

Lake Stevens City Council Regular Meeting Agenda

October 13, 2014

	*B	Public Hearing and consideration of second and final reading of Ordinances No. 917, 2014 Comprehensive Plan Update, No. 918, Kjorsvik Map Amendment and No. 919, Huber Map Amendment	Sally/ Russ
	*C	Public Hearing and consideration of second and final reading of Ordinance 920, Kjorsvik Rezone	Russ
PUBLIC MEETING	*A	Snowberry Final Plat Approval	Russ
ACTION ITEMS	*A	Second and final reading of Ordinance 921, Huber Rezone	Russ
DISCUSSION ITEMS	A	Preliminary Budget Presentation	Barb
COUNCIL PERSON'S BUSINESS			
MAYOR'S BUSINESS			
STAFF REPORTS			
EXECUTIVE SESSION			
ADJOURN			

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

**THE PUBLIC IS INVITED TO ATTEND
Special Needs**

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

NOTICE:

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

**BLANKET VOUCHER APPROVAL
 2014**

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

Payroll Direct Deposits	10/1/2014	\$116,395.57
Payroll Checks	37454-37455	\$4,549.40
Tax Deposit(s)	10/2/2014	\$45,471.25
Electronic Funds Transfers	ACH	\$141,942.29
Claims	37456-37548	\$193,339.94
Void Checks		
Total Vouchers Approved:		\$501,698.45

This 13th day of October 2014:

 Mayor

 Councilmember

 Finance Director

 Councilmember

 Councilmember

 Councilmember



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Accounts Payable Checks and EFTs for period of 09/23/2014 to 10/13/2014

Invoice	AccountCode	Account Description	Item Description	Amount	
AFLAC			Check 0	10/1/2014	\$1,495.80
10/01/2014	001-000-284-00-00-00	Payroll Liability Other	Employee paid Supplemental Insurance Premiums 10/01/2014	\$1,495.80	
Assoc of Washington Cities EFT			Check 0	10/13/2014	\$79,493.57
Oct 2014	001-000-283-00-00-00	Payroll Liability Medical	Employee/Employer Medical Insurance premiums	\$79,493.57	
Dept of Retirement PERS LEOFF			Check 0	10/1/2014	\$52,594.81
09/2014	001-000-282-00-00-00	Payroll Liability Retirement	PERS LEOFF Sept 2014 Employee and Employer paid contributions	\$52,594.81	
Nationwide Retirement Solution			Check 0	10/1/2014	\$1,150.00
09/2014	001-000-282-00-00-00	Payroll Liability Retirement	Employee Contributions to Nationwide Deferred Comp 10/01/2014	\$1,150.00	
Standard Insurance Company			Check 0	10/1/2014	\$4,800.65
09/2014	001-000-284-00-00-00	Payroll Liability Other	Standard Insurance Premiums Employee portions	\$104.50	
09/2014	001-002-513-11-20-00	AD-Benefits	Standard Insurance Premiums Employer portions	\$67.74	
09/2014	001-003-514-20-20-00	CC-Benefits	Standard Insurance Premiums Employer portions	\$97.61	
09/2014	001-004-514-23-20-00	FI-Benefits	Standard Insurance Premiums Employer portions	\$122.52	
09/2014	001-005-518-10-20-00	HR-Benefits	Standard Insurance Premiums Employer portions	\$78.54	
09/2014	001-006-518-80-20-00	IT-Benefits	Standard Insurance Premiums Employer portions	\$158.44	
09/2014	001-007-558-50-20-00	PL-Benefits	Standard Insurance Premiums Employer portions	\$243.98	
09/2014	001-007-559-30-20-00	PB-Benefits	Standard Insurance Premiums Employer portions	\$223.33	
09/2014	001-008-521-20-20-00	LE-Benefits	Standard Insurance Premiums Employer portions	\$2,477.66	
09/2014	001-010-576-80-20-00	PK-Benefits	Standard Insurance Premiums Employer portions	\$10.76	
09/2014	001-013-518-30-20-00	GG-Benefits	Standard Insurance Premiums Employer portions	\$15.79	
09/2014	101-016-542-30-20-00	ST-Benefits	Standard Insurance Premiums Employer portions	\$594.47	
09/2014	401-070-535-10-20-00	SE-Benefits	Standard Insurance Premiums Employer portions	\$74.91	
09/2014	410-016-531-10-20-00	SW-Benefits	Standard Insurance Premiums Employer portions	\$530.40	

Invoice	AccountCode	Account Description	Item Description	Amount	
Washington State Support Registry			Check 0	10/1/2014	\$402.46
10/01/2014	001-000-284-00-00-00	Payroll Liability Other	Employee paid Child Support 10/01/2014	\$402.46	
EFTPS Electronic Federal Tax Pmt System			Check 0	10/1/2014	\$45,471.25
09/2014	001-000-281-00-00-00	Payroll Liability Taxes	Employee & Employer paid Federal Taxes 10/01/2014	\$45,471.25	
Dept of Retirement (Deferred Comp)			Check 0	10/1/2014	\$2,005.00
10/01/2014	001-000-282-00-00-00	Payroll Liability Retirement	Employee Contributions to State Deferred Compensation 10/01/2014	\$2,005.00	
Lake Stevens Police Guild			Check 37456	10/1/2014	\$952.00
10/01/2014	001-000-284-00-00-00	Payroll Liability Other	Employee paid Union Dues 10/01/2014	\$952.00	
Teamsters Local No 763			Check 37457	10/1/2014	\$560.50
09/2014	001-000-284-00-00-00	Payroll Liability Other	Employee paid Union dues for Sept 2014	\$560.50	
United Way of Snohomish Co			Check 37458	10/1/2014	\$181.68
09/2014	001-000-284-00-00-00	Payroll Liability Other	Employee United Way Contributions Sept 2014	\$181.68	
Washington Teamsters Welfare Trust			Check 37459	10/1/2014	\$1,308.60
09/2014	001-000-283-00-00-00	Payroll Liability Medical	Teamsters Dental Insurance Premiums	\$1,308.60	
AAA Lowe-Cost Locksmith			Check 37460	10/13/2014	\$97.74
2661	001-008-521-20-48-00	LE-Repair & Maintenance	Re-key cabinet	\$97.74	
Ace Hardware			Check 37461	10/13/2014	\$146.43
43569	001-008-521-20-31-01	LE-Operating Costs	Fan for LT office	\$56.46	
43620	001-008-521-20-31-01	LE-Operating Costs	Cabinet parts	\$10.20	
43745	001-010-576-80-31-04	PK-North Cove Park Ops	Fasteners North Cove dock	\$58.63	
43858	101-016-544-90-31-02	ST-Operating Cost	Vinyl letters and numbers	\$10.57	
43858	410-016-531-10-31-02	SW-Operating Costs	Vinyl letters and numbers	\$10.57	
ACES			Check 37462	10/13/2014	\$175.00
10295GR	001-005-517-60-31-00	HR-Safety Program	Ladders Safety Training	\$40.24	
10295GR	101-016-517-60-31-00	ST-Safety Program	Ladders Safety Training	\$67.38	

Invoice	AccountCode	Account Description	Item Description	Amount
10295GR	410-016-517-60-31-00	SW-Safety Program	Ladders Safety Training	\$67.38
Advantage Building Services			Check 37463	10/13/2014
1021	001-007-558-50-41-00	PL-Professional Servic	Janitorial Services	\$27.31
1021	001-007-559-30-41-00	PB-Professional Srv	Janitorial Services	\$27.31
1021	001-008-521-20-41-00	LE-Professional Services	Janitorial Services	\$285.00
1021	001-010-576-80-41-00	PK-Professional Services	Janitorial Services	\$18.20
1021	001-012-575-50-41-00	CS-Community Center - Cleaning	Janitorial Services	\$109.25
1021	001-013-518-20-41-00	GG-Professional Service	Janitorial Services	\$148.20
1021	101-016-542-30-41-02	ST-Professional Service	Janitorial Services	\$18.21
1021	410-016-531-10-41-01	SW-Professional Services	Janitorial Services	\$18.22
Anderson Jennifer			Check 37464	10/13/2014
October 2014	001-000-284-00-00-00	Payroll Liability Other	Section 125 Dep Care Reimb Oct 2014	\$416.66
Aquatechnex			Check 37465	10/13/2014
5265	410-016-531-50-31-08	DOE FY14 Milfoil Grant	Eurasian Milfoil Treatment of lake	\$26,292.40
Averill Ann			Check 37466	10/13/2014
9/30 exp rpt	001-007-558-50-31-00	PL-Office Supplies	Avery ready index	\$10.40
BLR			Check 37467	10/13/2014
15756226-R4	001-005-518-10-49-00	HR-Miscellaneous	Wa Employment Law subscription 2014-15	\$437.00
Blumenthal Uniforms			Check 37468	10/13/2014
88367	001-008-521-20-26-00	LE-Clothing	Uniform shoes for Ubert	\$170.45
81695	001-008-521-20-26-00	LE-Clothing	Adams lapel microphone	\$126.78
84938	001-008-521-20-26-00	LE-Clothing	Apex carrier - Barnes	\$133.52
95633	001-008-521-20-26-00	LE-Clothing	Pants - Taylor	\$137.87
9008-01	001-008-521-20-26-00	LE-Clothing	Shirts/pants/jacket - Lambier	\$138.14
Carquest Auto Parts Store			Check 37469	10/13/2014
2421-211600	101-016-544-90-31-02	ST-Operating Cost	Fuses/relay/oil	\$50.14

Invoice	AccountCode	Account Description	Item Description	Amount
2421-211600	410-016-531-10-31-02	SW-Operating Costs	Fuses/relay/oil	\$50.14
Carter David			Check 37470	10/13/2014
9/30 Exp Rpt	001-008-521-20-43-00	LE-Travel & Meetings	Parking - case# 11-02205	\$20.00
Cemex			Check 37471	10/13/2014
9429465405	101-016-542-67-41-00	ST-Street Cleaning	Street sweepings disposal	\$4,518.63
9429465405	410-016-531-10-41-03	SW-Street Cleaning	Street sweepings disposal	\$4,518.63
Child Advocacy Center			Check 37472	10/13/2014
623	001-008-521-20-41-00	LE-Professional Services	Q3 2014 Child interview services	\$1,833.17
CHS Engineers LLC			Check 37473	10/13/2014
Aug 2014	101-016-542-30-41-02	ST-Professional Service	LUA2014-54 Inhot Short Plat	\$981.03
Aug 2014	101-016-542-30-41-02	ST-Professional Service	LUA2014-18 Kottsick BLA	\$959.59
Aug 2014	101-016-542-30-41-02	ST-Professional Service	LUA2013-111 Snowberry Court	\$2,094.48
Aug 2014	101-016-542-30-41-02	ST-Professional Service	LUA2014-56 Springbrook Short Plat	\$1,104.93
City of Everett			Check 37474	10/13/2014
I14002277	001-008-554-30-51-00	LE-Environmental-Animal Contro	August 2014 animal shelter bill	\$1,085.00
City of Lake Stevens			Check 37475	10/13/2014
1021	001-007-558-50-41-00	PL-Professional Servic	Retainage - Advantage Bldg Svc	\$1.44
1021	001-007-559-30-41-00	PB-Professional Srv	Retainage - Advantage Bldg Svc	\$1.44
1021	001-008-521-20-41-00	LE-Professional Services	Retainage - Advantage Bldg Svc	\$15.00
1021	001-010-576-80-41-00	PK-Professional Services	Retainage - Advantage Bldg Svc	\$0.96
1021	001-012-575-50-41-00	CS-Community Center - Cleaning	Retainage - Advantage Bldg Svc	\$5.75
1021	001-013-518-20-41-00	GG-Professional Service	Retainage - Advantage Bldg Svc	\$7.80
1021	101-016-542-30-41-02	ST-Professional Service	Retainage - Advantage Bldg Svc	\$0.96
1021	410-016-531-10-41-01	SW-Professional Services	Retainage - Advantage Bldg Svc	\$0.95
City of Marysville			Check 37476	10/13/2014

Invoice	AccountCode	Account Description	Item Description	Amount
POLIN11-0459	001-008-523-60-51-00	LE-Jail	August 2014 Score and Medical billing	\$6,510.00
14-017	001-013-512-50-41-00	GG-Municipal Court Fees	Sept 2014 Court citations	\$5,556.08
Comcast			Check 37477	10/13/2014
9/14 0808840	001-010-576-80-42-00	PK-Communication	Internet services - City Shop	\$28.57
9/14 0808840	101-016-543-30-42-00	ST-Communications	Internet services - City Shop	\$28.57
9/14 0808840	410-016-531-10-42-00	SW-Communications	Internet services - City Shop	\$28.57
Comcast			Check 37478	10/13/2014
9/14 0692756	001-008-521-20-42-00	LE-Communication	Internet services - Market Place	\$85.71
Comcast			Check 37479	10/13/2014
9/14 0810218	001-008-521-20-42-00	LE-Communication	Internet - N Lakeshore Dr	\$85.71
Comcast			Check 37480	10/13/2014
9/14 0827887	101-016-542-64-47-00	ST-Traffic Control -Utility	Traffic signal control	\$130.80
Comdata Corporation			Check 37481	10/13/2014
20215092	001-008-521-20-32-00	LE-Fuel	Fuel	\$64.22
Corporate Office Supply			Check 37482	10/13/2014
153016i	001-003-514-20-31-00	CC-Office Supply	Planners	\$26.48
154718i	001-003-514-20-31-00	CC-Office Supply	Toner cartridge Jennie/Carin	\$54.29
153170i	001-004-514-23-31-00	FI-Office Supplies	toner	\$75.97
154357i	001-004-514-23-31-00	FI-Office Supplies	Pocket dividers	\$24.41
154661i	001-008-521-20-31-00	LE-Office Supplies	Paper/Date stamps/batteries	\$398.83
154204i	001-008-521-20-31-00	LE-Office Supplies	Vellum	\$8.42
154718i	001-013-518-20-31-00	GG-Operating	Facial tissue	\$11.33
153059	001-013-518-20-31-00	GG-Operating	Paper	\$23.84
153170i	001-013-518-20-31-00	GG-Operating	Pencils	\$9.44
153016i	001-013-518-20-31-00	GG-Operating	Paper/envelopes/pens	\$265.72
154357i	001-013-518-20-31-00	GG-Operating	Paper/glue stick/folders/postits	\$56.69
154718i	001-013-518-20-31-00	GG-Operating	Astrobright pink copy paper	\$10.31

Invoice	AccountCode	Account Description	Item Description	Amount	
Dataquest LLC			Check 37483	10/13/2014	\$331.00
20140930	001-005-518-10-41-00	HR-Professional Services	New Hire Background checks	\$331.00	
Dell Marketing LP			Check 37484	10/13/2014	\$1,392.00
XJJWNTMC6	510-003-594-18-64-00	Purchase Computer Equipt - Cap	OptiPlex 9020 Serial #4WVTM22	\$1,392.00	
Dept of Emergency Management			Check 37485	10/13/2014	\$16,283.00
I000367273	001-013-525-10-51-00	GG-Emergency	Q3 - Q4 2014 Emergency services	\$16,283.00	
Dicks Towing			Check 37486	10/13/2014	\$294.84
146727	101-016-544-90-31-02	ST-Operating Cost	Towing PW19	\$147.42	
146727	410-016-531-10-31-02	SW-Operating Costs	Towing PW19	\$147.42	
Dunlap Industrial Hardware			Check 37487	10/13/2014	\$93.67
1326956-01	101-016-544-90-31-02	ST-Operating Cost	Spill absorbant	\$46.83	
1326956-01	410-016-531-10-31-02	SW-Operating Costs	Spill absorbant	\$46.84	
Fastenal Company			Check 37488	10/13/2014	\$280.40
WAEV126097	101-016-544-90-31-02	ST-Operating Cost	Batteries for flashing school zone lights	\$255.21	
WAEV125997	410-016-531-10-31-02	SW-Operating Costs	Winch Bar	\$25.19	
Feldman and Lee			Check 37489	10/13/2014	\$6,982.50
Sept 2014	001-011-515-91-41-00	LG-General Indigent Defense	Public Defender services Sept 2014	\$6,982.50	
Firstline Communications			Check 37490	10/13/2014	\$2,840.98
133696	510-006-518-80-49-00	License Renewal - Annual Maint	Annual phone service contract	\$2,840.98	
Grainger			Check 37491	10/13/2014	\$219.88
9539429317	101-016-544-90-31-02	ST-Operating Cost	Battery	\$9.43	
9539058850	101-016-544-90-31-02	ST-Operating Cost	Battery	\$10.08	
9543898010	101-016-544-90-31-02	ST-Operating Cost	Surface Mount Anchor	\$43.08	
9546942542	101-016-544-90-31-02	ST-Operating Cost	Hard Hat	\$47.35	
9543898010	410-016-531-10-31-02	SW-Operating Costs	Surface Mount Anchor	\$43.07	
9539058850	410-016-531-10-31-02	SW-Operating Costs	Battery	\$10.08	

Invoice	AccountCode	Account Description	Item Description	Amount
9539429317	410-016-531-10-31-02	SW-Operating Costs	Battery	\$9.44
9546942542	410-016-531-10-31-02	SW-Operating Costs	Hard Hat	\$47.35
Granite Construction Supply			Check 37492	10/13/2014
				\$1,020.84
54829	101-016-542-64-31-00	ST-Traffic Control - Supply	Signs-Expect Delays	\$521.28
54893	101-016-544-90-31-02	ST-Operating Cost	Barricades	\$499.56
Griffen Chris L			Check 37493	10/13/2014
				\$300.00
3Z0948384	001-011-515-91-41-00	LG-General Indigent Defense	Public Defender Services 3Z0948384	\$300.00
Industrial Supply Inc			Check 37494	10/13/2014
				\$86.75
543257	101-016-544-90-31-02	ST-Operating Cost	Wooden broom handles	\$17.51
543737	101-016-544-90-31-02	ST-Operating Cost	Sling ratchet	\$25.86
543257	410-016-531-10-31-02	SW-Operating Costs	Wooden broom handles	\$17.51
543737	410-016-531-10-31-02	SW-Operating Costs	Sling ratchet	\$25.87
J and J Polygraph Service LLC			Check 37495	10/13/2014
				\$350.00
1197	001-008-521-20-41-00	LE-Professional Services	New Hire Polygraph Examination	\$350.00
Johns Cleaning Service			Check 37496	10/13/2014
				\$145.31
1441	001-008-521-20-26-00	LE-Clothing	Uniform cleaning	\$145.31
Kim Jamie			Check 37497	10/13/2014
				\$300.00
3Z0348046LKS	001-011-515-91-41-00	LG-General Indigent Defense	Public Defender svcs 3Z0348046	\$300.00
Lake Industries LLC			Check 37498	10/13/2014
				\$787.77
264710	101-016-544-90-31-02	ST-Operating Cost	1- 1/4 inch Minus Crushed Rock	\$45.29
264796	101-016-544-90-31-02	ST-Operating Cost	1- 1/4 inch Minus Crushed Rock	\$82.06
28450	101-016-544-90-31-02	ST-Operating Cost	Fill Hauled In - By the Yard	\$60.00
264784	101-016-544-90-31-02	ST-Operating Cost	1- 1/4 inch Minus Crushed Rock	\$126.54
28436	101-016-544-90-31-02	ST-Operating Cost	Fill Hauled In - By the Yard	\$20.00
28503	101-016-544-90-31-02	ST-Operating Cost	Fill Hauled In - By the Yard	\$60.00
28503	410-016-531-10-31-02	SW-Operating Costs	Fill Hauled In - By the Yard	\$60.00
28450	410-016-531-10-31-02	SW-Operating Costs	Fill Hauled In - By the Yard	\$60.00

Invoice	AccountCode	Account Description	Item Description	Amount	
264784	410-016-531-10-31-02	SW-Operating Costs	1- 1/4 inch Minus Crushed Rock	\$126.53	
264710	410-016-531-10-31-02	SW-Operating Costs	1- 1/4 inch Minus Crushed Rock	\$45.28	
28436	410-016-531-10-31-02	SW-Operating Costs	Fill Hauled In - By the Yard	\$20.00	
264796	410-016-531-10-31-02	SW-Operating Costs	1- 1/4 inch Minus Crushed Rock	\$82.07	
Lake Stevens School District			Check 37499	10/13/2014	\$7,086.78
10314	001-001-511-60-45-01	Legislative - Rentals	Facility rent June - Sept 2014	\$157.50	
944	001-008-521-20-32-00	LE-Fuel	August 2014 PD fuel bill	\$6,929.28	
Lake Stevens Sewer District			Check 37500	10/13/2014	\$770.00
Oct 2014	001-008-521-50-47-00	LE-Utilities	Sewer - Police Station	\$77.00	
Oct 2014	001-008-521-50-47-00	LE-Utilities	Sewer - N Lakeshore Dr	\$77.00	
Oct 2014	001-010-576-80-47-00	PK-Utilities	Sewer - Lundeen Park	\$154.00	
Oct 2014	001-012-572-20-47-00	CS-Library-Utilities	Sewer - Library	\$77.00	
Oct 2014	001-013-518-20-47-00	GG-Utilities	Sewer - Family Center	\$77.00	
Oct 2014	001-013-518-20-47-00	GG-Utilities	Sewer - Permit Center	\$77.00	
Oct 2014	001-013-518-20-47-00	GG-Utilities	Sewer - City Hall	\$154.00	
Oct 2014	101-016-543-50-47-00	ST-Utilities	Sewer - 99th Ave SE Property	\$77.00	
Law Offices of Weed Graafstra			Check 37501	10/13/2014	\$8,128.75
130	001-011-515-30-41-00	LG-Professional Service	Legal services	\$8,128.75	
Les Schwab Tire Center			Check 37502	10/13/2014	\$14.66
40200173355	101-016-542-30-48-00	ST-Repair & Maintenance	Flat repair	\$14.66	
Lowes Companies			Check 37503	10/13/2014	\$200.22
911291	001-008-521-20-31-01	LE-Operating Costs	Front door case # 14-1886	\$200.22	
Marysville Printing			Check 37504	10/13/2014	\$120.87
16490	001-008-521-20-31-00	LE-Office Supplies	Crack n peel labels	\$120.87	
Michaelson Angela			Check 37505	10/13/2014	\$17.24
10/1/14 exp rpt	001-008-521-20-43-00	LE-Travel & Meetings	Meal at NIBRS training	\$17.24	

Invoice	AccountCode	Account Description	Item Description	Amount	
Monroe Correctional Complex			Check 37506	10/13/2014	\$302.85
MCC1408.091	101-016-542-30-48-00	ST-Repair & Maintenance	Work Crew services	\$151.43	
MCC1408.091	410-016-531-10-48-00	SW-Repairs & Maintenance	Work Crew services	\$151.42	
Morgan Mechanical Inc			Check 37507	10/13/2014	\$4,772.98
14633-2	001-012-594-75-64-00	CS-Community Center - Capital	HVAC replacement - Community Center	\$4,772.98	
Nelson Franklin			Check 37508	10/13/2014	\$74.87
9/22/14 exp rpt	001-008-521-20-43-00	LE-Travel & Meetings	Meals/Parking for Nelson at FTO training	\$74.87	
Northup Group Dr Bill Ekemo			Check 37509	10/13/2014	\$680.00
3059	001-008-521-20-41-00	LE-Professional Services	Pre-Employment Psych Evaluations	\$680.00	
Northwest Cascade Inc			Check 37510	10/13/2014	\$160.00
2-1021633	001-010-576-80-45-00	PK-Equipment Rental	HoneyBucket rental - Swim Beach	\$80.00	
2-1021495	001-010-576-80-45-00	PK-Equipment Rental	HoneyBucket rental - Boat Launch	\$80.00	
Outcomes by Levy LLC			Check 37511	10/13/2014	\$4,984.31
2014-09-LS	001-013-511-20-41-02	GG-Advisory Srv - Lobbying	Legislative/Lobbying services Sept 2014	\$4,984.31	
Pacific Power Batteries			Check 37512	10/13/2014	\$5.95
11311730	001-008-521-20-31-01	LE-Operating Costs	Battery for Emergency Light	\$5.95	
Petty Cash Account			Check 37513	10/13/2014	\$65.75
6980	101-016-544-90-31-02	ST-Operating Cost	Deed ROW recording fee	\$10.00	
6981	530-016-594-48-60-00	Purchase Of Capital Equipment	PW Vehicle License 2014 Flatbed Internatl	\$55.75	
Puget Sound Clean Air Agency			Check 37514	10/13/2014	\$3,192.25
14-0495	001-013-553-70-51-00	GG-Air Pollution	Q4 2014 Clean Air Assessment	\$3,192.25	
Purchase Power			Check 37515	10/13/2014	\$350.00
9/14 01831977	001-007-558-50-42-00	PL-Communication	Postage	\$106.80	
9/14 01831977	001-013-518-20-42-00	GG-Communication	Postage	\$242.68	
9/14 01831977	101-016-543-30-42-00	ST-Communications	Postage	\$0.26	
9/14 01831977	410-016-531-10-42-00	SW-Communications	Postage	\$0.26	

Invoice	AccountCode	Account Description	Item Description	Amount	
Republic Services 197			Check 37516	10/13/2014	\$357.04
0197001754889	101-016-542-30-45-00	ST-Rentals-Leases	Dumpster Rental - City Shop	\$7.65	
0197001754889	101-016-544-90-31-02	ST-Operating Cost	Dumpster services - City Shop	\$170.87	
0197001754889	410-016-531-10-31-02	SW-Operating Costs	Dumpster services - City Shop	\$170.87	
0197001754889	410-016-531-10-45-00	SW-Equipment Rental	Dumpster Rental - City Shop	\$7.65	
Republic Services 197			Check 37517	10/13/2014	\$121.99
0197001755501	001-013-518-20-31-00	GG-Operating	Dumpster services - City Hall	\$107.84	
0197001755501	001-013-518-20-45-00	GG-Equipment Rental	Dumpster rental - City Hall	\$14.15	
Republic Services 197			Check 37518	10/13/2014	\$257.17
0197001754707	001-010-576-80-31-00	PK-Operating Costs	Dumpster svcs - Lundeen Park	\$243.97	
0197001754707	001-010-576-80-45-00	PK-Equipment Rental	Dumpster rental - Lundeen Park	\$13.20	
Robinson Noble			Check 37519	10/13/2014	\$1,906.43
14-766	101-016-542-30-41-02	ST-Professional Service	Geotechnical consultation - Grade Rd Embankment	\$1,906.43	
Sky Valley Towing			Check 37520	10/13/2014	\$301.13
101884	001-008-521-20-31-01	LE-Operating Costs	Towing PT54 to Shop	\$301.13	
Snohomish County Cities			Check 37521	10/13/2014	\$105.00
10/16 mtg	001-001-511-60-43-00	Legislative - Travel & Mtgs	SCC meeting 10/16/2014	\$105.00	
Snohomish County Conservation Dist			Check 37522	10/13/2014	\$3,001.98
1404-1507	410-016-531-50-31-14	DOE G1400295 - Capacity Exp	Q1-Q2 2014 Work Completed	\$3,001.98	
Snohomish County Human Service			Check 37523	10/13/2014	\$1,530.98
I000366753	001-013-566-00-51-00	GG-Liquor Tax to SnoCo	Q2 2014 Liquor Excise Tax	\$1,530.98	
Snohomish County PUD			Check 37524	10/13/2014	\$15,526.79
137244471	001-008-521-50-47-00	LE-Utilities	200558690	\$102.05	
143872448	001-010-576-80-47-00	PK-Utilities	202513354	\$33.06	
130732311	001-010-576-80-47-00	PK-Utilities	200493443	\$30.98	
120804097	001-010-576-80-47-00	PK-Utilities	200748721	\$88.74	

Invoice	AccountCode	Account Description	Item Description	Amount
156937201	001-010-576-80-47-00	PK-Utilities	203203245	\$341.43
117483793	001-010-576-80-47-00	PK-Utilities	202340527	\$17.46
160172979	001-010-576-80-47-00	PK-Utilities	205395999	\$30.74
120797128	001-010-576-80-47-00	PK-Utilities	203599006	\$99.70
124118487	001-012-572-20-47-00	CS-Library-Utilities	200206977	\$468.96
127428058	001-012-575-50-47-00	CS-Community Center-Utilities	200860922	\$483.46
124118486	001-013-518-20-47-00	GG-Utilities	200206019	\$375.66
124118488	001-013-518-20-47-00	GG-Utilities	200321172	\$139.42
124118487	001-013-518-20-47-00	GG-Utilities	200206977	\$139.36
114166591	001-013-518-20-47-00	GG-Utilities	201956075	\$49.15
107534988	001-013-518-20-47-00	GG-Utilities	201783685	\$119.81
153729354	101-016-542-63-47-00	ST-Lighting - Utilities	204719074	\$16.57
117483793	101-016-542-63-47-00	ST-Lighting - Utilities	202340527	\$17.46
137245586	101-016-542-63-47-00	ST-Lighting - Utilities	203115522	\$266.40
110845104	101-016-542-63-47-00	ST-Lighting - Utilities	202013249	\$133.04
117484265	101-016-542-63-47-00	ST-Lighting - Utilities	203731153	\$142.49
120800376	101-016-542-63-47-00	ST-Lighting - Utilities	203582010	\$140.94
117484264	101-016-542-63-47-00	ST-Lighting - Utilities	203730189	\$117.27
137245034	101-016-542-63-47-00	ST-Lighting - Utilities	201973682	\$43.12
140559960	101-016-542-63-47-00	ST-Lighting - Utilities	202670725	\$1,128.33
117485929	101-016-542-63-47-00	ST-Lighting - Utilities	201595113	\$331.19
130736681	101-016-542-63-47-00	ST-Lighting - Utilities	202648101	\$1,011.47
130736680	101-016-542-63-47-00	ST-Lighting - Utilities	202624367	\$9,354.79
143867261	101-016-542-63-47-00	ST-Lighting - Utilities	203728159	\$86.88
120797128	101-016-543-50-47-00	ST-Utilities	203599006	\$99.70
120797128	410-016-531-10-47-00	SW-Utilities	203599006	\$99.70
117483793	410-016-531-10-47-00	SW-Utilities	202340527	\$17.46

Invoice	AccountCode	Account Description	Item Description	Amount	
Snohomish County PW S			Check 37525	10/13/2014	\$704.22
I000367107	101-016-542-64-48-00	ST-Traffic Control - R&M	Traffic signal repair		\$704.22
Snohomish County PW V			Check 37526	10/13/2014	\$1,940.84
I000366960	001-008-521-20-48-00	LE-Repair & Maintenance	Vehicle Repair		\$1,940.84
Snopac			Check 37527	10/13/2014	\$26,553.60
6968	001-008-528-00-51-00	LE-Snopac Dispatch	Dispatch services		\$26,039.54
6989	001-008-528-00-51-00	LE-Snopac Dispatch	Quarterly Access Assessment		\$514.06
Sonsray Machinery LLC			Check 37528	10/13/2014	\$130.32
W00027-09	101-016-542-30-48-00	ST-Repair & Maintenance	Shoulder mower repair		\$130.32
Sound Law Center			Check 37529	10/13/2014	\$1,568.00
1650	001-007-558-60-41-02	PL-Prof Serv-Hearing E	Hearing Examiner svcs - Huber Rezone		\$1,568.00
Sound Publishing Inc			Check 37530	10/13/2014	\$265.36
EDH588741	001-007-558-50-41-03	PL-Advertising	Huber Rezone LUA2014-0008		\$37.96
EDH587760	001-007-558-50-41-03	PL-Advertising	Springbrook LUA2014-0056		\$79.24
EDH588767	001-007-558-50-41-03	PL-Advertising	Whispering Meadows ROW		\$72.36
EDH590599	001-007-558-50-41-03	PL-Advertising	Snowberry Court LUA2014-0067		\$75.80
Sound Publishing Inc			Check 37531	10/13/2014	\$398.00
EDH102803	001-007-559-30-41-01	PB-Advertising	Help wanted-Building Code Compliance Inspector		\$199.00
EDH591144	001-013-518-30-41-01	GG-Advertising	Help wanted-Salary Commissioners		\$199.00
Staples			Check 37532	10/13/2014	\$96.46
3243403736	001-008-521-20-31-00	LE-Office Supplies	Supplies for LT office		\$50.65
3242609015	001-008-521-20-31-00	LE-Office Supplies	Supplies for LT office		\$45.81
Stericycle Inc			Check 37533	10/13/2014	\$10.36
3002787012	001-008-521-20-41-00	LE-Professional Services	Hazardous waste disposal		\$10.36
Tacoma Screw Products Inc			Check 37534	10/13/2014	\$81.62
30577274	001-010-576-80-31-00	PK-Operating Costs	Safety Glasses		\$7.86

Invoice	AccountCode	Account Description	Item Description	Amount	
30577274	101-016-544-90-31-02	ST-Operating Cost	Safety Glasses	\$7.86	
30579158	101-016-544-90-31-02	ST-Operating Cost	Nitrile gloves	\$15.03	
30578506	101-016-544-90-31-02	ST-Operating Cost	Male/Female Plugs	\$13.99	
30579158	410-016-531-10-31-02	SW-Operating Costs	Nitrile gloves	\$15.03	
30577274	410-016-531-10-31-02	SW-Operating Costs	Safety Glasses	\$7.86	
30578506	410-016-531-10-31-02	SW-Operating Costs	Male/Female Plugs	\$13.99	
Taxcalusa			Check 37535	10/13/2014	\$49.51
15447-556	001-004-514-23-31-00	FI-Office Supplies	100 W-2 Preprinted Condensed Employee 3up Copies B/C/2	\$14.14	
15447-556	001-004-514-23-31-00	FI-Office Supplies	50 1099-MISC 2upFederal Copy A	\$8.71	
15447-556	001-004-514-23-31-00	FI-Office Supplies	50 1099-MISC 2upRecipient Copy B	\$8.71	
15447-556	001-004-514-23-31-00	FI-Office Supplies	Shipping	\$17.95	
Teamsters Local No 763			Check 37536	10/13/2014	\$9.50
10/01/14 addl	001-000-284-00-00-00	Payroll Liability Other	Addl Dues from 10/01/2014 Payroll	\$9.50	
The Seattle Times			Check 37537	10/13/2014	\$200.00
468832	101-016-542-30-41-01	ST-Advertising	Help wanted - Civil Engineer	\$100.00	
468832	410-016-531-10-41-05	SW-Advertising	Help wanted - Civil Engineer	\$100.00	
Thor Andrew			Check 37538	10/13/2014	\$102.00
9/26 exp rpt	001-008-521-20-43-00	LE-Travel & Meetings	Meals/Parking for FTO training	\$102.00	
UPS			Check 37539	10/13/2014	\$43.57
74Y42384	001-008-521-20-42-00	LE-Communication	Evidence shipping	\$28.48	
74Y42394	001-008-521-20-42-00	LE-Communication	Evidence shipping	\$15.09	
Valley General Hospital			Check 37540	10/13/2014	\$10.00
12120	001-008-521-20-31-01	LE-Operating Costs	Blood Alcohol lab collection	\$10.00	
Verizon Northwest			Check 37541	10/13/2014	\$2,085.26
9732598768	001-001-513-10-42-00	Executive - Communication	Wireless Phone charges	\$82.22	
9732598768	001-002-513-11-42-00	AD-Communications	Wireless Phone charges	\$82.22	

Invoice	AccountCode	Account Description	Item Description	Amount	
9732598768	001-003-514-20-42-00	CC-Communications	Wireless Phone charges	\$16.97	
9732598768	001-005-518-10-42-00	HR-Communications	Wireless Phone charges	\$52.20	
9732598768	001-006-518-80-42-00	IT-Communications	Wireless Phone charges	(\$55.38)	
9732598768	001-007-558-50-42-00	PL-Communication	Wireless Phone charges	\$82.22	
9732598768	001-007-559-30-42-00	PB-Communication	Wireless Phone charges	\$104.75	
9732598768	001-008-521-20-31-01	LE-Operating Costs	Wireless Phone charges	\$1,376.04	
9732598768	001-010-576-80-42-00	PK-Communication	Wireless Phone charges	\$114.67	
9732598768	101-016-543-30-42-00	ST-Communications	Wireless Phone charges	\$114.67	
9732598768	410-016-531-10-42-00	SW-Communications	Wireless Phone charges	\$114.68	
WABO			Check 37542	10/13/2014	\$50.00
29125	001-007-559-30-41-01	PB-Advertising	Help wanted - Building Code Enforcement	\$50.00	
Wachtveitl Jerad			Check 37543	10/13/2014	\$210.00
9/18/14 exp rpt	001-008-521-20-43-00	LE-Travel & Meetings	Meals for advanced collision training-Wachtveitl	\$210.00	
Washington State Criminal Justice			Check 37544	10/13/2014	\$500.00
20113990	001-008-521-40-49-01	LE-Staff Development	Firearms Rifle Instructor Course-Nelson	\$500.00	
Washington State Dept of Enterprise Svcs			Check 37545	10/13/2014	\$165.03
73125348	001-008-521-20-31-00	LE-Office Supplies	Business cards	\$165.03	
Washington State Patrol			Check 37546	10/13/2014	\$293.00
I15001771	001-005-518-10-41-00	HR-Professional Services	Background checks	\$10.00	
I15002396	001-008-521-20-31-01	LE-Operating Costs	Background checks	\$85.00	
I15002396	633-008-586-00-00-06	Gun Permit - FBI Remittance	Weapons permits Background checks	\$198.00	
Western Graphics Inc			Check 37547	10/13/2014	\$877.49
9660	520-008-594-21-63-00	Capital Equipment	Graphics on PT56	\$877.49	
Zachor and Thomas Inc PS			Check 37548	10/13/2014	\$8,580.00
634	001-011-515-30-41-01	PG-Prosecutor Fees	Prosecutor services Sept 2014	\$8,580.00	
Total Disbursements				\$380,753.48	

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

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

CALL TO ORDER: 7:00 p.m. by Mayor Vern Little

COUNCILMEMBERS PRESENT: Todd Welch, Kim Daughtry, Marcus Tageant, and Sam Low

COUNCILMEMBERS ABSENT: Cathy Holder, Suzanne Quigley and John Spencer

STAFF MEMBERS PRESENT: Planning Director Becky Ableman, Finance Director/City Clerk Barb Stevens, Public Works Director Mick Monken, Senior Planners Russ Wright and Sally Payne, Human Resources Director Steve Edin, Police Chief Dan Lorentzen, Deputy City Clerk Kathy Pugh and City Attorney Cheryl Beyer

OTHERS: Ken Harvey, Communications Director, Sno-Isle Libraries, Miriam Driss, Sno-Isle Librarian, Lake Stevens, Valerie Stevens, Sno-Isle District Manager, and Jonalyn Woolf-Ivory, Sno-Isle Executive Director

Excused Absence. Councilmember Welch moved, Councilmember Daughtry seconded, to excuse Councilmembers Holder and Quigley. Motion carried unanimously (4-0-0-3).

At 8: 29 p.m. Councilmember Tageant moved, Councilmember Welch seconded, to excuse Councilmember Spencer. Motion carried unanimously (4-0-0-3).

Guest Business. Ken Harvey, Communications Director for Sno-Isle Libraries, shared the findings of two community focus groups, and reported the consensus was that the current library facility is inadequate and that there should be a public vote for a larger library facility at a new site. They believed the best site for a new library would be the Grade Road site, and wondered about building a new library as part of a civic center.

Jonalyn Woolf-Ivory reviewed the next steps for Sno-Isle are to run two ballot measures: (1) forming a library facility area with the boundaries being the Lake Stevens School District, and (2) a bond measure to construct the new facility. Sno-Isle prefers to run both measures together and asked if there is support from the City to run the measures in 2015. Discussion ensued regarding costs, a feasibility study of the Grade Road site, and the City's timeline for construction of other civic projects. Ms. Woolf-Ivory advised if the project moves ahead a group of library advocates would also need to be formed in the project area. She added that it is Sno-Isle's desire to construct a facility that will be unique to the Lake Stevens community.

Consent Agenda.

MOTION: Councilmember Low moved, Councilmember Tageant seconded, to approve the Consent Agenda: (A) Approve 2014 vouchers [Payroll Direct Deposits 9/15/2014 for

\$137,636.29, Payroll Checks 37375-37376 for \$4,867.54, Tax Deposits 9/16/2014 of \$58,409.86, Electronic Funds Transfers ACH of \$5,422.27, Claims Check Nos. 37374, 37377-37453 for \$198,137.44, Void Check 37361 for \$635.85, Total vouchers approved \$403,837.55], (B) Approve City Council regular meeting minutes of September 8, 2014, and (C) Approve City Council special meeting minutes of September 9, 2014. Motion passed unanimously (4-0-0-3).

Public Hearings:

City Clerk Barb Stevens read the Public Hearing procedure for Open Record Public Hearings and noted the procedures would apply to agenda items regarding Ordinance Nos. 916, 917, 918, 919 and 920.

Public Hearing in consideration of first reading of Ordinance No. 916, Frontage

Improvements Update: Senior Planner Payne presented the staff report and noted that the proposed ordinance has gone through the required public process. Senior Planner Payne said the proposed code revision on “sun setting” of the no protest agreement for the formation of a Local Improvement District was set at ten years to be consistent with the RCW, and further identified that conditions are included in the ordinance which would allow staff to waive the frontage road requirements. She then responded to councilmembers’ questions.

Councilmember Tageant requested the sunset clause be set at six or eight years and requested the ordinance be revised to allow for discretion in the situation where no additional frontage improvements would be required or made to adjoining properties.

Mayor Little invited public comments on the proposed ordinance and there were none.

MOTION: Councilmember Low moved, Councilmember Tageant seconded, to close the public comments portion of the hearing. Motion carried unanimously (4-0-0-3).

MOTION: Councilmember Low moved, Councilmember Tageant seconded, to approve the first reading of Ordinance 916 and to hold a second and final hearing on Ordinance 916 at the October 13, 2014 regular City Council meeting. Motion carried unanimously (4-0-0-3).

MOTION: Council Tageant moved, Councilmember Low seconded, to direct staff to bring forward optional changes to Ordinance 916 at the second reading, including changing the sunset clause to eight years, and providing for staff to have situational control to handle unique property issues with regard to frontage improvement requirements. Motion carried unanimously (4-0-0-3).

Public Hearing in consideration of 2014 Comprehensive Plan Amendments and First Reading of Ordinances 917, 918 and 919.

Senior Planner Payne presented the staff report and said that the public hearing on Ordinance 917, Comprehensive Plan Amendments, is to consider city-initiated amendments including two substantive text amendments and other minor administrative amendments to the Comprehensive Plan. She reviewed the proposed amendments and advised Planning Commission does recommend approval of the proposed Comprehensive Plan Amendments.

Senior Planner Wright said that the required public process and review have been completed. He then reviewed Ordinance 918, Kjorsvik proposed map amendment for property located at SR 9 and Soper Hill Road. The proposed map amendments change the designations on seven parcels in the northeastern corner of the project area to Commercial and on one parcel in the

southeastern corner of the project area to Local Commercial. Staff recommends an additional adjacent parcel also be rezoned to Local Commercial. Senior Planner Wright said that a Mitigated Determination of Nonsignificance was issued to ensure traffic concurrency at the time of development. The proposed amendment meets the Comprehensive Plan and Map criteria. He then responded to councilmembers' questions.

Senior Planner Wright then turned to Ordinance 919, Huber proposed map amendment. City Attorney Beyer advised a councilmember discussed a possible conflict with her. She said that map amendments are legislative and there would be no conflict; she further clarified that RCW 42.36.090 addresses that in the case of a challenge creating a lack of a quorum of council, such as this evening, a challenged councilmember may vote if the conflict is publicly disclosed.

Councilmember Low disclosed that his personal business has transacted business with one of applicant Huber's businesses. He does not believe this will affect his decision or vote.

Senior Planner Wright said that the Huber map amendment process was similar to the last one, legal requirements have been met, and he reviewed the proposed amendment, which is in the area of SR 204 and 10th Street SE. The proposal is to amend the map to Local Commercial from Medium Density Residential. Senior Planner Wright said the proposed map amendment meets the criteria in the Comprehensive Plan, and that the Planning Commission recommends approval.

Senior Planner Wright responded to councilmembers' questions regarding access. He advised the Applicant provided a traffic study that did not find any deficiencies in level of service. Traffic impacts would be reviewed again at the time of any future development.

Mayor Little invited public comment on Ordinance Nos. 917, 918 and 919, and there was none.

MOTION: Councilmember Daughtry moved, Councilmember Welch seconded, to close the public comments portion of the public hearings on Ordinance Nos. 917, 918 and 919. Motion carried unanimously (4-0-0-3).

MOTION: Councilmember Tageant moved, Councilmember Welch seconded, to close the Public Hearings on Ordinance Nos. 917, 918 and 919. Motion carried unanimously (4-0-0-3).

MOTION: Councilmember Daughtry moved, Councilmember Low seconded, to approve the first reading of Ordinance 917 and to hold a second and final reading of Ordinance 917 at the October 13, 2014 regular City Council meeting. Motion carried unanimously (4-0-0-3).

MOTION: Councilmember Low moved, Councilmember Tageant seconded, to approve the first reading of Ordinance 918 and to hold a second and final reading of Ordinance 919 at the October 13, 2014 regular City Council meeting. Motion carried unanimously (4-0-0-3).

MOTION: Councilmember Welch moved, Councilmember Tageant seconded, to approve the first reading of Ordinance 919 and to hold a second and final reading of Ordinance 919 at the October 13, 2014 regular City Council meeting. Motion carried unanimously (4-0-0-3).

Public Hearing consideration of Kjorsvik Rezone and first reading of Ordinance No. 920.

Senior Planner Russ Wright presented the staff report and said that applicant Kjorsvik applied for a comprehensive plan map change and concurrent area-wide rezone of approximately 11 acres near the eastern intersection of SR-9 and Soper Hill Road. The rezone request is for two

parcels in the southeastern corner of the project area be rezoned to Local Business from Mixed-Use, and for seven parcels in the northeastern corner of the project area to be rezoned to Commercial District from Multifamily Residential. City Council previously imposed some restrictions on the properties through a development agreement at the time the parcels were originally zoned, and this ordinance repeals those restrictions. Additionally it is Staff's recommendation that the subarea regulations found in LSMC 14.38 be applied to the portions of the site to be zoned as Commercial District. Public process has been completed in accordance with the legal requirements of the LSMC and RCW. The Planning Commission recommends approval of this rezone request. Senior Planner Wright invited questions from Council and there were none.

Mayor Little invited comments from the audience and there were none.

MOTION: Councilmember Low moved, Councilmember Welch seconded, to close the public comment portion of the hearing. Motion carried unanimously (4-0-0-3).

MOTION: Councilmember Daughtry moved, Councilmember Welch seconded, to close the public hearing on Ordinance 920. Motion carried unanimously (4-0-0-3).

MOTION: Councilmember Tageant moved, Councilmember Daughtry seconded, to approve the first reading of Ordinance 920 and to hold a second and final reading on Ordinance 920 at the October 13, 2014 regular City Council meeting. Motion carried unanimously (4-0-0-3).

Closed Record Public Reading in consideration of Huber Rezone and first reading of Ordinance No. 921. City Clerk Barb Stevens read the Public Hearing procedure for Closed Record Public Hearings.

Councilmember Low disclosed that his personal business has transacted business with one of applicant Huber's businesses. He does not believe this will affect his decision or vote.

Senior Planner Wright presented the staff report and reminded that because this rezone request is site specific for two parcels it is a quasi-judicial matter and that a public hearing was previously held before the Hearing Examiner on September 10, 2014; therefore Council may receive comments from parties in interest, but no new evidence may be presented. He noted that the applicant, Mr. Huber, will speak on this application at the October 13, 2014 Council meeting. Mr. Wright distributed the Hearing Examiner's Findings, Conclusions and Recommendation to Council. He then responded to councilmembers' questions. Senior Planner Wright noted there was no public comment made at the hearing before the Hearing Examiner. He also noted that the public process for this rezone request was carried out in accordance with the legal requirements of the LSMC and RCW. Senior Planner Wright invited questions from Council and there were none.

MOTION: Councilmember Daughtry moved, Councilmember Tageant seconded, to close the closed record hearing on the Huber rezone request. Motion carried unanimously (4-0-0-3).

MOTION: Councilmember Welch moved, Councilmember Daughtry seconded, to approve the first reading of Ordinance 921 and to hold a second and final reading on Ordinance 921 at the October 13, 2014 regular City Council meeting. Motion carried unanimously (4-0-0-3).

Action Items:

Resolution 2014-6 Declaring an Emergency and Authorizing the Mayor to Enter into a Contract with B&B Utilities and Excavating, LLC for Repair of 20th Street SE. Public Works

Director Monken presented the staff report and advised that discovery of the sink area on 20th Street NE near the 8900 block created a public safety hazard requiring immediate repair of the roadway. The contractor B&B Utilities and Excavating, LLC was already working on site for Lake Stevens Sewer District, and agreed to a time and material contract.

MOTION: Councilmember Low moved, Councilmember Tageant seconded, to approve Resolution 2014-6 declaring an emergency and authorizing the Mayor to enter into a contract with B&B Utilities and Excavating, LLC for repair of 20th Street SE. Motion carried unanimously (4-0-0-3).

Discussion Items:

Snohomish County Cities—2015 Legislative Agenda. Councilmember Daughtry said that SCC is requesting input as to what the city's top five legislative priorities are for 2015, and distributed a list of suggested priorities. He requested each Councilmember rank their top three priorities from that list in order and return the list to him. Councilmember Daughtry will provide the ranked lists to SCC for consideration in the 2015 legislative agenda.

Council Person's Business: Councilmembers reported on the following meetings: Councilmember Tageant: Budget, Boys & Girls Club; Councilmember Welch: Fire Commission meeting, Cavalero Park Public Meeting; Low: Cavalero Park Public Meeting, Health Board meeting, Budget, has been in contact with Dr. Goldbaum regarding scheduling for the student interview project previously presented to Council; Daughtry: Military Affairs Committee, SCC Board meeting.

Mayor's Business: Upcoming meetings with Dave Somers regarding Cavalero Park, SCCIT and SCT/PSRC, and Representative Dunshee, attending final grant presentation on the boat launch in Olympia.

Staff Reports: Staff reported on the following: Planning Director Ableman: Cavalero Park Public Meeting and next steps; Public Works Director Monken: new engineer starts October 1, Grade Road update, Sewer District staff are preparing alternatives for downtown area; Police Commander Lorentzen: distributed a handout with results of two community surveys which includes the new department mission statement; Human Resources Director Edin: updates on hiring and salary commission recruitment.

Adjourn. Councilmember Tageant moved, Councilmember Welch seconded, to adjourn the meeting at 8:47 p.m. Motion carried unanimously (4-0-0-3).

Vern Little, Mayor

Kathy Pugh, Deputy City Clerk

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

Tuesday, October 7, 2014
Lake Stevens Senior Center
2302 Soper Hill Rd, Lake Stevens

CALL TO ORDER: 7:07 p.m. by Mayor Vern Little

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

COUNCILMEMBERS ABSENT: Marcus Tageant

STAFF MEMBERS PRESENT: City Administrator Jan Berg, Planning Director Becky Ableman, Public Works Director Mick Monken, Finance Director/City Clerk Barb Stevens

Excused Absence. Councilmember Low moved, Councilmember Welch seconded, to excuse Councilmember Tageant from tonight's meeting. Motion passed unanimously. (6-0-0-1)

Approve Resolution 2014-7 affirming the City Council's Economic Development Policies and the Council's Intent to Adopt Incentive Programs to Stimulate Employment and Retail Growth in the City. Planning Director Ableman presented the Staff Report and recommended Council adopt Resolution 2014-7. Additionally, Director Ableman provided a Subarea Code Amendment Schedule outlining meeting dates in October and November.

MOTION: Councilmember Low moved to approve Resolution 2014-7, seconded by Councilmember Holder; motion carried unanimously. (6-0-0-1)

Adjourn. Councilmember Daughtry moved to adjourn at 7:25 p.m., seconded by Councilmember Spencer; motion carried unanimously. (6-0-0-1)

Kim Daughtry, Mayor Pro Tem

Barb Stevens, Finance Director/City Clerk



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: October 13, 2014

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

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

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

- 1) Public hearing and second reading of Ordinance 916 related to Frontage Road Development Improvements code amendment concerning Chapter 14.56 – (14.56.170) Right-of-Way Improvements and Dedication to Precede Development or Building of Title 14 of the Land Use Code.
- 2) Motion to approve Ordinance 916, “AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON, REPEALING EXISTING LSMC SECTION 14.56.170 AND REPLACING IT WITH A NEW SECTION 14.56.170 ENTITLED “RIGHT-OF-WAY DEDICATION AND FRONTAGE IMPROVEMENTS.”

SUMMMARY:

Public Hearing and second reading on a proposed code amendment to the current frontage road improvement requirements.

BACKGROUND/HISTORY:

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

Staff proposed a complete code revision. On July 14, 2014 staff presented the proposed code revisions for frontage road improvements to City Council for discussion. Council recommended changes to the proposed code revision concerning the “sun setting” of the no-protest agreement for the formation of a Local Improvement District (LID) and the conditions which would allow City staff to waive the frontage road requirements. Council's recommendations were incorporated into the proposed code revision presented to Planning Commission on September 3rd, 2014, and the first City Council public hearing on September 22nd, 2014. The revisions include the “sun setting” of the no-protest agreement to the formation of an LID after 10 years to be consistent with Revised Code of Washington (RCW) which states that no-protest agreements are statutorily subject to a maximum duration of 10 years. In addition, the proposed revision includes a recommendation made by City Council to waive frontage road improvements if there are no existing sidewalks along the same side of the street within 2 adjacent lots or 100 feet, whichever is less, of the subject property on either side, rather than 200 feet as proposed by staff.

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

A City Council public hearing was held on September 22, 2014 for the first reading of the proposed code amendment. At this meeting, Council discussion focused on the length of time for the “sun setting” of the no-protest agreement and circumstances where there is frontage on two sides of a lot such as a corner lot. Council’s direction was to revise the length of time for the “sun setting” of the no-protest from 10 years, as presented in the proposed code amendment, to eight years. Council desired to include language clarifying that for lots with more than one frontage, the requirements would apply only to one frontage. These revisions were incorporated into the revised code as presented in the current ordinance.

Since there are currently several single residential lot applications that have been deemed complete that require frontage improvements but are still being processed or have approved permits, Planning and Public Works staff consulted with the City Attorney’s Office on how these cases should be handled with the potential code amendment. The Attorney’s Office advised that current applications that are deemed complete are vested to the current frontage road improvement requirements and any regulations adopted by the City after the application would not apply.

In order to address these situations for properties that are currently in progress and vested under the existing code, staff is working with the City Attorney’s office to develop an agreement. The agreement would allow single residential lot applicants that desire to take advantage of the waiver to frontage requirements to do so when the ordinance becomes effective. The agreement would allow a waiver and state that even though the project would remain vested under the existing code regulations they may take advantage of the frontage waiver provision of the new ordinance.

Proposed Frontage Road Requirement Code Amendment:

In brief the proposed code:

- Requires all development to dedicate, as needed, frontage right-of-way
- Requires all development to perform frontage improvements with exceptions considered only for single family and duplex residential units
- Allows the Public Works Director to waive or modify the requirements to construct frontage improvements for new development when the applicant or property owner demonstrates that at least one of the following conditions exist and the owner of the new development either executes a no-protest agreement to form an (LID) for the subject street frontage or pays a fee in lieu of constructing frontage improvements as approved by the Public Works Director or designee. Said no-protest agreement shall have an effective term of 8 years from the time of the City’s acceptance:
- Defines four (4) exceptions to deviate from current frontage for single family and duplex units as:
 - (i) There are no existing sidewalks along the same side of the street within 2 adjacent lots or 100 feet, whichever is less, of the property on either side or one site for corner lots on each frontage;
 - (ii) Construction of frontage improvements will adversely impact critical areas that cannot be adequately mitigated in accordance with LSMC 14.88 or the State Environmental Policy Act pursuant to LSMC Title 16;
 - (iii) A safety issue is created by constructing the frontage improvements;
 - (iv) A public roadway improvement project is scheduled and fully funded for construction and said improvements include the adjacent site frontage.
- General statement on State and Federal law

- Identify Appeal section of code
-

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

BUDGET IMPACT: There is no budget impact.

ATTACHMENTS:

Attachment A - Draft Ordinance 916 with exhibits

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

ORDINANCE NO. 916

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

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

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

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

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

WHEREAS, the Washington State Department of Commerce granted expedited review on August 26, 2014; and

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

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

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

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

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

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

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

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

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

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

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

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

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Barbara Stevens, City Clerk

APPROVED TO FORM

Grant Weed, City Attorney

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

EXHIBIT 1 –

Title 14 Land Use Code - Chapter 14.56 Streets and Sidewalks

14.56.170 Right-of-Way Dedication and Frontage Improvements.

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

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

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

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

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

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

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

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

- (i) Curbs, gutters, and sidewalks;
- (ii) Planter strips (or tree wells);
- (iii) Underground storm drainage and other utility facilities;
- (iv) Resurfacing of the existing public street to the centerline; and
- (v) Construction of new street within dedicated unopened right-of-way.

(2) Frontage improvements shall be constructed for the following new development:

- (i) Subdivisions and short subdivisions;

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

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

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

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

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

(5) The Public Works Director may waive or modify the requirement to construct frontage improvements for new development when the applicant or property owner demonstrates that at least one of the following conditions exist and the owner of the new development either executes a no-protest agreement to form a Local Improvement District for the subject street frontage or pays a fee in lieu of constructing frontage improvements as approved by the Public Works Director or designee. Said no-protest agreement shall have an effective term of 8 years from the time of the City's acceptance:

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

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

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

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

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

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

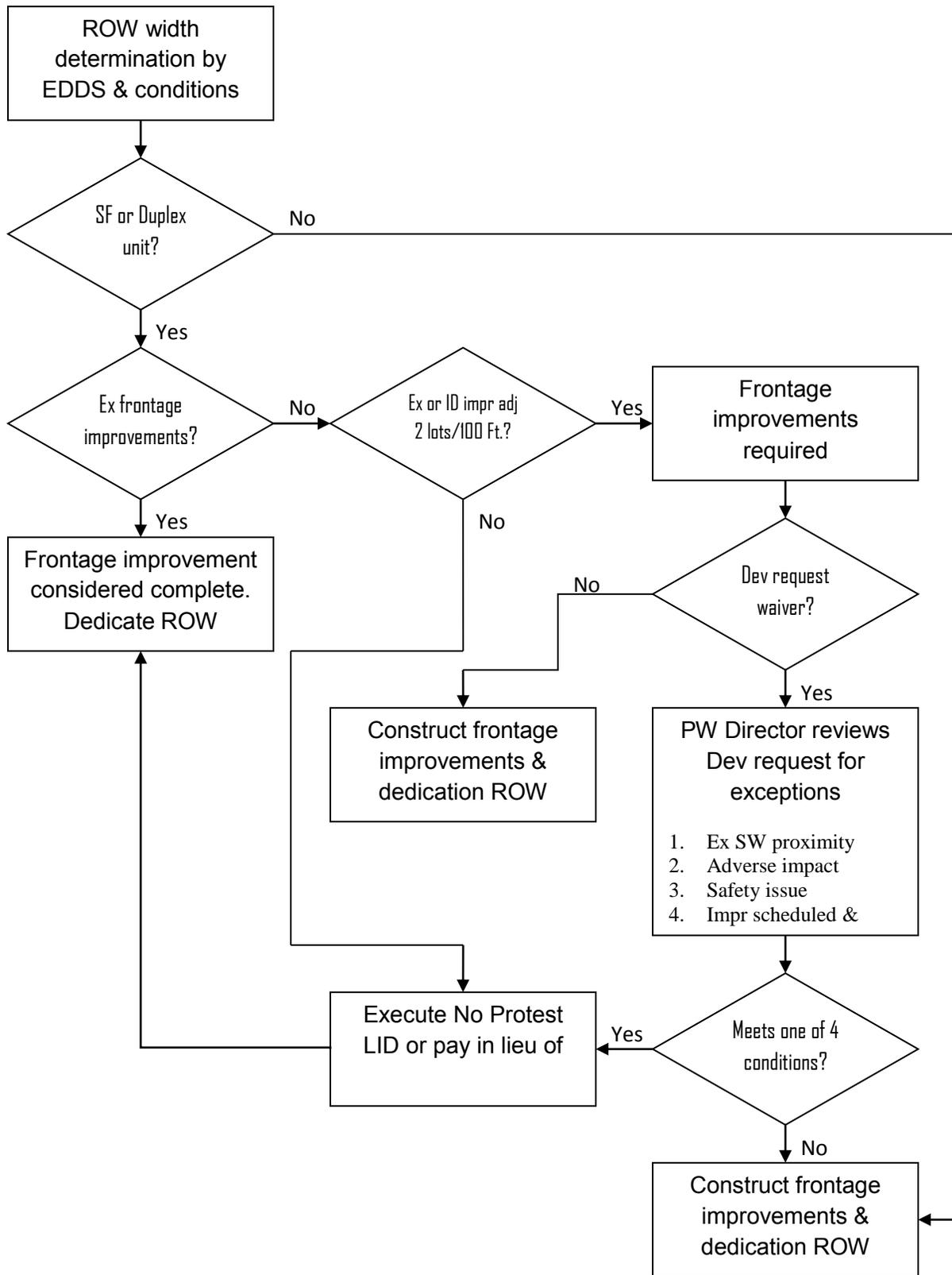
(d) Acceptance of Frontage Improvements. The Public Works Director or designee may approve an extension for the completion of the improvements for up to one year if the Public Works Director or designee receives a surety bond or equivalent cash deposit ensuring the timely completion of the improvements.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

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

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

DRAFT

LSMC 14.56.170 – Process Flow Chart





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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: October 13, 2014

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

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

Budget Impact: none

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

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

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

BACKGROUND/ HISTORY:

The first reading for these items took place at the September 22, 2014 City Council public hearing. There was no substantial discussion among City Council members at that time. Documentation included with the staff report for the first reading included the Planning Commission Recommendation Letter and the Analysis Forms showing how each proposed Comprehensive Plan map correction and text amendment meets the requirement for granting the proposed amendments. Staff will address any questions about these items at the October 13, 2014 public hearing as needed.

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

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

1. T-1 – The city is proposing a text amendment to Chapter 5 – the Parks, Recreation and Open Space Element, which would add and describe the City Boat Launch Improvement as a project on the Capital Project List of the Parks Element.
2. T-2 – The city is proposing a text amendment to Chapter 8 – the Capital Facilities Element, which would add the City Boat Launch Improvement as a capital project and add a pedestrian safety improvement project to the Capital Project List.
3. T-3 and T-4 – Along with the specific defined text amendments, staff will also include standard administrative amendments, including incorporating SEPA documents as a new appendix and updating the dates on the cover, footnotes, Table of Contents and Introduction.

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

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

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

FINDINGS AND CONCLUSIONS:

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

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

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

BUDGET IMPACT: There is not a budget impact.

EXHIBITS (attached):

Exhibit 1 – Ordinance 917, with exhibits

Exhibit 2 – Ordinance 918, with exhibits

Exhibit 3 – Ordinance 919, with exhibits

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

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON AMENDING THE LAKE STEVENS COMPREHENSIVE PLAN AS SET FORTH IN ORDINANCE NO. 726 AND 739; APPROVING CITY-INITIATED TEXT AMENDMENTS T-1 (CHAPTER 5 PARKS, RECREATION AND OPEN SPACE ELEMENT), T-2 (CHAPTER 8 CAPITAL FACILITIES PLANT), T-3 (APPENDICES), T-4 (COVER, FOOTERS, TABLE OF CONTENTS, INTRODUCTION) AS PART OF THE CITY'S ANNUAL COMPREHENSIVE PLAN AMENDMENT AND UPDATE PROCESS; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

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

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

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

WHEREAS, the City Council adopted Resolution No. 2014-03 on June 23, 2014 setting the 2014 Comprehensive Plan Amendment Docket, which includes two citizen-initiated map amendments (to be adopted by a separate action) and city initiated text amendments to revise the Comprehensive Plan land use map, text and figures; and

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

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

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

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

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

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

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

Section 1. The City Council hereby finds that 2014 citizen-initiated map amendments and city-initiated text amendments meet the approval criteria set forth in LSMC 14.16C.040 for amendments to the Comprehensive Plan:

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

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

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

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

Improvement Project No.3 – City Boat Launch Improvement

Total Cost: \$527,000

Target Start Date: 2016

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

Proposed Funding Sources: Washington State Recreation and Conservation Office Grant

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

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

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

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

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

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

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

Table 8.1 – Capital Improvements, 2012 – 2032								
TRANSPORTATION								
ROAD	FROM	TO	COST	YEAR/S	Local	State/Fed	Mitigation	Dev Imp
<u>91st Street SE Pedestrian Improvements</u>	<u>8th Street NE</u>	<u>20th Street NE</u>	<u>\$1,700,000</u>	<u>2015/2016</u>		<u>X</u>	<u>X</u>	
		<u>12th Street NE</u>	<u>\$610,000</u>					
	<u>12th Street NE</u>	<u>20th Street NE</u>	<u>\$1,100,000</u>					
Table 8.1 – Capital Improvements, 2012 – 2032								
PARKS*								
PROJECT	FROM	TO	COST	YEAR/S	Local	State/Fed	Mitigation	Dev Imp
Improvements								
<u>Boat Launch</u>			<u>527,000</u>	<u>2016</u>		<u>X</u>	<u>X</u>	
<u>North Cove Park</u>								

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

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

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

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

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

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

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

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

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

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

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Barbara Stevens, City Clerk

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

First Reading: September 22, 2014

Second Reading: October 13, 2014

Published:

Effective Date:

EXHIBIT A

APPENDIX N

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

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

ORDINANCE NO. 918

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

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

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

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

WHEREAS, the 2014 Comprehensive Plan Docket, ratified by Resolution No. 2014-03, includes the Kjorsvik Map Amendment (M-2 - LUA 2014-0009), which would change the land use designation for parcels 00590700030401, 00590700032001, 00590700032000, 29050100401100, 00590700032002, 29050100401300 and 29051200200600 to Commercial (COM) and change the land use designation on parcels 00604900000804 and 00604900000706 to Local Commercial (LC), as depicted in **Exhibit A**.

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

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

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

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

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

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

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

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

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

Section 1. The City Council hereby finds that the Kjorsvik Map Amendment (M2 - LUA2014-0009) meets the approval criteria set forth in LSMC 14.16C.040 for amendments to the Comprehensive Plan:

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

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

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

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

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

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

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Barbara Stevens, City Clerk

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

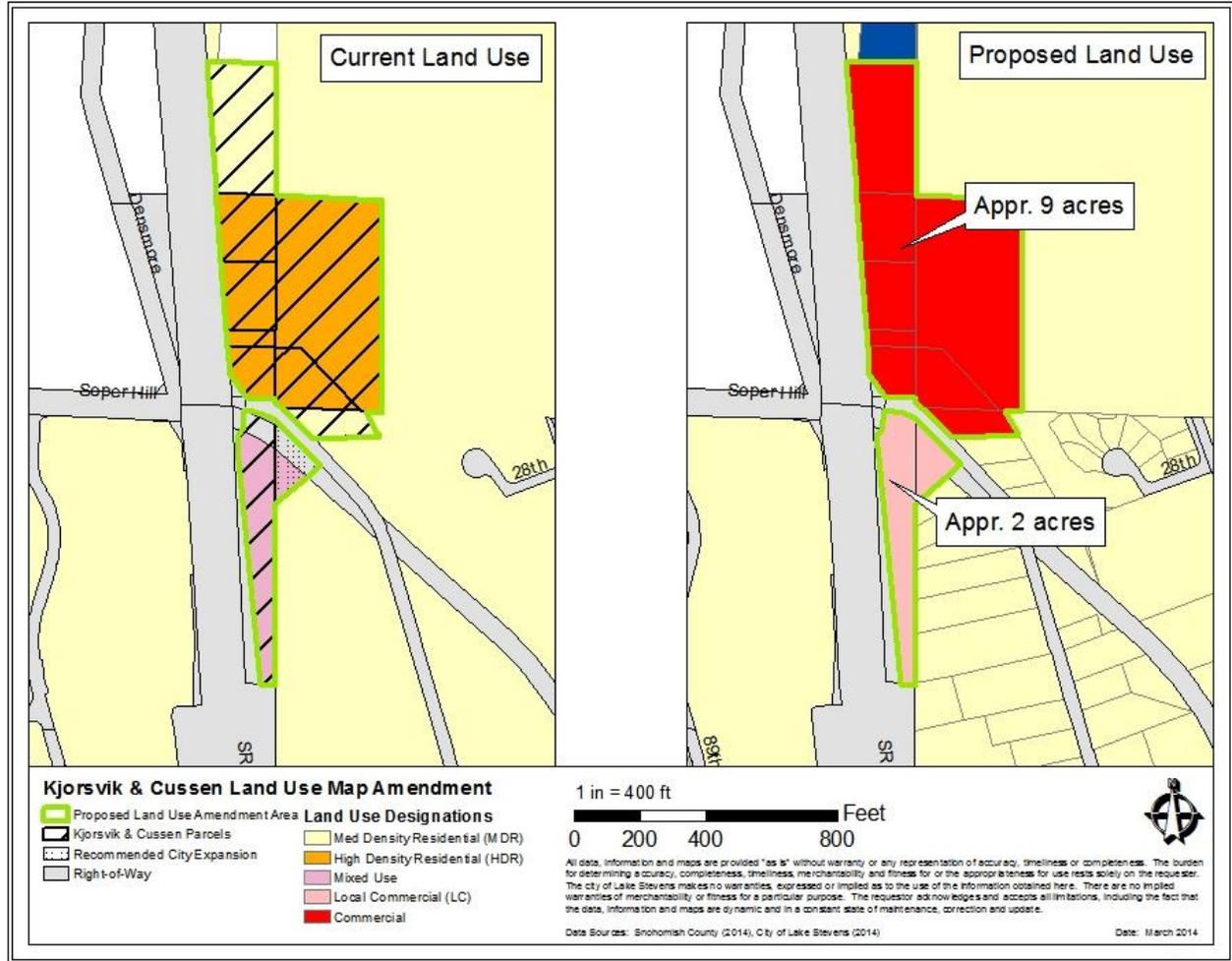
First Reading: September 22, 2014

Second Reading: October 13, 2014

Published:

Effective Date:

EXHIBIT A



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

ORDINANCE NO. 919

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

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

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

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

WHEREAS, the 2014 Comprehensive Plan Docket, ratified by Resolution No. 2014-03, includes the Huber map amendment (M-1 - LUA 2014-0007), which would change the land use designation for parcels 29052300202800 and 29052300202700, containing approximately four acres located near the eastern intersection of SR-204 and 10th Street SE, from Medium Density Residential (MDR) to Local Commercial (LC), as depicted in Exhibit A, on the official Comprehensive Plan Land Use Map;

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

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

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

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

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

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

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

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

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

Section 1. The City Council hereby finds that the Huber Map Amendment (M1 – LUA2014-0007) meets the approval criteria as set forth in LSMC 14.16C.040 for amendments to the Comprehensive Plan:

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

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

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

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

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

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

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Barbara Stevens, City Clerk

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

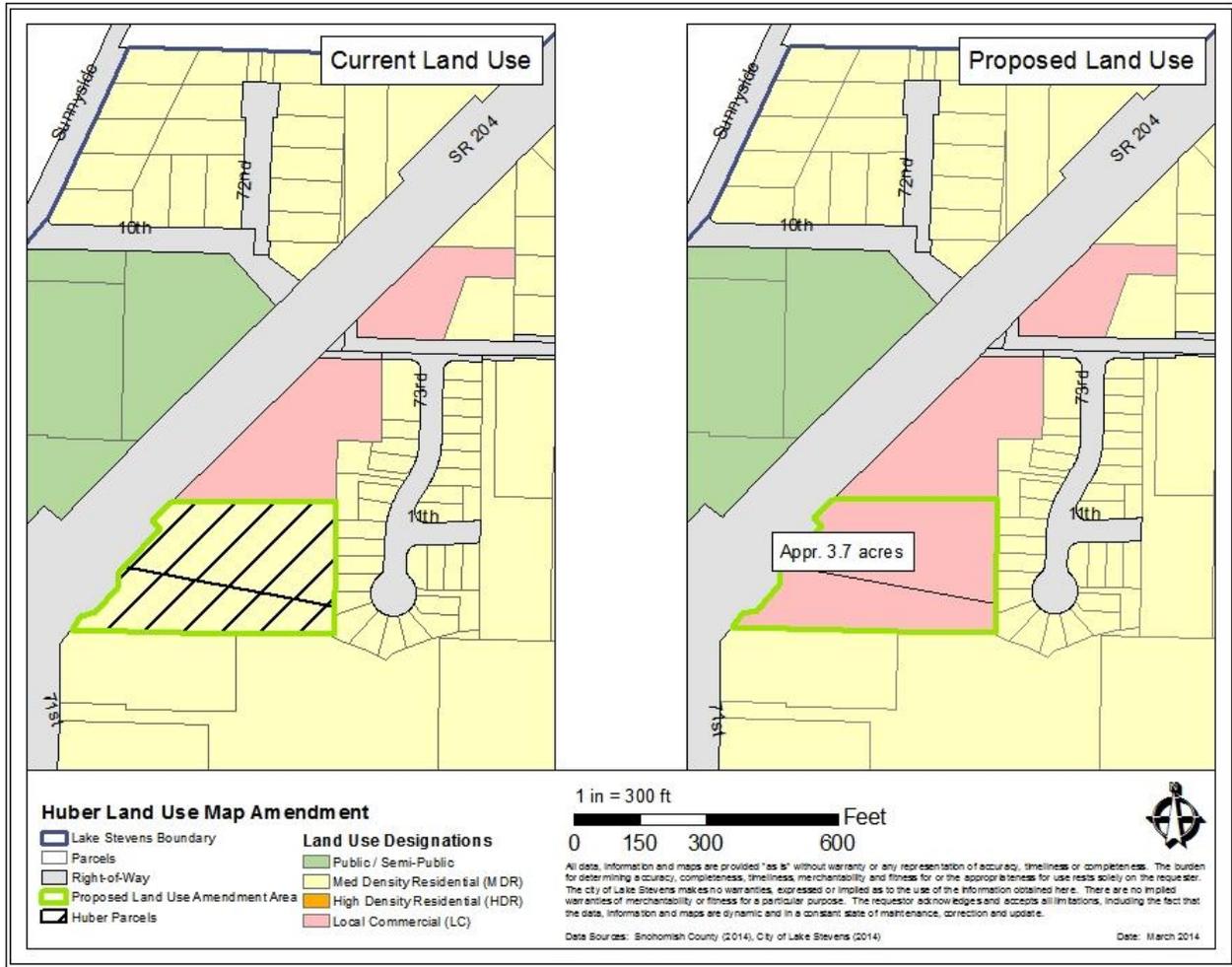
First Reading: September 22, 2014

Second Reading: October 13, 2014

Published:

Effective Date:

EXHIBIT A





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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: October 13, 2014

Subject: Kjorsvik Rezone (LUA2014-0010)

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

Budget Impact: none

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

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

SUMMARY:

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

BACKGROUND/HISTORY:

Staff provided Council with a background description for the proposed rezone, the Planning Commission's recommendation along with the major findings and conclusions from the staff report during the Public Hearing held September 22, 2014. There was no public testimony or substantial discussion by Council related to the proposal. A detailed summary of the rezone application and review process follows below.

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

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

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

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

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

FINDINGS AND CONCLUSIONS:

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

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

BUDGET IMPACT: There is not a budget impact.

EXHIBITS (attached):

Exhibit 1 – Ordinance 920, with exhibits

Exhibit 2 – Planning Commission Recommendation Letter

Exhibit 3 – Staff Report

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

ORDINANCE NO. 920

AN ORDINANCE OF THE CITY OF LAKE STEVENS, AMENDING THE ZONING OF A PORTION OF 11 ACRES AS PART OF THE KJORSVIK REZONE (FILE NO. LUA2014-0010) NEAR THE EASTERN INTERSECTION OF SOPER HILL ROAD AND SR-9 BY REZONING SEVEN PARCELS OF THE PROJECT TO COMMERCIAL DISTRICT AND TWO PARCELS OF THE PROJECT TO LOCAL BUSINESS; REPEALING ORDINANCE 780; REPEALING RESOLUTION 2008-4 AND RECINDING A DEVELOPMENT AGREEMENT RELATED TO A PREVIOUS REZONE, RECORDED UNDER SNOHOMISH COUNTY RECORDING NO. 200808120549; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

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

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

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

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

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

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

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

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

WHEREAS, upon approval of the proposed rezone to Local Business, the Development Agreement will no longer be applicable to the properties as the development agreement (Resolution 2008-4 / Snohomish

County Recording No. 200808120549) placed restrictions upon certain nighttime, high traffic and industrial land uses identified in sections 1 through 4 and grants the city authority to rescind the requirement for the development agreement as set forth in Ordinance 780.

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

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

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

WHEREAS, the Planning Commission conducted a duly noticed open-record public hearing pursuant to LSMC 14.16A on September 03, 2014, and all public testimony has been given full consideration; and

WHEREAS, the Planning Commission provided the City Council with a recommendation letter along with findings and conclusion to approve the rezone request pursuant to LSMC 14.16B.645 as the proposed rezone meets the legal criteria for approving a rezone as set forth in LSMC 14.16C.090 and applicable state requirements; and

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

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

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

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

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

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

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

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

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

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

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

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

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Barbara Stevens, City Clerk

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

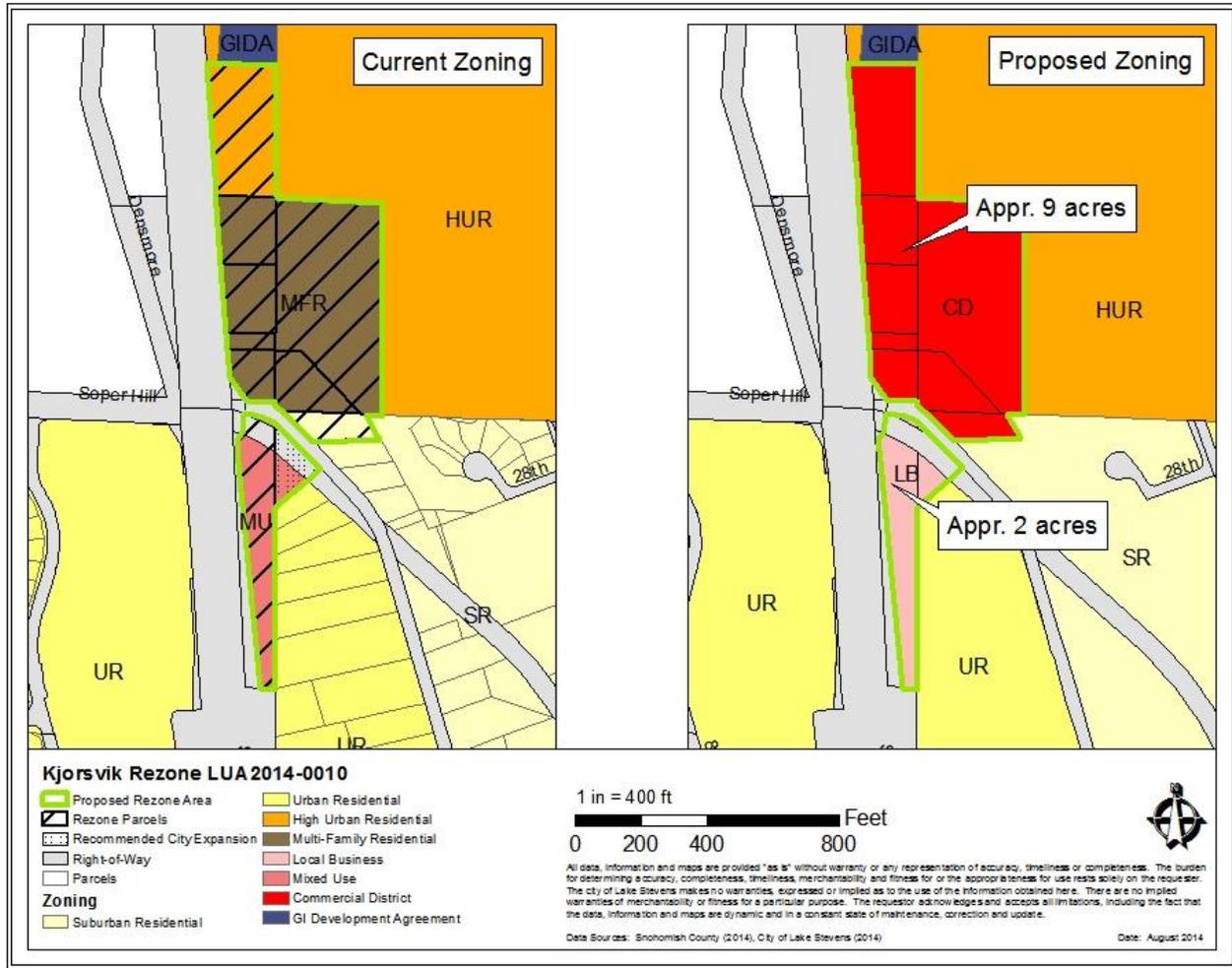
First Reading: September 22, 2014

Second Reading: October 13, 2014

Published:

Effective Date:

Exhibit A





September 3, 2014

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

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

Dear Council Members:

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

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

PLANNING COMMISSION PUBLIC HEARING (September 3, 2014)

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

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

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

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

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

FINDINGS AND CONCLUSIONS

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

PLANNING COMMISSION RECOMMENDATION

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

Respectfully submitted,

Lake Stevens Planning Commission


_____, Chair
Gary Petershagen


_____, Vice Chair
Janice Huxford



Type VI Decision
Area-wide Rezone
Planning and Community Development

August 29, 2014

Kjorsvik Rezone

LUA2014-0010

A. PROJECT DESCRIPTION AND REQUEST

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

B. GENERAL INFORMATION

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

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

Kjorsvik LUA2014-0010

8. Public Utilities and Services Available In The Area

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

C. ANALYSIS¹

1. Application Process

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

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

2. Notices³

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

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

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

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

Kjorsvik LUA2014-0010

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

3. Comprehensive Plan, Zoning, and Uses:

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

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

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

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

c. Zoning Analysis

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

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

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

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

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

d. Vision Goals

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

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

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

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

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

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

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

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

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

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

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

Goal 4.20 Promote neighborhood commercial uses in appropriate places.

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

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

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

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

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

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

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

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

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

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

CONCLUSION: The proposal as conditioned meets the rezone standards.

5. Environmental Review:

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

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

6. Traffic Impacts

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

Kjorsvik LUA2014-0010

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

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

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

D. CONDITIONS

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

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

E. STAFF RECOMMENDATION

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

CITY OF LAKE STEVENS, DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Recommendation Completed by

Signed original on file

August 29, 2013

Russell Wright, *Senior Planner*

Date

Kjorsvik LUA2014-0010

F. EXHIBITS

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

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

Distributed to the Following Parties:

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



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: October 13, 2014

Subject: Final Plat – Snowberry Court (LUA2014-0067)

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 Snowberry Court (LUA2014-0067) by motion.

SUMMARY: Public meeting and City Council acceptance of the final plat of Snowberry Court – a subdivision of 4 acres into 15 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 (Chapter 14.18 LSMC), 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 July 18, 2007. Snohomish County approved the preliminary subdivision on October 19, 2007. The City annexed the property in 2007. The city of Lake Stevens approved the construction plans for the subdivision February 5, 2014. The proponent submitted an application for Final Plat approval on September 15, 2014. The city issued a Notice of Application and Public Meeting for the final subdivision on October 1, 2014.

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 right-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:

Attachment 1 - Final Plat Recommendation with exhibits



Planning and Community Development Type V Permit: Final Plat

October 9, 2014

Snowberry Court

LUA2014-0067

A. PROJECT DESCRIPTION AND REQUEST

Project Description: Final plat application for the Snowberry Court Subdivision (15 proposed lots) received September 15, 2014. Snohomish County approved the preliminary subdivision on October 19, 2007 after an open record hearing and issuance of an environmental determination of non-significance. The City annexed the property in 2007. The applicant has submitted necessary financial securities and installed required improvements. The city of Lake Stevens approved the construction plans for the subdivision February 5, 2014. The proponent has met the requirements for final plat approval and has installed required improvements or provided necessary financial securities before recording. Along with the final plat approval, the proponent will dedicate rights-of-way (new roads) to the city of Lake Stevens.

B. GENERAL INFORMATION

1. Property Owner/ Applicant: Keystone Land LLC
13805 Smokey Point Blvd
Marysville, WA 98271
2. Contact Person: Tim Bruggman
Golden Eagle Development
PO Box 1377
Monroe, WA 98272
3. Property Address: 305 81st Ave NE, Lake Stevens, WA 98258
4. 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	Suburban Residential	Residential
North of Site	Medium Density Residential	Suburban Residential	Residential / Vacant
South of Site	Medium Density Residential	Suburban Residential	Residential / Underdeveloped
East of Site	Medium Density Residential	High Urban Residential	Residential / NGPA
West of Site	Medium Density Residential	Suburban Residential	Residential

5. 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 for the project on July 18, 2007.

D. FINDINGS OF FACT

1. Application Process: The city of Lake Stevens received a final plat application on September 15, 2014 (**Exhibit A**) associated materials (e.g., title report, closing calculations, plat name certification and declaration of covenants, conditions and restrictions) and a final plat map (**Exhibit B**) for the Snowberry Court Subdivision. City staff issued a Notice of Application and Public Meeting for the project on October 1, 2014 (**Exhibit C**). City staff mailed the notice to property owners within 300 feet, posted the subject property, and posted at City Hall. At the time that this staff report was prepared, no comments have 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 at the time of 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 has provided financial securities for any remaining or incomplete road items. In addition, the proponent will dedicate new internal roads to the city.
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 at the time of building permit issuance:
 - a. \$3,088.68 per new dwelling unit to mitigate impacts to county roads paid to the city of Lake Stevens (one lot shall receive credit for traffic impact fees).
 - b. \$1361.22 per new dwelling unit to mitigate impacts to city parks paid to the city of Lake Stevens (one lot shall receive credit for traffic 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 one existing lot.

E. CONCLUSIONS

1. The city has confirmed that all required improvements for subdivision approval have been installed or has been financially 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 & CONDITIONS

The Planning and Community Development Department recommends **APPROVAL**, of the Final Plat for Snowberry Court, **subject to the listed conditions:**

1. The proponent or successor shall record the approved subdivision (final plat) as depicted in **Exhibit B** or as revised with Snohomish County – all recording fees shall be the obligation of the subdivision proponent.
2. The proponent shall provide conformed copies of the approved final plat to the city of Lake Stevens after recording with Snohomish County.
3. 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.

G. 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.

H. EXHIBITS

- A. Final Plat Application received September 15, 2014
- B. Final Plat of Snowberry Court
- C. Notice of Application and Public Meeting issued October 1, 2014

Signed Original on file.

October 9, 2014

Russell Wright, *Senior Planner*

Date

Distributed to the Following Parties:

1. Lake Stevens City Council
2. Tim Bruggman, contact
3. Paul Leavitt



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

LA 2014-0067
RECEIVED
 SEP 15 2014
 CITY OF LAKE STEVENS

To Be Completed By Staff

Date of Application: _____
 Staff Initials: _____
 Permit Number: _____

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

CHECK ONE

<p>TYPE IV – Quasi-judicial</p> <p><input type="checkbox"/> Essential Public Facility</p> <p><input type="checkbox"/> Planned Neighborhood Development</p> <p><input type="checkbox"/> Rezone – Site Specific Zoning Map Amendment</p> <p><input type="checkbox"/> Secure Community Transition Facility</p> <p><input type="checkbox"/> Type IV Other: _____</p>	<p>TYPE V – Quasi-judicial</p> <p><input checked="" type="checkbox"/> Final Plats</p> <p><input type="checkbox"/> Plat Alterations</p> <p><input type="checkbox"/> Plat Vacations</p> <p><input type="checkbox"/> Right-of-Way Vacations</p> <p><input type="checkbox"/> Type V Other: _____</p>	<p>TYPE VI – Legislative</p> <p><input type="checkbox"/> Comprehensive Plan Amendment, Map and Text</p> <p><input type="checkbox"/> Development Agreements</p> <p><input type="checkbox"/> Land Use Code Amendments</p> <p><input type="checkbox"/> Rezones – Area Wide Zoning Map Amendments</p> <p><input type="checkbox"/> Type VI Other: _____</p>
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ARE ANY LOWER LEVEL PERMITS REQUIRED? Yes No Describe: _____

Property Information	Site Address: 305 81st Ave NE Lake Stevens			
	Assessor Parcel No: 0060480000109	Area of property	Square Feet:	Acres: 4.03
	Land Use Designation: R 9600	Zoning: R 9600		
	Number of Buildings on Site: 15	Number to be Retained: 0		
	Existing Impervious Surface Area:	Proposed Impervious Surface Area:		
Applicant	Name/Company: Keystone Land LLC			
	Address: 13805 Smekey Point Blvd		City/State/Zip: Marysville Wa 98271	
	Phone: 360-659-9444	Applicants relationship to owner: Same		
	Fax:	Email: Paul@cornerstonehomes.us		
Primary Contact	Name/Company: Tim Bruzgan / Golden Eagle Development			
	Address: Po Box 1377		City/State/Zip: Monroe wa 98272	
	Phone: 425-308-3519	Email: tbb@goldeneagledev.com		
	Fax:			

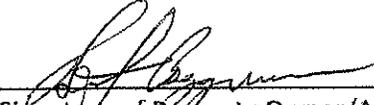
Property Owner	Name/Company: <u>Keystone Land LLC</u>				
	Address: <u>13805 Smokey Point Blvd</u>		City/State/Zip: <u>Marysville, WA 98271</u>		
	Phone: <u>360-659-9444</u>		Email: <u>Paul@cornerstonehomes.com US</u>		
	Fax:				
Project Description	Grading Quantities		Cut:		Fill:
	Proposed project/land use (attach additional sheets if necessary):				
	<u>Final Plat</u>				
Building Information	Gross Floor Area of Existing and Proposed Buildings:				
	Bldg 1:	Bldg 2:	Bldg 3:	Bldg 4:	Bldg 5:
	Gross Floor Area by Use of Buildings (please describe use as well as floor area):				
	Use 1:				
	Use 2:				
	Use 3:				
	Use 4:				

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

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

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

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



 Signature of Property Owner/Agent

9-12-2014

 Date of Application

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



Planning & Community Development
1812 Main Street, P.O. Box 257
Lake Stevens, WA 98258

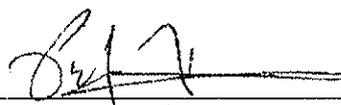
To be completed by staff
Date of Application: _____
Permit Number Assigned: _____
Staff Initials: _____

STATEMENT OF OWNERSHIP/APPLICANT AUTHORITY

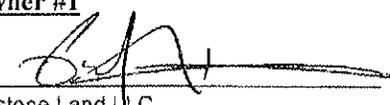
I certify or declare under penalty of perjury under the laws of the state of Washington that:

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

Applicant

Signature: 
 Name: Keystone Land LLC
 Address: 13805 Smokey Point Blvd., Ste. 102
Marysville, WA 98271
 Phone: 360-659-9444
 E-mail address: paul@cornerstonehomes.com

Property Owner #1

Signature: 
 Name: Keystone Land LLC
 Address: 13805 Smokey Point Blvd., Ste. 102
Marysville, WA 98271
 Phone: 360-659-9444
 E-mail address: paul@cornerstonehomes.com

Agent (other than applicant)

Signature: _____
 Name: _____
 Address: _____
 Phone: _____
 E-mail address: _____

Property Owner #2

Signature: _____
 Name: _____
 Address: _____
 Phone: _____
 E-mail address: _____

(Continued on Back)

DEDICATION

KNOW ALL MEN (PERSONS) BY THESE PRESENTS THAT **KEystone LAND LLC, a WASHINGTON LIMITED LIABILITY CORPORATION**, THE UNDERSIGNED OWNERS, IN FEE SIMPLE OF THE LAND HEREBY PLATTED DECLARE THIS PLAT AND DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, AVENUES, PLACES AND SEWER EASEMENTS OR WHETHER LAKE STEVENS SCHOOL DISTRICT NO. 4 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 SOC 30.66C.010. CREDIT SHALL BE GIVEN FOR THE ONE EXISTING PARCEL.

II FOR EACH SINGLE FAMILY RESIDENTIAL BUILDING PERMIT.
\$3,088.68 PER LOT FOR MITIGATION OF IMPACTS ON CITY ROADS PAID TO THE CITY.

NOTICE OF THESE MITIGATION PAYMENT OBLIGATIONS SHALL BE CONTAINED IN ANY DEEDS INVOLVING THIS SUBDIVISION OR THE LOTS THEREIN, ONCE A BUILDING PERMIT HAS BEEN ISSUED ON A LOT, ALL MITIGATION PAYMENTS FOR THAT LOT SHALL BE DEEMED PAID.

III ADDITIONAL RIGHT-OF-WAY, PARALLEL AND ADJACENT TO THE RIGHT-OF-WAY CENTERLINE OF 81ST AVE NE SHALL BE DEDICATED TO THE CITY ALONG THE DEVELOPER'S FRONTAGE SUCH THAT 30 FEET OF RIGHT-OF-WAY EXISTS FROM THE CENTERLINE OF 81ST AVE NE.

IV THE APPLICANT SHALL PROVIDE TAX PARCEL NUMBER 0060480000102 WITH A 20 FOOT WIDE ACCESS ONTO 3RD ST NE.

V 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 SOC 30.91N.010 ARE ALLOWED WHEN APPROVED BY THE CITY.

VI THE DEVELOPER SHALL PAY THE CITY \$1361.22 PER NEW DWELLING UNIT AS MITIGATION FOR PARKS AND RECREATION IMPACTS IN ACCORDANCE WITH CHAPTER 30.66A SOC. PROVIDED, HOWEVER, THE DEVELOPER MAY ELECT TO POSTPONE PAYMENT OF THE MITIGATION REQUIREMENT UNTIL ISSUANCE OF A BUILDING PERMIT FOR THAT LOT. THE ELECTION TO POSTPONE PAYMENT SHALL BE NOTED BY A GOVERNANT PLACED ON THE FACE OF THE RECORDED PLAT AND INCLUDED IN THE DEED FOR EACH AFFECTED LOT IN THE SUBDIVISION.

IN WITNESS WHEREOF, WE SET OUR HANDS AND SEALS THIS _____ DAY OF _____, 2014.
KEystone LAND LLC, A WASHINGTON LIMITED LIABILITY COMPANY

BY: **MIKE IMPOLA, MEMBER**

ACKNOWLEDGMENTS

STATE OF WASHINGTON)
COUNTY OF SNOHOMISH) SS
I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT **MIKE IMPOLA** THE PERSON WHO APPEARED BEFORE ME AND SAID PERSON ACKNOWLEDGED THAT THEY SIGNED THIS INSTRUMENT ON OATH STATING THAT SHE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE **MEMBER OF KEystone LAND LLC, A WASHINGTON LIMITED LIABILITY COMPANY** TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SUCH PARTY FOR THE USE AND PURPOSES MENTIONED IN THIS INSTRUMENT.

NOTARY SIGNATURE _____ DATED: _____
(PRINT NAME)
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON
RESIDING AT _____
MY APPOINTMENT EXPIRES: _____

EASEMENTS, RESTRICTIONS AND COVENANTS

SUBJECT TO:

1. SUBJECT TO AN EASEMENT TO PUGET SOUND POWER AND LIGHT CO. AND THE TERMS AND CONDITIONS THEREOF AS RECORDED UNDER RECORDING NUMBER 343756.
2. SUBJECT TO AN EASEMENT TO LAKE STEVENS SEWER DISTRICT AND THE TERMS AND CONDITIONS THEREOF AS RECORDED UNDER RECORDING NUMBER 200704250786.
3. SUBJECT TO SNOWBERRY COURT DEVELOPER EXTENSION AGREEMENT AND THE TERMS, CONDITIONS AND PROVISIONS CONTAINED THEREIN, AS RECORDED UNDER RECORDING NUMBER 200801290933.
4. SUBJECT TO A DEED OF TRUST GRANTED TO KEystone LAND LLC, A WASHINGTON LIMITED LIABILITY COMPANY, AND THE TERMS AND CONDITIONS THEREOF AS RECORDED UNDER RECORDING NUMBER 201309190372.
5. SUBJECT TO PUD #1 EASEMENT UNDER RECORDING NUMBER 201406170469.

**PLANNING AND COMMUNITY DEVELOPMENT
SUBDIVISION APPROVAL**

EXAMINED AND APPROVED THIS _____ DAY OF _____, 2014.
LAKE STEVENS PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR _____

APPROVAL OF PUBLIC IMPROVEMENTS

EXAMINED AND APPROVED THIS _____ DAY OF _____, 2014.
LAKE STEVENS PUBLIC WORKS DIRECTOR _____

CITY COUNCIL APPROVAL

EXAMINED, FOUND TO BE IN CONFORMITY WITH APPLICABLE ZONING AND OTHER LAND USE CONTROLS, AND APPROVED THIS _____ DAY OF _____, 2014.

LAKE STEVENS MAYOR _____ DATE _____

CERTIFICATE OF CITY TREASURER

I HEREBY CERTIFY THAT ALL MONIES AND DEBTS PERTAINING TO THIS DIVISION WERE PAID TO THE CITY OF LAKE STEVENS BY THE _____ DAY OF _____, 2014.

FINANCE DIRECTOR _____ DATE _____

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 _____

AUDITOR'S CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF PACIFIC COAST SURVEYS, INC. THIS _____ DAY OF _____, 2014, AT _____ MINUTES PAST _____ AND RECORDED IN VOLUME _____ OF PLATS, PAGES _____, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

AUDITOR, SNOHOMISH COUNTY _____
BY: _____
DEPUTY COUNTY AUDITOR _____

LAND SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF KEystone LAND LLC, IN JULY, 2014.

I HEREBY CERTIFY THAT THE PLAT OF SNOWBERRY COURT IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 14, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M. AS REQUIRED BY THE STATE STATUTES; THAT THE DISTANCES, COURSES AND ANGLES ARE SHOWN HEREON CORRECTLY; THAT THE MONUMENTS ARE SET AND THE LOT AND BLOCK CORNERS ARE STAKED CORRECTLY ON THE GROUND; THAT I FULLY COMPLIED WITH THE PROVISIONS OF THE STATE AND LOCAL STATUTES AND REGULATIONS GOVERNING PLATTING.



DARREN J. RIDDLE
PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO. 37536

A.F. NO. _____ PLAT OF: _____
DATE _____ SHEET 1 of 3

Pacific Coast Surveys, Inc.		SNOWBERRY COURT	
LAND SURVEYING & MAPPING		PFN: 07-111617 SD	
P.O. BOX 13619 MILL CREEK, WA 98082		NE 1/4, SE1/4, SEC.14, T.29N., R.5E., W.M.	
PH. 425.508.4951 FAX 425.357.3577		DRAWN BY DATE DRAWING FILE NAME SCALE JOB NO.	
WWW.PCSURVEYS.NET		MAH 09-11-14 13721FPM.DWG N/A 13-721	

LEGAL DESCRIPTION

PER CHICAGO TITLE INSURANCE COMPANY GUARANTEE NO. 56109822 DATED JULY 23, 2014 TRACT 1, VERNON ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 10 OF PLATS, PAGE 18, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, LESS THAT PORTION OF TRACT 1, DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT 1;
 THENCE SOUTH 208.8 FEET;
 THENCE EAST 150 FEET;
 THENCE NORTH 160 FEET;
 THENCE EAST 165 FEET;
 THENCE NORTH 48.8 FEET;
 THENCE WEST 315 FEET TO THE POINT OF BEGINNING.
 SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

10 FOOT FRONTAGE UTILITY EASEMENT

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO ALL UTILITIES SERVING THE SUBJECT PLAT AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON THE EXTERIOR TEN (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, PIPES AND WIRES WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SUBDIVISION AND OTHER PROPERTY WITH ELECTRICITY, 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 PURPOSE HEREIN STATED.

PUGET SOUND ENERGY NOTES

THE FOLLOWING ACTIVITIES ARE PROHIBITED WITHIN TRACTS 994 THROUGH 997 AND THOSE PORTIONS OF LOTS 8 THROUGH 15 AND ANY PUBLIC AREA LYING WITHIN PUGET SOUND ENERGY'S EXISTING TRANSMISSION LINE EASEMENT:

1. STORAGE OF FLAMMABLE OR VOLATILE MATERIAL.
2. PLACEMENT OF ANY BUILDINGS OR OTHER STRUCTURES, INCLUDING BUT NOT LIMITED TO THE FOLLOWING: DECKS, DRAIN FIELDS, PONDS, WATER FEATURES OR OTHER WATER CONTAINMENT, PLAY EQUIPMENT, OR OUTBUILDINGS OF ANY NATURE.
3. FENCES CONSTRUCTED OF METALLIC MATERIALS.
4. PLACEMENT OF ANY OBSTACLES THAT PERMANENTLY BLOCK OFF OR UNDULY RESTRICT PSE'S ACCESS.
5. TREES OR SHRUBS THAT MAY ATTAIN A HEIGHT GREATER THAN 15 FEET AT MATURITY.

THE FOLLOWING ARE EXAMPLES OF ACTIVITIES THAT MAY BE UNSAFE WITHIN THE EASEMENT AREA:

1. FLYING KITES, BALLOONS, OR MODELS.
2. SPORTS THAT INVOLVE OBJECTS MOVING THROUGH THE AIR SUCH AS BASEBALL OR SOCCER.
3. PLACING OR USING SPORTS EQUIPMENT SUCH AS STOKS OR BATS, BASKETBALL STANDARDS OR GOAL POSTS.
4. USE OF FIREWORKS OR OTHER FLAMMABLES.

PUGET SOUND ENERGY HAS THE RIGHT TO PERFORM THE FOLLOWING ACTIVITIES, INCLUDING BUT NOT LIMITED TO:

1. REMOVAL AND DISPOSAL OF ANY AND ALL BRUSH, TREES AND OTHER VEGETATION AND THE RIGHT TO CONTROL, ON A CONTINUING BASIS, AND BY ANY PRUDENT AND REASONABLE MEANS, THE ESTABLISHMENT AND GROWTH OF BUSHES, TREES, AND OTHER VEGETATION UPON AND ADJACENT TO THE EASEMENT AREA.
2. REMOVAL OF ANY OBSTACLE TO PSE'S FACILITIES WITHIN THE EASEMENT AREA.

PSE WILL, PRIOR TO THE EXERCISE OF SUCH RIGHTS, IDENTIFY SUCH TREES OR OBSTACLES AND MAKE A REASONABLE EFFORT TO GIVE PRIOR NOTICE THAT SUCH VEGETATION WILL BE CUT, TRIMMED, REMOVED OR DISPOSED OF OR OBSTACLES REMOVED (EXCEPT THAT PSE SHALL HAVE NO OBLIGATION TO GIVE SUCH PRIOR NOTICE WHEN OPERATING IN RESPONSE TO EMERGENCY CONDITIONS). PSE WILL ABIDE BY REGULATIONS, LOCAL, STATE OR FEDERAL, THAT APPLY TO MANAGEMENT OF VEGETATION WITHIN AND ADJACENT TO THE TRANSMISSION EASEMENT.

DRAINAGE FACILITY MAINTENANCE COVENANT

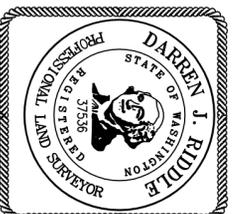
WE, THE OWNERS AND CONTRACT PURCHASERS OF THE LANDS HEREIN PLATTED (GRANTOR), AGREE THAT THE OBLIGATIONS OF GRANTOR SHALL INURE TO THE BENEFIT OF AND BE BINDING UPON THE HEIRS, SUCCESSORS, AND ASSIGNS. GRANTOR AGREES THAT THIS COVENANT TOUCHES AND CONCERNS THE LAND DESCRIBED HEREIN AND SHALL RUN WITH 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 DAMAGE 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 REGULATIONSYSTEM 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:

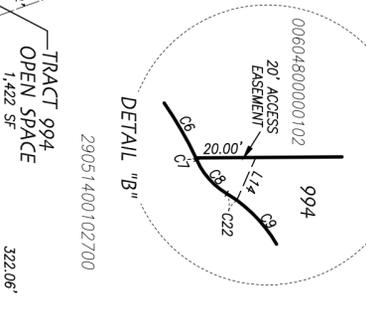
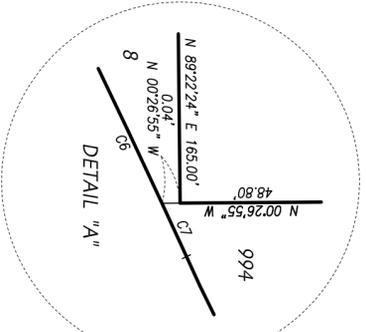
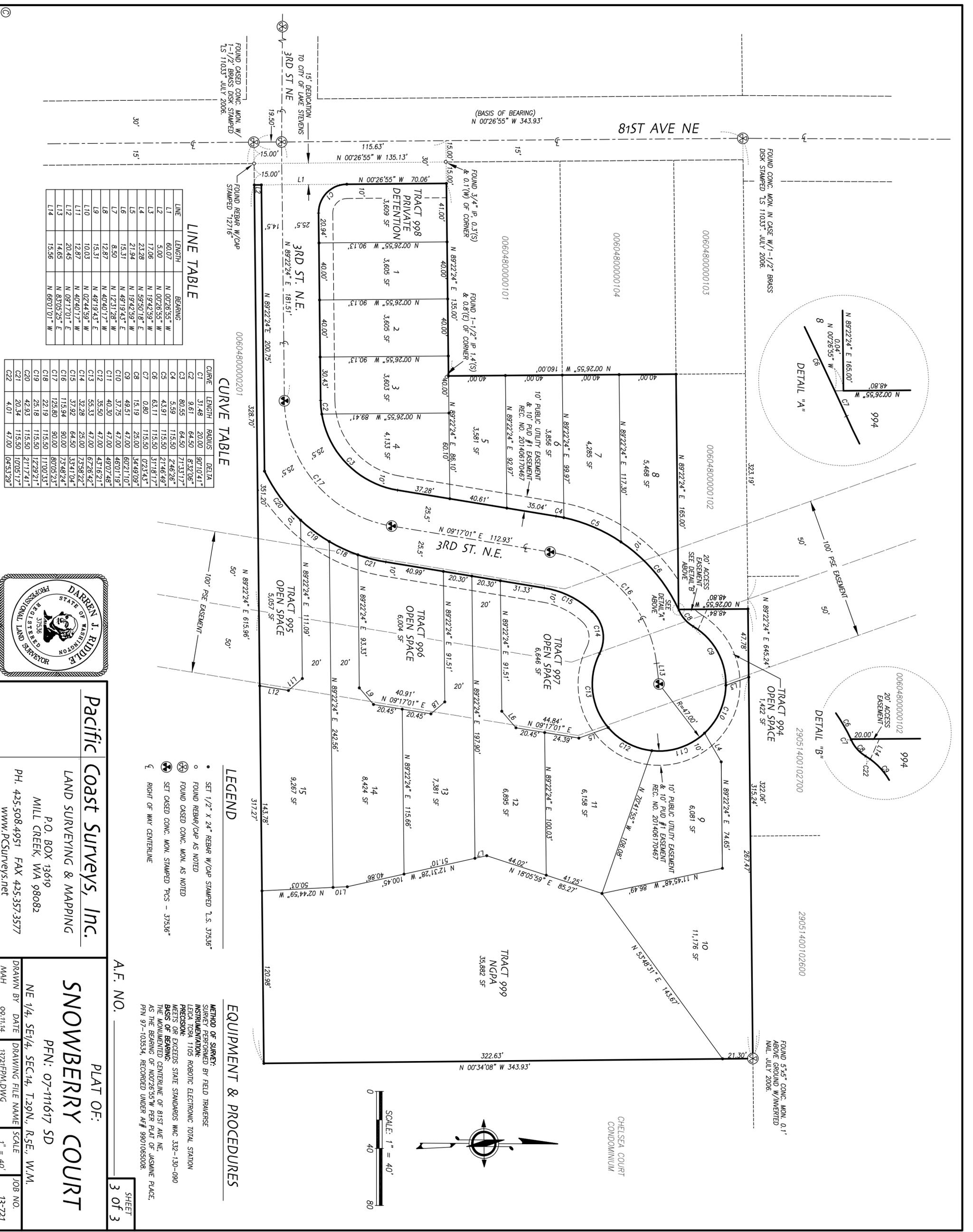
1. CITY SHALL HAVE THE PERPETUAL RIGHT OF ENTRY ACROSS ADJACENT LANDS OF THE GRANTOR FOR PURPOSES OF INSPECTING, AUDITING, OR CONDUCTING REQUIRED MAINTENANCE OF THE DRAINAGE FACILITY.
2. IF CITY INSPECTION DETERMINES THAT MAINTENANCE IS NOT PERFORMED, CITY SHALL ENDORSE TO PROVIDE GRANTOR REASONABLE ADVANCE NOTICE 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 CITY'S VENDORS DIRECTLY FOR ALL REASONABLE FEES, CHARGES, AND EXPENSES IDENTIFIED IN CITY'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 OBSTRUCTIONS 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 ROW 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.



Pacific Coast Surveys, Inc.
LAND SURVEYING & MAPPING
P.O. BOX 13619 MILL CREEK, WA 98082 PH. 425.508.4951 FAX 425.357.3577 www.PCSurveys.net

SNOWBERRY COURT				
PLAT OF: PN: 07-111617 SD				
NE 1/4, SE1/4, SEC.14, T.29N., R.5E., W.M.				
DRAWN BY: MAH	DATE: 09-11-14	DRAWING FILE NAME: 13721P.M.DWG	SCALE: N/A	JOB NO.: 13-721

A.F. NO. _____ SHEET 2 of 3



LINE TABLE

LINE	LENGTH	BEARING
L1	60.07	N 00°26'55\" W
L2	5.00	N 00°26'55\" W
L3	17.06	N 19°42'59\" W
L4	23.28	N 59°50'18\" E
L5	21.94	N 19°42'59\" W
L6	15.31	N 49°19'43\" E
L7	8.50	N 12°31'28\" W
L8	12.87	N 40°40'17\" W
L9	10.03	N 02°44'59\" E
L10	12.87	N 40°40'17\" W
L11	20.45	N 09°17'01\" E
L12	14.65	N 83°05'25\" E
L13	15.36	N 66°01'01\" W

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA
C1	31.48	20.00	90°10'41\"
C2	9.61	64.50	83°32'06\"
C3	80.55	64.50	71°33'17\"
C4	3.99	115.30	2°46'26\"
C5	43.97	115.50	31°18'17\"
C6	63.11	115.50	31°18'17\"
C7	0.80	115.50	02°3'43\"
C8	15.19	25.00	34°49'09\"
C9	49.51	47.00	60°21'10\"
C10	37.75	47.00	46°01'19\"
C11	40.30	47.00	49°07'48\"
C12	35.50	47.00	43°16'21\"
C13	55.33	47.00	67°26'42\"
C14	32.28	25.00	73°58'22\"
C15	37.92	64.50	33°41'04\"
C16	115.94	90.00	73°48'24\"
C17	125.80	90.00	80°05'23\"
C18	22.19	115.50	11°00'33\"
C19	25.18	115.50	12°29'21\"
C20	20.34	115.50	21°17'41\"
C21	20.34	115.50	10°05'17\"
C22	4.01	47.00	04°53'29\"

LEGEND

- SET 1/2" X 24" REBAR W/CAP STAMPED "L.S. 37536"
- FOUND REBAR/CAP AS NOTED
- ⊙ FOUND CASED CONC. MON. AS NOTED
- ⊙ SET CASED CONC. MON. STAMPED "PCS - 37536"
- ⊙ RIGHT OF WAY CENTERLINE

EQUIPMENT & PROCEDURES

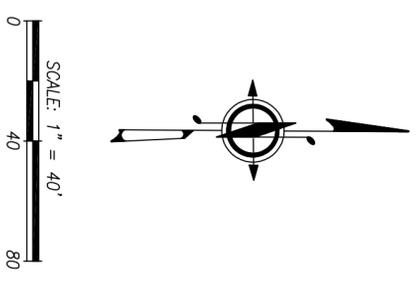
METHOD OF SURVEY: SIGHTING PERFORMED BY FIELD TRAVERSE
 INSTRUMENTATION: LEICA TS09, 1105 ROBOTIC ELECTRONIC TOTAL STATION
 PRECISION: MEETS OR EXCEEDS STATE STANDARDS WAC 332-130-090
 BASIS OF BEARING: THE MONUMENTED CENTERLINE OF 81ST AVE NE AS THE BEARING OF N00°26'55\" W PER PLAT OF P/N 97-103534, RECORDED UNDER A# 9901065008.



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 MILL CREEK, WA 98082
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 WWW.PCSURVEYS.NET

SNOWBERRY COURT
 PLAT OF:
 P/N: 07-11617 SD
 SHEET 3 OF 3

NE 1/4, SE 1/4, SEC. 14, T. 29N, R. 5E, W. 1M.
 DRAWN BY: MAH DATE: 09-11-14 DRAWING FILE NAME: 13721P.M.DWG SCALE: 1" = 40' JOB NO.: 13-721



FOUND 5"x5" CONC. MON. 0.1' ABOVE GROUND W/INVERTED DISK STAMPED "L.S. 11033" JULY 2006.

FOUND CONC. MON. IN CASE W/1-1/2" BRASS DISK STAMPED "L.S. 11033" JULY 2006.

FOUND CASED CONC. MON. W/1-1/2" BRASS DISK STAMPED "L.S. 11033" JULY 2006.

FOUND REBAR W/CAP STAMPED "12716"

00604800000201

00604800000101

00604800000102

00604800000103

00604800000104

00604800000105

00604800000106

00604800000107

00604800000108

00604800000109

00604800000110

00604800000111

00604800000112

00604800000113

00604800000114

00604800000115



Planning & Community Development

1812 Main Street / P.O. Box 257
Lake Stevens, WA 98258-0257
(425) 377-3235

NOTICE OF APPLICATION/PUBLIC MEETING

Project Name: Snowberry Court Final Plat
Project Number: LUA2014-0067
Applicant: Keystone Land LLC
Project Size: 4.03 Acres
Proposed Lots: 15 lots
Date of Notice: October 1, 2014
Date of Public Meeting: October 13, 2014

Project Description: Final plat application for the Snowberry Court Subdivision (15 proposed lots) received September 15, 2014. Snohomish County approved the preliminary subdivision on October 19, 2007 after an open record hearing and issuance of an environmental determination of non-significance. The City annexed the property in 2007. The applicant has submitted necessary financial securities and installed required improvements. The Lake Stevens City Council will consider acceptance of the subdivision at a public meeting scheduled for Monday, October 13 at 7:00 pm in the Lake Stevens School District Educational Center (12309 22nd Street NE).

Project Location: Eastside of 81st Ave NE opposite intersection with 3rd Street NE

The staff report for the final subdivision approval will be available for review in the Permit Center at 1812 Main Street, Lake Stevens. ADA information may be found at www.lakestevenswa.gov.

Comments regarding the proposed final subdivision approval may be submitted orally during the meeting or in writing before the meeting by sending them to City Hall, attn: Russ Wright, PO Box 257, Lake Stevens, WA 98258 or by email at rwright@lakestevenswa.gov. The project file is available for review at the Planning/Permit Center located behind City Hall, Monday-Friday 8:00 am-4:30 pm.

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

Distribution:

Applicant/Contact
Official City Boards

Property Owners within 300 feet
Subject Property

Everett Herald



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: October 13, 2014

Subject: Huber Rezone (LUA2014-0008)

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

Budget Impact: none

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

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

SUMMARY:

Second Reading of Ordinance 921 and Final Action related to the Huber Rezone (LUA2014-0008)

BACKGROUND/HISTORY:

Staff provided Council with a background description for the proposed rezone and the Hearing Examiner's recommendation during the Public Hearing held September 22, 2014. There was no public testimony or substantial discussion by Council related to the proposal. A detailed summary of the rezone application and review process follows below.

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

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

The city received the application on January 30, 2014 and issued a Determination of Completeness on April 7, 2014. The city issued a Determination Non-Significance on August 19, 2014. The Planning Commission recommended approval to the City Council for the proposed Land Use Change on September 3, 2014. The Hearing Examiner held a public hearing on September 10, 2014. City staff

provided public notice for all actions by a combination of publication in the Everett Herald, direct mailings, posting the site and posting city bulletin boards.

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

BUDGET IMPACT: There is not a budget impact.

EXHIBITS (attached):

Exhibit 1 – Ordinance 921, with exhibits

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

ORDINANCE NO. 921

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 1. The City Council adopts and incorporates the findings and conclusions for approving a rezone, pursuant to LSMC 14.16C.090, and as set forth in the Hearing Examiner's recommendation, dated September 19, 2014, attached hereto as **Exhibit B and incorporated by this reference.**

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

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

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

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

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

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

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Barbara Stevens, City Clerk

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

First Reading: September 22, 2014

Second Reading: October 13, 2014

Published:

Effective Date:

Exhibit A

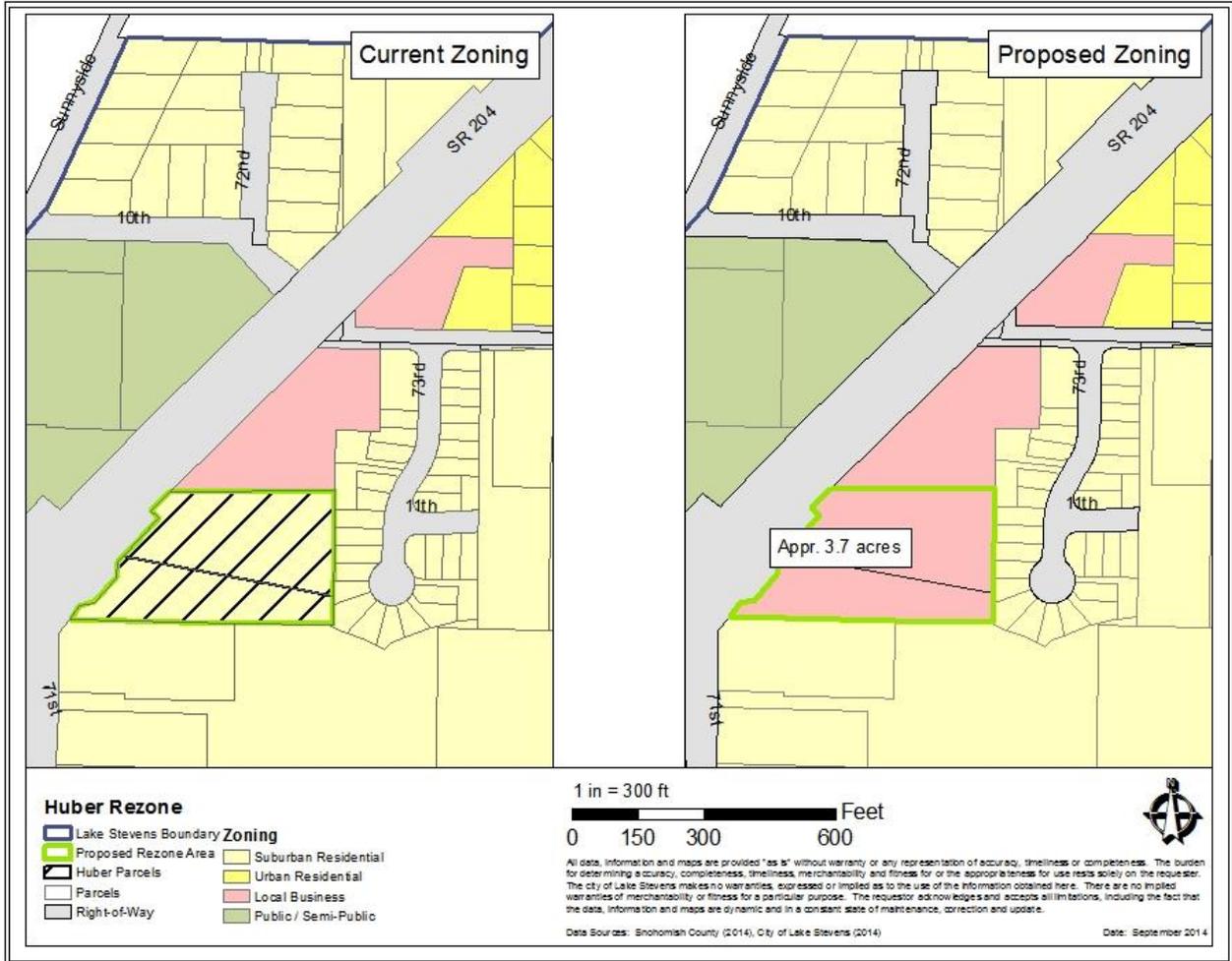


Exhibit B

Hearing Examiner Recommendation

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF LAKE STEVENS**

In the Matter of the Application of)	No. LUA2014-0008
)	
Dave Huber, on behalf of)	
Laura Greiert)	
)	
)	FINDINGS, CONCLUSIONS,
<u>For a Site-Specific Rezone</u>)	AND RECOMMENDATION

SUMMARY OF RECOMMENDATION

The Hearing Examiner recommends that the Applicant’s request for a rezone of approximately 3.7 acres of property at 1113 SR-204 from Suburban Residential to Local Business be **APPROVED**. This recommendation is conditioned on the Planning Commission and City Council approving the Applicant’s concurrent request for a change in the property’s Comprehensive Plan designation from Medium-Density Residential to Local Commercial.

SUMMARY OF RECORD

Hearing Date:

The City of Lake Stevens Hearing Examiner held an open record hearing on the request on September 10, 2014.

Testimony:

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

- Russell Wright, City Senior Planner
- Dave Huber, Applicant Representative

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated August 29, 2014, with two attachments:
 - a. Land Use Development Application, dated January 30, 2014
 - b. Letter from Dave Huber to the City of Lake Stevens, dated January 31, 2014
2. Notice of Complete Application, dated April 7, 2014
3. Letter from Don Miller, G.W.C. Land Development Consulting, to Russ Wright, City Senior Planner, dated August 1, 2014
4. Public Notice documents:
 - a. Notice of Application and SEPA Determination, dated August 19, 2014
 - b. Notice of Public Hearing before the Lake Stevens Planning Commission and City Council, dated August 19, 2014
 - c. Notice of Public Hearing before the Hearing Examiner, dated August 27, 2014

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5. Zoning Map, dated September 2014
6. SEPA documents:
 - a. SEPA Environmental Checklist, dated January 30, 2014
 - b. Determination of Nonsignificance, dated August 19, 2014
7. Traffic Impact Analysis, Gibson Traffic Consultants, received August 1, 2014

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

FINDINGS

1. Dave Huber, on behalf of property owner Laura Greiert (Applicant), requests a zoning map amendment to rezone two adjacent parcels, totaling approximately 3.7 acres, from Suburban Residential to Local Business. The subject property is located at 1113 SR-204, near SR-204 and 10th Street SE.¹ *Exhibit 1, Staff Report, page 1; Exhibit 2; Exhibit 3; Exhibit 5.*
2. The City of Lake Stevens (City) designated the rezone application complete on January 30, 2014. City Senior Planner Russell Wright testified that, on August 19, 2014, he mailed notice of the complete application to adjacent property owners, posted notice at City Hall and on-site, and had notice published in the *Everett Herald*. On August 22, City Senior Planner Russell Wright mailed notice of the public hearing associated with the rezone application to adjacent property owners, and posted notice at City Hall and on-site. On August 27, Mr. Wright had the notice of the public hearing published in the *Everett Herald*. *Lake Stevens Municipal Code (LSMC) 14.16B.415, -.440; LSMC 16A.225; Exhibit 1, Staff Report, page 2; Exhibit 2; Exhibits 4.b to 4.c; Testimony of Mr. Wright.*
3. The City analyzed the environmental impacts of the proposed rezone as required by the State Environmental Protection Act (SEPA), Chapter 43.21C RCW. Rebecca Ableman, the City's SEPA Responsible Official, reviewed the Applicant's completed environmental checklist and other information on file and determined that the rezone would not have a probable significant adverse impact on the environment. Ms. Ableman issued a Determination of Nonsignificance (DNS) on August 19, 2014. The City used the Optional DNS process, as set out in WAC 197-11-355, and provided SEPA notice with the notice of complete application. Mr. Wright testified that the SEPA threshold determination was not appealed. *Exhibit 1, Staff Report, page 2; Exhibit 4.a; Exhibit 6.a; Exhibit 6.b; Testimony of Mr. Wright.*
4. The property is currently undeveloped and contains areas that may be considered Geologically Hazardous pursuant to Chapter 14.88 LSMC. The environmental checklist

¹ The property subject to the rezone request is identified by Snohomish County tax parcel numbers 29052300202800 and 29052300202700. A legal description of the party is included with the staff report. *Exhibit 1, Staff Report, pages 1 and 12.*

states that there is an unnamed stream and associated wetland at the bottom of a ravine, off-site to the southwest. City staff has indicated that any future site development would need to address critical area concerns during project specific environmental review. *Exhibit 1, Staff Report, page 5; Exhibit 6.a.*

5. The property is currently designated as Medium-Density Residential under the City's Comprehensive Plan. Concurrent to this rezone application, the Applicant has requested that the Planning Commission and City Council amend the Comprehensive Plan to change the property's land use designation from Medium-Density Residential to Local Commercial. The Hearing Examiner's recommendation is conditioned on the Commission and Council amending the Comprehensive Plan. Accordingly, the Hearing Examiner's analysis is based on the Comprehensive Plan designation being Local Commercial. *Exhibit 1, Staff Report, pages 1 to 5; Exhibit 1.a; Exhibit 3; Exhibit 4.b.*
6. The Local Commercial designation is designed for "high intensity land use [including] dense arrangements of professional offices and retail stores." *Lake Stevens Comprehensive Plan, 4-15.* The Local Commercial designation discourages consumptive or high traffic volume land uses. City staff recognized a number of specific goals² relevant to the proposed rezone and emphasized that the rezone would support nearly 30,000 square feet of new commercial development. Mr. Wright testified that, currently, the city has a shortage of commercial areas (approximately 4 percent) and this rezone would help address this shortage. *Exhibit 1, Staff Report, pages 1 to 5; Exhibit 3; Testimony of Mr. Wright.*
7. If approved, the rezone would change the property's zoning designation to Local Business. The Local Business zone is

designed to accommodate commercial development generally similar to the types permissible in a Central Business District, except that it is intended that this zone be placed along arterials to cater to commuters, or as a transition in some areas between a higher intensity zone (e.g., commercial, industrial, etc.) and a lower intensity zone (e.g., residential, park, etc.), or may provide for a smaller scale shopping center that primarily serves one neighborhood or area of the City (as opposed to a sub-regional or regional shopping center).
LSMC 14.36.020(d).
8. The property would have direct access to an arterial (SR-204), and a small-scale shopping center on the property would serve the surrounding neighborhoods. Because of the property's proximity to SR-204, development of the property would not have significant impacts on traffic flow and volumes in the area. Furthermore, an on-site change in topography separates the residential area to east of the property from the potential Local

² The staff report specifically lists Vision Goals 3 and 5; Land Use Goals 4.1, 4.3, 4.4, 4.20, 4.22, and 4.40; and Economic Development Goals 9.3 and 9.5 as relevant to the proposed rezone. *Exhibit 1, Staff Report, pages 3 and 4.*

Business zone. Services are already in place on-site, or can be extended or improved as future development occurs. *Exhibit 1, Staff Report, pages 1 to 3; Exhibit 3; Exhibit 7.*

9. Mr. Wright testified that City staff recommends approval of the rezone so long as the Planning Commission and Council adopt the Comprehensive Plan amendment and all future development on-site complies with state and local regulations. *Testimony of Mr. Wright.*
10. Applicant Representative Dave Huber testified that he agrees with the City's recommendation. He also noted that, as currently configured, access to the property from SR-204 creates line-of-sight issues that would make developing it as a residential area impractical and that the property would be best utilized for commercial space. *Testimony of Mr. Huber.*

CONCLUSIONS

Jurisdiction

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

Criteria

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

- (1) The amendment complies with the Comprehensive Plan Land Use Map, policies, and provisions and adopted subarea plans;
- (2) The amendment is in compliance with the Growth Management Act;
- (3) The amendment serves to advance the public health, safety and welfare;
- (4) The amendment is warranted because of changed circumstances, a mistake, or because of a need for additional property in the proposed zoning district;
- (5) The subject property is suitable for development in general conformance with zoning standards under the proposed zoning district;
- (6) The amendment will not be materially detrimental to uses or property in the immediate vicinity of the subject property;
- (7) Adequate public facilities and services are likely to be available to serve the development allowed by the proposed zone;

(8) The probable adverse environmental impacts of the types of development allowed by the proposed zone can be mitigated, taking into account all applicable regulations, or the unmitigated impacts are acceptable;

(9) The amendment complies with all other applicable criteria and standards in this title.³

LSMC 14.16C.090(g).

Conclusions Based on Findings

The proposed rezone satisfies the criteria for approval established by the City Council in LSMC 14.16.090(g) and should be approved. The requested Local Business zone designation would comply with the Comprehensive Plan goals related to the Local Commercial land use designation. Rezoning the subject property to Local Business would provide services and employment opportunities to local residents and visitors to Lake Stevens. Further, development of the site would allow nearby residents to walk or bike to obtain commercial goods, potentially reducing driving trips. Lake Stevens currently has a shortage of commercial areas, and the rezone would help address this shortage. Adequate public facilities and services would be available to serve the rezoned site, and the rezone would complement the existing Local Business zone to the north. The City's SEPA Responsible Official concluded the rezone would not have a significant adverse impact on the environment; further, any future development of the site would be required to submit to project-specific environmental review. *Findings 1-10.*

RECOMMENDATION

Based on the preceding Findings and Conclusions, the Hearing Examiner recommends the Applicant's request for a Site-Specific Rezone of property at 1113 SR-204 from Suburban Residential to Local Business be **APPROVED**, with the following condition:

1. This recommendation is conditioned on the Planning Commission and City Council approving the concurrent Comprehensive Plan Land Use Map Amendment proposed by the Applicant.

Recommended this 19th day of September 2014.



ANDREW MICHAEL REEVES
City of Lake Stevens Hearing Examiner
Sound Law Center

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