semi-Public Mini-Parks			3.26		X	X					X	X
Mini-Park Parks Total Acres			4.93									



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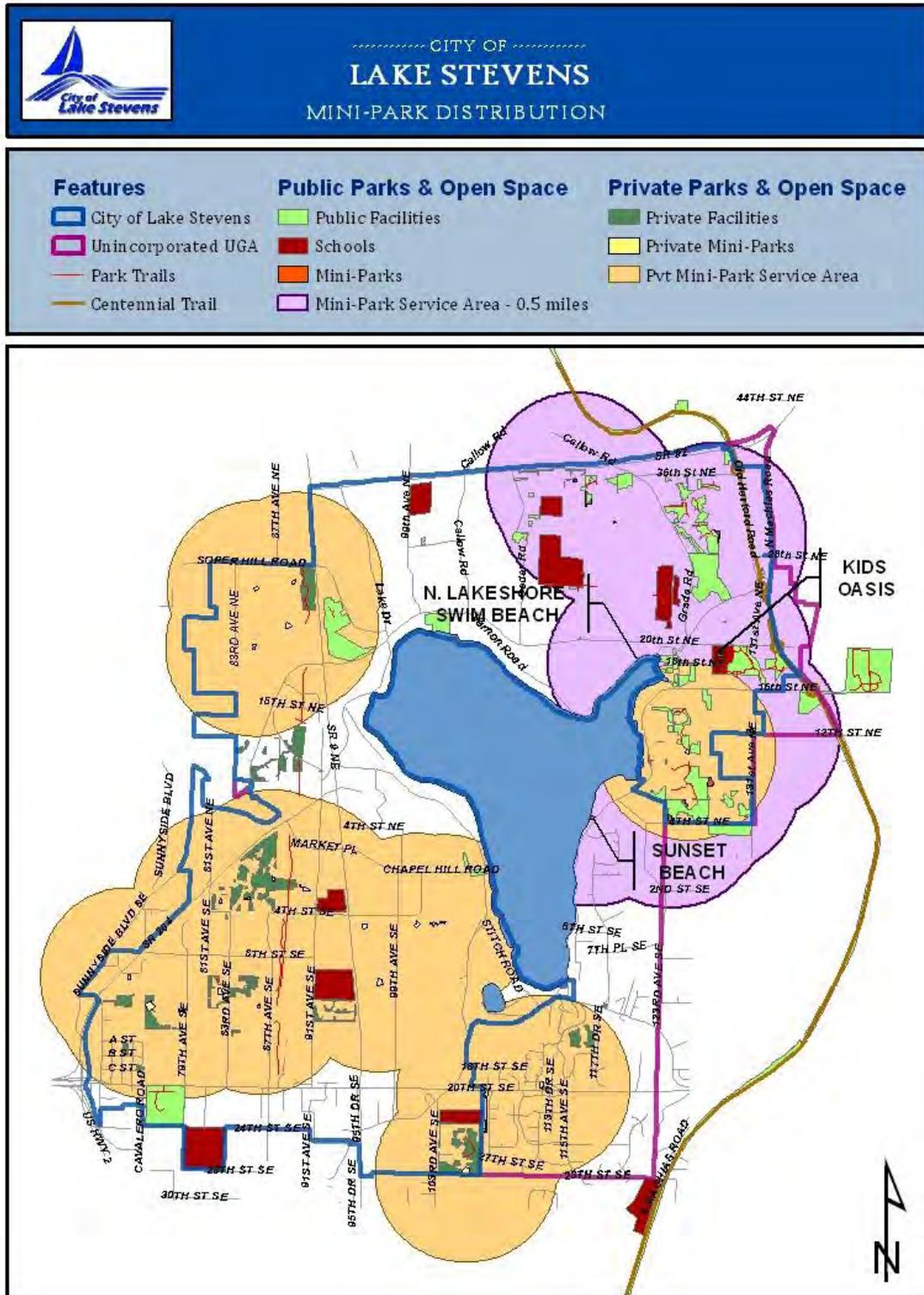


Figure 5.4 – Mini-Park Distribution



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School Parks

School parks constitute ancillary facilities, complimenting the community's inventory. School parks often provide recreational needs not available at other parks or provide similar functions as other park types. For example, elementary playgrounds provide a similar benefit to residential areas commonly met by mini-parks or neighborhood parks; whereas, middle schools and high schools may provide community-level or special-use park functions depending on available amenities. Because schools are typically located within residential neighborhoods, they are easily accessible and evenly distributed throughout the community. Additionally, school campuses provide area for sports activities, informal recreation uses, and potentially special activities.

The Lake Stevens School District (LSSD) owns the largest percentage of formal recreational/athletic facilities in the City. Many of the facilities are open to the public on a regular basis. The Park Plan promotes policies, which will allow the City to participate in jointly developing and managing parks and recreational facilities with the LSSD and other providers of leisure services to ensure efficient and effective use of the community's resources, avoiding redundant services and facilities.

As described in Table 5.5, the LSSD has six elementary schools – each has playground facilities and a mix of other amenities. There are three middle schools, one mid-high school and a single high school. Each school contains a different mix of athletic fields and play courts. The high school also houses a swimming pool, open to the public, which functions as a special use site.

Open Spaces and Natural Resources

Open spaces consist of undeveloped lands, passive recreation areas or Native Growth Protection Areas, both public and private. Open spaces allow residents to engage in low-intensity and passive recreation activities such as hiking and bird/wildlife watching, while protecting natural areas and resources. Typical amenities include soft trails, scenic views, boardwalks, interpretive signage and scenic views. Open space may provide habitat corridors for wildlife and links between neighborhoods for humans. Open spaces frequently buffer potentially incompatible land uses. Open space should be distributed throughout the City.

Currently, the land use code requires dedication of Native Growth Protection Areas on lands with critical areas such as wetlands, streams, and steep slopes during development. The City also requires the dedication or creation of open space as a condition of approval for some subdivisions and attached housing developments. These set asides form a large portion of the open space inventory for the City that must be managed cooperatively between the City, homeowners, homeowners' associations, other agencies and even non-profit land trusts.



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Table 5.5 – School Parks Inventory (LSSD)

Facility	Location	Playground	Trail/Pathway	Basketball	Track	Tennis	Football/Soccer Fields	Softball/Baseball	Swimming Pool	Gymnasium	Open Space
Cavelero Mid-High	8220 24th St SE		X		X	X	X	X		X	X
Centennial Middle	3000 S Machias Rd			X	X	X		X		X	X
Glenwood Elementary	2221 103rd Ave SE	X					X	X		X	X
Highland Elementary	3220 113th Ave NE	X					X	X		X	X
Hillcrest Elementary	9315 4th St SE	X		X	X			X		X	X
Lake Stevens High	2602 115th Ave NE				X	X	X	X	X	X	
Lake Stevens Middle/ Skyline Elementary	1031 91st Ave SE	X	X	X	X			X		X	X
North Lake Middle	2226 123rd Ave NE		X		X		X	X		X	X
Pilchuck Elementary	12708 20th St NE	X	X				X	X		X	X
Sunnycrest Elementary	3411 99th Ave NE	X	X	X						X	X

The City has many natural resources with the primary resource being Lake Stevens, a 1,040-acre lake and its tributaries, which provide migration, spawning, and rearing habitat for resident and anadromous fish species. The City provides a variety of habitat niches for terrestrial and aquatic wildlife and birds, notably there are many Bald Eagles that live around the lake – the most famous pair named George and Martha live in Eagle Ridge Park. Public agencies own many of these open spaces; others are dedicated through the development process or as gifts from property owners. Generally, open spaces are located in critical areas and are retained in a natural state to protect the resource. In total, the City of Lake Stevens includes nearly 124 acres of public and semi-public open space and an additional 111 acres of privately held open space. Together these areas equal approximately four percent of the City. As previously noted,



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much of this property is within dedicated Native Growth Protection Areas. Open spaces with the potential for passive recreation uses are listed below.

Downtown Open Spaces – Approximately five acres of open space exist between 16th Street NE and 18th Street NE, in downtown Lake Stevens. This area could be developed into a natural classroom with interpretive information, and connected by trails, sidewalks, and boardwalks.



Mill Cove Reserve Park – A one-acre passive recreation park purchased in 1997 through the Snohomish County Conservation Futures grant program. The wooded site is at the location of the historic Rucker Mill and contains wetlands and shorelands. From the site, one can see the pilings that supported the old mill over the lake. The City will continue to seek grant opportunities to finance trails, signage, and other passive recreation amenities.

Grade Road/Hartford Open Space – A 25-acre open space originally purchased as a potential municipal campus site located between Grade Road and Hartford Drive. The City has not officially incorporated this site into the open space inventory. However, this site has the potential for an additional natural area for fish and wildlife habitat protection and passive recreation. Appropriate development could include boardwalks and interpretive signage. Additionally, this site could be linked to other natural sites near downtown Lake Stevens.

Trails and Pedestrian Facilities

Soft surface and paved trails, walking paths, sidewalks and multi-use trails for walking, hiking, and bicycling make up the category of trails and pedestrian facilities. Paths and trails enhance connectivity between neighborhoods, parks, schools, transit facilities and commercial areas throughout the community and provide opportunities for alternative transportation. Recreational paths and trails can meander away from the road network, creating a focus on interacting with the natural or built environment. Sidewalks provide safe, direct routes between points along a road network.

Approximately five miles of public or semi-public trails exist in the City. Many of the shorter trails link road segments. Some of the newer subdivisions include soft trails within the outer portions of critical area buffers or as paths between different areas. One trail circumscribes the western and southern borders of the high school property. Two miles of trails meander through Catherine Creek Park. Gravel trails leading



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through Centennial Woods Park connect Catherine Creek Park to the Centennial Trail. There is also a network of informal trails in the power line corridor, located in the western portion of the City. Over time, the City should look for opportunities to enhance and connect these trails into an organized network throughout the City.

The Snohomish County Centennial Trail skirts the eastern City limits, 1.7 miles of which are within the City. Nearly seven miles of the Centennial Trails is adjacent to the City between Centennial Middle School and the Rhododendron Trail Head.

The trail stretches between the City of Arlington to the north and the City of Snohomish to the south. The trail is planned to extend from the southern Snohomish/King County line to the northern Snohomish/ Skagit County line. The trail serves pedestrians, bicyclists, skaters, and equestrians.

Figure 5.5 provides an overview of public and private open spaces and trail locations within or near the City.

Special Use Parks & Facilities

Special use parks may be any park type or facility (private or public) with a specialized amenity that provides a unique experience, particular sport or activity and may provide a revenue income. Special use parks may include boat launches, cultural facilities, community centers, recreation centers/facilities or public art. Commercial enterprises geared toward the lake such as non-motorized uses or the Centennial Trail could compliment the City's inventory of special use facilities. The size of these facilities varies depending on the proposed use and available amenities. Special use parks should be distributed throughout the City. Because demand for special use facilities is generated from within and outside the City limits, the City, County, and other recreation providers should cooperate on locating special use sites.

Bonneville Field Ball Park – A three-acre baseball field, which also provides informal trailhead parking for the Centennial Trail, is located at the intersection of 16th Street NE and Hartford-Machias Road. The Lake Stevens Junior Athletic Association operates this site. Facilities include a baseball diamond and approximately 35 parking spaces. The park is used primarily by organized little league teams during the summer.

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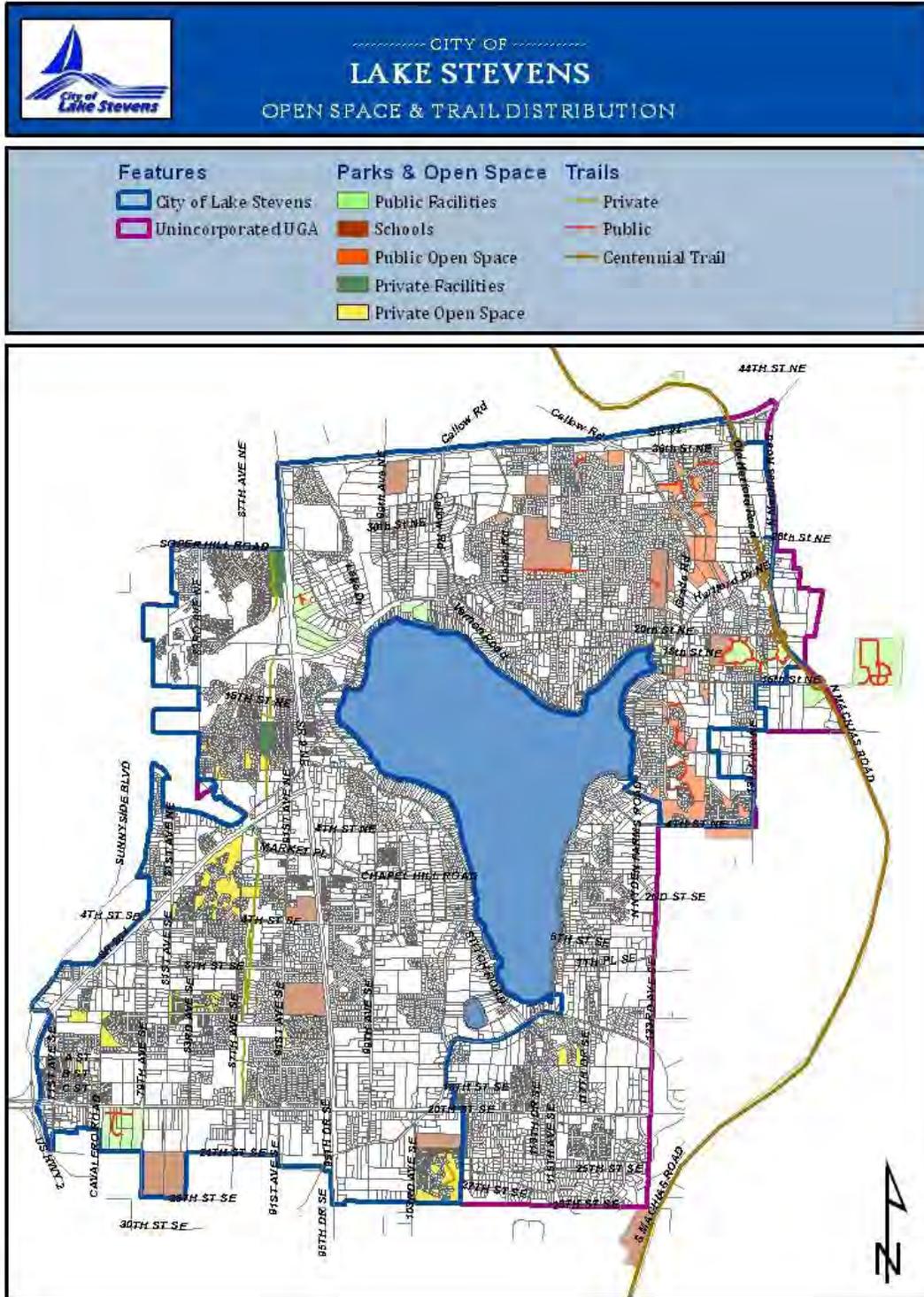


Figure 5.5 – Open Space and Trail Distribution



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City Boat Launch – A one-acre public boat launch and parking lot, with 30 spaces, is located on the eastern shore of North Cove. Access is from 17th Place NE, off Main Street. The Washington State Department of Fish and Wildlife owns this site and leases it to the City. Most users are boaters, anglers, and jet-skiers launching their watercraft. Use is heaviest on summer weekends.



Community Center – Within the City Hall complex is a 1,800 square foot meeting/activity hall with a small (<150 square foot) kitchen. The Center is used for public meetings, activities, and classes. The Center is available for rent by the public for specific activities.

Grimm House – The historic Grimm House, associated with the Rucker Mill, is located next to the Historical Museum and serves as an adjunct to the museum. Through volunteer efforts, the house has been relocated and renovated.

Historic Sites – The potential for historic sites in Lake Stevens is excellent because of the City's rich past linked to logging and railroads, evident in remains around the lake. For example, the concrete footing of the water tower serving the Rucker Brothers' Saw Mill is still located in North Cove Park. There are also trestle remains from the mill operations, in the lake, dating back to the turn of the century.

Lake Stevens Historical Museum – Adjacent to the Lake Stevens branch of the Sno-Isle Regional Library is the 1,600 square foot Lake Stevens Historical museum. The museum houses permanent and rotating exhibits illuminating the town's history, the Society's office, and a 1,000-piece historical photograph collection. The Lake Stevens Historical Society, formed in 1982, operates this museum. The Lake Stevens Historical Society is a group of about 150 individuals dedicated to preserving community history through the collecting of information and artifacts and educating the public.

Lake Stevens Senior Center – The Lake Stevens Senior Center, located at Eagle Ridge Park, welcomes all older adults to share in fellowship, classes and social events in the Lake Stevens area. The Senior Center is in a 2,800 square feet building with a commercial kitchen, dining/multi-purpose room, barrier-free bathrooms, office space and additional class and meeting rooms.

Lochsloy Field – The Lake Stevens School District owns this 15-acre site, located north of SR-92, between Lake Stevens and Granite Falls. Facilities include a baseball



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diamond, numerous soccer fields and a large parking area. Organized league teams use the park primarily during the summer.

Sno-Isle Regional Library, Lake Stevens Branch – The City owns a 2,500 square foot building at 1804 Main Street that serves as a library. The Sno-Isle Libraries provide library services to the community here. The building's size limits the possibility of increasing the collection, adding computer access and increasing programming. Based on current activity levels and 2025 population projections for the Lake Stevens area, Sno-Isle Libraries estimates a need for a 15,000 square foot facility.



Table 5.6 lists some well-known and popular special use sites and facilities.

Recreation Programs, Events and Special Providers

Aquafest – Lake Stevens' annual City celebration usually held in July. It includes an aqua-run, children's activities, fireworks, vendor booths and several parades.

Ironman Triathlon – Lake Stevens hosts an annual World Qualifying Triathlon event with competitors swimming, running and bicycling through Lake Stevens.

Lake Stevens Boys and Girls Club – A one-acre property located at the intersection of 16th Street NE and Main streets. Clubs, Inc., a non-profit organization composed of representatives of the Lake Stevens' Lions Club and the Lake Stevens Junior Athletic Association (LSJAA), owns this property. The Boys and Girls Club includes a recently remodeled building, gymnasium and a small meeting room (50-60 person occupancy) available for rent. This room is available for no cost to service clubs and scout troops. The property also includes a baseball diamond (Bond field), used for youth team sports, and storage/concession area, operated and maintained by LSJAA, behind the gymnasium. Approximately 75 parking spaces are available on the property.



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Table 5.6 – Special Use Inventory

Facility	Location	Owner	Acres	Football/Soccer Fields	Softball/Baseball	Dock	Boat Launch	Swimming Pool	View Corridor	Other
Bonneville Field	1530 N Machias Road	Snohomish County	7.32		X					X
City Boat Launch	North Drive	WA Dept of Fish & Wildlife	0.89			X	X		X	X
Community Center/City Hall	1805 Main Street	City of Lake Stevens	0.58							X
Grimm House	1804 Main Street	City of Lake Stevens	0.60							X
Library / Historic Society	1804 Main Street	City of Lake Stevens	0.25							X
Lochsloy Field	6710 147th Ave NE	Lake Stevens School District	15.17	X	X					
Special Use Parks Total Acres			24.81							

Lake Stevens Junior Athletic Association (LSJAA) – A non-profit youth organization, the LSJAA organizes seasonal teams for baseball, softball, soccer, football, and basketball. User fees fund LSJAA programs.

Lake Stevens School District – The LSSD offers evening and weekend classes in sports, hobbies, job skills, continuing education, and other recreational classes. The LSSD operates the indoor swimming pool. The LSSD Community Education program currently provides recreation and leisure service programming, such as summer youth recreation programs and adult programs in the fall, winter, and spring.

Rowing Clubs – Different rowing clubs use Lake Stevens frequently, hosting several large regattas on the lake, including the Washington State Games, and offer competitive rowing opportunities for juniors and adults.



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Scouting, 4-H, Church Youth Programs, Other Special Interest Groups – All the scouting organizations are represented in Lake Stevens, as well as 4-H. Additionally, many of the churches have youth programs.

FUTURE NEEDS AND LEVELS OF SERVICE

Methodology and Public Process

The City has traditionally based its level of service for parks and recreation facilities on an overall population ratio. Under this model, using the 2012 population estimate of 29,104, the City provides approximately five acres of developed or planned parkland per 1,000 residents. Comparatively, this is within the level of service ranges provided by neighboring communities. As a first step to providing an adequate land supply, setting a broad population-based goal is acceptable. However, there are inherent problems with this method. The City and its UGA have a limited amount of large usable lands remaining. As the City's population grows, it is not likely that it can continue to acquire a larger inventory of new parkland. Secondly, a population-based model ignores access to different types of parks, special features and an equitable distribution throughout the community. Finally, this older method does not inform a jurisdiction on the City's satisfaction with individual facilities, the inventory as a whole or identify preferences for specific types of amenities.

The current needs assessment and proposed service standards seek to address the deficiencies of the previous model. First, the City developed a park classification system previously described in Table 5.1. Second, the City completed an updated inventory of public and private facilities. The inventory categorized the facility by its classification, included current acreage and identified specific amenities available at each location. Third, the City proposed new level of services standards and mapped the distribution of different park facilities throughout the community based on the defined levels of service. The maps include an overall park distribution and individual distribution of different park types to determine access to residential areas. Fourth, the City developed and distributed a parks and recreation survey. The survey contained questions related to demographics, access to facilities, facility use & preferences, community desires, satisfaction and potential funding sources. Staff distributed the survey by direct mailing to a random sample population, posted it on the City's website and circulated at City events and meetings during the summer of 2013. Fifth, the Park and Recreation Planning Board held several regular meetings throughout the year and hosted two open houses, at different venues, to reach different City residents. The first open house included a presentation focusing on the current facility inventory and proposed changes to the level of service. The second open house was an informal "meet and greet" allowing Park Board members and staff to discuss parks and recreation issues directly with the public. Staff also briefed the Planning Commission and City Council about the project throughout 2013 at open public meetings. Finally,



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staff refined the earlier elements based on survey responses and comments from the community and City officials to develop the proposed model.

Level of Service Standards and Goals

The level of service standard (LOS) for park facilities are based on residential access and equitable distribution of facilities to different park types and trails community wide. The LOS standard for community parks is one park within 2.5 miles of residential areas. The LOS standard for neighborhood parks is one park within one mile of residential areas. The service goal for mini-parks (public and private) is one mini-park within 0.5 miles of residential areas. The LOS standard for multi-use trails is one trail within one mile of residential areas. The LOS standard for open space is five percent of the community. Within each facility, the City will strive to maintain a mix of amenities that reflect community use preferences as defined in the most current Lake Stevens Parks and Recreation Survey.

Needs Assessment

Survey respondents suggested that community and neighborhood level parks should receive the highest priorities. Some of the most popular uses included walking/hiking, picnicking, beach/dock use, and swimming. Some of the most desired improvements include walking, hiking and multi-use trails, picnic areas, public docks, a community garden, playgrounds, a skate park, and improved restrooms. Overall respondents claim to be somewhat satisfied with the facilities and amenities. The most common complaint was a perceived lack of amenities. Respondents identified the cost of park maintenance and land for additional access as major issues to be resolved. Popular funding sources include public and private partnerships and user fees.

Through a process of applying the adopted parks and open space LOS standards, reviewing the current inventory and analyzing the 2013 Community Survey a clear picture of the City's needs for public park and recreation facilities emerges. Four main categories comprise the current needs assessment: Planning, Acquisition, Site Development and Improvements & Maintenance. Each element provides the basis for developing a capital improvement plan. Decision-makers should prioritize the selection of capital projects based on gaps in the service for different park types, distribution of amenities throughout the park network, community preferences, opportunities, and likelihood of partnerships with other jurisdictions or private groups.

Park Planning

To improve existing recreational facilities and design new facilities, the City needs to develop master plans for specific uses and existing parks, in addition to new facilities added to the inventory. Master plans should consider the distribution of existing inventoried facilities and identify locations for improving and developing preferred uses



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and amenities from the community survey. Specifically, new master plans should consider opportunities to add playgrounds, picnic areas, permanent restrooms and active recreation areas including the location of a permanent skate/BMX park. Additionally master plans should identify potential locations for additional trails and shoreline acquisition and development.

The following list includes a series of proposed planning efforts, based on responses from the community survey, to implement the Park Plan.

1. Coordinate with Snohomish County to plan park facilities jointly within or adjacent to the City. A specific example for a capital project would be developing a coordinated master plan for Cavalero Community Park. This project would meet the identified preference for development of community level parks. This site should include a more formal trail network and could continue to include an off-leash dog area. A master plan for Cavalero should provide a formal parking area, restrooms, playgrounds, scenic views, picnic areas, and consider the inclusion of some type of active recreation amenity.
2. Craft a master plan for trails emphasizing formalizing the power line trail system into a multi-use trail, developing a lakefront path within the public right-of-way along Lake Stevens that provides pedestrian access to the waterfront at various locations and creating trail links between the western and eastern portions of the City, ultimately linking to downtown and the Centennial trail. Survey respondents identified walking paths and multi-use trails as preferred uses consistently throughout the community survey.
3. Develop a master plan to improve North Cove Park that addresses the need for additional beach access, playgrounds, picnicking, restrooms, etc. – all of which are community-preferred improvements. A master plan for North Cove Park should parallel downtown planning efforts.
4. Develop a master plan for non-motorized uses of the waterfront including swimming areas, beach use, rowing/paddling and public docks/piers. Improved shoreline access and a variety of water-related activities are important identified issues by residents. This project should be coordinated with a variety of user groups and stakeholders.
5. Prepare an open space plan for the various downtown shoreline, wetland, and riparian open spaces (e.g., Mill Cove Reserve, 16th and 18th Street wetlands and Grade Road open space) with an emphasis on low impact development, interpretative education and linkages. The community identified habitat protection and development of interpretive sites as an important goal for the community parks, recreation and open space system.
6. Produce a park wayfinding program, to identify the locations of parks and recreational facilities throughout the community. A wayfinding program would be crucial to providing a uniform image and highlighting existing and proposed site improvements.



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Acquisition

Based on the distribution of park facilities and survey responses, the City should identify opportunities to acquire the following lands to meet the recreational needs of City residents. Decision-makers should include one or more of these potential acquisitions as placeholders on the capital program list to act on as opportunities are identified.

1. The City should identify locations for two new public neighborhood level parks in the southern part of the City, near 20th Street SE. Acquisitions should include one park on each side of SR-9 to ensure equity of distribution. It is advisable to provide one park on the northern side of 20th Street SE that can be accessed on foot or park from the numerous developments occurring in this area.
2. The City should identify a location for a public neighborhood level park in the central part of City - west of SR-9. As noted earlier, acquisition of public property in this vicinity is important, but is secondary to acquiring lands in the southern part of the City because of the two large private parks in this area.
3. The City should identify locations for additional shoreline properties on Lake Stevens. Shoreline acquisition should consider expansion of current properties, a balance distribution of access points on all sides of the lake, lands that can provide a mix of active and passive recreation activities and linear access tracts for trails, paths and view corridors.
4. Rights-of-way/easements for multi-use trails, pedestrian paths and sidewalks throughout the City with an emphasis on a lakefront locations, the power line corridor in the western part of the City and east/west connections to the Centennial Trail and downtown.

Site Development

Some projects are ready for immediate implementation and construction. Decision-makers should give these projects a high-priority for inclusion on the capital project list. As the City completes other master plans, Council should consider adding these as future capital projects.

1. Complete construction of Eagle Ridge Master Plan's Phase 1 improvements (e.g., roofing garage and barn, vegetation maintenance, landscaping, community garden, trail development, interpretive signs, interpretation center, etc.) and start construction of Phase 2 improvements (e.g., restroom facilities and trailhead parking area, etc.) and Phase 3 improvements (e.g. playgrounds, parking lot, picnic shelter, amphitheatre, etc.
2. After acquisition of right-of-way/easements, the city should begin constructing the power line trail in phases.



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Park Improvements / Maintenance

Several projects do not need significant planning, but will help implement community desires and preferences and should be included on the capital project list. Such projects involve maintenance, repairs or improvements to existing facilities. Many of these projects could be completed through cooperative efforts between the City and stakeholder groups. Specific examples for consideration as a capital project follow.

1. Repair existing soft trails at Catherine Creek Park and Centennial Woods. This may include clearing brush and installing new surface materials on trails. The City should endeavor to define trailheads and install location and wayfinding signage between the two sites. As appropriate, City staff could install additional amenities at these sites including formal seating areas and picnic facilities along with restroom facilities.
2. Coordinate with user groups to repair and improve the disc golf course in Catherine Creek Park.
3. Construct a pedestrian pathway between Downtown Lake Stevens and the Centennial Trail along Hartford Drive NE terminating at land dedicated to the City for creating a new trail connection. The project would include improvements along Hartford Drive NE such as directional signage, striping and other safety features. The new trailhead should include landscaping, a paved trail connection, signage and possibly a seating area. If space is available, the site could include parking spaces for one or two cars.
4. Coordinate with the Washington Department of Fish and Wildlife on necessary repairs and improvements to the City boat launch. Improvements may include repairs to the boat launch, parking area, and addition of non-motorized launch.

Capital Projects

An analysis of existing conditions and projected needs in the previous section highlighted the areas of concern and opportunities for Lake Stevens. The Capital Facilities Element contains a strategy for achievement of the City's goals in light of the existing conditions in the City and identified needs. Capital projects will be prioritized based on the survey result preferences, needs assessment, levels of service, and relationship to economic development opportunities. The following list of different project types should be considered for inclusion in the Capital Facilities Element.

Planning Project No.1 – Cavalero Community Park Master Plan Joint Planning

Total Cost: \$10,000

Target Start Date: 2014

Description: Coordinate with Snohomish County on its planning efforts for Cavalero Community Park to ensure it provides city preferred recreation amenities.



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Proposed Funding Sources: Local Contributions, Impact fees

Location: 20th Street SE and 79th Ave SE

Justification: This project would meet the identified preference for developing community level parks.

Planning Project No.2 Wayfinding Plan

Total Cost: \$20,000

Target Start Date: 2015

Description: Produce a park wayfinding program in conjunction with economic development efforts to create a standard package for locating parks and recreational facilities and identifying amenities throughout the community.

Proposed Funding Sources: Impact fees

Location: Citywide

Justification: A wayfinding program would be crucial to providing a uniform image and highlighting existing and proposed site improvements to support economic development.

Planning Project No.3 Trails, Paths and Pedestrian Facilities Master Plan

Total Cost: \$15,000

Target Start Date: 2015

Description: Master plan for trails, paths, and pedestrian facilities identifying appropriate connections and engineered details for various trail types with an emphasis on trail connections, the power line trail, and a path around the lake.

Proposed Funding Sources: Impact fees, Development

Location: Citywide

Justification: This project would meet the identified preference for developing safe walking paths and multi-use trails throughout the community.

Planning Project No.4 Downtown Open Space Master Plan

Total Cost: \$30,000

Target Start Date: 2015

Description: Open space plan for various downtown open spaces including shoreline, wetland, and riparian areas. The plan would include environmental analysis, identify appropriate connections between areas, develop interpretive information and provide engineered details for boardwalks, viewing areas and signage.

Proposed Funding Sources: Impact fees, Grants



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Location: Mill Cove Reserve, Grade Road Open Space, Wetlands between 16th Ave NE and 18th Ave NE

Justification: This project would meet the identified preference for balanced habitat protection and development of interpretive sites as an important component in the community parks, recreation and open space system.

Acquisition Project No.1 Lakeside Path Right-of-Way/Easement Acquisition

Total Cost: \$1,610,066

Phase 1 (Northern Section approximately 3,800 linear feet) – \$237,382

Phase 2 (Eastern Section approximately 3,600 linear feet) – \$222,684

Phase 3 (Western/Southern approximately 18,000 linear feet) – \$1,150,000

Target Start Date: 2015-2034

Description: Purchase rights-of-way/easements for walking paths around the lake.

Proposed Funding Sources: Local Contributions, Impact fees, Grants

Location: Road network around Lake Stevens

Justification: This project would meet the identified preference for developing safe walking paths and multi-use trails throughout the community.

Acquisition Project No.2 Neighborhood Park Acquisition

Total Cost: \$317,671

Phase 1 (Southwest Lake Stevens between 5 – 10 acres) – \$158,835

Phase 2 (Southeast Lake Stevens between 5 – 10 acres) – \$158,835

Target Start Date: 2019 - 2024

Description: Identify locations for and acquire lands for two neighborhood level parks in the southern part of the City. Acquisitions should include one park on each side of SR-9 to ensure equity of distribution.

Proposed Funding Sources: Impact fees

Location: Southern part of the City, near 20th Street SE

Justification: This project would meet the Level of Service standard for access and distribution of neighborhood level parks.

Acquisition Project No.3 Shoreline Acquisition

Total Cost: \$1 – 1.5 million

Target Start Date: 2014-2019

Description: Identify locations for and acquire shoreline property that can provide a balance mix of water related activities around Lake Stevens.



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Proposed Funding Sources: Impact fees, Grants

Location: Lake Stevens

Justification: This project would meet the identified preference for acquisition and development of additional shoreline properties as an important part of the community parks, recreation and open space system.

Acquisition Project No.4 – Power Line Trail Right-of-Way/Easement Acquisition

Total Cost: \$838,200

Phase 1 (Northern Portion approximately 6,350 linear feet) – \$419,100

Phase 2 (Southern Portion approximately 6,350 linear feet) – \$419,100

Target Start Date: 2020-2025

Description: Purchase rights-of-way/easements for multi-use trails in the power line corridor.

Proposed Funding Sources: Impact fees, Grants

Location: Power line corridor in the western part of Lake Stevens

Justification: This project would meet the identified preference for developing safe walking paths and multi-use trails throughout the community.

Development Project No.1 – Complete Phases 1 and 2 of the Eagle Ridge Master Plan

Total Cost: \$911,922

Phase 1 – \$80,712

Phase 2 – \$271,205

Phase 3 – \$560,005

Target Start Date: 2015-2020

Description: Construct remaining improvements identified as Phase 1 improvements and then begin construction of Phase 2 and Phase 3 improvements identified in the Eagle Ridge Master Plan.

Proposed Funding Sources: Impact fees, Development

Location: Eagle Ridge Park

Justification: This project would meet the identified preference for developing community level parks.

Development Project No.2 Power Line Trail Construction

Total Cost: \$1,341,660

Phase 1 (Northern Segment construct approximately 6,350 linear feet) – \$699,960



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Phase 2 (Southern Segment construct approximately 6,350 linear feet) – \$641,700

Target Start Date: 2025-2034

Description: Construct multi-use trail along utility corridor.

Proposed Funding Sources: Impact fees

Location: Power line corridor in the western part of Lake Stevens

Justification: This project would meet the identified preference for developing safe walking paths and multi-use trails throughout the community.

Improvement Project No.1 Hartford Road Walking Path/Trail Head

Total Cost: \$41,173

Target Start Date: 2014

Description: Improve the pedestrian pathway between Downtown Lake Stevens and the Centennial Trail along Hartford Drive NE and construct a new trailhead at the intersection of Hartford Road and 131st Ave NE.

Proposed Funding Sources: Mitigation, Grants

Location: Hartford Drive NE between 20th Street NE and 131st Ave NE

Justification: This project would meet the identified preference for developing safe walking paths and multi-use trails throughout the community.

Improvement Project No.2 – Catherine Creek and Centennial Woods Trail Improvements

Total Cost: \$15,206

Phase 1 (Catherine Creek approximately 4,460 linear feet) – \$11,097

Phase 2 (Centennial Woods approximately 1,127 linear feet) – \$4,110

Target Start Date: 2020

Description: Improve existing soft trails at Catherine Creek and Centennial Woods.

Proposed Funding Sources: Impact fees, Local Contribution

Location: Catherine Creek and Centennial Woods Parks

Justification: This project would meet the identified preference for developing safe walking paths and multi-use trails throughout the community.

Financing

Parks and recreation facilities users do not necessarily recognize political boundaries; therefore, it is imperative that jurisdictions plan for and provide recreation facilities to meet the needs of the community jointly. Recognizing this fact also allows a more



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efficient system to be established using scarce tax dollars to provide for the recreational needs of regional populations. For example, it is more efficient to build a swimming pool between two jurisdictions where demand exists than to build two separate pools three blocks from each other simply because each City feels that tax dollars should be spent in individual communities. The City should continue to place emphasis on a balanced, cooperative approach to parks and recreation planning.

In accordance with the Revised Code of Washington 82.02.050 and 82.02.060, the City is to provide a balance between impact fees and other sources of public funds to meet its capital project needs. Revenues from property taxes, user fees (if imposed), sales taxes, real estate taxes, grants, and other revenue sources need to be used to pay the proportionate share of the growth-generated capital facilities costs. Therefore, the City's commitment to improving the parks system is not solely reliant on impact fees.

Impact Fees

Once an LOS is adopted, impact fees may be assessed under GMA to ensure that levels of services are maintained as the population grows. It is required that impact fees be based on the LOS in place at the time of development. It is in the City's interest to ensure impact fees are current as allowed under GMA based upon the level of service established in this element. The amount that could be charged new development would be determined through a separate fee study.

General Revenues

Unlimited General obligation bonds may be submitted to voters for park and recreation purposes. These bonds require approval by at least 60% of the resident voters during an election, which has a turnout of at least 40% of those who voted in the last state general election. The bond must be repaid from a special levy, which is not governed by the six percent statutory limitation on the property tax growth rate.

Grants

While the City has been successful in obtaining grants for parks, the lack of match has proved to be a constraint on obtaining even more grants. With a larger community, it is anticipated that the City's resources could be better leveraged with more and larger grants.

Special Revenue Funds

Conservation Futures: By state law, counties can elect to levy up to \$0.065 per \$1,000 of assess valuation for all County properties to acquire shoreline or other open space lands. In 1997, the City obtained conservation future funds to purchase about 21 acres of open space lands, contained in three parks.



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Real Estate Excise Tax (REET): State law allows counties the option of imposing excise taxes on the sale of real estate. The tax may be imposed in \$0.25 per \$1,000 in sale value to be used to finance capital facility developments, including the acquisition and development of park and recreational facilities.

Foundations

As another source of revenue the establishment of a foundation is being explored. The Parks Board and Arts Commission have agreed to look at developing a non-profit 501C Foundation that would provide the ability for people to make tax-exempt contributions that directly support parks and art activities.

GOALS AND POLICIES

An analysis of existing park, recreation, and open space facilities along with community input provide the basis for establishing goals and policies within the Park Plan. The goals and policies provide guidelines and actions for achieving that Plan. Goals are broad intent statements that describe a desired outcome. Policies provide the framework for developing specific measurable actions.

Vision – Ensure that the City has abundant, high-quality parks & recreation areas that balance recreational activities and enjoyment of the natural environment for the community.

GOAL 5.1 PROVIDE A HIGH-QUALITY, DIVERSIFIED PARKS, RECREATION AND OPEN SPACE SYSTEM THAT PROVIDES RECREATIONAL AND CULTURAL OPPORTUNITIES FOR ALL AGES AND INTEREST GROUPS.

Policies

- 5.1.1 Provide a system of multi-purpose neighborhood and community parks, throughout the community, accessible to all residents that meet the following levels of service:
 - a. Neighborhood Parks – one park within a one-mile radius of all residential areas and
 - b. Community Parks – one park within a 2.5-mile radius of all residential areas.
- 5.1.2 Provide a park, recreation and open space system with activities for all age groups and abilities, equally distributed throughout the community, with an emphasis on youth-oriented activities.
- 5.1.3 Provide a balanced mix of active recreational facilities including but not limited to court and field activities, skateboard/BMX areas, and multi-use trails and passive recreations facilities including but not limited to hiking/walking, shoreline access, and picnicking accessible to the largest number of participants.



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- 5.1.4 Promote balanced lake access for pedestrians and motorized and non-motorized watercraft so all segments of the population can enjoy the lake and have access to its recreational opportunities.
- 5.1.5 Encourage the inclusion of performing art facilities in public parks and recreation areas and incorporate visual arts into the design of park features, such as railings, benches, buildings and other amenities.
- 5.1.6 Support the use of indoor community spaces for arts and crafts, music, video, classroom instruction, meeting facilities and other spaces for all age groups on a year-round basis.
- 5.1.7 When appropriate and economically feasible, participate in the development of special interest recreational facilities.
- 5.1.8 Continue to participate in the annual Aquafest community celebration.
- 5.1.9 Identify recreational and cultural needs opportunities for special needs populations.
- 5.1.10 Support the Lake Stevens Historical Society in their efforts to inventory significant historical and archaeological resources and to provide information to the community on its history.

GOAL 5.2 PROVIDE AN INTERCONNECTED SYSTEM OF HIGH-QUALITY, ACCESSIBLE TRAILS AND GREENWAY CORRIDORS THAT OFFER DIVERSE, HEALTHY OUTDOOR EXPERIENCES WITHIN A VARIETY OF LANDSCAPES AND NATURAL HABITATS, PUBLIC FACILITIES, LOCAL NEIGHBORHOODS, BUSINESS DISTRICTS AND REGIONAL TRAILS.

Policies

- 5.2.1 Provide a comprehensive network of multi-use trails for pedestrians, bicycles, and skating using alignments along the public rights-of-way, through public landholdings as well as across cooperating private properties, which link residential neighborhoods to community facilities, parks, special use areas, commercial areas and the waterfront that meets the following level of service: one trail within one mile of residential areas.
- 5.2.2 Provide for a comprehensive inter-City trail system linking the downtown area, schools, parks, and the Centennial Trail.
- 5.2.3 Establish a multi-use trail around the lake, choosing a route that best provides lake access and/or views.
- 5.2.4 Establish a north/south trail under the power lines as identified in the Lake Stevens Center and 20th Street SE Corridor subarea plans.
- 5.2.5 Establish an east/west sidewalk trail along 24th Street SE and South Lake Stevens Road that will eventually connect to the Centennial Trail as identified in the 20th Street SE Corridor subarea plan.



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- 5.2.6 Establish, expand, and/or improve nature trails and boardwalks through open spaces with an emphasis on Eagle Ridge Park, Catherine Creek Park, Centennial Woods, Mill Cove Reserve, and the Grade Road Open Space.

GOAL 5.3 PRESERVE AND ENHANCE OPEN SPACE AND NATURAL RESOURCES AREAS INCLUDING FISH AND WILDLIFE HABITAT, MIGRATION CORRIDORS, NATURAL MEADOWS, AND WATER RESOURCES.

Policies

- 5.3.1 Preserve open space corridors and buffers to provide separation between natural areas and urban land uses with a goal of maintaining five percent of City as open space.
- 5.3.2 Plan, locate and manage park and recreation facilities so that they enhance wildlife habitat, minimize erosion, complement natural site features, and create linkages within the developed area.
- 5.3.3 Balance the desire for public access and interpretive education with preservation of environmentally sensitive areas and other natural sites
- 5.3.4 Maintain and enforce leash laws and animal at-large laws to stem wildlife predation.
- 5.3.5 Preserve lake and other scenic views for the public when considering land use decisions and when siting park and recreation facilities.
- 5.3.6 Plan for an open space system that may include:
- Natural or scenic areas,
 - Water bodies and drainage easements,
 - Public/private passive park and recreation sites,
 - Cultural, archaeological, geological and historical sites,
 - Large reserve tracts, private parks, common ground, and buffer areas from residential development,
 - Utility corridors, and
 - Trail corridors that may function as wildlife corridors

GOAL 5.4 MAXIMIZE PARK FACILITIES BY LEVERAGING, SHARING AND EFFICIENTLY USING RESOURCES.

Policies

- 5.4.1 Cooperatively plan for joint-use facilities, meeting and classrooms, athletic fields, and other facilities with the Lake Stevens School District, Lake Stevens Junior Athletic Association, Snohomish County Parks Department and other public or



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private providers of recreation services and facilities that are of mutual benefit to each agency and the users/participants in the City and its Urban Growth Area.

- 5.4.2 Create a comprehensive, balanced park, recreation, and open space system that integrates City facilities and services with resources available from the Lake Stevens School District, Snohomish County and other state, federal, and private park and recreational lands and facilities in a manner that will best serve and provide for area residents' interests.
- 5.4.3 Support continued cooperation between the City, non-profit organizations, the Lake Stevens School District, and other agencies for continuation and development of recreation programming for youths, senior citizens, and other segments of the population and to avoid duplication, improve facility quality and availability, which reduce costs, and represent area resident's interests through joint planning and development efforts.
- 5.4.4 Establish inter-local agreements between the City, County, School District and private non-profit organizations, and other agencies to provide for athletic facilities to serve the needs of the City and the Urban Growth Area.

GOAL 5.5 MAINTAIN PARK FACILITIES TO MAXIMIZE LIFE OF THE FACILITIES AND TO PROVIDE AN ATTRACTIVE AND PLEASING ENVIRONMENT FOR USERS.

Policies

- 5.5.1 Design and develop facilities, which reduce overall facility maintenance and operation requirements and costs. Where appropriate, use low maintenance materials, settings or other value engineering considerations that reduce care and security requirements, and retain natural conditions and experiences.
- 5.5.2 Develop a maintenance management system to estimate and plan for life cycle maintenance in addition to replacement costs.
- 5.5.3 Provide operation and maintenance to insure safe, serviceable, and functional parks and facilities. Provide adequate funding to operate and maintain existing and new special use sites.
- 5.5.4 The City shall establish creative methods to efficiently expand park and trail maintenance services such as encouraging volunteer efforts, continued use of the State Department of Corrections crews, and mutual coordination with other local agencies.
- 5.5.5 Where appropriate, the City should initiate joint planning and operating programs with other public and private agencies to provide for special activities like shoreline access, aquatic facilities, marinas, and community festivals.
- 5.5.6 In the design of parks, encourage the use of materials and designs to reduce the occurrence and impacts of vandalism. Parks design which provides for easily



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surveillance of facilities by residents and by police can reduce the incidence. Use of materials such as graffiti resistant coatings can reduce the impacts.

- 5.5.7 Repair acts of vandalism immediately to discourage park property and City recreation facilities from becoming targets for further such acts.
- 5.5.8 Ensure that all park and recreation facilities owned and operated by the City comply with ADA accessibility requirements.
- 5.5.9 Establish a formal volunteer network as volunteerism is a significant source of energy and ideas. The City must continue to tap and improve existing opportunities to involve the community in its own programs. The City shall formalize a volunteer program that include "adopt a park," and "adopt a trail," and similar programs.

GOAL 5.6 THE CITY RECOGNIZES THAT LAND IS IN HIGH DEMAND AND THAT ACQUISITIONS MUST BE PURSUED AS QUICKLY AS POSSIBLE TO IMPLEMENT THE COMMUNITY'S VISION CONCURRENTLY WITH DEVELOPING AND IMPROVING EXISTING FACILITIES TO ACHIEVE A HIGH-QUALITY AND BALANCED PARK AND RECREATION SYSTEM.

Policies

- 5.6.1 Add capacity at existing parks by expanding or improving facilities to accommodate current and future populations and desired uses including walking/hiking trails, active recreation, and passive recreation.
- 5.6.2 Acquire additional shoreline lands for trails, public docks, waterfront fishing, wading, swimming, boating and other water related recreational activities.
- 5.6.3 Cooperate with public and private agencies, and with private landowners to set aside land and resources necessary to provide high-quality, convenient park and recreation facilities before the most suitable sites are lost to development.
- 5.6.4 Work with developers to identify additional parks, recreation and open space opportunities in redeveloping areas.
- 5.6.5 Prioritization for new park and recreation facilities shall take into consideration areas within the community, which are under-represented by parks, types of desired facilities not presently available, availability of properties appropriate for a particular type of park, and availability and opportunities for grants and other funding sources.
- 5.6.6 With a developer requirement of paying GMA based park mitigation fees, developers are still encouraged to install mini-parks voluntarily for the benefit of their developments, however such mini-parks shall not be credited against meeting the developer's mitigation obligation. The City has not defined an LOS



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for mini-parks, but encourages one park within a half-mile radius of all residential areas

GOAL 5.7 DEVELOP PARK AND TRAIL DESIGN STANDARDS.

Policies

- 5.7.1 Standardize facility design to ensure consistency and quality in the Lake Stevens park system, and establish a standard for trail signage including interpretive, safety, and regulatory signs.
- 5.7.2 Develop trail improvements to a design and development standard that facilitates maintenance, security, and other appropriate personnel, equipment, and vehicles and includes:
 - a. Trail systems with appropriate supporting trailhead improvements that include interpretive, directory and mileage signage as well as rules and regulations for trail use.
 - b. Provide site furnishings such as benches, bike racks, dog waste stations, and trash containers.
 - c. Locate trails in conjunction with park sites, schools, and other community facilities to increase local area access to the trail system and to take advantage of access to existing restrooms and drinking water thereby reducing duplication of supporting improvements.
 - d. Design outdoor picnic areas, trails, playgrounds, courts, fields, parking lots, restrooms, and other active and supporting facilities to be accessible to individuals and organized groups of all physical capabilities, skill levels, age groups, income and activity interests.
- 5.7.4 Implement the provisions and requirements of the Americans with Disabilities Act (ADA) and other design and development standards that will improve park facility safety and security features for park users, department personnel, and the public-at-large.
- 5.7.5 Promote sustainable landscapes to increase the ecological functions of natural areas and utilize native vegetation in planted areas, where possible.
- 5.7.6 Choose durable products to promote human health in a safe environment and consider life-cycle analysis of material options. Incorporate green building technology including nontoxic materials and sustainable development practices. Select local products where feasible. Consider environmental as well as economic impacts



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GOAL 5.8 INCREASE AWARENESS OF PARK AND RECREATION ACTIVITIES.

Policies

- 5.8.1 Promote the use of local parks through the media, Aquafest, other festivals and by providing information as to their availability such as publishing maps showing park locations and their available facilities.
- 5.8.2 Promote and provide volunteer opportunities.
- 5.8.3 Facilitate community involvement and stewardship.
 - a. Continue and expand the volunteer work party program.
 - b. Continue and expand the Adopt-a-trail program.
 - c. Develop interlocal management agreements.
 - d. Encourage participation in community trail events.
 - e. Expand on existing relationships with schools, business and non-profit organizations.
- 5.8.4 Promote environmental protection as part of providing a successful park and recreation program by establishing a permanent celebration promoting Earth Day activities
- 5.8.5 Where appropriate, use adopt-a-park programs, neighborhood park watches, park police patrols, and other innovative programs that will increase safety and security awareness and visibility.
- 5.8.6 Provide historic and natural interpretation opportunities throughout the City's park system.
- 5.8.7 Promote commercial recreation opportunities along the Centennial Trail and on and near the lake.
- 5.8.8 Utilize interpretive materials to highlight features such as native flora and historic points of interest

GOAL 5.9 CREATE EFFECTIVE AND EFFICIENT METHODS OF ACQUIRING, DEVELOPING, OPERATING AND MAINTAINING FACILITIES AND PROGRAMS THAT ACCURATELY DISTRIBUTE COSTS AND BENEFITS TO PUBLIC AND PRIVATE INTERESTS.

Policies

- 5.9.1 Establish financing mechanisms to ensure that adequate parks, open space, and recreation facilities are available to the community.
- 5.9.2 Investigate innovative available methods or the financing of maintenance and operating needs in order to reduce costs, retain financial flexibility, match user benefits and interests, and increase facility services.



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- 5.9.3 The City shall explore and where appropriate adopt a creative funding strategy which takes advantage of traditional sources, such as capital budgeting, grants, and developer contributions, but also non-traditional sources including, but not limited to volunteers, interlocal agreements, donations, foundations, interjurisdictional partnerships, and other appropriate mechanisms.
- 5.9.4 In developing the park system, encourage donations and dedications, conservation easements, innovative land use contractual agreements and other methods involving foundations, organizations, associations, trusts, developers, landowners, others from the private sector and neighboring and regional governments.
- 5.9.5 Allow fee stewardship programs to be established in conjunction with recognized land conservancies to maintain dedicated natural areas in lieu of permitting homeowner associations to assume such responsibilities (assuming the City does not wish to assume such responsibility).

EXHIBIT C

**UPDATED FIGURE 7.4
SCHOOL DISTRICT SERVICE AREAS**

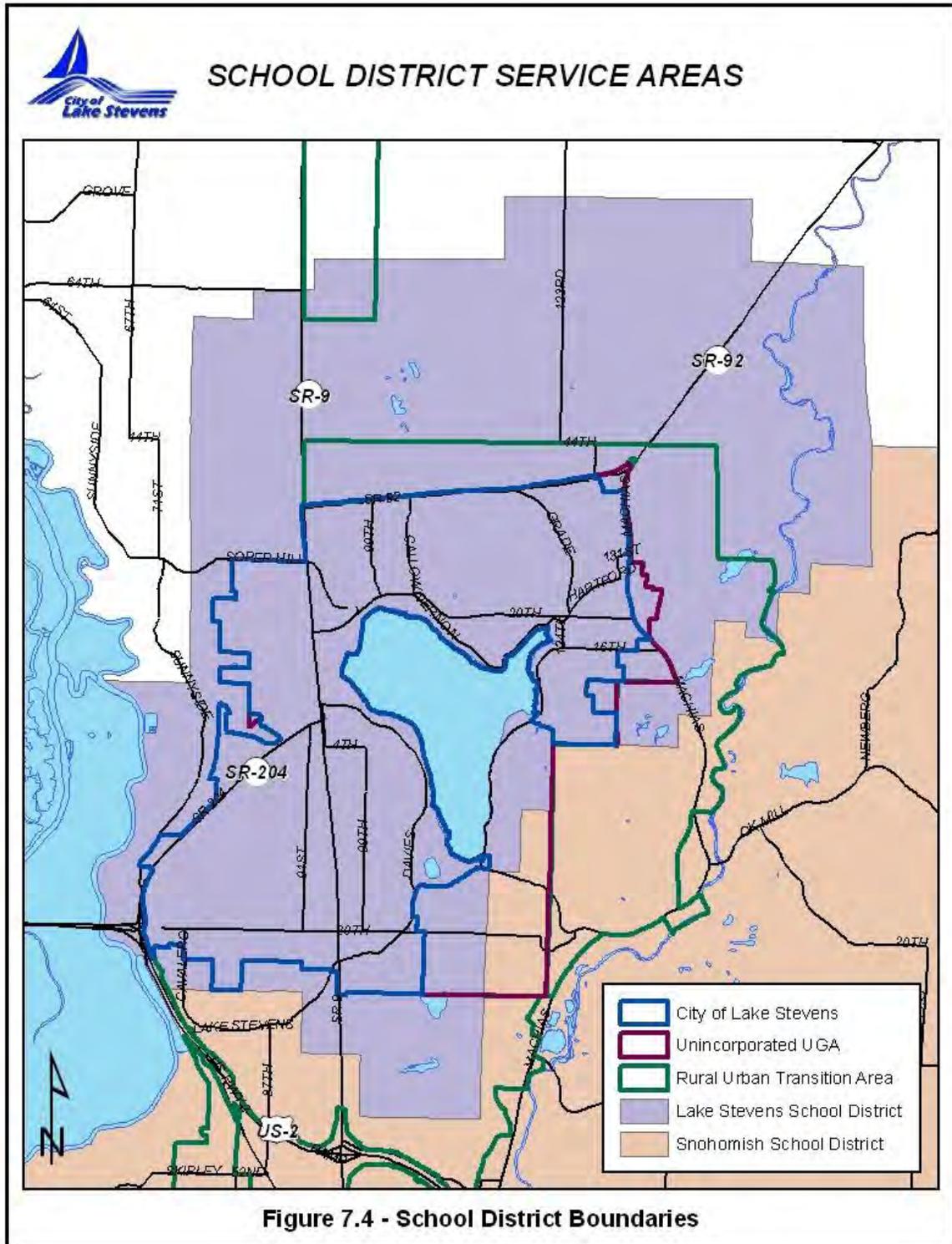


EXHIBIT D

APPENDIX M

**ADDENDUM NO. 6
TO THE CITY OF LAKE STEVENS
INTEGRATED 2005 COMPREHENSIVE PLAN AND
FINAL ENVIRONMENTAL IMPACT STATEMENT**

Attachments to Appendix M available upon request

ADDENDUM NO. 6

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

**Adoption of One Land Use Map Correction and Text
Revisions to Chapter 1 Introduction, Chapter 5
Transportation Element, Chapter 6 Transportation Element,
Chapter 7 Utilities & Public Services & Facilities Element,
Chapter 8 Capital Facilities Element, Appendices, and
Covers, Footers and Table of Contents
With The 2013 Docket**

And

**2013 Code Housekeeping Amendments
Including One Zoning Map Correction**



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

Date of Issuance: November 8, 2013



November 8, 2013

Dear Reader and Interested Citizen:

Addendum No. 6 to the City of Lake Stevens Integrated 2005 Comprehensive Plan and Final Environmental Impact Statement (FEIS), issued July 17, 2006, has been prepared by the Department of Planning and Community Development.

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

- Land Use Map – Map correction to minimally modify boundaries of a stormwater detention facility and neighboring property to share access;
- Chapter 1 Introduction – Remove detailed public process description for each Docket Cycle and include a general process, and add reference to appendix containing SEPA documents;
- Chapter 5 Parks and Recreation Element – Replace entire chapter;
- Chapter 6 Transportation Element – Remove Table 6-1 Street Inventory, and repeal Goal 6.10 and associated policies related to street inventory;
- Chapter 7 Utilities and Public Services and Facilities Element – Update Figure 7.4 to show Snohomish School District boundaries and update Utility Policy 7.3.6 to be consistent with amended underground utilities code;
- Chapter 8 Capital Facilities Element – Add joint planning with Snohomish County for Cavalero Hill Park to Table 8.1 Capital Improvements and park projects based on the updated Parks, Recreation and Open Space Element; and
- Add Appendix M as SEPA Addendum No. 6, update Appendix F with current Six-Year Transportation Infrastructure Program (STIP) and update cover, footers and table of contents.

In addition, this addendum provides additional environmental information for the proposed adoption of 2013 Code Housekeeping Amendments to correct minor code errors and revisions found during code implementation and update code to be consistent with the GMA Comprehensive Plan:

- Chapter 5.16 Commercial Animal Rearing (Kennel) Regulations – change reference from “Planning Commission” to “Planning Director or designee” for who may revoke a permit;
- Chapter 14.04 General Provisions – remove list of administratively adopted documents and reference availability;
- Chapter 14.08 Basic Definitions and Interpretations – add, change or remove five definitions and move Section 14.08.020 to a new section in Chapter 14.36 Zoning Districts and Zoning Map;
- Chapter 14.16A Administration and Procedures – corrections, clarifications and updates in four sections;
- Chapter 14.16B Types of Land Use Review – minor modifications, corrections and additional specificity to seven sections;
- Chapter 14.16C Land Use Actions, Permits and Determinations – removals, corrections, and minor addition to three sections;

ADDENDUM #6 TO INTEGRATED 2005 COMPREHENSIVE PLAN & FEIS

- Chapter 14.18 Subdivisions, Boundary Line Adjustments and Binding Site Plans – minor addition, modification and corrections to three sections;
- Chapter 14.36 Zoning Districts and Zoning Map – remove one reference to acetate maps and minor map correction to “Official Zoning Map”;
- Chapter 14.38 Subarea Plans – minor changes to one table and remove an exception for freestanding signage;
- Chapter 14.40 Permissible Uses – add footnotes and remove two use descriptions to Permissible Uses Table and update two sections;
- Chapter 14.44 Supplementary Use Regulations – clarify or correct six sections;
- Chapter 14.46 Innovative Housing Options Program – remove reference to demonstration program in one section;
- Chapter 14.48 Density and Dimensional Regulations – allow eaves to project into setback, update Density and Dimensional Table, and update four sections;
- Chapter 14.56 Streets and Sidewalks – minor amendments to ensure consistency between Land Use Regulations and Engineering Design and Development Standards in five sections;
- Chapter 14.68 Signs – minor corrections and clarifications to three sections;
- Chapter 14.76 Screening and Trees – minor clarification and correction to two sections;
- Chapter 14.80 Building and Construction – add appeal process for Building Official decisions to the Hearing Examiner
- Chapter 14.88 Critical Areas – minor corrections to four sections;
- Chapter 14.110 Concurrency Management System – correct one code reference; and
- Placeholder for code corrections related to 2012 International Building Codes.

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

Review of the proposed amendments occurred at a Planning Commission public hearing on November 6, 2013 and is scheduled for City Council public hearing on November 25, 2013.

We invite you to comment on the proposed map, text and code revisions during the City review process. Comments regarding the proposed comprehensive plan and code housekeeping amendments may be submitted orally during each hearing or in writing any time prior to the hearing by sending them to City Hall, attn: Russ Wright, PO Box 257, Lake Stevens, WA 98258, or by email at rwright@lakestevenswa.gov.

If you have any questions, please contact Russ Wright at (425) 212-3315 or email above.

Sincerely,



Rebecca Ableman
Planning and Community Development Director

Fact Sheet

Proposed Non-Project Action:

The proposed non-project action is the adoption by the Lake Stevens City Council of one City-proposed map correction and seven City-proposed text revisions to the City of Lake Stevens Comprehensive Plan as part of the 2013 Docket: Chapter 1 Introduction, Chapter 5 Parks and Recreation Element, Chapter 6 Transportation Element, Chapter 7 Utilities and Public Services and Facilities Element, Chapter 8 Capital Facilities Element, and the Appendices. The GMA requirements contained in Chapter 36.70A RCW are applicable to these plans.

Description of Proposal:

The 2013 Docket contains one map correction and seven text revisions to the City of Lake Stevens Comprehensive Plan Amendments:

- Land Use Map – Map correction to minimally modify boundaries of a stormwater detention facility and neighboring property to share access;
- Chapter 1 Introduction – Remove detailed public process description for each Docket Cycle and include a general process, and add reference to appendix containing SEPA documents;
- Chapter 5 Parks and Recreation Element – Replace entire chapter;
- Chapter 6 Transportation Element – Remove Table 6-1 Street Inventory, and repeal Goal 6.10 and associated policies related to street inventory;
- Chapter 7 Utilities and Public Services and Facilities Element – Update Figure 7.4 to show Snohomish School District boundaries and update Utility Policy 7.3.6 to be consistent with amended underground utilities code;
- Chapter 8 Capital Facilities Element – Add joint planning with Snohomish County for Cavalero Hill Park and a placeholder for park projects to be identified by the Parks and Recreation Element to Table 8.1 Capital Improvements; and
- Add Appendix M as SEPA Addendum No. 6, update Appendix F with current Six-Year Transportation Infrastructure Program (STIP) and update cover, footers and table of contents.

The 2013 Code Housekeeping Amendments to correct minor code errors and revisions found during code implementation and update code to be consistent with the GMA Comprehensive Plan contains one map correction and text revisions to nineteen chapters of the City of Lake Stevens Municipal Code, all in Title 14 Land Use Regulations except one in Title 5 Animal Regulations:

- Chapter 5.16 Commercial Animal Rearing (Kennel) Regulations – change reference from “Planning Commission” to “Planning Director or designee” for who may revoke a permit;
- Chapter 14.04 General Provisions – remove list of administratively adopted documents and reference availability;
- Chapter 14.08 Basic Definitions and Interpretations – add, change or remove five definitions and move Section 14.08.020 to a new section in Chapter 14.36 Zoning Districts and Zoning Map;
- Chapter 14.16A Administration and Procedures – corrections, clarifications and updates in four sections;
- Chapter 14.16B Types of Land Use Review – minor modifications, corrections and additional specificity to seven sections;
- Chapter 14.16C Land Use Actions, Permits and Determinations – removals, corrections, and minor addition to three sections;

- Chapter 14.18 Subdivisions, Boundary Line Adjustments and Binding Site Plans – minor addition, modification and corrections to three sections;
- Chapter 14.36 Zoning Districts and Zoning Map – remove one reference to acetate maps and minor map correction to “Official Zoning Map”;
- Chapter 14.38 Subarea Plans – minor changes to one table and remove an exception for freestanding signage;
- Chapter 14.40 Permissible Uses – add footnotes and remove two use descriptions to Permissible Uses Table and update two sections;
- Chapter 14.44 Supplementary Use Regulations – clarify or correct six sections;
- Chapter 14.46 Innovative Housing Options Program – remove reference to demonstration program in one section;
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- Chapter 14.56 Streets and Sidewalks – minor amendments to ensure consistency between Land Use Regulations and Engineering Design and Development Standards in five sections;
- Chapter 14.68 Signs – minor corrections and clarifications to three sections;
- Chapter 14.76 Screening and Trees – minor clarification and correction to two sections;
- Chapter 14.88 Critical Areas – minor corrections to four sections;
- Chapter 14.110 Concurrency Management System – correct one code reference; and
- Placeholder for code corrections related to 2012 International Building Codes.

RCW 36.70A.130 allows amendments to the Comprehensive Plan once per year with some exceptions. The current proposal is the 2013 Comprehensive Plan Docket with associated Code Housekeeping amendments.

Purpose of the FEIS Addendum:

The purpose of this addendum is to add information and analysis relating to the programmatic City action of adopting minor amendments to six chapters and the appendices of the Comprehensive Plan. This information expands upon previously identified significant impacts of the alternatives to the City’s Integrated 2005 Comprehensive Plan (July 2006) and FEIS (July 17, 2006), as addended, but does not substantially change the analysis. The City has already considered the impacts of the proposed programmatic actions analyzed in this Addendum in the FEIS document. No additional significant impacts beyond those identified in the FEIS are expected to occur. Revisions to the proposal may be considered during the public hearing process. To the extent that the existing environmental documents listed in this Addendum or other published documents have analyzed such changes, no additional programmatic action level environmental review will be required. This Addendum is being issued in accordance with WAC 197-11-625 and WAC 197-11-630. Additional changes to the proposal may be considered during the public hearing process. The following adopted environmental document meets the City of Lake Stevens’ environmental review needs for the current proposal: 2013 Comprehensive Plan Docket and Code Housekeeping Amendments.

ADDENDUM #6 TO INTEGRATED 2005 COMPREHENSIVE PLAN & FEIS

Location of Proposal: City of Lake Stevens and Lake Stevens Urban Growth Area

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

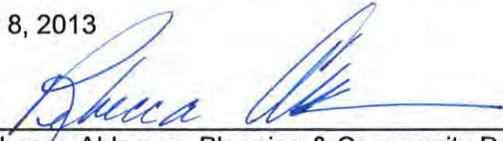
Required Approvals: Adoption of GMA Comprehensive Plan map and text amendments and Code Housekeeping amendments granted by Lake Stevens City Council

Circulation: This Addendum is being sent to all recipients of the previously issued Final EIS and other interested parties.

Comment: No comment period is required for this addendum.

Contact Person: Karen Watkins, Principal Planner
(425) 377-3221 or kwatkins@lakestevenswa.gov

Date of Issuance: November 8, 2013

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

Public Hearing: The Planning Commission held a public hearing on the proposed Comprehensive Plan map and text amendments and Code Housekeeping amendments on November 6, 2013. Following receipt of a recommendation from the Planning Commission, the City Council will also hold a public hearing on November 25, 2013 before taking final action.

Documents: The Integrated 2005 Comprehensive Plan and Final Environmental Impact Statement, as addended, and detailed information and analysis are available at the City Planning Department. Electronic copies may be requested from the contact above. The City website also has a copy of the current plan and FEIS at www.lakestevenswa.gov.

SEPA Distribution List

National Marine Fisheries Service
Natural Resource Conservation Service
NOAA Fisheries
NOAA NW Regional Office
U.S. Army Corps of Engineers
U.S. EPA
U.S. Fish and Wildlife Service
WA State Energy Office

Community Transit
Earth Share of WA
Pilchuck Audubon Society
Puget Sound Clean Air Agency
Puget Sound Energy
Puget Sound Water Quality Action Team
Regional Transit Authority
Waste Management NW

City of Everett Public Works
City of Marysville
Greater Lake Stevens Chamber of Commerce
Lake Stevens Historical Society
Lake Stevens Journal
Lake Stevens Library
Marysville School District
Muckleshoot Indian Tribe
Snohomish County Council
Snohomish County Executive
Snohomish County Parks & Recreation
Snohomish County Public Works
Snohomish County School District
Stillaguamish Tribe

Anderson Hunter
Master Builders Association
Snohomish County Camano Assoc. of Realtors

Seattle Post Intelligencer
The Arlington Times
The Everett Herald
The Seattle Times

Leland Adams
Joyce Bell
Steve Brooks
Jennifer D'Avis-Pederson

Carl Johnson
Bill Ostrowski
Chris Redosivich
Karen Reichenberg
Roger Schollenberger
Marlene Sweet
Terry Van Wyck
George Wood
Kelley Wrigg

Purpose of the Proposal

The Proposed Action is the adoption of the 2013 Docket including one city-initiated map land use correction and seven text amendments to the City of Lake Stevens GMA Comprehensive Plan in accordance with the requirements of the Growth Management Act (GMA) and Code Housekeeping amendments, including a zoning map correction. Statutory requirements of GMA allow amendments to a Comprehensive Plan “no more frequently than once per year” (RCW 36.70A.130(2)(a)) except when in specific circumstances.

SEPA Procedures and Public Involvement

Purpose of the Addendum

The purpose of this Addendum is to add analyses and information about a proposal, but does not substantially change the analysis of significant impacts and alternatives in the existing environmental document (WAC 197-11-600(4)(c)). The proposed revision does not introduce new significant impacts from those identified in the FEIS. The City of Lake Stevens is issuing this addendum to the FEIS for the purpose of supplying additional information about the proposals and their impacts beyond those contained in the FEIS. This Addendum should assist the public and agency decision-makers in considering the granting or denial of the proposed map and text amendments to the Comprehensive Plan and Code Housekeeping amendments.

Programmatic Analysis

This Addendum is for the 2013 Comprehensive Plan Docket and Code Housekeeping Amendments. The adoption of comprehensive plans, or other long-range planning activities, is classified by SEPA as a non-project (i.e., programmatic) action. A non-project action is defined as an action that is broader than a single site-specific project, and involves decisions on policies, plans or programs. A SEPA document for a non-project proposal does not require site-specific analyses; instead the Addendum discusses additional analysis and information appropriate to the scope of the non-project proposal and to the level of planning for the proposal (WAC 197-11-442).

Phased Review

SEPA encourages the use of phased environmental review to focus on issues that are ready for decision, and to exclude from consideration issues already decided or not yet ready for decision-making (WAC 197-11-060 (5)). Phased review is appropriate where the sequence of a proposal is from a programmatic document, such as an EIS addressing a comprehensive plan, to other documents that are narrower in scope, such as for a site-specific, project-level analysis. The City of Lake Stevens is using phased review, as authorized by SEPA, in its environmental review of growth management planning actions. The analysis in this Addendum will be used to review the environmental impacts of the proposed Comprehensive Plan Amendment proposals and Code Housekeeping Amendments.

Public Comment

No comment period is required for the Addendum. The following public participation is scheduled as part of the 2013 Docket to gain public input:

- Planning Commission Public Hearing – November 6, 2013
- City Council Public Hearing – November 25, 2013

Proposed Action, Alternatives, and Objectives

Proposed Action

The proposed action is the granting or denial of one map correction and seven text amendments to the City of Lake Stevens Comprehensive Plan and Code Housekeeping amendments. The proposed amendments are provided below using strikeouts and underlines for the text amendments. Each chapter amendments will be treated as a separate alternative because each proposal is reviewed individually and a determination is made on the granting or denial of each proposal by the Planning Commission and City Council. The Code Housekeeping Amendments will be reviewed as one although any proposed amendments may be removed from the ordinance by the City Council.

Objectives of the Proposal

The principal objective of the proposed map and text amendments is to update the Comprehensive Plan based on new information and to correct minor code errors and revisions found during code implementation and update code to be consistent with the Comprehensive Plan.

Matrix of Impacts and Mitigation Measures

In order to retain consistency in the description and analysis of impacts, this Addendum is using a similar matrix of impacts. Only additional information or analysis not covered in the FEIS matrix, but required for the Comprehensive Plan map and text amendments and Code Housekeeping amendments, is included on the attached matrix.

EXHIBIT E

UPDATED APPENDIX F

**SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM
(2014-2019)**

City of Lake Stevens Start year: 2014
Transportation Improvement Program (2014 - 2019)

Revision: 05/14/2013

Proj ID #	ROAD	FROM	TO	COST	Description	Local	State/Fed	Mitigation	Dev Imp	TOTAL Project				
										Design	ROW	Constr	LOCAL	GRANT
2(1)	SR 9/4th NE - Intersection	4th St NE	-	3,000,000	Improve egress WB alignment right turn onto SR 9 and add a new right turn ingress for EB onto 4th St NE. Additional improvement is the construction of a new alignment N-S Village Way Road (93rd).	X	X	X	X	623,183	642,500	1,734,317	300,000	2,700,000
3	90th Ave NE Connector	SR 204	Vernon	1,140,000	Construction of a new roadway segment that would allow for right in-right out movement for SR 204. Roadway would be developer driven			X	X	114,000	200,000	826,000	1,140,000	-
7(4)	91st Ave NE	SR 204	Vernon	351,000	Upgrade roadway to create a pedestrian friendly downtown style streetscape	X		X	X	35,100	20,000	295,900	351,000	-
W 2	SR 92 and Lake Dr Re-channelization	Intersection		200,000	State driven safety project to reduce vehicle conflicts		X			30,000		170,000		200,000
7(1)	20th St SE - Segment 1	83rd Ave SE	91st Ave SE	4,843,380	Widening of existing two lane to four lane, providing non-motorized travel area with pedestrian sidewalks and improved drainage and lighting.	X	X	X	X	520,902	850,311	3,472,167	1,695,183	3,148,197
7(3)	20th St SE - Segment 2	79th Ave SE	83rd Ave SE	3,970,366	Widening of existing two lane to four lane, providing non-motorized travel area with pedestrian sidewalks and improved drainage and lighting.	X		X	X	397,838	921,922	2,650,606	1,389,628	2,580,738
7(5)	20th St SE - Segment 3	73rd Ave SE	79th Ave SE	2,770,169	Widening of existing two lane to four lane, providing non-motorized travel area with pedestrian sidewalks and improved drainage and lighting.	X	X	X	X	345,853	118,821	2,305,495	969,559	1,800,610
7(6)	20th St SE - Segment 4	US 2	73rd Ave SE	2,599,205	Widening of existing two lane to four lane, providing non-motorized travel area with pedestrian sidewalks and improved drainage and lighting.	X	X	X	X	294,930	341,610	1,962,665	909,722	1,689,483
6(1)	24th St SE/73rd SE - Intersection	73rd Ave SE	-	800,000	Construction of a new intersection to provide internal vehicle and non-motorized circulation adjacent to 20th Street SE. Construction is developer driven.			X	X	80,000	50,000	670,000	800,000	-
6(2)	24th St SE	73rd Ave SE	79th Ave SE	3,653,000	Construction of a new roadway segment to provide internal vehicle and non-motorized circulation adjacent to 20th Street SE. Construction is developer driven.			X	X	365,300	200,000	3,087,700	3,653,000	-
6(3)	24th St SE/79th SE - Intersection	79th Ave SE	-	800,000	Construction of a new intersection to provide internal vehicle and non-motorized circulation adjacent to 20th Street SE. Construction is developer driven.			X	X	80,000	50,000	670,000	800,000	-
6(4)	24th St SE	83rd Ave SE	87th Ave SE	5,278,000	Construction of a new roadway segment to provide internal vehicle and non-motorized circulation adjacent to 20th Street SE. Construction is developer driven.			X	X	527,800	200,000	4,550,200	5,278,000	-
6(5)	24th St SE/83rd SE - Intersection	83rd Ave SE	-	800,000	Construction of a new intersection to provide internal vehicle and non-motorized circulation adjacent to 20th Street SE. Construction is developer driven.			X	X	80,000	50,000	670,000	800,000	-
6(6)	24th St SE	SR 9	91st Ave SE	2,970,000	Construction of a new roadway segment to provide internal vehicle and non-motorized circulation adjacent to 20th Street SE. Construction is developer driven.			X	X	297,000	200,000	2,473,000	2,970,000	-

Revision: 05/14/2013

Proj ID #	ROAD	FROM	TO	COST	Description	Local	State/Fed	Mitigation	Dev Imp	TOTAL Project				
										Design	ROW	Constr	LOCAL	GRANT
1(1)	91st Ave NE/SR 204 - RTP	SR 204	200' north	337,000	Widen southbound outside lane to provide for a dedicated right turn lane	X	X	X	X	33,700	10,000	293,300	134,800	202,200
1(2)	91st Ave NE/SR 204 - RTP	SR 204	300' south	454,100	Widen north bound outside lane to provide for a dedicated right turn lane	X	X	X	X	45,410	20,000	388,690	181,640	272,460
2(2)	91st Ave SE	20th St SE	4th St SE	4,770,000	Widen to a three lane section with non-motorized improvements and pedestrian improvements that include sidewalk segments and curb separated walking paved shoulder areas along the east side of the roadway	X	X	X	X	477,000	300,000	3,993,000	715,500	4,054,500
2(3)	91st Ave SE	20th St SE	24th St SE	1,950,000	New connector roadway to 24th St SE			X	X	195,000	100,000	1,655,000	1,950,000	-
8(4)	99th Ave NE	Market	4th St NE	1,170,000	Enhance Streetscape with improvement with non-motorized enhancements and circulation improvements with a possible roundabout intersection at 4th NE	X	X	X	X	117,000	40,000	1,013,000	292,500	877,500
14(A)	4th St NE	91st Ave NE	SR 204	7,578,460	New internal connector and circulation roadway. Will require a new break in access on to SR 204. Intersection would be a right turn only.			X	X	757,846	500,000	6,320,614	7,578,460	-
14(7)	99th Ave SE	20th St SE	4th St SE	4,763,800	Widen to a three lane section with non-motorized improvements and pedestrian improvements that include sidewalk segments and curb separated walking paved shoulder areas along the east side of the roadway	X	X	X	X	476,380	200,000	4,087,420	1,905,520	2,858,280
14(8)	99th Ave SE	20th St SE	Lake Stevens Rd	5,507,800	Widen to a three lane section with non-motorized improvements and pedestrian improvements that include sidewalk segments and curb separated walking paved shoulder areas along the east side of the roadway			X	X	560,780		4,957,020	5,507,800	-
D(1A)	20th St NE & Main Intersection	Intersection		1,112,004	Widening to provide turn pockets or possible roundabout improvements	X	X	X	X	111,200		1,000,804	556,002	556,002
D(1B)	Grade Road	20th St NE	SR 92	15,607,836	Widen to a three lane section with non-motorized improvements and pedestrian improvements that include sidewalk segments and curb separated walking paved shoulder areas along the west side of the roadway	X	X	X	X	1,560,784	1,000,000	13,047,052	7,803,918	7,803,918
12(5)	91st Ave NE - Intersection	Vernon Rd	-	200,000	Minor widening and possible mini-roundabout to improvement safety and circulation	X		X	X	20,000		180,000	200,000	-
15(2)	Lundeen/Vernon - Intersection	Vernon Rd	-	400,000	Channelization enhancement to improvement safety and circulation. May restrict through movement for east-east crossing (Vernon)	X		X	X	40,000		360,000	400,000	-
15(1)	Vernon Road	91st Ave NE	SR 9	935,000	Minor widening to provide for turn movement and improved pedestrian movement	X		X	X	93,500		841,500	935,000	-
D(1C)	SR 92 & Grade Rd RAB	Intersection		4,105,221	Roundabout intersection improvement with gateway treatment	X	X	X	X	410,522		3,694,699	1,026,305	3,078,916
										8,681,028	6,015,164	67,370,149	50,243,537	31,822,804

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

ORDINANCE NO. 903

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON, AMENDING PORTIONS OF THE LAKE STEVENS MUNICIPAL CODE AS PART OF THE 2013 DOCKET WITH CODE HOUSEKEEPING AMENDMENTS TO CORRECT MINOR CODE ERRORS AND REVISIONS FOUND DURING CODE IMPLEMENTATION AND UPDATE CODE TO BE CONSISTENT WITH THE GMA COMPREHENSIVE PLAN; AMENDING SECTION 5.16.080 ENTITLED "PERMIT MAY BE DENIED OR REVOKED"; AMENDING SECTION 14.04.120 ENTITLED "ADOPTION OF ADMINISTRATIVE SUPPORTING GUIDELINES"; AMENDING SECTION 14.08.010 "DEFINITIONS OF BASIC TERMS"; MOVING SECTION 14.08.020 ENTITLED "LOTS DIVIDED BY DISTRICT LINES" TO NEW SECTION 14.36.120 ENTITLED SAME; AMENDING SECTION 14.16A.130 ENTITLED "CONSTRUCTION PLAN REVIEW"; AMENDING SECTION 14.16A.210 ENTITLED "TYPES OF REVIEW", TABLE 14.16A-1 ENTITLED "CLASSIFICATION OF PERMITS AND DECISIONS"; AMENDING SECTION 14.16A.225 ENTITLED "NOTICING REQUIREMENTS"; AMENDING SECTION 14.16A.250 ENTITLED "EXPIRATION OF APPROVALS AND APPROVED PERMITS"; AMENDING SECTION 14.16B.205 ENTITLED "PURPOSE"; AMENDING SECTION 14.16B.325 ENTITLED "PUBLIC MEETINGS"; AMENDING SECTION 14.16B.350 ENTITLED "HEARING EXAMINER DECISION"; AMENDING SECTION 14.16B.505 ENTITLED "PURPOSE; AMENDING SECTION 14.16B.525 "PUBLIC MEETINGS"; AMENDING SECTION 14.16B.540 ENTITLED "NOTICE OF CITY COUNCIL PUBLIC HEARINGS"; AMENDING SECTION 14.16B.545 ENTITLED "CITY COUNCIL DECISION"; AMENDING SECTION 14.16B.630 ENTITLED "NOTICE OF PUBLIC HEARING"; AMENDING SECTION 14.16C.050 ENTITLED "DESIGN REVIEW"; AMENDING SECTION 14.16C.075 ENTITLED "LAND USE CODE AMENDMENTS"; AMENDING SECTION 14.16C.090 ENTITLED "REZONES - OFFICIAL ZONING MAP AMENDMENTS"; AMENDING SECTION 14.18.045 ENTITLED "ENDORSEMENTS ON SHORT AND LONG SUBDIVISION PLATS"; AMENDING SECTION 14.18.070 ENTITLED "BOUNDARY LINE ADJUSTMENTS"; AMENDING SECTION 14.18.175 ENTITLED "RECORDING WITH COUNTY AUDITOR"; AMENDING SECTION 14.36.100 ENTITLED "OFFICIAL ZONING MAP"; AMENDING SECTION 14.38.040 ENTITLED "DIMENSIONAL REGULATIONS", TABLE 14.38-I ENTITLED "DIMENSIONAL REGULATIONS"; AMENDING SECTION 14.38.100 ENTITLED "SIGNS"; AMENDING SECTION 14.40.010 ENTITLED "TABLE OF PERMISSIBLE USES", TABLE 14.40-I ENTITLED "TABLE OF PERMISSIBLE USES BY ZONES"; AMENDING SECTION 14.40.020 ENTITLED "USE OF THE DESIGNATIONS P, A, C IN TABLE OF PERMISSIBLE USES"; AMENDING SECTION 14.40.040 ENTITLED "PERMISSIBLE AND PROHIBITED USES"; AMENDING SECTION 14.44.020 ENTITLED "PLANNED RESIDENTIAL DEVELOPMENTS"; AMENDING SECTION 14.44.075 ENTITLED "FARM ANIMALS"; REPEALING SECTION 14.44.085 ENTITLED "MOTOR VEHICLE SALES IN THE CENTRAL BUSINESS DISTRICT"; AMENDING SECTION 14.44.110 ENTITLED "RESTRICTIONS AND REQUIREMENTS"; AMENDING SECTION 14.44.240 ENTITLED "SMOKE AND AIR POLLUTION"; AMENDING SECTION 14.44.330 ENTITLED "LOCATION OF PARKING IN TWO-FAMILY AND MULTI-FAMILY STRUCTURES"; AMENDING SECTION 14.46.020 ENTITLED "APPLICATION"; AMENDING SECTION 14.48.040 ENTITLED "BUILDING SETBACK REQUIREMENTS" AND TABLE 14.48-I ENTITLED "DENSITY AND DIMENSIONAL STANDARDS"; AMENDING SECTION 14.48.050

ENTITLED “EXCEPTIONS TO BUILDING SETBACK REQUIREMENTS”; AMENDING SECTION 14.48.070 ENTITLED “CLUSTER SUBDIVISIONS”; AMENDING SECTION 14.56.080 ENTITLED “STREET WIDTH, SIDEWALK, AND DRAINAGE REQUIREMENTS IN SUBDIVISIONS”; AMENDING SECTION 14.56.100 ENTITLED “DEAD END STREETS/CUL-DE-SACS”; AMENDING SECTION 14.56.130 ENTITLED “CONSTRUCTION STANDARDS AND SPECIFICATIONS”; AMENDING SECTION 14.56.135 ENTITLED “DEVIATIONS TO CONSTRUCTION STANDARDS AND SPECIFICATIONS”; AMENDING SECTION 14.68.020 ENTITLED “SIGNS EXCLUDED FROM REGULATION”; AMENDING SECTION 14.68.110 ENTITLED “SIGN ILLUMINATION AND SIGNS CONTAINING LIGHTS”; AMENDING SECTION 14.68.130 ENTITLED “MAINTENANCE OF SIGNS”; AMENDING SECTION 14.76.090 ENTITLED “ADDITIONAL SCREENING REQUIREMENTS”; AMENDING SECTION 14.76.120 ENTITLED “RETENTION AND PROTECTION OF LARGE TREES”; AMENDING SECTION 14.80.030 ENTITLED “BUILDING PERMITS”; AMENDING SECTION 14.88.010 ENTITLED: PURPOSE AND INTENT”; AMENDING SECTION 14.88.310 ENTITLED “DEMONSTRATION OF DENIAL OF ALL REASONABLE ECONOMIC USES”; AMENDING SECTION 14.88.320 ENTITLED “ALLOWANCE OF REGULATED USE IN A CRITICAL AREA WHERE DENIAL OF ALL ECONOMIC USE IS DEMONSTRATED”; AMENDING SECTION 14.88.400 ENTITLED “CLASSIFICATION”; AMENDING SECTION 14.88.930 ENTITLED “DESIGNATION PROCESS”; AMENDING SECTION 14.110.120 “APPEALS”; AND MINOR CORRECTION OF “OFFICIAL ZONING MAP”; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, as one of the cities in Snohomish County, the City of Lake Stevens is required under RCW 36.70A.130(4)(a) to review and, if needed, revise its Comprehensive Plan and development regulations to ensure the plan and regulations comply with the Growth Management Act, Ch. 36.70A RCW; and

WHEREAS, the City may use the Annual Docket Process to propose Code Housekeeping Amendments; and

WHEREAS, Code Housekeeping Amendments include Scrivener’s errors, minor code amendments identified during implementation of the code, revisions for consistency with Comprehensive Plan amendments, and other minor revisions; and

WHEREAS, on July 8, 2013, the City Council ratified a list of two map amendments, eight text amendments and twenty-one chapters with code housekeeping amendments; and

WHEREAS, on November 8, 2013, the City issued a State Environmental Policy Act (SEPA) Addendum No. 6 to the Integrated 2005 Comprehensive Plan and Environmental Impact Statement for the adoption of both comprehensive plan amendments and code housekeeping amendments; and

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

WHEREAS, on October 1, 2013 the City submitted the proposed code housekeeping amendments to the Washington State Department of Commerce with a request for the required 60-day review and received a revised acknowledgement letter documenting completion of procedural requirements on November 21, 2013; and

WHEREAS, the Lake Stevens Planning Commission, after review of the proposed code housekeeping amendments, held a duly noticed public hearing on November 6, 2013, and all public testimony was given full consideration; and

WHEREAS, on December 9, 2013, the Lake Stevens City Council reviewed the Planning Commission's recommendation relating to the proposed code housekeeping amendments and held a duly noticed public hearing to consider the code housekeeping amendments, and all public testimony has been given full consideration.

WHEREAS, the amendments herein are consistent with the City's development codes and consistent with the City's comprehensive plan;

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

Section 1. LSMC Section 5.16.080 entitled "Permit May be Denied or Revoked" is amended by amending the party available to revoke a permit to read as follows:

5.16.080 Permit May be Denied or Revoked.

- A. No person who has been convicted of cruelty to animals shall be issued a permit to operate a commercial animal-rearing site. Any such permit which has been issued will be automatically revoked upon proof of conviction of the holder for cruelty to animals.
- B. The Planning ~~Director or designee~~~~((Commission))~~ may revoke any permit under this chapter if the person holding the permit refuses or fails to comply with the ordinance codified in this title, or any law governing the protection and keeping of animals, or if the person holding a permit has withheld or falsified any information on the application for such permit. Such revocation of permit shall not affect the permit holder's liability to prosecution under this title.

Section 2. LSMC Section 14.04.120 entitled "Adoption of Supporting Administrative Guidelines" is amended by removing the specific list of administratively adopted documents to read as follows:

14.04.120 Adoption of Supporting Administrative Guidelines.

(a) City departments may administratively adopt guidelines, standards, reference materials, forms, or other documents that aid the public, applicant, staff, or decision-maker in interpreting and administering this document.

(b) ~~((The titles of))~~ Those documents administratively adopted per subsection (a) of this section shall be on file with the Planning and Community Development Department. ~~((and shall include the following documents:~~

- ~~(1) Information required with applications;~~
- ~~(2) Guide of Landscaping (Administrative Policy No. 1995-3);~~
- ~~(3) Residential Development Handbook for Snohomish County Communities;~~
- ~~(4) Transportation Impact Analysis Guidelines (TIAG) (Administrative Policy No. 1995-5);~~
- ~~(5) Streets and Sidewalks Design Standards Deviations Procedures (Administrative Policy No. 2006-01);~~
- ~~(6) SEPA Exemption Threshold Levels for Grading Activities (Administrative Policy No. 2008-06);~~
- ~~(7) Lot Line Consolidation (Administrative Policy No. 2009-1);~~
- ~~(8) State Department of Ecology's 2005 Stormwater Management Manual for Western Washington, as amended by Sections 1-6 of Appendix 1 of the NPDES Phase II Municipal Stormwater Permit; and~~
- ~~(9) Engineering Design and Development Standards (EDDS).~~

~~(c) A copy of all administrative guidelines adopted pursuant to this section shall be on file with the Planning Department permit counter and may be inspected by interested parties during regular business hours of the department.)~~

Section 3. LSMC Section 14.08.010 entitled “Definitions of Basic Terms” is amended by amending the definitions for “Access Tract” and “Road, Private” to read as follows (all other definitions in 14.08.010 remain unchanged and in effect except as presented in Sections 4 and 5 of this ordinance):

- *Access Tract.* A privately-owned tract of land used primarily for ingress/egress for four or fewer dwelling units~~((one or more lots))~~.
- *Road, Private.* A privately maintained easement or parcel created to provide vehicle access from a public road to one or more lots or units.

Section 4. LSMC Section 14.08.010 entitled “Definitions of Basic Terms” is amended by adding the definition for “Impervious Surface” to read as follows:

Impervious Surface. A hard surface area, which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions prior to development, and/or a hard surface area, which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, areas that are paved, graveled or made of packed or oiled earthen materials, or other surfaces, which similarly impede the natural infiltration of surface and stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purpose of this chapter.

Section 5. LSMC Section 14.08.010 entitled “Definitions of Basic Terms” is amended by deleting the definitions for “Year Round Driving Surface” and “Vehicular Access Easement or Tract”.

Section 6. LSMC Section 14.08.020 entitled “Lots Divided by District Lines” is deleted from Chapter 14.08 and moved in its entirety to Chapter 14.36 to read as follows:

14.36.120((14.08.020)) Lots Divided by District Lines.

(a) Whenever a single lot one acre or less in size is located within two or more different zoning districts, the district regulations applicable to the district within which the larger portion of the lot lies shall apply to the entire lot.

(b) Whenever a single lot greater than one acre in size is located within two or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located.

Section 7. LSMC Section 14.16A.130 entitled “Construction Plan Review” is amended by amending the name of application and checklist to read as follows:

14.16A.130 Construction Plan Review.

(a) The purpose of this section is to establish procedures for reviewing site construction plans for site improvements. Site construction drawings are engineering documents that are required for improvements to a particular site.

(b) Public Works Construction Plan Approval.

(1) Upon receipt of approval of a land use permit or preliminary subdivision, the applicant is required to apply for construction plan approval relating to following elements: on-site and off-site stormwater management, erosion control measures, public road and frontage improvements, dedication or deeding of right-of-way, street trees and other required landscaping elements, utilities, and any other improvement related to the development.

(2) The application for construction plan approval shall include a completed construction plan review~~((master))~~ application form, plans and materials as outlined in the construction plan submittal checklist~~((master use application and related checklists))~~, and fee as set by Council resolution.

(3) The applicant is required to obtain approvals from the Postmaster and utility purveyors.

(4) Following approval of the construction plans and prior to any site work, the applicant shall schedule a pre-construction meeting with the Public Works Department. All contractors, subcontractors and utility representatives are to meet to discuss any issues related to the construction activity and minimizing impacts to the neighborhood and nearby facilities.

(5) Pursuant to Section [14.16A.180](#)(b), the Public Works Director may require a performance security to be in place before construction activities are commenced.

(c) Public Improvements Required Before Occupancy or Final Plat. Final plat approval or certificate of occupancy shall not be granted unless the required public improvements have been installed and accepted by the Public Works Department or the subdivider has provided a completion security pursuant to Section [14.16A.180](#)(c) to ensure that all of these requirements will be fulfilled within not more than 12 months after final plat approval or until half of the dwelling units within the plat or phase are issued building permits, whichever comes first. Replacement trees to be located on public property must be planted prior to final plat approval. Replacement trees to be located on a private lot must be installed prior to issuing a final inspection or certificate of occupancy for that lot.

(d) Dedication of Public Stormwater Facilities. Stormwater facilities shall be dedicated to the City at the completion of development. Private and commercial stormwater facilities remain the responsibility of the property owner(s).

(e) Maintenance of Dedicated Facilities Until Acceptance. Facilities intended to be dedicated to the City shall be maintained by the owner until such time as the dedication is accepted by the City.

(f) Protection Against Defects.

(1) Whenever public improvements are to be dedicated to the City, the developer shall post a maintenance bond or other sufficient surety pursuant to Section [14.16A.180](#)(d) to guarantee that the developer will correct all defects in such facilities or improvements that occur within two years after the acceptance of dedication of the improvements.

(2) An architect or engineer retained by the developer shall certify to the City that all facilities and improvements to be dedicated to the City have been constructed in accordance with the requirements of this chapter. This certification shall be a condition precedent to acceptance by the City of the offer of dedication of such facilities or improvements.

(3) For purposes of this section, the term “defects” refers to any condition that requires repairs over and above the normal amount of maintenance required for a particular improvement.

(g) Authorizing Use and/or Occupancy Before Completion of Development Under Land Use Permits. When weather conditions or other factors beyond the control of the permittee (exclusive of financial hardship) make it unreasonable for the permittee to comply with all of the requirements of the permit (exclusive of subdivision approvals), the Planning Director may authorize the commencement of the intended use or the occupancy of buildings, if the permit recipient provides a performance bond or other security to ensure that all of these requirements will be fulfilled within a reasonable period (not to exceed 12 months) and if the Building Official finds that such occupancy will not result in a safety or health hazard.

Section 8. LSMC Section 14.16A.210 entitled “Types of Review” is amended by amending Table 14.16A-I to read as follows:

Table 14.16A-I: Classification of Permits and Decisions

Type of Review	Land Use Actions and Permits	Recommendation By	Public Hearing Prior to Decision	Permit-Issuing Authority	Administrative Appeal Body & Hearing
TYPE I Administrative without Public Notice	<ul style="list-style-type: none"> • Administrative Design Review • Administrative Modifications • Boundary Line Adjustments • Change of Use • Code Interpretations • Events • Floodplain Development Permits • Grading Permit • Home Occupations • Master Sign Program • Reasonable Use Exceptions • Shoreline Exemptions • Signs • Temporary Uses 	None	None	Department director or designee	Hearing Examiner, except shoreline permits to State Shoreline Hearings Board, & Open Record
TYPE II Administrative with Public Notice	<ul style="list-style-type: none"> • Administrative Conditional Use (formerly Special Use) • Binding Site Plans • Planned Action Certification • SEPA Review (early or when not combined with another permit or required for a Type I permit) • Shoreline Substantial Developments • Short Plats – Preliminary or Final 	None	None	Planning Director or designee	Hearing Examiner, except shoreline permits to State Shoreline Hearings Board, & Open Record

	<ul style="list-style-type: none"> • Short Plat Alterations • Short Plat Vacations • Site Plan Reviews 				
TYPE III Quasi-Judicial, Hearing Examiner	<ul style="list-style-type: none"> • Conditional Uses • Preliminary Plats • Shoreline Conditional Uses • Shoreline Variances • Variances 	Design Review Board (if required)	Open Record	Hearing Examiner	Superior Court, except shoreline permits to State Shoreline Hearings Board, & Closed Record
TYPE IV Quasi-Judicial, City Council with Hearing Examiner Recommendation	<ul style="list-style-type: none"> • Essential Public Facilities • Planned Neighborhood Developments • Rezone - Site-Specific Zoning Map Amendments • Secure Community Transition Facilities 	Hearing Examiner with Open Record Hearing	Closed Record	City Council	None, appeal to Superior Court
TYPE V Quasi-Judicial, City Council	<ul style="list-style-type: none"> • Final Plats* • Plat Alterations • Plat Vacations • Right-of-Way Vacations 	Design Review Board (if required)	Open Record *Public meeting only for Final Plats	City Council	None, appeal to Superior Court
TYPE VI Legislative, City Council with Planning Commission Recommendation	<ul style="list-style-type: none"> • Comprehensive Plan Amendments, Map & Text • Development Agreements • Land Use Code Amendments • Rezones - Area-Wide Zoning Map Amendments 	Planning Commission with Open Record Hearing	Open ((Closed)) Record	City Council	Growth Management Hearings Board & Closed Record

Section 9. LSMC Section 14.16A.225 entitled “Noticing Requirements” is amended by amending the size of the on-site posted sign to read as follows:

14.16A.225 Noticing Requirements.

- (a) Mailed Notices and Postcard Notices.

(1) Mailings shall include a mailed notice or postcard notice to owners of real property within 300 feet of the project site, or 20 property owners (whichever results in more property owners being noticed), including the project name and number and the following information. Mailings may provide a website address where detailed information is available for viewing. Mailings shall include the following information or Internet addresses to the following information:

- (i) The date of application and the date of the notice of application;
- (ii) A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW [36.70B.070](#);
- (iii) The identification of other permits not included in the application, to the extent known by the City;
- (iv) The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;
- (v) A statement of the limits of the public comment period;
- (vi) A statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a hearing, if applicable, request a copy of the decision once made, and any appeal rights;
- (vii) The date, time, place and type of meeting or hearing, if applicable and if it is scheduled at the date of notice of the application;
- (viii) A statement of the preliminary determination of consistency, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation;
- (ix) A map depicting the boundaries of the project site and, when applicable, a site map showing the proposal or website address where maps can be viewed;
- (x) A statement announcing the City's goal of complying with the intent of the Americans with Disabilities Act, announcing accessibility, offer of assistance to persons with special needs, and availability of TDD services;
- (xi) Any other information determined appropriate by the City, such as the City's threshold determination, if complete at the time of issuance of the notice of application.

(2) Mailings will be sent to adjacent jurisdictions if the proposed development is within one-quarter mile of the jurisdiction's boundary; the State Department of Transportation if the proposed development is adjacent to a state highway; and to all other agencies with jurisdiction.

(3) Mailings shall also include the mailed or emailed notice of application or postcard notice including at least the information required in subsection (a)(1) of this section to each person who has requested such notice.

(4) No proceeding of any procedure established in this chapter shall be found to be invalid for failure to provide mailed notice as required in this section as long as the other methods of notice have met their respective requirements and there was a good faith attempt to comply with the mailed notice requirements.

(5) The records of the Snohomish County Assessor's Office or title company shall be used for determining the property owner of record. Addresses for a mailed notice required by this code shall be obtained from the Snohomish County real property tax records.

(6) All public notices shall be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first.

(b) Posted Notices.

(1) On-Site Posting. At least one public notice board shall be posted on the site on each public right-of-way fronting on the site. The sign shall be erected in a manner that is accessible and easy to read by the general public. The Planning Director shall establish standards for size, color, layout, design, wording and placement of the notice boards, which generally shall consist of the items listed in subsection (a)(1) of this section. The Department of Planning and Community Development will provide prepared signs for on-site posting to the applicant. The applicant is responsible for posting the on-site notice and submitting a signed affidavit of on-site posting with a photo of each on-site notice.

(2) Public Posting. A public notice shall also be posted on the official notice board at City Hall.

(3) Special Posting for Major Land Use Actions. In addition to the general notice requirements set forth in subsections (a) and (b)(1) of this section, major land use actions shall comply with the following extraordinary signage requirements (see Section 14.16B.315(d)(3)):

(i) Sign Size and Placement. Each sign shall be ~~two~~~~(four)~~ feet by ~~two and a half~~~~(eight)~~ feet in size, placed no closer than five feet from the right-of-way, visible from each public street on which the subject property has frontage, and placed outside the sight distance triangle.

(ii) Content of Notice. Signs shall be prepared using templates or attachable letters. Hand lettered signs are not acceptable. The required sign shall include:

- a. The title "Notice of Land Use Application";
- b. A graphic or written description of the site boundaries;
- c. Type of action/application (preliminary plat, etc.);
- d. The date of public hearing;
- e. The name and telephone number of the Department of Planning and Community Development;
- f. City of Lake Stevens logo;
- g. Other information as the Planning Director may determine to be necessary to adequately notify the public of the pending land use application.

(iii) Responsibility for Installation and Removal.

- a. The applicant shall be solely responsible for the construction, installation, and removal of the sign(s) and the associated costs.
- b. The sign(s) shall be erected at least 10 days prior to the public hearing. The applicant shall sign an affidavit, stating that the sign(s) were installed and the date and posting of property. Photos of each sign shall also be submitted with the affidavit.
- c. The sign(s) shall be removed immediately following final action by the Hearing Examiner.
- d. If the sign is removed prior to the final action, the applicant is responsible for immediate replacement of the sign.

(c) Responsibility for Notice. The Planning Director is responsible for providing published legal notices, mailed notices, and posted notices at City Hall. The applicant is responsible for complying with on-site posted notice requirements.

Section 10. LSMC Section 14.16A.250 entitled "Expiration of Approvals and Approved Permits" is amended by amending the allowed years for extensions to be consistent with State Law to read as follows:

14.16A.250 Expiration of Approvals and Approved Permits.

(a) Land use approvals/permits other than subdivisions or shoreline permits shall expire automatically within one year after the issuance of such permits, if:

(1) The use authorized by such permits has not commenced, in circumstances where no substantial construction, excavation or demolition is necessary before commencement of such use; or

(2) Less than 10 percent of the total cost of all construction, excavation or demolition of the approved development has been completed.

(b) Land use permits other than subdivisions shall also expire automatically if construction, grading or excavation is commenced but such work is discontinued for a period of one year.

(c) Shoreline Development Permits. Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of a substantial development permit. However, the City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the substantial development permit and to the Department of Ecology. [RCW [90.58.143\(2\)](#)]

(d) For land use permits other than preliminary short subdivisions, subdivisions and sign permits:

- (1) The Planning Director may grant one six-month extension to a permit upon showing proper justification, if:
 - (i) The extension is requested at least 30 calendar days before the permit expires;
 - (ii) The permittee has proceeded with due diligence and in good faith; and
 - (iii) The zoning designation of the property has not changed.
- (2) Proper justification consists of one or more of the following conditions:
 - (i) Economic hardship;
 - (ii) Change of ownership;
 - (iii) Unanticipated construction and/or site design problems;
 - (iv) Other circumstances beyond the control of the applicant and determined acceptable by the appropriate department director.

(e) Preliminary short subdivision and subdivision approvals shall expire automatically if, within five years after the issuance of such approvals:

- (1) The final plat or short plat has not been submitted to the City for approval; or
- (2) An extension has not been granted. The Planning Director may approve a single one-year original extension to the approval, if:
 - (i) The request was delivered in writing to the Planning Department at least 30 calendar days prior to the approval's expiration and meets one of the proper justifications listed in subsection (d)(2) of this section;
 - (ii) The permittee has proceeded with due diligence and in good faith to complete the plat; and
 - (iii) Conditions have not changed so substantially as to warrant a new application.

(f) Additional Extension of Original Approvals for Preliminary Short Subdivisions, Preliminary Subdivisions, Conditional Use Permits, Special Use Permits, Zoning Permits, and Site Plans.

(1) After requesting and receiving the original~~((normal))~~ permit extension provided in subsection (d) or (e) of this section, a permittee or his or her successors may request of the Planning Director ~~((60 days))~~ six months prior to expiration of permit extension a ~~((one-time,))~~ one- or two-year extension as provided in subsections (f)(3) and (4) of this section for an extension above the original extension request in subsection (e), provided all other requirements of this section are met including:

- (i) Filing with the Planning Director a sworn and notarized declaration that substantial work has not commenced as a result of adverse market conditions and an inability of the applicant to secure financing;
 - (ii) Paying applicable permit extension fees;
 - (iii) Paying all outstanding invoices for work performed on the permit review;
- and
- (iv) There are no substantial changes in the approved plans or specifications.

(2) The total combined time period for any preliminary short subdivision or preliminary subdivision may be extended by the Planning Department under Section 14.16A.250 and shall not exceed a total extension of ~~((three))~~ two years for a total of seven years approval; except for approvals dated on or before December 31, 2007 shall not exceed a total extension of five years by requesting additional one-or two-year extensions. The total combined time period for any conditional use permit, special use permit, zoning permit, or site plan may be extended by the department under Section 14.16A.250 and shall not exceed a total extension of one and a half years.

(3) The one-year original extension of preliminary short subdivisions and preliminary subdivisions established in subsection (e) of this section may be further extended by up to an additional four years for original approvals prior to December 31, 2007 and up to an additional two years for original approvals prior to March 31, 2010. Associated permit approvals before December 31, 2014~~((March 31, 2010))~~, including construction plans, clearing and grading permits, rezones, right-of-way construction, sidewalk and street

deviations, and building permits shall be automatically extended for the same period subject to subsection (f)(~~2~~(~~5~~)) of this section.

(4) The six-month extension of conditional use permits, special use permits, zoning permits, and site plans established in subsection (d) of this section may be further extended by up to an additional one year for original approvals prior to March 31, 2010. Associated permit approvals before March 31, 2010, including construction plans, clearing and grading permits, rezones, right-of-way construction, sidewalk and street deviations, and building permits shall be automatically extended for the same period subject to section (f)(5) of this section.

(5) Related shoreline development permit time requirements may not be extended past the allowed limits in WAC [173-27-090](#) and RCW [90.58.143](#).

(6) Permits are vested to the codes in effect at the time of original approval.

(g) Construction Plan Approvals.

(1) Construction plans for projects reviewed under the development code shall be approved for a period of 60 months from the date the City signs the plans or until expiration of the preliminary plat, preliminary short plat, binding site plan, conditional use permit, or site plan approval. If the construction plan is not connected to another permit, it shall expire in one year with one six-month extension allowed.

(2) The City may grant an extension of up to 12 months, if substantial progress has been made by the applicant to complete construction of the approved project. Extensions shall be considered on a case-by-case basis by the Public Works Director or designee and will require a letter to be submitted to the City requesting the extension at least 30 calendar days prior to the approval's expiration. Said letter shall demonstrate that the project has made substantial construction progress, the reason for the extension request, and an estimated timeline for completion of construction.

(3) When the approval period or any extension thereof expires, the City's approval of the construction plans shall be deemed automatically withdrawn. In order to receive further consideration by the City after such expiration and automatic withdrawal, construction plans must be re-submitted and must comply with the current code requirements.

(h) Once the time period and any extensions have expired, approval/permit shall terminate and the application is void and deemed withdrawn.

Section 11. LSMC Section 14.16B.205 entitled "Purpose" is amended to read as follows:

14.16B.205 Purpose.

A Type II review is an administrative review and decision by the appropriate department. These are applications which are categorically exempt from review under the State Environmental Policy Act (SEPA), a separate SEPA review, or permits for which environmental review has been completed in connection with another application. Public notification is provided at the application and decision stages of application review. Appeals of Type II decisions are made to the Hearing Examiner, except shoreline permit appeals are made to the State Shoreline Hearings Board. Type II reviews are exempt from the procedures of Section [14.16A.230](#), Time Frames for Review. The purpose of this part is to provide the necessary steps for permit approvals requiring Type II review.

Section 12. LSMC Section 14.16B.325 entitled "Public Meetings" is amended by amending a section reference to read as follows:

14.16B.325 Public Meetings.

A public meeting shall be required for Type III applications except variances pursuant to Section 14.16A.~~260~~(~~299~~). Staff may require the applicant to participate in the meeting to inform citizens about the proposal. If a public meeting is planned, it shall be held as early in the review process as possible for Type III applications. Notice of the public meeting shall be provided in the same manner as required for the notice of application. The public meeting notice will be combined with the notice of application whenever possible.

Section 13. LSMC Section 14.16B.350 entitled “Hearing Examiner Decision” is amended by correcting the appeal body to be consistent with other sections of code to read as follows:

14.16B.350 Hearing Examiner Decision.

(a) The Hearing Examiner shall approve a project or approve with modifications if the applicant has demonstrated that the proposal complies with the applicable decision criteria of this title. The applicant carries the burden of proof and must demonstrate that a preponderance of the evidence supports the conclusion that the application merits approval or approval with modifications. In all other cases, the Hearing Examiner shall deny the application.

(b) If the Hearing Examiner requires a modification which results in a different proposal not reasonably foreseeable from the description of the proposal contained in the public notice provided pursuant to Section [14.16B.340](#), the Hearing Examiner shall conduct a new hearing on the modified proposal.

(c) The Hearing Examiner may include conditions to ensure a proposal conforms to the relevant decision criteria.

(d) The Hearing Examiner shall within 14 days following the close of the record distribute a written report supporting the decision. The report shall contain the following:

- (1) The decision of the Hearing Examiner;
- (2) Any conditions included as part of the decision;
- (3) Findings of fact upon which the decision, including any conditions, was based and the conclusions derived from those facts; and
- (4) A statement explaining the process to appeal the decision of the Hearing Examiner to the Superior Court~~((City Council))~~.

(e) Reconsideration Period. Any person who presented or commented at the hearing may file a written request with the Hearing Examiner for reconsideration within 10 business days of the date of the Hearing Examiner’s decision. The request shall explicitly set forth alleged errors of procedure or fact. Comments shall be requested from affected parties of record and reviewing City departments on the petition for reconsideration. Comments shall be received within 14 days. 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.

- (1) The grounds for reconsideration shall be limited to the following:
 - (i) The Hearing Examiner exceeded his or her jurisdiction;
 - (ii) The Hearing Examiner failed to follow the applicable procedure in reaching his or her decision;
 - (iii) The Hearing Examiner committed an error of law or misinterpreted the applicable city regulation, ordinance or other state law or regulation;
 - (iv) The Hearing Examiner’s findings, conclusions and/or conditions are not supported by the record; and/or
 - (v) Newly discovered evidence alleged to be material to the Hearing Examiner’s decision which could not reasonably have been produced prior to the Hearing Examiner’s decision.

(2) Requests for reconsideration may use the additional grounds that changes to the application proposed by the applicant are in response to deficiencies identified in the decision.

Section 14. LSMC Section 14.16B.505 entitled “Purpose” is amended by adding additional information regarding Final Plat public meetings to read as follows:

14.16B.505 Purpose.

A Type V process is a quasi-judicial review and decision made by the City Council. Staff makes a recommendation to the City Council. Depending on the application, staff may conduct a public meeting to obtain public input. The City Council shall hold a public hearing on the application prior to making a decision; except for Final Plats, only a public meeting is held by the Council. Public notification is provided at the application, public hearing, and decision stages of application review. There is no opportunity for an administrative appeal. Appeals of

City Council decisions are made to Snohomish County Superior Court. The purpose of this part is to provide the necessary steps for permit approvals requiring Type V review.

Section 15. LSMC Section 14.16B.525 entitled “Public Meetings” is amended by adding additional information for final plats to read as follows:

14.16B.525 Public Meetings.

A public meeting is required for all Type V applications pursuant to Section 14.16A.260. Staff may require the applicant to participate in the meeting to inform citizens about the proposal. If a public meeting is planned, it shall be held as early in the review process as possible for Type V applications. Notice of the public meeting shall be provided in the same manner as required for notice of the application. The public meeting notice will be combined with the notice of application whenever possible. Council Action for a Final Plat is a public meeting rather than a public hearing.

Section 16. LSMC Section 14.16B.540 entitled “Notice of City Council Public Hearing” is amended by adding allowance for public hearing or public meeting to read as follows:

14.16B.540 Notice of City Council Public Hearing.

(a) Public notice of the date of the City Council public hearing, or for Final Plats a public meeting, at which the City Council will consider the application shall be published in a newspaper of general circulation. The public hearing shall be scheduled no sooner than ((44))10 days following the date of publication of the notice. If a determination of significance was issued by the SEPA responsible official, the notice of staff recommendation shall state whether an EIS or supplemental EIS was prepared or whether existing environmental documents were adopted. The notice of the City Council meeting shall also include the notice of the availability of the staff recommendation.

(b) The Planning Director shall mail or email notice of the City Council public hearing or public meeting, the SEPA determination, and the notice of the availability of staff recommendation to all parties of record.

Section 17. LSMC Section 14.16B.545 entitled “City Council Decision” is amended by adding allowance for public hearing or public meeting to read as follows:

14.16B.545 City Council Decision.

(a) Within five days of a decision, the Planning Director shall transmit to the City Council a copy of the department file on the application including all written comments received prior to the City Council meeting and information reviewed by or relied upon by staff. The file shall also include information to verify that the requirements for notice to the public (notice of application, notice of public hearing, and notice of SEPA determination) have been met.

(b) Any person may participate in the City Council public hearing, or public meeting for Final Plats, on staff recommendation by submitting written comments to the Department of Planning and Community Development prior to the hearing or by submitting written comments or making oral comments at the hearing.

(c) The City Council shall, at the open record public hearing or public meeting, consider and take final action on each Type V application. The final action may take place in the same meeting as the public hearing or public meeting, if any.

(d) The City Council shall either:

- (1) Approve the application;
- (2) Approve the application with modifications;
- (3) Remand the application to staff for an additional review limited to specific issues identified by the Council; or
- (4) Deny the application.

(e) Decision.

(1) Conditions. The City Council may, based on the record, include conditions in any decision approving or approving with modifications an application, in order to ensure

conformance with the approval criteria specified in the code or process under which the application was made.

(2) Findings of Fact. The City Council shall include findings of fact and conclusions derived from those facts which support the decision of the Council, including any conditions, in the decision approving or approving with modifications the application. The City Council may by reference adopt some or all of the findings and conclusions recommended by staff.

Section 18. LSMC Section 14.16B.630 entitled “Notice of Public Hearing” is amended by the reference to the Planning Department to read as follows:

14.16B.630 Notice of Public Hearing.

(a) When the Planning Commission or City Council has scheduled a public hearing on a Type VI proposal, notice of the public hearing shall be provided 10 days prior to the scheduled hearing date in the manner set forth in subsection (b) of this section.

(b) Notice of Public Hearing.

Type VI Action or Permit	Mail	Post	Publish
Comprehensive Plan Amendment - Map & Text	X	X	X
Development Agreements			X
Land Use Code Amendments			X
Rezone - Area-Wide Zoning Map Amendment		X	X

(c) Published Notice. When required, the applicable department director shall publish a notice twice in a newspaper of general circulation in the City. The notice shall contain the following information:

- (1) The name of the applicant, and if applicable, the project name;
- (2) If the application involves specific property, the street address of the subject property, a description in nonlegal terms sufficient to identify its location, and a vicinity map indicating the subject property or website address where maps can be viewed;
- (3) A brief description of the action or approval requested;
- (4) The date, time, and place of the public hearing;
- (5) Summarize the nature and character of the proposed change;
- (6) If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment;
- (7) State that the full text of the amendment can be obtained from the Department of Planning and Community Development(~~(-Services)~~);
- (8) State that substantial changes in the proposed amendment may be made following the public hearing; and
- (9) A statement of the right of any person to participate in the public hearing.

(d) Mailed Notices and Postcard Notices. Mailings shall be completed pursuant to Section [14.16A.225](#) with the additional specifications:

- (1) For minor map amendments, notices shall be mailed to the record owners for tax purposes of all properties whose zoning classification is proposed to be changed, as well as the owners of all properties which are within 300 feet of the property proposed to be rezoned, or 20 property owners (whichever is greater).
- (2) For major map amendments, notice over and above that specified in this section may be provided at the discretion of the Department of Planning and Community Development, as deemed necessary to ensure ample opportunity for citizens and property owners to become aware of the upcoming hearing.

(3) Notice of the public hearing, containing the same information set forth in subsection (c) of this section, shall be mailed to each owner of real property within 300 feet of any boundary of the subject property, or 20 property owners (whichever is greater).

(e) Posted Notices.

(1) All posted notices shall be completed pursuant to Section [14.16A.225](#).

(2) For minor map amendments, at least one public notice board shall be posted on the site on public right-of-way within the property proposed to be rezoned.

(3) For major map amendments, a minimum of three public notice boards shall be posted on public right-of-way.

(4) The following Type VI application is a major land use action: area-wide zoning map amendment. In addition to the general notice requirements, a major land use action shall comply with the extraordinary signage requirements in Section [14.16A.225\(b\)\(3\)](#).

(f) Alternative Means of Notification. In the case of the following actions initiated by the City, which affect large areas of the City, the Planning Director may elect to use alternative means of public notification in addition to the newspaper publication required by RCW [35A.63.070](#) or the mail and posting provisions above, provided such notification is likely to achieve equal or greater actual public notification:

- (1) Adoption or amendment of a neighborhood or other area-wide community plan; or
- (2) Area-wide zoning map amendments.

Section 19. LSMC Section 14.16C.050 entitled “Design Review” is amended by amending the decision body, remove a zone, and correct an error to read as follows:

14.16C.050 Design Review.

(a) The Design Review Board is created to review and make urban design decisions that will promote visual quality throughout the City. The purpose of design review includes but is not limited to the following:

(1) To encourage and promote aesthetically pleasing and functional neighborhood and commercial developments for the citizens of Lake Stevens by establishing design review standards and guidelines including site layout, landscaping, parking and preferred architectural features;

(2) To implement the City’s Comprehensive Plan policies and supplement the City’s land use regulations, promote high-quality urban design and development, supplement land use regulation, promote a coordinated development of the unbuilt areas, improve walkability, lessen traffic congestion, provide light and air, prevent the overcrowding of land, and conserve and restore natural beauty and other natural resources;

(3) To encourage originality, flexibility, and innovation in site planning and development, including the architecture, landscaping and graphic design of proposed developments in relation to the City or subarea as a whole;

(4) To encourage low impact development (LID) by conservation and use of existing natural site features in order to integrate small-scale stormwater controls and to prevent measurable harm to natural aquatic systems from commercial, residential or industrial development sites by maintaining a more hydrologically functional landscape;

(5) To encourage green building practices in order to reduce the use of natural resources, create healthier living environments, and minimize the negative impacts of development on local, regional, and global ecosystems;

(6) To encourage creative, attractive and harmonious developments and to promote the orderliness of community growth, the protection and enhancement of property values for the community as a whole and as they relate to each other, the minimization of discordant and unsightly surroundings, the need for harmonious and high quality of design and other environmental and aesthetic considerations which generally enhance rather than detract from community standards and values for the comfort and prosperity of the community and the preservation of its natural beauty and other natural resources which are of proper and necessary concern of local government, and to promote and enhance construction and maintenance practices that will tend to prevent visual impairment and enhance environmental and aesthetic quality for the community as a whole;

(7) To aid in assuring that structures, signs and other improvements are properly related to their sites and the surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements;

(8) To protect and enhance the City's community vision for living and working and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business and other properties;

(9) To stabilize and improve property values to help provide an adequate tax base to the City to enable it to provide required services to its citizens;

(10) To foster civic pride and community spirit by reason of the City's favorable environment and thus promote and protect the health, safety and welfare of the City and its citizens; and

(11) To ensure compatibility between new and existing developments.

(b) The City Council shall adopt design guidelines or standards by ordinance.

(1) City of Lake Stevens Design Guidelines (Residential Development Handbook for Snohomish County Communities) were readopted on April 17, 1995, for use within City limits, excluding subareas.

(2) Subarea Design Guidelines were adopted in September 2012 as an exhibit of the Lake Stevens Center Subarea Plan and 20th Street SE Corridor Subarea Plan. To assure an attractive, pedestrian-friendly environment, all development occurring within either subarea shall comply with these design guidelines which are attached to the subarea plans. If design guidelines appear to conflict with another provision of this title, the design guidelines shall prevail.

(c) Design Review Board. Review of permit applications for conformance with the development design guidelines shall be done by the Design Review Board in public meetings, as set forth in Section [14.16A.260](#).

(d) Projects requiring design review that meet the limitations in Section [14.16C.020\(d\)](#) shall follow the procedures established in Chapter [14.16B](#) for a Type I permit process as an administrative design review. All other projects requiring design review shall follow the procedures in subsection (e) of this section.

(e) Procedure.

(1) Pre-Application Meeting. If design review is required, a pre-application meeting with the City is highly recommended prior to submittal of a formal application.

(2) Design Review Submittal Requirements. Seven color, hard copies and one electronic copy are required for each submittal for review by the Design Review Board.

(i) Buildings and Site Development Plans. The following information and materials shall be submitted to the City for review under this chapter:

a. A completed application.

b. Site plan at an engineering scale from one inch equals 20 feet to one inch equals 50 feet, showing:

1. Location of all proposed structures and any existing structures to be retained or incorporated into the development.

2. Location of building setback lines.

3. Proposed pedestrian and vehicular circulation including driveways, access points, sidewalks and pedestrian pathways.

4. Parking lot layout, design and, if applicable, loading areas.

5. Public improvements including sidewalks, curbs, gutters, etc.

6. Location of existing trees and vegetation to be retained.

c. Building material samples and color chips.

d. Plans and section drawings depicting the relationship of the proposed project to abutting properties and buildings.

e. Building elevations and/or perspective renderings drawn to scale and indicating the exterior color and material composition (including mechanical equipment and screening).

f. Roof plan including the location of mechanical equipment.

g. A lighting plan, if required, adequate to determine the location, character, height and style of fixtures and the amount and impacts of spillover on adjacent properties.

h. A brief narrative description of the design elements or objectives of the proposal and discussion of the project's relationship to surrounding properties.

(ii) Landscape Plans. The following information and materials shall be submitted to the City for review under this chapter:

- a. A completed application.
- b. Site plan at an engineering scale from one inch equals 20 feet to one inch equals 50 feet, showing:
 1. Location of all proposed structures and any existing structures to be retained or incorporated into the development.
 2. Proposed pedestrian and vehicular circulation including driveways, access points, sidewalks and pedestrian pathways.
 3. Parking lot layout, design and loading areas if applicable.
 4. Public improvements including sidewalks, curbs, gutters, etc.
 5. Location and size of existing trees and vegetation to be retained.
 6. Plans and section drawings depicting the relationship of the proposed project to abutting properties and buildings.
 7. Landscape plan showing the location of proposed plant materials, including a plant schedule identifying plants by common and scientific names, spacing, size at time of planting, size at maturity, location of any existing vegetation and trees to be retained, and special notes.
 8. Photographs of proposed plant material.
 9. Plans showing proposed grading/topography, drawn to the same scale as the landscape plan.

(iii) Sign Plans. The following information and materials shall be submitted to the City for review under this chapter:

- a. A completed application.
- b. A site plan, drawn to scale, showing the location of the building upon which the sign will be installed, surrounding buildings, and adjacent streets.
- c. A drawing showing the size, shape and exact location of the proposed sign(s). For wall or building-mounted signs, the drawing shall portray the proposed sign's relationship to any existing or proposed signs located on the same facade or common building wall. Drawings must be to scale or contain dimensions indicating the size of the sign and the length and height of the appropriate building surface.
- d. Dimensions, area (in square feet), and style of letters/symbols of the proposed signs.
- e. A colored illustration of the proposed signs.
- f. Sign materials (wood, plastic, metal, etc.) and color samples.

(iv) The Director may require the submission of such other information determined to be appropriate and necessary for a proper review of the requested action.

(3) Recommendation. A staff report of findings, conclusions and recommendations shall be forwarded to the (~~Planning Commission and~~) Design Review Board before a public meeting. The conclusions and recommendations shall indicate how the recommendations carry out the goals, policies, plans and requirements of the development design guidelines. The findings shall be referenced to contested issues of fact, and the conclusions shall be referenced to specific provisions of the development design guidelines and review criteria incorporated therein, together with reasons and precedents relied upon to support the same. The conclusions shall make reference to the effect of the decision upon the Comprehensive Plan, as well as the effect of both approval and denial on property in the vicinity, on business or commercial aspects, if relevant, and on the general public. The decision shall be based upon a consideration of the whole record of the application.

(f) Conformance with Design Guidelines or Standards.

(1) Structures within the following zones are subject to the design guidelines or standards adopted per subsection (b) of this section, except when the project meets the limitations in Section [14.16C.020\(d\)](#) or when the development is located within an adopted subarea plan and is required to meet the adopted subarea design guidelines:

- (i) Central Business District (except Class 1.100 or 1.200 uses);
- (ii) Mixed Use (except Class 1.100 or 1.200 uses);
- (iii) Neighborhood Commercial (except Class 1.100 or 1.200 uses);
- (iv) Local Business (except Class 1.100 or 1.200 uses);
- (v) Planned Business District;

- (vi) Sub-Regional Commercial;
- ~~((vii) Commercial Recreation;))~~
- (vii((i))) High Urban Residential;
- ~~(viii((ix))) Multi-Family Residential;~~
- (ix) Light Industrial;
- (x((i))) General Industrial; or
- (xi((i))) Public/Semi-Public.

(2) Structures are subject to the design guidelines or standards adopted per subsection (b) of this section when developed under specified regulations listed below, except when the project meets the limitations in Section [14.16C.020](#)(d):

- (i) Planned neighborhood developments (Section 14.16C.080);
- (ii) Planned residential developments (Section 14.44.020); and
- (iii) Innovative Housing Options (~~(Demonstration-))~~Program (Chapter 14.46).

(3) No building or land use permit shall be issued for structures or uses which do not conform to the applicable guidelines or standards, except as allowed under subsection (f)(4) of this section.

(4) A building or land use permit may be issued for a structure or use that does not comply with subsections (f)(1), (2) or (3) of this section, if any one of the following findings can be made by the permit-issuing authority:

- (i) The structure is of a temporary nature which, in all likelihood, will be replaced by a permanent structure within a reasonable time frame.
- (ii) The structure is minor to the overall use of the property and will not be noticeably visible from a public right-of-way.
- (iii) The structure will not be visible from an existing, planned, or proposed public right-of-way.
- (iv) The structure is pre-existing with proposed changes to portions of the facade that are not visible from public rights-of-way.

Section 20. LSMC Section 14.16C.075 entitled “Land Use Code Amendments” is amended to correct the reference to the Planning Department to read as follows:

14.16C.075 Land Use Code Amendments.

(a) The purpose of this section is to allow amendments to this title.

(b) Procedure. A land use code amendment shall be reviewed in the manner and following the procedures established in Chapters [14.16A](#) and [14.16B](#) for a Type VI review.

(c) Initiation of Amendments.

(1) Amendments to this title 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 this title. The petition shall be filed with the Department of Planning and Community Development (~~(Services-))~~ and shall include:

- (i) The name, address, and phone number of the applicant;
- (ii) A strikeout/underlined version of the existing code showing proposed changes; and
- (iii) Articulation of the specific objective(s) of any proposed text amendments.

(d) Upon receipt of a petition, the Planning Director shall either:

(1) Determine if the proposed code amendments meet the decision criteria in subsection (f) of this section; or

(2) Forward the petition to the Council for a determination on whether to accept and review the petition. The Council may summarily deny the petition or refer it to the Planning Commission for a recommendation.

(e) Amendments to following are not required for review before the Planning Commission:

- (1) Chapter [14.60](#) (Utilities).
- (2) Chapter [14.80](#) (Building and Construction).
- (3) Chapter [14.84](#) (Fire Code).

- (f) Decision Criteria. In approving code amendments to this title, the City Council shall make the following findings:
- (1) The amendment is consistent with the adopted Lake Stevens Comprehensive Plan;
 - (2) The amendment is in compliance with the Growth Management Act; and
 - (3) The amendment serves to advance the public health, safety and welfare.
- (g) No ordinance that amends any of the provisions of this title may be adopted until a public hearing has been held on such ordinance.
- (h) Approval. All amendments shall be approved by ordinance of the Lake Stevens City Council.

Section 21. LSMC Section 14.16C.090 entitled “Rezones – Official Zoning Map Amendments” is amended by amending the process upon receipt of a petition and other minor changes to read as follows:

14.16C.090 Rezones - Official Zoning Map Amendments.

- (a) The purpose of this section is to set forth criteria for amendments to the Official Zoning Map, adopted pursuant to Section [14.36.100](#).
- (b) Types of Rezones and Map Amendments. Rezones 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.
- (1) Site-specific rezones are rezones of a particular property(ies) which conform to the Comprehensive Plan or an adopted subarea plan.
 - (2) Area-wide rezones are rezones which require a Comprehensive Plan amendment, include a large area, or the adoption of a new or substantially revised neighborhood or area-wide zoning map amendment.
- (c) Procedure. 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. An area-wide rezone shall be reviewed in the manner and following the procedures for a Type VI review and require a concurrent amendment to the Comprehensive Plan.
- (d) Initiation of Amendments.
- (1) 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 (~~Services~~) 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.
- (e) Upon receipt of a petition, the Planning Director will determine if the proposed zoning map amendments meet the decision criteria in subsection (g) of this section and shall either:
- (1) Refer the proposed amendment to the Hearing Examiner for a site-specific rezone for a recommendation to Council(~~Determine if the proposed zoning map amendments meet the decision criteria in subsection (g) of this section~~); or
 - (2) Refer the proposed amendment to the Planning Commission for an areawide rezone for a recommendation to Council.
- (f) Special Application Requirements for Site-Specific Rezones.
- (1) No application shall be filed or accepted for filing which on its face will not comply with the Lake Stevens Comprehensive Plan or an adopted subarea plan.
 - (2) No application without signatures of owners representing 75 percent of the area proposed for rezone shall be filed or accepted for filing.
- (g) Decision Criteria. The following factors are to be taken into account by the Planning Commission, Hearing Examiner and the City Council when considering a map amendment:
- (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; and
 - (10) If the proposal is located within an adopted subarea plan:
 - (i) The rezone is to a zoning designation allowed within the applicable subarea; and
 - (ii) The rezone does not increase the established intensities adopted as part of the planned action ordinance or mitigates increased or additional impacts by supplementing, amending or adding the applicable planned action draft and final environmental impact statement.
- (h) Approval. All amendments shall be approved by ordinance by the Lake Stevens City Council.
- (i) Withdrawal. Any application for a site-specific rezone may be withdrawn upon the written request of any one of the property owners who signed the application, if the remaining owners do not own 75 percent of the area.
- (j) Reapplication after Denial without Prejudice. After the Council's final action denying a rezone, no further rezone action involving substantially the same property shall be requested for at least one year. If the Council finds that extraordinary circumstances exist, or that the request might deserve approval in the near future, but not at the present time, then the rezone may be denied without prejudice. In such a case, if the rezone request is reactivated in writing by the applicant within six months, and is reheard within nine months of the date of the original action, then the original case file and number shall be used and the rezone fee shall be waived.
- (k) Review or Revocation of Approval. Rezones and any concurrent or subsequent approvals issued pursuant to this chapter may be reviewed or revoked in accordance with Section [14.16A.255](#).

Section 22. LSMC Section 14.18.045 entitled "Endorsements on Short and Long Subdivision Plats" is amended by specifying Council approval for long subdivisions to read as follows:

14.18.045 Endorsements on Short and Long Subdivision Plats.

All subdivision plats shall contain the following endorsements, specific language of which is to be made available by the Planning Director: certificate of subdivision approval, certificate of approval of public improvements, certificate of ownership and dedication, certificate of survey and accuracy, certificate of City Treasurer, City Council Approval (for long subdivisions only), Snohomish County Treasurer's certificate, and recording certificate.

Section 23. LSMC Section 14.18.070 entitled "Boundary Line Adjustments" is amended by correcting the application name to read as follows:

14.18.070 Boundary Line Adjustments.

(a) Minor lot line adjustments are exempt from the subdivision regulations. Minor lot line adjustments to existing legal lots are permitted when no new lots are created through the

process and the adjusted lots either meet all requirements of this title and other City regulations. In the case of existing legal nonconforming lots, the adjustment shall not create a new or greater nonconformity with respect to any City regulations.

(b) Application for a boundary line adjustment (BLA) is made by submitting to the Planning Director a land use development~~((master permit))~~ application, with a survey of the subject property showing existing and proposed lot lines, before and after legal descriptions, owner's certificate, surveyor's certificate, and Planning Director's approval certificate.

(c) To finalize an approved boundary line adjustment, it shall be recorded with the Snohomish County Auditor's Office no later than one year after final approval has been issued by the Planning Director or the application and approval shall lapse and a new application must be submitted.

(d) Recording fees and applicable state fees shall be paid by the applicant. Immediately after recording, copies of the recorded BLA documents shall be provided to the City. The BLA shall not take effect until recorded with the Snohomish County Auditor and copies returned to the City.

(e) The department may grant up to a one-year extension of a BLA for good cause, if a written request for extension, including a description of reason for request, is submitted to the Planning Director at least two weeks before approval lapses.

(f) If the BLA affects more than one property owner, a conveyance document(s) shall be recorded at the same time as the BLA documents. The conveyance document(s) shall establish ownership consistent with the approved, adjusted boundaries.

(g) When a BLA is recorded subsequent to a record of survey for the same property, the recording number of the record of survey shall be noted on the BLA map.

Section 24. LSMC Section 14.18.175 entitled "Recording with County Auditor" is amended by correcting boundary line adjustment to binding site plan to read as follows:

14.18.175 Recording with County Auditor.

(a) To finalize an approved binding site plan~~((boundary line adjustment))~~, it shall be recorded with the Snohomish County Auditor's Office no later than one year after final approval has been issued by the Planning Director or the application and approval shall lapse and a new application must be submitted.

(b) Immediately after recording, copies of the recorded binding site plan~~((BLA))~~ documents shall be provided to the City. The BLA shall not take effect until recorded with the Snohomish County Auditor and copies returned to the City.

Section 25. LSMC Section 14.36.100 entitled "Official Zoning Map" is amended by removing reference to acetate maps to read as follows:

14.36.100 Official Zoning Map.

(a) There shall be a map known and designated as the Official Zoning Map, which shall show the boundaries of all zoning districts within the City's planning jurisdiction. ~~((This map shall be drawn on acetate or other durable material from which prints can be made, shall be dated, and shall be kept in the Planning Department.))~~

(b) The Official Zoning Map dated May 11, 2009, is adopted and incorporated herein by reference. Amendments to this map shall be made and posted in accordance with Section 14.16C.090.

(c) Should the Official Zoning Map be lost, destroyed, or damaged, the Planning Director may have a new map created~~((drawn on acetate or other durable material from which prints can be made))~~. No further Council authorization or action is required so long as no district boundaries are changed in this process.

Section 26. LSMC Section 14.38.040 entitled "Dimensional Regulations" is amended by revising a column title and adding a note to read as follows:

14.38.040 Dimensional Regulations.

Table 14.38-I Dimensional Regulations

Zone	Minimum Lot Size	Building Setback (from lot (property) line, tract or easement) (ft) ¹³		Min. Landscape Buffer (ft) ⁷	Min. First Floor Height (ft)	Max. Height (ft) ^{9, 10}
		Front	Side/Rear			
Commercial Zones						
BD	NA	5	10 ^{4,5}	5	12	55
CD	NA	5	10 ^{4,5}	5	15	55
NB	NA	5	10 ^{4,5}	5	15	35
Mixed Use Zones						
MS	NA	5 ¹	0 ^{4,5,6}	5	15	55
MUN	NA	10 ^{2,3}	10 ^{5,6}	5	15 ⁸	45
Residential Zones						
HUR ¹¹	3,600 sq. ft. ¹²	10 ^{2,3}	5 ⁵	5	NA	45
UR	7,500 sq. ft. ¹²	20 ³	5	NA	NA	35

Notes:

1. The minimum required setback is five feet and the maximum allowed setback is 10 feet in the MS district.
2. The minimum required setback is 10 feet and the maximum allowed setback is 20 feet.
3. Porches, covered entries, or pedestrian-oriented spaces may project up to five feet into front yard setbacks in residential districts.
4. Districts that allow commercial uses shall maintain a 10-foot, Type B screen when adjacent to residential zones, per Section [14.76.040\(a\)](#).
5. Structures 35 feet or taller next to single-family districts must be stepped back five feet for every floor over 35 feet per Figure 14.38-II.



Figure 14.38-II illustrates stepping back the upper stories of a structure, adapted from the Everett Municipal Code.

6. Attached housing units or attached commercial structures built on separate lots can be built to the common property line. The outside setback for attached structures abutting a right-of-way, separate detached structures, or a different zone shall be 10 feet.

7. Landscape buffers will be comprised of a Type C screen per Section [14.76.040\(a\)](#) along property lines; however, the City may waive the landscape buffer when adjacent properties share parking, access, or other common features that make intensive landscaping impractical. In addition, perimeter landscape buffer along property lines of adjacent high-density single-family lots is not required; however, screening different developments from neighboring properties will provide separation, vegetation and define each development. The front landscaping buffer does not apply in the MS district.

8. The first floor height of residential structures in the MUN district, without an attached retail/service component, not facing a public right-of-way may be reduced to industry standard.

9. If a project includes a parking structure or affordable housing FAR bonus, as described in Section [14.38.050\(b\)](#), the City will also allow an overall height increase of 10 feet above maximum height.

10. The City will consider an increase in maximum height up to 80 feet with a conditional use permit per Section [14.16C.045](#).

11. Maximum impervious surface for parcels in the HUR district is 65 percent.

12. When developed as a planned residential development (Section [14.44.020](#)) the per unit lot size may be reduced to 3,000 square feet for HUR district and 6,000 square feet for the UR district in return for the dedication of additional open space at the ratio of 400 square feet per dwelling unit.

13. Eaves and other minor architectural features may project into the required setback up to 18 inches.

Section 27. LSMC Section 14.38.100 entitled “Signs” is amended by amending freestanding signs to read as follows:

14.38.100 Signs.

(a) Purpose and Application. Ensure that signage provides effective advertising and identification with appropriate design, scale, and placement. Developments within the subareas are subject to the sign regulations found in Chapter [14.68](#) and applicable design guidelines, except when this chapter modifies the standard municipal code requirements.

(b) Allowed Signs.

- (1) Changeable text signs per Section [14.68.084](#).
 - (2) Freestanding signs.
 - (3) Informational/directional signs.
 - (4) Projecting/suspended signs.
 - (5) Residential signs per Section [14.68.090](#).
 - (6) Signs excluded from regulation per Section [14.68.020](#).
 - (7) Temporary signs per Section [14.68.030](#).
 - (8) Wall signs.
 - (9) Window signs.
- (c) Prohibited Signs.
- (1) Animated or flashing signs, except as allowed in Section [14.68.120](#).
 - (2) Off-site signs, except as allowed by Section [14.68.030](#) and subsection (f) of this section.
 - (3) Portable signs.
 - (4) Roof signs.
 - (5) Signs which are located on or extend over public rights-of-way.
 - (6) Temporary signs except as allowed by Section [14.68.030](#).
- (d) Projecting/Suspended Signs, Wall Signs, and Window Signs.
- (1) Table 14.38-IV establishes the dimensional and quantitative requirements for projecting/suspended signs, wall signs, and window signs.
 - (2) Projecting/Suspended Signs.
 - (i) Projecting signs shall not extend more than five feet from a building facade;
 - (ii) Suspended signs are limited to approximately two inches in thickness and may not extend beyond the structure to which it is attached;
 - (iii) Projecting/suspended signs must provide a minimum of eight feet of clearance from the ground to the bottom of the sign; and
 - (iv) A minimum spacing of 20 feet between signs must separate projecting/suspended signs.
 - (3) Wall Signs.
 - (i) Wall signs shall be generally located in the storefront area above the main entrance along primary facades and beneath the roofline or cornices on secondary facades;
 - (ii) Second story signs shall be generally located directly above or below windows, but not higher than the belt course between the next story or below the roofline or cornices, as illustrated in Figure 14.38-IV;
 - (iii) Wall signs shall be generally centered between defined architectural elements and may not extend beyond defined architectural features;
 - (iv) Wall signs may be located on building focal points, if the sign does not extend beyond defined architectural features;
 - (v) Wall signs shall not project more than 10 inches from the building;
 - (vi) Wall signage may be located on awnings and marquees or similar structures only when the design of the building facade prohibits wall signs on the storefront facade and the signage does not extend beyond defined architectural features; and
 - (vii) The wall sign area calculation is defined in Table 14.38-IV and the maximum area will be based on the size of the associated gross business area, as follows:
 - a. Five thousand gross square feet or less: 32 square feet;
 - b. Five thousand one to 15,000 gross square feet: 96 square feet; and
 - c. Over 15,001 gross square feet: 192 square feet.
 - (viii) Sign area is not transferable.



Figure 14.38-IV Signage Placement Diagram from Mill Creek Town Center Design Guidelines

Table 14.38-IV Sign Standards

Sign Type ¹		BD	CD ²	NB	MS ²	MUN ²
Projecting/Suspended	Sign Area	NA	10 sq. ft. max. and no more than 5 ft. in width	6 sq. ft. max. and no more than 3 ft. in width		
	Maximum Number	NA	1 projecting or suspended sign per main facade or leasable frontage			
Wall³	Sign Area	Main: 10% of building facade Secondary: 5% of building facade	Main: 15% of building facade Secondary: 10% of building facade	Main: 10% of building facade Secondary: 5% of building facade		
	Maximum Number	1 per facade 2 facades may have signs	1 per facade ⁴ 3 facades may have signs	1 per facade 2 facades may have signs		
Window⁵	Sign Area	10% percent of window area	20% percent of window area	10% percent of window area		

Notes:

1. Each leased space or building frontage may have one projecting sign or one suspended sign, but not both.
2. Residential signage shall conform to Section [14.68.090](#).
3. Wall sign calculation: the facade area (first 12 feet of the building height) multiplied by the total facade length or leasable frontage for multi-tenant buildings (example: [12 x 30 = 360] [360 x 15% = 54 sq. ft.]). The sign calculation for second story signage would be the leasable frontage multiplied by the height of the story (example: [12 x 20 = 240] [240 x 15% = 36 sq. ft.]).
4. Building over 15,000 gross square feet, with a primary facade length over 100 linear feet, may have two signs along the primary facade for the primary businesses and one sign

per enclosed secondary business. Sign area for all signs will be included in the maximum sign area.

5. Commercial signage for businesses on third stories and above would be limited to window signs.

(e) Freestanding Signs.

(1) Table 14.38-V establishes the dimensional and quantitative requirements for freestanding signs including monument and pole/pylon signs.

(2) Freestanding signs shall be located no closer than five feet to public rights-of-way or access easements measured from the face of the sign to the back of the ROW or easement.

(3) No signs shall obstruct sight distance at street intersections or driveways per Section [14.68.120\(d\)](#).

(4) The height of freestanding signs shall be measured from the average ground level at the sign's base.

(5) Freestanding signs must provide an architectural base, with a minimum height of 12 inches.

(6) Each freestanding sign shall provide a landscaped area around the base of the sign per the following:

(i) One and one-quarter square feet of landscaping per one square foot of sign area with a minimum area of 50 square feet and a minimum width of five feet measured from the outside of the curb or the edge of the landscape bed;

(ii) The landscape area and sign base shall be protected from vehicles by a six-inch curb, if adjacent to drive aisles or parking areas;

(iii) The landscape area must include a mix of shrubs, perennials and/or annual flowers, and other standard landscape material; and

(iv) The landscape area may include other materials and components such as brick or concrete bases, planter boxes, pole covers, decorative framing, and accent lighting.

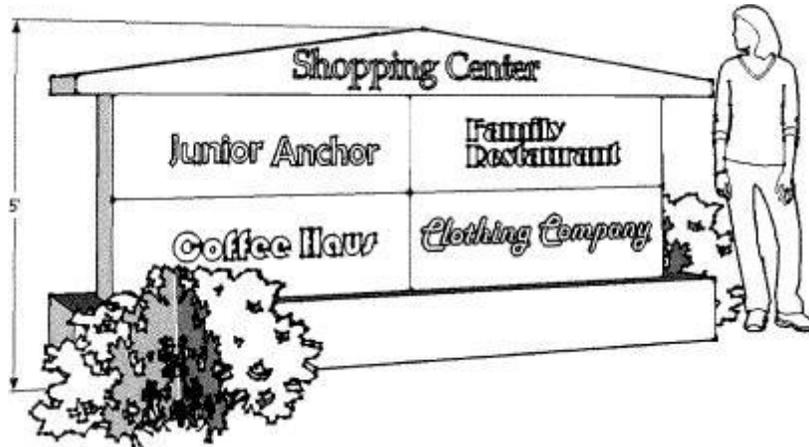


Figure 14.38-V Monument Sign

Table 14.38-V Freestanding Sign Standards

Sign Type		CD	NC	BD	MS	MUN
Monument	Sign Area ¹ (sq. ft.)	75	50	50	50	25
	Sign Height	15 ft.	10 ft.	10 ft.	5 ft.	5 ft.
	Number ^{2,3,4}	1	1	1	1	1
Pole/Pylon ⁵	Sign Area ¹ (sq. ft.)	100	NA	NA	100	NA

	Sign Height	20 ft.			20 ft.	
	Number	1			1	

Notes:

1. For freestanding signs with multiple faces, only the sign area of a single face is calculated per Section [14.68.040](#).
2. Each site with commercial uses may install one freestanding identification sign or multi-tenant identification sign per site.
3. Commercial centers with more than one frontage may install two identification and/or multi-tenant identification signs with one freestanding sign along the primary frontage and a second sign along the secondary frontage, with a minimum separation of 100 feet between the signs, including separation of off-site and highway-oriented signs. Freestanding signs located along secondary frontages must be reduced by 25 percent in sign area and height.
4. Any detached structure greater than 5,000 square feet in gross area, occupied by a single business, located on a defined building pad, within a commercial center over five acres may have an additional freestanding sign not exceeding 25 square feet in area and having a maximum height of five feet.
5. Pole/pylon signs are limited to highway-oriented sign requirements pursuant to subsection (f) of this section.
 - (f) Off-Site Signage.
 - (1) The provisions contained in this section recognize the need for certain businesses located within the Commercial district, Business district and Main Street district, in proximity to state highways (SR-9 and SR-204) and/or major arterials, but with limited visibility to install off-site signs.
 - (2) The City shall review the need for off-site signage against the following criteria:
 - (i) The business(es) is located more than 100 feet from the right-of-way, measured from the nearest point to the edge of right-of-way;
 - (ii) The business(es) shall demonstrate that on-site signs cannot adequately convey the location and identity of the business(es) because of poor visibility or traffic patterns unique to its location;
 - (iii) The off-site sign does not create adverse impacts to surrounding businesses, pedestrians, or motorists including, but not limited to, glare and sight obstructions;
 - (iv) The sign is not out of scale or character with allowed signs for nearby uses and employs distinct architectural features associated with the primary building or complex;
 - (v) The advertising structure does not detract from the goals, objectives, and policies of the subarea plan; and
 - (vi) The applicant has provided a recorded easement or expressed written permission, including maintenance provisions, from the property owner of the premises where the off-site sign is to be located.
 - (3) Content of Off-Site Signage.
 - (i) The off-site sign contains a message area that identifies the complex by name or district and may contain its address;
 - (ii) The off-site sign identifies one or more businesses in the complex or district by name and may include corporate logos; and
 - (iii) The off-site sign contains directional information, such as exit number, route information (e.g., next left), and may contain directional arrows.
 - (iv) The off-site sign may not include promotional information for individual businesses or display or support temporary signs, banners, pennants, etc.

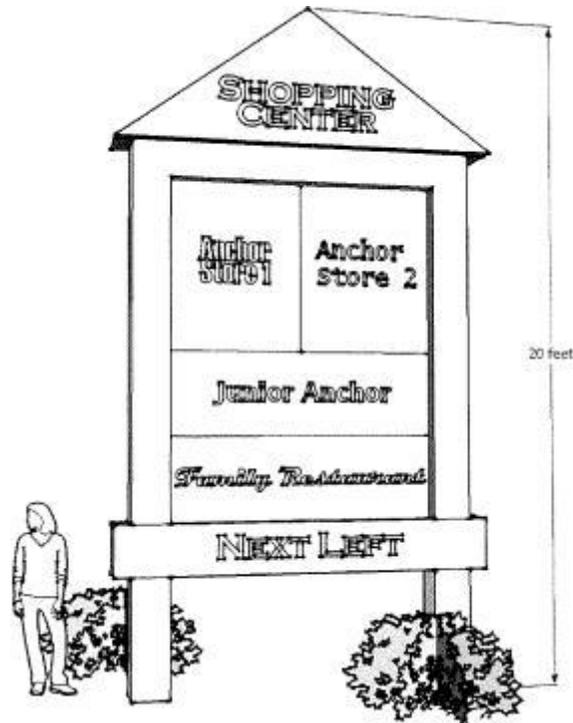


Figure 14.38-VI Off-Site Sign

(g) Informational/directional signs mean signs within a commercial or business park development that convey information; indicate the name of a particular use, such as “pharmacy” or “lumber”; and provide direction to specific uses such as “drive-through” or “exit,” but do not contain specific advertising, except for building directories.

(1) Attached signs are limited to a maximum of two percent of the building facade or leased storefront area.

(2) Freestanding signs are limited to a maximum of four square feet (~~(, except restaurant menu signs, which are limited to a maximum of 12 square feet)~~).

(3) Building directories are limited to a maximum of 10 square feet for the purpose of identifying upper floor tenants or first floor tenants that do not have outside building frontage adjacent to the entrance for such businesses.

(4) Primary restaurant menu signs are limited to a maximum of 32 square feet and secondary menu signs are limited to a maximum of 12 square feet. Only one menu sign of each type is allowed per business. Menu signs are subject to the design requirements for freestanding signs.

(h) Sign Modifications. To provide flexibility, the City will consider modifications to the sign regulations for signs that display outstanding design elements per the requirements of Section [14.68.124](#).

(i) Legal Nonconforming Signs.

(1) All legally existing signs at the time of the adoption of the ordinance codified in this chapter that are not in compliance with the requirements of this chapter are nonconforming signs. The burden of establishing a sign’s legal status, under this chapter, is the responsibility of the sign or business owner.

(2) Legal nonconforming signs are subject to the requirements of Section [14.68.150](#) (Nonconforming Signs).

(3) Violations. Any violation of this chapter shall terminate immediately the right to maintain a legal nonconforming sign.

Section 28. LSMC Section 14.40.010, Table 14.40-I, entitled “Table of Permissible Uses by Zones” is amended by adding two footnotes (#21 and #22) and removing two Use Descriptions (32.000 and 33.000 to read as follows (All other provisions of 14.44.010 remain unchanged and in effect):

- Add footnote #21 to “PA” in CBD column for Use Description “9.100”
- Add footnote to the table to read as follows:
²¹ Only allowed in the Central Business District on properties north of 20th Street NE.
- Add footnote #22 to Use Description “15.340 Sewage/septic sludge recycling”
- Add footnote to the table to read as follows:
²² Only allowed as an Essential Public Facility pursuant to Section 14.16C.060.
- Remove Use Descriptions “32.000 Land Clearing, Logging in Conformance with Chapter 14.88” & “33.000 Respective Uses Permissible in Respective Sensitive Areas as Per Chapter 14.88)

Section 29. LSMC Section 14.40.020 entitled “Use of the Designations P, A, C in Table of Permissible Uses” is amended to better describe the difference between PA and PC to read as follows:

14.40.020 Use of the Designations P, A, C in Table of Permissible Uses.

(a) The Table of Permissible Uses (Table 14.40-I) sets forth which uses are permitted in which zones. The letter “P” means the use is permitted or allowed in the indicated zone district subject to all code requirements of this title. The letter “A” means the use requires an administrative conditional use permit, and the letter “C” means the use requires a conditional use permit. No letter means that use is not permitted in the indicated zone district.

(b) When used in connection with residential uses (use classification 1.000), the designation “PAC” means that such developments of less than five dwelling units are a permitted use when code requirements are met, developments of five or more but less than 13 dwelling units need an administrative conditional use permit, and developments of 13 or more dwelling units require a conditional use permit.

(c) When used in connection with nonresidential uses, the designation “PA” means that such developments are permitted if the lot to be developed is less than one acre in size and require an administrative conditional use permit if the lot is one acre or larger in area;~~(($\frac{1}{7}$))~~ and the designation “PC” means that such developments are permitted if the lot to be developed is less than one acre in size and require a~~((an administrative conditional or))~~conditional use permit is required if the lot is one acre or larger in area.

Section 30. LSMC Section 14.40.040 entitled “Permissible and Prohibited Uses” is amended by adding one additional prohibited use to read as follows:

14.40.040 Permissible and Prohibited Uses.

(a) The presumption established by this title is that all legitimate uses of land are addressed within the Table of Permissible Uses, and are either allowed or not allowed thereby. But because the list of permissible uses set forth at the end of this chapter cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses.

(b) Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:

- (1) Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the City’s fire prevention code.
- (2) Stockyards, slaughterhouses, rendering plants.

(3) Use of a travel trailer, motor home, or other recreational vehicle as a permanent residence. Recreational vehicles may be used as a temporary guest residence for up to two weeks without a permit, or up to three months within any one consecutive year upon approval by the Planning Director. Situations that do not comply with this subsection on the effective date of the ordinance codified in this title are required to conform within one year.

(4) Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted. This prohibition does not apply to temporary public services, such as bookmobiles, blood donation centers, public service information, etc., or temporary food vendors allowed pursuant to Sections [14.44.400](#) and [14.44.410](#) (situations that do not comply with this subsection on the effective date of the ordinance codified in this title are required to conform within 30 days).

(5) Medical cannabis (marijuana) collective gardens and medical cannabis (marijuana) dispensaries, as those terms are defined or described in this code and/or under state law, are prohibited in all zoning districts of the City of Lake Stevens.

(6) Sewage/septic sludge recycling except when approved as an Essential Public Facility pursuant to 14.16C.060.

Section 31. LSMC Section 14.44.020 entitled “Planned Residential Developments” is amended by removing reference to subsections removed from the code to read as follows:

14.44.020 Planned Residential Developments.

It is intended that a PRD will: result in a residential environment of higher quality than traditional lot-by-lot development by being held to higher standards of design of buildings, parks, open space, landscaping, roadways, entrance and other project features; provide flexibility to the property owners; protect critical areas and significant stands of trees; encourage a variety or mixture of housing types; and encourage compatibility of the development with the surrounding neighborhood. In addition to meeting the other relevant requirements of this title, Planned Residential Developments (PRDs) must comply with the following:

(a) The PRD may only be located on tracts of at least five acres within a Suburban Residential, Urban Residential, High Urban Residential, or Multi-Family Residential zoning district.

(b) The gross density of a PRD shall not exceed the allowable density specified in Section [14.48.010](#).

(c) Permissible types of residential uses within a PRD include single-family detached dwellings (use classification 1.111), single-family attached (1.130), two-family residences (1.200), and multifamily residences (1.300) regardless of the underlying zone.

(d) In the SR and UR zones the developer may create lots and construct buildings with reduced lot size, width, or setback restrictions, except that:

(1) In the SR zone, perimeter lots must have a minimum area of 7,500 square feet and width of 60 feet, and in the UR zone, perimeter lots must have a minimum area of 6,000 square feet and width of 45 feet.

(2) At least 50 percent of the total number of dwelling units must be single-family detached residences on lots of at least 6,000 square feet in all zones except for the Multi-Family Residential.

(3) Comply with the fire protection requirements of the International Building Code (IBC) and the International Fire Code (IFC). Additional fire protection is required by these rules when setbacks are reduced below the standard five feet.

(4) Setback requirements of the underlying zone shall apply for all property lines located on the perimeter of the PRD.

(5) Each lot must be of a size and shape to contain the proposed improvements.

(6) The lots are designed so that homes can be constructed at least 15 feet from any environmentally critical area buffer.

(7) In providing additional amenity pursuant to subsection (h) of this section, priority shall be given to maintaining native areas in a natural condition.

(8) Homes shall be designed so as to minimize the visual impact of garages and automobiles from the streets and sidewalks through either:

(i) Providing alleys which provide access to the garage at the rear of the lot;

or

(ii) Locate the garage at least 20 feet behind the front of the house; or

(iii) Locate the garage at least five feet behind the front of the house, with the combined width of garage doors no wider than 18 feet or 50 percent of the width of the front of the house (including garage), whichever is less.

(e) The design of a PRD, including site layout, landscaping, public facilities (e.g., storm drainage, parks, streets, etc.) and building design shall be subject to Design Review Board (DRB) approval and shall meet the City's adopted Development Design Guidelines. In lieu of the DRB approving each SFR structure, the applicant may propose project-specific design guidelines, in which case the DRB may approve the guidelines, to be implemented administratively by the Department of Planning and Community Development. Where authority is granted by the DRB to staff to review individual single-family residential structures, the DRB shall be the arbiter between the applicant and staff.

(f) When located in the SR, UR or HUR zone, multifamily portions of a PRD shall be developed more toward the interior rather than the periphery of the tract so that only single-family detached residences border adjacent properties and roads.

(g) Type A screening (Chapter 14.76) shall apply to the exterior boundaries of the PRD, but are not required between uses within the PRD.

(h) When creating a PRD, the applicant must improve 10 percent of the site with common amenities, in addition to the open space requirements(~~((Sections 14.52.010 and 14.52.030))~~). The amenities can include, but are not limited to, additional usable open space area, landscaped entries into the project (in addition to the standard roadway dedication and landscaping requirements), landscape islands in the center of roads, special treatment of roads (such as concrete pavers), protection of significant clusters of trees, or other amenities as may be appropriate. Common amenities do not include protected critical areas and their buffers, unless passive recreation is provided within the buffer areas. In such case, credit for trails will be given at a rate of 10 square feet for each lineal foot of trail, 10 square feet for each park bench and five square feet for each interpretive sign. Park space will be given credit towards meeting this requirement only when it meets the criteria for dedication contained in Chapter [14.120](#).

(i) Protected critical areas and significant stands of trees will be used as an amenity to the project through such techniques as providing pervious trails and benches in buffers and significant stands of trees, orienting buildings to create views, and any other technique to provide visual and physical access.

Section 32. LSMC Section 14.44.075 entitled "Farm Animals" is amended to combine two subsections for better clarity to read as follows:

14.44.075 Farm Animals.

~~((a))~~ Farm animals are permitted in residential zoning districts, provided the following standards are met:

~~a~~(1) The keeping of animals complies with the animal regulations contained in Title [5](#) of the Lake Stevens Municipal Code.

~~b~~(2) ~~((Except as provided for below, f))~~ Farm animals may be kept only on lots of two and one-half acres or larger ~~except~~(-

~~3~~-~~S~~) ~~s~~small farm animals such as rabbits, fowl, and household pets (including pot-belly pigs) may be kept on residential lots of any size, provided they are kept in a manner so as not to constitute a nuisance pursuant to Chapter [9.60](#) (Nuisances).

~~c~~(4) Farm animals may be kept only for the personal use, whether it be for recreational, personal enjoyment, social and educational purposes or food production. Keeping of animals for commercial purposes is prohibited in residential zones, except where specifically allowed pursuant to Table 14.40-I.

~~d~~(5) Farm animals must be kept a minimum of 50 feet from any stream buffer or wetland buffer.

Section 33. LSMC Section 14.44.085 entitled “Motor Vehicle Sales in the Central Business District” is repealed as it is moved to a footnote in Table 14.40-I.

Section 34. LSMC Section 14.44.110 entitled “Restrictions and Requirements” is amended to correct the reference to critical areas to read as follows:

14.44.110 Restrictions and Requirements.

All clearing, grading, filling, and excavation, regardless of whether or not a permit is required, is subject to the following requirements:

(a) No clearing, grading, filling, or excavation is allowed in a ~~(non-environmentally sensitive)~~ critical area and its buffers where such activities are prohibited by Chapter [14.88](#).

(b) For single-family and duplex lots, no grading shall be allowed which results in the impervious surface area of the lot to exceed 40 percent of the total lot area. If the lot has 40 percent or more impervious surface area prior to grading, no additional impervious surface area is allowed.

(c) No clearing, grading, filling, or excavation, except that necessary for essential repairs of permitted private structures or construction of public infrastructure or facilities, is permitted outward from the shores of Lake Stevens.

(d) Adequate temporary erosion and sedimentation control (TESC) measures shall be approved and installed per Chapter [14.64](#) (Floodways, Floodplains, Drainage, and Erosion) prior to any disturbance of soils.

(e) All disturbed areas shall be hydro-seeded and mulched, sodded, or otherwise protected within 48 hours of disturbance.

(f) All potentially impacted ~~(environmentally sensitive)~~ critical areas and their buffers shall be delimited with a construction limits fence prior to any disturbance of the soil.

(g) The applicant shall present to the City a valid NPDES permit, where required, prior to any disturbance of soil.

(h) Environmental review of grading associated with site development may be done concurrently with the environmental review of the project (e.g., preliminary plat, land use permit, or building permit), allowing for grading for public improvements to be permitted by approval of the construction drawings. However, the application shall specifically state that grading is a part of the application, and the permit shall specifically state what grading is permitted, or the grading shall not be considered permitted.

(i) During the below listed dates all grading and clearing shall be phased as follows:

(1) For grading activity not associated with a plat, between October 1st and March 31st no more than one-fourth acre, or 50 cubic yards of soil, whichever represents the least amount of soil, may be moved or graded at any one time before that portion of the project is closed up per subsection (d) of this section.

(2) Between October 1st and March 31st, grading of individual building lots in a plat shall be phased, with no more than 10 lots being graded in a plat at any one time. Before additional lots can be graded, the previously graded lots shall be hydro-seeded and mulched, sodded, or otherwise protected.

(j) Clearing activities of 10,000 square feet or more in any twelve month period shall comply with the retention and protection of large tree requirements as contained in Section [14.76.120](#). Replacement trees shall be located in such a manner they will not be disturbed when the site develops in the future. In addition, no more than 10 percent of significant trees or 50 percent of all trees on a site may be removed unless and until it is done as part of a plan which has received the appropriate land use permit(s) from the City. The applicant shall include a conceptual plan showing how the protected trees will be able to be retained at the time of site development.

Section 35. LSMC Section 14.44.240 entitled “Smoke and Air Pollution” is amended to correct the agency name to read as follows:

14.44.240 Smoke and Air Pollution.

(a) Any 4.000 classification use that emits any “air contaminant” as defined in Regulations 1, 2, or 3 of the Puget Sound Clean Air (~~(Pollution Control)~~) Agency shall comply with applicable state standards concerning air pollution, as set forth in Regulations 1, 2, or 3 of the Puget Sound Clean Air (~~(Pollution Control)~~) Agency.

(b) No Planning Director approval, administrative conditional use, or conditional use permit may be issued with respect to any development covered by subsection (a) of this section until the Puget Sound Clean Air (~~(Pollution Control)~~) Agency has certified to the permit-issuing authority that the appropriate state permits have been received by the developer, or that the developer will be eligible to receive such permits and that the development is otherwise in compliance with applicable air pollution laws.

Section 36. LSMC Section 14.44.330 entitled “Location of Parking in Two-Family and Multifamily Structures” is amended by amending the title to read as follows:

14.44.330 Location of Parking in (~~(Two-Family and)~~) Multifamily Structures.

For multifamily (Class 1.300) uses, in no instance shall street level parking areas be allowed within 25 feet of a public right-of-way unless it is substantially shielded from public view.

Section 37. LSMC Section 14.46.020 entitled “Application” is amended to delete the reference to a demonstration project to read as follows:

14.46.020 Application.

Applications for an innovative housing (~~(demonstration)~~) project shall be made on forms provided by the City, shall be available for public review for a minimum of two weeks prior to the neighborhood meeting, and shall include the following materials:

(a) Preliminary Development Plan. A site plan of the proposed development, indicating property lines, proposed setbacks, and lot coverage calculations. The site plan shall also include the location of all adjacent structures, the distance to property lines, and the footprint of any existing structures on the property with a note on which structures will remain. The preliminary development plan shall consist of a site plan drawn to scale and shall display the following information:

- (1) The location, size, configuration, and dimensions of the lot(s) on which the cottage housing development will be developed;
- (2) The location and footprint for each cottage;
- (3) A depiction of individual dwelling unit area that delineates the spacing around each cottage;
- (4) A delineation of the common open areas;
- (5) The height and square footage of each cottage;
- (6) The parking locations, layout, circulation, ingress and egress;
- (7) The location, if applicable, of any buildings to be used in common by the residents of the cottage housing development;
- (8) The layout and dimensions of pedestrian circulation from the parking areas to the cottages, and connecting the cottages;
- (9) Design illustrations that show, and a design checklist that lists, the design features that constitute the required design points for each cottage;
- (10) A depiction of the driveway access from a publicly maintained street to the cottage housing development parking areas, with its dimensions; and
- (11) Any other information the Director finds necessary to ensure compliance with this title.

(b) Conceptual drawings of the proposed innovative housing type, including building footprints and building elevations, floor plans, roof plans, and additional architectural features.

(c) A detailed description of how the proposed development is consistent and not in conflict with the surrounding neighborhood character and neighborhood design.

(d) A detailed description of how the proposed development meets the purpose and goals of this chapter and complies with all the criteria and project parameters for an innovative housing project.

- (e) A detailed description of the proposed unit type, including proposed square footage, unit mix, and number of bedrooms per unit.
- (f) General information about the site including the number of dwelling units allowed by the zone and the number of proposed dwelling units, open space allowed and proposed, impervious surface allowed and proposed, and building height allowed and proposed.
- (g) Photographs of the site and adjacent properties keyed to the site plan.
- (h) Additional information as required by the application forms provided by the City or deemed necessary by City staff to consider the application.

Section 38. LSMC Section 14.48.040 entitled “Building Setback Requirements” and Table 14.48-I entitled “Density and Dimensional Standards” are amended by updating lot boundary line and add allowance for eaves into the setback and delete two columns in the table to read as follows:

14.48.040 Building Setback Requirements.

(a) Table 14.48-I sets forth the minimum building and freestanding sign setbacks required from lot lines, ultimate street rights-of-way and street centerlines.

(1) If the ultimate street right-of-way line is readily determinable (by reference to the Comprehensive Plan Transportation Plan, a recorded map, set irons, adopted plan, or other means), the setback shall be measured from the ultimate right-of-way line. If it is not so determinable, the setback shall be measured from the actual street centerline.

(2) As used in this section, the term “lot (~~boundary~~)line, tract or easement” refers to all easements and lot boundaries other than those that abut streets. Setbacks from access easements and access tracts are considered lot (~~boundary~~)line setbacks.

(3) As used in this section, the term “building” includes any substantial structure which by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. It also includes any element that is substantially a part of the building, such as (~~eaves~~,)bay windows and chimneys, and not a mere appendage, such as a flagpole. Without limiting the generality of the foregoing, for the purpose of determining setbacks the following structures are to be considered buildings:

- (i) Gas pumps and overhead canopies or roofs;
- (ii) Fences and hedges taller than 42 inches.

(4) Eaves and other minor architectural features may project into the required setback up to 18 inches.

(b) Whenever a lot in a residential district abuts a nonresidential district, and its required setback is greater than that of the nonresidential lot, the nonresidentially zoned lot shall observe the more restrictive setback. Where a lot zoned General or Light Industrial shares a boundary with a residentially zoned lot, the setback for the industrial property along that common boundary shall be 30 feet.

(c) In the High Urban Residential District, one five-foot interior side yard setback of a lot may be reduced to a zero feet for portions of the house that shares a common wall with the home on the adjacent lot. Portions of a house which do not share a common wall must be set back a minimum of five feet. The Fire and Building Codes have special building requirements which must be met when setbacks are less than five feet.

(d) All docks and other permissible overwater structures shall be set back pursuant to the Shoreline Master Program, Chapter 4, Section C.3. For the purposes of this section each property line extending into the lake shall be construed as extending at the same angle as the property line on shore.

Table 14.48-I: Density and Dimensional Standards

Zone	Minimum Lot Size		Minimum Residential Densities (Minimum Square Feet per Dwelling Unit)	Minimum Lot Width (ft.)	Building Setback Requirements Minimum Distance, in feet, from: ⁴										Height Limitation (ft.)
	Standard Subdivision	Cluster Subdivision			Nonarterial Street Right-of-Way Line		Nonarterial Street Centerline ^(*) ¹		Ultimate Arterial Street Right-of-Way Line		Lot ((Boundary)) Line, Tract or Easement ³	((Lake (Ordinary-High Water Mark)))	((Critical Area Buffer))		
					Building	Freestanding Sign	Building	Freestanding Sign	Building	Freestanding Sign				Building and Freestanding Sign	
Waterfront Residential	9,600 ft ²	7,500 ft ²	9,600 ft ²	50	25	12.5	55	42.5	25	12.5	5	5	40	35	
Suburban Residential (**) ²	5 acres/ 9,600 ft ²	5 acres/ 7,500 ft ²	5 acres/ 9,600 ft ²	80	25	12.5	55	42.5	25	12.5	5	5	40	35	
Urban Residential (**) ²	5 acres/ 7,500 ft ²	6,000 ft ²	7,500 ft ²	60	20	10	50	40	20	10	5	5	40	35	
High Urban Residential	3,600 ft ²	N/A	3,600 ft ²	40	15	5	45	35	20	5	5	5	40	35	
Multi-Family	3,000 ft ²	N/A	0 ft ²	50	0	0	30	30	10	0	0	0	40	60	

Residential														
Neighborhood Commercial	3,000 ft ²	N/A	0 ft ²	0	0	0	30	30	0	0	0	50	40	35
Mixed Use	3,000 ft ²	N/A	0 ft ²	0	0	0	30	30 ft ²	0	0	0	50	40	60
Local Business	3,000 ft ²	N/A	0 ft ²	0	0	0	30	30	0	0	0	50	40	60
Central Business District	3,000 ft ²	N/A	0 ft ²	0	0	0	30	30	0	0	0	50	40	60
Planned Business District	0 ft ²	N/A	0 ft ²	0	0	0	30	30	0	0	0	50	40	((35)) 40
Sub-Regional Commercial	0 ft ²	N/A	0 ft ²	10	0	0	30	30	0	0	0	50	40	85
Light Industrial	0 ft ²	N/A	N/A	10	0	0	30	30	0	0	0	50	40	85
General Industrial	0 ft ²	N/A	N/A	10	0	0	30	30	0	0	0	50	40	85
Public/Semi-Public	0 ft ²	N/A	N/A	0	0	0	0	0	0	0	0	50	40))	60

((*)¹ See Section [14.48.040\(a\)\(1\)](#) for use of centerline.

((**)² See Section [14.48.100](#) for use of five acres or square feet requirements.

³ Eaves and other minor architectural features may project into the required setback up to 18 inches.

⁴ If property is located on Lake Stevens or Catherine Creek or has wetlands, please refer to the required setbacks in the Shoreline Master Program and Chapter 14.88 Critical Areas.

Section 39. LSMC Section 14.48.050 entitled “Exceptions to Building Setback Requirements” is amended by updating lot boundary line, updating accessory structures area and fence requirements to be consistent with Building Codes to read as follows:

14.48.050 Exceptions to Building Setback Requirements.

(a) The following modifications to the setback requirements identified in Section 14.48.040 shall be allowed:

(1) In the Suburban Residential and Waterfront Residential districts only, where the high point of the roof or any appurtenance of an accessory building exceeds 12 feet in height, the accessory building shall be set back from the rear lot (~~boundary~~)lines, tracts or easements an additional one foot for every foot of height exceeding 12 feet.

(2) In single-family residential zones, accessory structures may be located within the exterior side yard of a corner lot, provided the accessory structure meets the following conditions:

(i) The gross floor area of all accessory structures within the reduced setback area does not exceed 200(~~170~~) square feet.

(ii) The height of the accessory structure does not exceed eight feet.

(iii) The accessory structure is screened to a minimum height of six feet with an opaque fence or densely planted vegetation.

(iv) The accessory structure respects the minimum front yard setback and shall be no closer to the front property line than that of the principal house.

(v) The accessory structure is located no closer than 10 feet to the exterior side property line.

(b) In all single-family residential zones, the building setbacks from the street of the underlying zone may be reduced by five feet for living portions of the principal house only. This reduction does not apply to garages or other nonhabitable areas.

(c) In all single-family residential zones, the setback from a critical area buffer may be reduced to five feet for uncovered decks, provided sufficient room is provided to construct and maintain the deck without disturbing the buffer area.

(d) In all single-family residential zones, unenclosed front porches may be constructed to be as close as 15 feet of the ultimate street right-of-way.

(e) In all residential zones, fences which do not exceed six feet in height may be located along property lines which do not abut a public right-of-way. No fence may exceed 42 inches in height within the front yard setback abutting a public right-of-way or within 10 feet of an exterior side yard right-of-way. On exterior side yards, the area between the fence and sidewalk shall be maintained by the property owner. Where fences are built or hedges are maintained on top of or within five feet of a retaining wall on the uphill side, the retaining wall and fence or hedge shall be measured as one structure for the purposes of determining setback requirements. The height shall be the vertical distance measured from the mean elevation of the finished grade around the perimeter of the retaining wall to the highest point of the hedge or fence.

Section 40. LSMC Section 14.48.070 entitled “Cluster Subdivisions” is amended by removing reference to sections no longer within the code to read as follows:

14.48.070 Cluster Subdivisions.

(a) In any single-family residential subdivision or short subdivision of six lots or more, a developer may create lots that are smaller than those required by Section 14.48.010 if such developer complies with the provisions of this section and if the lots so created are not smaller than the minimums set forth in Table 14.48-I.

(b) The intent of this section is to authorize the developer to decrease lot sizes and leave the land “saved” by so doing as usable open space, thereby lowering development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into the size of lots required by Section 14.48.010.

(c) The amount of usable open space that must be set aside shall be determined by:

(1) Subtracting from the standard square footage requirement set forth in Section 14.48.010 the amount of square footage of each lot that is smaller than that standard;

(2) Adding together the results obtained in subsection (c)(1) of this section for each lot.

(d) The provisions of this section may only be used if the usable open space set aside in a subdivision comprises at least 10,000 square feet of space that satisfies the definition of usable open space (~~set forth in Section 14.52.030 and if such usable open space is otherwise in compliance with the provisions of Chapter 14.52~~).

(e) The setback requirements of Sections [14.48.040](#) and [14.48.050](#) shall apply in cluster subdivisions.

Section 41. LSMC Section 14.56.080 entitled “Street Width, Sidewalk, and Drainage Requirements in Subdivisions” is amended by removing a subsection referring to the EDDS to read as follows:

14.56.080 Street Width, Sidewalk, and Drainage Requirements in Subdivisions.

(a) Streets are intended to serve several functions. These functions vary depending on the classification of the street: (1) to carry motor vehicle traffic, provide on-street parking; (2) to provide for safe and convenient pedestrian and nonmotorized travel; and (3) to aid in managing stormwater. The requirements outlined in this chapter are intended to ensure these objectives are met.

(b) All existing and planned streets which the City deems necessary for the completion of the City’s transportation system are shown and classified in the City’s Transportation Element of the Comprehensive Plan. However, the list of planned streets is nonexhaustive and other streets may be proposed by a permit applicant.

(c) Any permit application shall be reviewed for conformance with the Transportation Plan. If a planned street is shown to run through or adjacent to a property proposed for development, the proposal must include roadway dedication and improvements which are generally in conformance to the plan, and meet the development standards identified in this chapter.

~~((d) All public streets shall be constructed in accordance with the currently adopted version of the Engineering Design and Development Standards for the City of Lake Stevens, except as modifications may be allowed for traffic calming purposes in compliance with the requirements contained in Section [14.56.260](#).)~~

~~(d)((e))~~ Whenever convenient access from a subdivision to adjacent schools, parks or other public facilities is not provided through the dedication and improvement of streets pursuant to this chapter, the developer may be required to include an unobstructed easement of at least 10 feet in width and construct a pathway to provide such access.

Section 42. LSMC Section 14.56.100 entitled “Dead End Streets/Cul-de-Sacs” is amended by specific conditions for cul-de-sacs and removing the landscaping strip to read as follows:

14.56.100 Dead End Streets/Cul-de-Sacs.

(a) Dead-end streets shall be avoided. Cul-de-sacs may be used only when conditions warrant their use;

(1) Whenever a dead end street serves four or more units, or

(2) Extends more than 150 feet from edge of the intersecting right-of-way to the farthest extent of the road.

(b) When allowed under subsection (a) of this section, all permanent dead-end streets (as opposed to temporary dead-end streets; see Section 14.56.060(d)) shall be developed as cul-de-sacs in accordance with the standards set forth in subsection (d) of this section.

(c) Except where no other practicable alternative is available, such streets may not extend more than 500 feet (measured to the center of the turnaround).

(d) The right-of-way of a cul-de-sac shall have a radius of 50 feet. The radius of the paved portion of the turnaround (measured to the face of the curb) shall be 40 feet, with curb, gutter, ~~((landscape strip,))~~ sidewalk and utility strip within the remaining 10 feet.

(e) The city will consider the use of alternative turnarounds described in the EDDs on a case by case basis for private tracts and easements.

Section 43. LSMC Section 14.56.130 entitled “Construction Standards and Specifications” is amended rewriting for better clarity to read as follows:

14.56.130 Construction Standards and Specifications.

All public streets, sidewalks, curbs and gutters and other improvements shall be constructed in accordance with the current of the Engineering Design and Development Standards (EDDs) for the City of Lake Stevens. All such facilities shall be completed in accordance with these standards except for deviations as provided for in Section 14.56.135 and modifications allowed for traffic calming purposes in compliance with the requirements contained in Section 14.56.260. In cases where there is a conflict between the EDDS and municipal code, the municipal code shall be the controlling document. ~~((Construction and design standards and specifications for streets, sidewalks, and curbs and gutters are contained in the currently adopted version of the Engineering Design and Development Standards for the City of Lake Stevens, and all such facilities shall be completed in accordance with these standards except for deviations as provided for in Section 14.56.135.))~~

Section 44. LSMC Section 14.56.135 entitled “Deviations to Construction Standards and Specifications” is amended by referring specifically to the EDDS to read as follows:

14.56.135 Deviations to Construction Standards and Specifications.

Deviations to the Engineering Design and Development Standards may be granted by the Public Works Director when situations arise where alternatives to the standards may better accommodate existing conditions, overcome adverse topography or allow for more cost-effective solutions without adversely affecting safety, operations, maintenance or aesthetics pursuant to subsection (c) of this section.

(a) Unless otherwise specified in this title, deviations may only be granted for standards and specifications that relate to and implement Sections [14.56.080](#)(d) and (e), Table 14.56-1 (except right-of-way type and standards for state highway), and Sections [14.56.100](#)(b) and (d).

(b) Deviations shall be processed in accordance with the [Engineering Design and Development Standards](#)~~((administrative guideline specified in Section [14.04.120](#)(b)(10)))~~.

(c) Requests for deviation shall, at a minimum, comply with the following criteria:

- (1) The deviation will achieve the intended result of the standards with a comparable or superior design and quality of improvement;
- (2) The deviation will not adversely affect safety or operations;
- (3) The deviation will not adversely affect maintenance and related costs;
- (4) The deviation will not adversely affect the environment; and
- (5) The deviation will not adversely affect aesthetic appearance.

(d) An annual report of deviation requests shall be submitted to the City Council.

Section 45. LSMC Section 14.68.020 entitled “Signs Excluded from Regulation” is amended by adding minor clarification to read as follows:

14.68.020 Signs Excluded From Regulation.

The following signs are exempt from regulation under this title:

(a) Signs not exceeding four square feet in area that are customarily associated with residential use. Examples include names of residents, addresses, no parking, no trespassing, beware of dog and security signs.

(b) Signs erected by or on behalf of or pursuant to the authorization of a city, county, school district, state or federal governmental body, for public purposes including legal notices, identification and informational signs, and traffic, directional, or regulatory signs.

(c) Official signs of a noncommercial nature erected by public utilities.

(d) Flags, pennants, or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.

- (e) Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain business identification, trademarks, moving parts, or lights, or are not displayed in connection with a commercial promotion or as an advertising device.
- (f) Signs directing and guiding pedestrian and/or automobile traffic on private property that do not exceed four square feet each and that bear no advertising matter.
- (g) School and church: bulletin boards, identification signs, and directional signs that do not exceed one per abutting street and 16 square feet in area per side and that are not internally illuminated.
- (h) Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.
- (i) Signs proclaiming religious, political, or other noncommercial messages that do not exceed one sign per abutting street and 16 square feet in area and that are not internally illuminated.
- (j) Names of buildings, commemorative plaques or tablets, and similar noncommercial signs when carved into stone, concrete, or similar material, or made of bronze, aluminum, or other permanent-type construction, made an integral part of the structure, and projecting no more than two inches from the wall (when installed on a building), or at grade (when installed on the ground).
- (k) Public information stations such as kiosks, bulletin boards, or similar devices used to convey community information.

Section 46. LSMC Section 14.68.110 entitled “Sign Illumination and Signs Containing Lights” is amended by correcting a code citation to read as follows:

14.68.110 Sign Illumination and Signs Containing Lights.

- (a) No sign within 150 feet of a residential zone may be illuminated between the hours of midnight and 6:00 a.m., unless an opaque screen which effectively blocks view of the sign from the residential zone is located between the residential zone and the sign.
- (b) Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way, adjacent properties, or into the sky.
- (c) Internally illuminated signs are allowed only within Commercial, Industrial and Public/Semi-Public Zone districts. This prohibition does not apply to the following:
 - (1) Signs that do not exceed two square feet in area and that convey the message that a business enterprise is open or closed or that a place of lodging does or does not have a vacancy;
 - (2) Neon signs less than nine square feet and/or mounted to be seen through a window and meeting all other requirements of this chapter;
 - (3) Signs for churches, synagogues and temples (use class 5.200), except that changeable text signs may not be internally illuminated pursuant to Section 14.68.((040))084(b).
- (d) No sign or illuminated tubing or strings of lights may contain flashing or intermittent lights or lights of changing degrees of intensity. This prohibition does not apply to temporary signs erected in connection with the observance of holidays.

Section 47. LSMC Section 14.68.130 entitled “Maintenance of Signs” is amended by correcting a code citation to read as follows:

14.68.130 Maintenance of Signs.

- (a) All signs and structural components shall be kept in a state of good repair.
- (b) If a sign advertises an entity, service, or goods or other activity that is no longer available on the site, that sign shall be considered abandoned and shall, within 30 days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign.
- (c) If the message portion of a sign is removed, leaving only the supporting “shell” of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the

owner of the property where the sign is located or other person having control over such sign shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to alter the effect of Section 14.68.~~((075))150~~(c), which prohibits the replacement of a nonconforming sign, nor shall this subsection be construed to prevent the changing of the message of a sign.

Section 48. LSMC Section 14.76.090 entitled “Additional Screening Requirements” is amended by including a state route that was brought into the City by annexation to read as follows:

14.76.090 Additional Screening Requirements.

(a) Due to the potential for adverse impacts between the following noncompatible uses, a 30-foot wide landscaped screen shall be maintained between State Route 204, State Route 92 and/or State Route 9 and all residential and industrial uses.

(b) The screen shall have a height of at least 30 feet at maturity. It is intended to exclude all visual and noise contact between uses in all seasons of the year. The use of existing significant trees which are not prone to windthrow within the screen is strongly encouraged.

(c) The Planning Director may approve reduced buffer widths to prevent denial of all reasonable use of property.

Section 49. LSMC Section 14.76.120 entitled “Retention and Protection of Large Trees” is amended to correct reference to Planning Department to read as follows:

14.76.120 Retention and Protection of Large Trees.

(a) Every development shall retain all existing significant trees and significant stands of trees unless the retention of such trees would unreasonably burden the development or in the opinion of the planning director cause a significant safety problem. The applicant for a land use permit or preliminary subdivision approval shall, with the application, submit an assessment prepared by a certified arborist, which makes recommendations for protection of trees consistent with this chapter.

(b) The retention of significant trees and significant stands of trees unreasonably burdens a development if the desired location of improvements on a lot or the proposed activities on a lot would have to be substantially altered and such alteration would work an unreasonable hardship upon the developer.

(c) Where significant trees and significant stands of trees are removed because their retention would unreasonably burden a development, a tree survey shall be provided, showing size, type, and location of all significant trees and stands of trees. Prior to removal, the developer shall coordinate with the City which trees are to be protected.

(d) Any unprotected significant trees removed shall be replaced with one-gallon-sized native species at a ratio of 3:1. During plat and home construction the developer shall provide adequate protection of retained and replacement trees from damage.

(e) If it is physically impractical to replant all replacement trees on-site, then the applicant shall mitigate the loss of trees by either planting trees on public property within the City as approved by the planning director, and/or paying a mitigation fee into the City’s tree mitigation in-lieu fund. This fee shall be set forth in the City’s fee resolution, and equal the cost of purchasing and planting the trees.

(f) Prior to any clearing activities, the city shall map and inventory all trees identified for protection. If any of the protected trees are removed or damaged to the extent that their ability to survive is seriously threatened, without the City’s prior written consent, the loss shall be remedied pursuant to Section 14.28.040(c).

(g) Replacement trees approved to be installed on public property shall be planted prior to recordation of a final plat, or issuance of a building permit, whichever comes first.

(h) Replacement trees approved to be installed on residential lots shall be planted prior to issuance of a certificate of occupancy for that lot.

(i) If space that would otherwise be devoted to parking cannot be so used because of the requirements of subsections (a) or (b) of this section, and, as a result, the parking requirements set forth in Chapter 14.72 cannot be satisfied, the number of required spaces

may be reduced by the number of spaces lost because of the provisions of subsections (a) and (b) of this section, up to a maximum of 15 percent of the required spaces.

(j) Whenever construction, clearing or grading activities occur on a site in which trees are required to be protected pursuant to this title, the following measures shall be taken to ensure said protection:

(1) Prior to commencing any site work, the applicant shall submit a plan to the Department of Planning and Community Development which identifies types and locations of barriers that will be placed around protected trees to aid in the avoidance of accidental damage to the trees. No site work will commence prior to the City inspecting and approving the location and installation of the barriers.

(2) No fill, excavation or other subsurface disturbance, operating, stacking or storing of equipment, or compacting of earth may be undertaken within the drip line of any of the protected trees, and no impervious surface may be located within 12 1/2 feet (measured from the center of the trunk) of any tree 18 inches in diameter or more. A drip line is defined as a perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

(3) Where vehicular/equipment access is required within the drip line of a tree, the soil, and incidentally the tree's roots, shall be protected with 10 inches of woodchips and/or plywood placed over the path of the vehicle to limit soil compaction and subsequent root damage. Before any vehicles may travel through the protected area, the developer shall submit an affidavit from a certified arborist that that measures installed are sufficient to protect the tree(s) in question.

(4) Stumps of trees to be removed within one-half of the radius of the critical root zone (CRZ), which is defined as CRZ equals one foot radius for every one inch of the tree's diameter, shall not be excavated but may be ground down to below the ground surface.

(5) Unwanted vegetation within the CRZ of a protected tree shall be removed by hand.

(6) Backfilling into a CRZ of a protected trees shall be done only with the written approval of a certified arborist. Only well drained soil with sufficient air space (sandy soils) are permitted.

(7) Upon completion of site clearing, protected trees may be pruned for deadwood, low hanging limbs and proper balance under the supervision of a certified arborist. Trees may be cabled and braced as recommended by the arborist.

Section 50. LSMC Section 14.80.030 entitled "Building Permits" is amended by adding an administrative appeal for Building Official decisions to read as follows:

14.80.030 Building Permits.

(a) No building or other structure shall be erected, moved, added to or structurally altered without a permit issued by the Building Official. No building permit shall be issued except in conformity with the provisions of this code.

(b) All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations of existing buildings on the lot, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Building Official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of units, or rental units, the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this code. One copy of the plans shall be returned to the applicant by the Building Official after marking such copy approved or disapproved and attesting to same by having signed such copy. The second copy of the plans shall be retained by the Building Official for 180 days.

(c) If work described in any building permit has not begun within 180 days from the date of issuance thereof, said permit shall expire. It may be cancelled by the Building Official, and written notice shall be given to the applicant.

(d) The applicant may request in writing an extension of the building permit from the Building Official. The Building Official may approve one or more 180-day extensions if justifiable cause is demonstrated pursuant to IBC Chapter 1, Section 105.

(e) In place of the Board of Appeals per the IBC, appeals of orders, decisions or determinations made by the Building Official have an administrative appeal to the Hearing Examiner as set forth in the following procedures:

(1) Appellant. The project applicant may appeal the decision.

(2) Form of Appeal. The applicant appealing a building permit decision must submit a completed appeal form which sets forth:

(i) A claim that the true intent of the building and construction code or the rules legally adopted thereunder have been incorrectly interpreted;

(ii) The provisions of the building and construction code does not fully apply; or

(iii) An equally good or better form of construction is proposed.

(3) Time to Appeal. The written appeal and the appeal fee, if any, must be received by the Department of Planning and Community Development no later than 4:00 p.m. on the fourteenth day following the date of the notice of decision.

(4) Notice of Appeal. If a building permit decision is appealed, a hearing before the Hearing Examiner shall be set and notice of the hearing shall be mailed or emailed to the appellant/applicant by the Building Official. Notice shall be mailed or emailed no less than 10 days prior to the appeal hearing.

(i) Public Hearing. The Hearing Examiner shall conduct an open record hearing on a building permit decision appeal. The appellant/applicant and the City shall be designated parties to the appeal. Each party may participate in the appeal hearing by presenting testimony or calling witnesses to present testimony.

(ii) Decision on Appeal.

a. Within 14 days after the close of the record for the appeal of orders, decisions or determinations made by the Building Official, the Hearing Examiner shall issue a written decision to grant, grant with modifications, or deny the appeal. The Hearing Examiner may grant the appeal or grant the appeal with modification if:

1. The appellant/applicant has carried the burden of proof for meeting subsection (e)(2) above; and

2. The Examiner finds that the building permit decision is not supported by a preponderance of the evidence.

b. The Hearing Examiner shall accord substantial weight to the decision of the Building Official.

(5) Time Period to Complete Appeal Process. In all cases, except where the parties to an appeal have agreed to an extended time period, the administrative appeal process generally shall be completed within 90 days from the date the original administrative appeal period closed. The administrative appeal process shall be deemed complete on the date of issuance of the Hearing Examiner's decision.

(6) Appeal of Hearing Examiner Decision. An appeal from the Hearing Examiner's decision shall be brought before the Superior Court of Snohomish County in accordance with the Land Use Petition Act, Chapter 36.70CRCW, as amended.

Section 51. LSMC Section 14.88.010 entitled "Purpose and Intent" is amended by correcting reference to critical areas to read follows:

14.88.010 Purpose and Intent.

The purpose of this chapter is to designate, classify, and protect the critical areas of the Lake Stevens community by establishing regulations and standards for development and use of properties which contain or adjoin critical areas for protection of the public health, safety, and welfare. The purpose and intent of this chapter is also to ensure that there is no net loss of the acreage or functions and values of critical areas regulated by this chapter.

(a) A project proponent shall make all reasonable efforts to avoid and minimize impacts to critical areas and buffers in the following sequential order of preference:

(1) Avoiding impacts altogether by not taking a certain action or parts of an action;

or

(2) When avoidance is not possible, minimizing impacts by limiting the degree or magnitude of the action and its implementation, using appropriate technology, or by taking affirmative steps, such as project redesign, relocations, or timing, to avoid or reduce impacts and mitigating for the affected functions and values of the critical area; and

(3) Reducing or eliminating impacts over time by preservation and maintenance operations during the life of the action.

(4) Compensating for unavoidable impacts by replacing, enhancing or providing substitute resources or environments.

(b) Protect the public from personal injury, loss of life, or property damage due to flooding, erosion, landslides, seismic events, or soil subsidence.

(c) Protect against publicly financed expenditures due to the misuse of critical areas which cause:

(1) Unnecessary maintenance and replacement of public facilities;

(2) Publicly funded mitigation of avoidable impacts;

(3) Cost for public emergency rescue and relief operations where the causes are avoidable;

(4) Degradation of the natural environment.

(d) Protect aquatic resources.

(e) Protect unique, fragile, and valuable elements of the environment, including wildlife and its habitat.

(f) Alert appraisers, assessors, owners, potential buyers, or lessees to the development limitations of critical (~~environmentally sensitive~~) areas.

(g) Provide City officials with sufficient information to adequately protect critical areas when approving, conditioning, or denying public or private development proposals.

(h) Give guidance to the development of Comprehensive Plan policies in regard to the natural systems and environment of the Lake Stevens Watershed.

(i) Provide property owners and developers with succinct information regarding the City's requirements for property development.

Section 52. LSMC Section 14.88.310 entitled "Demonstration of Denial of All Reasonable Economic Uses" is amended by correcting reference to critical areas to read follows:

14.88.310 Demonstration of Denial of All Reasonable Economic Uses.

In order to conduct a regulated activity in a critical area where the applicant is claiming that denial of authorization of such an activity would deny all reasonable economic uses of the property, the applicant must demonstrate that such is the case. If a regulated activity is allowed within a critical area it must minimize impacts per the "requirements" sections, below. If the Planning and Community Development Director determines that alteration of a critical area is necessary and unavoidable, written findings addressing each of the items listed in this subsection shall be placed in the official project file. Demonstration of denial of all reasonable economic uses shall be accomplished as follows:

(a) An applicant must demonstrate that denial of the permit would impose an extraordinary hardship on the part of the applicant brought about by circumstances peculiar to the subject property.

(b) For water-dependent activities, unavoidable and necessary impact can be demonstrated where there are no practicable alternatives which would not involve a wetland or which would not have less adverse impact on a wetland, and would not have other significant adverse environmental consequences.

(c) Where nonwater-dependent activities are proposed, it shall be presumed that adverse impacts are avoidable. This presumption may be rebutted upon a demonstration that:

(1) The basic project purpose cannot reasonably be accomplished utilizing one or more other sites in the general region that would avoid, or result in less, adverse impact on regulated (~~environmentally sensitive~~) critical areas; and

(2) A reduction in the size, scope, configuration, or density of the project as proposed and all alternative designs of the project as proposed that would avoid, or result in less, adverse impact on an (~~environmentally sensitive~~) critical area or its buffer will not accomplish the basic purpose of the project; and

(3) In cases where the applicant has rejected alternatives to the project as proposed due to constraints such as zoning, deficiencies of infrastructure, or parcel size, the applicant has made reasonable attempt to remove or accommodate such constraints.

Section 53. LSMC Section 14.88.320 entitled “Allowance of Regulated Use in a Critical Area Where Denial of All Economic Use is Demonstrated” is amended by correcting reference to critical areas to read follows:

14.88.320 Allowance of Regulated Use in a Critical Area Where Denial of All Economic Use is Demonstrated.

If an applicant for an activity or development proposal demonstrates to the satisfaction of the Planning and Community Development Director that application of these standards would deny all reasonable economic use of the property as provided by Section [14.88.220](#), development, as may be conditioned, shall be allowed if the applicant also demonstrates all of the following to the satisfaction of the Director:

(a) If proposed in a wetland, stream, creek, river, lake or other surface water, that the proposed project is water-dependent or requires access to the wetland as a central element of its basic function; or

(b) If proposed in a critical area not listed in subsection (a) of this section, that it is not water-dependent but has no practicable alternative; and

(c) That no reasonable use with less impact on the critical area and its buffer is possible (e.g., agriculture, aquaculture, transfer or sale of development rights or credits, sale of open space easements, etc.);

(d) That there is no feasible on-site alternative to the proposed activities, including reduction in density, phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related site planning considerations, that would allow a reasonable economic use with less adverse impacts to the critical area and its buffer;

(e) That the proposed activities will result in minimum feasible alteration or impairment to the functional characteristics of the critical area and its existing contours, vegetation, fish and wildlife resources, hydrological, and geologic conditions;

(f) That disturbance of the critical area has been minimized by locating any necessary alteration in buffers to the extent possible;

(g) That the proposed activities will not jeopardize the continued existence of endangered, threatened, or sensitive species as listed by the Federal Government or the State of Washington. An applicant is required to confirm with the State of Washington that special conditions or recommendations are not required for candidate or monitor species;

(h) That the proposed activities will not cause significant degradation of groundwater or surface water quality;

(i) That the proposed activities comply with all State, local and Federal laws, including those related to sediment control, pollution control, floodplain restrictions, and on-site wastewater disposal;

(j) That any and all alterations to (~~environmentally sensitive~~)critical areas and their buffers will be adequately mitigated;

(k) That there will be no damage to nearby public or private property and no threat to the health or safety of people on or off the property;

(l) That the inability to derive reasonable economic use of the property is not the result of actions by the applicant in segregating or dividing the property and creating the undevelopable condition after the effective date of this chapter; and

(m) That deliberate measures have been taken to minimize the impacts. Minimizing impacts shall include but not be limited to:

(1) Limiting the degree or magnitude of the prohibited activity;

(2) Limiting the implementation of the prohibited activity;

(3) Using appropriate and best available technology;

(4) Taking affirmative steps to avoid or reduce impacts;

(5) Sensitive site design and siting of facilities and construction staging areas away from critical areas and their buffers;

(6) Involving resource agencies early in site planning;

- (7) Providing protective measures such as siltation curtains, hay bales and other siltation prevention measures; and
- (8) Scheduling the prohibited activity to avoid interference with wildlife and fisheries rearing, resting, nesting or spawning activities.

Section 54. LSMC Section 14.88.400 entitled "Classification" is amended to correct a code citation to read follows:

14.88.400 Classification.

Fish and wildlife conservation areas include:

- (a) Lands containing priority habitats and species, including plant and/or animal species listed on Federal or State threatened or endangered species lists.
- (b) Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat. These do not include ponds deliberately designed and created from dry sites such as canals, detention facilities, waste-water treatment facilities, farm ponds, temporary construction ponds (of less than three years duration), and landscape amenities. However, naturally occurring ponds may include those artificial ponds intentionally created from dry areas in order to mitigate conversion of ponds, if permitted by a regulatory authority.
- (c) Waters of the State, as defined in WAC Title [222](#), Forest Practices Rules and Regulations. Waters of the State shall be classified using the system in WAC [222-16-030](#). In classifying waters of the State as fish and wildlife habitats the following shall be used:
 - (1) Species are present which are endangered, threatened or sensitive;
 - (2) Existing surrounding land uses are incompatible with salmonid and other game fish habitat;
 - (3) Presence and size of riparian ecosystem;
 - (4) Existing water rights.
- (d) Lakes, ponds, and streams planted with game fish (defined at RCW [77.\(\(09\)\)08.020](#)), including those planted under the auspices of Federal, State, local, or tribal programs, or which support priority fish species as identified by the Department of Fish and Wildlife.
- (e) State natural area preserves and natural resource conservation areas.
- (f) Habitats or species of local importance. Such habitats or species may be locally listed per the process elucidated in Section [14.88.415](#).
- (g) Streams shall be classified according to the stream type system as provided in WAC [222-16-030](#), Stream Classification System, as amended.
 - (1) Type S Stream. Those streams, within their ordinary high water mark, as inventoried as shorelines of the State under Chapter [90.58](#) RCW and the rules promulgated pursuant thereto.
 - (2) Type F Stream. Those stream segments within the ordinary high water mark that are not Type S streams, and which are demonstrated or provisionally presumed to be used by fish. Stream segments which have a width of two feet or greater at the ordinary high water mark and have a gradient of 16 percent or less for basins less than or equal to 50 acres in size, or have a gradient of 20 percent or less for basins greater than 50 acres in size, are provisionally presumed to be used by fish. A provisional presumption of fish use may be refuted at the discretion of the Planning and Community Development Director where any of the following conditions are met:
 - (i) It is demonstrated to the satisfaction of the City that the stream segment in question is upstream of a complete, permanent, natural fish passage barrier, above which no stream section exhibits perennial flow;
 - (ii) It is demonstrated to the satisfaction of the City that the stream segment in question has confirmed, long-term, naturally occurring water quality parameters incapable of supporting fish;
 - (iii) Sufficient information about a geomorphic region is available to support a departure from the characteristics described above for the presumption of fish use, as determined in consultation with the Washington Department of Fish and Wildlife, the Department of Ecology, affected tribes, or others;

(iv) The Washington Department of Fish and Wildlife has issued a hydraulic project approval, pursuant to RCW [77.55.100](#), which includes a determination that the stream segment in question is not used by fish;

(v) No fish are discovered in the stream segment in question during a stream survey conducted according to the protocol provided in the Washington Forest Practices Board Manual, Section 13, Guidelines for Determining Fish Use for the Purpose of Typing waters under WAC [222-16-031](#); provided, that no unnatural fish passage barriers have been present downstream of said stream segment over a period of at least two years.

(3) Type Np Stream. Those stream segments within the ordinary high water mark that are perennial and are not Type S or Type F streams. However, for the purpose of classification, Type Np streams include intermittent dry portions of the channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, nontechnical observations (see Washington Forest Practices Board Manual, Section 23), then said point shall be determined by a qualified professional selected or approved by the City.

(4) Type Ns Stream. Those stream segments within the ordinary high water mark that are not Type S, Type F, or Type Np streams. These include seasonal streams in which surface flow is not present for at least some portion of a year of normal rainfall that are not located downstream from any Type Np stream segment.

Section 55. LSMC Section 14.88.930 entitled “Designation Process” is amended to correct a code citation to read follows:

14.88.930 Designation Process.

(a) Critical area sending or receiving districts are considered overlay zones allowed per Section 14.~~((36-070))~~[88.920](#), Qualifications for designation of land as a Critical Area Sending and Receiving Districts. Designation as a critical area sending or receiving district is the equivalent of a rezone and shall be accomplished by the same process, as specified in Section [14.16C.090](#).

(b) Underlying land use and zoning designations may be changed by the legislative authority granted to the City through its normal Comprehensive Plan amendment or rezoning procedures. However, the land will retain the critical area sending district designation until that designation is specifically removed.

(c) Land designated as a critical area sending or receiving district shall be shown as an overlay district on the Official Zoning Map. The map shall be modified upon each designation or revocation.

(d) Designation or revocation as a critical area sending or receiving district shall be recorded with the Snohomish County Recorder’s Office and shall run with the land.

Section 56. LSMC Section 14.110.120 entitled “Appeals” is amended to correct a code citation to read follows:

14.110.120 Appeals.

Appeals of requirements imposed pursuant to the chapter shall be governed by the appeal provisions of Chapter 14.~~16A.265~~~~((20))~~.

Section 57. The Official Zoning Map is hereby corrected by amending the boundaries for the land use designation of “P/SP” on Parcel No. 29061900302700 (XXXXX 20th Street SE, Lake Stevens) and land use designation of “MUN” on Parcel No. 29061900301200 (10227 20th Street SE, Lake Stevens) due to equal acreage of dedication and vacation changing boundaries only and not changing total acreage in each designation and set forth and incorporated in **Exhibit A**. The boundary change is a map correction and does not require a site-specific rezone.

Section 58. 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 59. 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 ____ day of December, 2013.

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Norma J. Scott, City Clerk/Admin Asst

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

First Reading:
Second Reading:
Published:
Effective Date:

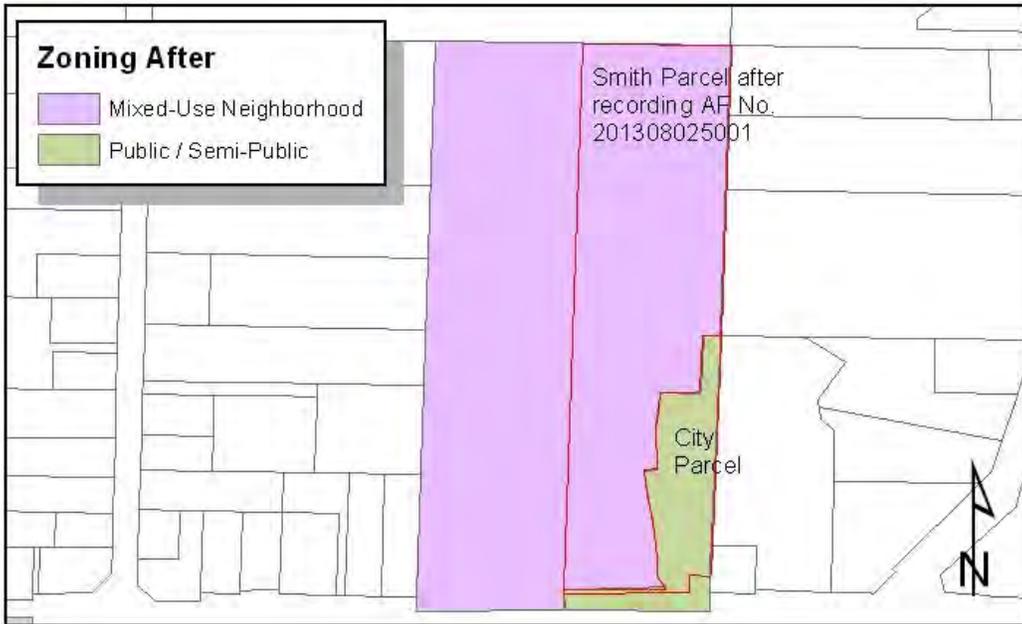
EXHIBIT A

**ZONING MAP CORRECTION FOR PARCELS NO.
29061900302700 AND 29061900301200**

**AND
RECORD OF SURVEY**



D. Smith / City of Lake Stevens Map Correction





October 30, 2013

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

Subject: Recommendation of Parks, and Recreation, & Open Space Element (LUA2013-008)

Dear Planning Commissioner and Council Members:

The Lake Stevens Park & Recreation Planning Board recommends that the Planning Commission and City Council incorporate the revised Parks, and Recreation, & Open Space Element of the Comprehensive Plan. The Parks, Recreation and Open Space Element of the Comprehensive Plan "Park Plan" establishes specific goals and policies that will help guide decision-making related to acquisition, development and improvement of facilities and lands. The Park Plan contains an inventory of the City's current parks, recreation facilities and open spaces; analyzes the City's ability to provide adequate parks, open space, and recreation services; sets service standards and guidelines; and identifies implementation strategies.

Commissioners Present: Adams, Jones, Johnson, Kelley, Schollenberger, Van Wyck

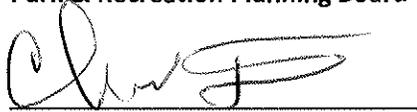
Commissioners Absent: Sweet, Schollenberger

PARK & RECREATION PLANNING BOARD RECOMMENDATION

MOTION / RECOMMENDATION: Forward a recommendation to the Lake Stevens Planning Commission and City Council to incorporate the revised Parks, and Recreation, & Open Space Element into the Comprehensive Plan, as part of the 2013 Docket.

Respectfully submitted,

Park & Recreation Planning Board


_____, Chair
Chris Jones


_____, Vice Chair
Leland Adams



November 6, 2013

Council President John Spencer
Lake Stevens City Council
1812 Main Street
Lake Stevens, WA 98258

**SUBJECT: PLANNING COMMISSION RECOMMENDATION
2013 Comprehensive Plan Amendments and Code Housekeeping
Amendments (LUA2013-0008)**

Dear Council President Spencer and Council Members:

The Lake Stevens Planning Commission held a public hearing on Wednesday, November 6, 2013 to consider one land use map correction and seven chapter text amendments and Code Housekeeping amendments including a zoning map correction as part of the yearly docket cycle.

Commissioners in attendance were Chair Janice Huxford, Vice-Chair Gary Petershagen, and Commissioners Linda Hoult, Sammie Thurber, Pamela Barnet, and Tom Matlack. Commissioner Jennifer Davis was absent.

Planning and Community Development staff presented the proposed map correction and seven text amendments, including the Park Board recommended Parks Element, and code housekeeping amendments. Staff answered the Commission's questions. Staff presented an overview of criteria required to be met for a comprehensive plan amendments and code amendments to be granted. In addition, staff identified a few modifications to the Park element and two code housekeeping revisions. No public testimony was given. Commissioners discussed the amendments.

PLANNING COMMISSION RECOMMENDATION

MOTION – Commissioner Hoult made a motion, seconded by Commissioner Thurber to recommend to Council approval of one map correction and seven Comprehensive Plan text amendments as presented by staff; motion carried unanimously (6-0-0-1).

MOTION – Commissioner Hoult made a motion, seconded by Commissioner Barnet to recommend to Council approval of Code Housekeeping amendments as presented by staff; motion carried unanimously (6-0-0-1).

Respectfully submitted,

Lake Stevens Planning Commission


Janice Huxford, Chair


Sammie Thurber, Vice-Chair
Gary Petershagen



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

November 21, 2013

Russell Wright
Senior Planner
City of Lake Stevens
Post Office Box 257
Lake Stevens, Washington 98258

Dear Mr. Wright:

Thank you for sending the Washington State Department of Commerce (Commerce) the following materials as required under RCW 36.70A.106. Please keep this letter as documentation that you have met this procedural requirement.

City of Lake Stevens - (1) Proposed code housekeeping amendments include Scrivener's errors, minor code amendments identified during implementation of the code, revisions for consistency with Comprehensive Plan amendments, and other minor revisions. To be adopted with 2013 Docket. Minor amendments and updates related to the 2013 Docket. (2) Proposed amendments related to the Downtown Framework Plan may not be ready for inclusion with the 2013 Docket. These materials were received on October 01, 2013 and processed with the Material ID # 19600.

We have forwarded a copy of this notice to other state agencies.

If this submitted material is an adopted amendment, then please keep this letter as documentation that you have met the procedural requirement under RCW 36.70A.106.

If you have submitted this material as a draft amendment, then final adoption may occur no earlier than sixty days following the date of receipt by Commerce. Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Dave Andersen (509) 434-4491 or Paul Johnson (360) 725-3048.

Sincerely,

Review Team
Growth Management Services



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: December 09, 2013

Subject: Final Plat – Stonebriar Phase I (LUA2013-0131)

Contact Person/Department: Russ Wright **Budget Impact:** N/A

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Hold a public meeting pursuant to LSMC 14.18.035(a) and accept Stonebriar Subdivision Phase 1 (LUA2013-0131).

SUMMARY: Public meeting and City Council acceptance of the final plat of Stonebriar Phase I – a subdivision of 38 acres into 45 single-family lots.

BACKGROUND: Final Plats are Type V Quasi-Judicial decisions per Table 14.16A-I. City Council accepts final plats, following a public meeting, when the subdivision’s proponent has met municipal requirements for preliminary plats, completed applicable conditions of approval and met the requirements of Chapter 58.17 RCW.

Snohomish County issued a SEPA Determination of Non-Significance for the project August 25, 2006. Snohomish County approved a 193-lot Planned Residential Development subdivision on approximately 38 acres on November 17, 2006. The city of Lake Stevens annexed the property December 31, 2009. The city of Lake Stevens approved an administrative modification to the preliminary plat approval April 22, 2011 reducing the number of lots from 193 lots to 174 and a second modification on August 8, 2013 to reconfigure several lots and tracts. The city of Lake Stevens approved the construction plans for the subdivision September 5, 2012 and revised construction plans on September 13, 2013. The proponent submitted as-built drawings to the city on October 31, 2013. The proponent submitted an application for Final Plat approval on November 19, 2013. The city issued a Notice of Application and Public Meeting for the final subdivision on November 25, 2013.

Planning and Community Development have prepared a final plat recommendation for City Council’s review and consideration along with the final plat map. Staff concludes the final subdivision meets the requirements of the Lake Stevens Municipal Code, conditions of approval and the requirements of Chapter 58.17 RCW (Subdivisions-Dedications). Staff recommends Council approve the final plat and accept the rights-of-way dedications.

APPLICABLE CITY POLICIES: Chapter 14.18 LSMC - Subdivisions, Boundary Line Adjustments and Binding Site Plans and Chapter 14.16B LSMC

BUDGET IMPACT: None at the time of subdivision; however, the city will collect impact fees for schools, parks, and traffic when building permits are issued.

ATTACHMENTS:

- Final Plat Recommendation
- Final Plat of Stonebriar Phase I



Planning and Community Development Type V Permit: Final Plat

December 05, 2013

Stonebriar Phase I

LUA2013-0131

A. PROJECT DESCRIPTION AND REQUEST

Project Description:

Snohomish County approved a 193-lot Planned Residential Development subdivision of approximately 38 acres on November 17, 2006. The city of Lake Stevens annexed the property December 31, 2009. This project vests to Snohomish County Code (SCC) 30.42B (ORD 04-003). The subdivision includes landscape, open space, and recreational areas. The city of Lake Stevens approved an administrative modification to the preliminary plat approval April 22, 2011 reducing the number of lots from 193 lots to 174 and a second modification on August 8, 2013 to reconfigure several lots and tracts. The city of Lake Stevens approved the construction plans for the subdivision September 5, 2012 and revised construction plans on September 13, 2013. The proponent submitted as-built drawings to the city on October 31, 2013.

The city of Lake Stevens received a final plat application for Stonebriar Phase I on November 19, 2013. Phase 1 includes 45 proposed lots, stormwater detention facilities, critical area tracts, open space tracts and new roads. The proponent has met the requirements for final plat approval and has installed required improvements or will provide necessary financial securities before recording.

Along with the approval of Phase 1, the proponent will dedicate rights-of-way (new roads) to the city of Lake Stevens. The Association of Stonebriar Homeowners will be responsible for maintenance of stormwater facilities and private open spaces.

B. GENERAL INFORMATION

1. Property Owner/ Applicant: DR Horton
12910 Totem Lake Blvd NE, Suite 220
Kirkland, WA 98034
2. Contact Person: John Mirante
LDC, Inc.
14201 NE 200th St, Ste 100
Woodinville, WA 98072
3. Property Address: 7713 20th St SE
Lake Stevens, WA 98258
4. Parcel Numbers:

29052300400500	29052300401000
29052300400600	29052300401100
29052300400700	29052300401101
29052300400800	29052300401200
5. 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	Urban Residential	Residential
North of Site	Medium Density Residential	Urban Residential	Residential
South of Site	Medium Density Residential	Urban Residential	Residential
East of Site	Local Commercial	Local Business	Residential
West of Site	Medium Density Residential	Suburban Residential	Residential

6. 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 or Waste Management	Police:	City of Lake Stevens
Storm Water:	City of Lake Stevens	Fire:	Lake Stevens Fire District
Telephone:	Verizon	School:	Lake Stevens School District
Electricity:	Snohomish County PUD	Hospital:	Providence Hospital

C. ENVIRONMENTAL REVIEW

Snohomish County issued a SEPA Determination of Non-Significance the project on August 25, 2006.

D. FINDINGS OF FACT

1. Application Process: The city of Lake Stevens received a complete application for the Final Plat approval on November 19, 2013 (Exhibit 1) including an application, final plat map, title report, closing calculations, plat name certification and declaration of covenants, conditions and restrictions.

City staff issued a Notice of Application and Public Meeting for the project on November 25, 2013 (Exhibit 2). The notice was mailed to all property owners within 300 feet, posted on the subject property, and publically posted at city Hall. At the time that this staff report was authored no comments had been received.

This staff report meets the requirements of LSMC 14.16B.535 as the written recommendation to the City Council for decision.

2. Density and Dimensional Standards: Density and dimensional standard review was completed during preliminary plat approval by Snohomish County. The city has confirmed the proposed final plat complies with the preliminary plat approval. No encroachments have been identified by the city during review.
3. Stormwater Management: Stormwater impacts were reviewed during preliminary plat approval and construction plan approval. City staff has reviewed and inspected all required stormwater improvements. The applicant will provide financial securities for any remaining or incomplete stormwater items in addition to maintenance securities for road improvements.
4. Traffic Impacts: Snohomish County reviewed traffic impacts for this project during preliminary plat approval. Traffic impact fees have been calculated to address these impacts. These fees have

been noted on the face of the final plat document, and will be collected prior to building permit issuance.

5. Public Roads and Frontage Improvements: Access to new lots within the subdivision will be from new public roads, constructed to applicable Snohomish County standards. New roads and required frontage improvements have been constructed to the approved plans. The applicant will provide financial securities for any remaining or incomplete road item in addition to maintenance securities for road improvements.

The proponent will dedicate new internal roads to the city in addition to right-of-way off 15th Place SE and 79th Ave SE.

6. Utilities: Public utilities have been installed to serve all of the proposed lots in the proposed subdivision. The Snohomish County PUD (water and electricity) and Lake Stevens Sewer District have granted approval for the utility improvements.
7. Fire Department Review: The Fire Marshall for the Lake Stevens Fire District has reviewed the proposed subdivision and approved the design as shown on the final plat drawings.
8. Impact Fees: Impact fees are required for the lots in the proposed subdivision and were defined in the preliminary plat approval or as revised. The following fees are indicated on the face of the plat and shall be collected prior to building permit issuance:
 - a. \$3,191.67 per lot for mitigation of impacts to county roads paid to the city of Lake Stevens (two lots shall receive credit for traffic impact fees).
\$92.20 per lot for WSDOT impacts, paid directly to WSDOT.
 - b. The dwelling units within the development are subject to park impact fees ... based on the fee in effect at the time of building permit issuance (two lots shall receive credit for park impact fees).
 - c. The lots within the subdivision will be subject to school impact mitigation fees ... within the base fee schedule in effect at the time of building permit application ... credit shall be given for six existing lots. Lots 1 through 6 of Phase 1 shall receive credit for school impact fees.

E. CONCLUSIONS

1. The city has confirmed that all required improvements for subdivision approval have been installed or will be financial secured as approved by the Public Works Director and the Director of Planning and Community Development.
2. The proposed subdivision documents submitted to the city of Lake Stevens meet all requirements of the Preliminary Plat Approval issued by Snohomish County and the city's standards for Final Plat approval.
3. The subdivision as proposed is consistent with all applicable requirements, permit processing procedures, and other applicable codes.

F. RECOMMENDATION

The Planning and Community Development Department recommends **APPROVAL**, of the Final Plat for Stonebriar Phase I, **subject to the conditions in Section G:**

G. RECOMMENDED CONDITIONS

The proponent shall meet the following required conditions in order to receive Final Plat approval:

1. The proponent or successor shall provide the city with any outstanding performance securities and maintenance securities prior to recording.
2. An Auditor's recording fee shall be the obligation of the subdivision proponent.
3. The proponent shall provide conformed copies of the approved final plat to the city of Lake Stevens after recording with Snohomish County.
4. The proponent must comply with any federal, state, or local statutes, ordinances, or regulations applicable to this project. Failure to meet or maintain strict compliance with these regulations and conditions shall be grounds for revocation of this permit.

H. APPEALS

Per LSMC 14.16B.740, to appeal the Council's decision an appeal application must be filed, with all required fees, within 14 days of the date of issuance of this permit. An appeal of this decision would be heard by the Snohomish County Superior Court.

I. EXHIBITS (Available upon request)

1. Final Plat Application received November 19, 2013
2. Final Plat of Stonebriar Phase I
3. Notice of Application and Public Meeting issued November 25, 2013



Rebecca Ableman, *Planning & Community Development Director*

12.5.13

Date

Distributed to the Following Parties:

1. Lake Stevens City Council
2. Raelyn Hulquist, applicant
3. John Mirante, contact

VOL/PG

STONEBRIAR PHASE I

**SW 1/4 OF THE SE1/4, SECTION 23, TOWNSHIP 29N, RANGE 5E, W.M.
 CITY OF LAKE STEVENS, SNOHOMISH COUNTY, WASHINGTON
 CFN 2011-2**

DEDICATION

KNOW ALL MEN, (PERSONS) BY THESE PRESENTS THAT SSHI LLC, A DELAWARE LIMITED LIABILITY COMPANY, DBA D R HORTON, THE UNDERSIGNED OWNER, IN FEE SIMPLE OF THE LAND HEREBY PLATTED, HEREBY DECLARE THIS PLAT AND DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, AVENUES, PLACES AND SEWER EASEMENTS OR WHATEVER PUBLIC PROPERTY THERE IS SHOWN ON THE PLAT AND THE USE FOR ANY AND ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES. ALSO, THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON LOTS, BLOCKS, TRACTS, ETC. SHOWN ON THIS PLAT IN THE REASONABLE ORIGINAL GRADING OF ALL THE STREETS, AVENUES, PLACES, ETC. SHOWN HEREON. ALSO, THE RIGHT TO DRAIN ALL STREETS OVER AND ACROSS ANY LOT OR LOTS WHERE WATER MIGHT TAKE A NATURAL COURSE AFTER THE STREET OR STREETS ARE GRADED. ALSO, ALL CLAIMS FOR DAMAGE AGAINST ANY GOVERNMENTAL AUTHORITY ARE WAIVED WHICH MAY BE OCCASIONED TO THE ADJACENT LAND BY THE ESTABLISHED CONSTRUCTION, DRAINAGE, AND MAINTENANCE OF SAID ROADS.

FOLLOWING ORIGINAL REASONABLE GRADING OF ROADS AND WAYS HEREON, NO DRAINAGE WATERS ON ANY LOT OR LOTS SHALL BE DIVERTED OR BLOCKED FROM THEIR NATURAL COURSE SO AS TO DISCHARGE UPON ANY PUBLIC ROAD RIGHTS-OF-WAY TO HAMPER PROPER ROAD DRAINAGE. THE OWNER OF ANY LOT OR LOTS PRIOR TO MAKING ANY ALTERATION IN THE DRAINAGE SYSTEM AFTER THE RECORDING OF THE PLAT, MUST MAKE APPLICATION TO AND RECEIVE APPROVAL FROM THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS FOR SAID ALTERATION. ANY ENCLOSING OF DRAINAGE WATERS IN CULVERTS OR DRAINS OR REROUTING THEREOF ACROSS ANY LOT AS MAY BE UNDERTAKEN BY OR FOR THE OWNER OF ANY LOT SHALL BE DONE BY AND AT THE EXPENSE OF SUCH OWNER.

TRACT 989, 993 AND 997 OPEN SPACE; TRACT 990, DETENTION; TRACT 991, OPEN SPACE/ DETENTION; TRACT 992, LANDSCAPE BUFFER; TRACT 994, 995 AND 996, NATIVE GROWTH PROTECTION AREA (NGPA), ARE HEREBY GRANTED AND CONVEYED TO THE ASSOCIATION OF STONEBRIAR HOMEOWNERS (HOA) UPON RECORDING OF THIS PLAT SUBJECT TO AN EMERGENCY MAINTENANCE EASEMENT GRANTED AND CONVEYED TO THE CITY OF LAKE STEVENS. OWNERSHIP AND MAINTENANCE OF SAID TRACTS CONSISTENT WITH CITY CODE SHALL BE THE RESPONSIBILITY OF THE HOA UNLESS AND UNTIL TRACT OWNERSHIP BY ALL LOTS WITHIN THIS SUBDIVISION IS AUTHORIZED PURSUANT TO A FINAL PLAT ALTERATION. USE OF SAID TRACTS IS RESTRICTED TO THAT SPECIFIED IN THE APPROVED FINAL PLAT. THE HOA AND THE OWNERS OF ALL LOTS WITHIN THE SUBDIVISION SHALL COMPLY WITH THOSE CITY REGULATIONS AND CONDITIONS OF FINAL SUBDIVISION APPROVAL SPECIFIED ON THE PLAT. THE HOA SHALL REMAIN IN EXISTENCE UNLESS AND UNTIL ALL LOTS WITHIN THIS SUBDIVISION HAVE ASSUMED COMMON OWNERSHIP OF SAID TRACTS. IN THE EVENT THAT THE HOA SHOULD BE DISSOLVED, THEN EACH LOT SHALL HAVE AN EQUAL AND UNDIVIDED OWNERSHIP INTEREST IN THE TRACTS PREVIOUSLY OWNED BY THE HOA AS WELL AS RESPONSIBILITY FOR MAINTAINING THE TRACTS. MEMBERSHIP IN THE HOA AND PAYMENT OF DUES OR OTHER ASSESSMENTS FOR MAINTENANCE PURPOSES SHALL BE A REQUIREMENT OF LOT OWNERSHIP, AND SHALL REMAIN AN APPURTENANCE TO AND INSEPARABLE FROM EACH LOT. THIS COVENANT SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE HOA, THE OWNERS OF ALL LOTS WITHIN THE SUBDIVISION AND ALL OTHERS HAVING ANY INTEREST IN THE TRACTS OR LOTS.

TRACT 901, FUTURE DEVELOPMENT, IS HEREBE RETAINED BY SSHI LLC A DELAWARE LIMITED LIABILITY COMPANY, DBA DR HORTON AS A FUTURE DEVELOPMENT TRACT.

IN WITNESS WHEREOF, WE SET OUR HANDS AND SEALS THIS _____ DAY OF _____, 20____.

SSHI LLC, A DELAWARE LIMITED LIABILITY COMPANY, DBA D R HORTON
 BY: SHLR OF WASHINGTON INC, A WASHINGTON CORPORATION, IT'S MANAGER.

BY: _____
 TIA BROTHERTON HEIM, VICE PRESIDENT

APPROVALS

CERTIFICATE OF SUBDMISION APPROVAL

I HEREBY CERTIFY THAT THE SUBDIVISION SHOWN ON THIS PLAT IS IN ALL RESPECTS IN COMPLIANCE WITH CITY OF LAKE STEVENS CODE, AND THEREFORE THIS PLAT HAS BEEN APPROVED BY THE CITY COUNCIL, SUBJECT TO ITS BEING RECORDED IN THE SNOHOMISH COUNTY REGISTRY WITHIN 60 DAYS OF THE DATE BELOW

PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR _____ DATE _____

CERTIFICATE OF APPROVAL OF PUBLIC IMPROVEMENTS

I HEREBY CERTIFY THAT ALL STREETS SHOWN ON THIS PLAT ARE WITHIN THE CITY OF LAKE STEVENS PLANNING JURISDICTION. ALL STREETS AND OTHER PUBLIC IMPROVEMENTS SHOWN ON THIS PLAT HAVE BEEN INSTALLED OR COMPLETED TO COUNTY STANDARDS OR THAT THEIR INSTALLATION OR COMPLETION (WITHIN 12 MONTHS AFTER DATE BELOW) HAS BEEN ASSURED BY THE POSTING OF A PERFORMANCE BOND OR OTHER SUFFICIENT SURETY, AND THAT THE SUBDIVISION SHOWN ON THIS PLAT IS IN ALL RESPECTS IN COMPLIANCE WITH SNOHOMISH COUNTY CODE, AND THEREFORE THIS PLAT HAS BEEN APPROVED BY THE PUBLIC WORKS DIRECTOR.

PUBLIC WORKS DIRECTOR/ CITY ENGINEER _____ DATE _____

CERTIFICATE OF CITY TREASURER

I HEREBY CERTIFY THAT ALL MONIES AND DEBTS PERTAINING TO THIS SUBDIVISION WERE PAID TO THE CITY OF LAKE STEVENS BY THE _____ DAY OF 2013.

FINANCE DIRECTOR _____ DATE _____

CITY COUNCIL APPROVAL

APPROVED BY THE LAKE STEVENS CITY COUNCIL THIS ____ DAY OF _____ 2013

MAYOR _____

SNOHOMISH COUNTY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL STATE AND COUNTY TAXES HERETOFORE LEVIED AGAINST THE PROPERTY DESCRIBED HEREIN, ACCORDING TO THE BOOKS AND RECORDS OF MY OFFICE, HAVE BEEN FULLY PAID AND DISCHARGED, INCLUDING _____ TAXES.

TREASURER, SNOHOMISH COUNTY _____

BY: _____
 DEPUTY TREASURER

AUDITOR'S CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF _____
 THIS _____ DAY OF _____, 20____, AT _____ MINUTES PAST _____ M. AND RECORDED IN VOLUME _____ OF PLATS, PAGE(S) _____,
 UNDER AUDITOR'S FILE NO. _____
 RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

AUDITOR, SNOHOMISH COUNTY _____

BY: _____
 DEPUTY COUNTY AUDITOR

ACKNOWLEDGMENTS

STATE OF WASHINGTON)
) SS.
 COUNTY OF KING)

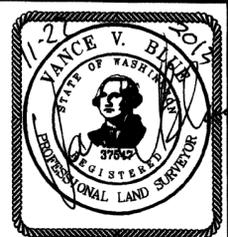
I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT TIA BROTHERTON HEIM IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT SHE SIGNED THIS INSTRUMENT, ON OATH STATED THAT SHE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE DIVISION VICE PRESIDENT OF SSHI LLC, A DELAWARE LIMITED LIABILITY COMPANY, DBA D R HORTON, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED _____
 SIGNATURE OF NOTARY PUBLIC _____
 PRINTED NAME _____
 TITLE _____
 RESIDING AT _____
 MY APPOINTMENT EXPIRES _____

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAT OF STONEBRIAR PHASE I IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF THE SOUTHEAST QUARTER, SECTION 23, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M., AS REQUIRED BY STATE STATUTES; THAT ALL DISTANCES, COURSES AND ANGLES ARE SHOWN THEREON CORRECTLY; THAT THE MONUMENTS SHALL BE SET AND THE LOT AND BLOCK CORNERS SHALL BE STAKED CORRECTLY ON THE GROUND, THAT I FULLY COMPLIED WITH THE PROVISIONS OF THE STATE AND LOCAL STATUTES AND REGULATIONS GOVERNING PLATTING.

Vance V. Blue 11-27-13
 VANCE V. BLUE, PROFESSIONAL LAND SURVEYOR DATE
 STATE OF WASHINGTON CERTIFICATE NO. 37547



SHEET:
 1 OF 8

LDC Engineering
 Structural
 Planning
 Survey
 THE CIVIL ENGINEERING GROUP
 14201 NE 200th St., #100 Ph. 425.806.1869
 Woodinville, WA 98072 Fx. 425.482.2893
 www.LDCcorp.com

STONEBRIAR PHASE I

SW 1/4 OF THE SE 1/4 OF SEC 23 TWN 29N, RGE 5E, W.M.
 DRAWN BY: DATE: DRAWING FILE NAME: SCALE: JOB NUMBER:
 WB 11-27-13 13101SV-FP NA 13-101

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VOL/PG

STONEBRIAR PHASE I

SW 1/4 OF THE SE 1/4, SECTION 23, TOWNSHIP 29N, RANGE 5E, W.M.
CITY OF LAKE STEVENS, SNOHOMISH COUNTY, WASHINGTON
CFN 2011-2

LEGAL DESCRIPTION

PARCEL A:
 THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M.

EXCEPT THE SOUTH 46 FEET THEREOF.

PARCEL B:
 THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M.,

EXCEPT THE EAST 50 FEET THEREOF.

PARCEL C:
 NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M., RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

PARCEL D:
 THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M.;
 EXCEPT THE SOUTH 30 FEET FOR COUNTY ROAD, ALSO KNOWN AS 20TH STREET AND ALSO KNOWN AS EAST HEWITT AVENUE.

AND EXCEPT THE NORTH 16 FEET OF THE SOUTH 46 FEET THEREOF.

PARCEL E:
 THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M.;

EXCEPT THE SOUTH 30 FEET THEREOF AS CONVEYED TO COUNTY OF SNOHOMISH BY DEEDS RECORDED UNDER AUDITOR'S FILE NUMBERS 2283562 AND 2283563.

AND EXCEPT THE EAST 10 FEET THEREOF.

AND EXCEPT THE FOLLOWING DESCRIBED TRACT:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF THE EAST 10.00 FEET OF SAID EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 23, WITH THE NORTH LINE OF THE SOUTH 30.00 FEET OF SAID SUBDIVISION, BEING THE NORTHERLY RIGHT OF WAY MARGIN OF 20TH STREET SOUTHEAST; THENCE SOUTH 88°41'05" WEST ALONG SAID NORTHERLY MARGIN A DISTANCE OF 305.67 FEET TO THE WEST LINE OF SAID SUBDIVISION;
 THENCE NORTH 00°23'40" WEST ALONG SAID WEST LINE A DISTANCE OF 60.00 FEET TO THE NORTH LINE OF THE SOUTH 46.00 FEET OF SAID SUBDIVISION;
 THENCE NORTH 88°41'05" EAST ALONG SAID NORTH LINE A DISTANCE OF 184.83 FEET;
 THENCE NORTH 44°57'28" EAST A DISTANCE OF 31.83 FEET;
 THENCE NORTH 01°18'55" WEST A DISTANCE OF 28.16 FEET; TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 462.00 FEET;
 THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°47'50" FOR AN ARC LENGTH OF 70.94 FEET;
 THENCE NORTH 25°52'24" EAST A DISTANCE OF 40.01 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 38.00 FEET;
 THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 12°30'57" FOR AN ARC LENGTH OF 8.30 FEET TO A POINT OF REVERSE CURVATURE AND THE BEGINNING OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 450.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 5°36'09" FOR AN ARC LENGTH OF 44.00 FEET TO A POINT OF REVERSE CURVATURE AND THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 380.00 FEET;
 THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 19°19'09" FOR AN ARC LENGTH OF 128.13 FEET TO A POINT OF TANGENCY AND A POINT ON THE WEST LINE OF THE EAST 50.00 FEET OF SAID SUBDIVISION;
 THENCE NORTH 89°01'20" EAST ALONG SAID NORTH LINE A DISTANCE OF 40.00 FEET TO THE WEST LINE OF THE EAST 10.00 FEET OF SAID SUBDIVISION;
 THENCE SOUTH 00°21'33" EAST ALONG SAID WEST LINE A DISTANCE OF 637.70 FEET TO THE POINT OF BEGINNING.

AND EXCEPT THAT PORTION THEREOF CONVEYED TO SNOHOMISH COUNTY BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 200702271166.

PARCEL F:
 THE EAST HALF OF THE NORTH HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER IN SECTION 23, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON;

EXCEPT THE EAST 50 FEET THEREOF.

ALL SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

EASEMENTS AND RESTRICTIONS

1. NO FURTHER DIVISION OF ANY LOT IS ALLOWED WITHOUT SUBMITTING FOR A NEW SUBDIVISION OR SHORT SUBDIVISION.
2. THE SALE OR LEASE OF LESS THAN A WHOLE LOT IN ANY SUBDIVISION PLATTED AND FILED UNDER CHAPTER 30.41A SCC IS EXPRESSLY PROHIBITED. ANY FUTURE SUBDIVISION OF LOTS SHALL COMPLY WITH THE CITY OF LAKE STEVENS SUBDIVISION CODE AT THE TIME OF APPLICATION.
3. ALL LANDSCAPED AREAS IN PUBLIC RIGHT-OF-WAY SHALL BE MAINTAINED BY THE DEVELOPER OR HIS SUCCESSOR(S), AND MAY BE REDUCED OR ELIMINATED IF DEEMED NECESSARY FOR OR DETRIMENTAL TO CITY ROAD PURPOSES.
4. LOTS 1 THROUGH 45 HAVE BEEN APPROVED BASED UPON AN APPROVED DRAINAGE PLAN. SEE DRAINAGE PLANS FOR DETAILS.
5. PRIOR APPROVAL MUST BE OBTAINED FROM THE DIRECTOR OF PUBLIC WORKS BEFORE ANY STRUCTURES, FILL OR OBSTRUCTIONS, INCLUDING FENCES, ARE LOCATED WITHIN ANY DRAINAGE EASEMENT, DELINEATED FLOOD PLAIN AREA OR DRAINAGE SWALE.
7. CHAPTER 30.66B SCC REQUIRES THE NEW LOT MITIGATION PAYMENTS IN THE AMOUNTS SHOWN BELOW FOR EACH SINGLE-FAMILY RESIDENTIAL BUILDING PERMIT PER LOT.
 \$3,191.67 PER LOT FOR MITIGATION OF IMPACTS ON COUNTY ROADS PAID TO THE CITY OF LAKE STEVENS.
 \$92.20 FOR WSDOT IMPACTS, PAID DIRECTLY TO WSDOT.

EASEMENTS AND RESTRICTIONS (CONTINUED)

8. THE DWELLING UNITS WITHIN THE DEVELOPMENT ARE SUBJECT TO PARK IMPACT FEES AS MITIGATION FOR IMPACTS TO THE PARK SYSTEM. PARK IMPACT FEES SHALL BE BASED ON THE FEE IN EFFECT AT THE TIME OF AT THE TIME OF BUILDING PERMIT ISSUANCE.

9. THE LOTS WITHIN THIS SUBDIVISION WILL BE SUBJECT TO SCHOOL IMPACT MITIGATION FEES FOR THE LAKE STEVENS SCHOOL DISTRICT TO BE DETERMINED BY THE CERTIFIED AMOUNT WITHIN THE BASE FEE SCHEDULE IN EFFECT AT THE TIME OF BUILDING PERMIT APPLICATION, AND TO BE COLLECTED PRIOR TO BUILDING PERMIT ISSUANCE, IN ACCORDANCE WITH THE PROVISIONS OF SCC 30.66C.010 CREDIT SHALL BE GIVEN FOR SIX EXISTING LOTS. LOT 1 THROUGH 6 OF PHASE ONE SHALL RECEIVE CREDIT.

10. ALL OPEN SPACE SHALL BE PROTECTED AS OPEN SPACE IN PERPETUITY. USE OF OPEN SPACE TRACTS IN THIS SUBDIVISION IS RESTRICTED TO THOSE USES APPROVED FOR THE PLANNED RESIDENTIAL DEVELOPMENT, TO INCLUDE ANY CRITICAL AREAS AND THEIR BUFFERS, OPEN PLAY AREAS, SPORTS COURTS, TOT LOTS, TRAILS, DRAINAGE FACILITIES, PICNIC TABLES, BENCHES, AND REQUIRED LANDSCAPE IMPROVEMENTS AS SHOWN ON THE APPROVED SITE PLAN AND THE APPROVED LANDSCAPE PLAN. COVENANTS, CONDITIONS AND RESTRICTIONS AS RECORDED WITH THE PLAT, AND AS MAY BE AMENDED IN THE FUTURE, SHALL INCLUDE PROVISIONS FOR CONTINUING PRESERVATION AND MAINTENANCE OF THE USES, FACILITIES AND LANDSCAPING WITHIN THE OPEN SPACE AS APPROVED AND CONSTRUCTED.

11. ALL NATIVE GROWTH PROTECTION AREAS SHALL 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 30.91N.010 ARE ALLOWED WHEN APPROVED BY THE CITY OF LAKE STEVENS.

12. ANY LOT THAT INCLUDES OR IS ADJACENT TO A RETAINING WALL OR ROCKERY INSTALLED BY THE DEVELOPER THAT IS ADJACENT TO OR STRADDLES ONE OR MORE PROPERTY LINES SHALL BE SUBJECT TO A PERMANENT EASEMENT GRANTED TO THE LOT OWNER ON THE OTHER SIDE OF SUCH RETAINING WALL OR ROCKERY FOR PURPOSES OF MAINTAINING AND REPAIRING SUCH RETAINING WALL OR ROCKERY. REPAIR AND MAINTENANCE OF SUCH RETAINING WALL OR ROCKERY SHALL BE THE SHARED RESPONSIBILITY OF THE LOT OWNERS ON BOTH SIDE OF SUCH RETAINING WALL OR ROCKERY.

13. NO DIRECT ACCESS TO 20TH STREET SE OR 79TH AVENUE SHALL BE PERMITTED FOR ANY LOT WITHIN THIS SUBDIVISION.

14. THE 20 FOOT PUBLIC STORM DRAINAGE EASEMENT (DE) OVER LOTS 7 AND 8 IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF LAKE STEVENS.

15. SUBJECT TO EASEMENT INCLUDING THE TERMS AND PROVISIONS CONTAINED THEREIN AS RECORDED UNDER AUDITOR'S FILE NUMBER 7708150119.

16. SUBJECT TO EASEMENT INCLUDING THE TERMS AND PROVISIONS CONTAINED THEREIN AS RECORDED UNDER AUDITOR'S FILE NUMBER 9108270383.

17. SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "CRITICAL AREAS SITE PLAN" AS RECORDED UNDER AUDITOR'S FILE NUMBER 200608160416.

18. SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "CRITICAL AREAS SITE PLAN" AS RECORDED UNDER AUDITOR'S FILE NUMBER 200608160417.

19. THE DRAINAGE FACILITY MAINTENANCE COVENANT RECORDED UNDER SNOHOMISH COUNTY AUDITOR'S FILE NO. 200702090228, IS HEREBY RELEASED BY THE CITY OF LAKE STEVENS AND REPLACED WITH THE DRAINAGE FACILITY MAINTENANCE COVENANT HEREON. SEE "DRAINAGE FACILITY MAINTENANCE COVENANT" SHEET 3 OF 8.

20. SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "SUTHERLAND PHASE I DEVELOPER EXTENSION AGREEMENT" AS RECORDED UNDER AUDITOR'S FILE NUMBER 201110270581.

21. SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "SUTHERLAND PHASE II DEVELOPER EXTENSION AGREEMENT" AS RECORDED UNDER AUDITOR'S FILE NUMBER 201110270582.

22. SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "SUTHERLAND PHASE III DEVELOPER EXTENSION AGREEMENT" AS RECORDED UNDER AUDITOR'S FILE NUMBER 201110270583.

23. SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "STORM DRAINAGE EASEMENT" AS RECORDED UNDER AUDITOR'S FILE NUMBER 201202030506.

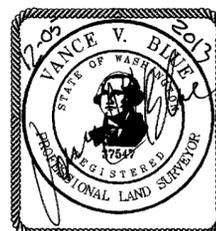
24. SUBJECT TO RESERVATIONS AND EXCEPTIONS, INCLUDING THE TERMS AND CONDITIONS THEREOF AS RECORDED UNDER AUDITOR'S FILE NUMBER 201207310661.

25. SUBJECT TO EASEMENT INCLUDING THE TERMS AND PROVISIONS CONTAINED THEREIN AS RECORDED UNDER AUDITOR'S FILE NUMBER 201305030320.

26. THE CITY OF LAKE STEVENS (CITY) HAS THE RIGHT TO REQUIRE THE HOA TO REMOVE THE MONUMENT SIGN, LOCATED WITHIN TRACT 993, AT ITS OWN EXPENSE SHOULD ACCESS TO THE UNDERLYING STORM PIPE BE REQUIRED. PRIOR NOTICE SHALL BE PROVIDED TO THE HOA BY THE CITY. THE CITY MAY ALSO PULL THE MONUMENT SIGN, AT ITS OWN DISCRETION, IN CASE OF EMERGENCY. ANY COSTS ASSOCIATED WITH THE REPLACEMENT AND/ OR REPAIR, AS PART OF RESTORATION EFFORTS, TO BE THE RESPONSIBILITY OF THE HOA. THE CITY WILL ALSO HAVE THE AUTHORITY TO REMOVE THE MONUMENT SIGN AT ANY TIME, IF DEEMED A SAFETY HAZARD OR A HINDRANCE TO CITY OPERATIONS.

27. SUBJECT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RESERVATION OF EASEMENTS FOR STONEBRIAR AS RECORDED UNDER RECORDING FILE NUMBER

SW 1/4 OF THE SE 1/4 OF SEC 23 TWN 29N, RGE 5E, W.M.



LDC		Engineering Structural Planning Survey
<small>THE CIVIL ENGINEERING GROUP</small>		
<small>14201 NE 200th St., #100 Woodinville, WA 98072</small>		<small>Ph. 425.806.1869 Fx. 425.482.2893</small>
<small>www.LDCcorp.com</small>		
<small>DATE:</small> 12-04-13	<small>SCALE:</small> NA	<small>JOB NUMBER:</small> 13-101
		<small>SHEET:</small> 2 OF 8

VOL/PG

STONEBRIAR PHASE I

**SW 1/4 OF THE SE1/4, SECTION 23, TOWNSHIP 29N, RANGE 5E, W.M.
 CITY OF LAKE STEVENS, SNOHOMISH COUNTY, WASHINGTON
 CFN 2011-2**

VOL/Pg

DRAINAGE FACILITY MAINTENANCE COVENANT

THE DRAINAGE FACILITY MAINTENANCE COVENANT RECORDED UNDER SNOHOMISH COUNTY AUDITOR'S FILE NO. 200702090228, IS HEREBY RELEASED BY THE CITY AND REPLACED WITH THE FOLLOWING:

WE, THE OWNERS AND CONTRACT PURCHASERS OF THE LANDS HEREIN PLATTED (GRANTOR), AGREE THAT THE OBLIGATIONS OF GRANTOR SHALL INURE TO THE BENEFIT OF AND BE BINDING UPON THE HEIRS, SUCCESSORS, AND ASSIGNS. GRANTOR AGREES THAT THIS COVENANT TOUCHES AND CONCERNS THE LAND DESCRIBED HEREIN AND SHALL RUN WITH THE LAND.

GRANTOR BY EXECUTION OF THIS COVENANT ACKNOWLEDGES THAT THE BENEFITS OF THIS COVENANT INURE TO GRANTOR, DOWNSTREAM PROPERTY OWNERS, AND THE GENERAL PUBLIC, AND THAT THE CITY OF LAKE STEVENS (CITY) AS THIRD-PARTY BENEFICIARY OF THIS COVENANT HAS THE RIGHT, BUT NOT THE OBLIGATION, TO ENFORCE THIS COVENANT ON BEHALF OF DOWNSTREAM PROPERTY OWNERS AND THE GENERAL PUBLIC. CITY REQUIRES THIS COVENANT TO PROTECT PRIVATE AND PUBLIC PROPERTY, PRIVATE AND PUBLIC DRAINAGE INFRASTRUCTURE, AND NATURAL RESOURCES OF DOWNSTREAM PROPERTY OWNERS AND THE GENERAL PUBLIC.

GRANTOR, IN CONSIDERATION OF THE APPROVAL OF THIS SUBDIVISION, HEREBY COVENANTS TO PERFORM REGULAR MAINTENANCE UPON THE DRAINAGE FACILITIES INSTALLED, OR TO BE INSTALLED, UPON GRANTOR'S PROPERTY. REGULAR MAINTENANCE SHALL INCLUDE, AT A MINIMUM, ANNUAL INSPECTION OF THE STORM WATER DRAINAGE SYSTEM. AS APPLICABLE, THE SYSTEM SHALL INCLUDE THE STORM WATER CONVEYANCE SYSTEM PIPES, DITCHES, SWALES, AND CATCH BASINS; STORM WATER FLOW REGULATION SYSTEM DETENTION PONDS, VAULTS, PIPES, RETENTION PONDS, FLOW REGULATION AND CONTROL STRUCTURES; INFILTRATION SYSTEMS AND WATER QUALITY CONTROL SYSTEM.

THE SCOPE OF THIS COVENANT AND RIGHT OF ENTRY SHALL BE ADEQUATE TO PROVIDE FOR THE ACCESS, INSPECTION, AND MAINTENANCE OF THE STORM WATER DRAINAGE SYSTEM, AND SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. CITY SHALL HAVE THE PERPETUAL RIGHT OF ENTRY ACROSS ADJACENT LANDS OF THE GRANTOR FOR PURPOSES OF INSPECTION, AUDITING, OR CONDUCTING REQUIRED MAINTENANCE OF THE DRAINAGE FACILITY.
2. IF CITY INSPECTION DETERMINES THAT MAINTENANCE IS NOT BEING PERFORMED, CITY SHALL ENDEAVOR TO PROVIDE GRANTOR REASONABLE ADVANCE NOTIFICATION OF THE NEED TO PERFORM THE MAINTENANCE AND A REASONABLE OPPORTUNITY FOR GRANTOR TO PERFORM IT. IN THE EVENT THAT GRANTOR FAILS TO COMPLETE THE REQUIRED MAINTENANCE WITHIN A REASONABLE TIME PERIOD, CITY SHALL HAVE THE RIGHT TO PERFORM OR CONTRACT WITH OTHERS TO PERFORM IT AT THE SOLE EXPENSE OF THE GRANTOR. IF CITY IN ITS SOLE DISCRETION DETERMINES THAT AN IMMINENT OR PRESENT DANGER EXISTS, REQUIRED MAINTENANCE AND/OR REPAIR MAY BEGIN IMMEDIATELY AT GRANTOR'S EXPENSE WITHOUT PRIOR NOTICE TO GRANTOR. IN SUCH EVENT, CITY SHALL PROVIDE GRANTOR WITH A WRITTEN STATEMENT AND ACCOUNTING OF ALL WORK PERFORMED AND THE FEES, CHARGES, AND EXPENSES INCURRED IN MAKING SUCH REPAIRS. GRANTOR SHALL AGREE TO REIMBURSE CITY OR PAY COUNTY'S VENDORS DIRECTLY FOR ALL REASONABLE FEES, CHARGES, AND EXPENSES IDENTIFIED IN COUNTY'S STATEMENT.
3. IF CITY IS REQUIRED TO ACT AS A RESULT OF GRANTOR'S FAILURE TO COMPLY WITH THIS COVENANT, CITY MAY REMOVE ANY OBSTRUCTION AND/OR INTERFERENCES THAT IN THE SOLE OPINION OF CITY IMPAIR THE OPERATION OF THE DRAINAGE FACILITY OR THE MAINTENANCE THEREOF. GRANTOR AGREES TO HOLD CITY, ITS OFFICERS, EMPLOYEES, AND AGENTS HARMLESS FROM ANY AND ALL CLAIMS, ACTIONS, SUITS, LIABILITY, LOSS, EXPENSES, DAMAGES AND JUDGMENTS OF ANY NATURE WHATSOEVER, INCLUDING COSTS AND ATTORNEY'S FEES, INCURRED BY THE REMOVAL OF VEGETATION OR PHYSICAL INTERFERENCE FROM THE DRAINAGE FACILITY.
4. WHEN EXERCISING THE MAINTENANCE PROVISIONS OF THE COVENANT, IN THE EVENT OF NONPAYMENT, CITY MAY BRING SUIT TO RECOVER SUCH COSTS, INCLUDING ATTORNEY'S FEES, AND UPON OBTAINING A JUDGEMENT, SUCH AMOUNT SHALL BECOME A LIEN AGAINST THE PROPERTY OF GRANTOR AS PROVIDED IN RCW 4.56.190.
5. GRANTOR COVENANTS THAT ALL OF THE OWNERS, CONTRACT PURCHASERS AND LIEN HOLDERS OF THE PROPERTY DESCRIBED HEREIN HAVE SIGNED THE DEDICATION AND/OR DECLARATION OF THIS SUBDIVISION, THAT THEY HAVE THE RIGHT TO GRANT THIS COVENANT ON THE PROPERTY, AND THAT THE TITLE TO THE PROPERTY IS FREE AND CLEAR OF ANY ENCUMBRANCES WHICH WOULD INTERFERE WITH THE ABILITY TO GRANT THIS COVENANT.

EASEMENT PROVISIONS

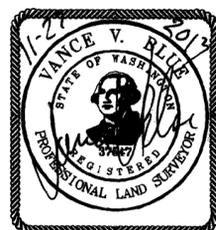
AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO ALL UTILITIES SERVING SUBJECT PLAT AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON THE EXTERIOR 10 FEET PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF ALL LOTS, TRACTS AND COMMON AREAS IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND CONDUITS, CABLES, PIPE, AND WIRES WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC, TELEPHONE, GAS, TELEVISION CABLE AND OTHER UTILITY SERVICES TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS, TRACTS AND COMMON AREAS AT ALL TIMES FOR THE PURPOSES HEREIN STATED. DRAINAGE EASEMENTS DESIGNATED ON THE PLAT ARE HEREBY RESERVED FOR AND GRANTED TO THE CITY OF LAKE STEVENS, EXCEPT THOSE DESIGNATED ON THE PLAT AS PRIVATE EASEMENTS, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS AND THE RIGHT TO EXCAVATE, CONSTRUCT, OPERATE, MAINTAIN, REPAIR AND/OR REBUILD AN ENCLOSED OR OPEN CHANNEL STORM WATER CONVEYANCE SYSTEM AND/OR OTHER DRAINAGE FACILITIES, UNDER, UPON OR THROUGH THE DRAINAGE EASEMENT.

PRIVATE STORM DRAINAGE EASEMENT PROVISIONS

1. THE PRIVATE DRAINAGE EASEMENT (PDE) WITHIN LOT 5 AS SHOWN ON SHEET 6 OF 8 HEREON, IS HEREBY GRANTED AND CONVEYED TO LOTS 4, 5 AND 6. THE OWNERS OF LOTS 4, 5 AND 6 SHALL BE EQUALLY RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND/OR RECONSTRUCTION OF THAT PORTION OF THE DRAINAGE FACILITIES THEY HAVE THE BENEFIT OF USE, EXCEPT THAT NO OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND OR RECONSTRUCTION OF THAT PORTION OF THE COMMONLY USED STORM DRAINAGE LOCATED UPSTREAM FROM THE POINT OF CONNECTION OF THAT RESPECTIVE LOT OWNER.
2. THE PRIVATE DRAINAGE EASEMENT (PDE) WITHIN LOTS 10 AND 11 AS SHOWN ON SHEET 6 OF 8 HEREON, IS HEREBY GRANTED AND CONVEYED TO LOTS 9, 10 AND 11. THE OWNERS OF LOTS 9, 10 AND 11 SHALL BE EQUALLY RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND/OR RECONSTRUCTION OF THAT PORTION OF THE DRAINAGE FACILITIES THEY HAVE THE BENEFIT OF USE, EXCEPT THAT NO OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND OR RECONSTRUCTION OF THAT PORTION OF THE COMMONLY USED STORM DRAINAGE LOCATED UPSTREAM FROM THE POINT OF CONNECTION OF THAT RESPECTIVE LOT OWNER.
3. THE PRIVATE DRAINAGE EASEMENT (PDE) WITHIN LOTS 13, 14 AND 15 AS SHOWN ON SHEET 6 OF 8 HEREON, IS HEREBY GRANTED AND CONVEYED TO LOTS 12, 13, 14 AND 15. THE OWNERS OF LOTS 12, 13, 14 AND 15 SHALL BE EQUALLY RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND/OR RECONSTRUCTION OF THAT PORTION OF THE DRAINAGE FACILITIES THEY HAVE THE BENEFIT OF USE, EXCEPT THAT NO OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND OR RECONSTRUCTION OF THAT PORTION OF THE COMMONLY USED STORM DRAINAGE LOCATED UPSTREAM FROM THE POINT OF CONNECTION OF THAT RESPECTIVE LOT OWNER.

PRIVATE STORM DRAINAGE EASEMENT PROVISIONS (CONTINUED)

4. THE PRIVATE DRAINAGE EASEMENT (PDE) WITHIN LOT 17 AS SHOWN ON SHEET 4 OF 8 HEREON, IS HEREBY GRANTED AND CONVEYED TO LOTS 17 AND 18. THE OWNERS OF LOTS 17 AND 18 SHALL BE EQUALLY RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND/OR RECONSTRUCTION OF THAT PORTION OF THE DRAINAGE FACILITIES THEY HAVE THE BENEFIT OF USE, EXCEPT THAT NO OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND OR RECONSTRUCTION OF THAT PORTION OF THE COMMONLY USED STORM DRAINAGE LOCATED UPSTREAM FROM THE POINT OF CONNECTION OF THAT RESPECTIVE LOT OWNER.
5. THE PRIVATE DRAINAGE EASEMENT (PDE) WITHIN LOT 19 AS SHOWN ON SHEET 4 OF 8 HEREON, IS HEREBY GRANTED AND CONVEYED TO LOTS 19 AND 20. THE OWNERS OF LOTS 19 AND 20 SHALL BE EQUALLY RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND/OR RECONSTRUCTION OF THAT PORTION OF THE DRAINAGE FACILITIES THEY HAVE THE BENEFIT OF USE, EXCEPT THAT NO OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND OR RECONSTRUCTION OF THAT PORTION OF THE COMMONLY USED STORM DRAINAGE LOCATED UPSTREAM FROM THE POINT OF CONNECTION OF THAT RESPECTIVE LOT OWNER.
6. THE PRIVATE DRAINAGE EASEMENT (PDE) WITHIN LOT 23 AS SHOWN ON SHEET 4 OF 8 HEREON, IS HEREBY GRANTED AND CONVEYED TO LOTS 23 AND 24. THE OWNERS OF LOTS 23 AND 24 SHALL BE EQUALLY RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND/OR RECONSTRUCTION OF THAT PORTION OF THE DRAINAGE FACILITIES THEY HAVE THE BENEFIT OF USE, EXCEPT THAT NO OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND OR RECONSTRUCTION OF THAT PORTION OF THE COMMONLY USED STORM DRAINAGE LOCATED UPSTREAM FROM THE POINT OF CONNECTION OF THAT RESPECTIVE LOT OWNER.
7. THE PRIVATE DRAINAGE EASEMENT (PDE) WITHIN LOTS 36, 37 AND 38 AS SHOWN ON SHEET 6 OF 8 HEREON, IS HEREBY GRANTED AND CONVEYED TO LOTS 36, 37 AND 38. THE OWNERS OF LOTS 36, 37 AND 38 SHALL BE EQUALLY RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND/OR RECONSTRUCTION OF THAT PORTION OF THE DRAINAGE FACILITIES THEY HAVE THE BENEFIT OF USE, EXCEPT THAT NO OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND OR RECONSTRUCTION OF THAT PORTION OF THE COMMONLY USED STORM DRAINAGE LOCATED UPSTREAM FROM THE POINT OF CONNECTION OF THAT RESPECTIVE LOT OWNER.
8. THE PRIVATE DRAINAGE EASEMENT (PDE) WITHIN LOT 45 AS SHOWN ON SHEET 4 OF 8 HEREON, IS HEREBY GRANTED AND CONVEYED TO LOTS 44 AND 45. THE OWNERS OF LOTS 44 AND 45 SHALL BE EQUALLY RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND/OR RECONSTRUCTION OF THAT PORTION OF THE DRAINAGE FACILITIES THEY HAVE THE BENEFIT OF USE, EXCEPT THAT NO OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND OR RECONSTRUCTION OF THAT PORTION OF THE COMMONLY USED STORM DRAINAGE LOCATED UPSTREAM FROM THE POINT OF CONNECTION OF THAT RESPECTIVE LOT OWNER.

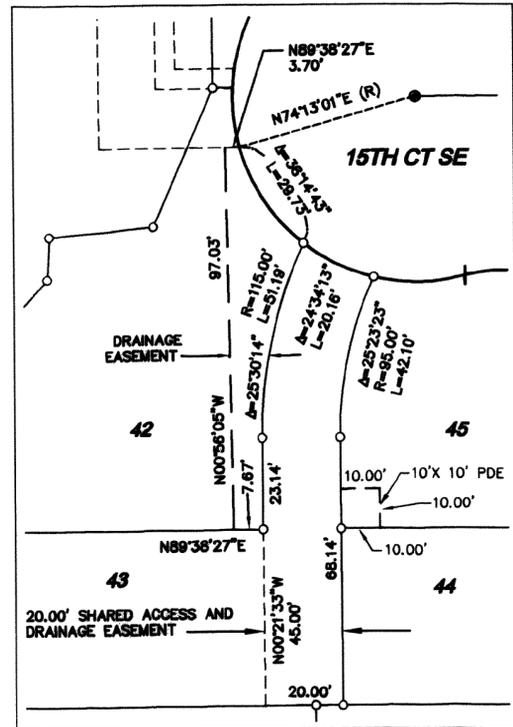
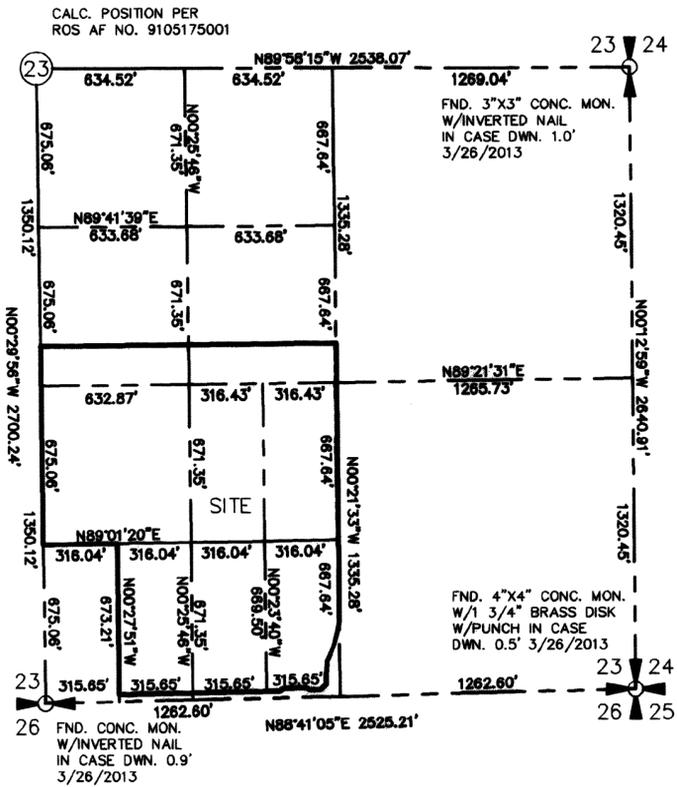


SW 1/4 OF THE SE 1/4 OF SEC 23 TWN 29N, RGE 5E, W.M.		
LDC THE CIVIL ENGINEERING GROUP	Engineering Structural Planning Survey	VOL/Pg
14201 NE 200th St., #100 Woodinville, WA 98072 Ph. 425.806.1869 Fx. 425.482.2893 www.LDCcorp.com		
DATE: 11-27-13	SCALE: NA	JOB NUMBER: 13-101 SHEET: 3 OF 8

STONEBRIAR PHASE I

SW 1/4 OF THE SE 1/4, SECTION 23, TOWNSHIP 29N, RANGE 5E, W.M.
 CITY OF LAKE STEVENS, SNOHOMISH COUNTY, WASHINGTON
 CFN 2011-2

VOL/PG



LOT 42, 43, 44, AND 45 DRAINAGE, PRIVATE DRAINAGE AND ACCESS EASEMENT

SCALE: 1"=30'

SE 1/4, SEC. 23, T. 29 N., R. 5 E., W.M.

BASIS OF BEARINGS:

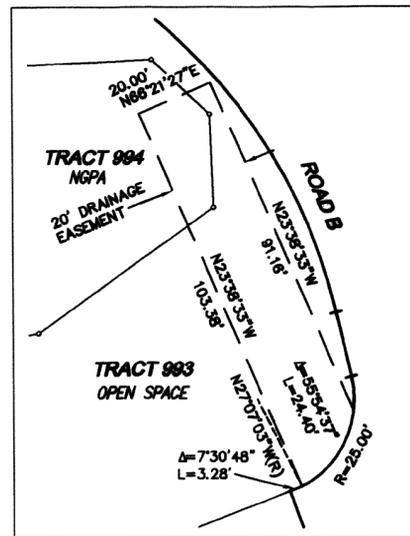
S. LINE OF SW QUARTER SEC. 23, T. 29N, R. 5E, W.M.
 = N 88°41'05" E PER ROS VOL. 35, PG. 11, A.F.# 9105175001

SURVEY INSTRUMENTATION

SURVEYING PERFORMED IN CONJUNCTION WITH THIS MAPPING UTILIZED THE FOLLOWING EQUIPMENT AND PROCEDURES:

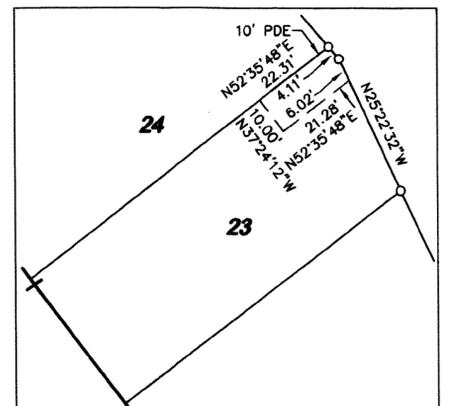
5" ROBOTIC TOTAL STATION MAINTAINED TO MANUFACTURE'S SPECIFICATIONS AS REQUIRED BY WAC-332-130-100.

PROCEDURE USED: FIELD TRAVERSE WITH ACCURACY MEETING OR EXCEEDING THE REQUIREMENTS OF WAC-332-130-090.



TRACT 993 AND 994 DRAINAGE EASEMENT

SCALE: 1"=30'

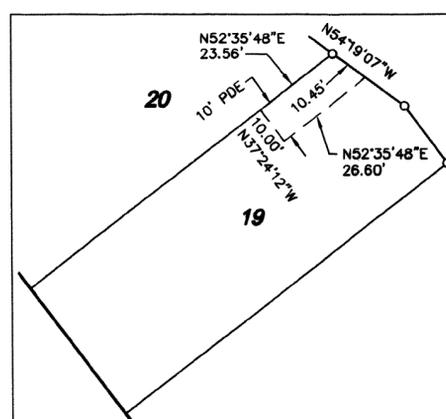


LOT 23 PRIVATE DRAINAGE EASEMENT

SCALE: 1"=30'

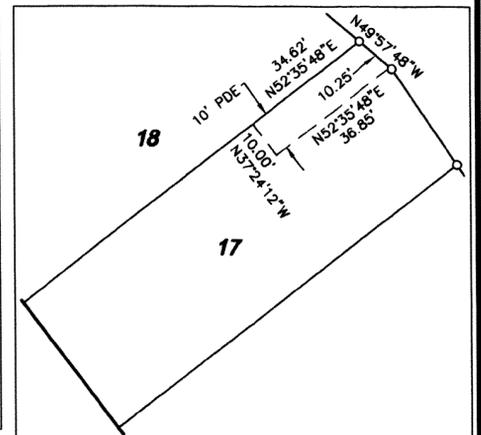
CURB PLUG TABLE			
LOT LINE	PROPERTY CORNER TO CURB PLUG	LOT LINE	PROPERTY CORNER TO CURB PLUG
1-2	11.10'	23-24	11.10'
2-3	11.10'	24-997	11.53'
3-7	11.10'	997-996	13.87'
7-4	11.10'	996-989	17.69'
4-5	11.10'	989-989	17.69'
5-6	11.10'	989-25	11.10'
6-9	11.10'	26-27	11.10'
9-10	11.32'	27-28	11.10'
10-11	11.22'	28-29	11.10'
11-12	11.15'	29-30	11.10'
12-13	11.10'	30-31	11.10'
13-14	11.10'	32-993	11.21'
14-15	11.10'	33-901	11.52'
15-16	11.10'	33-34	11.25'
16-17	11.10'	34-35	11.12'
17-18	11.10'	35-36	11.10'
18-19	11.10'	36-37	11.10'
19-20	11.10'	37-38	11.10'
20-21	11.10'	39-40	6.83'
21-22	11.10'	40-41	7.73'
22-23	11.10'	41-42	6.31'

DISTANCE FROM PROPERTY CORNER TO NAIL WITH SHINER PLS#37547 IN BACK OF CURB.



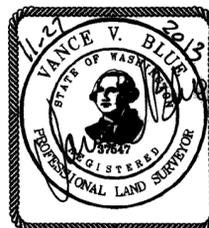
LOT 19 PRIVATE DRAINAGE EASEMENT

SCALE: 1"=30'



LOT 17 PRIVATE DRAINAGE EASEMENT

SCALE: 1"=30'



SW 1/4 OF THE SE 1/4 OF SEC 23 TWN 29N, RGE 5E, W.M.

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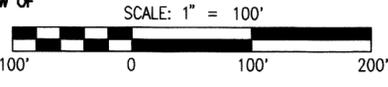
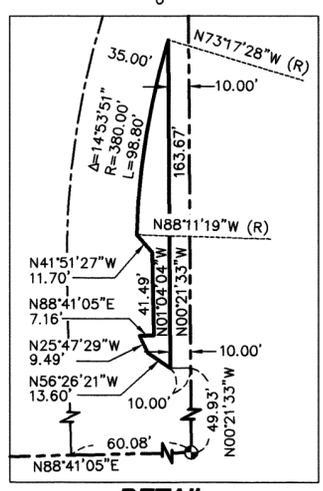
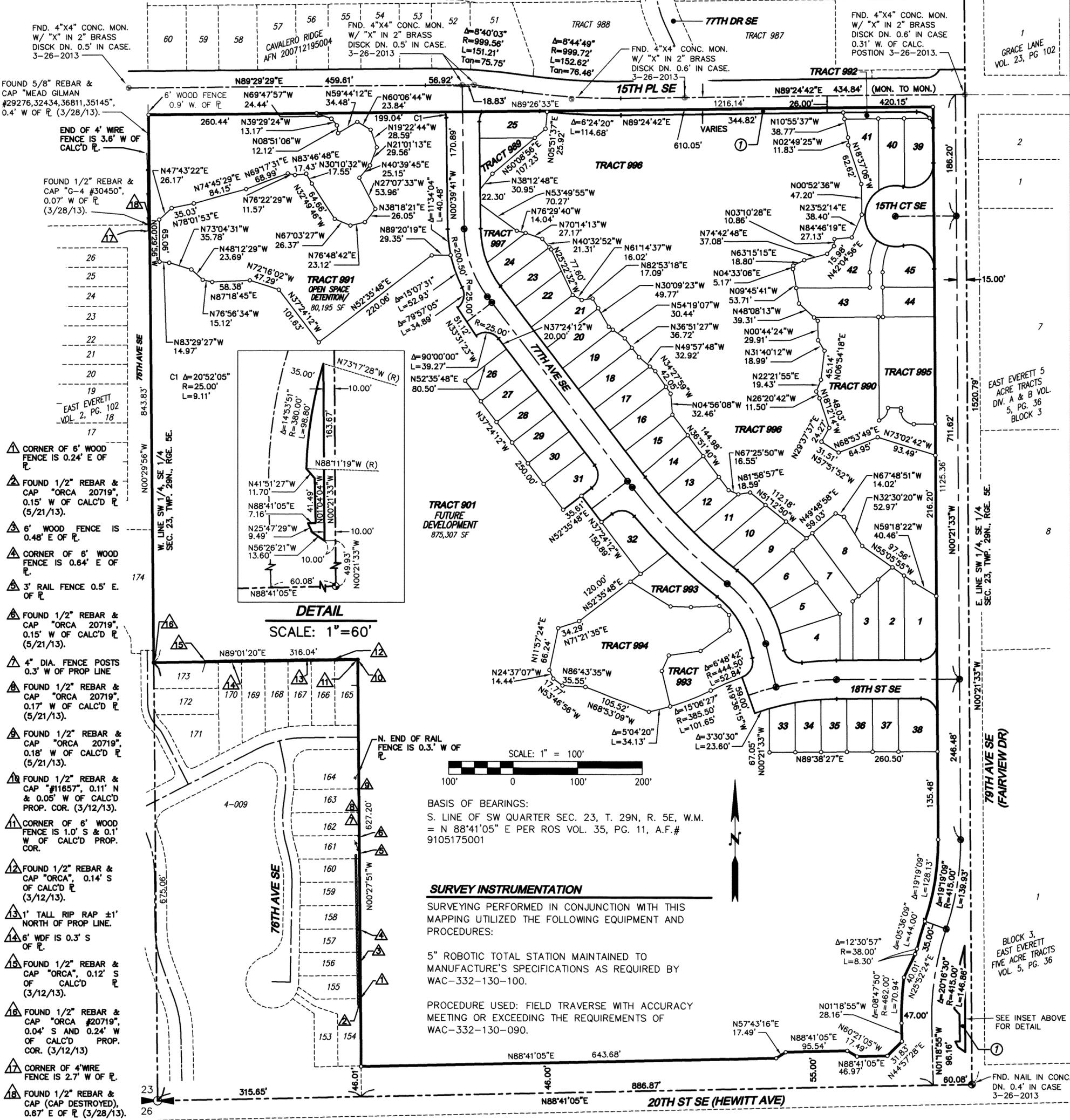
DATE: 11-27-13 SCALE: NA JOB NUMBER: 13-101 SHEET: 4 OF 8

VOL/PG

STONEBRIAR PHASE I

SW 1/4 OF THE SE 1/4, SECTION 23, TOWNSHIP 29N, RANGE 5E, W.M.
 CITY OF LAKE STEVENS, SNOHOMISH COUNTY, WASHINGTON
 CFN 2011-2

VOL/PG



BASIS OF BEARINGS:
 S. LINE OF SW QUARTER SEC. 23, T. 29N, R. 5E, W.M.
 = N 88°41'05" E PER ROS VOL. 35, PG. 11, A.F.#
 9105175001

SURVEY INSTRUMENTATION
 SURVEYING PERFORMED IN CONJUNCTION WITH THIS
 MAPPING UTILIZED THE FOLLOWING EQUIPMENT AND
 PROCEDURES:

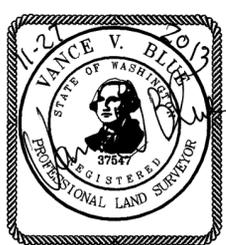
5" ROBOTIC TOTAL STATION MAINTAINED TO
 MANUFACTURER'S SPECIFICATIONS AS REQUIRED BY
 WAC-332-130-100.

PROCEDURE USED: FIELD TRAVERSE WITH ACCURACY
 MEETING OR EXCEEDING THE REQUIREMENTS OF
 WAC-332-130-090.

- ① FOUND 4"x4" CONC. MON. W/ "X" IN 2" BRASS DISCK DN. 0.5" IN CASE. 3-26-2013
- ② FOUND 5/8" REBAR & CAP "MEAD GILMAN #29276,32434,36811,35145", 0.4' W OF R (3/28/13).
- ③ END OF 4' WIRE FENCE IS 3.6' W OF CALC'D R.
- ④ FOUND 1/2" REBAR & CAP "G-4 #30450", 0.07' W OF R (3/28/13).
- ⑤ CORNER OF 6' WOOD FENCE IS 0.24' E OF R.
- ⑥ FOUND 1/2" REBAR & CAP "ORCA 20719", 0.15' W OF CALC'D R (5/21/13).
- ⑦ 6' WOOD FENCE IS 0.48' E OF R.
- ⑧ CORNER OF 6' WOOD FENCE IS 0.84' E OF R.
- ⑨ 3' RAIL FENCE 0.5' E. OF R.
- ⑩ FOUND 1/2" REBAR & CAP "ORCA 20719", 0.15' W OF CALC'D R (5/21/13).
- ⑪ 4" DIA. FENCE POSTS 0.3' W OF PROP LINE
- ⑫ FOUND 1/2" REBAR & CAP "ORCA 20719", 0.17' W OF CALC'D R (5/21/13).
- ⑬ FOUND 1/2" REBAR & CAP "ORCA 20719", 0.18' W OF CALC'D R (5/21/13).
- ⑭ FOUND 1/2" REBAR & CAP #11857, 0.11' N & 0.05' W OF CALC'D PROP. COR. (3/12/13).
- ⑮ CORNER OF 6' WOOD FENCE IS 1.0' S & 0.1' W OF CALC'D PROP. COR.
- ⑯ FOUND 1/2" REBAR & CAP "ORCA", 0.14' S OF CALC'D R (3/12/13).
- ⑰ 1' TALL RIP RAP ±1' NORTH OF PROP LINE.
- ⑱ 6' WDF IS 0.3' S OF R.
- ⑲ FOUND 1/2" REBAR & CAP "ORCA", 0.12' S OF CALC'D R (3/12/13).
- ⑳ FOUND 1/2" REBAR & CAP #20719, 0.04' S AND 0.24' W OF CALC'D PROP. COR. (3/12/13)
- ㉑ CORNER OF 4' WIRE FENCE IS 2.7' W OF R.
- ㉒ FOUND 1/2" REBAR & CAP (CAP DESTROYED), 0.67' E OF R (3/28/13).

- LEGEND**
- ① FOUND MONUMENT AS NOTED HEREON
 - ② SET CONCRETE MONUMENT WITH BRASS DISK IN CASE
 - ✕ SET 3/4" BRASS DISK STAMPED "LDC 31667" AND NAIL IN CONCRETE CURB, OFF-SET TO FRONT PROPERTY CORNER (SEE CURB PLUG TABLE SHEET 4 OF 8).
 - SET 5/8"x24" REBAR WITH ORANGE PLASTIC CAP STAMPED "LDC- LDCCORP.COM - PLS 37547 - PROPERTY CORNER"
 - FOUND REBAR AND CAP AS NOTED

- ① RIGHT OF WAY TO BE DEDICATED TO THE CITY OF LAKE STEVENS UPON THE RECORDING OF THIS PLAT.
- AFN AUDITOR'S FILE NUMBER
- ESMT EASEMENT
- PDE PRIVATE DRAINAGE EASEMENT (SEE PRIVATE STORM DRAINAGE EASEMENT PROVISIONS SHEET 3 OF 8).
- UE UTILITY EASEMENT (SEE "EASEMENT PROVISIONS" SHEET 3 OF 8)
- DE PUBLIC DRAINAGE EASEMENT



SW 1/4 OF THE SE 1/4 OF SEC 23 TWN 29N, RGE 5E, W.M.

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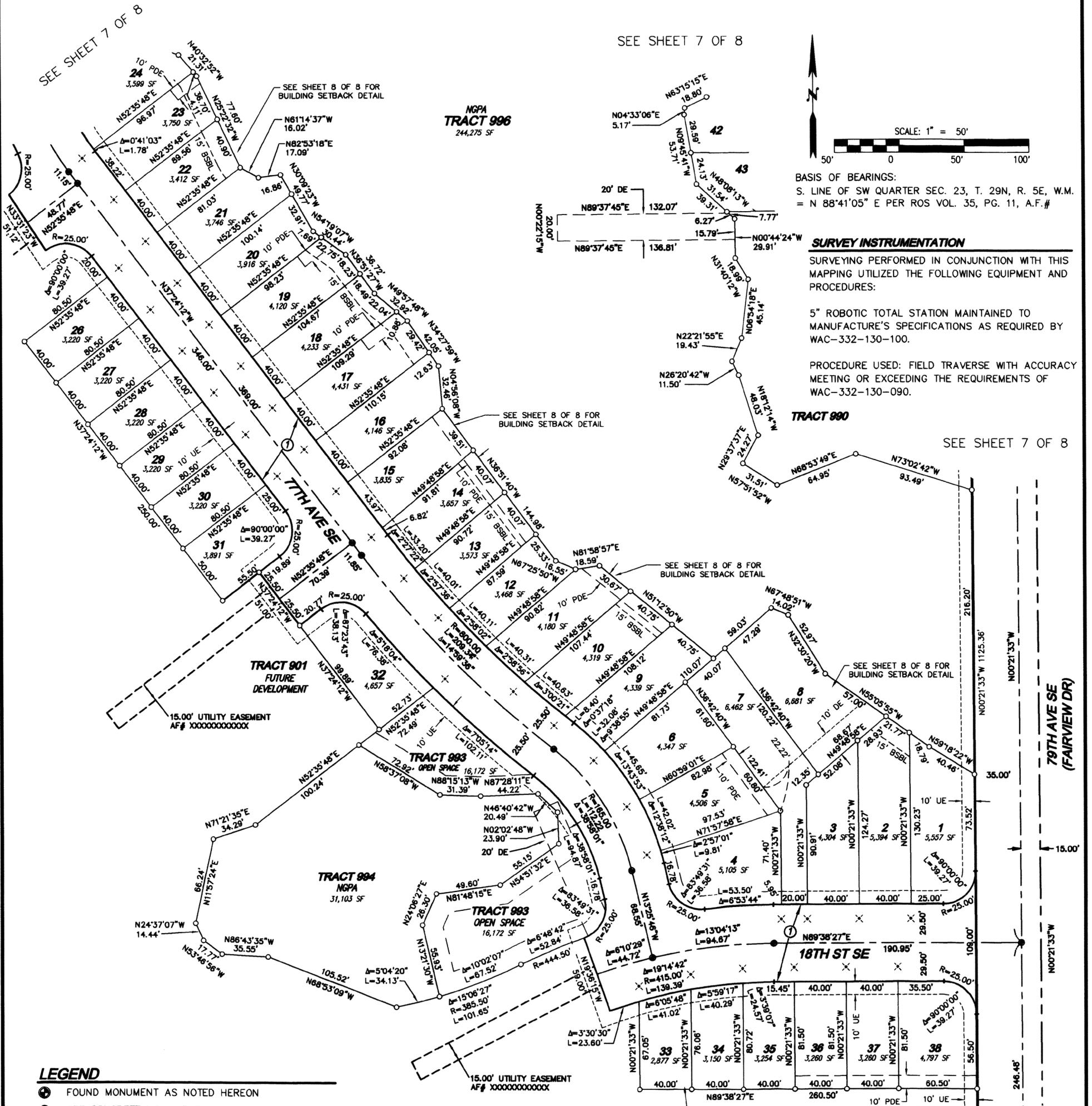
DATE: 11-27-13 SCALE: 1"=100' JOB NUMBER: 13-101 SHEET: 5 OF 8

5d/101

STONEBRIAR PHASE I

SW 1/4 OF THE SE 1/4, SECTION 23, TOWNSHIP 29N, RANGE 5E, W.M.
 CITY OF LAKE STEVENS, SNOHOMISH COUNTY, WASHINGTON
 CFN 2011-2

VOL/PG



SEE SHEET 7 OF 8

SCALE: 1" = 50'

BASIS OF BEARINGS:
 S. LINE OF SW QUARTER SEC. 23, T. 29N, R. 5E, W.M.
 = N 88°41'05" E PER ROS VOL. 35, PG. 11, A.F.#

SURVEY INSTRUMENTATION

SURVEYING PERFORMED IN CONJUNCTION WITH THIS MAPPING UTILIZED THE FOLLOWING EQUIPMENT AND PROCEDURES:

5" ROBOTIC TOTAL STATION MAINTAINED TO MANUFACTURE'S SPECIFICATIONS AS REQUIRED BY WAC-332-130-100.

PROCEDURE USED: FIELD TRAVERSE WITH ACCURACY MEETING OR EXCEEDING THE REQUIREMENTS OF WAC-332-130-090.

- LEGEND**
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 - SET CONCRETE MONUMENT WITH BRASS DISK IN CASE
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 - FOUND REBAR AND CAP AS NOTED
 - ① RIGHT OF WAY TO BE DEDICATED TO THE CITY OF LAKE STEVENS UPON THE RECORDING OF THIS PLAT.

- BSBL BUILDING SET BACK LINE
- AFN AUDITOR'S FILE NUMBER
- ESMT EASEMENT
- PDE PRIVATE DRAINAGE EASEMENT (SEE PRIVATE STORM DRAINAGE EASEMENT PROVISIONS SHEET 3 OF 8).
- UE UTILITY EASEMENT (SEE "EASEMENT PROVISIONS" SHEET 3 OF 8)
- DE PUBLIC DRAINAGE EASEMENT



SW 1/4 OF THE SE 1/4 OF SEC 23 TWN 29N, RGE 5E, W.M.

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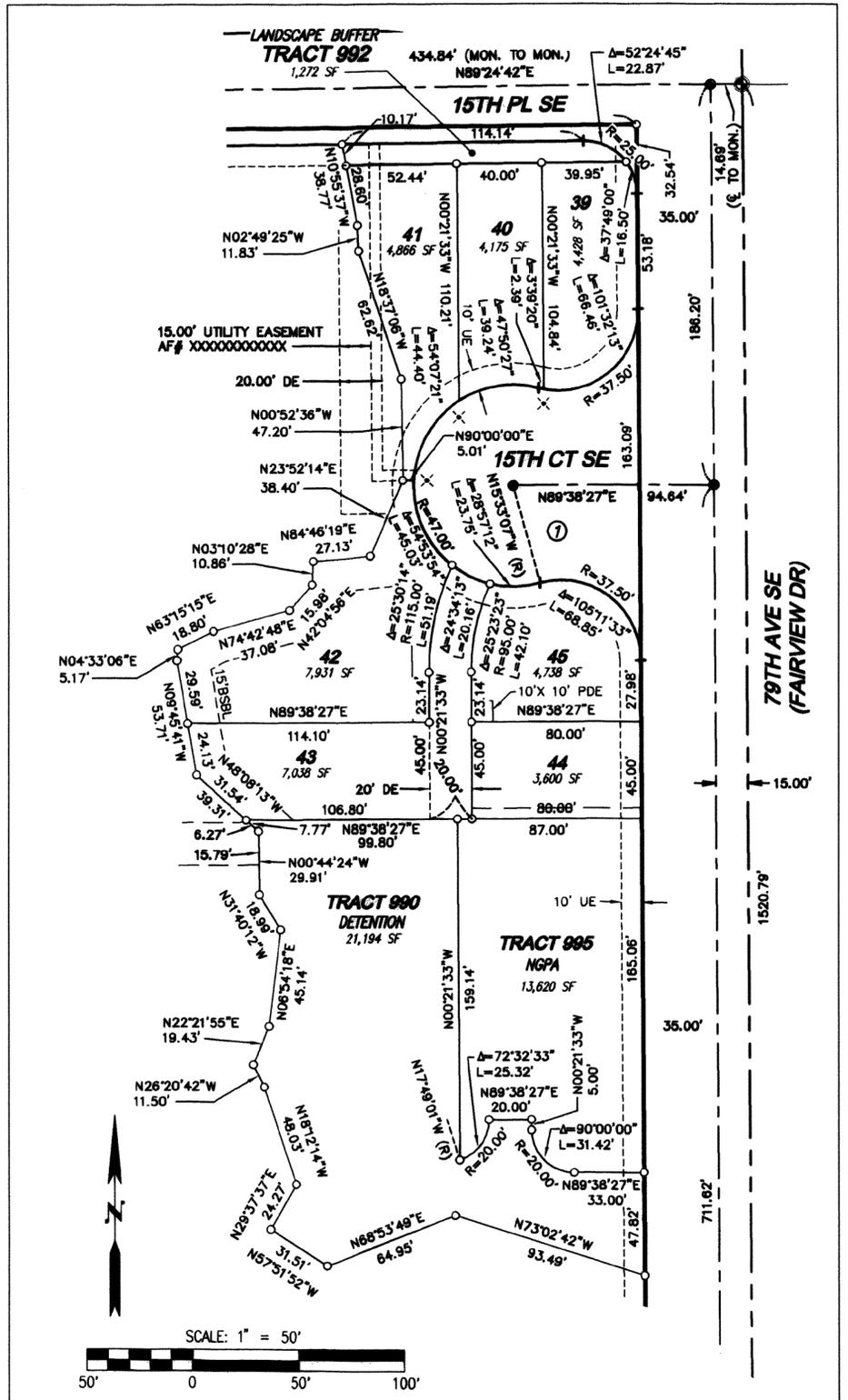
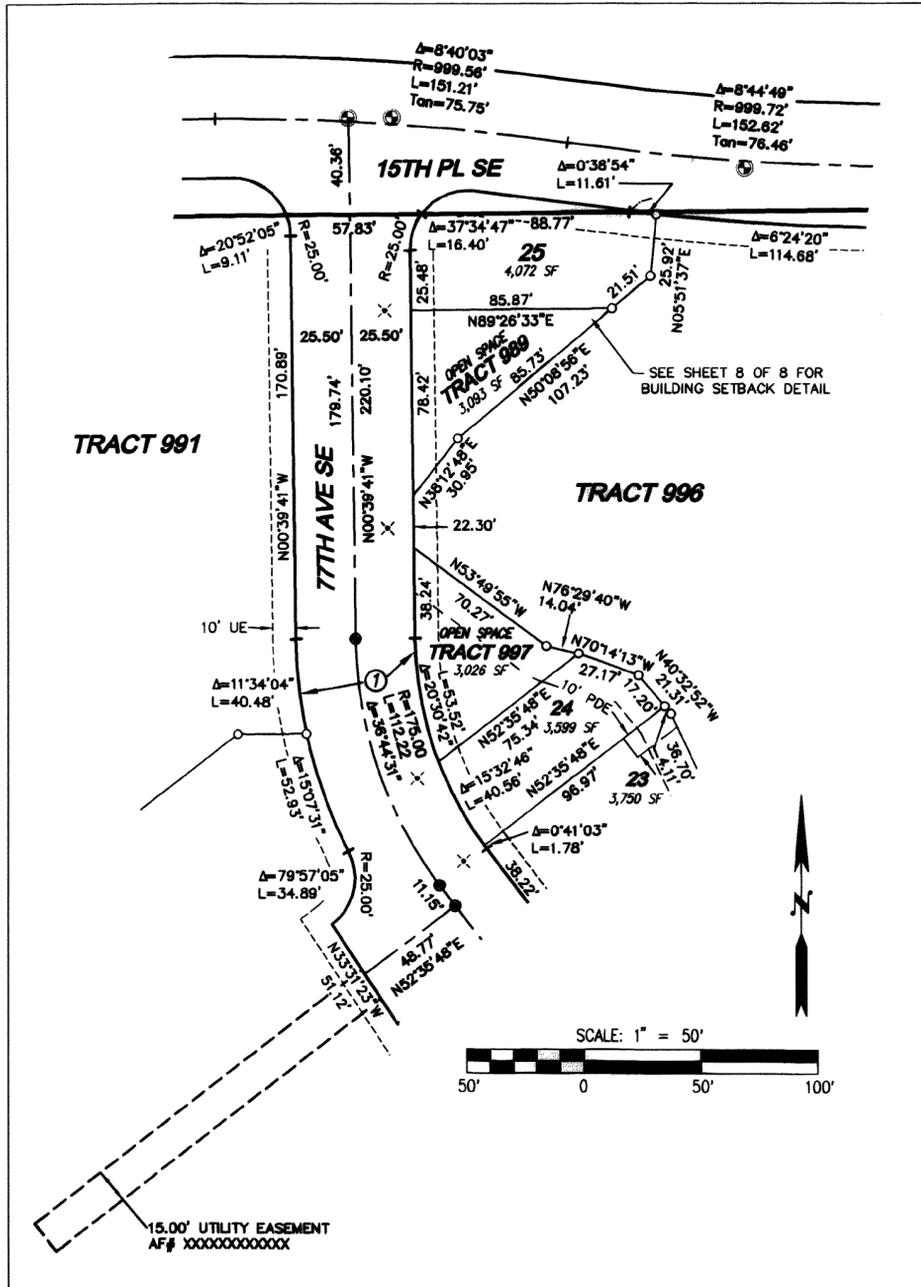
DATE: 11-27-13 SCALE: 1"=50' JOB NUMBER: 13-101 SHEET: 6 OF 8

9d/70d

STONEBRIAR PHASE I

SW 1/4 OF THE SE 1/4, SECTION 23, TOWNSHIP 29N, RANGE 5E, W.M.
 CITY OF LAKE STEVENS, SNOHOMISH COUNTY, WASHINGTON
 CFN 2011-2

VOL/PG



BASIS OF BEARINGS:
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 = N 88°41'05" E PER ROS VOL. 35, PG. 11, A.F.#
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SURVEY INSTRUMENTATION

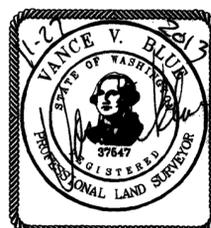
SURVEYING PERFORMED IN CONJUNCTION WITH THIS MAPPING UTILIZED THE FOLLOWING EQUIPMENT AND PROCEDURES:

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PROCEDURE USED: FIELD TRAVERSE WITH ACCURACY MEETING OR EXCEEDING THE REQUIREMENTS OF WAC-332-130-090.

LEGEND

- ⊕ FOUND MONUMENT AS NOTED HEREON
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 - × SET 3/4" BRASS DISK STAMPED "LDC 31667" AND NAIL IN CONCRETE CURB, OFF-SET TO FRONT PROPERTY CORNER (SEE CURB PLUG TABLE SHEET 4 OF 8).
 - SET 5/8"x24" REBAR WITH ORANGE PLASTIC CAP STAMPED "LDC- LDCCORP.COM - PLS 37547 - PROPERTY CORNER"
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 - PDE PRIVATE DRAINAGE EASEMENT (SEE PRIVATE STORM DRAINAGE EASEMENT PROVISIONS SHEET 3 OF 8).
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SW 1/4 OF THE SE 1/4 OF SEC 23 TWN 29N, RGE 5E, W.M.

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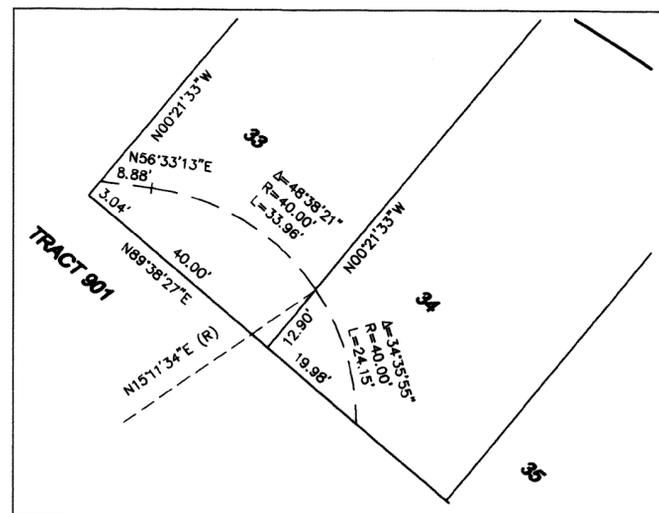
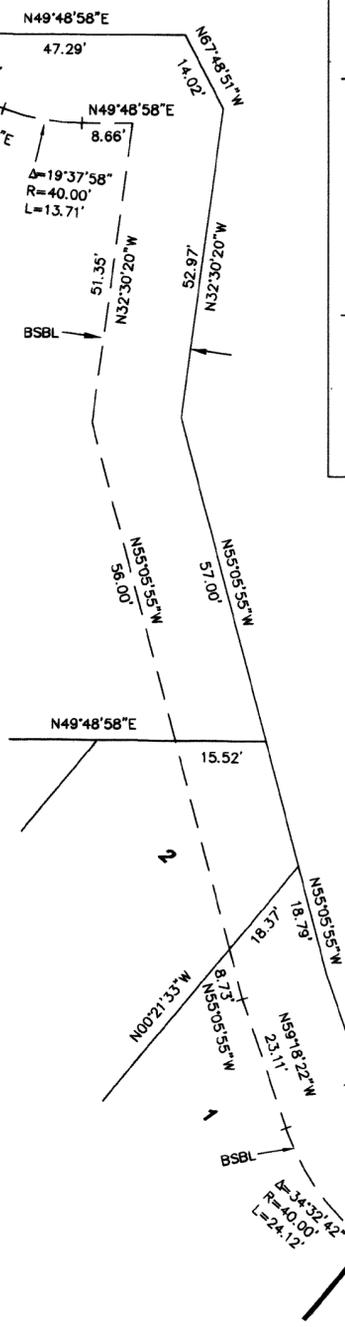
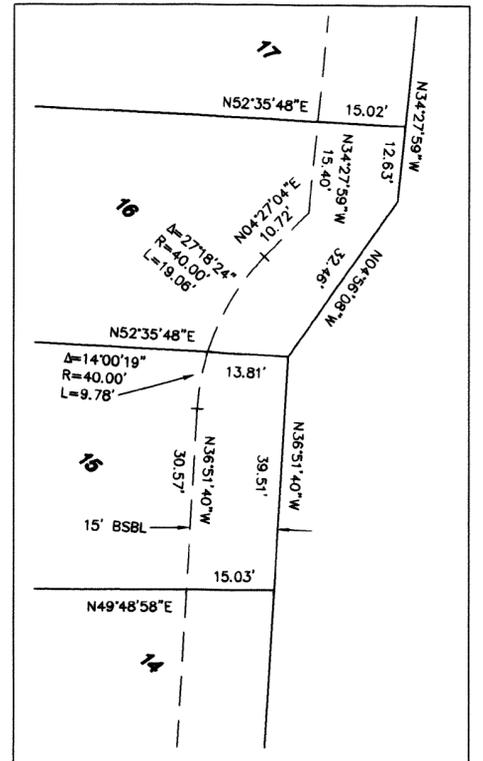
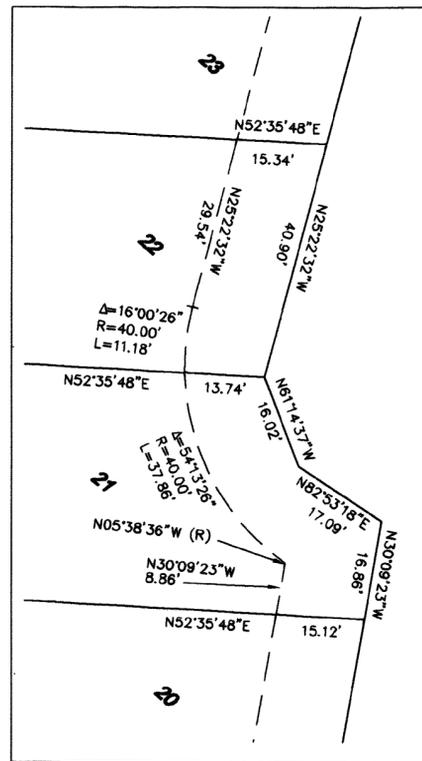
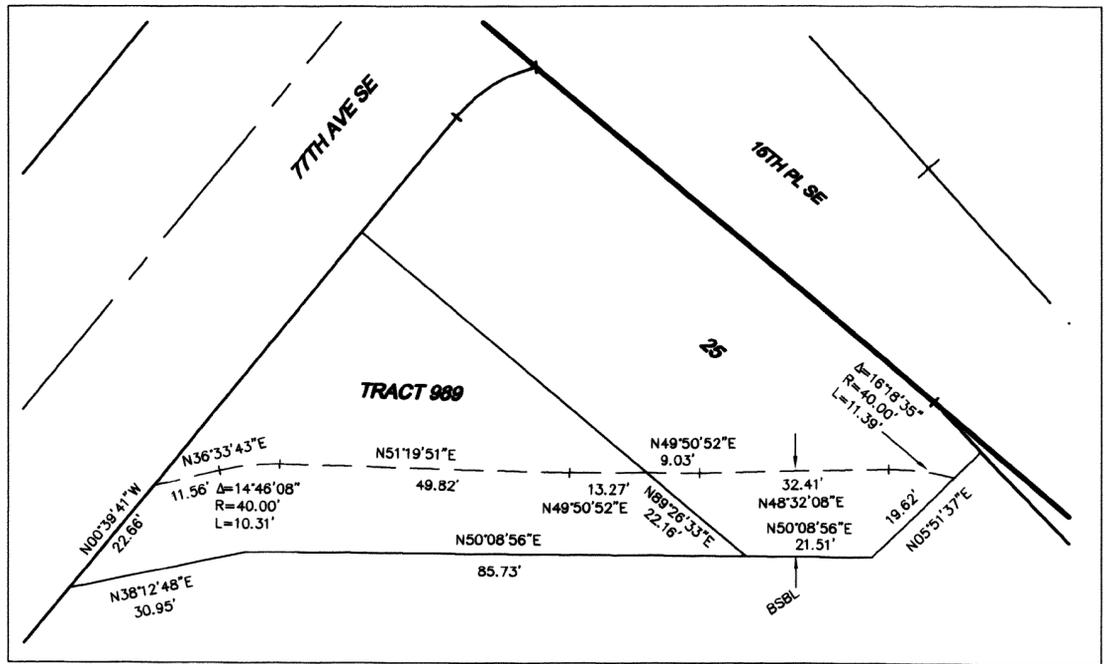
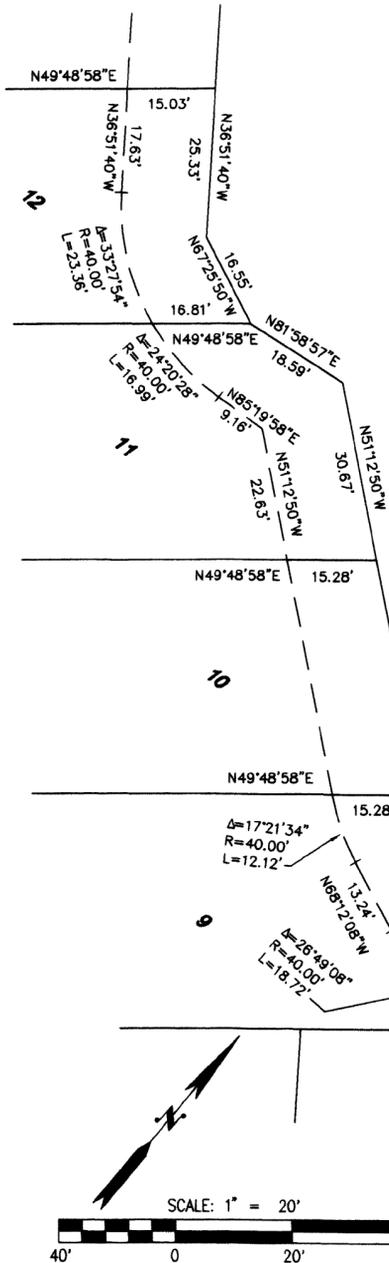
DATE: 11-27-13 SCALE: 1"=50' JOB NUMBER: 13-101 SHEET: 7 OF 8

9d/101

STONEBRIAR PHASE I

SW 1/4 OF THE SE 1/4, SECTION 23, TOWNSHIP 29N, RANGE 5E, W.M.
 CITY OF LAKE STEVENS, SNOHOMISH COUNTY, WASHINGTON
 CFN 2011-2

VOL/PG



BASIS OF BEARINGS:
 S. LINE OF SW QUARTER SEC. 23, T. 29N, R. 5E, W.M.
 = N 88°41'05" E PER ROS VOL. 35, PG. 11, A.F.#

SURVEY INSTRUMENTATION

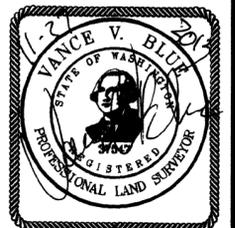
SURVEYING PERFORMED IN CONJUNCTION WITH THIS MAPPING UTILIZED THE FOLLOWING EQUIPMENT AND PROCEDURES:

5" ROBOTIC TOTAL STATION MAINTAINED TO MANUFACTURE'S SPECIFICATIONS AS REQUIRED BY WAC-332-130-100.

PROCEDURE USED: FIELD TRAVERSE WITH ACCURACY MEETING OR EXCEEDING THE REQUIREMENTS OF WAC-332-130-090.

- BSBL BUILDING SET BACK LINE
- ESMT EASEMENT
- PDE PRIVATE DRAINAGE EASEMENT (SEE PRIVATE STORM DRAINAGE EASEMENT PROVISIONS SHEET 3 OF 8).
- UE UTILITY EASEMENT (SEE "EASEMENT PROVISIONS" SHEET 3 OF 8)
- DE PUBLIC DRAINAGE EASEMENT

LEGEND



BUILDING SETBACK LINE DETAILS

SW 1/4 OF THE SE 1/4 OF SEC 23 TWN 29N, RGE 5E, W.M.

LDC
 THE CIVIL ENGINEERING GROUP

Engineering
 Structural
 Planning
 Survey

14201 NE 200th St., #100 Ph. 425.806.1869
 Woodinville, WA 98072 Flx. 425.482.2893

www.LDCcorp.com

DATE: 11-27-13 SCALE: 1"=50' JOB NUMBER: 13-101 SHEET: 8 OF 8

VOL/PG



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: December 5, 2013

Subject: Economic Development
Professional Services Agreement – Economic Development Support Market and Development
Information - Berk Consulting, Inc.

Contact	Rebecca Ableman	Budget	Not to exceed
Person/Department:	<u>Planning and Community Development Director</u>	Impact:	<u>\$11,000</u>

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

Authorize the Mayor to enter into a Professional Services Agreement (PSA) with Berk Consulting Inc. (Attachment A) for the Economic Development Support Market and Development Information Project. NOTE: Staff will provide PSA ending date at the Council meeting.

SUMMARY:

At the Economic Development Roundtable on September 10, 2013 a key recommendation from the roundtable guests was for Lake Stevens to develop more in-depth information about real estate and market statistics in order to adequately and actively recruit business opportunities. The attached PSA and scope of work will provide the City with the information within the city limits as well as a comparative analysis with neighboring jurisdictions.

BACKGROUND:

On September 10, 2013, the City's consultant Natalie Quick held an Economic Development Roundtable that was hosted by the Mayor and the City Council Economic Development Subcommittee. There were a combination of developers, real estate professionals, and economists who listened to Lake Stevens' growth opportunities and provided feedback about how the City could capitalize on its assets and promote economic development. An Executive Summary of this meeting is shown in Attachment B. The group strongly believed the City needed more real estate and market metrics in hand to assist recruitment efforts and also help determine where the City could, if possible, provide incentives for development.

DISCUSSION:

The Scope of Work for this effort includes looking a trends and data in land sales, commercial rents, commercial space absorption rates and other data that will provide a current "snapshot" of market and development conditions within the area. .

Task 2 will then compare this data with neighboring cities and markets to see how Lake Stevens matches up. This will also assist the City in determining any necessary adjustments to land use or incentive opportunities that might need to be evaluated.

Finally, Task 3 will take comparative a look at the cost of development related to permitting fees, utility hook-up fees, and impact fees as another tool for recruitment.

APPLICABLE CITY POLICIES:

The proposal is consistent with and will further the Economic Development Strategy Goals.

BUDGET IMPACT:

The proposed budgeted amount for Berk Consulting, Inc. PSA is \$11,000.

ATTACHMENTS:

- A. PSA - Berk Consulting Inc.
- B. City of Lake Stevens Economic Development Roundtable Executive Summary

**PROFESSIONAL SERVICES AGREEMENT BETWEEN
CITY OF LAKE STEVENS
AND BERK CONSULTING INC FOR CONSULTANT SERVICES**

THIS AGREEMENT (“Agreement”) is made and entered into by and between the City of Lake Stevens, a Washington State municipal corporation (“City”), and Berk Consulting Inc., a Washington Corporation (“Consultant”).

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performances contained herein, the parties hereto agree as follows:

ARTICLE I. PURPOSE

The purpose of this Agreement is to provide the City with consultant services regarding Economic Development Support Market and Development Information as described in Article II. The general terms and conditions of the relationship between the City and the Consultant are specified in this Agreement.

ARTICLE II. SCOPE OF SERVICES

The Scope of Services is attached hereto as **Exhibit “A”** and incorporated herein by this reference (“Scope of Services”). All services and materials necessary to accomplish the tasks outlined in the Scope of Services shall be provided by the Consultant unless noted otherwise in the Scope of Services or this Agreement. All such services shall be provided in accordance with the standards of the Consultant’s profession.

ARTICLE III. OBLIGATIONS OF THE CONSULTANT

III.1 MINOR CHANGES IN SCOPE. The Consultant shall accept minor changes, amendments, or revision in the detail of the Scope of Services as may be required by the City when such changes will not have any impact on the service costs or proposed delivery schedule. Extra work, if any, involving substantial changes and/or changes in cost or schedules will be addressed as follows:

Extra Work. The City may desire to have the Consultant perform work or render services in connection with each project in addition to or other than work provided for by the expressed intent of the Scope of Services in the scope of services. Such work will be considered as extra work and will be specified in a written supplement to the scope of services, to be signed by both parties, which will set forth the nature and the scope thereof. All proposals for extra work or services shall be prepared by the Consultant at no cost to the City. Work under a supplemental agreement shall not proceed until executed in writing by the parties.

III.2 WORK PRODUCT AND DOCUMENTS. The work product and all documents produced under this Agreement shall be furnished by the Consultant to the City, and upon completion of the work shall become the property of the City, except that the Consultant may retain one copy of the work product and documents for its records. The Consultant will be responsible for the accuracy of the work, even though the work has been accepted by the City.

In the event that the Consultant shall default on this Agreement or in the event that this Agreement shall be terminated prior to its completion as herein provided, all work product of the Consultant, along with a summary of work as of the date of default or termination, shall become the property of the City. Upon request, the Consultant shall tender the work product and summary to the City. Tender of said work product shall be a prerequisite to final payment under this Agreement. The summary of work done shall be prepared at no additional cost to the City.

Consultant will not be held liable for reuse of documents produced under this Agreement or modifications thereof for any purpose other than those authorized under this Agreement without the written authorization of Consultant.

III.3 TERM. The term of this Agreement shall commence on the date of final signatures and shall terminate at midnight, Date. The parties may extend the term of this Agreement by written mutual agreement.

III.4 NONASSIGNABLE. The services to be provided by the Consultant shall not be assigned or subcontracted without the express written consent of the City.

III.5 EMPLOYMENT. Any and all employees of the Consultant, while engaged in the performance of any work or services required by the Consultant under this Agreement, shall be considered employees of the Consultant only and not of the City, and any and all claims that may or might arise under the Workman's Compensation Act on behalf of any said employees while so engaged, and any and all claims made by any third party as a consequence of any negligent act or omission on the part of the Consultant or its employees while so engaged in any of the work or services provided herein shall be the sole obligation of the Consultant.

III.6 INDEMNITY. Indemnification/Hold Harmless Consultant shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, and volunteers, the Consultant's liability, including the duty and cost to defend, hereunder shall be only to the extent of the Consultant's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the

purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

III.7 INSURANCE.

a. **Minimum Limits of Insurance.** The Consultant shall procure, and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work and services hereunder by the Consultant, its agents, representatives, employees or subcontractors. The Consultant shall, before commencing work under this agreement, file with the City certificates of insurance coverage and the policy endorsement to be kept in force continuously during this Agreement, in a form acceptable to the City. Said certificates and policy endorsement shall name the City, its officers, elected officials, agents and/or employees as an additional named insured with respect to all coverages except professional liability insurance and workers' compensation. The minimum insurance requirements shall be as follows:

(1) Comprehensive General Liability. \$1,000,000 combined single limit per occurrence for bodily injury personal injury and property damage; \$2,000,000 general aggregate.

(2) Automobile Liability. \$300,000 combined single limit per accident for bodily injury and property damage.

(3) Workers' Compensation. Workers' compensation limits as required by the Workers' Compensation Act of Washington.

(4) Consultant's Errors and Omissions Liability. \$1,000,000 per occurrence and as an annual aggregate.

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

c. **Acceptability of Insurers.** Insurance to be provided by Consultant shall be with a Bests rating of no less than A:VII, or if not rated by Bests, with minimum surpluses the equivalent of Bests' VII rating.

d. **Verification of Coverage.** In signing this agreement, the Consultant is acknowledging and representing that required insurance is active and current. Further, throughout the term of this Agreement, the Consultant shall provide the City with proof of insurance upon request by the City.

e. **Insurance shall be Primary.** The Consultant's insurance coverage shall

ATTACHMENT A

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

f. **No Limitation.** Consultant's maintenance of insurance as required by this Agreement shall not be construed to limit the liability of the Consultant to the coverage provided by such insurance or otherwise limit the recourse to any remedy available at law or in equity.

g. **Claims-made Basis.** Unless approved by the City all insurance policies shall be written on an "Occurrence" policy as opposed to a "Claims-made" policy. The City may require an extended reporting endorsement on any approved "Claims-made" policy.

III.8 DISCRIMINATION PROHIBITED AND COMPLIANCE WITH EQUAL OPPORTUNITY LEGISLATION. The Consultant agrees to comply with equal opportunity employment and not to discriminate against client, employee, or applicant for employment or for services because of race, creed, color, religion, national origin, marital status, sex, sexual orientation, age or handicap except for a bona fide occupational qualification with regard, but not limited to, the following: employment upgrading; demotion or transfer; recruitment or any recruitment advertising; layoff or terminations; rates of pay or other forms of compensation; selection for training, rendition of services. The Consultant further agrees to maintain (as appropriate) notices, posted in conspicuous places, setting forth the provisions of this nondiscrimination clause. The Consultant understands and agrees that if it violates this nondiscrimination provision, this Agreement may be terminated by the City, and further that the Consultant will be barred from performing any services for the City now or in the future, unless a showing is made satisfactory to the City that discriminatory practices have been terminated and that recurrence of such action is unlikely.

III.9 UNFAIR EMPLOYMENT PRACTICES. During the performance of this Agreement, the Consultant agrees to comply with RCW 49.60.180, prohibiting unfair employment practices.

III.10 LEGAL RELATIONS. The Consultant shall comply with all federal, state and local laws and ordinances applicable to work to be done under this Agreement. The Consultant represents that the firm and all employees assigned to work on any City project are in full compliance with the statutes of the State of Washington governing activities to be performed and that all personnel to be assigned to the work required under this Agreement are fully qualified and properly licensed to perform the work to which they will be assigned. This Agreement shall be interpreted and construed in accordance with the laws of Washington. Venue for any litigation commenced relating to this Agreement shall be in Snohomish County Superior Court.

III.11 INDEPENDENT CONTRACTOR.

ATTACHMENT A

a. The Consultant and the City understand and expressly agree that the Consultant is an independent contractor in the performance of each and every part of this Agreement. The Consultant expressly represents, warrants and agrees that his status as an independent contractor in the performance of the work and services required under this Agreement is consistent with and meets the six-part independent contractor test set forth in RCW 51.08.195 or as hereafter amended. The Consultant, as an independent contractor, assumes the entire responsibility for carrying out and accomplishing the services required under this Agreement. The Consultant shall make no claim of City employment nor shall claim any related employment benefits, social security, and/or retirement benefits.

b. The Consultant shall be solely responsible for paying all taxes, deductions, and assessments, including but not limited to federal income tax, FICA, social security tax, assessments for unemployment and industrial injury, and other deductions from income which may be required by law or assessed against either party as a result of this Agreement. In the event the City is assessed a tax or assessment as a result of this Agreement, the Consultant shall pay the same before it becomes due.

c. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Consultant performs hereunder.

d. Prior to commencement of work, the Consultant shall obtain a business license from the City.

III.12 CONFLICTS OF INTEREST. The Consultant agrees to and shall notify the City of any potential conflicts of interest in Consultant's client base and shall obtain written permission from the City prior to providing services to third parties where a conflict or potential conflict of interest is apparent. If the City determines in its sole discretion that a conflict is irreconcilable, the City reserves the right to terminate this Agreement.

III.13 CITY CONFIDENCES. The Consultant agrees to and will keep in strict confidence, and will not disclose, communicate or advertise to third parties without specific prior written consent from the City in each instance, the confidences of the City or any information regarding the City or services provided to the City.

III.14 SUBCONTRACTORS/SUBCONSULTANTS.

a. The Consultant shall is responsible for all work performed by subcontractors/subconsultants pursuant to the terms of this Agreement.

b. The Consultant must verify that any subcontractors/subconsultants they directly hire meet the responsibility criteria for the project. Verification that a subcontractor/subconsultant has proper license and bonding, if required by statute, must be included in the verification process. The Consultant will use the following Subcontractors/Subconsultants or as set forth in Exhibit NA:

c. The Consultant may not substitute or add subcontractors/subconsultants without the written approval of the City.

d. All Subcontractors/Subconsultants shall have the same insurance coverages and limits as set forth in this Agreement and the Consultant shall provide verification of said insurance coverage.

ARTICLE IV. OBLIGATIONS OF THE CITY

IV.1 PAYMENTS.

a. The Consultant shall be paid by the City for services rendered under this Agreement as described in the Scope of Services and as provided in this section. In no event shall the compensation paid to Consultant under this Agreement exceed \$11,000 without the written agreement of the Consultant and the City. Such payment shall be full compensation for work performed and services rendered and for all labor, materials, supplies, equipment and incidentals necessary to complete the work. In the event the City elects to expand the scope of services from that set forth in Exhibit A, the City shall pay Consultant a mutually agreed amount.

b. The Consultant shall submit a monthly invoice to the City for services performed in the previous calendar month in a format acceptable to the Cities. The Consultant shall maintain time and expense records and provide them to the Cities upon request.

c. The City will pay timely submitted and approved invoices received before the 20th of each month within thirty (30) days of receipt.

IV.2 CITY APPROVAL. Notwithstanding the Consultant's status as an independent contractor, results of the work performed pursuant to this Agreement must meet the approval of the City, which shall not be unreasonably withheld if work has been completed in compliance with the Scope of Services and City requirements.

IV.3 MAINTENANCE/INSPECTION OF RECORDS. The Consultant shall maintain all books, records, documents and other evidence pertaining to the costs and expenses allowable under this Agreement in accordance with generally accepted accounting practices. All

such books and records required to be maintained by this Agreement shall be subject to inspection and audit by representatives of the City and/or the Washington State Auditor at all reasonable times, and the Consultant shall afford the proper facilities for such inspection and audit. Representatives of the City and/or the Washington State Auditor may copy such books, accounts and records where necessary to conduct or document an audit. The Consultant shall preserve and make available all such books of account and records for a period of three (3) years after final payment under this Agreement. In the event that any audit or inspection identifies any discrepancy in such financial records, the Consultant shall provide the City with appropriate clarification and/or financial adjustments within thirty (30) calendar days of notification of the discrepancy.

ARTICLE V. GENERAL

V.1 **NOTICES.** Notices to the City shall be sent to the following address:

City of Lake Stevens
Attn: Rebecca Ableman
P.O. Box 257
Lake Stevens, WA 982258

Notices to the Consultant shall be sent to the following address:

**Berk
Morgan Shook
2025 First Ave, Ste 800
Seattle, WA 98121**

Receipt of any notice shall be deemed effective three (3) days after deposit of written notice in the U.S. mail with proper postage and address.

V.2 **TERMINATION.** The right is reserved by the City to terminate this Agreement in whole or in part at any time upon ten (10) calendar days' written notice to the Consultant.

If this Agreement is terminated in its entirety by the City for its convenience, the City shall pay the Consultant for satisfactory services performed through the date of termination in accordance with payment provisions of Section VI.1.

V.3 **DISPUTES.** The parties agree that, following reasonable attempts at negotiation and compromise, any unresolved dispute arising under this Agreement may be resolved by a mutually agreed-upon alternative dispute resolution of arbitration or mediation.

V.4 **EXTENT OF AGREEMENT/MODIFICATION.** This Agreement, together with attachments or addenda, represents the entire and integrated Agreement between the parties and supersedes all prior negotiations, representations, or agreements, either written or oral. This

Agreement may be amended, modified or added to only by written instrument properly signed by both parties.

V.5 SEVERABILITY

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

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

V.6 NONWAIVER. A waiver by either party hereto of a breach by the other party hereto of any covenant or condition of this Agreement shall not impair the right of the party not in default to avail itself of any subsequent breach thereof. Leniency, delay or failure of either party to insist upon strict performance of any agreement, covenant or condition of this Agreement, or to exercise any right herein given in any one or more instances, shall not be construed as a waiver or relinquishment of any such agreement, covenant, condition or right.

V.7 FAIR MEANING. The terms of this Agreement shall be given their fair meaning and shall not be construed in favor of or against either party hereto because of authorship. This Agreement shall be deemed to have been drafted by both of the parties.

V.8 GOVERNING LAW. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

V.9 VENUE. The venue for any action to enforce or interpret this Agreement shall lie in the Superior Court of Washington for Snohomish County, Washington.

V.10 COUNTERPARTS. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Agreement.

V.11 AUTHORITY TO BIND PARTIES AND ENTER INTO AGREEMENT. The undersigned represent that they have full authority to enter into this Agreement and to bind the parties for and on behalf of the legal entities set forth below.

ATTACHMENT A

DATED this _____ day of _____, 20__.

CITY OF LAKE STEVENS

Berk Consulting, Inc

By _____
Vern Little, Mayor

By _____
Michael Hodgins, Principal

Approved as to form:

Grant K. Weed, City Attorney

**EXHIBIT A
SCOPE OF WORK**



PHONE ■ 206.324.8760
2025 First Avenue, Suite 800
Seattle, WA 98121
www.berkconsulting.com

MEMORANDUM

DATE: December 2, 2013
TO: Rebecca Ableman, City of Lake Stevens Planning and Community Development Director
FROM: Morgan Shook, BERK
RE: City of Lake Stevens Community and Economic Development Support

The City of Lake Stevens has invested considerable time and effort into local community development planning and marketing. Recently, the City convened a roundtable conversation of local economic development and real estate professionals to get their perspectives on the City's land development strategy and efforts. During the meeting, members of the roundtable raised the need to communicate baseline market and land development conditions to the real estate community. Thus would be a view as a valuable complement to the existing marketing materials the City has produced.

The following scope of work outlines two work tasks to provide select baseline and comparative data that can be used by the City for either external marketing efforts or internal efforts related to economic development. This scope of work summarizes what we know of the City's current needs and will be amended after further discussion with the City.

Scope of Work

TASK 1: Baseline Market and Development Information

The baseline market assessment will provide a current "snapshot" of market and development conditions in the area. The goal of this assessment is to provide data on a limited number of key land development metrics. This data includes:

- **Current commercial space, absorption, and permit analysis.** Using a variety of data sources, we will 1) summarize current commercial square footage available in the City's targeted subareas; 2) describe historical absorption of commercial products; and, 3) assess trends in permit activity.
- **Land sales analysis.** Using Snohomish County Assessor's data, we will pull land sales data for the last 10 years to better understand trends in how developers/investors are valuing the productivity of land in Lake Stevens and the immediate vicinity.
- **Commercial rent analysis.** Available rent reports typically don't have asking rents and vacancy rates for small suburban areas. This analysis will rely on surveying commercial brokers and recent tenants in order to assess current rents. Data from the survey will be compared to rent reports for larger market areas.
- **Subarea retail sales analysis.** Using custom Department of Revenue retail tax data, we will examine at the productivity of retail space in specific subareas and derive implicit retail productivity metrics.

The analyses will be summarized in a technical memorandum and will include recommendations for how the City can share the data for marketing purposes or use the information for better managing their community and economic development efforts.

TASK 2: Comparative Peer Assessment

The assessment extends the baseline analysis to comparisons with neighboring cities and markets. This peer analysis provides for a competitive comparison for how Lake Stevens sits relative to other regional submarkets. The assessment will be shared as part of the technical memorandum summarizing Task 1.

TASK 3: Development Competitiveness Assessment

This task looks at the where the City fits among its neighbors in terms of the cost of development. Specifically, this task examines the cost of developing a commercial real estate project within the City and regional peers with a particular focus on permitting fees, utility hook-up charges, and impact fees for Lake Stevens, Snohomish, Marysville, and Everett.

Budget

BERK will perform the tasks identified above on a time and materials basis, not to exceed \$11,000 detailed in Exhibit 1. We will also invoice for direct reimbursable expenses, including travel, printing, and telephone costs. Due to the unknown nature of data accessibility for some of the tasks, BERK will make the City aware if effort might exceed the estimated budget outlined in this scope of work to discuss potential options to complete the affected task(s).

Exhibit 1

Proposed Budget

		Director Shook	Senior Assoc. E. Rundell	Project Assoc. Saurwein	Total Hours and Estimated Cost by Task
2013 Hourly Rate		\$175	\$140	\$70	
Task 1: Baseline Market and Development Information	Subtotal	8	26	20	54 \$6,440
Task 2: Comparative Peer Assessment	Subtotal	4	12	8	24 \$2,940
Task 3: Development Competitiveness Assessment	Subtotal	2	0	15	17 \$1,400
Total Estimated Hours		14	38	43	
		Subtotal Consultant Cost		\$10,780	
		Project Expenses @ ~3% of project budget		\$220	
		Estimated Project Total		\$11,000	



EXECUTIVE SUMMARY

City of Lake Stevens Economic Development Roundtable

Meeting Date: September 10, 2013

Participants

Regional Leaders

- Morgan Shook, Berk & Associates
- Matthew Gardner, Gardner Economics
- Ann Bishop, Wallace Properties
- Rick Parks, TRF Pacific, LLC
- Greg Nelson, Nelson Development
- James Spitzer, PMF Investments
- Benjamin S. Pariser, BP Squared
- Gabe Grant, HAL Real Estate Investments

Lake Stevens Leaders

- Vern Little, City of Lake Stevens Mayor
- John Spencer, City of Lake Stevens Council President
- Kim Daughtry, City of Lake Stevens Council Vice President
- Suzanne Quigley, City of Lake Stevens Council Member
- Jan Berg, City of Lake Stevens City Administrator
- Rebecca Ableman, City of Lake Stevens Planning Director

Facilitator

- Natalie Quick, Owner, Natalie Quick Consulting

ATTACHMENT B



Conversation Highlights, Key Take-Aways and Recommendations

Draw on the Uniqueness of Lake Stevens to Attract Growth

In order to attract investors in a competitive climate, as well as build a strong office and retail tenant base, roundtable participants recommended taking advantage of the City's unique assets:

- The lake itself and surrounding views make Lake Stevens a unique and attractive destination to live and work. It will be important to establish public access to and around the lake in order to provide access to the asset – this will help pique developer interest.
- Snohomish County's Centennial Trail, which runs through Lake Stevens, offers opportunities to attract cyclists and other outdoor enthusiasts and is another unique asset. Participants recommending advancing opportunities to "connect" the trail to downtown and to find ways to encourage highly visible outdoor seating for retailers along or near the trail.
- Lake Stevens is easily accessed from major highways so it could attract a secondary market of customers from outside of the city limits if it creates a unique shopping experience – this may not be traditional 'big box'.

Ensure the Lake Stevens Real Estate Market Will Support Desired Growth

Due to the relatively small population of Lake Stevens and limited employment, roundtable participants expressed some concern about attracting investment. Some questions for City leadership to consider include:

- Are there enough "rooftops" in Lake Stevens to support additional retail? Looking at permits in the pipeline can indicate growth and might help a retailer see that their threshold has been met.
- How can Lake Stevens bring in more employment and therefore more daytime retail activity? Currently the school district is Lake Stevens' largest employer. It was recommended that Lake Stevens encourage expansion of healthcare, which can also encourage more people to reside within the city.
- What is Lake Stevens' secondary market? Proximity to highways could make it easy for surrounding populations to choose Lake Stevens as a shopping destination.
- Is it prudent to try to develop three commercial nodes? Given the size of the city, some concern was expressed that dividing efforts between three nodes instead of one or two may dilute the process and make it difficult for Lake Stevens to succeed. A town center approach could create an area with expanded retail hours and attract customers from outside of the city.
- If Lake Stevens were to focus on one commercial node, which one should have the highest priority? Roundtable participants offered recommendations for identifying low-hanging fruit based on feasibility and cost.

ATTACHMENT B



Taking Lake Stevens Real Estate Information / Market Statistics to the Next Step

Roundtable participants recommended throughout the discussion that Lake Stevens should dive deeper into its real estate / market data and associated value propositions, enabling City officials to clearly understand and articulate its best opportunities to potential future investors, developers and tenants. This includes:

- Providing market information, which includes vacancy rates, rental rates and cost of entry, to help investors determine when it will be profitable to build in Lake Stevens. It was suggested that Lake Stevens utilize a third-party resource that keenly understands this data, as well as regional / competitive real estate data and current development drivers.
- The City of Lake Stevens needs to help ensure it is doing all it can to communicate the value of investing in its City community through the following strategies:
 - Creating opportunities to assemble near unique City assets
 - Investing in public amenities that will attract development / investment
 - Providing excellent public services
 - Investing in transportation infrastructure
 - Ensuring affordable internet connectivity
 - Encouraging partnerships with the community, investors and other public agencies
 - Mitigating risk for developers using regulatory and tax incentives



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: December 9, 2013

Subject: Professional Services Agreement with Feldman and Lee for Public Defender Services

Contact Person/Department: City Administrator Jan Berg **Budget Impact:** N/A

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

Approve Professional Services Agreement with Feldman and Lee for Public Defender Services for 2014 through 2016.

SUMMARY/BACKGROUND:

The proposed agreement is between the City of Lake Stevens and Feldman & Lee, P.S. for public defender services for all indigent criminal defendants charged under the city at the Marysville Municipal Court who qualify for appointed counsel. The firm is contracted to provide qualified personnel and facilities necessary for the work and services identified within the contract. The work must be performed to the City's specification, guidelines and/or rules specified by the State Office of Public Defense, and/or the Washington State Supreme Court.

The contract provides for a three year term, through December 31, 2016. Section 3.16 provides for a reopener at such time that caseload limits are implemented by the Washington State Supreme Court. The caseload limits standards implementation has been delayed until January 1, 2015, pending a statewide attorney time study and development of a model misdemeanor case weighting policy that is consistent with the indigent defense standards adopted by the Supreme Court.

The proposed fee is \$6,985 per month. This is consistent with the contract extension approved in September, 2013 by the City Council which expires on December 31, 2013.

BUDGET IMPACT:

The proposed fee is included in the 2014 adopted budget.

ATTACHMENTS:

- ▶ Exhibit A: Professional Services Agreement

**CITY OF LAKE STEVENS
CONTRACT FOR PUBLIC DEFENSE SERVICE**

1. PARTIES.

This Professional Services Agreement, ("Agreement"), is entered into as of the Effective Date specified below (¶ 3.3) between the City of Lake Stevens, a Washington municipal corporation having its principal place of business at 1812 Main Street, Lake Stevens, Washington 98258 ("City"), and Feldman & Lee, P.S., a corporation organized under the laws of the State of Washington, located and doing business at 19303 44th Avenue, West, Lynnwood, WA 98036, hereafter ("The Attorney").

2. RECITALS.

2.1 City desires to obtain professional services for work related to public defender services for all indigent criminal defendants charged under ordinances of the City of Marysville Municipal Court who qualify for appointed counsel.

2.2 The Attorney represents that it is available and able to provide sufficient qualified personnel and facilities necessary for the work and services contemplated herein, and can accomplish the work and services for the required time period and in accordance with City's specifications, professional standards and in accordance with standards, guidelines and/or rules as established by the State Office of Public Defense and/or the Washington State Supreme Court.

2.3 The Attorney agrees to perform the work and services specified herein in accordance with the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual benefits and promises set forth herein, it is agreed by and between the parties as follows:

3. TERMS AND CONDITIONS.

3.1 Services, Scope of Work, Performance Criteria.

City hereby retains the Attorney, and the Attorney agrees to perform the following work and services in accordance with this Agreement. An important objective of this Agreement is to achieve compliance with the Standards established by the State Supreme Court for representation of indigent defendants as they now read or are hereafter are amended or supplemented.

3.1.1 Determination of indigence for eligibility for appointed counsel under this Contract shall be determined by the Court. The Court or persons directed by the Court shall be responsible for handling the screening process. Should the Attorney determine a defendant is not eligible for assigned counsel; the Attorney shall withdraw from the case and so advise the Court and the City of the withdrawal and the reason therefore.

3.1.2 The Attorney shall provide to the City Police Department the telephone number or numbers at which an attorney may be reached for "critical stage" advice to defendants during the course of police investigations and/or arrest twenty-four (24) hours each day.

3.1.3 Consistent with Standards for Indigent Defense as adopted by the State Supreme Court as they now read or are hereafter amended or supplemented, Defendant shall have reasonable access to the Attorney assigned to him/her. Qualifying criminal defendants shall be provided local telephone access to the Attorney. The Attorney will maintain office space within the City of Marysville and make such office open and available at times necessary to meet with defendants. Individuals in custody in the State of Washington shall be provided access by calling the Attorney collect or through a process established at the Marysville Jail. If the Attorney is appointed to represent an incarcerated defendant who remains in custody prior to trial, the Attorney agrees to conduct interview with such defendant either in person or by phone, as deemed necessary by the Attorney.

3.1.4 David Lee shall be the "lead attorney" assigned to appear in court, manage, supervise and otherwise provide the services under this contract. A different "lead attorney" shall not be assigned to this contract except by mutual agreement.

3.1.5 In addition to David Lee, the Attorney shall provide a minimum of two (2) full time equivalent (fte) attorneys to assist in providing public defender services to indigent defendants in City of Lake Stevens cases filed in Marysville Municipal Court. Attorneys must be licensed to practice law in the State of Washington.

3.1.6 Even though the Attorney is an independent contractor with the authority to control and direct the performance and details of the Services, the Services must meet the approval of City and shall be subject to City's general right of inspection and supervision to secure the satisfactory completion of this Agreement.

3.1.7 The Attorney represents that it has or will obtain all personnel necessary to perform the required Services and that such personnel shall be qualified, experienced, and licensed as may be necessary or required by applicable laws and regulations to perform the Services. All Services shall be performed by the Attorney, its employees, or by Attorney's representatives who meet or exceed the minimum experience requirements set forth in 3.1.5. The Attorney shall ensure that all contractual duties, requirements and obligations that the Attorney owes to City shall also be owed to City by Attorney's employees and representatives retained to perform the Services.

3.1.8 The Attorney shall be responsible for the professional quality, technical adequacy, accuracy, timely completion, and coordination of the Services pursuant to this Agreement. The Attorney shall perform the Services so that the Services conform to the highest professional standards. The Attorney shall be responsible for the professional standards, performance, and actions of all persons and firms performing the Services.

3.1.9 The Attorney shall represent, through trial, sentencing, post-sentence review and any appeals up to and including the Superior Court, indigent criminal defendants charged under ordinances of the City of Lake Stevens and State of Washington who the City or Court shall

qualify for indigent defense representation. Services also include appearance at the Marysville Municipal Court and/or jail for all criminal case calendars, unless excused by the Court.

3.1.10 The Attorney will provide criminal defense services and shall attend all hearings and trials involving defendants on whose behalf the Public Defender has been appointed, and will be available to talk with or meet, in person with indigent defendants, at the Public Defender's office and/or the Marysville Municipal Court and jail facilities.

3.1.11 The Attorney will be available to appear in Court/Jail before such individual has been in custody for 24 hours.

3.1.12 The Attorney may withdraw upon completion of the case as allowed by the Rules of Professional Conduct.

3.1.13 The Attorney shall provide to the City Police Department the telephone number or numbers at which an attorney may be reached for "critical stage" advice to defendants during the course of police investigations and/or arrest twenty-four (24) hours each day.

3.1.14 The Attorney shall file quarterly reports with the City to include each client who has been appointed to the Public Defender, the charges, cause number and disposition, bench or jury trial and whether an appeal was filed. The report is due to the City Chief Administrative Officer on or before the thirteenth day after the end of each quarter as to clients represented in the previous quarter.

3.1.15 All attorneys providing services under this contract shall be licensed to practice law before the courts of record for the State of Washington. The Attorney must immediately report to the City any change affecting the maintenance of membership in good standing of the Washington State Bar Association. No legal intern shall be used for this contract unless agreed to in advance by the City.

3.1.16 The Attorney shall serve as attorney for the day at arraignment or probation hearings

3.1.17 Public defender will review all cases prior to scheduled court date and work with City Prosecutor for possible resolution.

3.1.18 Public defender will arrive at least 15 minutes prior to the start of all scheduled calendars.

3.2 **Payment.**

City hereby retains the Attorney, and the Attorney agrees to the terms of this Agreement and in consideration the City agrees to pay attorney as follows:

3.2.1 Except as otherwise provided herein, City shall pay the Attorney for Services rendered under this Contract the sum of \$6,985 per month for all services set forth in this contract.

3.2.2 The fee set forth in 3.2.1 shall include those matters identified in Section 3.1 above. The fee set forth in 3.2.1 above shall also include services for each stage of appeal in the event

of an appeal from a final order of the Marysville Municipal Court to the Snohomish County Superior court.

3.2.3 In addition to the payments referenced in 3.2.1 above, the City shall pay the Attorney for documented special reasonable and necessary costs approved by the Court associated with defense of cases requiring unique services such as an investigator, polygraph or handwriting specialist, etc.

3.2.4 The Attorney shall submit monthly invoices (but not more frequently than monthly) to City upon completion of the Services under the terms of payments as described in this contract. City shall pay the Attorney within forty-five (45) days of the receipt of a correct invoice in accordance with City's usual payment procedures. If City objects to all or any portion of any invoice, it shall so notify the Attorney within twenty (20) days from the date of receipt but shall pay the undisputed portion of the invoice. The parties shall immediately make every effort to settle the disputed portion of any invoice.

3.2.5 Acceptance of any payment by the Attorney shall constitute a release of all payment claims against City arising under this Agreement as to such portion of the Services. No payment to the Attorney, whether periodic or final, shall constitute a waiver or release by City of any claim, right or remedy it may have against the Attorney regarding performance of the Services as required by this Agreement.

3.3 **Time of Performance.**

Unless terminated earlier pursuant to Section 3.7 or 3.17 below, the Attorney agrees that the Services shall be provided from January 1, 2014 at 12:01 a.m. through December 31, 2016 at 12:00 p.m.

3.4 **Relationship of Parties.**

The Attorney is an independent contractor under this Agreement, and the parties intend that an independent contractor-client relationship is the only City of Lake Stevens relationship created by this Agreement. No employee, agent, representative or by Attorney's representatives of Attorney shall be or shall be deemed to be the employee, agent representative or sub consultants of City. Attorney has no authority, and will not represent itself to have authority, to legally bind City or otherwise act for, or on City's behalf. None of the compensation or other benefits provided by City to its employees shall be available to the Attorney's employees, agents, representatives or by Attorney's representatives. The Attorney shall be solely responsible for all compensation, taxes, withholding, and other benefits due to its employees, agents, representatives, subcontractors and by Attorney's representatives. The Attorney shall be solely responsible for its acts and omissions and for the acts and omissions of The Attorney's agents, employees, representatives, subcontractors and by Attorney's representatives during performance of this Agreement. On or before the Effective Date, the Attorney shall file, maintain and/or open all necessary records with the Internal Revenue Service and the State of Washington, and as may be required by RCW 51.08.195, to establish the Attorney's status as an independent contractor.

3.5 **Services Performed at the Attorney's Risk.**

The Attorney shall take all precautions reasonably necessary to perform the Services and shall be responsible for the safety of its employees, agents and his representatives in the performance of the Services.

3.6 **Termination of Agreement.**

3.6.1 **Termination by City for the Attorney's Default.**

City may terminate this Agreement, in whole or in part and at any time, in writing if the Attorney substantially fails to fulfill any or all of its material obligations through no fault of City. If City terminates all or part of this Agreement for default, City shall determine the amount of Services satisfactorily performed to the date of termination and the amount owing to the Attorney using the criteria set forth below; provided that

A. No amount shall be allowed for anticipated profit on unperformed Services or other work, and

B. Any payment due to the Attorney at the time of termination may be adjusted to the extent of any additional costs City incurs or will incur because of the Attorney's default. In such event, City shall consider the actual costs incurred by the Attorney in performing the Services to the date of termination, the amount of Services originally required which was satisfactorily completed to the date of termination, whether the Services or deliverables were in a form or of a type which is usable and suitable to City at the date of termination, the cost to City of either completing the Services itself or employing another firm to complete the Services in addition to the inconvenience and time which may be required to do so, and other factors which affect the value to City of the Services performed to the date of termination. Under no circumstances shall payments made under this provision exceed the Schedule of Charges. This provision shall not preclude City from filing claims and/or commencing litigation to secure compensation for damages incurred beyond that covered by withheld payments.

3.6.2 **Termination by City for Convenience.**

City may terminate this Agreement, in whole or in part and at any time with 90 days notice for the convenience of City. City shall terminate by delivery to the Attorney a notice of termination specifying the extent of the termination and the effective date of termination. If City terminates this Agreement for convenience, City shall pay the Attorney the amount otherwise due in accordance with this Agreement for Services satisfactorily performed to the date of termination.

3.6.3 **Termination by the Attorney.**

The Attorney may terminate this Agreement in the case of a material breach and upon failure of City to remedy said breach within twenty (20) days of written notice by the Attorney of such breach. The Attorney may also terminate the Agreement if key personnel and/or facilities are lost due to an act of God or other catastrophe creating a situation under which The Attorney is physically unable to perform. The Attorney's notice of termination shall be in writing.

3.7 **Discrimination.**

When hiring of employees to perform Services, the Attorney, its representatives, or any person acting on behalf of the Attorney or his representatives shall not, by reason of race, religion, color, age, sex, national origin or the presence of any sensory, mental or physical handicap, veteran status, or sexual orientation, discriminate against any person who is qualified and available to perform the Services to which the employment relates.

3.8 **“Indemnity Obligations” - Indemnification and Compliance with Law.**

3.8.1 The indemnification and defense obligations specified in this Section 3.9 ("Indemnity Obligations") have been mutually negotiated and shall survive the expiration, abandonment, or termination of this Agreement. The Indemnity Obligations shall extend to claims that are not reduced to a suit and to any claims that may be compromised prior to the culmination of any litigation or the institution of any litigation. Inspection, acceptance or payment by City of or for any Services performed by the Attorney shall not be grounds for avoidance of any Indemnity Obligations.

3.8.2 To the maximum extent permitted by law, the Attorney, for itself, its employees, subcontractors, assignees and agents (collectively "The Attorney" for purposes of this Section 3.9), agrees to indemnify and hold harmless City and its elected and appointed officers, employees and agents (collectively "City" for purposes of this Section 3.9) from and against any and all suits, claims, actions, losses, costs, attorney fees and expenses, liabilities, penalties, judgments, settlements, and damages of whatsoever kind or nature (collectively "Claims") arising out of, in connection with, or incident to the Attorney's errors, acts or omissions occurring in the performance of the Services and the Attorney's obligations under this Agreement, except and to the extent judicially determined to have been caused by the sole negligence of City. The Attorney's Indemnity Obligations include the obligation to

- A. Satisfy any judgment or other final decision of a court or other tribunal,
- B. Pay any reasonable settlement negotiated by City with respect to the Claims, and
- C. Pay all Claims against City by an employee or former employee of the Attorney or its Attorneys.

3.8.3 The Attorney further agrees to waive, and that this indemnification constitutes the Attorney's waiver of, immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification, and that this waiver has been mutually negotiated.

3.8.4 The Attorney further agrees to defend all Claims against City which, if proven, could result in liability to City for loss or damage caused by all such errors, acts, or omissions of The Attorney. The Attorney's obligation to defend shall include prompt payment of all reasonable attorney fees, costs and expenses incurred in the defense of such claims, including those incurred by City.

3.8.5 The Attorney shall comply, and shall ensure its attorneys, assignees and subcontractors comply, with the terms of this Agreement and with all applicable city, state or federal laws, rules or regulations.

3.9 **Insurance.**

Unless otherwise stated herein, the following Insurance requirements shall apply.

3.9.1 Insurance.

The Attorney shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Attorney, its agents, representatives, or employees.

3.9.2 No Limitation.

The Attorney's maintenance of insurance as required by the agreement shall not be construed to limit the liability of the Attorney to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

3.9.3 Minimum Scope of Insurance.

The Attorney shall obtain insurance of the types described below:

A. **Commercial General Liability insurance** shall be written on ISO occurrence form CG 00 Oland shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The City shall be named as an insured under the Attorney's Commercial General Liability insurance policy with respect to the work performed for the City.

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

C. **Professional Liability Proof of Professional Liability Insurance.** The Attorney shall indemnify and hold the City, its elected officials, officers and employees harmless from any and all claims, losses or liability, including attorney's fees, whatsoever arising out of the Attorney's performance of obligations pursuant to this Contract, including claims arising by reason of accident, injury or death caused to persons or property of any kind occurring by the fault or neglect of the Attorney, his agents, associates or employees, or occurring without the fault of neglect of the city. With respect to the performance of this agreement and as to claims against the City, its officers, agents and employees, the Attorney expressly waives its immunity under Title 51 of the Revised Code of Washington, the Industrial Insurance Act, for injuries to its employees and agrees that the obligation to indemnify, defend and hold harmless provided for in this paragraph extends to any claim brought by or on behalf of any employee of the Attorney. This waiver is mutually negotiated by the parties. This paragraph shall not apply to any damage resulting from the sole negligence of the City, its agents, and employees. To the extent of any of the damages referred by this paragraph were caused by or resulted from the concurrent negligence of the City, its agents, and employees, this obligation to indemnify, defend and hold harmless is valid and enforceable only to the extent of negligence of the Attorney, its officers, agents, employees, subcontractors and assignees.

3.9.4 Minimum Amounts of Insurance.

The Attorney shall maintain the following insurance limits:

A. **Commercial General Liability insurance** shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.

B. **Professional Liability insurance** shall be written with limits no less than \$1,000,000 per claim and \$2,000,000 policy aggregate limit.

3.9.5 Other Insurance Provisions.

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

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

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

3.9.6 Acceptability of Insurers.

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

3.9.7 Verification of Coverage.

The Attorney shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Attorney before commencement of the work.

3.10 **Disputes and Remedies.**

3.10.1 Choice of Law; Venue.

This Agreement shall be interpreted in accordance with the laws of the State of Washington. The Superior Court of Snohomish County, Washington, shall have exclusive jurisdiction and venue over any legal action arising under this Agreement.

3.10.2 Dispute Resolution.

All claims, counterclaims, disputes, and other matters in question between City and the Attorney arising out of or relating to this Agreement shall be referred to the City (CAO) or a designee for determination, together with all pertinent facts, data, contentions, and so forth. The City Mayor or Chief Administrative Officer (CAO) shall consult with the Attorney's representative and make a determination within thirty (30) calendar days of such referral. Should the claims, counterclaims, or disputes not be resolved by the City (CAO)'s decision, the parties shall refer the matter to professional mediation in Snohomish County, Washington, which shall be conducted within thirty (30) calendar days of the City (CAO)'s decision. The cost of mediation shall be shared equally. No civil action on any claim, counterclaim, or dispute may be commenced until thirty (30) days following such mediation. In the event of litigation between the Attorney and City to enforce the rights under this Agreement, reasonable attorney fees and expenses shall be allowed to the prevailing party.

3.11. Remedies.

City's rights and remedies in this Agreement are in addition to all other rights and remedies provided by law. City may exercise such rights and remedies in any order and at any time as it determines necessary or appropriate.

3.12 Notice.

All communications regarding this Agreement shall be sent to the parties at the addresses listed below, or at such other address as given pursuant to this Section, and shall be effective on the next business day if sent by registered or certified mail or deposited with an overnight delivery service.

CITY OF LAKE STEVENS
Attention: City Administrator
1812 Main Street
Lake Stevens, WA 98258

ATTORNEY
James A. Feldman
19303 44th Avenue, West
Lynnwood, WA 98036

3.13 Entire Agreement.

The written terms and provisions of this Agreement, together with all referenced Exhibits, which are incorporated herein by this reference, supersede all prior verbal statements of any officer or other representative of the City, and such statements shall not be effective or be construed as entering into or forming a part of, or altering in any manner whatsoever, this Agreement. The entire agreement between the parties with respect to the subject matter hereunder is contained in this Agreement and the referenced Exhibits.

3.14 Priority of Documents.

In the event that the language and provisions of this Agreement are contrary to or conflict with any language or provisions set forth in any exhibit to this Agreement, the language and provisions of this Agreement shall control, and the contrary or conflicting language or provisions of the Exhibit(s) shall be disregarded and shall be considered void.

3.15 Modification.

No waiver, alteration, or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of City and the Attorney.

3.16 Reopen Upon Implementation of Caseload Limits Under Standard 3.4.

Pursuant to Order No. 25700-A-1016 of the State Supreme Court, implementation of caseload limits set forth in Standard 3.4 of the Standards for Indigent Defense have been delayed until January 1, 2015. The Washington State Office of Public Defense has been directed to conduct a "statewide attorney time study" and develop a model misdemeanor case weighting policy that is consistent with the indigent defense standards adopted by the Court. At such time as caseload limits have been implemented, the provisions of this contract which are impacted by such implementation may be reopened by either party for renegotiation. In the event revisions to this contract cannot be agreed to within ninety (90) days of the effective date of caseload limits under Standard 3.4, and notwithstanding the provisions of Section 3.7 above, either party may terminate this contract for convenience by giving not less than ninety (90) days written notice.

3.17 **Assignment/Subcontract.**

Any assignment or subcontracting of this Agreement or any of the services to be provided hereunder by the Attorney without the prior written consent of City shall be void.

3.18 **Waiver.**

A waiver of any breach by either party shall not constitute a waiver of any subsequent breach.

3.19 **Third-Party Beneficiaries.**

There are no third-party beneficiaries to this Agreement.

3.20 **Counterparts.**

This Agreement shall be signed in duplicate or triplicate and may not be signed in counterparts.

3.21 **Authorized Signatures.**

By their signatures below each party represents that it has taken all necessary steps and is fully authorized to sign for and on behalf of the named principal above.

3.22 **Effective Date.**

This Agreement shall be effective January 1, 2014 at 12:01 a.m.

CITY OF LAKE STEVENS

FELDMAN & LEE, P.S.

Vern Little, Mayor

Date

James A. Feldman, President

Date

Attest:

Norma Scott, City Clerk

Approved as to form:

Grant K. Weed, City Attorney



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: December 9, 2013

Subject: Ordinance amending portions of Lake Stevens Municipal Code (LSMC) Chapter 5.28 concerning potentially dangerous and dangerous dogs.

Contact Interim Chief Dan Lorentzen **Budget Impact:** N/A
Person/Department: _____

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Approve first and final reading of Ordinance No. 892, LSMC Chapter 5.28, Regulations concerning inherently dangerous and wild animals, animals biting, aggressive, dangerous and potentially dangerous dogs.

SUMMARY/BACKGROUND:

Lake Stevens Municipal Code (LSMC) Chapter 5.28 was last updated in 1997 and similar ordinances to Lake Stevens have been successfully challenged in the courts. The changes to LSMC Chapter 5.28 address the legal issues and make the definition of dangerous dog consistent with state law. It also clarifies a clear appeal process to comply with due process rights on property.

The city prosecuting and the city attorney both approve the changes to the ordinance.

APPLICABLE CITY POLICIES:

BUDGET IMPACT: N/A

ATTACHMENTS:

- ▶ Exhibit A: Draft Ordinance No. 892, changes in LSMC Chapter 5.28

**CITY OF LAKE STEVENS
LAKE STEVENS WASHINGTON**

ORDINANCE NO. 892

AN ORDINANCE OF THE CITY OF LAKE STEVENS AMENDING PORTIONS OF CHAPTER 5.28 ENTITLED “REGULATIONS CONCERNING INHERENTLY DANGEROUS AND WILD ANIMALS, ANIMAL BITING, AGGRESSIVE, DANGEROUS AND POTENTIALLY DANGEROUS DOGS,” PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City desires to update portions of Chapter 5.28; and

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

Section 1. Lake Stevens Municipal Code (LSMC) Chapter 5.28 entitled “REGULATIONS CONCERNING INHERENTLY DANGEROUS AND WILD ANIMALS, ANIMAL BITING, AGGRESSIVE, DANGEROUS AND POTENTIALLY DANGEROUS DOGS” is hereby amended to read as follows:

Chapter 5.28

REGULATIONS CONCERNING INHERENTLY DANGEROUS AND WILD ANIMALS, ANIMAL BITING, AGGRESSIVE, DANGEROUS AND POTENTIALLY DANGEROUS DOGS

Sections:

- [5.28.010](#) Animal Bites to be Reported
- [5.28.020](#) Rabies Control
- [5.28.030](#) Aggressive Dogs
- [5.28.035](#) Inherently Dangerous and Wild Animals.
- [5.28.040](#) Potentially Dangerous Dog Defined
- [5.28.050](#) Dangerous Dog Defined and severe injury incorporated by reference
- [5.28.060](#) Dogs Not Declared Dangerous Defined
- [5.28.070](#) Quarantine Responsibility
- [5.28.075](#) Declaration of Potentially Dangerous /Dangerous Dog – Hearing – Appeal
- [5.28.080](#) Duties for Keeping of a Potentially Dangerous Dog or Dog Under Investigation as a Potentially Dangerous Dog or Dog Under Investigation as a Dangerous Dog
- [5.28.090](#) Duties upon Final Declaration of Dangerous Dog
- [5.28.095](#) Duties pending appeal of a Dangerous Dog Declaration
- [5.28.100](#) Violation and Penalty

5.28.010 Animal Bites to be Reported.

The owner of a dog or any person who is bitten by a dog, or the owner of a domestic animal bitten by a dog, or any doctor, veterinarian or hospital which has information that a person or domestic animal was bitten by a dog shall immediately report the event to the Lake Stevens Police Department.

5.28.020 Rabies Control.

It is unlawful for any person knowing or suspecting that an animal has rabies to allow such animal to be taken anywhere off his or her premises without the written permission of the animal control authority except to deliver the animal to the animal shelter or to a licensed veterinarian. Every owner or other person suspecting or fearing that an animal is rabid, shall immediately notify the animal control authority or a police officer, who shall either remove the animal to the animal shelter or summarily destroy it after compliance with Section 5.24.050.

5.28.030 Aggressive Dogs.

All acts of aggression by a dog that is a potential or probable threat to the safety and welfare of the community shall be investigated by a Law Enforcement Officer or Animal Control Authority.

5.28.035 Inherently Dangerous and Wild Animals.

- A. No person shall own any inherently dangerous animal or any wild animal (as defined in LSMC [5.08.010](#)).
- B. Possessing an Inherently Dangerous or Wild Animal is a misdemeanor.

5.28.040 Potentially Dangerous Dog Defined.

A "Potentially Dangerous Dog" means any dog that when unprovoked:

- A. Inflicts a bite or bites on a human, pet, livestock or domestic animal (including poultry and water fowl) on either public or private property; or
- B. Chases or approaches a person on either public or private grounds in a menacing fashion or apparent attitude of attack, ~~or any dog with a known propensity, tendency, or disposition to attack unprovoked, or to cause injury or otherwise to threaten the safety of humans or domestic animals.~~
- C. Any dog with a known propensity, tendency, or disposition to attack unprovoked, or to cause injury or otherwise threaten the safety of humans, pets, or livestock on any public or private property.

5.28.050 Dangerous Dog Defined and Severe Injury incorporated by reference.

RCW 16.08.070 (2) and (3) are adopted and incorporated by reference

RCW 16.08.070 (2) "Dangerous dog" means any dog that (a) inflicts severe injury on a human being without provocation on public or private property, (b) kills a domestic animal without provocation while the dog is off the owner's property, or (c) has been previously found to be potentially dangerous because of injury inflicted on a human, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans.

(3) "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

~~A “Dangerous Dog” means any dog that has demonstrated a disposition or propensity to harm human beings or domestic animals in a hostile manner. This includes, but is not limited to any dog who:~~

~~A. Has inflicted severe injury that results in broken bones, disfiguring marks, or requires multiple sutures;~~

~~B. kills a domestic animal without provocation while the dog is off the owner’s property, or;~~

~~C. Has been previously found to be potentially dangerous, the owner having received written notice of such, and the dog again aggressively bites, attacks, or endangers the safety of human beings or domestic animals.~~

5.28.060 Dogs Not Declared Dangerous Defined.

Dogs shall not be declared a dangerous dog if the threat, injury or damage was sustained by a person who at the time was:

- A. Committing a willful trespass or other tort upon the premises occupied by the owner of the dog; or was
- B. Tormenting, abusing, or assaulting the dog, or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog has done so in the past; or was
- C. Committing or attempting to commit a crime.

5.28.070 Quarantine Responsibility.

Every animal which bites a person must be securely quarantined at the direction of the animal control authority for a period of ten (10) days. At the discretion of the animal control authority, the quarantine may occur by:

- A. Securing the dog on the owner’s premises with the approval of and under the supervision of the Animal Control Authority or Police Officer and not allowing said dog to run at large or to come in contact with any person or other animal (If at any time in the discretion of the animal control authority, the owner is not securing and supervising the dog adequately for quarantine purposes, the animal control authority may place or impound the dog pursuant to B below ,
- B. Placing the dog in a veterinary hospital, or impounding it to an approved shelter for a period of at least ten (10) days.
- C. Such dog may not be transported outside of the city limits without the written permission of the Lake Stevens Police Department.

5.28.075 Declaration of Potentially Dangerous/or Dangerous Dog – Hearing – Appeal.

A. The police department or the Animal Control Authority shall have authority to declare, classify and restrict potentially dangerous/dangerous dogs. The department may find and declare an animal potentially dangerous/dangerous if an animal control officer has probable cause to believe that the animal falls within the definitions set forth in LCMC 5.28.040 or 5.28.050. The finding/declaration must be based upon:

1. The written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definition of LSMC 5.28.040 5.28.050 ; or
2. Dog bite reports filed with the police department; or

3. Actions of the dog witnessed by any animal control officer or law enforcement officer; or
4. Other substantial evidence.

B. The declaration of potentially dangerous or dangerous dog shall be in writing and shall be served on the owner in one of the following methods:

1. Certified mail to the owner's last known address; or
2. Personally; or
3. If the owner cannot be located by one of the first two methods, by publication in a newspaper of general circulation.

C. The declaration shall state at least:

1. The description of the animal;
2. The name and address of the owner, if known;
3. The location of the animal if not in custody of the owner;
4. The facts and RCW or LSMC section upon which the declaration of potentially dangerous or dangerous dog is based;
5. The restrictions placed on the animal by RCW 16.08.080 or LSMC; and
6. The ability and process for appealing the declaration to the Chief of Police and to Marysville municipal court.
7. The service of a potentially dangerous or dangerous dog declaration shall, unless timely appealed, be a final determination that the dog is a potentially dangerous or dangerous dog.

D. A notice of appeal, substantially in the form prescribed, shall be filed with the Lake Stevens Chief of Police (or Chief's designee) not more than **five (5) business days** after service of the potentially dangerous or dangerous dog declaration. Failure to timely file a notice of appeal shall constitute a waiver of the right to appeal the determination of the declaration of potentially dangerous or dangerous dog.

E. The decision of the Chief of Police may be appealed De Novo to the ~~Judge~~ of the Marysville Municipal Court by filing an additional Notice of Appeal with the Lake Stevens Police Department within **five (5) business days** of mailing or delivery of the Chief of Police's decision.

F. An appeal pursuant to this chapter shall be written and shall address the following requirements:

1. The names and addresses of all persons who will be participating in the appeal, along with their legal interest in the dog involved in the proceeding.
2. A brief statement of the specific action protested, together with any material facts related to this protest.
3. A brief statement of the outcome sought and the reason why the protested action should be reversed, modified, or otherwise set aside.
4. The appeal should be signed by the interested persons and include the following penalty of perjury statement by at least one of these persons:
I, _____, certify and declare under the penalty of perjury under the laws of the state of Washington the foregoing is true and correct.

G. Upon receipt of a timely filed notice of appeal, a hearing shall be scheduled not more than thirty days from the date of the filing of the notice of appeal. Written notice of the date of the hearing shall be sent to the appellants at least ten days prior to the scheduled hearing date. The failure of the appellant to appear at the hearing shall result in a denial of the appeal and upholding of the declaration of potentially dangerous or dangerous dog.

H. Nothing prevents the appellant(s) and the Administrative Appeal Official (Chief of Police) from reaching an amicable decision before or at the time of hearing.

I. If the dog is determined to be Potentially Dangerous or Dangerous the owner must pay all costs and fees of confinement; impound and control. In addition, if the owner or keeper does not file a timely written request for hearing, the restrictions imposed in connection with the declaration shall remain in effect for the life of the animal, unless sooner lifted by the Animal Control action or a court of competent jurisdiction.

J. Hearing Before Chief of Police:

1. **Declaration Probable Cause.** Dogs shall be declared potentially dangerous or dangerous upon proof that the dog is as defined in LSMC 5.28.040 and or 050 – established by the probable cause standard required for the declaration of the animal control officer.

2. **Presentation of Evidence.** At the appeal hearing, the Chief shall take evidence relevant to the potentially dangerous dog declaration or dangerous dog declaration. Testimony will be taken under oath pursuant to the rules of evidence. Parties are responsible for subpoenaing any witnesses they deem necessary to testify.

3. **Burden of Proof and Standard of Review.**

a. At the appeal hearing before the Chief of Police the animal control authority shall have the burden of proving that the dog is potentially dangerous or dangerous by a preponderance of the evidence.

~~2.~~ b. At the hearing the burden shall be upon the owner of the dog to prove one or more of the affirmative defenses set forth in 5.28.060 by preponderance of the evidence.

~~3.~~ c. The affirmative defenses set forth in 5.28.060 shall not apply in actions to declare the dog to be potentially dangerous.

4. **Hearing (Chief of Police).** The owner of the animal may present evidence in defense of the animal. The Chief of Police shall weigh the evidence presented by both the animal control authority and the owner (if applicable). At the Conclusion of the hearing the Chief shall issue a written order and may make the following determinations.

a. The dog in question is declared to be a dangerous dog by a preponderance of the evidence ;

b. The dog in question is declared to be a potentially dangerous dog by a preponderance of the evidence;

c. The dog in question is declared to be neither dangerous nor potentially dangerous.

5. **Notice of Appeal to Marysville Municipal Court.**

a. If the declaration is sustained or reversed by the Chief of Police, the appealing animal owner or the animal control authority shall be notified of the right to appeal to Marysville Municipal Court.

b. If the declaration is reversed and an appeal is not timely filed by the animal control authority, any restrictions on the animal previously imposed shall be annulled.

K. Appeal DeNovo Hearing Before Marysville Municipal Court:

1. **Declaration Probable Cause.** Dogs shall be declared potentially dangerous or dangerous upon proof that the dog is as defined in LSMC 5.28.040 and or 050 – established by the probable cause standard required for the declaration of the animal control officer.

2. **Presentation of Evidence.** At the appeal hearing, the Court shall take evidence relevant to the potentially dangerous dog declaration or dangerous dog declaration. Testimony will be taken under oath pursuant to the rules of evidence. Parties are responsible for subpoenaing any witnesses they deem necessary to testify.

3. **Burden of Proof and Standard of Review.**

a. At the appeal hearing before the Court the animal control authority shall have the burden of proving that the dog is potentially dangerous or dangerous by a preponderance of the evidence.

~~2~~ b. At the hearing the burden shall be upon the owner of the dog to prove one or more of the affirmative defenses set forth in 5.28.060 by preponderance of the evidence.

~~3~~ c. The affirmative defenses set forth in 5.28.060 shall not apply in actions to declare the dog to be potentially dangerous.

4. **DeNovo Hearing Before Court.** The owner of the animal may present evidence in defense of the animal. The Court shall weigh the evidence presented by both the animal control authority and the owner (if applicable). At the Conclusion of the hearing the Court shall issue a written order and may make the following determinations.

a. The dog in question is declared to be a dangerous dog by a preponderance of the evidence ;

b. The dog in question is declared to be a potentially dangerous dog by a preponderance of the evidence;

c. The dog in question is declared to be neither dangerous nor potentially dangerous.

5. **Decision of the Court.** The decision ~~of the judge~~ of the Marysville Municipal Court shall be a final administrative decision appealable to the Snohomish County Superior Court within 30 days of the final written order.

6. **Notice of Administrative Appeal to Snohomish County Superior Court.**

a. If the declaration is sustained or reversed by the Court, the appealing animal owner or the animal control authority shall be notified of the right to appeal to Snohomish County Superior Court.

b. If the declaration is reversed and an appeal is not timely filed by the animal control authority, any restrictions on the animal previously imposed shall be annulled.

~~2~~ 7. Notice of the appeal and any other pleadings required shall be served and filed as proscribed by court rule and law.

~~3~~ 8 The costs of transcribing and preparing all records ordered certified by the court or desired by the appellant shall be borne by the appellant.

5.28.080 Duties for Keeping of a Potentially Dangerous Dog or Dog Under Investigation as a Potentially Dangerous Dog or Dog Under Investigation as a Dangerous Dog.

- A. It shall be unlawful for the owner of a potentially dangerous dog or a dog under investigation as a potentially dangerous dog or under investigation as a dangerous dog:
1. to allow the dog to remain on the premises of the owner unrestrained by a secure leash, locked pen or structure, or other restraint or not under the control of the owner; or
 2. to suffer or permit the dog to leave the premises of the owner unless the dog is securely restrained by a substantial leash or other restraint under the control of a responsible person.
- B. Any dog which is declared to be a “potentially dangerous dog” shall be required to be micro chipped by a veterinarian of the owner’s choice, at the owner’s expense. This must be accomplished within fifteen days after receipt of the potentially dangerous dog declaration issued by the animal control authority.
- C. The owner of a potentially dangerous dog or dog under investigation as a potentially dangerous or dangerous dog shall immediately notify the police department or animal control agency when the dog:
1. is loose or unconfined off the premises of the owner;
 2. has bitten or injured a human being or another animal;
 3. is sold, given away, moved to another address; or dies. If such dog is sold, given away, or moved to another location, the owner shall provide the new address, and telephone number of the dog’s residence and the name of the new owner if applicable. All requirements of this chapter must be met prior to moving the dog. If the dog dies, the owner shall supply to the animal control agency within thirty (30) days of death, a veterinarian certificate of death or other proof that the dog has died.
 4. having been declared potentially dangerous, or is under investigation as a potentially dangerous dog, by an animal control agency in another jurisdiction and the dog now resides in the City of Lake Stevens.
- D. Failure to comply is prohibited and may, in addition to other enforcement; result in the dog being immediately impounded.

5.28.090 Duties upon Final Declaration of Dangerous Dog.

Dogs declared to be a dangerous dog shall be immediately:

1. Removed by the Animal Control Authority or Police Officer and impounded and held until it is destroyed in a humane manner; or
2. Be permanently removed from the limits of the City under the conditions agreed upon by the Lake Stevens Police Department.

5.28.095 Duties pending appeal of a Dangerous Dog Declaration.

- A. Dogs pending the appeal of a dangerous dog declaration shall within 15 days:
1. Be removed by the Animal Control Authority or Police Officer and impounded and held until it is destroyed in a humane manner; or
 2. Be permanently removed from the limits of the City under the conditions agreed upon by the Lake Stevens Police Department.

3. At the discretion of the animal control authority, the dog may remain at the owner's residence while pending appeal of a dangerous dog declaration under the following conditions:

- a. Securely confine the dog on the owner's property. Confined shall mean: secured indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of persons other than the owner and designed to prevent the animal from escaping; or, in a securely fenced yard with a locked gate;
- b. The dog shall not be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.
- c. Post signs for the duration the dog is on the premises to warn the public that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog.
- d. Allow the investigating officer to enter the area of confinement to determine compliance.
- e. The owner shall post bond issued by a surety insurer qualified under chapter [48.28RCW](#) in a form acceptable to the animal control authority; in the sum of at least two hundred and fifty thousand dollars (\$250,000) payable to any person injured by the dog; or obtain a policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under title [48](#) RCW in the amount of at least two hundred and fifty thousand dollars (\$250,000) insuring the owner for any personal injuries inflicted by the dog.
- f. Once the investigation is closed and a dangerous dog determination has been upheld, the dog must immediately be:
 - 1) relocated under the conditions set by the Lake Stevens Police Department; or:
 - 2) removed by the animal control authority and impounded and held until is destroyed in a human manner.

B. Failure to comply is prohibited and may, in addition to other enforcement, result in the dog being immediately impounded.

5.28.100 Violation and Penalty.

Unless otherwise provided by RCW [16.08](#) - Failure to comply with any provision of this chapter, or violation of any provision of this chapter is a misdemeanor subject to a jail term of not more than 90 days, a fine of not more than \$1,000.00, or both such fine and imprisonment or 2) subject to enforcement pursuant to Title [17](#) of the Lake Stevens Municipal Code.

(Ord. 717, 2005)

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

Section 3. Effective Date. This ordinance shall be in full force and effective five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Lake Stevens on this _____ day of _____, 2013.

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Norma J. Scott, City Clerk.

APPROVED TO FORM

Grant Weed, City Attorney

First and Final Reading:

Published:

Effective Date:



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