

**City of Lake Stevens Mission Statement**



The City of Lake Stevens' mission is not only to preserve the natural beauty that attracted so many of its citizens, but to enhance and harmonize with the environment to accommodate new people who desire to live here. Through shared, active participation among Citizen, Mayor, Council, and City Staff, we commit ourselves to quality living for this and future generations.

Growth in our community is inevitable. The City will pursue an active plan on how, when, and where it shall occur to properly plan for needed services, ensure public safety, and maintain the unique ambience that is Lake Stevens.



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**CITY COUNCIL REGULAR MEETING AGENDA**  
**Lake Stevens School District Educational Service Center (Admin. Bldg.)**  
**12309 22<sup>nd</sup> Street NE, Lake Stevens**  
**Monday, March 26, 2012 - 7:00 p.m.**

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

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

**ROLL CALL:**

**GUEST BUSINESS:**

**CONSENT AGENDA:** \*A. Approve March 2012 vouchers. Barb  
\*B. Approve minutes of March 12, 2012 regular Council meeting. Norma

**PUBLIC HEARINGS:**

**PUBLIC HEARING FORMAT:**

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

\*A. Public Hearing and consideration of first reading of Ordinance No. 871, Multi-family Use Amendment. Russ  
\*B. Public Hearing and consideration of first reading of Ordinance No. 870, proposed SEPA code update. Russ

**ACTION ITEMS:** \*A. Authorize the Mayor to sign the Snohomish County Interlocal Agreement for Plan Review and Code Inspections Services. Becky

**Lake Stevens City Council Regular Meeting Agenda**

**March 26, 2012**

**DISCUSSION**

**ITEMS:**

**COUNCIL PERSON'S**

**BUSINESS:**

**MAYOR'S BUSINESS:**

**STAFF REPORTS:**

**INFORMATION**

**ITEMS:**

**EXECUTIVE  
SESSION:**

A. Collective Bargaining.

**ADJOURN:**

* ITEMS ATTACHED	** ITEMS PREVIOUSLY DISTRIBUTED	# ITEMS TO BE DISTRIBUTED
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**THE PUBLIC IS INVITED TO ATTEND**

**Special Needs**

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

**NOTICE:**

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

**BLANKET VOUCHER APPROVAL  
 2012**

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	<b>905512-905569</b>	<b>\$127,585.87</b>
Payroll Checks	<b>33231</b>	<b>\$2,403.88</b>
Claims	<b>33232-33290</b>	<b>\$76,404.08</b>
Electronic Funds Transfers	<b>437-439</b>	<b>\$4,931.75</b>
Void Checks		
Tax Deposit(s)	<b>3/15/2012</b>	<b>\$45,541.24</b>
<b>Total Vouchers Approved:</b>		<b>\$256,866.82</b>

**This 26th day of March 2012:**

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 Councilmember

\_\_\_\_\_  
 Finance Director

\_\_\_\_\_  
 Councilmember

\_\_\_\_\_  
 Councilmember

\_\_\_\_\_  
 Councilmember



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**Direct Deposit Register**

16-Mar-2012

**Wells Fargo - AP**

**Lake Stevens**

**Direct Deposits to Accounts**

16-Mar-2012	<u>Vendor</u>	<u>Source</u>	<u>Amount</u>	<u>Draft#</u>	<u>Bank Name</u>	<u>Transit</u>	<u>Account</u>
9407	Department of Retirement (Pers	C	\$3,605.00	437	Wells Fargo	121000248	4159656917
9408	NATIONWIDE RETIREMENT SOL	C	\$848.25	438	Wells Fargo	121000248	4159656917
9405	Wash State Support Registry	C	\$478.50	439	Wells Fargo	121000248	4159656917
<b>Total:</b>			\$4,931.75		<b>Count:</b>	3.00	

***Direct Deposit Summary***

<i>Type</i>	<i>Count</i>	<i>Total</i>
C	3	\$4,931.75

**Pre-Note Transactions**

## Detail Check Register

19-Mar-12

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount		
<b>33232</b>	<b>19-Mar-12</b>	<b>13836</b>	<b>SCCFOA</b>			<b>\$34.00</b>
3/22/12	3/22/12	SCCFOA meeting		\$34.00	\$0.00	\$34.00
001003514104300		City Clerks-Travel & Mtgs		\$20.00		
001004514234300		Finance - Travel & Mtgs		\$14.00		
<b>Total Of Checks:</b>						<b>\$34.00</b>

# Detail Check Register

22-Mar-12

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
<b>33233</b>	<b>26-Mar-12</b>	<b>13115</b>	<b>Alco Pro</b>		<b>\$81.95</b>
0156157-IN			PBT Repair/FST #044956	\$81.95	\$0.00
			001008521004800 Law Enforcement - Repair & Mai	\$81.95	
<b>33234</b>	<b>26-Mar-12</b>	<b>12540</b>	<b>ALLIED WASTE SERVICES #197</b>		<b>\$353.72</b>
0197-001442260			Dumpster services	\$353.72	\$0.00
			101016542003102 Street Fund Operating Costs	\$169.50	
			101016542004500 Street Fund - Rentals/Leases	\$7.37	
			410016542403102 Storm Water - Operating Costs	\$169.49	
			410016542404501 Storm Water - Equipment Rental	\$7.36	
<b>33235</b>	<b>26-Mar-12</b>	<b>12540</b>	<b>ALLIED WASTE SERVICES #197</b>		<b>\$254.24</b>
0197-001442027			Dumpster services	\$254.24	\$0.00
			001010576803103 Parks-Lundeen-Operating Costs	\$254.24	
<b>33236</b>	<b>26-Mar-12</b>	<b>12540</b>	<b>ALLIED WASTE SERVICES #197</b>		<b>\$108.12</b>
0197-001442681			Dumpster services	\$108.12	\$0.00
			001013519903100 General Government - Operating	\$95.17	
			001013519904500 General Government-Equip Renta	\$12.95	
<b>33237</b>	<b>26-Mar-12</b>	<b>179</b>	<b>Blumenthal Uniforms</b>		<b>\$852.80</b>
924228			PSO Brooks/Uniform Items	\$206.44	\$0.00
			001008521002600 Law Enforcment Clothing	\$206.44	
924228-01			PSO Brooks/Animal Control book	\$12.98	\$0.00
			001008521003100 Law Enforcement - Office Suppl	\$12.98	
924235			Patrol Operations/ Pepper Spray (5)	\$113.76	\$0.00
			001008521003104 Law Enforcement-Operating Cost	\$113.76	
924267			Det Thomas/Uniform Jacket	\$270.41	\$0.00
			001008521002600 Law Enforcment Clothing	\$270.41	
924272			Det. Wachtveitl/Uniform Jacket	\$249.21	\$0.00
			001008521002600 Law Enforcment Clothing	\$249.21	
<b>33238</b>	<b>26-Mar-12</b>	<b>189</b>	<b>BRATWEAR</b>		<b>\$396.94</b>
322810			Officer Barnes/Boating uniform	\$396.94	\$0.00
			001008521002602 LE - Boating Clothing	\$396.94	
<b>33239</b>	<b>26-Mar-12</b>	<b>969</b>	<b>Business Card</b>		<b>\$4,383.38</b>
03/12 1056			Econ Forecast mtg/Sewer mtg	\$109.99	\$0.00

# Detail Check Register

22-Mar-12

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001003513104101			Administration - Staff Develop	\$35.00	
001003513104300			Administration - Travel & Mtgs	\$17.19	
001007558004300			Planning - Travel & Mtgs	\$15.20	
001007558400001			Planning - Staff Development	\$35.00	
101016542004300			Street Fund - Travel & Mtgs	\$7.60	
<b>03/12 1324</b>			<b>Supplies/Econ Dev Brochures/Traini</b>	<b>\$77.32</b>	<b>\$0.00</b>
001007558003100			Planning - Office Supplies	\$42.32	
001007558400001			Planning - Staff Development	\$35.00	
<b>03/12 1411</b>			<b>Supplies/Training</b>	<b>\$36.39</b>	<b>\$0.00</b>
001008521003104			Law Enforcement-Operating Cost	\$27.14	
001008521004901			Law Enforcement - Staff Develo	\$9.25	
<b>03/12 4949</b>			<b>Uniform mics and earpieces</b>	<b>\$363.59</b>	<b>\$0.00</b>
001008521002600			Law Enforcment Clothing	\$363.59	
<b>03/12 5242</b>			<b>County recording fees</b>	<b>\$585.00</b>	<b>\$0.00</b>
101016542003102			Street Fund Operating Costs	\$585.00	
<b>03/12 7750</b>			<b>Lockers/Hardware/Pkg/Playgrnd eq</b>	<b>\$3,128.29</b>	<b>\$0.00</b>
001010576804800			Parks - Repair & Maintenance	\$251.00	
101016542003102			Street Fund Operating Costs	\$2,031.04	
101016542004300			Street Fund - Travel & Mtgs	\$25.00	
101016543504802			Facilities R&M (City Shop)	\$821.25	
<b>03/12 8109</b>			<b>Supplies/Travel</b>	<b>\$82.80</b>	<b>\$0.00</b>
001008521003104			Law Enforcement-Operating Cost	\$76.80	
001008521004300			Law Enforce - Travel & Mtgs	\$6.00	
<b>33240</b>	<b>26-Mar-12</b>	<b>12630</b>	<b>Chief Supply Corporation</b>		<b>\$14.99</b>
450692			shipping	\$14.99	\$0.00
001008521004200			Law Enforcement - Communicatio	\$14.99	
<b>33241</b>	<b>26-Mar-12</b>	<b>13776</b>	<b>Chris L Griffen</b>		<b>\$262.50</b>
12434140LSP			Public defender services	\$262.50	\$0.00
001013512800000			Court Appointed Attorney Fees	\$262.50	
<b>33242</b>	<b>26-Mar-12</b>	<b>274</b>	<b>City of Everett</b>		<b>\$175.00</b>
I12000689			Lab analysis	\$175.00	\$0.00
410016531503104			DOE-G1100060 SW Capacity Exp	\$175.00	
<b>33243</b>	<b>26-Mar-12</b>	<b>12004</b>	<b>CITY OF MARYSVILLE</b>		<b>\$8,185.13</b>
12-003			Court citations Feb 2012	\$8,185.13	\$0.00

# Detail Check Register

22-Mar-12

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001013512500001			Municipal Court Fees	\$8,185.13	
<b>33244</b>	<b>26-Mar-12</b>	<b>13030</b>	<b>COMCAST</b>		<b>\$105.95</b>
03/12 0443150			Communications - Internet	\$105.95	\$0.00
001003513104200			Administration-Communications	\$2.12	
001003514104200			City Clerks-Communications	\$6.36	
001003516104200			Human Resources-Communications	\$2.12	
001003518104200			IT Dept-Communications	\$4.24	
001004514234200			Finance - Communications	\$4.24	
001007558004200			Planning - Communication	\$16.95	
001008521004200			Law Enforcement - Communicatio	\$61.45	
001010576804200			Parks - Communication	\$2.83	
101016542004200			Street Fund - Communications	\$2.83	
410016542404200			Storm Water - Communications	\$2.81	
<b>33245</b>	<b>26-Mar-12</b>	<b>13030</b>	<b>COMCAST</b>		<b>\$81.90</b>
02/12 0810218			Comm - evidence room internet	\$81.90	\$0.00
001008521004200			Law Enforcement - Communicatio	\$81.90	
<b>33246</b>	<b>26-Mar-12</b>	<b>13030</b>	<b>COMCAST</b>		<b>\$71.90</b>
02/12 0692756			Internet - satelite police station	\$71.90	\$0.00
001008521004200			Law Enforcement - Communicatio	\$71.90	
<b>33247</b>	<b>26-Mar-12</b>	<b>13757</b>	<b>Comdata Corporation</b>		<b>\$7,888.76</b>
20162277			Fuel	\$7,888.76	\$0.00
001008521003200			Law Enforcement - Fuel	\$7,888.76	
<b>33248</b>	<b>26-Mar-12</b>	<b>322</b>	<b>Concrete NorWest</b>		<b>\$933.97</b>
791627			8 yards of concrete	\$933.97	\$0.00
101016542004800			Street Fund - Repair & Mainten	\$933.97	
<b>33249</b>	<b>26-Mar-12</b>	<b>91</b>	<b>Corporate Office Supply</b>		<b>\$772.41</b>
124503i			Calendars, CD s, CD cases	\$33.84	\$0.00
001007558003100			Planning - Office Supplies	\$33.84	
126480			Supplies	\$209.44	\$0.00
001003516103100			Human Resources-Office Supplie	\$41.21	
001003518103100			IT Dept-Office Supplies	\$168.23	
001013519903100			General Government - Operating	\$0.00	
126481			Supplies	\$21.67	\$0.00

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22-Mar-12

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001003516103100			Human Resources-Office Supplie	\$0.00	
001003518103100			IT Dept-Office Supplies	\$21.67	
001013519903100			General Government - Operating	\$0.00	
126510i			Binders/Paper	\$240.77	\$0.00
001008521003100			Law Enforcement - Office Suppl	\$240.77	
126547i			office supplies	\$242.82	\$0.00
001008521003100			Law Enforcement - Office Suppl	\$242.82	
126553i			office supplies	\$23.87	\$0.00
001008521003100			Law Enforcement - Office Suppl	\$23.87	
<b>33250</b>	<b>26-Mar-12</b>	<b>13928</b>	<b>Craig Olsen</b>		<b>\$55.25</b>
031412			Reimb CPL	\$55.25	\$0.00
001000322009000			Other Non-Business Licenses &	\$18.00	
633000386000003			Gun Permit Fees	\$37.25	
<b>33251</b>	<b>26-Mar-12</b>	<b>9386</b>	<b>Crystal and Sierra Springs</b>		<b>\$327.99</b>
5249844030112			Bottled water	\$327.99	\$0.00
001007559003101			Building Department - Operatin	\$55.62	
001008521003104			Law Enforcement-Operating Cost	\$105.51	
001013519904900			General Government - Miscellan	\$55.62	
101016542003102			Street Fund Operating Costs	\$55.62	
410016542403102			Storm Water - Operating Costs	\$55.62	
<b>33252</b>	<b>26-Mar-12</b>	<b>13027</b>	<b>DEPARTMENT OF LICENSING</b>		<b>\$342.00</b>
51908-51940			Weapons permits	\$342.00	\$0.00
633008586000000			Gun Permit - State Remittance	\$342.00	
<b>33253</b>	<b>26-Mar-12</b>	<b>13027</b>	<b>DEPARTMENT OF LICENSING</b>		<b>\$198.00</b>
51936-51950			Weapons permits	\$198.00	\$0.00
633008586000000			Gun Permit - State Remittance	\$198.00	
<b>33254</b>	<b>26-Mar-12</b>	<b>12800</b>	<b>DEPT OF CORRECTIONS</b>		<b>\$341.86</b>
MCC4591 0212			Maintenance	\$341.86	\$0.00
101016542004800			Street Fund - Repair & Mainten	\$170.93	
410016542404800			Storm Water - Repairs & Maint.	\$170.93	
<b>33255</b>	<b>26-Mar-12</b>	<b>473</b>	<b>Electronic Business Machines</b>		<b>\$175.02</b>
074094			Copier Maint	\$175.02	\$0.00
001008521004800			Law Enforcement - Repair & Mai	\$175.02	
<b>33256</b>	<b>26-Mar-12</b>	<b>505</b>	<b>Everett Stamp Works</b>		<b>\$11.89</b>

# Detail Check Register

22-Mar-12

Lake Stevens

Check No	Check Date	VendorNo	Vendor		Check Amount	
5547			Nameplate - Barnet	\$11.89	\$0.00	\$11.89
001007558003200			Planning-Operating Costs	\$11.89		
<b>33257</b>	<b>26-Mar-12</b>	<b>12711</b>	<b>EVERGREEN SECURITY SYSTEMS</b>			<b>\$348.00</b>
26490			Monitoring 4/12 - 3/13	\$348.00	\$0.00	\$348.00
001008521914000			Law Enforcement -Alarm-Evid Rm	\$348.00		
<b>33258</b>	<b>26-Mar-12</b>	<b>13907</b>	<b>Fastenal Company</b>			<b>\$528.49</b>
WAEV116703			Air Compressor Line - Shop	\$485.06	\$0.00	\$485.06
101016543504802			Facilities R&M (City Shop)	\$485.06		
WAEV116914			24 LED Work light	\$43.43	\$0.00	\$43.43
101016542003102			Street Fund Operating Costs	\$43.43		
<b>33259</b>	<b>26-Mar-12</b>	<b>549</b>	<b>Foster Press</b>			<b>\$310.85</b>
29125			Notice - door hangers	\$310.85	\$0.00	\$310.85
001008521003100			Law Enforcement - Office Suppl	\$310.85		
<b>33260</b>	<b>26-Mar-12</b>	<b>13486</b>	<b>GeoLine Bellevue</b>			<b>\$49.79</b>
313475			Mag/PK Nails	\$49.79	\$0.00	\$49.79
101016542004800			Street Fund - Repair & Mainten	\$49.79		
<b>33261</b>	<b>26-Mar-12</b>	<b>13785</b>	<b>Group Health Coop</b>			<b>\$205.00</b>
64004690			Employee Hearing screening	\$205.00	\$0.00	\$205.00
001007559004100			Building Department - Professi	\$35.00		
001008521004100			Law Enforcement - Professional	\$105.00		
101016542004100			Street Fund - Professional Ser	\$32.50		
410016542404101			Storm Water - Professional Ser	\$32.50		
<b>33262</b>	<b>26-Mar-12</b>	<b>13500</b>	<b>HB Jaeger Co LLC</b>			<b>\$1,216.33</b>
127797/1			geotech fabric 99th ave school zon	\$333.95	\$0.00	\$333.95
101016542004800			Street Fund - Repair & Mainten	\$333.95		
127910/1			18' stick of 12" ductile	\$882.38	\$0.00	\$882.38
101016542004800			Street Fund - Repair & Mainten	\$882.38		
<b>33263</b>	<b>26-Mar-12</b>	<b>13232</b>	<b>Integra Telecom, Inc</b>			<b>\$883.91</b>
9446751			Communications - Phone	\$883.91	\$0.00	\$883.91

# Detail Check Register

22-Mar-12

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001003513104200			Administration-Communications	\$6.64	
001003514104200			City Clerks-Communications	\$7.75	
001003516104200			Human Resources-Communications	\$7.19	
001003518104200			IT Dept-Communications	\$18.81	
001004514234200			Finance - Communications	\$14.94	
001007558004200			Planning - Communication	\$55.23	
001007559004200			Building Department - Communci	\$36.87	
001008521004200			Law Enforcement - Communicatio	\$141.78	
001010575304200			Historical - Communications	\$36.87	
001013519904200			General Government - Communica	\$278.09	
001013555504200			Commnity Center-Communication	\$36.87	
101016542004200			Street Fund - Communications	\$120.26	
410016542404200			Storm Water - Communications	\$122.61	
<b>33264</b>	<b>26-Mar-12</b>	<b>12648</b>	<b>IRON MOUNTAIN QUARRY LLC</b>		<b>\$110.75</b>
0201104			7 yards of 5/8 minus and 1 yard of 1.	\$110.75	\$0.00
101016542004800			Street Fund - Repair & Mainten	\$110.75	
<b>33265</b>	<b>26-Mar-12</b>	<b>13930</b>	<b>Its a Bean Thing</b>		<b>\$55.00</b>
030912			Refund Business License	\$55.00	\$0.00
001000321006000			Business Licenses and Permits	\$55.00	
<b>33266</b>	<b>26-Mar-12</b>	<b>13929</b>	<b>Kathleen Hudson</b>		<b>\$90.00</b>
031412			Travel	\$90.00	\$0.00
001008521004300			Law Enforce - Travel & Mtgs	\$90.00	
<b>33267</b>	<b>26-Mar-12</b>	<b>12751</b>	<b>LAKE STEVENS POLICE GUILD</b>		<b>\$1,121.00</b>
031512			Union dues	\$1,121.00	\$0.00
001000281000000			Payroll Liabilities	\$1,121.00	
<b>33268</b>	<b>26-Mar-12</b>	<b>860</b>	<b>Lake Stevens Sewer District</b>		<b>\$630.00</b>
03/12			Utilities - Sewer	\$630.00	\$0.00
001008521004700			Law Enforcement - Utilities	\$70.00	
001010576804700			Parks - Utilities	\$140.00	
001012572504700			Library - Utilities	\$70.00	
001013519904700			General Government - Utilities	\$280.00	
101016542004700			Street Fund - Utilities	\$35.00	
410016542404700			Storm Water-Aerat. Utilities	\$35.00	
<b>33269</b>	<b>26-Mar-12</b>	<b>13445</b>	<b>Leadsonline</b>		<b>\$1,908.00</b>
220908			SelectSearch Service	\$1,908.00	\$0.00
001008521004100			Law Enforcement - Professional	\$1,908.00	
<b>33270</b>	<b>26-Mar-12</b>	<b>12603</b>	<b>LES SCHWAB TIRE CENTER</b>		<b>\$557.81</b>

# Detail Check Register

22-Mar-12

Lake Stevens

Check No	Check Date	VendorNo	Vendor		Check Amount
40200032809			Tires for PW40	\$764.15	\$764.15
101016542004800			Street Fund - Repair & Mainten	\$764.15	
40200033683			Tire return	(\$206.34)	(\$206.34)
101016542004800			Street Fund - Repair & Mainten	(\$206.34)	
<b>33271</b>	<b>26-Mar-12</b>	<b>13598</b>	<b>Marys Towing Inc</b>		<b>\$216.70</b>
22091			Investigations #1200040/Invoices #2	\$108.35	\$108.35
001008521003104			Law Enforcement-Operating Cost	\$108.35	
22093			Investigations #1200040/Invoices #2	\$108.35	\$108.35
001008521003104			Law Enforcement-Operating Cost	\$108.35	
<b>33272</b>	<b>26-Mar-12</b>	<b>12498</b>	<b>MARYSVILLE PRINTING</b>		<b>\$105.11</b>
11242			Mental Health form	\$105.11	\$105.11
001008521003100			Law Enforcement - Office Suppl	\$105.11	
<b>33273</b>	<b>26-Mar-12</b>	<b>12684</b>	<b>NORTHWEST CASCADE INC.</b>		<b>\$218.00</b>
1-429672			Equipment rental	\$218.00	\$218.00
001010576804500			Parks - Equipment Rental	\$218.00	
<b>33274</b>	<b>26-Mar-12</b>	<b>13044</b>	<b>PAKOR, INC - NW8935</b>		<b>\$231.49</b>
895850			Passport photo supplies	\$231.49	\$231.49
001008521003100			Law Enforcement - Office Suppl	\$231.49	
<b>33275</b>	<b>26-Mar-12</b>	<b>13845</b>	<b>Park It Bike Racks</b>		<b>\$216.46</b>
PB1002581			Bike Rack for Eagle Ridge Park	\$216.46	\$216.46
001010576803101			Parks-Eagle Ridge Pk Exp	\$216.46	
<b>33276</b>	<b>26-Mar-12</b>	<b>1053</b>	<b>Patricks Printing</b>		<b>\$275.04</b>
41875			Supplies	\$165.89	\$165.89
001013519903100			General Government - Operating	\$165.89	
41883			Notice & Inspection Report Forms	\$109.15	\$109.15
001007559003100			Building Department - Office S	\$109.15	
<b>33277</b>	<b>26-Mar-12</b>	<b>11869</b>	<b>PUGET SOUND ENERGY</b>		<b>\$352.27</b>
03/08/12			Utilities - gas	\$158.77	\$158.77
001010576804700			Parks - Utilities	\$52.92	
101016542004700			Street Fund - Utilities	\$52.92	
410016542404701			Storm Water Utilities	\$52.93	

# Detail Check Register

22-Mar-12

Lake Stevens

Check No	Check Date	VendorNo	Vendor		Check Amount	
030812			Utilities - gas	\$193.50	\$0.00	\$193.50
001010576804700			Parks - Utilities	\$64.50		
101016542004700			Street Fund - Utilities	\$64.50		
410016542404701			Storm Water Utilities	\$64.50		
<b>33278</b>	<b>26-Mar-12</b>	<b>12722</b>	<b>SHRED-it WESTERN WASHINGTON</b>			<b>\$49.50</b>
101198265			shredding services	\$49.50	\$0.00	\$49.50
001008521003104			Law Enforcement-Operating Cost	\$49.50		
<b>33279</b>	<b>26-Mar-12</b>	<b>1343</b>	<b>SIRCHIE FINGER PRINT</b>			<b>\$209.80</b>
0072793-IN			Printover tabs	\$209.80	\$0.00	\$209.80
001008521003104			Law Enforcement-Operating Cost	\$209.80		
<b>33280</b>	<b>26-Mar-12</b>	<b>12961</b>	<b>SNOHOMISH COUNTY PUD</b>			<b>\$2,093.51</b>
123765384			Utilities - Electric	\$328.97	\$0.00	\$328.97
101016542630000			Street Fund - Street Lighting	\$328.97		
133703404			Utilities - Electric	\$1,417.94	\$0.00	\$1,417.94
001008521004700			Law Enforcement - Utilities	\$1,417.94		
143570191			Utilities - Electric	\$110.88	\$0.00	\$110.88
001008521004700			Law Enforcement - Utilities	\$110.88		
146883469			Utilities - Electric	\$69.63	\$0.00	\$69.63
001010576804700			Parks - Utilities	\$69.63		
150192515			Utilities - Electric	\$166.09	\$0.00	\$166.09
101016542630000			Street Fund - Street Lighting	\$166.09		
<b>33281</b>	<b>26-Mar-12</b>	<b>1356</b>	<b>SNOPAC</b>			<b>\$25,069.02</b>
5255			Dispatch Services	\$25,069.02	\$0.00	\$25,069.02
001008528005100			Law Enforcement - Snopac Dispa	\$25,069.02		
<b>33282</b>	<b>26-Mar-12</b>	<b>13931</b>	<b>Stericycle, Inc</b>			<b>\$53.86</b>
3001750809			Hazardous waste disposal	\$21.48	\$0.00	\$21.48
001008521004100			Law Enforcement - Professional	\$21.48		
3001769237			Hazardous waste disposal	\$32.38	\$0.00	\$32.38
001008521004100			Law Enforcement - Professional	\$32.38		
<b>33283</b>	<b>26-Mar-12</b>	<b>12579</b>	<b>SUMMIT LAW GROUP</b>			<b>\$4,031.00</b>
55826			Professional services	\$4,031.00	\$0.00	\$4,031.00

# Detail Check Register

22-Mar-12

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001008521004102			LE - Professional Srv - Legal	\$3,799.00	
101016542004107			PW - Professional Srv - Legal	\$232.00	
<b>33284</b>	<b>26-Mar-12</b>	<b>13891</b>	<b>Tacoma Screw Products Inc</b>		<b>\$101.58</b>
10292589			Screws/Bolts	\$101.58	\$0.00
101016542003102			Street Fund Operating Costs	\$101.58	
<b>33285</b>	<b>26-Mar-12</b>	<b>13668</b>	<b>Technocom</b>		<b>\$7,136.33</b>
0106904-IN			Recabling of Annex Bld and fiber inn	\$7,136.33	\$0.00
510013519606400			Purchase Computer Equipment	\$7,136.33	
<b>33286</b>	<b>26-Mar-12</b>	<b>13045</b>	<b>UPS</b>		<b>\$31.83</b>
74Y42102			Evidence shipping	\$31.83	\$0.00
001008521004200			Law Enforcement - Communicatio	\$31.83	
<b>33287</b>	<b>26-Mar-12</b>	<b>1579</b>	<b>VILLAGE ACE HARDWARE</b>		<b>\$775.65</b>
02/29/12			Supplies	\$775.65	\$0.00
001010576804800			Parks - Repair & Maintenance	\$30.47	
101016542003102			Street Fund Operating Costs	\$133.81	
101016542004800			Street Fund - Repair & Mainten	\$29.20	
101016542640000			Street Fund - Traffic Control	\$155.34	
101016543504802			Facilities R&M (City Shop)	\$194.84	
410016542403102			Storm Water - Operating Costs	\$111.80	
410016542404800			Storm Water - Repairs & Maint.	\$120.19	
<b>33288</b>	<b>26-Mar-12</b>	<b>13055</b>	<b>WA State Dept of Enterprise</b>		<b>\$315.83</b>
60281			business cards and letterhead	\$274.57	\$0.00
001008521003100			Law Enforcement - Office Suppl	\$274.57	
62750			business cards and letterhead	\$41.26	\$0.00
001008521003100			Law Enforcement - Office Suppl	\$41.26	
<b>33289</b>	<b>26-Mar-12</b>	<b>13916</b>	<b>WAPRO</b>		<b>\$150.00</b>
Anderson			Anderson Disclosure Training	\$150.00	\$0.00
001008521004901			Law Enforcement - Staff Develo	\$150.00	
<b>33290</b>	<b>26-Mar-12</b>	<b>12761</b>	<b>WASHINGTON STATE PATROL</b>		<b>\$346.50</b>
I12006649			Background checks CPL	\$346.50	\$0.00
633008589000006			Gun Permit - FBI Remittance	\$346.50	
<b>Total Of Checks:</b>					<b>\$76,370.08</b>



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

Monday, March 12, 2012  
Lake Stevens School District Educational Service Center (Admin. Bldg.)  
12309 22<sup>nd</sup> Street N.E. Lake Stevens

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

COUNCILMEMBERS PRESENT: Todd Welch, Suzanne Quigley, Kathy Holder, Kim Daughtry, Marcus Tageant, Neal Dooley and John Spencer (arrived at approximately 7:10 p.m.)

COUNCILMEMBERS ABSENT:

STAFF MEMBERS PRESENT: City Administrator Jan Berg, City Attorney Cheryl Beyer, Finance Director/Treasurer Barb Lowe, Public Works Director Mick Monken, Human Resource Director Steve Edin, Police Chief Randy Celori, and City Clerk/Admin. Asst. Norma Scott

OTHERS: Halle Olsen and Samantha Campos

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**Guest Business.** Halle Olsen, 121 South Davies Road, and Samantha Campos, 2704 106<sup>th</sup> Drive NE, are here on behalf of the Family Center. They invited the Council to the March 21 6:30 – 8:30 p.m. youth forum against cyberbullying and sexting.

**Consent Agenda.** Councilmember Daughtry moved to approve the Consent Agenda (A. Approve March 2012 vouchers [Payroll Direct Deposits 905447-905511 for \$119,813.33, Payroll Checks 33140-33151 for \$6,614.98, Claims 33152-33230 for \$132,206.58, Electronic Funds Transfers 431-436 \$140,501.27, Void Checks 33148-33139 for deduct of \$1,658.43, Tax Deposits 3.1.12 for \$42,417.51, for total vouchers approved of \$439,895.24] B. Approve minutes of February 27, 2012 regular Council meeting), seconded by Councilmember Dooley; motion carried unanimously (6-0-0-1)

**First and final reading of Ordinance No. 869, 2012 budget amendment.** Finance Director/Treasurer Lowe commented there was one change from the last meeting - a carry forward of the Arts Commission budget.

**MOTION:** Councilmember Holder moved to approve first and final reading of Ordinance 869 amending Ordinance No. 865, seconded by Councilmember Tageant; motion carried unanimously. (6-0-0-1)

**Approve Interlocal Cooperative Purchasing Agreement with City of Seattle.** Finance Director/Treasurer Lowe noted this allow the City to use Seattle's bids without the City going through bid process. This agreement will allow Public Works to acquire accessories for a Public Works truck. There is no budget impact.

Councilmember Spencer arrived at approximately 7:10 p.m.

**MOTION:** Councilmember Quigley moved to authorize the Mayor to enter into the Intergovernmental Cooperative Purchasing Agreement with the City of Seattle, seconded by Councilmember Daughtry; motion carried unanimously. (7-0-0-0)

**Approve AquaTechnex LLC Amendment #2 for the Eurasian Watermilfoil Control Program.** Public Works Director/Engineer Monken noted this is an amendment to last years' contract where they completed the preliminary, final study and treatment of the milfoil. This amendment is to do pre and post survey and recommend a control measure plan in the amount of \$19,750. The budget is \$69,000 with the remaining portion (\$49,250) for a spot treatment application and contingency.

**MOTION:** Councilmember Daughtry moved to approve AquaTechnex contract, seconded by Councilmember Dooley; motion carried unanimously. (7-0-0-0)

**Council Person's Business:** Councilmembers reported on the following meetings: Tageant – Sewer Utility Subcommittee update; Holder – attended Sewer Utility Subcommittee – treatment plant is 98% completed; Quigley – Lake Stevens Education Foundation breakfast on Thursday; Spencer – Council Retreat is tentatively scheduled for May 12; Dooley - attended Sewer Utility Subcommittee; Daughtry – attended Fire District and Family Center meetings, and Snohomish County/Cities meeting this week.

**Mayor's Business:** Mayor Little attended the Sewer Utility Subcommittee meeting and gave an update on new liquor license applications.

**Staff Reports:** Staff reported on the following: City Administrator Berg – Lake Stevens Sewer District update, April 10 is the taping of Today in America, and negotiating Police Guild contract; Public Works Director/Engineer Monken – update on the State Department of Transportation projects in our area; and Human Resource Director Edin - submitted for the Well City Award.

**Adjourn.** Councilmember Daughtry moved to adjourn at 7:26 p.m., seconded by Councilmember Spencer; motion carried unanimously. (7-0-0-0)

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Vern Little, Mayor

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Norma J. Scott, City Clerk/Admin. Asst.



LAKE STEVENS CITY COUNCIL  
**STAFF REPORT**

Council Agenda Date: March 26, 2012

**Subject:** Multi-family Use Amendment (LS 2011-10)

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

**Budget Impact:** none

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**RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:** Hold a public hearing over Multi-family Use Amendment (LS 2011-10) proposed as Part V (Multi-Family Apartments Annexed into the City) of Chapter 14.44 of the Lake Stevens Municipal Code.

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**SUMMARY:**

Public Hearing and First Reading of Multi-family Use code amendment

**BACKGROUND/HISTORY:**

The City has discovered that there is at least one existing, legally developed multi-family apartment located in a single-family residential zone annexed into the city. Staff would like to clarify the use status of such structures. Currently, multi-family apartments are not an allowed use in single-family residential zones and would be considered legal non-conforming structures, which can cause financing and insurance difficulties for larger complexes.

The code amendment would permit multi-family apartments in the Suburban Residential Zone as allowed uses on properties annexed into Lake Stevens, on or after January 1, 2006, that Snohomish County previously approved. The code amendment would also allow the expansion and/or replacement of multi-family apartments, for the same identified properties, as a conditional use with the implementation of supplemental regulations.

The Planning Commission held a public hearing over the proposed amendments on March 07, 2012. There was no public testimony. The Planning Commission passed a motion to forward a recommendation to the City Council to approve the proposed code amendment with a request to include language that allows structures to be rebuilt in its existing footprint if destroyed.

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**FINDINGS AND CONCLUSIONS:**

*1. Compliance with selected elements of the Comprehensive Plan*

- Housing Goal 3.1 – Support the need for a variety of housing types and densities, and the need for affordable housing through regulations and capital investments.
- Housing Goal 3.2 – Encourage the new development of multi-family housing and small single-family units in a manner that is compatible with existing neighborhoods.
- Housing Goal 3.3 – Increase the opportunity for all residents to purchase or rent affordable, safe, and sanitary housing.
- Land Use 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

- Land Use Goal 4.5 – Ensure the proper maintenance of the City’s environmental quality
- Land Use Goal 4.13 – Achieve a diverse array of housing opportunities.
- Land Use Goal 4.14 – Preserve and promote character of existing neighborhoods.

**Conclusions – The proposed code amendment is consistent with several Comprehensive Plan goals as they relate to housing.**

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

- Staff prepared an environmental checklist for the proposed coded revisions, dated January 13, 2012.
- The City’s SEPA official issued a Determination of Nonsignificance on January 25, 2012.
- The City did not receive any appeals related to the SEPA determination.

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

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

- The City provided the Department of Commerce with a Notice of Proposed Amendment on January 25, 2012.
- The Department of Commerce sent a letter of acknowledgment to the City on January 30, 2012.
- The Department of Commerce granted expedited review on February 13, 2012.
- Staff will file the final ordinance and regulations with the Department of Commerce within 10 days of City Council adoption.

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

**4. *Public Notice and Comments***

- The City published a notice of SEPA determination in the Lake Stevens Journal on January 25, 2012 and January 31, 2012.
- The City published a notice of Public Hearing in the Lake Stevens Journal on February 22, 2012 and February 28, 2012.
- The City published a notice of City Council Public Hearing in the Lake Stevens Journal on March 14, 2012 and March 21, 2012.

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

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**APPLICABLE CITY POLICIES:** Chapter 14.44 LSMC

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**BUDGET IMPACT:** There is not a budget impact.

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**EXHIBITS:** Planning Commission Letter of Recommendation

**ATTACHMENTS:** Draft Ord. 871



March 12, 2012

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

**Subject: Planning Commission Recommendation Multi-family Use Amendment (LS 2011-10)**

Dear Council Members:

The Lake Stevens Planning Commission held a public hearing on Wednesday, March 07, 2012, to consider updates to the City's code that clarify the status of multi-family apartments located within the Suburban Residential Zone, annexed into Lake Stevens, on or after January 1, 2006, that were approved previously by Snohomish County.

**Commissioners Present:** Commissioners Barnet, Davis, Franz, Huxford, Petershagen, and Thurber

**Commissioners Absent:** Hout

**PLANNING COMMISSION PUBLIC HEARING (March 07, 2012)**

Planning and Community Development staff presented the proposed code amendment, summarized findings and conclusions from the staff report, and answered the Commission's questions. Commissioner Franz requested that language be included that allows structures to be rebuilt in its existing footprint if destroyed.

Suggested language: "... if a building is destroyed by fire, accident or natural disaster the structure can be reconstructed within the existing footprint."

One resident was present at the public hearing and did not provide testimony.

**FINDINGS AND CONCLUSIONS**

The Planning Commission hereby adopts staff's findings and conclusions, as outlined in the staff report dated March 07, 2012, and concludes that the proposed amendments:

- (1) Are consistent with the adopted Lake Stevens Comprehensive Plan;
- (2) Comply with the Growth Management Act; and
- (3) Advance the public health, safety and welfare.

**PLANNING COMMISSION RECOMMENDATION**

**MOTION (Code Amendment) – Motion** Commissioner Huxford / **Second** Commissioner Franz: Forward a recommendation to the City Council, with the proposed amendment, to **APPROVE** the proposed **Multi-family Use Amendment (LS 2011-10)**; motion carried unanimously (6-0-0-1).

Respectfully submitted,

**Lake Stevens Planning Commission**

  
Sammie Thurber, Vice Chair  
Sammie Thurber

  
Janice Huxford, Commissioner  
Janice Huxford

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

**ORDINANCE NO. 871**

**AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON,  
AMENDING CHAPTER 14.40 LSMC PERMISSIBLE USES AND ADDING PART  
V MULTI-FAMILY APARTMENTS ANNEXED INTO THE CITY TO CHAPTER  
14.44 LSMC TO REGULATE MULTI-FAMILY APARTMENTS IN THE  
SUBURBAN RESIDENTIAL ZONE.**

**WHEREAS**, the City of Lake Stevens wishes to clarify the status of multi-family apartments located within the Suburban Residential Zone, annexed into Lake Stevens, on or after January 1, 2006, that were approved previously by Snohomish County; and

**WHEREAS**, the City prepared a State Environmental Policy Act (SEPA) checklist, dated January 13, 2012 and issued a Determination of Nonsignificance for the proposed code amendments on January 25, 2012 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 January 25, 2012 for review; and

**WHEREAS**, the Washington State Department of Commerce granted expedited review on February 13, 2012; and

**WHEREAS**, the Lake Stevens Planning Commission conducted a public hearing on March 7, 2012 to consider revisions to the Multi-family apartment regulations 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 a public hearing on March 26, 2012 to consider adopting revisions to the Multi-family apartment regulations.

**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. Chapter 14.40 LSMC Permissible Uses – Amended**

- A. The City hereby amends Table 14.40-I: Table of Permissible Uses by Zones to permit multi-family apartments, as an allowed use in the Suburban Residential (SR) zoning district, with the following note:
14. Existing multi-family structures, located in the Suburban Residential Zoning District, annexed into the City on or after January 1, 2006 are allowed and considered conforming land uses, so long as the structure is not expanded and/or replaced.
- B. The City hereby amends Table 14.40-I: Table of Permissible Uses by Zones to permit multi-family apartments, as an conditional use in the Suburban Residential (SR) zoning district, with the following note:
15. Any requests to expand and/or replace (regardless of reason) an existing multi-family structure, located in the Suburban Residential Zoning District, annexed into the City on or after January 1, 2006 shall require a conditional use permit and comply with the supplemental regulations found in Part V of Chapter 14.44 LSMC Supplementary Use Regulations

**TABLE 14.40-I: TABLE OF PERMISSIBLE USES BY ZONES**

USE DESCRIPTIONS	SR
1.000 RESIDENTIAL	
1.300 Multi-Family Residences	
1.330 Multi-family apartments	<u>P<sup>14</sup> / C<sup>15</sup></u>

**Section 3. Chapter 14.44 LSMC Supplementary Use Regulations, Part V Multi-family apartments annexed into the City – New.**

The City hereby establishes Part V Multi-Family Apartments Annexed into the City for properties that contain multi-family apartments, located in the Suburban Residential zoning district, annexed into the City on or after January 1, 2006 to Chapter 14.44 LSMC Supplementary Use Regulations, as part of the Lake Stevens Municipal Code to read as follows:

**Sections:**

- 14.44.500 Authority
- 14.44.510 Conditional Use Permit Required
- 14.44.520 Additional Requirements

**14.44.500 Authority**

This chapter contains the City's procedures and policies, related to the expansion or replacement of existing multi-family structures, located in the Suburban Residential Zoning District, annexed into the City on or after January 1, 2006.

**14.44.510 Conditional Use Permit Required**

Any requests to expand and/or replace existing multi-family structures (regardless of reason), located in the Suburban Residential Zoning District, annexed into the City on or after January 1, 2006 shall require a Conditional Use Permit per Section 14.16C.045 prior to approval of the expansion and/or replacement.

**14.44.520 Additional Requirements**

- (a) The proposed expansion and/or replacement cannot increase the number of units.
- (b) The proposed expansion and/or replacement must comply with current regulations and obtain all applicable permits and approvals, including but not limited to a building permit per the current International Construction Codes.
- (c) The density and dimensional standards of the MFR (Multifamily) zone shall apply per Table 14.48-I Density and Dimensional Standards to Chapter 14.48 LSMC.
- (d) All other provisions of the LSMC associated with multifamily development, including but not limited to critical areas, landscaping, design guidelines, and parking shall apply.
- (e) The project proponent shall submit the original county approved official site plan and supporting county decision documents, to the city, with the conditional use permit application or equivalent documentation that identifies the approved number of units and lot configuration prior to expansion or replacement.

**Section 4. Repealer.** All portions of other ordinances in conflict herewith are hereby repealed.

**Section 5. Severability.** If any section, clause, phrase, or term of this ordinance is held for any reason to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, and the remaining portions shall be in full force and effect.

**Section 6. Effective Date and Publication.** A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in force five (5) days after the date of publication.

PASSED by the City Council of the City of Lake Stevens this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Vern Little, Mayor

ATTEST/AUTHENTICATION:

\_\_\_\_\_  
Norma J. Scott, City Clerk.

APPROVED TO FORM

\_\_\_\_\_  
Grant Weed, City Attorney  
1<sup>st</sup> Reading: March 26, 2012  
Final Reading: April 09, 2012  
Published:  
Effective Date:



LAKE STEVENS CITY COUNCIL  
**STAFF REPORT**

**Council Agenda Date:** March 26, 2012

**Subject:** SEPA Code Update (LS2011-8).

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

**Budget Impact:** none

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**RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:** Hold a public hearing over proposed SEPA code amendment (LS2011-8) as Chapter 16.04 of the Lake Stevens Municipal Code.

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**SUMMARY:**

Public Hearing and First Reading of SEPA code amendment

**BACKGROUND/HISTORY:**

The City adopted its SEPA policies in 1992, which have remained largely unchanged. Several sections are inconsistent with the current state regulations. The scope of the project is an update to the City's State Environmental Policy Act regulations (Title 16 LSMC) that will remove outdated sections; insert new sections for consistency with the model ordinances; authorize the use of Planned Actions; and clarify how the City collects mitigation fees for land use proposals vested to Snohomish County regulations. The proposed revisions are predominately procedural and conform to the SEPA rules of Chapter 197-11 of the Washington Administrative Code (WAC).

The Planning Commission held a public hearing over the proposed amendments on March 07, 2012. There was no public testimony. The Planning Commission passed a motion to forward a recommendation to the City Council to approve the proposed code amendment.

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**FINDINGS AND CONCLUSIONS:**

*1. Compliance with selected elements of the Comprehensive Plan*

- Land Use 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
- Land Use Goal 4.5 – Ensure the proper maintenance of the City's environmental quality through the preservation and conservation of the natural environment and resources.
- Land Use Goal 4.28 – Require development to be sensitive to site characteristics and to protect natural resources.
- Critical Areas Goal 10.1: – Protect the natural environment and conserve all critical areas, including wetlands, shorelines, creeks/streams, geological hazard areas and wildlife habitats.

**Conclusions – The proposed code amendments are consistent with several Comprehensive Plan goals as they relate to protection of the environment.**

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

- Staff prepared an environmental checklist for the proposed coded revisions, dated December 30, 2011.
- The City's SEPA official issued a Determination of Nonsignificance on January 04, 2012.
- The City did not receive any appeals related to the SEPA determination.

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

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

- The City provided the Department of Commerce with a Notice of Proposed Amendment on January 04, 2012.
- The Department of Commerce sent a letter of acknowledgment to the City on January 4, 2012.
- The Department of Commerce granted expedited review on February 02, 2012.
- Staff will file the final ordinance and regulations with the Department of Commerce within 10 days of City Council adoption.

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

4. ***Public Notice and Comments***

- The City published a notice of SEPA determination in the Lake Stevens Journal on January 04, 2012.
- The City published a notice of Public Hearing in the Lake Stevens Journal on February 22, 2012 and February 28, 2012.
- The City published a notice of City Council Public Hearing in the Lake Stevens Journal on March 14, 2012 and March 21, 2012.

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

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**APPLICABLE CITY POLICIES:** Title 16 SEPA Procedures and Policies

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**BUDGET IMPACT:** There is not a budget impact.

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**ATTACHMENTS:**

Planning Commission Letter of Recommendation

Draft Ord. 870 w/ exhibits



March 12, 2012

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

**Subject: Planning Commission Recommendation SEPA Code Update (LS2011-8)**

Dear Council Members:

The Lake Stevens Planning Commission held a public hearing on Wednesday, March 07, 2012, to consider revisions to the City's State Environmental Policy Act (SEPA) code. The amendment proposes to update local SEPA regulations (Title 16 LSMC) to ensure consistency with state requirements, authorize the use of Planned Actions, and clarify how the city collects mitigation fees for land use proposals vested to Snohomish County regulations.

**Commissioners Present:** Commissioners Barnet, Davis, Franz, Huxford, Petershagen, and Thurber

**Commissioners Absent:** Hoult

**PLANNING COMMISSION PUBLIC HEARING (March 07, 2012)**

Planning and Community Development staff presented the proposed code amendments, summarized findings and conclusions from the staff report, and answered the Commission's questions. One resident was present at the public hearing and did not provide testimony.

**FINDINGS AND CONCLUSIONS**

The Planning Commission hereby adopts staff's findings and conclusions, as outlined in the staff report dated March 07, 2012, and concludes that the proposed amendments:

- (1) Are consistent with the adopted Lake Stevens Comprehensive Plan;
- (2) Comply with the Growth Management Act; and
- (3) Advance the public health, safety and welfare.

**PLANNING COMMISSION RECOMMENDATION**

**MOTION (Code Amendment) – Motion** Commissioner Franz / **Second** Commissioner Huxford: Forward a recommendation to the City Council to **APPROVE** the proposed **SEPA Code Update (LS2011-8)**; motion carried unanimously (6-0-0-1).

Respectfully submitted,

**Lake Stevens Planning Commission**

  
Sammie Thurber, Vice Chair

  
Janice Huxford, Commissioner

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

**ORDINANCE NO. 870**

**AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON, TO REPEAL AND REPLACE TITLE 16 SEPA PROCEDURES AND POLICIES; AND AMENDING REFERENCES TO THE SAME IN CHAPTER 14.16B TYPES OF LAND USE REVIEW OF TITLE 14 LAND USE CODE.**

**WHEREAS**, The City of Lake Stevens wishes to update its local SEPA procedures and policies to ensure consistency with state requirements, authorize the use of Planned Actions, and clarify how the city collects mitigation fees for land use proposals vested to Snohomish County regulations; and

**WHEREAS**, the City prepared a State Environmental Policy Act (SEPA) checklist, dated December 30, 2011 and issued a Determination of Nonsignificance for the proposed code amendments on January 18, 2012 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 January 04, 2012 for review; and

**WHEREAS**, the Washington State Department of Commerce granted expedited review on February 02, 2012.

**WHEREAS**, the Lake Stevens Planning Commission conducted a public hearing on March 7, 2012 to consider revisions to the SEPA regulations 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 March 26, 2012 to consider adopting revisions to the SEPA regulations.

**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.** Title 16 (SEPA Procedures And Policies) of the Lake Stevens Municipal Code is hereby repealed in its entirety and replaced with a new Title 16 (SEPA Procedures And Policies) as shown in Exhibit 1, attached hereto and incorporated herein by this reference.

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**Section 3.** The City hereby amends the following sections of Chapter 14.16B (14.16B.230(c), 14.16B.320(c), 14.16B.420(c), 14.16B.520(c), 14.16B.330, 14.16B.430, 14.16B.530) of the Lake Stevens Municipal Code, as shown in Exhibit 2, attached hereto and incorporated herein by this reference.

**Section 4.** Repealer. All portions of other ordinances in conflict herewith are hereby repealed

**Section 5. Severability.** If any section, clause, phrase, or term of this ordinance is held for any reason to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, and the remaining portions shall be in full force and effect.

**Section 6. Effective Date and Publication.** A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in force five (5) days after the date of publication.

PASSED by the City Council of the City of Lake Stevens this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Vern Little, Mayor

ATTEST/AUTHENTICATION:

\_\_\_\_\_  
Norma J. Scott, City Clerk.

APPROVED TO FORM

\_\_\_\_\_  
Grant Weed, City Attorney  
1<sup>st</sup> Reading: March 26, 2012  
Final Reading: April 09, 2012  
Published:  
Effective Date:

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## **EXHIBIT 1 – Title 16 SEPA Procedures and Policies**

### **Chapter 16.04 SEPA**

#### **16.04.010 Authority.**

The city of Lake Stevens adopts this chapter under the State Environmental Policy Act (SEPA), Revised Code of Washington (RCW) 43.21C.120, and the SEPA rules, Washington Administrative Code (WAC) 197-11-904. This ordinance contains this city's SEPA procedures and policies, which must be used in conjunction with Chapter 197-11 WAC.

#### **16.04.015 Policy.**

The city adopts the following section of Chapter 197-11 WAC section by reference.

197-11-030 Policy

#### **16.04.020 General requirements.**

This section contains the basic requirements that apply to the SEPA process. The city adopts the following sections of Chapter 197-11 WAC by reference.

197-11-040 Definitions.

197-11-050 Lead agency.

197-11-055 Timing of the SEPA process.

197-11-060 Content of environmental review.

197-11-070 Limitations on action during SEPA process.

197-11-080 Incomplete or unavailable information.

197-11-090 Supporting documents.

197-11-100 Information required of applicants.

197-11-158 GMA project review – reliance on existing plans, laws, and regulations.

197-11-210 SEPA/GMA integration.

197-11-220 SEPA/GMA definitions.

197-11-228 Overall SEPA/GMA integration procedures.

197-11-230 Timing of an integrated GMA/SEPA process.

197-11-232 SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping.

197-11-235 Documents.

197-11-250 SEPA/Model Toxics Control Act integration.

197-11-253 SEPA lead agency for MTCA actions.

197-11-256 Preliminary evaluation.

197-11-259 Determination of Nonsignificance for MTCA remedial actions.

197-11-262 Determination of Significance and EIS for MTCA remedial actions.

197-11-265 Early Scoping for MTCA remedial actions.

197-11-268 MTCA interim actions.

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**16.04.025 Designation of responsible official.**

- (a) For those proposals for which the city is the lead agency, the responsible official shall be the Planning and Community Development Director or designee.
- (b) For all proposals for which the city is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA rules adopted by reference in WAC 173-806-020, as identified in Section 16.04.020.
- (c) The city shall retain all documents required by the SEPA rules (Chapter 197-11 WAC) and make them available in accordance with Chapter 42.17 RCW.

**16.04.030 Lead agency determination and responsibilities**

- (a) When receiving an application for or initiating a proposal that involves a nonexempt action, the city shall determine the lead agency for that proposal under WAC 197-11-050, 197-11-253, and 197-11-922 through 197-11-940, unless the lead agency has been previously determined or the city is aware that another department or agency is in the process of determining the lead agency.
- (b) When the city is not the lead agency for a proposal, the city shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. The city shall not prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the city may conduct supplemental environmental review under WAC 197-11-600.
- (c) If the city receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-253 or 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen days of receipt of the determination, or the city must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the fifteen-day time period.
- (d) The city, by decisions of the responsible official, can make agreements as to lead agency status or share lead agency duties for a proposal under WAC 197-11-942 and 197-11-944.
- (e) In making a lead agency determination for a private project, the city shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal.
- (f) When the city is lead agency for a Model Toxics Control Act (MTCA) remedial action, the city shall provide the Department of Ecology an opportunity, under WAC 197-11-253(5), to review the environmental documents prior to public notice being provided. If the SEPA and MTCA documents are issued together with one public comment period, under WAC 197-11-253(6), the city shall decide jointly with the Department of Ecology who receives the comment letters and how copies of the comment letters will be distributed to the other agency.

**16.04.035 Transfer of lead agency status to a state agency**

For any proposal for a private project where the city would be the lead agency and for which one or more state agencies have jurisdiction, the city's responsible official may elect to transfer the lead agency duties to a state agency. The state agency with jurisdiction appearing first on the priority listing in WAC 197-11-936 shall be the lead agency and the city shall be an agency with jurisdiction. To transfer lead agency duties, the city's responsible official must transmit a notice of the transfer with any available relevant information, on the proposal, to the appropriate state agency with jurisdiction. The city's responsible official shall also give notice of the transfer to the private applicant and any other agencies with jurisdiction over the proposal.

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**16.04.040 Additional timing considerations.**

- (a) For nonexempt proposals, the DNS or final EIS for the proposal shall accompany the city's staff recommendation to any appropriate advisory body.
- (b) If the city's only action on a proposal is a decision on a building permit or other license, not subject to the notice of application requirements of RCW 36.70B.110 or SECTION 14.16A.225, but that requires detailed project plans and specifications, the applicant may request in writing that the city conduct environmental review prior to submission of the detailed plans and specifications.

**16.04.045 Categorical exemptions and threshold determinations.**

This section contains information for deciding whether a proposal has a “probable significant, adverse environmental impact,” requiring an environmental impact statement (EIS) to be prepared. This section also contains rules for evaluating the impacts of proposals not requiring an EIS. The city adopts the following sections of Chapter 197-11 WAC by reference.

- 197-11-300 Purpose of this part.
- 197-11-305 Categorical exemptions.
- 197-11-310 Threshold determination required.
- 197-11-315 Environmental checklist.
- 197-11-330 Threshold determination process.
- 197-11-335 Additional information.
- 197-11-340 Determination of nonsignificance (DNS).
- 197-11-350 Mitigated DNS.
- 197-11-355 Optional DNS process.
- 197-11-360 Determination of significance (DS)/invitation of scoping.
- 197-11-390 Effect of threshold determination.

**16.04.050 Categorical exemptions.**

- (a) The city adopts by reference the following sections of Chapter 197-11 WAC regarding categorical exemptions:

- 197-11-800 Categorical exemptions.
- 197-11-880 Emergencies.
- 197-11-890 Petitioning Department of Ecology to change exemptions.

- (b) Under WAC [197-11-800\(1\)\(a\)](#) and (c), the city may raise categorical exemption levels for certain types of minor new construction described in WAC 197-11-800(1)(b). Local conditions, including zoning or other land use plans or regulations, implemented by ordinance, shall support any raised categorical exemption level. If the city increases any categorical exemptions levels, they shall send these to the Department of Ecology. The maximum level that any such category exemption may be raised is specified in WAC 197-11-800(1)(c).

**16.04.055 Use of exemptions.**

- (a) When the city receives an application or request for a proposed project or non-project action, the responsible official shall determine if the action is properly defined per WAC 197-11-060 and

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categorically exempt per WAC 197-11-800. The determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter applies to the proposal. The city shall not require completion of an environmental checklist for an exempt proposal.

- (b) If a proposed project or non-project action includes both exempt and nonexempt actions, the city may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that The city shall not authorize:
  - (1) Any nonexempt action;
  - (2) Any action that would have an adverse environmental impact; or
  - (3) Any action that would limit the choice of alternatives.

**14.64.060 Environmental checklist.**

- (a) A project proponent shall submit a completed environmental checklist (or a copy), substantially in the form provided in WAC 197-11-960 or as hereafter amended, when they submit a permit application, license, certificate, or other project proposal not specifically exempted in this chapter. The city shall use the completed environmental checklist to determine the lead agency and, if the city is the lead agency, for making the threshold determination.
- (b) The city will not require an environmental checklist when the city and applicant agree that an EIS is required; another agency, acting as lead agency, has prepared its own EIS for a public proposal; or when the proposed project or non-project action qualifies as a planned action, pursuant to subsection 14.64.060(e) of this section.
- (c) For private proposals, the city will require the applicant to complete the environmental checklist and the city will provide assistance as necessary, for example the city may provide relevant, available technical information to the private applicant; or notify them if material provided is inaccurate.
- (d) For city proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.
- (e) For projects submitted as planned actions under WAC 197-11-164, the city shall use its existing environmental checklist form or may modify the environmental checklist form as provided in WAC 197-11-315. The modified environmental checklist form may be prepared and adopted along with the planned action ordinance, or developed after adoption of the planned action ordinance. In either case, the city must send the Department of Ecology the modified environmental checklist form to allow the Department at least a thirty-day review of the form prior to its use.

**16.04.065 Mitigated DNS.**

- (a) As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.
- (b) An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:
  - (1) Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and
  - (2) Precede the city's actual threshold determination for the proposal.
- (c) The responsible official should respond to the request for early notice within fourteen (14) days in conformance with the timing requirements found in Section 14.16A.230. The response shall:

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- (1) Be written;
  - (2) State whether the city currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the city to consider a DS; and
  - (3) State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.
- (d) The city should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.
- (e) When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the city shall base its threshold determination on the changed or clarified proposal.
- (1) If the city indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the city shall issue and circulate a DNS under WAC 197-11-340(2).
  - (2) If the city indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the city shall make the threshold determination, issuing a DNS or DS as appropriate.
  - (3) The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot stormwater retention pond at Y location" are adequate.
  - (4) Mitigation measures, which justify issuance of a mitigated DNS, may be incorporated in the DNS by reference to agency staff reports, studies or other documents.
- (f) A mitigated DNS is issued under WAC 197-11-340(2), requiring a fourteen (14) day comment period in conformance with the timing requirements found in SECTION 14.16A.230.
- (g) The city shall deem mitigation measures incorporated in the mitigated DNS conditions of approval of the permit decision and enforce them in the same manner as any term or condition of the permit.
- (h) The city's written response, under section 16.04.065(b) is not a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the city to consider the clarifications or changes in its threshold determination.

#### **16.04.070 Environmental Impact Statement.**

This section contains the rules for preparing environmental impact statements. The city adopts the following sections of Chapter 197-11 WAC by reference.

- |            |                       |
|------------|-----------------------|
| 197-11-400 | Purpose of EIS.       |
| 197-11-402 | General requirements. |
| 197-11-405 | EIS types.            |
| 197-11-406 | EIS timing.           |
| 197-11-408 | Scoping.              |
| 197-11-410 | Expanded scoping.     |
| 197-11-420 | EIS preparation.      |

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197-11-425	Style and size.
197-11-430	Format.
197-11-435	Cover letter or memo.
197-11-440	EIS contents.
197-11-442	Contents of EIS on Nonproject Proposals.
197-11-443	EIS contents when prior Nonproject EIS.
197-11-444	Elements of the environment.
197-11-448	Relationship of EIS to other considerations.
197-11-450	Cost-benefit analysis.
197-11-455	Issuance of DEIS.
197-11-460	Issuance of FEIS.

**16.04.075 Preparation of EIS – Additional considerations**

- (a) Preparation of draft and final EISs (DEIS and FEIS) and draft and final supplemental EISs (SEIS) is the responsibility of the Planning and Community Development Department under the direction of the responsible official. Before the city issues an EIS, the responsible official shall be satisfied that the EIS complies with this chapter and Chapter 197-11 WAC.
- (b) City staff, the applicant, or a consultant selected by the city or the applicant shall prepare the DEIS and FEIS or draft and final SEIS. If the responsible official requires an EIS for a proposal and determines that someone other than the city will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the city's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.
- (c) The city may require an applicant to provide information the city does not possess, including but not limited to specific investigations and reports, that the responsible official deems necessary to prepare the DEIS and/or FEIS. The applicant shall be responsible for the costs and expense of providing such information.

**16.04.080 Commenting.**

This section contains rules for consulting, commenting, and responding to environmental documents, under SEPA, including rules for public notices and hearings. The city adopts the following sections of Chapter WAC 197-11 by reference.

197-11-500	Purpose of this part.
197-11-502	Inviting comment.
197-11-504	Availability and cost of environmental documents.
197-11-508	SEPA register.
197-11-510	Public notice.
197-11-535	Public hearings and meetings.
197-11-545	Effect of no comment.
197-11-550	Specificity of comments.

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- 197-11-560 FEIS responses to comments.  
197-11-570 Consultant agency costs to assist lead agency.

**16.04.085 Public notice.**

- (a) Whenever possible, the city shall integrate the public notice required under this section with existing notice procedures pursuant to Chapters 14.16A and 14.16B LSMC.
- (b) Whenever the city issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3), the city shall give public notice as follows:
- (1) If public notice is required for a nonexempt permit application, the notice shall state whether the city has issued a DS or DNS and when comments are due.
  - (2) If an environmental document is issued concurrently with a notice of application, the public notice requirements in RCW 36.70B.110(4) and Section 14.16A.225 will suffice to meet the SEPA public notice requirements in WAC 197-11-510(1).
  - (3) If no public notice is otherwise required for the permit application or approval, the city shall give notice of the DNS or DS by:
    - (i) Posting the property, for site-specific proposals;
    - (ii) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located; and
    - (iii) Notifying public or private groups, which have expressed interest in this proposal or in the type of proposal under consideration.
    - (iv) Whenever the city issues a DS under WAC 197-11-360(3), the city shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408, and provide public notice pursuant to Section 14.16A.225 and Chapter 14.16B LSMC.
- (c) If a DNS is issued using the optional DNS process, the public notice requirements for a notice of application in RCW 36.70B.110(4), supplemented by the requirements in WAC 197-11-355, will suffice to meet the SEPA public notice requirements in WAC 197-11-510 (1)(b).
- (d) Whenever the city issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:
- (1) Indicating the availability of the DEIS in any public notice required for a nonexempt permit application or approval;
  - (2) Posting the property for site-specific proposals;
  - (3) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located; and
  - (4) Notifying public or private groups which have expressed interest in a proposal or in the type of proposal being considered;
- (e) Public notice for projects that qualify as planned actions shall be tied to the underlying permit as specified in WAC 197-11-172(3) and notice provided pursuant to Section 14.16A.225 and Chapter 14.16B LSMC.
- (f) The city may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

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**16.04.090 Designation of official to perform consulted agency responsibilities for the city.**

- (a) The responsible official or designee shall be responsible for preparation of written comments for the city in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.
- (b) The responsible official or designee shall be responsible for the city's compliance with WAC 197-11-550 whenever the city is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city.

**16.04.095 Using and supplementing existing environmental documents.**

This section contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for the city's own environmental compliance. The city adopts the following sections of Chapter 197-11 WAC by reference.

- 197-11-164 Planned actions – Definition and criteria.
- 197-11-168 Ordinances or resolutions designating planned actions – Procedures for adoption.
- 197-11-172 Planned actions – Project review.
- 197-11-600 When to use existing environmental documents.
- 197-11-610 Use of NEPA documents.
- 197-11-620 Supplemental Environmental Impact Statement – Procedures.
- 197-11-625 Addenda procedures.
- 197-11-630 Adoption procedures.
- 197-11-635 Incorporation by reference procedures.
- 197-11-640 Combining documents.

**16.04.100 SEPA and agency decisions.**

This section contains rules and policies for SEPA's substantive authority, such as decisions to mitigate or reject proposals because of SEPA. This part also contains procedures for appealing SEPA determinations to agencies or the courts. The city adopts the following sections of Chapter 197-11 WAC by reference.

- 197-11-650 Purpose of this part.
- 197-11-655 Implementation.
- 197-11-660 Substantive authority and mitigation.
- 197-11-680 Appeals.

**16.04.105 Substantive authority**

- (a) The policies and goals set forth in this chapter are supplementary to those in the existing policies and regulations of the city of Lake Stevens.
- (b) The city may attach conditions to a permit or approval for a proposal so long as:
  - (1) Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this chapter; and
  - (2) Such conditions are in writing;

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- (3) The mitigation measures included in such conditions are reasonable and capable of being accomplished;
  - (4) The city has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
  - (5) Such conditions are based on one or more policies in subsection (d) of this section and cited in the permit or other decision document.
- (c) The city may deny a permit or approval for a proposal on the basis of SEPA so long as:
- (1) A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this chapter;
  - (2) A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact(s); and
  - (3) The denial is based on one or more policies identified in subsection (d) of this section and identified in writing in the decision document.
- (d) The city designates and adopts by reference the following policies as the basis for the city's exercise of authority pursuant to this section:
- (1) The city shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:
    - (i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
    - (ii) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
    - (iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, and/or other undesirable and unintended consequences;
    - (iv) Preserve important historic, cultural, and natural aspects of our national heritage;
    - (v) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
    - (vi) Achieve a balance between population and resource use, which will permit high standards of living and a wide sharing of life's amenities; and
    - (vii) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
  - (2) The city recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.
  - (3) The city adopts by reference the policies in the following city documents as now or hereafter amended:
    - (i) The Lakes Stevens Comprehensive Plan, including without limitation all individual elements, subarea plans, capital plans, supporting documents, and any standards, plans, policies, and other materials incorporated by reference into the comprehensive plan;

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- (ii) The Lake Stevens Municipal Code and supporting documents including without limitation all supporting documents, standards, plans, policies, and other materials incorporated by reference into the municipal code; and
- (iii) The Lake Stevens Engineering Design and Development Standards.

(e) Through its substantive authority, in conjunction with the Master Annexation Interlocal Agreement between the city of Lake Stevens and Snohomish County, the city hereby establishes a process for collecting traffic and park mitigation fees, for properties annexed into the city of Lake Stevens, when Snohomish County received the initial development application and said application vested to Snohomish County regulations, including those related to the payment of traffic or park mitigation fees.

(1) The city shall apply Snohomish County code requirements related to the payment of traffic and/or park mitigation fees.

(2) The city shall collect required traffic and/or park mitigation fees directly when such fees were not previously paid to Snohomish County.

(3) Payment of said fees to the city shall satisfy the requirements of Section 14.56.190 and 14.56.192 for traffic mitigation and Chapter 14.120 for park impact mitigation.

(4) The city shall assess and collect required impact fees at the time of building permit issuance.

#### **16.04.110 Appeals.**

- (a) The city establishes the following appeal procedures under RCW 43.21C.075 and WAC 197-11-680.
  - (1) The city will process appeals according to the procedures found in Section 14.16A.265 and Chapter 14.16B LSMC.
  - (2) For any appeal under this section, the city's record shall consist of the following:
    - (i) Findings and conclusions;
    - (ii) Written documents;
    - (iii) Testimony under oath; and
    - (iv) A taped or written transcript.
  - (3) The city may require the appellant to provide an electronic transcript.
  - (4) The procedural determination by the city's responsible official shall carry substantial weight in any appeal proceeding.
- (b) The city shall give official notice, under WAC 197-11-680(5), whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.

#### **16.040.115 General definitions**

This part contains uniform usage and definitions of terms under SEPA. The city adopts the following sections of Chapter 197-11 WAC by reference, as supplemented by WAC 173-806-030.

- 197-11-700 Definitions.
- 197-11-702 Act.
- 197-11-704 Action.
- 197-11-706 Addendum.

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197-11-708 Adoption.  
197-11-710 Affected tribe.  
197-11-712 Affecting.  
197-11-714 Agency.  
197-11-716 Applicant.  
197-11-718 Built environment.  
197-11-720 Categorical exemption.  
197-11-721 Closed record appeal.  
197-11-722 Consolidated appeal.  
197-11-724 Consulted agency.  
197-11-726 Cost benefit analysis.  
197-11-728 County/city.  
197-11-730 Decision maker.  
197-11-732 Department.  
197-11-734 Determination of nonsignificance (DNS).  
197-11-736 Determination of significance (DS).  
197-11-738 EIS.  
197-11-740 Environment.  
197-11-742 Environmental checklist.  
197-11-744 Environmental document.  
197-11-746 Environmental review.  
197-11-750 Expanded scoping.  
197-11-752 Impacts.  
197-11-754 Incorporated by reference.  
197-11-756 Lands covered by water.  
197-11-758 Lead agency.  
197-11-760 License.  
197-11-762 Local agency.  
197-11-764 Major action.  
197-11-766 Mitigated DNS.  
197-11-768 Mitigation.  
197-11-770 Natural environment.  
197-11-772 NEPA.  
197-11-774 Nonproject.  
197-11-775 Open record hearing.

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197-11-776	Phased review.
197-11-778	Preparation.
197-11-780	Private project.
197-11-782	Probable.
197-11-784	Proposal.
197-11-786	Reasonable alternative.
197-11-788	Responsible official.
197-11-790	SEPA.
197-11-792	Scope.
197-11-793	Scoping.
197-11-794	Significant.
197-11-796	State agency.
197-11-797	Threshold determination.
197-11-799	Underlying governmental action.

**16.04.120 Additional definitions.**

- (a) In addition to those definitions contained within WAC [197-11-700](#) through [197-11-799](#), when used in this Chapter, the following terms shall have the following meanings unless the context indicates otherwise:
- (1) "SEPA Rules" means Chapter [197-11](#) WAC adopted by the Department of Ecology.
  - (2) "Early notice" means the city's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated determination of nonsignificance (DNS) procedures).

**16.04.125 Agency compliance**

This section contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, designating categorical exemptions that do not apply within critical areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The city adopts the following sections of Chapter 197-11 WAC by reference.

197-11-900	Purpose of this part.
197-11-902	Agency SEPA policies.
197-11-916	Application to ongoing action.
197-11-920	Agencies with environmental expertise.
197-11-922	Lead agency rules.
197-11-924	Determining lead agency.
197-11-926	Lead agency for governmental proposals.
197-11-928	Lead agency for public and private proposals.
197-11-930	Lead agency for private projects with one-agency jurisdiction.

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- 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
- 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city; and one or more state agencies.
- 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
- 197-11-938 Lead agency for specific proposals.
- 197-11-940 Transfer lead agency status to a state agency.
- 197-11-942 Agreements on lead agency status.
- 197-11-944 Agreements on division of lead agency disputes.
- 197-11-946 DOE resolution of lead agency disputes.
- 197-11-948 Assumption of lead agency status.

**16.04.130 Critical areas.**

- (a) All categorical exemptions listed in WAC 197-11-800 apply whether or not a proposal is located wholly or partially within a critical area. The city shall treat proposals located wholly or partially within critical areas no differently than other proposals under this chapter. The city shall not automatically require a threshold determination or EIS for a proposal merely because it is located wholly or partially within a critical area.
  - (1) The scope of environmental review of actions within these areas shall be limited to:
    - (i) Documenting whether the proposal is consistent with the requirements of Chapter 14.88 LSMC; and
    - (ii) Evaluating potentially significant impacts on the critical area resources not adequately addressed by GMA planning documents and development regulations, if any, including any additional mitigation measures needed to protect the critical areas in order to achieve consistency with SEPA and with other applicable environmental review laws.

**16.04.140 Fees.**

The city shall require fees as set forth by resolution for its activities in accordance with provisions of this chapter. The City Council may amend fees at any time by resolution.

**16.44.145 Forms.**

The city adopts the following forms and sections of Chapter 197-11 WAC by reference.

- 197-11-960 Environmental checklist.
- 197-11-965 Adoption notice.
- 197-11-970 Determination of nonsignificance (DNS).
- 197-11-980 Determination of significance and scoping notice (DS).
- 197-11-985 Notice of assumption of lead agency status.
- 197-11-990 Notice of action.

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**16.04.155 Severability.**

If any provision of this title or its application to any person or circumstance is held invalid, the remainder of this title or the application of the provision to other persons or circumstances shall not be affected.

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## **EXHIBIT 2 – Chapter 14.16B Types of Land Use Review**

### **14.16B.230 Minimum Comment Period.**

- (c) If early SEPA review is requested, as described in Section (~~(16.08.015)~~) 16.04.065(b), the Planning Director shall combine the notice of application and DNS comment periods. When a final DNS is issued, there is no additional comment period.

### **14.16B.320 Minimum Comment Period**

- (c) If the early SEPA review is requested, as described in Section (~~(16.08.015)~~), the notice of application and DNS comment periods shall be combined. When a final DNS is issued, there is no additional comment period.

### **14.16B.420 Minimum Comment Period.**

- (c) If the early SEPA review is requested, as described in Section (~~(16.08.015)~~) 16.04.065(b), the notice of application and DNS comment periods shall be combined. When a final DNS is issued, there is no additional comment period.

### **14.16B.520 Minimum Comment Period**

- (c) If the early SEPA review is requested, as described in Section (~~(16.08.015)~~) 16.04.065(b), the notice of application and DNS comment periods shall be combined. When a final DNS is issued, there is no additional comment period.

### **14.16B.330 Environmental Review.**

Environmental review includes a threshold determination pursuant to Chapter [16.04 LSMC](#), SEPA Procedures and Policies. Early SEPA review may be issued with the notice of application pursuant to Section (~~(16.08.015)~~) 16.04.065(b).

### **14.16B.430 Environmental Review.**

Environmental review includes a threshold determination pursuant to Chapter [16.04 LSMC](#), SEPA Procedures and Policies. Early SEPA review may be issued with the notice of application pursuant to Section (~~(16.08.015)~~) 16.04.065(b).

### **14.16B.530 Environmental Review.**

Environmental review includes a threshold determination pursuant to Chapter 16.04 LSMC, SEPA Procedures and Policies. Early SEPA review may be issued with the notice of application pursuant to Section (~~(16.08.015)~~) 16.04.065(b).



LAKE STEVENS CITY COUNCIL  
**STAFF REPORT**

**Council Agenda**                      March 26, 2012  
**Date:** \_\_\_\_\_

**Subject:** Interlocal Agreement with Snohomish County for Plan Review and Code Inspection Services - On Call Services Only

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<b>Contact</b>	Rebecca Ableman, Planning and	<b>Budget</b>	Maximum 2012-
<b>Person/Department:</b>	<u>Community Development Director</u>	<b>Impact:</b>	<u>\$3,000 - Budgeted</u>

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**RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:**

The recommended action is for the City Council to authorize the Mayor to enter into the Interlocal Agreement for Plan Review and Code Inspection Services.

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**SUMMARY:**

This Interlocal Agreement replaces the expired agreement that has been in place since 2008. The Agreement contains updated language from both the City and County and adjustment to the fee schedule but is essentially the same as the previous agreement. **(Attachment A)**.

The City Attorney and the County's Prosecuting Attorney have both reviewed and agreed to the form of the ILA. County Council approval will be required upon approval by the City Council.

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**BACKGROUND:**

Currently the City has one Building Department personnel and while in recent years the workload has not presented substantial service delivery delays, the ILA provides coverage for absences and/or a steady significant increase in construction permit activity should it occur prior to the City bringing on additional permanent staff.

The charge from the County will continue to be hourly. For the past 3.5 years the rate has not changed at \$70 and is the County's costs for their employee. This ILA is a 4-year agreement and establishes an incremental increase in the hourly charge from \$80 in 2012 to \$87 per hour in 2016.

There is also an active professional services agreement with Tim Tyler, a retired Building Official, who serves as the City's first back for these services. The current fees charged by Mr. Tyler are \$50 per hour with a two-hour minimum charge. It is expected that an updated agreement will likely come forward in the near future. He has provided great services to the

City but is not always available when needed so the additional County ILA is appropriate to providing continuous and consistent service to the public.

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**APPLICABLE CITY POLICIES:**

The City has used the practice of contract services to backfill staff as necessary until the need and justification for permanent staff is reached.

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**BUDGET IMPACT:**

This year there is \$3,000 budget for the on-call services and is expected to cover vacations and other staff absences.

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**ATTACHMENTS:**

**Attachment A: Interlocal Agreement between the City of Lake Stevens and Snohomish County concerning provisions of Building/Construction Plan Review and Code Inspection Services**

**Attachment A**



**INTERLOCAL AGREEMENT  
BETWEEN THE CITY OF LAKE STEVENS AND SNOHOMISH COUNTY  
CONCERNING PROVISION OF BUILDING/CONSTRUCTION PLAN REVIEW AND  
CODE INSPECTION SERVICES**

THIS INTERLOCAL AGREEMENT BETWEEN THE CITY OF LAKE STEVENS AND SNOHOMISH COUNTY CONCERNING PROVISION OF BUILDING/CONSTRUCTION PLAN REVIEW AND CODE INSPECTION SERVICES (this "Agreement") is made and entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by and between Snohomish County, a political subdivision of the State of Washington (the "County") and the city of Lake Stevens, a Washington municipal corporation (the "City").

**RECITALS**

- A. The City has expressed interest in an interlocal agreement with the County to provide the following services: building/construction plan review and code inspection services.
- B. The purpose of this Agreement is to allow the County to provide the following services to the City: building/construction plan review and code inspection services. No separate legal entity is created by this Agreement.
- C. The County and City have adopted the International Building Codes ("IBC") for use within their respective jurisdictions in compliance with chapter 19.27 RCW, especially for plan review and building inspections. The applicable codes related to the IBC include the following: International Fuel Gas Codes (IFGC), International Plumbing Code (IPC), International Property Maintenance Code (IPMC), the International Code of Abatement of Dangerous Buildings (ICADB), International Mechanics Code (IMC), International Energy Conservation Code (IECC), International Code Council Performance Code (ICCPC), International Wildland-Urban Interface Code (IWUIC), and International Existing Building Code (IEBC).
- D. This Agreement is made pursuant to the authority granted by the Interlocal Cooperation Act, chapter 39.34 RCW.

**AGREEMENT**

NOW, THEREFORE, in consideration of the respective agreements set forth below and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the County agree as follows:

**Section 1 SCOPE OF SERVICES**

**Section 1.A BUILDING/CONSTRUCTION PLAN REVIEW AND CODE INSPECTION SERVICES**

1.A.1. The County, through the Department of Planning and Development Services (PDS), will conduct plan review and building/construction inspections of industrial, commercial and residential projects on a case-by-case basis as requested by the City. This is for determining compliance with applicable state and City construction, drainage and landscaping code requirements.

1.A.2 The City will determine when plans will be reviewed by PDS.

Recommended criteria:

- All new industrial, commercial, residential buildings, and other structures covered by the International Building Code or any of its subsidiary codes.
- Remodel or addition to industrial, commercial, or residential structures where the threshold for plan review/inspection is met by the remodel/addition proposal.

1.A.3 The City will call PDS to advise that plans are available for pick-up from the City.

1.A.4 The review of the plans will be scheduled as they are submitted with other plans being reviewed by PDS.

1.A.5 PDS shall employ only certified and trained personnel in the International Building Code, to conduct building plan review and construction inspection.

1.A.6 Plan review will be conducted for compliance with the International Building Code, as well as other subsidiary codes as appropriate.

1.A.7 PDS will provide plan mark-up and notation customary for professional plan review standards, and forward said plans to the City for return to applicants.

1.A.8 PDS will conduct on-site building/construction inspections as requested by the City, customarily with one day prior notice. Inspections shall be conducted and corrections noted as customary for professional construction inspection standards, with correction notices provided to the City for records management.

1.A.9 The City shall be the responsible permit issuing agency, and shall collect all permit fees, issue all permits, and defend all challenges to its permit decisions.

**Attachment A**

1.A.10 The City shall pay the County an hourly rate as established in Appendix A.

**Section 2. COMPENSATION**

- 2.1 The City shall pay the County for Building/Construction Plan Review and Code Inspection Services pursuant to Sections 1.A of this Agreement on an hourly basis in accordance with the rate schedule in Appendix A.
- 2.2 County staff time will be billed in one-tenth hour increments.
- 2.3 The County agrees to provide the City with a written invoice for Building/Construction Plan Review and Code Inspection Services rendered pursuant to this Agreement no later than 90 days after the date on which the services were rendered.
- 2.4 The City agrees to remit payment in full within 30 days of receipt of an invoice. Payment for these services shall be made to the County. County invoices shall be itemized to indicate each project and the time/cost allocated to the various projects.
- 2.5 The County will maintain all records reflecting fees and costs billed to the City.
- 2.6 All billing invoices and payments shall be delivered to the following:

County: Snohomish County  
Planning and Development Services, Accounting  
M/S 604, 3000 Rockefeller Ave.  
Everett, WA 98201-4046

City : City of Lake Stevens  
Planning and Community Development Department  
1812 Main Street  
PO Box 257  
Lake Stevens, WA 98258

**Section 3. INSURANCE**

- 3.1 Each party shall maintain and provide evidence to the other of insurance or self-insurance adequate to cover its liability obligations under this Agreement and/or arising out of each parties activities hereunder.
- 3.2 The City is part of a Public Entity insurance pool sanctioned by the Washington State Office of Financial Management Risk Management Division and it will provide a letter signed and executed by an authorized agent indicating the City's participation in said pool.
- 3.3 The County self-insures its common law and assumed liability for bodily injury and/or property damage to third parties. The County maintains a fully-funded self-insurance program as defined in Snohomish County Code 2.90 for the protection and handling of the County's liabilities, including injuries to persons and damage to property. The self-funded program will respond if an incident occurs involving negligence of County employees acting

**Attachment A**

in the scope of their employment. The County will provide a letter of self-insurance signed and executed by an authorized agent.

**Section 4. INDEMNIFICATION AND LIABILITY**

- 4.1 City Held Harmless. The County shall indemnify and hold harmless the City and its officers, agents, and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by any reason of or arising out of any negligent act or omission of the County, its officers, agents, and employees, or any of them relating to or arising out of performing services pursuant to this Agreement. In the event that any such suit based upon such a claim, action, loss, or damages is brought against the City, the County shall defend the same at its sole cost and expense; provided that the City reserves the right to participate in said suit if any principle of governmental or public law is involved; and if final judgment in said suit be rendered against the City, and its officers, agents, and employees, or any of them, or jointly against the City and the County and their respective officers, agents, and employees, or any of them, the County shall satisfy the same.
- 4.2 County Held Harmless. The City shall indemnify and hold harmless the County and its officers, agents, and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by any reason of or arising out of any negligent act or omission of the City, its officers, agents, and employees, or any of them relating to or arising out of performing services pursuant to this Agreement. In the event that any suit based upon such a claim, action, loss, or damages is brought against the County, the City shall defend the same at its sole cost and expense; provided that the County reserves the right to participate in said suit if any principle of governmental or public law is involved; and if final judgment be rendered against the County, and its officers, agents, and employees, or any of them, or jointly against the County and the City and their respective officers, agents, and employees, or any of them, the City shall satisfy the same.
- 4.3 Liability Related to City Ordinances, Policies, Rules and Regulations. In executing this Agreement, the County does not assume liability or responsibility for or in any way release the City from any liability or responsibility which arises in whole or in part from the existence or effect of City ordinances, policies, rules or regulations. If any cause, claim, suit, action or administrative proceeding is commenced in which the enforceability and/or validity of any such City ordinance, policy, rule or regulation is at issue, the City shall defend the same at its sole expense and, if judgment is entered or damages are awarded against the City, the County, or both, the City shall satisfy the same, including all chargeable costs and reasonable attorney's fees.
- 4.4 Waiver Under Washington Industrial Insurance Act. The foregoing indemnity is specifically intended to constitute a waiver of each party's immunity under Washington's Industrial Insurance Act, Chapter 51 RCW, as respects the other party only, and only to the extent necessary to provide the indemnified party with a full and complete indemnity of claims made by the indemnitor's employees. The parties acknowledge that these provisions were specifically negotiated and agreed upon by them.

**Attachment A**

**Section 5. GOVERNING LAW AND VENUE**

This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. The venue of any action arising out of this Agreement shall be in the Superior Court of the State of Washington, in and for Snohomish County.

**Section 6. COMPLIANCE WITH LAW**

Both parties shall comply with all applicable federal, state and local laws in the performance of this Agreement.

**Section 7. PROPERTY**

Any real or personal property used or acquired by either party in connection with the performance of this Agreement will remain the sole property of such party, and the other party shall have no interest therein, except as expressly provided to the contrary elsewhere in this Agreement.

**Section 8. DURATION AND TERMINATION**

- 8.1 This Agreement will become effective upon execution by the parties and either: (a) filing of the Agreement with the Snohomish County Auditor, or (b) listing of the Agreement by subject on the public agency's website as provided in RCW 39.34.040. This Agreement shall remain in effect until December 31, 2016, unless the parties renew the Agreement in accordance with Section 12. Negotiations of the hourly compensation rates of Appendix A must be completed 45 days prior to December 31, 2016. Changes to Appendix A are subject to Section 12 below.
- 8.2 Either party may terminate this Agreement, for any reason, upon providing thirty (30) days written notice to the other party. The City would then pay the County for all Building/Construction Plan Review and Code Inspection Services provided up to and including the date of termination in accordance with Section 2.
- 8.3 The terms and conditions contained in Sections 2 and 4 of this Agreement shall survive the expiration or termination of this Agreement.
- 8.4 The County will immediately cease work, stop its review and return all City and/or applicant/business records to the City upon the effective date of the termination or expiration of this Agreement. The County will retain all fees already paid.

**Section 9 NOTICES**

All notices, including requests to terminate the Agreement, shall be delivered to the following:

County: Snohomish County  
Planning and Development Services, Director  
M/S 604, 3000 Rockefeller Ave.  
Everett, WA 98201-4046

City: City of Lake Stevens, Mayor  
1812 Main Street  
PO Box 257  
Lake Stevens, WA 98258

Notices mailed by any party shall be deemed effective on the date mailed. Any party may change its address for receipt of reports, notices, invoices, payments and other documents by giving the other parties written notice of not less than seven (7) calendar days prior to the effective date

**Section 10. DESIGNATION OF ADMINISTRATOR**

The Director of the Department of Planning and Development Services or his/her designee is the County’s administrator of this Agreement for purposes of the Interlocal Cooperation Act. The Mayor or his/her designee is the City’s administrator of this Agreement for purposes of the Interlocal Cooperation Act.

**Section 11. NO WAIVER**

No term or provision in this Agreement shall be waived and no breach excused unless such waiver or consent shall be in writing and signed by the party claimed to have waived or consented.

**Section 12. ENTIRE AGREEMENT**

This Agreement constitutes the entire agreement between the parties regarding the subject matter hereof, and supersedes any and all prior oral or written agreements between the parties regarding the subject matter contained herein. This Agreement may not be modified or amended in any manner except by a written document signed by the party against whom such modification is sought to be enforced.

**Section 13. MUTUAL TERMINATION OF PRIOR INTERLOCAL AGREEMENT**

The City and the County hereby mutually agree that upon the effective date of this Agreement that “Interlocal Agreement Between Snohomish County and the City of Lake Stevens”, recorded 04/04/2008, Auditor File No. 200804040033, shall terminate.

**Section 14. PRIVILEGES AND IMMUNITIES**

All privileges and immunities from liability, exemption from ordinances, rules, laws, all pension, disability, workers compensation and other benefits which apply to the activities of Snohomish County employees while performing their functions within the territorial limits of Snohomish County shall apply to current planners, building inspectors, inspectors and plan review to the same degree and extent while they are engaged in the performance of any of their authorized functions and duties within the City under the provisions of this Agreement.

**Attachment A**

**Section 15. NO THIRD PARTY BENEFICIARIES; NO JOINT VENTURE**

This Agreement is for the sole benefit of the City and County and shall not confer third-party beneficiary status on any non-party to this Agreement. Nothing contained in this Agreement shall be construed as creating any type or manner of partnership, joint venture or other joint enterprise between the parties. County employees who provide services under this Agreement shall at all times be acting in their official capacities as employees of Snohomish County.

**Section 16. CONTINGENCY**

The obligations of the City and County in this Agreement are contingent on the availability of funds through local legislative appropriation and allocation in accordance with law. Either party may terminate the Agreement under Section 8 of this Agreement in the event funding is withdrawn, reduced, or limited in any way after the effective date of this Agreement.

**Section 17. SEVERABILITY**

If any provision of this Agreement or the application thereof to any person or circumstance shall, for any reason and to any extent, be found invalid or unenforceable, the remainder of this Agreement and the application of that provision to other persons or circumstances shall not be affected thereby, but shall instead continue in full force and effect, to the extent permitted by law.

**Section 18. AUTHORIZATION**

The City hereby authorizes County personnel to conduct building/construction code inspections as described in this Agreement, and all acts incidental to the provision of these services, within the City's jurisdictional boundaries.

IN WITNESS WHEREOF, the parties have signed this Agreement, effective on the date indicated herein.

CITY OF LAKE STEVENS

SNOHOMISH COUNTY

By: \_\_\_\_\_  
Vern Little, Mayor

By: \_\_\_\_\_  
Aaron G. Reardon, County Executive

Date: \_\_\_\_\_

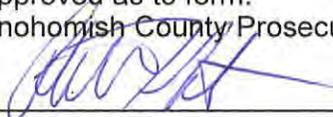
Date: \_\_\_\_\_

Attest: \_\_\_\_\_

Attest: \_\_\_\_\_

Approved as to form:  
Office of the City Attorney

Approved as to form:  
Snohomish County Prosecutor's Office

 3/14/12

APPENDIX A

FEE SCHEDULE/HOURLY RATES INCLUDED IN CONTRACT  
FOR BUILDING/CONSTRUCTION PLAN REVIEW  
AND CODE INSPECTION SERVICES

Rate Per Hour

2012	2013	2014	2015	2016
\$80.00	\$82.00	\$83.00	\$85.00	\$87.00