

Lake Stevens City Council Regular Meeting Agenda

March 9, 2015

- *A Ordinance 923 Amending Subarea Plan Zoning Code regarding Warehouse Allowances Russ
- *B Resolution 2015-05 re Development Agreement Extension – Clocktower Russ

ACTION ITEMS:

- *A Ordinance 928 Amending LSMC §2.92 Entitled Sale and Disposal of Surplus and Personal Property Dan

DISCUSSION ITEMS

COUNCIL PERSON'S BUSINESS

MAYOR'S BUSINESS

STAFF REPORTS

EXECUTIVE SESSION

ADJOURN

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

Special Needs

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

NOTICE:

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

**BLANKET VOUCHER APPROVAL
 2015**

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	2/27/2015	\$129,835.53
Payroll Checks	38164-38168	\$10,171.94
Tax Deposit(s)	2/27/2015	\$53,869.31
Electronic Funds Transfers	ACH	\$103,389.58
Claims	38163, 38169- 38231	\$256,269.01
Void Checks	38156, 38131	(\$2,531.00)
Total Vouchers Approved:		\$551,004.37

This 9th day of March 2015:

 Mayor

 Councilmember

 Finance Director

 Councilmember

 Councilmember

 Councilmember



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Accounts Payable Checks and EFTs for period of 02/24/2015 to 03/09/2015

Invoice	AccountCode	Account Description	Item Description	Amount	
Ace Hardware			Check 38169	3/9/2015	\$360.32
45607	001-008-521-20-31-01	LE-Operating Costs	Carwax	\$17.35	
45559	001-008-521-20-31-01	LE-Operating Costs	Batteries	\$16.28	
45507	001-010-576-80-31-00	PK-Operating Costs	Litter pickup tool	\$21.71	
45420	001-013-518-20-31-00	GG-Operating	locking hasp to secure server box	\$4.88	
45616	101-016-542-64-31-00	ST-Traffic Control - Supply	Traffic counter fasteners	\$18.98	
45475	101-016-544-90-31-02	ST-Operating Cost	Wire/electrical tape/utility blades shop remod	\$39.35	
45484	101-016-544-90-31-02	ST-Operating Cost	Electrical supplies shop remodel	\$3.52	
45405	101-016-544-90-31-02	ST-Operating Cost	Ratchet Set	\$36.64	
45485	101-016-544-90-31-02	ST-Operating Cost	Utility knife/drill bits/hole saws	\$37.72	
45546	101-016-544-90-31-02	ST-Operating Cost	Paracord and Tarp	\$23.34	
45546	410-016-531-10-31-02	SW-Operating Costs	Paracord and Tarp	\$23.33	
45485	410-016-531-10-31-02	SW-Operating Costs	Utility knife/drill bits/hole saws	\$37.71	
45484	410-016-531-10-31-02	SW-Operating Costs	Electrical supplies shop remodel	\$3.52	
45405	410-016-531-10-31-02	SW-Operating Costs	Ratchet Set	\$36.64	
45475	410-016-531-10-31-02	SW-Operating Costs	Wire/electrical tape/utility blades shop remod	\$39.35	
ACES			Check 38170	3/9/2015	\$329.00
10477GR	001-005-517-60-31-00	HR-Safety Program	Safety Mtg-Drunk Driving	\$75.46	
10477GR	101-016-517-60-31-00	ST-Safety Program	Safety Mtg-Drunk Driving	\$126.77	
10477GR	410-016-517-60-31-00	SW-Safety Program	Safety Mtg-Drunk Driving	\$126.77	
Advantage Building Services			Check 38171	3/9/2015	\$651.70
1405	001-007-558-50-41-00	PL-Professional Servic	Janitorial Services	\$28.75	
1405	001-007-559-30-41-00	PB-Professional Srv	Janitorial Services	\$28.75	
1405	001-008-521-20-41-00	LE-Professional Services	Janitorial Services	\$300.00	
1405	001-010-576-80-41-00	PK-Professional Services	Janitorial Services	\$19.16	

Invoice	AccountCode	Account Description	Item Description	Amount	
1405	001-012-575-50-41-00	CS-Community Center - Cleaning	Janitorial Services	\$115.00	
1405	001-013-518-20-41-00	GG-Professional Service	Janitorial Services	\$156.00	
1405	101-016-542-30-41-02	ST-Professional Service	Janitorial Services	\$19.17	
1405	410-016-531-10-41-01	SW-Professional Services	Janitorial Services	\$19.17	
1405	621-000-386-00-00-00	Retainage -Public Bldg Maint	Retainage-Advantage svcs	(\$34.30)	
AFLAC			Check 0	2/27/2015	\$1,495.80
792805	001-000-284-00-00-00	Payroll Liability Other	Employee paid Insurance Prem	\$1,495.80	
Assoc of Washington Cities			Check 38172	3/9/2015	\$591.00
2/18/2015	101-016-542-30-41-02	ST-Professional Service	2015 AWC Drug & Alcohol Mbrshp & Testing F	\$295.50	
2/18/2015	410-016-531-10-41-01	SW-Professional Services	2015 AWC Drug & Alcohol Mbrshp & Testing F	\$295.50	
Assoc of Washington Cities EFT			Check 0	3/9/2015	\$90,877.79
02/27/15	001-000-283-00-00-00	Payroll Liability Medical	Medical Insurance Premium March 2015	\$90,877.98	
02/27/15	001-013-518-30-20-00	GG-Benefits	Medical Insurance Premium March 2015	(\$0.19)	
Auto Additions Inc			Check 38173	3/9/2015	\$465.73
IN0013179	520-008-594-21-63-00	Capital Equipment	Heavy Duty Vehicle mount PT58	\$86.28	
IN0013281	520-008-594-21-63-00	Capital Equipment	Console/Faceplates PT55	\$379.45	
Blumenthal Uniforms			Check 38174	3/9/2015	\$516.25
115634	001-007-559-30-31-01	PB-Operating Cost	Uniform jacket - Osterholtz	\$176.95	
106545	001-008-521-20-31-01	LE-Operating Costs	Certificates/ribbons/badges for award present	\$189.40	
124134	001-008-521-20-31-01	LE-Operating Costs	Lieutenant shoulder boards returned	(\$12.98)	
119832	001-008-521-20-31-01	LE-Operating Costs	Boots/Ear molds-Heinemann	\$162.88	
Carquest Auto Parts Store			Check 38175	3/9/2015	\$49.76
2421-217678	101-016-544-90-31-02	ST-Operating Cost	Turn signal and tail light lamp	\$6.87	
2421-217604	101-016-544-90-31-02	ST-Operating Cost	Wrench/electrical adapter and connector	\$18.01	
2421-217678	410-016-531-10-31-02	SW-Operating Costs	Turn signal and tail light lamp	\$6.86	
2421-217604	410-016-531-10-31-02	SW-Operating Costs	Wrench/electrical adapter and connector	\$18.02	

Invoice	AccountCode	Account Description	Item Description	Amount	
CDW Government Inc			Check 38176	3/9/2015	\$944.82
ST24289	510-006-594-18-64-00	Capital - Purch Computer Equip	NetGear Prosafe Plus XS708E 10Gb Switch	\$944.82	
City of Marysville			Check 38177	3/9/2015	\$19,509.07
POLIN11-0508	001-008-523-60-51-00	LE-Jail	Prisoner Housing/Medical Yakima Jan 2015	\$3,062.25	
POLIN11-0503	001-008-523-60-51-00	LE-Jail	Prisoner Housing Jan 2015	\$16,446.82	
Comcast			Check 38178	3/9/2015	\$93.96
02/15 0810218	001-008-521-20-42-00	LE-Communication	Internet services - Lakeshore Dr	\$93.96	
Comdata Corporation			Check 38179	3/9/2015	\$119.70
20228747	001-008-521-20-32-00	LE-Fuel	Fuel	\$119.70	
CompuCom			Check 38180	3/9/2015	\$14,754.97
62654119	510-006-594-18-64-00	Capital - Purch Computer Equip	Window Server Datacenter 2012 / 75 licenses	\$14,754.97	
Corporate Office Supply			Check 38181	3/9/2015	\$324.24
159541i	001-001-513-10-31-00	Executive - Supplies	Ink Cartridges	\$35.69	
159413i	001-007-558-50-31-00	PL-Office Supplies	Paper	\$16.80	
159413i	001-007-559-30-31-00	PB-Office Supplies	Paper	\$16.80	
159349i	001-008-521-20-31-00	LE-Office Supplies	In-Out Board/CDs/Tabbing Shields	\$154.37	
159541i	001-013-518-20-31-00	GG-Operating	Paper clips/file boxes/certificates/media maile	\$56.15	
159413i	101-016-544-90-31-01	ST-Office Supplies	Paper/Inked Stamp	\$22.22	
159413i	410-016-531-10-31-01	SW-Office Supplies	Paper/Inked Stamp	\$22.21	
Dept of Licensing			Check 0	2/27/2015	\$1,248.00
1048-1127	633-008-586-00-00-00	Gun Permit - State Remittance	Weapons permits	\$1,248.00	
Dept of Retirement (Deferred Comp)			Check 0	2/27/2015	\$2,445.00
02/27/15	001-000-282-00-00-00	Payroll Liability Retirement	Employee Portion-State Deferre	\$2,445.00	
Eco 3 Associates LLC			Check 38182	3/9/2015	\$600.00
2575	410-016-531-50-31-14	DOE G1400295 - Capacity Exp	Erosion & Sediment Control Cert Training-Oste	\$300.00	
2572	410-016-531-50-31-14	DOE G1400295 - Capacity Exp	Erosion & Sediment Control Cert Training-Eme	\$300.00	

Invoice	AccountCode	Account Description	Item Description	Amount	
EFTPS Electronic Federal Tax Pmt System			Check 0	2/27/2015	\$53,869.31
02/27/2015	001-000-281-00-00-00	Payroll Liability Taxes	Federal Payroll Taxes	02/27/15	\$53,869.31
Electronic Business Machines			Check 38183	3/9/2015	\$24.00
110817	001-008-521-20-48-00	LE-Repair & Maintenance	Copier repair & Maint		\$24.00
Evergreen Security Systems			Check 38184	3/9/2015	\$103.17
55381	001-008-521-80-47-00	LE-Evidence Room-Alarm	N Lakeshore alarm maintenance		\$103.17
Feldman and Lee			Check 38185	3/9/2015	\$9,000.00
02/2015	001-011-515-91-41-00	LG-General Indigent Defense	Public Defender Legal Services		\$9,000.00
Forensic Video Solutions Inc			Check 38186	3/9/2015	\$1,675.00
2413	001-008-521-20-49-01	LE - Misc Investigations	Forensic Services case #13-1335		\$1,675.00
GCSIT Solutions Inc			Check 38187	3/9/2015	\$37,821.05
72182	510-006-594-18-64-00	Capital - Purch Computer Equip	Dell Solutions Server Hardware		\$37,821.05
Glens Rental Sales and Service			Check 38188	3/9/2015	\$55.60
S5583	101-016-542-30-45-00	ST-Rentals-Leases	Credit for Dupl Pmt invoice S5583		(\$38.01)
S5619	410-016-531-10-31-02	SW-Operating Costs	Parts for Chainsaw		\$93.61
Grainger			Check 38189	3/9/2015	\$219.13
968730667	101-016-544-90-31-02	ST-Operating Cost	Hammer Drill bits returned		(\$8.28)
9664270288	101-016-544-90-31-02	ST-Operating Cost	Hammer Drill Bits		\$8.28
9660984536	101-016-544-90-31-02	ST-Operating Cost	Long Handle Dust pan/Finishing mops		\$28.12
9668730675	101-016-544-90-31-02	ST-Operating Cost	Hammer Drill bits returned		(\$12.01)
9661650599	101-016-544-90-31-02	ST-Operating Cost	Pushbutton Deadbolt		\$81.99
9664270296	101-016-544-90-31-02	ST-Operating Cost	Long handle dust pans (2)		\$11.46
968730667	410-016-531-10-31-02	SW-Operating Costs	Hammer Drill bits returned		(\$8.27)
9664270296	410-016-531-10-31-02	SW-Operating Costs	Long handle dust pans (2)		\$11.47
9668730675	410-016-531-10-31-02	SW-Operating Costs	Hammer Drill bits returned		(\$12.01)
9660984536	410-016-531-10-31-02	SW-Operating Costs	Long Handle Dust pan/Finishing mops		\$28.11

Invoice	AccountCode	Account Description	Item Description	Amount
9664270288	410-016-531-10-31-02	SW-Operating Costs	Hammer Drill Bits	\$8.27
9661650599	410-016-531-10-31-02	SW-Operating Costs	Pushbutton Deadbolt	\$82.00
Griffen Chris L			Check 38190	3/9/2015
420754493	001-011-515-91-41-00	LG-General Indigent Defense	Public Defender services	\$262.50
Honey Bucket			Check 38191	3/9/2015
2-1130713	001-010-576-80-45-00	PK-Equipment Rental	Honey bucket rent-Boat launch	\$136.00
Howell Casey			Check 38192	3/9/2015
2/13/15 exp	001-007-558-50-49-00	PL-Miscellaneous	Filing fee-Real estate affidavit	\$10.00
Industrial Supply Inc			Check 38193	3/9/2015
551855	001-010-576-80-31-00	PK-Operating Costs	Brooms/rakes/wood handles	\$32.59
551436	001-010-576-80-31-00	PK-Operating Costs	Brooms/rakes/wood handles	\$32.59
551855	101-016-544-90-31-02	ST-Operating Cost	Brooms/rakes/wood handles	\$32.58
551436	101-016-544-90-31-02	ST-Operating Cost	Brooms/rakes/wood handles	\$32.58
551855	410-016-531-10-31-02	SW-Operating Costs	Brooms/rakes/wood handles	\$32.58
551436	410-016-531-10-31-02	SW-Operating Costs	Brooms/rakes/wood handles	\$32.58
International Council of Shopping Centers			Check 38194	3/9/2015
1504144 2015	001-002-513-11-49-01	AD-Miscellaneous	2015 membership one year	\$100.00
Lake Stevens Police Guild			Check 38163	2/24/2015
02/13/15	001-000-284-00-00-00	Payroll Liability Other	Employee Paid Union Dues	\$1,223.50
Lake Stevens Police Guild			Check 38195	3/9/2015
02/27/15	001-000-284-00-00-00	Payroll Liability Other	Union Dues 02/27/15	\$1,073.50
Lake Stevens School District			Check 38196	3/9/2015
21215	001-001-511-60-45-01	Legislative - Rentals	Facility rent - Council chambers	\$105.00
999	001-007-559-30-32-00	PB-Fuel	Fuel	\$167.16
1000	001-008-521-20-32-00	LE-Fuel	Fuel	\$3,864.98
999	001-010-576-80-32-00	PK-Fuel Costs	Fuel	\$51.41

Invoice	AccountCode	Account Description	Item Description	Amount
999	101-016-542-30-32-00	ST-Fuel	Fuel	\$530.41
999	410-016-531-10-32-00	SW-Fuel	Fuel	\$639.33
Leadsonline			Check 38197	3/9/2015
				\$1,908.00
231232	001-008-521-20-31-01	LE-Operating Costs	Renewal SelectSearch Investigation Systime pk	\$1,908.00
Les Schwab Tire Center			Check 38198	3/9/2015
				\$86.88
40200201805	101-016-542-30-48-00	ST-Repair & Maintenance	Dismount and Disposal of used tires	\$43.44
40200201805	410-016-531-10-48-00	SW-Repairs & Maintenance	Dismount and Disposal of used tires	\$43.44
Little Vern			Check 38199	3/9/2015
				\$6.00
2/26 exp	001-001-513-10-43-00	Executive - Travel & Mtgs	Parking-Alliance Affordable Hsg & SCT	\$6.00
Lowes Companies			Check 38200	3/9/2015
				\$220.23
951914	101-016-544-90-31-02	ST-Operating Cost	Broan Hood Fan for shop remodel	\$22.28
969459	101-016-544-90-31-02	ST-Operating Cost	Electrical wire for shop remodel	\$87.84
951914	410-016-531-10-31-02	SW-Operating Costs	Broan Hood Fan for shop remodel	\$22.28
969459	410-016-531-10-31-02	SW-Operating Costs	Electrical wire for shop remodel	\$87.83
Matthew Bender and Co Inc			Check 38201	3/9/2015
				\$107.05
69189021	001-008-521-20-31-01	LE-Operating Costs	WA Crime & Traffic Law w/ebook	\$107.05
Mecham Deanne			Check 38202	3/9/2015
				\$0.50
Refund	001-000-389-00-00-00	Refunds or Overpayments	Refund of overpayment for Concealed Weapo	\$0.50
Michael & Alexander PLLC			Check 38203	3/9/2015
				\$360.00
13295	001-008-521-20-41-02	LE-Professional Srv-Legal	Legal services	\$360.00
Monken Mick			Check 38204	3/9/2015
				\$24.00
2/20/15 exp	001-001-511-60-43-00	Legislative - Travel & Mtgs	Parking for Tageant/Low at AWC in Olympia	\$24.00
Monroe Correctional Complex			Check 38205	3/9/2015
				\$237.96
MCC1501.157	001-010-576-80-48-00	PK-Repair & Maintenance	DOC Work Crew January 2015	\$79.32
MCC1501.157	101-016-542-30-48-00	ST-Repair & Maintenance	DOC Work Crew January 2015	\$79.32
MCC1501.157	410-016-531-10-48-00	SW-Repairs & Maintenance	DOC Work Crew January 2015	\$79.32

Invoice	AccountCode	Account Description	Item Description	Amount	
Nationwide Retirement Solution			Check 0	2/27/2015	\$1,150.00
02/27/15	001-000-282-00-00-00	Payroll Liability Retirement	Employee Portion-Nationwide		\$1,150.00
Nelson Franklin			Check 38206	3/9/2015	\$54.00
2/25/15 exp rq	001-008-521-20-43-00	LE-Travel & Meetings	Per diem - Armorers School		\$54.00
Pertect Engineering Inc			Check 38208	3/9/2015	\$477.33
20110012.009-2	001-007-558-50-41-01	PL-CA-Developer Reimb	Environmental svcs-Westlake Crossing		\$477.33
Pitney Bowes			Check 38209	3/9/2015	\$113.10
9619164-FB15	001-013-518-20-45-00	GG-Equipment Rental	Postage machine rental		\$113.10
Republic Services 197			Check 38210	3/9/2015	\$748.18
0197-001804635	001-010-576-80-31-00	PK-Operating Costs	Dumpster svcs - Lundeen Park		\$246.84
0197-001804635	001-010-576-80-45-00	PK-Equipment Rental	Dumpster rental - Lundeen Park		\$13.49
0197-001805436	001-013-518-20-31-00	GG-Operating	Dumpster services - City Hall		\$111.70
0197-001805436	001-013-518-20-45-00	GG-Equipment Rental	Dumpster rental - City Hall		\$15.00
0197-001804812	101-016-542-30-45-00	ST-Rentals-Leases	Dumpster Rental - City Shop		\$7.82
0197-001804812	101-016-544-90-31-02	ST-Operating Cost	Dumpster services - City Shop		\$172.76
0197-001804812	410-016-531-10-31-02	SW-Operating Costs	Dumpster services - City Shop		\$172.75
0197-001804812	410-016-531-10-45-00	SW-Equipment Rental	Dumpster Rental - City Shop		\$7.82
Safeguard Pest Control Inc			Check 38211	3/9/2015	\$104.96
44865	001-013-518-20-48-00	GG-Repair & Maintenance	Pest Control Permit and Family Ctr		\$104.96
Seams Sew Fitting			Check 38212	3/9/2015	\$44.61
12/13/15	001-008-521-20-26-00	LE-Clothing	Uniform alterations		\$44.61
Snohomish County PUD			Check 38213	3/9/2015	\$484.05
156966313	001-010-576-80-47-00	PK-Utilities	203599006		\$161.35
156966313	101-016-543-50-47-00	ST-Utilities	203599006		\$161.35
156966313	410-016-531-10-47-00	SW-Utilities	203599006		\$161.35
Snohomish County PW S			Check 38214	3/9/2015	\$91,050.00

Invoice	AccountCode	Account Description	Item Description	Amount	
1000379884	001-008-528-00-51-00	LE-Snopac Dispatch	2015 Assessment	\$68,432.00	
1000379857	303-008-591-28-78-01	800 MHZ Capital Debt Principal	800 MHZ P2 Capital Costs	\$15,548.59	
1000379857	303-008-592-28-83-01	800 MHZ Capital Debt Interest	800 MHZ P2 Capital Costs	\$7,069.41	
Snohomish County Sheriff and Police Chiefs			Check 38215	3/9/2015	\$75.00
2015	001-008-521-20-49-00	LE-Miscellaneous	2015 SCSPCA Dues	\$75.00	
Snopac			Check 38216	3/9/2015	\$26,965.37
7306	001-008-528-00-51-00	LE-Snopac Dispatch	Dispatch Services	\$26,965.37	
Sound Publishing Inc			Check 38217	3/9/2015	\$198.16
EDH617547	001-004-514-23-41-01	FI-Advertising	Ord 929-Amend 2014 Budget re Fund Bal & Ex	\$22.48	
EDH614683	001-007-558-50-41-03	PL-Advertising	LUA2015-0005 20th St market & Deli	\$67.20	
EDH617487	001-007-558-50-41-03	PL-Advertising	SU2008-5 Clock Tower Self Storage	\$80.84	
EDH617546	001-007-558-50-41-03	PL-Advertising	Ord 927 LS School Dist Capital Facilities Plan	\$27.64	
Sound Publishing Inc			Check 38218	3/9/2015	\$378.97
EDH102803	101-016-542-30-41-01	ST-Advertising	Help Wanted-Public Works Crew Wrkr I	\$189.48	
EDH102803	410-016-531-10-41-05	SW-Advertising	Help Wanted-Public Works Crew Wrkr I	\$189.49	
Springbrook Software Inc			Check 38219	3/9/2015	\$9,553.00
INV30196	001-004-514-23-48-00	FI-Software Maint	Hosted Cloud/Maintenance-Year 3	\$9,553.00	
Standard Insurance Company			Check 0	2/27/2015	\$5,515.53
02/27/15	001-000-284-00-00-00	Payroll Liability Other	Life/Disability Ins Premiums	\$99.00	
02/27/15	001-002-513-11-20-00	AD-Benefits	Life/Disability Ins Premiums	\$72.65	
02/27/15	001-003-514-20-20-00	CC-Benefits	Life/Disability Ins Premiums	\$111.54	
02/27/15	001-004-514-23-20-00	FI-Benefits	Life/Disability Ins Premiums	\$128.02	
02/27/15	001-005-518-10-20-00	HR-Benefits	Life/Disability Ins Premiums	\$78.54	
02/27/15	001-006-518-80-20-00	IT-Benefits	Life/Disability Ins Premiums	\$150.90	
02/27/15	001-007-558-50-20-00	PL-Benefits	Life/Disability Ins Premiums	\$254.69	
02/27/15	001-007-559-30-20-00	PB-Benefits	Life/Disability Ins Premiums	\$258.01	

Invoice	AccountCode	Account Description	Item Description	Amount	
02/27/15	001-008-521-20-20-00	LE-Benefits	Life/Disability Ins Premiums	\$2,955.72	
02/27/15	001-010-576-80-20-00	PK-Benefits	Life/Disability Ins Premiums	\$17.41	
02/27/15	001-013-518-30-20-00	GG-Benefits	Life/Disability Ins Premiums	\$22.66	
02/27/15	101-016-542-30-20-00	ST-Benefits	Life/Disability Ins Premiums	\$685.00	
02/27/15	401-070-535-10-20-00	SE-Benefits	Life/Disability Ins Premiums	\$42.22	
02/27/15	410-016-531-10-20-00	SW-Benefits	Life/Disability Ins Premiums	\$639.17	
Staples			Check 38220	3/9/2015	\$17.91
3257414222	001-008-521-20-31-00	LE-Office Supplies	Hanging folders/staples	\$17.91	
Summit Law Group			Check 38221	3/9/2015	\$2,543.55
72046	001-008-521-20-41-02	LE-Professional Srv-Legal	Legal svcs-Guild bargaining	\$2,543.55	
Symbol Arts			Check 38222	3/9/2015	\$570.00
0229077-IN	001-008-521-20-26-00	LE-Clothing	4.5 inch shoulder patches	\$570.00	
Tageant Marcus			Check 38223	3/9/2015	\$457.46
3/2/15 exp rpt	001-001-511-60-43-00	Legislative - Travel & Mtgs	Travel expenses for AWC in Olympia	\$457.46	
Teamsters Local No 763			Check 38224	3/9/2015	\$591.00
02/27/15	001-000-284-00-00-00	Payroll Liability Other	Union Dues 02/2015	\$591.00	
Thomas Dean			Check 38225	3/9/2015	\$20.87
2/26/15 exp rpt	001-008-521-20-43-00	LE-Travel & Meetings	Travel expenses for Trial in Bremerton	\$20.87	
United Way of Snohomish Co			Check 38226	3/9/2015	\$261.68
02/27/15	001-000-284-00-00-00	Payroll Liability Other	Employee Contributions 02/27/15	\$261.68	
UPS			Check 38227	3/9/2015	\$35.85
74Y42085	001-008-521-20-42-00	LE-Communication	Evidence shipping	\$30.87	
74Y42075	001-008-521-20-42-00	LE-Communication	Evidence shipping	\$4.98	
Washington Dept of Ecology			Check 38228	3/9/2015	\$25.00
Webinar	001-007-558-50-49-01	PL-Staff Development	Wetlands 101 for Local Planners Webinar	\$25.00	

Invoice	AccountCode	Account Description	Item Description	Amount	
Washington State Patrol			Check 38229	3/9/2015	\$10.00
I15004953	001-003-514-20-41-00	CC-Professional Services	Solicitor background check		\$10.00
Washington State Support Registry			Check 0	2/27/2015	\$657.46
02/27/15	001-000-284-00-00-00	Payroll Liability Other	Employee Paid Child Support		\$657.46
Washington Teamsters Welfare Trust			Check 38230	3/9/2015	\$1,308.60
02/27/15	001-000-283-00-00-00	Payroll Liability Medical	Teamsters Dental Ins Premiums		\$1,308.60
Zachor and Thomas Inc PS			Check 38231	3/9/2015	\$8,923.41
641	001-011-515-30-41-01	PG-Prosecutor Fees	Prosecutor services February 2015		\$8,923.41
Total Disbursements					\$401,789.33

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

Monday, February 23, 2015
Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street N.E. Lake Stevens

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

COUNCILMEMBERS PRESENT: Kathy Holder, Kim Daughtry, Marcus Tageant and Sam Low

COUNCILMEMBERS ABSENT: Suzanne Quigley, Todd Welch, John Spencer

STAFF MEMBERS PRESENT: City Administrator Jan Berg, Finance Director/City Clerk Barb Stevens, Public Works Director Mick Monken, Human Resource Director Steve Edin, Police Chief Dan Lorentzen, Senior Planner Russ Wright, Civil Engineer Adam Emerson, Deputy City Clerk Kathy Pugh and City Attorney Cheryl Beyer

OTHERS: Rob Stanton, Executive Director of Operations, Lake Stevens School District

Excused Absence. Motion by Councilmember Low, seconded by Councilmember Tageant, to excuse Councilmembers Spencer, Quigley and Welch from the meeting. On vote the motion carried unanimously (4-0-0-3).

Mayor Little announced that Ordinance 929 Amending the 2015 Budget is removed from the Consent Agenda and will be considered as an Action Item.

Guest Business. None.

Consent Agenda.

MOTION: Moved by Councilmember Low, seconded by Councilmember Tageant to approve (A) 2015 vouchers [Payroll direct deposits of \$138,271.11; Payroll checks 38079-38107 in the amount of \$10,726.87; Tax deposits of \$60,713.62; Electronic Funds Transfers (ACH) of \$61,567.30; Claims check numbers 38108-38162 in the amount of \$178,975.17; Total Vouchers Approved : \$450,254.07]; and (B) February 9, 2015 City Council Regular meeting minutes. On vote the motion carried unanimously (4-0-0-3).

Public Hearings: City Clerk Barb Stevens read the Public Hearing Procedures for both public hearings.

Public Hearing in consideration of Ordinance 923 Amending Subarea Plan Zoning Code regarding Warehouse Allowances:

Mayor Little opened the public hearing. Senior Planner Russ Wright distributed a revised Ordinance 923 and reviewed the changes. He then presented the staff report and said tonight's action is to hold a public hearing and first reading of Ordinance 923 Amending the Subarea Plan

Zoning Code regarding warehouse allowances. Adoption of this ordinance would allow for a broader range of warehouse options for potential employers and large retailers looking to locate to the City. This affects the industrial and commercial districts. He then responded to Councilmembers' questions.

Mayor Little invited public comment and there was none.

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

Council requested staff provide clarification on how the proposed allowances were determined and what comparisons were used. This will be provided at the next meeting.

MOTION: Councilmember Tageant moved, Councilmember Daughtry seconded to accept the first reading of Ordinance 923, an Ordinance of the City of Lake Stevens, Washington, Amending LSMC Section 14.38.020 entitled "Zoning Districts" and Section 14.38.030 entitled "Other Uses", providing for severability and effective date. On vote the motion carried (4-0-0-3).

Public Hearing in consideration of Ordinance 927 Adopting the Lake Stevens School District Capital Facilities Plan.

Mayor Little opened the public hearing. Senior Planner Wright presented the staff report and said tonight's action is to hold a public hearing and second reading of Ordinance 927, concerning adoption of the Lake Stevens School District Capital Facilities Plan. He then responded to Councilmembers' questions.

Mayor Little invited public comment and there was none.

MOTION: Councilmember Daughtry moved, Councilmember Tageant seconded, to close the public comment portion of the public hearing. On vote the motion carried unanimously (4-0-0-3).

MOTION: Councilmember Daughtry moved, Councilmember Low seconded to close the public hearing. On vote the motion carried unanimously (4-0-0-3).

MOTION: Councilmember Holder moved, Councilmember Daughtry seconded, to approve Ordinance 927, an Ordinance of the City of Lake Stevens, Washington, amending the City's Comprehensive Plan by adopting the Lake Stevens School District 2014-2019 Capital Facilities Plan as a sub-element of the Capital Facilities element of the City's Comprehensive Plan concurrent with the City's Budget Amendment Ordinance 929; providing for severability and effective date. On vote the motion carried unanimously 4-0-0-3).

Action Items:

Ordinance 929 – 2015 Budget Amendment No. 1: Finance Director Barb Stevens distributed a revised Budget Amendment and presented the staff report.

MOTION: Councilmember Daughtry moved, Councilmember Low seconded, to adopt Ordinance No. 929 Amending Budget Ordinance No. 925 and including changes to Salary Range table. On vote the motion carried unanimously (4-0-0-3).

Mayor Little said the next Action Item would be Resolution 2015-04 regarding Catherine Creek Park Emergency Tree Services.

Resolution 2015-04 – Catherine Creek Park Emergency Tree Services: Public Works Director Monken reviewed the staff report, distributed at the meeting, and said that removal of the damaged limbs in the Catherine Creek Park alleviates a high potential threat to citizens using the park. The dangerous limbs were removed this afternoon.

MOTION: Councilmember Tageant moved, Councilmember Low seconded, to declare an emergency and authorize the Mayor to enter into a contract for removal of the dangerous tree limbs in Catherine Creek Park. On vote the motion carried unanimously (4-0-0-3).

Arts Commission: Appointment of Nicholas Holz: Mayor Little recommended that Nicholas Holz be appointed to the Arts Commission to fill the unexpired recently vacated position.

MOTION: Councilmember Holder moved, Councilmember Daughtry seconded, to appoint Nicholas Holz to the Arts Commission. On vote the motion carried unanimously (4-0-0-3).

Resolution 2015-03 Amending Fee Schedule: Senior Planner Wright presented the staff report and said the recommendation is to approve the schedule of Land Use fees and authorize the Mayor to sign Resolution 2015-03 adopting updated School Impact Mitigation Fees as included in the 2014-2019 Lake Stevens School District Capital Facilities Plan and revised Sewer District fees. He then invited Councilmembers' questions and there were none.

MOTION: Councilmember Daughtry moved, Councilmember Holder seconded, to approve the schedule of Land Use Fees and authorize the Mayor to sign Resolution No. 2015-03 adopting updated School Impact Mitigation Fees as included in the 2014-2019 Lake Stevens School District Capital Facilities Plan and revised Sewer District fees. On vote the motion carried unanimously (4-0-0-3).

Discussion Items:

2014 Yearend Budget Presentation: Finance Director Barb Stevens reviewed the 2014 yearend budget report and responded to Councilmembers' questions.

Council Person's Business: Councilmembers reported on the following meetings: Councilmembers Tageant, Low and Daughtry: Association of Washington Cities (AWC) Conference-City Action Days; Councilmember Daughtry: Community Transit, Councilmembers are invited to attend the reception for the top CT CEO candidates on February 26, 2015.

Mayor's Business: AWC, Transportation package.

Staff Reports: Staff reported on the following: Police Chief Lorentzen: Staff update; new patches will be out in the next two weeks; Senior Planner Wright: Planning will bring forward a 2014 yearend report in March and will continue with monthly updates.

Mayor Little announced an executive session for ten minutes to discuss potential litigation beginning at 7:45 p.m. and ending at 7:55 p.m. with action to follow.

Executive session ended at 7:55 p.m. and the meeting reconvened at 7:56 p.m.

MOTION: Councilmember Holder moved, Councilmember Daughtry seconded, to authorize the Mayor to sign the settlement agreement discussed in the Executive Session. On vote the motion carried unanimously (4-0-0-3).

Adjourn:

Moved by Councilmember Daughtry, seconded by Councilmember Low to adjourn the meeting at 7:56 p.m.

Vern Little, Mayor

Kathy Pugh, Deputy City Clerk



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: March 9, 2015

Subject: Subarea Plan Zoning Districts Warehouse Allowance Code Amendment (LUA2014-0075)

Contact Person/Department: Russ Wright, Planning & Community Development **Budget Impact:** none

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

- 1) Continued public hearing over proposed Subarea Plan Zoning Districts Warehouse Allowance code amendment (LUA2014-0075) concerning Chapter 14.38 – (14.38.020 and 14.38.030) Zoning Districts and Other Uses in Title 14 of the Lake Stevens Municipal Code.
- 2) Motion to accept the second reading of Ordinance 923, “AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON, AMENDING LSMC SECTION 14.38.020 ENTITLED “ZONING DISTRICTS” AND SECTION 14.38.030 ENTITLED “OTHER USES” PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.”

SUMMARY:

Public Hearing and second reading concerning proposed code amendments to subarea plan zoning districts regarding the allowances for warehouse uses found in 14.38.020 per Ordinance 923 (**Attachment 1**). The proposed changes would allow a broader range of warehouse options for potential employers and large retailers looking to locate in the City. In addition, correction to code citation found in 14.38.030.

BACKGROUND/DISCUSSION:

City Council adopted Subarea Plans including new development regulations for the 20th Street SE Corridor and the Lake Stevens Center in September 2012. These regulations include allowances for “warehousing” within a development. The primary purpose of the warehouse restrictions is to avoid large buildings that contain “storage” limiting actual space for jobs. However, after working with both potential employers and property owners over the past several months, there is reason to adjust the allowances in order to support a broader range of potential desired employers locating to Lake Stevens. Staff proposed revisions to the existing code found in 14.38.020 (a) and (b) for the Subarea Plan Business and Commercial Districts and correcting references in 14.38.030 Other Uses.

On November 10, 2014, staff presented the proposed code revisions to City Council for discussion. Staff discussed adjusting the current warehouse allowances by zoning districts to provide more flexibility in the Subareas. The basic changes include:

14.38.020(a) – Business District (intended employment areas)

Proposal: Remove 25 percent limitation of warehousing, storage and distribution and increase wholesale trade accessory use from 15 percent to 25 percent.

Result: *Nearly doubles the allowable warehousing use but keeps warehousing as a secondary use consistent with the intent of promoting employment not just storage buildings. Increases opportunities for wholesaling.*

14.38.020(b) – Commercial District (commercial/retail areas)

Proposal: Add warehousing, storage and distribution as a secondary use with a 25% allowance.

Result: *Allows some warehousing for retail and other potential large businesses but supports the goal of primarily retail space that is needed in the city.*

14.38.030(b) (7) Other Use

Proposal: Corrects citation applicable to warehousing provisions.

Result: *Clarification and correction.*

The result of the City Council discussion was for staff to move forward with the proposed code amendments as presented. The Planning Commission held a public hearing on February 4, 2015 and forwarded a recommendation that City Council approve the Subarea Plan Zoning Districts Warehouse Allowance Code Amendment (LUA2014-0075). On February 23, 2015, City Council held its first hearing over the proposed zoning amendment. At that meeting, staff presented findings and conclusions related to compliance with the Comprehensive Plan, SEPA requirements and state and local process for Council to review as part of the staff report.

Council requested additional information about the percentage proposed for warehousing and if it is consistent with other city's standards. Staff has looked at codes from Arlington, Bothell, Edmonds, Marysville, Mill Creek and Snohomish for comparison. Staff did not find specific size limitations imposed by other jurisdictions, but there were examples of classifying wholesale/warehouse/storage facilities as secondary or accessory uses or applying other zoning controls such as Conditional Use Permits. Some cities do apply specific design standards related to the overall proposal of warehouse/storage facilities within business and industrial zones. Staff also consulted the *Planning and Urban Design Standards*, published by the American Planning Association and did not find restrictions by size for these uses. During the development of the subarea plans, the city was trying to maximize the potential for job development in the proposed Business District and Commercial District zones. These areas for job production encompass a limited undeveloped area of approximately 200 acres compared to larger industrial areas found in other regional communities. The approach in the subarea plans to restrict the amount of area devoted to storage/warehousing was recommended by our consultant team to promote retail, manufacturing, office and medical uses as primary uses. By contrast, the existing Light and General Industrial zones have an abundance of low-intensity storage uses and lower job production.

If Council believes the restrictions on wholesale/warehouse/storage facilities remain too restrictive, staff recommends adding language to the Special Regulations section for each zone that would read:

14.38.020(a)(3)(ii)

Wholesale trade accessory to the principal use shall not exceed 25 percent of the gross floor area of individual structures, **unless a Conditional Use Permit is granted per Section 14.16C.045.**

14.38.020(b)(4)(iv)

Warehousing, storage and distribution accessory to the principal use shall not exceed 25 percent of the gross floor area of individual structures, **unless a Conditional Use Permit is granted per Section 14.16C.045.**

This approach is consistent with other zoning controls adopted by Council for the subarea regulations.

APPLICABLE CITY POLICIES: Title 14 – Chapter 14.38 LSMC (14.38.020 and 14.38.030)

BUDGET IMPACT: There is no budget impact.

ATTACHMENTS:

Exhibit 1 – Draft Ordinance 923 with exhibits

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

ORDINANCE NO. 923

**AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON,
AMENDING LSMC SECTION 14.38.020 ENTITLED “ZONING DISTRICTS”
AND SECTION 14.38.030 ENTITLED “OTHER USES” PROVIDING FOR
SEVERABILITY AND EFFECTIVE DATE**

WHEREAS, the City of Lake Stevens wishes to update portions of Title 14 related to the subarea plan zoning district warehouse allowances: and

WHEREAS, the City prepared a State Environmental Policy Act (SEPA) checklist, dated October 6, 2014 and issued a Determination of Non-significance for the proposed code amendments on January 16, 2015, and published notice of the same in the Everett Herald; 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 16, 2015; and

WHEREAS, the Washington State Department of Commerce granted expedited review on February 4, 2015; and

WHEREAS, following notice as required by law, the Lake Stevens Planning Commission conducted a public hearing on February 4, 2015 to consider revisions to the subarea plan zoning district warehouse allowances 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 February 23, 2015 and March 9, 2015 to consider adopting revisions to the subarea plan zoning district warehouse allowances.

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

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

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

Section 2. LSMC14.38.020(a) and (a) and LSMC 14.38.030 are hereby amended, the amended sections to read as set forth in Exhibit A, attached hereto and incorporated herein by this reference. All other provisions and subsections of LSMC 14.38.020 remain in effect and unchanged.

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

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

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

PASSED by the City Council of the City of Lake Stevens this ____ day of _____, 2015.

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Barbara Stevens, City Clerk

APPROVED TO FORM

Grant Weed, City Attorney

1st Reading: February 23, 2015
2nd and Final Reading: March 9, 2015
Published:
Effective Date:

City of Lake Stevens
Code Amendment Warehousing Allowance

14.38.020 Zoning Districts – The following zoning districts implement the goals, policies and distribution of land uses set forth in the Subarea Plans.

(a) **Business District (BD)** – The purpose of this district is to promote community and regional employment and accommodate land uses such as corporate offices, general offices, research and development, medical clinics, technology, and light manufacturing and assembly. Secondary uses include warehousing, storage and distribution associated with a principal use and small-scale retail and services that support the principal uses and objectives of the district. This district should be located in areas with direct access to highways and arterials in addition to transit facilities, adequate public services and traffic capacity.

(1) Principal Uses

- (i) Educational services (colleges and or technical schools);
- (ii) Finance and insurance;
- (iii) Health care services;
- (iv) Light manufacturing and assembly;
- (v) Management of companies and enterprises;
- (vi) Professional, scientific, and technical services; and
- (vii) Transit-Oriented Development (including transit facilities/stops).

(2) Secondary Uses

- (i) Food services;
- (ii) Information services;
- (iii) Personal services
- (iv) Retail trade;
- (v) Wholesale trade; and
- (vi) Warehousing, storage and distribution.

(3) Special Regulations

- (i) Secondary service uses and retail trade shall not exceed 5,000 gross square feet;
- (ii) Wholesale trade accessory to the principal use shall not exceed ~~15~~25 percent of the gross floor area of individual structures;
- ~~(iii) Warehousing, storage and distribution accessory to the principal use shall not exceed 25 percent of the gross floor area of individual structures;~~
- ~~(iv)~~(iii) Places of Worship over 10,000 gross square feet require a Conditional Use Permit per Section 14.16C.045; and
- ~~(v)~~(iv) Wireless and cellular communications facilities require an Administrative Conditional Use Permit per Section 14.16C.015.

(b) **Commercial District (CD)** – The purpose of this district is to accommodate the high-intensity retail needs of the community and regional market by attracting a mix of large to small format retail stores and restaurants to create a vibrant and unified regional shopping center. Transportation

City of Lake Stevens
Code Amendment Warehousing Allowance

accessibility, exposure to highways and arterials with adequate public services and traffic capacity characterize this district.

(1) Principal Uses

- (i) Accommodation services;
- (ii) Arts and entertainment;
- (iii) Food services;
- (iv) Retail trade; and
- (v) Transit-Oriented Development (including transit facilities/stops).

(2) Secondary Uses

- (i) Amusement and recreation industries;
- (ii) Commercial parking structures/lots;
- (iii) Educational services (colleges and/or technical schools);
- (iv) Finance and insurance;
- (v) Health care services;
- (vi) Information services;
- (vii) Personal services;
- (viii) Professional, scientific, and technical services; ~~and~~
- (ix) Public administration; and
- ~~(x)~~ Warehousing, storage and distribution.

(3) Residential Uses

- (i) Mixed-use multifamily residential units including apartments, condominiums, and live/work units, where the majority of residential units are located above commercial uses.

(4) Special Regulations

- (i) Health care, professional, scientific, and technical services require a Conditional Use Permit per Section 14.16C.045 when the structure's footprint exceeds 10,000 gross square feet;
- (ii) Places of Worship over 10,000 gross square feet require a Conditional Use Permit per Section 14.16C.045;
- (iii) Wireless and cellular communications facilities require an Administrative Conditional Use Permit per Section 14.16C.015;
- ~~(iii)~~(iv) Warehousing, storage and distribution accessory to the principal use shall not exceed 25 percent of the gross floor area of individual structures; and
- ~~(iv)~~(v) Outdoor retail sales of building materials, garden equipment and supplies, and vehicles are permitted.

14.38.030 Other Uses

The intent of all of the subarea zoning districts is to encourage a wide range of uses, while restricting uses that do not support the primary purpose of the zoning district. The identified uses are derived from the *North American Industry Classification System (NAICS)*.

**City of Lake Stevens
Code Amendment Warehousing Allowance**

(a) Director's Authority – The Director has the authority to determine if uses comply with the intent of the zoning district and support the principal uses and objectives of the district following the methodology described in Section 14.40.040(a) and based on a review of specific use categories defined in the NAICS.

(b) Prohibited Uses within the subarea districts:

- (1) Adult entertainment;
- (2) Construction facilities;
- (3) Industrial uses, except as allowed in Section 14.38.020;
- (4) Mining, quarrying, and oil and gas extraction;
- (5) Waste management and remediation services;
- (6) Uses involving outdoor sales and storage of inventory, equipment, vehicles, or materials, including towing, wrecking, and impound lots, except as allowed in Section 14.38.020(b); and
- (7) Warehousing, storage and distribution, except as allowed in Section 14.38.020(~~a~~) and (b).



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: March 9, 2015

Subject: Resolution 2015-05

Contact Person/Department: Russ Wright / Planning & Community Development **Budget Impact:** N/A

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Hold a public hearing pursuant to LSMC 14.16A.210 to extend the Clock Tower Development Agreement and associated Special Use Permit (SU2008-5) as a combined action and approve extension by motion to adopt Resolution 2015-05.

SUMMARY: Public hearing and City Council approval of Resolution 2015-05 to extend the Clock Tower Development Agreement and associated Special Use Permit (SU2008-5).

BACKGROUND: David Lee submitted applications for an Original Permit Extension and an Additional Permit Extension for Clock Tower Self Storage. The permit extensions apply to a Special Use Permit issued on October 20, 2009 to develop a self-storage facility. The extensions also apply to a Development Agreement dated March 25, 2010, which establishes development standards and other provisions applicable to the development of the property. Council adopted the original Development Agreement by Resolution 2010-01, which was valid for five years. The updated development agreement does not change the terms of the agreement other than extending approval for 18 months from the current date of expiration.

Typically, permit extensions are administrative decisions; however, the proposed extension is being processed as a consolidated permit pursuant to Lake Stevens Municipal Code 14.16A.220(g)(2), which allows the highest hearing body (City Council in this case) to issue a decision on the consolidated permit because a legislative action is required to extend the Development Agreement.

APPLICABLE CITY POLICIES: Chapters 14.16A, 14.16B and 14.16C LSMC

BUDGET IMPACT: None

ATTACHMENTS:

Resolution 2015-05 w/ attachments

Revised Development Agreement w/ attachments

**CITY OF LAKE STEVENS
Lake Stevens, Washington
RESOLUTION NO. 2015-05**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE STEVENS, WASHINGTON, EXTENDING APPROVAL OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY AND CLOCK TOWER SELF STORAGE LLC – LAKE STEVENS, PURSUANT TO RCW 36.70B.200 AND THE ASSOCIATED SPECIAL USE PERMIT; AND REPLACING RESOLUTION 2010-01.

WHEREAS, on May 10, 2006, the Lake Stevens City Council enacted Ordinance No. 726 amending the Zoning Map and Title 14 LSMC by approving a City-initiated zoning map amendment request LS2006-2 for the Clock Tower Site (four parcels located at the intersection of SR 9 & SR 92 from High Urban Residential (HUR) to General Industrial (GI) with a condition of adopting a Development Agreement for allowed uses;

WHEREAS, the Washington State Legislature, through RCW Sections 36.70B.170 through .210, has authorized the City to enter into development agreements;

WHEREAS, Clock Tower Self Storage LLC – Lake Stevens, the Owner, owns approximately 6.94 acres within the City of Lake Stevens, legally described as set forth in the attached Development Agreement for the Clock Tower Self Storage Property;

WHEREAS, the Owner wishes to develop the Clock Tower Self Storage Property for self storage units;

WHEREAS, in authorizing development agreements pursuant to RCW 36.70B.170 through .210, the Legislature found that the lack of certainty in the approval of development projects can result in a waste of public and private resources, escalate housing costs for consumers, and discourage the commitment to comprehensive planning, which would make maximum efficient use of resources at the least economic cost to the public;

WHEREAS, the execution of a development agreement is a proper exercise of the City police power and contractual authority, in order to ensure development that is consistent with the Comprehensive Plan and with applicable development regulations adopted by the City as part of its authority to plan under Chapter 36.70A RCW, and to mitigate the impacts of such development;

WHEREAS, the City Council held a public hearing on February 8, 2010, to consider the Development Agreement attached hereto as Exhibit A, and the City Council has determined that it is in the public interest to approve the Development Agreement, consistent with RCW 36.70B.200;

WHEREAS, the City Council approved a Development Agreement by Resolution 2010 -01;

WHEREAS, the Development Agreement and a related Special Use Permit are set to expire on March 25, 2015;

WHEREAS, Clock Tower Self Storage LLC – Lake Stevens, the Owner applied for an original Permit Extension on January 14, 2015 to extend the Special Use Permit and Development Agreement for six months;

WHEREAS, Clock Tower Self Storage LLC – Lake Stevens, the Owner applied for an additional Permit Extension on January 29, 2015 to extend the Special Use Permit and Development Agreement for an additional year;

WHEREAS, The proposed extension is being processed as a consolidated permit pursuant to Lake Stevens Municipal Code 14.16A.220(g)(2), which allows the highest hearing body (City Council in this case) to issue a decision on the consolidated permit because a legislative action is required to extend the Development Agreement;

WHEREAS, City staff recommends City Council approve the proposed extension of the Development Agreement and associated Special Use Permit for a total of 18 months; and

WHEREAS, the City Council held a public hearing on March 23, 2015 to consider extending the Development Agreement and associated Special Use Permit.

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

Section 1. The Development Agreement between the City of Lake Stevens and Clock Tower Self Storage – Lake Stevens, LLC, which is restated and amended attached hereto as Attachment A, is hereby extended for a total of 18 months from March 25, 2015, or until September 25, 2016.

Section 2. Severability. If any section, clause, phrase, or term of this resolution is held for any reason to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this resolution, and the remaining portions shall be in full force and effect.

Section 3. Effective Date and Publication. This resolution shall take effect immediately upon passage by the Lake Stevens City Council.

PASSED by the City Council of the City of Lake Stevens and APPROVED by the Mayor this 23rd day of March, 2015.

CITY OF LAKE STEVENS

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Barbara Stevens, City Clerk

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

Exhibit A
**RESTATED AND AMENDED
DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF LAKE STEVENS
AND CLOCK TOWER SELF STORAGE LLC - LAKE STEVENS**

Pursuant to the authority granted by RCW 36.70B.170 through .210, the CITY OF LAKE STEVENS, a Washington municipal corporation “City”) and CLOCK TOWER SELF STORAGE - LAKE STEVENS, LLC (“Owner”) enter into the following restated and amended agreement regarding the development of certain real property located within the City (“Agreement” or “Restated and Amended Agreement”).

RECITALS

WHEREAS, Owner wishes to develop the Clock Tower Property for a self-storage facility; and

WHEREAS, the execution of a development agreement is a proper exercise of the City’s police power and contractual authority, in order to ensure development that is consistent with the Comprehensive Plan and with applicable development regulations adopted by the City as part of its authority to plan under Chapter 36.70A RCW and to mitigate the impacts of such development; and

WHEREAS, the City held a public hearing on February 8, 2009, to consider this Agreement consistent with RCW 36.70B.200; and

WHEREAS, after due consideration of the terms of this Agreement and the public hearing input, the City and Owner have agreed to enter into this Agreement, which shall be used to establish an appropriate development plan for the Property;

Whereas after the passage of Resolution 2010-01 the City and the Owner entered into a Development Agreement.

WHEREAS, Clock Tower Self Storage LLC – Lake Stevens, the Owner applied for an original Permit Extension on January 14, 2015 to extend the Special Use Permit and Development Agreement for six months.

WHEREAS, Clock Tower Self Storage LLC – Lake Stevens, the Owner applied for an additional Permit Extension on January 29, 2015 to extend the Special Use Permit and Development Agreement for an additional year.

WHEREAS, The proposed extension is being processed as a consolidated permit pursuant to Lake Stevens Municipal Code 14.16A.220(g)(2), which allows the highest hearing body (City Council in this case) to issue a decision on the consolidated permit because a legislative action is required to extend the Development Agreement.

WHEREAS, City staff recommends City Council approve the proposed extension of the Development Agreement and associated Special Use Permit for a total of 18 months (**Exhibit A**).

WHEREAS, the City Council held a public hearing on March 23, 2015 to consider extending the Development Agreement and associated Special Use Permit through Resolution 2015-05.

WHEREAS, the City Council passed Resolution 2015-05.

WHEREAS, to make clear the terms of the agreement the parties have restated and amended the agreement to provide for the extensions.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises and agreements made herein and other good and valuable consideration, the sufficiency of which is hereby mutually acknowledged, the City and Owner agree as follows:

1. LOCATION AND DESCRIPTION OF PROPERTY. Owner warrants that it controls certain property located at 9100 SR 92, Lake Stevens, WA. 98258, being more particularly described as:

Parcel A:

THAT PORTION OF LOTS 258, 273 AND 288 OF SUNNYSIDE FIVE ACRE TRACTS, LYING EASTERLY OF STATE HIGHWAY NO. 1-A AND SOUTHERLY OF SECONDARY STATE HIGHWAY NO. 15-A, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 7 OF PLATS, PAGE 19, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

Parcel B:

ALL THAT PORTION OF TRACT 289, SUNNY SIDE FIVE ACRE TRACTS, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 7 OF PLATS, PAGE 19, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, LYING EAST OF STATE HIGHWAY 1-A;

EXCEPT THAT PORTION LYING WITHIN THE CITY OF SEATTLE'S SKAGIT TRANSMISSION LINE RIGHT OF WAY, SAID RIGHT OF WAY BEING MORE PARTICULARLY DESCRIBED IN DEED RECORDED UNDER AUDITOR'S FILE NUMBER 767924;

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON;

Also known as parcels #00590700025802, 00590700027301, 00590700028801, and 00590700028902 (collectively, the "Property").

2. PROPOSED DEVELOPMENT. Clock Tower Self Storage LLC proposes to develop the 6.94 acre site as a storage facility. The facility consists of nine buildings, eight to be used as storage rental units and one as the self storage rental office. The self storage rental office will be used to conduct typical self-storage business; such as renting storage units, selling moving supplies, renting moving trucks and selling storage insurance. A self storage facility is an allowed use in the General Industrial zone (GI) per LSMC 14.40, Table II, 10.210. Access to the facility will be from SR-92, right in and right out only. Of the 6.94 acres, approximately 3.61 acres will be developed. In addition to the nine buildings, development also includes an underground detention vault, parking, and landscaping.

Owner may develop and use the Property for the sole purpose of a self-storage facility. The parties acknowledge that although the zoning is General Industrial, the use is limited to self-storage.

3. DEVELOPMENT STANDARDS The parties agree that the proposed development shall comply with the following development regulations, requirements, and standards:

a. Except as otherwise specifically provided herein, Owner shall comply with all City ordinances, regulations, development standards and policies in effect at the time the complete application was submitted to the City; provided that if relevant ordinances, regulations, development standards and policies are modified to approval of the related permits, the Owner may, at its option, elect to comply with the newer requirements without changing their vesting date for the remainder of the applicable regulations. Owner

shall be subject to all pertinent impact fee requirements, and nothing in this Agreement shall be interpreted as modifying such impact fee requirements and amounts.

b. Required permits include commercial building permits, special use permit (Grading), vault permit, fence permit, and authorization for the filling of wetlands from the Department of Ecology.

c. Buildings on the property include the following (with approximate square footages): A (the office) 1,144 square feet, B 4,500 square feet, C 4,404 square feet, D 9,648 square feet, E 9,000 square feet, F 8,250 square feet, G 9,992 square feet, H 7,040 square feet, and I three stories with 37,500 square feet, as set forth on the site plan (**Exhibit B**) and building renderings (**Exhibit C**).

d. Traffic impact fees to the City are not required due to the low level of impact to intersections and street segments. Impact fees of \$562.86 shall be paid to WDOT for impacts to SR-9 and 42nd St NE as noted in the attached Gibson Traffic Consultants traffic report dated 8-30-07.

e. Drainage and water quality requirements shall be met through collection via an underground storm drain conveyance system and directed to an onsite bioswale prior to entering a stormwater detention vault, as set forth in the Drainage and Downstream Analysis Assessment by Peak Engineering.

f. Per the Lake Stevens Special Use Permit, SU 2008-5, the Owner agrees to all conditions (1 – 10) set forth and signed on October 20, 2009 by Planning Director, Rebecca Ableman, attached as **Exhibit D** and incorporated herein as if set forth in full.

4. RIGHT OF ENTRY. The Owner hereby grant to the City, its agents, employees, and officers, a right of entry to enter the property to perform any and all work and inspections necessary or deemed appropriate by the City during the installation of improvements by Owner or the utility companies or to make any necessary corrective actions deemed necessary by the City. Said right of entry shall continue until the City fully accepts the improvements.

5. MINOR MODIFICATIONS. Minor modifications from the approved permits or the exhibits attached hereto may be approved by the City in accordance with the provisions of Chapter 16.16A of the Lake Stevens Municipal Code and shall not require an amendment to this Agreement.

6. PRIVATE UNDERTAKING. It is agreed among the parties that the project contemplated herein is a private development, and the City has no interest therein except as authorized in the exercise of its governmental functions.

7. TERM OF RESTATED AGREEMENT. This Agreement shall commence upon the effective date provided in Resolution 2010-01 and Resolution 2015-15 approving this Restated and Amended Agreement and shall continue in force until September 25, 2016 pursuant to the combined time provided for the original and additional permit extensions. Following the expiration, of the term or if sooner terminated, this Restated and Amended Agreement shall have no force and effect, subject, however, to post-termination obligations of the Owner.

8. BREACH. In the event of a breach of this Agreement by either party, the non-breaching party shall be entitled to bring an action for specific performance and /or injunctive relief. In addition, in the event of breach by Owner, the City shall be entitled to stop work on any pending development by the Owner and shall be entitled to withhold approval of pending permit applications submitted by the Owner. In the event either party commences an action to enforce this Agreement or for other relief pursuant to this Agreement, the prevailing party in such litigation shall be entitled to an award of reasonable costs and attorney's fees, including costs and fees on appeal.

- 9. DISPUTE RESOLUTION.** In event of any dispute as to interpretation or application of the terms or conditions of this Agreement, the Owner or any successor in interest and the City Administrator shall meet within ten (10) business days after request from any party for the purpose of attempting, in good faith, to resolve the dispute. The meeting may, by mutual agreement, be continued to a date certain in order to include other parties or persons or to obtain additional information.
- 10. RECORDING.** This Agreement, when approved by resolution of the City Council and executed by the parties hereto, shall be filed as a matter of public record in the office of the Snohomish County Auditor no later than March 25, 2015 and shall govern the development of the land for the duration of the Agreement. It is the intent to have this Agreement, so long as it is in force, to be considered, interpreted, and regarded as a covenant running with the land as to Owner's Property.
- 11. APPLICABLE LAW AND VENUE.** This Agreement shall be governed by and be interpreted in accordance with the laws of the State of Washington. Venue of any litigation regarding this Agreement shall be in Snohomish County Superior Court.
- 12. BINDING EFFECT.** This Agreement shall be binding upon and inure to the benefit of the successors and assigns of each party hereto. The parties acknowledge that Owner shall have the right to assign or transfer all or any portion of the interests, rights and obligations under this Agreement to other parties acquiring an interest or estate in the Property. Consent by the City shall not be required for any transfer or rights pursuant to this Agreement.
- 13. TRANSFER OF OWNERSHIP.** Any conveyance of the Property with transfer or assignment of rights pursuant to this Agreement by Owner shall release Owner from any further obligations, duties or liabilities under this Agreement to the extent of such transfer or assignment.
- 14. SEVERABILITY.** If any provision of this Agreement is determined to be unenforceable or invalid by a court of law, then this Agreement shall thereafter be modified to implement the intent of the parties to the maximum extent allowable under law.
- 15. MODIFICATION.** This Agreement shall not be modified or amended except in writing signed by the City and Owner or their respective successors in interest. It is intended by the City and Owner that this Agreement satisfy the requirements of Lake Stevens Municipal Code and applicable statutory requirements, including, without limitation, RCW 36.70B.170 through RCW 36.70B.210, in order to vest the proposed development pursuant to the requirements of this Agreement. To the extent that this Agreement requires modifications to fully implement the parties' intent, the City and Owner agree to work together, in good faith, to add such other provisions as may be necessary to provide such legal compliance.
- 16. MERGER.** This Agreement represents the entire agreement of the parties with respect to the subject matter hereof. There are no other agreements, oral or written, except as expressly set forth herein.
- 17. DUTY OF GOOD FAITH.** Each party hereto shall cooperate with the other in good faith to achieve the objectives of this Agreement. The parties shall not unreasonably withhold requests for information, approvals or consents provided for, or implicit in, this Agreement.
- 18. DISCLOSURE UPON TRANSFER.** Owner agrees that in the event of a proposed sale, gift, transfer, segregation, assignment or devise of the Property, Owner shall disclose the existence of this Agreement to the interested party.



Attachment A
Planning and Community Development
Original and Additional Permit Extensions

Clock Tower Self Storage

SU2008-5

A. PROJECT DESCRIPTION AND REQUEST

David Lee submitted applications for an Original Permit Extension and an Additional Permit Extension for Clock Tower Self Storage. The permit extensions apply to a Special Use Permit issued on October 20, 2009 to develop a 6.94 acres site as a self-storage facility. The facility would consist of nine buildings – eight to be used as storage rental units and one to be used as office space. The extensions also apply to a Development Agreement dated March 25, 2010, which establishes development standards and other provisions applicable to the development of the property.

A public hearing will be held to receive public comment on proposed revisions to the Development Agreement, which will be adopted by resolution.

Typically, a permit extension is an administrative decision. The proposed extension is being processed as a consolidated permit pursuant to Lake Stevens Municipal Code 14.16A.220(g)(2), which allows the highest hearing body (City Council in this case) to issue a decision on the consolidated permit because a legislative action is required to extend the Development Agreement.

B. GENERAL INFORMATION

1. Owner/Applicant: David Lee (12214 SE 18th Place Bellevue, WA 98258
2. Property Address: 9100 State Highway 92, Lake Stevens, WA 98258
3. Parcels Numbers: 005907-000-258-02 and 005907-000-273-01 and 005907-000-288-01 and 005907-000-289-02
4. Comprehensive Plan Land Use Designations, Zoning Designation and Existing Land Uses of the Site and Surrounding Area:

AREA	LAND USE DESIGNATION	ZONING	EXISTING USE
Project Site	General Industrial Development Agreement	General Industrial Development Agreement	vacant
North of Site	Snohomish County		SR-92 / vacant
East of Site	Medium Density Residential	Urban Residential	SFR
South of Site	Commercial	Commercial District	SFR
West of Site	Marysville		SR-9

C. ANALYSIS¹

1. Permit Extensions:

- a. Per LSMC 14.16A.250(d), the Planning and Community Development Director may approve an extension of a land use permit for six months.
- b. Per LSMC 14.16A.250(f)(1), the Planning and Community Development Director may approve an additional extension of a land use permit for one or two years.

2. Application / Permit Background:

- a. Development Agreements are Type VI Legislative permits pursuant to LSMC 14.16A.210 – Table 14.16A-I, subject to City Council approval.
 - Section 7 of the Development Agreement set the terms of expiration, which is five years or a valid permit extension, commencing on the effective date of the adopting resolution. The Development Agreement was recorded on March 25, 2010 and **will be in effect until March 25, 2015.**
- b. Special Use Permits (replaced by Administrative Conditional Use permits) are Type II permits are Administrative with Public Notice pursuant to LSMC 14.16A.210 – Table 14.16A-I, subject to administrative approval.
 - Because the Development Agreement and Special Use Permit are intricately linked, the Planning and Community Development Director has interpreted the approval dates to be valid until the latest date, which is the expiration of the Development Agreement or **March 25, 2015.**
- c. The proponent applied for an original Permit Extension on **January 14, 2015** to extend the Special Use Permit and Development Agreement (**Exhibit 1**) and submitted required information.
- d. The proponent applied for an additional Permit Extension on **January 29, 2015** to extend the Special Use Permit and Development Agreement (**Exhibit 2**) and submitted required information including a statement explaining why an extension was being requested.
- e. City staff has provided appropriate public notice for revisions to the Development Agreement and scheduled a public hearing to allow public comment (**Exhibit 3**). The revised Development Agreement includes the proposed extension, which will be adopted by the accompanying revised resolution.

D. CONCLUSIONS

1. The applicant submitted requests for an original permit extension and additional permit extension in a timely manner consistent with municipal code requirements and prior to expiration of the applicable development agreement.
2. The applicant submitted a letter with the requested extensions explaining why an extension was necessary, citing the economic climate over the last few years. The applicant is working in good faith to complete the project.

¹ Project analysis includes staff findings and conclusions based on a review of current materials applicable to the project.

3. The requested permit extensions meet the intent for permit extensions under the LSMC 14.16A.250.
4. The public hearing for the revised development agreement has been adequately noticed per municipal code standards.
5. If all extensions applied for are approved, as described in LSMC 14.16A.250(f), the Special Use Permit and Development Agreement may be extended until **September 25, 2016** (six months for the original extension and one year for the additional extension).

E. Recommendation

Staff recommends City Council **APPROVE**, the original permit extension and additional permit extension and **EXTEND** approval of the Special Use Permit (SU2008-5) and the associated Development Agreement until **September 25, 2016**.

CITY OF LAKE STEVENS, DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Recommendation Completed by

March 2, 2015

Russell Wright, *Lead Senior Planner*

F. APPEALS

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

G. EXHIBITS

1. Original Permit Extension, dated January 14, 2015
2. Additional Permit Extension, dated January 29, 2015
3. Affidavit of Public Notice

For additional information on this decision or the appeal process, you may contact the Department of Planning and Community Development at 1812 Main Street, Lake Stevens, WA or call (425) 377-3235.



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

To Be Completed By Staff Date of Application: <u>1-14-2015</u> Staff Initials: <u>JM</u> Permit Number: <u>SU 2008-5</u>
--

TYPE I AND II – ADMINISTRATIVE DECISIONS LAND USE DEVELOPMENT APPLICATION

CHECK ONE	
TYPE I <input type="checkbox"/> Administrative Design Review <input type="checkbox"/> Administrative Modification <input type="checkbox"/> Boundary Line Adjustment <input type="checkbox"/> Change of Use <input type="checkbox"/> Code Interpretation <input type="checkbox"/> Fireworks Stand <input type="checkbox"/> Floodplain Development <input type="checkbox"/> Grading Permit, 100 cubic yards or less <input type="checkbox"/> Master Sign Program <input type="checkbox"/> Reasonable Use Exception <input type="checkbox"/> Shoreline Exemption <input type="checkbox"/> Sign <input type="checkbox"/> Temporary Use <input checked="" type="checkbox"/> Type I Other: <u>Original Extension</u>	TYPE II <input type="checkbox"/> Administrative Conditional Use (Grading over 100 cubic yards) <input type="checkbox"/> Binding Site Plan <input type="checkbox"/> Planned Action Certification <input type="checkbox"/> SEPA Review <input type="checkbox"/> Shoreline Substantial Development <input type="checkbox"/> Short Plats <input type="checkbox"/> Short Plat Alteration <input type="checkbox"/> Short Plat Vacation <input type="checkbox"/> Site Plan Review <input type="checkbox"/> Type II Other: _____ All Shoreline Permits Require Floodplain Review

Property Information	Site Address: <u>9100 State HWY 92 Lake Stevens, WA 98258</u>	
	Assessor Parcel No: <u>See Attached Exhibit A</u>	Property Square Feet: <u>301,903</u> Acres: <u>6.93</u>
	Land Use Designation: <u>GI Development Approval</u>	Zoning: <u>GI</u>
	Number of Buildings on Site/: <u>N/A</u>	Number to be Retained: <u>N/A</u>
	Existing Impervious Surface Area: <u>N/A</u>	Proposed Impervious Surface Area: <u>156,380 SF</u>
Applicant	Name/Company: <u>David Lee Clock Tower Self Storage Lake Stevens LLC</u>	
	Address: <u>12214 SE 18th Pl</u>	City/State/Zip: <u>Bellevue, WA 98005</u>
	Phone: <u>425-957-1411</u>	Applicants relationship to owner:
	Fax: <u>425-1323-5634</u>	Email: <u>david@nwsteelsystems.com</u>
Primary Contact	Name/Company: <u>David Lee</u>	
	Address: <u>12214 SE 18th Pl</u>	City/State/Zip: <u>Bellevue, WA 98005</u>
	Phone: <u>425-957-1411</u>	Email: <u>david@nwsteelsystems.com</u>

Fax: 425-223-5634

Property Owner	Name/Company:			
	Address: 224 SE 18 th Pl		City/State/Zip: Bellevue, WA 98005	
	Phone: 425-957-4411		Email: david@nwsteelsystems.com	
	Fax: 425-223-5634			
Project Description	Grading Quantities		Cut: 22,500 yards	Fill: 13,000 yards
	Proposed project/land use (attach additional sheets if necessary):			
	Clock Tower Self Storage - Lake Stevens			
Building Information	Gross Floor Area of Existing and Proposed Buildings:			
	Bldg 1:	Bldg 2:	Bldg 3:	Bldg 4:
	Gross Floor Area by Use of Buildings (please describe use as well as floor area):			
	Use 1: See Attached Exhibit B			
	Use 2:			
	Use 3:			
	Use 4:			

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

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

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

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



 Signature of Property Owner/Agent

1-13-2015

 Date of Application

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



Planning and Community Development

1812 Main Street, P O Box 257

Lake Stevens WA 98258

Phone Number (425) 377-3235

To be completed by staff

Date of Application: _____

Staff Initials: _____

Permit Number: _____

STATEMENT OF OWNERSHIP/APPLICANT AUTHORITY

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

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

Applicant

Signature: David A. Lee

Name: David A. Lee managing member of Clock Tower Self Storage Lake Stevens WA

Address: 12214 SE 18th Pl
Bellevue, WA 98005

Phone: 425-957-1411

Email address: david@nwsteelsystems.com

Property Owner(s)

Signature: David A. Lee

Name: David A. Lee

Address: 12214 SE 18th Pl
Bellevue, WA 98005

Phone: 425-957-1411

Email address: david@nwsteelsystems.com

Signature: _____

Name: _____

Address: _____

Phone: _____

Email address: _____

NOTE ON ENTERING PROPERTY

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

LEGAL DESCRIPTION

Parcel A:

That portion of Lots 258, 273 and 288 of Sunny Side Five Acre Tracts, lying Easterly of State Highway No. 1-A and Southerly of Secondary State Highway No. 15-A, according to the Plat thereof recorded in Volume 7 of Plats, page 19, records of Snohomish County, Washington:

Except that portion thereof conveyed to the State of Washington for SR 9 by deed recorded under recording no- 201301310231

Parcel B:

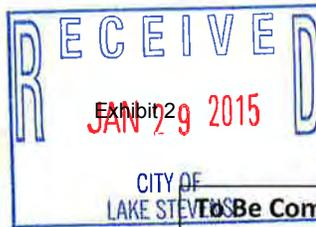
All that portion of Tract 289, Sunny Side Five Acre Tracts, according to the Plat thereof recorded in Volume 7 of Plats, page 19, records of Snohomish County, Washington, lying East of State Highway 1-a:

Except that portion lying within the City of Seattle Skagit Transmission line right of way, said right of way being more particularly described in deed recorded under Auditor's File No. 767924

Situate in the County of Snohomish, State of Washington.



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



To Be Completed By Staff

Date of Application: 1-29-2015
 Staff Initials: JM
 Permit Number: SU2008-5

TYPE I AND II – ADMINISTRATIVE DECISIONS LAND USE DEVELOPMENT APPLICATION

CHECK ONE	
<p>TYPE I</p> <p><input type="checkbox"/> Administrative Design Review</p> <p><input type="checkbox"/> Administrative Modification</p> <p><input type="checkbox"/> Boundary Line Adjustment</p> <p><input type="checkbox"/> Change of Use</p> <p><input type="checkbox"/> Code Interpretation</p> <p><input type="checkbox"/> Fireworks Stand</p> <p><input type="checkbox"/> Floodplain Development</p> <p><input type="checkbox"/> Grading Permit, 100 cubic yards or less</p> <p><input type="checkbox"/> Master Sign Program</p> <p><input type="checkbox"/> Reasonable Use Exception</p> <p><input type="checkbox"/> Shoreline Exemption</p> <p><input type="checkbox"/> Sign</p> <p><input type="checkbox"/> Temporary Use</p> <p><input checked="" type="checkbox"/> Type I Other: _____</p>	<p>TYPE II</p> <p><input type="checkbox"/> Administrative Conditional Use (Grading over 100 cubic yards)</p> <p><input type="checkbox"/> Binding Site Plan</p> <p><input type="checkbox"/> Planned Action Certification</p> <p><input type="checkbox"/> SEPA Review</p> <p><input type="checkbox"/> Shoreline Substantial Development</p> <p><input type="checkbox"/> Short Plats</p> <p><input type="checkbox"/> Short Plat Alteration</p> <p><input type="checkbox"/> Short Plat Vacation</p> <p><input type="checkbox"/> Site Plan Review</p> <p><input checked="" type="checkbox"/> Type II Other: <u>Additional Permit Extension of One Year</u></p> <p style="text-align: center;">All Shoreline Permits Require Floodplain Review</p>

Property Information	Site Address: <u>9100 State Hwy 92 Lake Stevens, WA 98258</u>		
	Assessor Parcel No: <u>See Attached Exhibit A</u>	Property Square Feet: <u>301,903</u>	Acres: <u>6.93</u>
	Land Use Designation:	Zoning: <u>GI</u>	
	Number of Buildings on Site/: <u>N/A</u>	Number to be Retained: <u>N/A</u>	
	Existing Impervious Surface Area: <u>N/A</u>	Proposed Impervious Surface Area: <u>156,390 SF.</u>	
Applicant	Name/Company: <u>David Lee Clock Tower Self Storage Lake Stevens LLC</u>		
	Address: <u>1224 SE 18th Pl</u>	City/State/Zip: <u>Bellvue, WA 98005</u>	
	Phone: <u>425-957-1411</u>	Applicants relationship to owner: <u>Owner</u>	
	Fax: <u>425-223-5634</u>	Email: <u>david@nwsteelsystems.com</u>	
Primary Contact	Name/Company: <u>David Lee</u>		
	Address: <u>1224 SE 18th Pl</u>	City/State/Zip: <u>Bellvue, WA 98005</u>	
	Phone: <u>425-957-1411</u>	Email: <u>david@nwsteelsystems.com</u>	

Fax: 425-223-5634

Property Owner	Name/Company: <u>David Lee Clock Tower Self Storage - Lake Stevens LLC</u>			
	Address: <u>12214 SE 18th Pl</u>		City/State/Zip: <u>Bellevue, WA 98005</u>	
	Phone: <u>425-957-1411</u>		Email: <u>dauidenwstealsystems.com</u>	
	Fax: <u>425-223-5634</u>			
Project Description	Grading Quantities		Cut: <u>22,500</u>	Fill: <u>13,000</u>
	Proposed project/land use (attach additional sheets if necessary):			
	<u>Clock Tower Self Storage - Lake Stevens</u>			
Building Information	Gross Floor Area of Existing and Proposed Buildings:			
	Bldg 1:	Bldg 2:	Bldg 3:	Bldg 4:
	Gross Floor Area by Use of Buildings (please describe use as well as floor area):			
	Use 1: <u>See Attached Exhibit B</u>			
	Use 2:			
	Use 3:			
	Use 4:			

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

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

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



 Signature of Property Owner/Agent

1-28-2015

 Date of Application

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



To be completed by staff

Date of Application: _____

Staff Initials: _____

Permit Number: _____

STATEMENT OF OWNERSHIP/APPLICANT AUTHORITY

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

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

Applicant

Signature: DA Lee

Name: David A. Lee Managing member of Clock Tower Self Storage Lake Stevens

Address: 18214 SE 18th Pl

Bellevue WA 98005

Phone: 425-957-1411

Email address: dauid@nwsteelsystems.com

Property Owner(s)

Signature: DA Lee

Signature: _____

Name: David A. Lee

Name: _____

Address: 18214 SE 18th Pl

Address: _____

Bellevue, WA 98005

Phone: 425-957-1411

Phone: _____

Email address: dauid@nwsteelsystems.com Email address: _____

NOTE ON ENTERING PROPERTY

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

LEGAL DESCRIPTION

Parcel A:

That portion of Lots 258, 273 and 288 of Sunny Side Five Acre Tracts, lying Easterly of State Highway No. 1-A and Southerly of Secondary State Highway No. 15-A, according to the Plat thereof recorded in Volume 7 of Plats, page 19, records of Snohomish County, Washington:

Except that portion thereof conveyed to the State of Washington for SR9 by deed recorded under recording No. 201301310231

Parcel B:

All that portion of Tract 289, Sunny Side Five Acre Tracts, according to the Plat thereof recorded in Volume 7 of Plats, page 19, records of Snohomish County, Washington, lying East of State Highway 1-a:

Except that portion lying within the City of Seattle Skagit Transmission line right of way, said right of way being more particularly described in deed recorded under Auditor's File No. 767924

Situate in the County of Snohomish, State of Washington

David A. Lee
12214 SE 18th Place
Bellevue, WA 98005

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

January 28, 2015

RE: Request for Additional Permit Extension on ClockTower (SU2008-5)

Dear Ms. Payne,

Per LSMC 14,16A.250, (2) (i), (f), (ii), (iii), (iv) & (f) (4). I am hereby requesting an additional permit extension of one year.

Name of Project: ClockTower Self Storage – Lake Stevens (ClockTower SU2008-5);

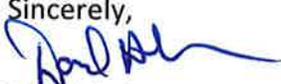
Requested Time Period: Extension date of September 25, 2016

Requested Explanation for Extension: Per 14.16A.250, **Expiration of Approvals and Approved Permits, #2**

Due to the economic downturn, we had to place the project on hold until economic conditions and the commercial lending environment had improved. With the economic downturn we were not able to secure financing for the project. We had hoped to start construction in the spring of 2014; however, due to a family member's health condition, we were delayed another year.

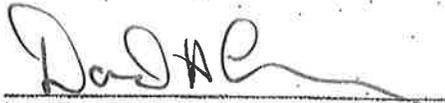
Our current goal is to begin construction in the spring of 2015, and complete construction during the first quarter of 2016.

If you have any questions, please contact me at your earliest convenience. I can be reached at (425) 957-1411.

Sincerely,

David A. Lee

Dated this 29th day of JANUARY, 2015

Clock Tower Self Storage - Lake Stevens, LLC, a Washington Limited Liability Company

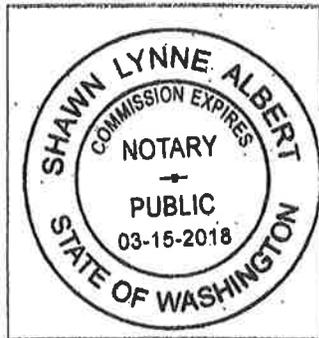


by: David A. Lee, Member

STATE OF WASHINGTON)
)ss
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that David A. Lee personally appeared before me and signed this instrument as a member of Clock Tower Self Storage - Lake Stevens, LLC a Washington Limited Liability Company and on oath stated that he/she was authorized to execute the instrument and acknowledged it as a Member of and authorized signor for the LLC to be the free and voluntary act of such LLC for the uses and purposes mentioned in the instrument.

WITNESS my hand and official seal hereto affixed this 29th day of JANUARY, 2015



(Use this space for
Notary Seal Stamp)



Notary Public in and for the
State of Washington
Residing at EVERETT, WA
My commission expires: 03-15-18
SHAWN LYNNE ALBERT
(Type or Print Notary Name)

Exhibit 3



NOTICE OF APPLICATION AFFIDAVIT OF NOTICE

Project Name: CLOCK TOWER SELF STORAGE

Project Number: SU2008-5

<u>Place Posted</u>	<u>Date Posted</u>	<u>Signature</u>
1. City Hall	<u>2/24/15</u>	<u>[Signature]</u>
2. Permit Center	<u>2/24/15</u>	<u>[Signature]</u>
3. Lake Stevens Journal	<u> </u>	<u> </u>
4. Everett Herald	<u>2/26/15</u>	<u>[Signature]</u>
5. Web Page	<u> </u>	<u> </u>
6. Mailing	<u>2/26/15</u>	<u>[Signature]</u>
7. Site Posting	<u> </u>	<u> </u>

**CLOCK TOWER SELF STORAGE LLC
SITE PLAN**

Attachment B

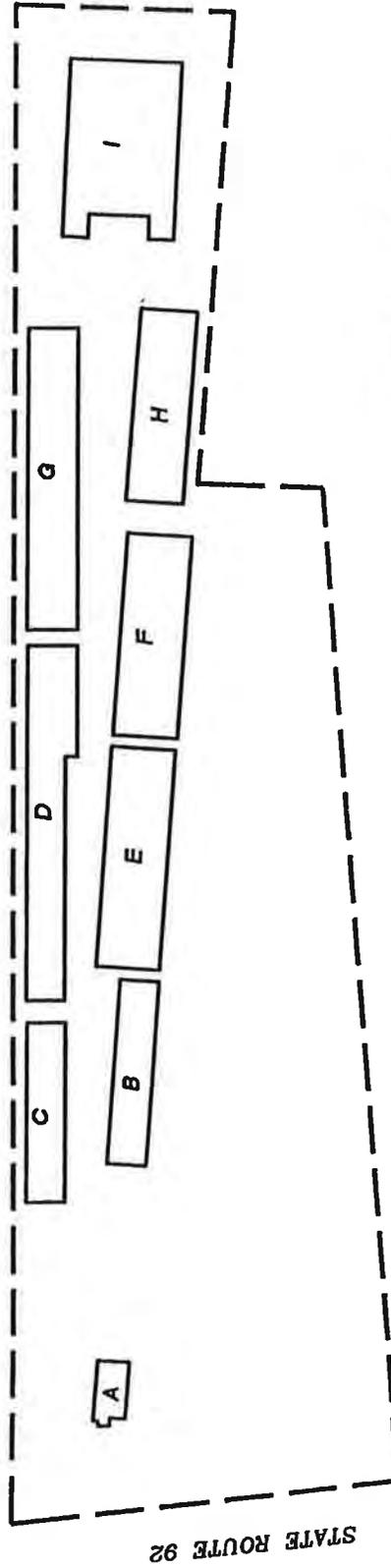


Exhibit A

BUILDING DATA

A	1,144 SF
B	4,500 SF
C	4,404 SF
D	9,648 SF
E	9,000 SF
F	8,250 SF
G	9,992 SF
H	7,040 SF
I	37,500 SF

STATE ROUTE 9

STATE ROUTE 92

Attachment C

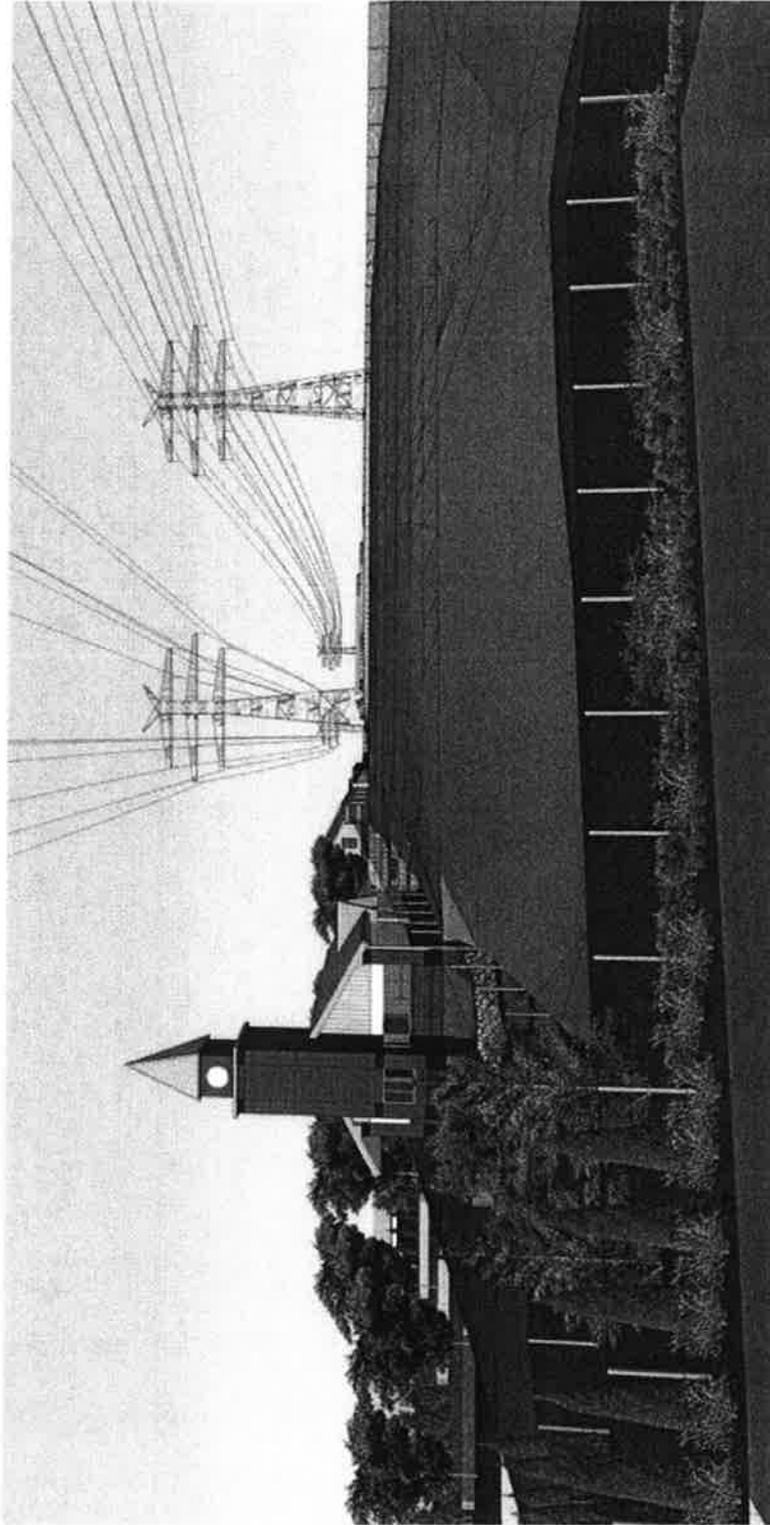


Exhibit B

STRICKER CATO MURPHY ARCHITECTS, P.S. ■ CLOCK TOWER SELF STORAGE



Attachment D

**SPECIAL USE PERMIT
Clock Tower**

October 20, 2009

SU 2008-5 (Land Use Decision and Grading Permit)

This application has been approved subject to the conditions of approval listed in Section F.

A. PROJECT DESCRIPTION AND REQUEST: The applicant made application for a Special Use Permit for Development of a 6.94 acre site as a storage facility. The facility consists of nine buildings, eight to be used as storage rental units and one as office space. Access to the facility will be from SR-92, right in/right out only. Of the 6.94 acres approximately 3.61 acres will be developed. In addition to the nine buildings, development also includes approximately 37,500 total cubic yards of excavation and 13,000 fill, an underground detention vault, parking, and landscaping. Temporary erosion control measures shall be installed to minimize short-term construction impacts. This permit grants approval for the site work to begin but does not grant approval for building construction. Prior to building construction the applicant shall obtain building permits BP 2008-119 thru BP 2008-127.

B. GENERAL INFORMATION

DECISION DATE: October 20, 2009
FILE NAME/NO.: Clock Tower Storage Units / SU2008-5
APPLICANT: Clock Tower – Lake Stevens, LLC
PROPERTY OWNER: David Lee & Greg Hemstreet
LOCATION OF PROPERTY: 9100 State Route 92
TAX PARCEL NUMBERS(s): 005907-000-258-02, 005907-000-273-01, 005907-000-0288-01
005907-000-289-02
PROPERTY ZONING: General Industrial (GI) with Development Agreement
ACREAGE: 6.94
USE CLASSIFICATION: Lake Stevens Municipal Code 14.40, Table II: Table of Permissible Uses: Use 10.210 All storage within completely enclosed structures.
REPORT PREPARED BY: Roxanne Justice, Senior Planner

C. BACKGROUND

The Special Use Permit Application was received by the City of Lake Stevens on June 4, 2008. (*Exhibit 1*) The application was deemed complete on June 4, 2008. Final Plans, date stamped October 1, 2009 are the approved plans for site development (*Exhibit 2*). Per LSMC 14.16.090, a Special Use Permit is issued by the Planning Director after an administrative review process unless a hearing is requested during notice of application period. No hearing was requested.

D. ENVIRONMENTAL REVIEW

This project is subject to the State Environmental Policy Act. The applicant submitted an environmental checklist and associated environmental documents. (*Exhibit 3*) A Mitigated Determination of Nonsignificance (MDNS) was issued on August 22, 2009; no appeals were filed. (*Exhibit 4*) A comment from the Department of Ecology (DOE) generated a condition related to state authorization for the proposed wetland fill (*Exhibit 5a*). On October 20, 2009 an addendum was issued to the August 22, 2009 Mitigated Determination of Non-significance (MDNS). The addendum was issued to correct the amount of excavation and fill from 25,000 to approximately 37,500 cubic yards of excavation and 13,000 fill. (Exhibit 4a)

E. FINDINGS OF FACT

1. The proposed land use, Use Category 10.210 a storage facility, is permitted with a Zoning Permit in the General Industrial zone.
2. Either a zoning or special use permit shall be required for any grading, excavation or filling on a lot that meets or exceeds the threshold level identified in the grading threshold table within any twelve month period.

Grading Threshold Table

Lot Area (sq. ft)	Zoning Permit	Special Use Permit
Less than 10,000	10 cubic yards	50 cubic yards
10,000-24,999	20 cubic yards	50 cubic yards
25,000-49,999	30 cubic yards	50 cubic yards
50,000- 99,999	40 cubic yards	100 cubic yards
100,000 and up	50 cubic yards	100 bic yards

Because the amount of cut and fill exceeds the threshold allowed under a zoning permit and, in accordance with LSMC 14.40.080, when a combination use comprises two or more principal uses that require different types of permits (zoning, special use, or conditional use), then the permit authorizing the combination use shall be the permit requiring the highest degree of review, this application is reviewed and being approved under a Special Use application.

3. A Notice of Application was published and posted at City Hall and onsite on June 6, 2008. (*Exhibits 6 & 7*)
4. As a result of the Notice of Application, several citizen comments were received regarding the application and expressing concern about the ingress/egress onto SR 92, the loss of the natural greenbelt that abuts their neighborhood located directly east of the proposed storage units, and filling of the wetland. (*Exhibit 8*). Citizen concerns have been addressed below and throughout this document.

- a. The City, in coordination with WSDOT, approved the proposal allowing a right-in/right-out only to and from the site reducing the chance of traffic cutting across the westbound lane and into traffic traveling west along SR 92.
- b. The developer hosted several neighborhood meetings and agreed to increase the landscape buffer along the east side of the development.
- c. In addition and to further reduce the visual impact to the surrounding neighborhood, the developer will install an eight-foot wood fence along the east side of the development,

5. Property and Surrounding Property Conditions

The site is zoned General Industrial (GI) with Development Agreement. Immediately abutting the property to the north and west are SR 92 and SR 9, to the south the property is zoned Multi-Family Residential (MFR). Directly east of the site property is zoned High Urban Residential (HUR) and supports single-family homes.

6. Design Review Board – LSMC 14.44.100

This development is subject to the applicable guidelines or standards set forth in the Design Guidelines. The applicant submitted design review materials. (*Exhibit 10a*) Design Review Board meetings were held by the Planning Commission on February 4, 2009 (Exhibit 9) and by the City Council acting as the Design Review Board and approving the design on February 23, 2009. Two Design Review conditions were approved and shall be included in building permit submittals:

- a. No outdoor lighting shall be installed on the buildings along the east property line including buildings C, D and G to minimize light glare on adjacent residential neighborhood; and
- b. The paint color on the east side of buildings C, D and G shall be emerald green. (*Exhibit 11*)

7. Clearing and Grading Permit – LSMC 14.44.100

- a. A grading and clearing permit shall be granted only when the proposed development is consistent with the Lake Stevens Municipal Code 14.44.100 and 14.44.110.
- b. LSMC 14.44.100 identifies when permits are necessary to engage in grading and clearing activities.
- c. Either a zoning or special use permit is required for grading, excavation or filling on a lot that meets or exceeds the threshold level identified in the grading threshold table within any twelve month period.
- d. Approximate amount of excavation and fill for this project is 37,500 cubic yards of cut and 13,000 fill.
- e. The square footage of the site is approximately 6.9 acres in size (302,148 square feet)
- f. On lots over 100,000 square feet and up and exceeds 99 cubic yards of cut or fill a Special Use permit is required.

The grading plans dated October 1, 2009 (Exhibit 2) meet the requirements of LSMC 14.44.100 – 130.

8. Density and Dimensional Regulations – Chapter 14.48 LSMC

The application meets the requirements for density and dimensional standards of LSMC 14.48 as follows:

- Minimum Lot Size: N/A
- Minimum Lot Widths: 10
- Minimum Building Setback: 30 feet from right-of-way
- Maximum Building Height: 85 feet

9. Streets and Sidewalks – Chapter 14.56 LSMC

Washington State Department of Transportation - The raised aisle will be placed back of the shoulder of SR 92 and be painted white on the front and yellow on the sides. A right only arrow sign will be posted for drivers leaving the facility. (*Exhibit 12*)

City of Lake Stevens – No traffic impact mitigation fees are required as the impact threshold has not been met. To mitigate impacts to the City’s overall transportation system, LSMC 14.110 requires the developer to mitigate for impacts. This proposed development will not impact any City of Lake Stevens street segments with 13 or more daily trips and will therefore not be required to pay mitigation for these impacts. (*Exhibit 13*) The applicant is, however, required to pay traffic impact mitigation fees to WSDOT in the amount of \$562.86. (*Exhibit 14*)

10. Utilities – Chapter 14.60 LSMC

Adequate electric and water services are available to the site from the Snohomish County PUD and adequate sewer service is available to the site from the Lake Stevens Sewer District (*Exhibits 15, 16 & 17*). Per LSMC 14.60.450, all existing, extended, and new electric power lines, telephone, gas distribution, cable television, and other communication lines in or adjacent to any land use or building permit approved shall be placed underground in accordance with the specifications and policies of the respective utility service providers and located in accordance with the currently adopted version of the Engineering Design and Development Standards for the City of Lake Stevens. Per the conditions set by the Design Review Board and related to LSMC 14.60.400 and .410, no outdoor lighting shall be installed on the buildings along the east property line including buildings C, D and G to minimize lighting impacts to the residential neighborhood.

11. Floodways, Floodplains, Drainage, and Erosion – Chapter 14.64 LSMC

The site is not within a floodway or floodplain. Stormwater runoff will be collected via an underground storm drain conveyance system and directed to an on-site bioswale prior to entering a stormwater detention vault. Stormwater from the vault will discharge into the adjacent roadside ditch along SR 92. (*Exhibit 18*) As required by DOE’s Stormwater Manual, a Stormwater Pollution Prevention Plan was prepared. (*Exhibit 19*)

12. Signs – Chapter 14.68 LSMC

The application proposes three signs to be placed on Building I, one located on the north, west, and south sides. There will also be a sign below the clock in the tower, two signs on Building A,

and a 50 square foot entry sign. Total signage for the site is 362 square feet within the amount allowed under Chapter 14.68 LSMC. This permit does not grant approval for the future signage. The applicant is required to obtain separate permits under a separate sign permit application.

13. Parking – Chapter 14.72 LSMC

Eighteen parking stalls are required per LSMC 14.72.010 Table VII for Use Category 10.210. The applicant proposes nineteen parking stalls as part of this project.

14. Landscaping – Chapter 14.76 LSMC

Landscape has been proposed that defines the edges and adds softness to the site. In addition to the required 10-foot landscape buffer along the east property line pursuant to LSMC 14.76.090 Table XI, the applicant proposes to put an 8-foot high wooden fence to provide a year round visual barrier for the abutting residential development. Fencing around the remainder of the site will be a 6-foot fence. As required by code, a 30-foot landscape buffer will be installed along SR 9 and SR 92. Plantings are a mix of evergreen and deciduous trees, shrubs and groundcover with the exception that no trees will be planted within the Seattle City Light easement for safety reasons at the request of Seattle City Light. Additional landscape will be installed around the parking lot and includes shade trees and ground cover. The dumpster area will be located and screened to prevent impacts to the surrounding properties (Exhibit 2).

15. Fire Code – Chapter 14.84 LSMC

Hydrant locations are required per the standards in LSMC 14.84.060 and depicted on sheet W-1, date stamped October 1, 2009, and approved by the Fire Marshal on February 5, 2009. (*Exhibit 2*)

16. Critical Areas – LSMC 14.88

Two wetlands were identified on site: wetland A and B. Wetland A, a Category IV, is approximately 5,159 square feet in size. Wetland B, a Category III, is approximately 27,000 square feet in size (modified from 21,009 and 22,258 in earlier application reports submitted by the applicant) and is an isolated, low functioning wetland. In addition Wetland C, a Category IV, has been identified off site. Wetland C is approximately 85 square feet in size. No impacts are proposed for Wetland A or Wetland C, Wetland B is proposed to be filled. (*Exhibits 20 & 21*). Army Corp of Engineers has indicated that they do not seek jurisdiction of Wetland B and is therefore not subject to any further permitting from them (*Exhibit 26*).

The applicant submitted a request for a determination of denial of reasonable economic use in accordance with LSMC 14.88.310 and .320, which allows a regulated use in a critical area where denial of all economic use is demonstrated when the stated criteria has been met. (*Exhibit 22*) Based on the information submitted, the Director has determined that the applicant has demonstrated there are no economical feasible alternatives and the mitigation sequence of LSMC 14.88.010 (avoid, minimize, reduce, compensate) has been met due to site constraints on the property (shape of the property, a large power easement, and wetlands) including the low value of the Wetland B. The applicant has further demonstrated that the impacts to the critical area will be adequately mitigated and there will be no damage to nearby public or private property as a result of the wetland fill. (*Exhibit 22*)

The applicant proposes to mitigate for Wetland B by purchasing credits at a Department of Ecology approved wetland mitigation bank as allowed under LSMC 14.88.840 when mitigation

sequencing criteria have been met. (*Exhibits 24 & 25*) LSMC 14.88 allows the applicant to utilize the credit ratio approved in the bank's charter — in this case, a one-to-one ratio of impacts to credits for Category III wetlands. This is consistent with the Lake Stevens Municipal Code and therefore is an allowed regulated use in a Critical Area with the proposed mitigation plan. The applicant is required to submit a fully executed wetland mitigation bank purchase contract to the City for approval prior to any construction activity on the site. Additionally, the applicant is required to obtain approval for filling Wetland B from the State Department of Ecology also prior to any construction activity on the site (*Exhibit 5a*).

F. CONDITIONS OF APPROVAL

1. Development shall be in substantial conformance with the approved plans date stamped October 1, 2009.
2. This application is subject to the applicable requirements contained in the Lake Stevens Municipal Land Use and Building Codes. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances.
3. Prior to the start of any site work or construction the applicant must submit and obtain authorization for the filling of the wetlands from the Department of Ecology. The Department of Ecology - Northwest Regional Office is located at 3190 160th SE Bellevue, WA 98008. For more information call (425) 649-7000.
4. Prior to commencement of any construction activity, a final mitigation contract shall be in place with a certified Mitigation Bank for mitigating impacts to Wetland B. A copy of such shall be provided to the City for approval, before any site construction activity is authorized.
5. Prior to initiation of other permitted activities, the off-site wetland banking agreement shall be implemented.
6. All outstanding fees must be paid to the City before the permit is valid.
7. Prior to the start of construction, an engineering estimate for all work associated with site improvements and maintenance shall be submitted to the City for determination of bond amounts and all bonds (security mechanisms) shall be submitted to the City.
8. Prior to the start of any construction, a Development Agreement, in accordance with the zoning designation and Ordinance No. 726 that limits the use to Self Storage only, shall be fully executed between the developer and the City of Lake Stevens.
9. Two Design Review conditions shall be included in building permit submittals: (1) No outdoor lighting shall be installed on the buildings along the east property line including buildings C, D and G; and (2) The paint color on the east side of buildings C, D and G shall be emerald green.
10. The developer shall meet all local, state, or federal regulations.

1. DECISION

On the above date the Director of the Department of Planning and Community Development of the City of Lake Stevens *approved with the above stated conditions* permit application number SU 2008-5, granting all rights and privileges accorded thereby as set forth in the Lake Stevens Municipal Code (LSMC) for this permit type pursuant to LSMC 14.16.100 and no requests for a hearing were received.

The permit expires on October 20, 2010 at 5:00 p.m. unless construction or use has commenced prior to said expiration date or an extension has been granted pursuant to the terms and conditions of Title 14 LSMC.

2. APPEALS

If you wish to appeal this decision an appeal application must be filed, with all required fees, by November 3, 2009, within the required 14 days from the date of permit issuance. The appeal of the permit would be heard by the City Council.

CITY OF LAKE STEVENS
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT


Rebecca Ableman, Planning Director

10-20-09
Date of Decision

3. EXHIBITS

1. Application(s) dated June 4, 2008
2. Final Plan Set dated October 1, 2009
3. SEPA Environmental Checklist revised May 29, 2009
4. Mitigated Determination of Non-Significance (MDNS) issued August 22, 2009
- 4a Addendum to Mitigated Determination of Non-Significance issued October 20, 2009
5. Email from Washington State Department of Ecology (DOE) dated August 26, 2009
- 5a Letter from Department of Ecology dated August 26, 2009 authored by Paul Anderson
6. Notice of Application issued June 11, 2008
7. Affidavit of Posting and Publication
8. Comment Letters Received
9. Design Review Board Letter of Recommendation to Council by Planning Commission dated February 4, 2009.
10. Design Review Board Staff Report to Council dated February 23, 2009
- 10a Design Review Materials approved by Council on February 23, 2009.
11. City Council Regular Meeting Minutes dated February 23, 2009 approving the Clock Tower Design.
12. E-mail from Washington State Department of Transportation dated March 3, 2009 regarding access
13. Traffic Impact Analysis dated February 23, 2009
14. Updated Traffic Analysis dated August 30, 2007, WSDOT Mitigation Fee 4562.86.
15. Letter from Snohomish County PUD dated November 5, 2008 regarding sufficient electric system capacity
16. Letter from Snohomish County PUD dated October 30, 2008 regarding water service availability
17. Letter from Lake Stevens Sewer District dated October 1, 2009 regarding sewer Availability
18. Storm Water Detention Vault Calculations dated June 25, 2007
19. Stormwater Pollution Prevention Plan dated September 14, 2007
20. Critical Areas Report and Conceptual Mitigation Plan dated November 1, 2007 and revised May 29, 2009
21. Addendum to Critical Areas Report dated July 27, 2009
22. Letter from Harmsen & Associates, Inc. dated May 26, 2009 request for reasonable use exception
23. Economic Analysis of Lake Stevens Storage Development dated May 26, 2009
24. Available Credit Letter from Habitat Bank LLC dated May 26, 2009
25. Letter from Skykomish Habitat Mitigation Bank LLC dated May 27, 2009
26. Letter from Department of the Army, Corps of Engineers dated June 11, 2007



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: March 9, 2015

Subject: Ordinance 928 Amending Lake Stevens Municipal Code, Chapter 2.92.020 Entitled "Methods for Selling Surplus and Personal Property".

Contact Person/Department: Chief Dan Lorentzen **Budget Impact:** N/A

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Authorize Ordinance 928 Amending Lake Stevens Municipal Code, Chapter 2.92.020, entitled "Methods for selling surplus and personal property".

SUMMARY/BACKGROUND: The current language in LSMC 2.92 does not address every aspect for disposing of surplus and personal property that is taken into the police department.

The Amendment of Lake Stevens Municipal Code, Chapter 2.92.020 addresses a typo and adds additional language to sections D, E and F. This language updates the code to allow the city more options when disposing of surplus and personal items.

APPLICABLE CITY POLICIES:

BUDGET IMPACT: N/A

ATTACHMENTS:

- ▶ Exhibit A: Ordinance 928 Amending LSMC 2.92.020 Relating Methods for Selling Surplus and Personal Property.

EXHIBIT A

CITY OF LAKE STEVENS LAKE STEVENS, WASHINGTON

ORDINANCE NO. 928

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON, AMENDING LAKE STEVENS MUNICIPAL CODE CHAPTER 2.92 ENTITLED SALE AND DISPOSAL OF SURPLUS AND PERSONAL PROPERTY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

SECTION 1. LCMS Chapter 2.92 entitled “Sale and Disposal of Surplus and Personal Property” is amended to read as follows:

Chapter 2.92 SALE AND DISPOSAL OF SURPLUS AND PERSONAL PROPERTY

Sections:

- 2.92.010 Sale or donation of unneeded property owned by the City
- 2.92.020 Methods for selling surplus and personal property
- 2.92.030 Procedure for solicitation of written/sealed bids

2.92.010 Sale or donation of unneeded property owned by the City.

The Mayor or designee may authorize department directors to sell property owned by the City and which is in the custody of their departments when they have certified in writing to the Mayor that said properties are no longer of public use to the City, or that the sale thereof would be in the best interests of the City. Department heads shall certify in writing that they have taken reasonable steps to determine the value of the property and shall notify the Mayor in writing of the estimated value. The Mayor or designee may also authorize a donation of surplus property with an estimated value of which is less than \$250.00 to a specific bona fide charitable organization which is tax exempt pursuant to Internal Revenue Code Sec. 501 (c) (3).

2.92.020 Methods for selling surplus and personal property.

When surplus or personal property has been certified for disposition by the Mayor or designee, the permissible methods of disposition of such property shall include, but are not limited to:

- A. Public auction or by public auction service;

- B. Solicitation of written/sealed bids;
- C. Transfer to another agency of government at or below reasonable market value; or
- D. Lease or loan.
- E. Negotiated sale to one or more designated buyers;
- F. Surplus Police Firearms: Firearms that are owned and retained by the Lake Stevens Police Department may be disposed of by the Chief of Police, or designee, either by their destruction, trade, or auction to firearm dealers at the discretion of the Chief of Police, except antique firearms or firearms of historical significance under RCW 9.41.098 which must be auctioned or traded to licensed dealers.

No City employee may acquire property at a sale if the employee had any role in establishing the price of said property.

2.92.030 Procedure for solicitation of written/sealed bids.

A. Call for sealed bids. The call for sealed bids shall contain a description of the property to be sold, the location thereof, the name and address of the person with whom the bid is to be filed, the last date for filing bids, and any other pertinent information. Such call shall be published at least once in the official newspaper of the City not less than five (5) days before the last date for filing of bids.

B. *Bid deposit for the sale of surplus and personal property over one thousand dollars in value.* Any bid over one thousand dollars in value shall be accompanied by a deposit in the form of a certified check in an amount equal to not less than ten percent of the amount of the bid. All such deposits so made shall be returned to the unsuccessful bidders depositing the same after award of contract has been made. The deposit of the successful bidder shall be applied toward the bid price, or upon failure of such bidder to consummate the purchase, such deposit shall be forfeited as liquidated damages and such deposit so forfeited shall be credited to the appropriate account.

C. Bid opening process. Sealed bids shall be opened in public by the City Administrator or duly authorized agent at the time and place specified in the call for bids. The City Administrator or duly authorized agent shall make a tabulation of all bids received. The sale of the surplus or personal property shall be to the highest successful bidder. (Ord. 609, Sec. 1, 1999; Ord. 478, 1995)

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

SECTION 3. Effective Date 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 _____, 2015.

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Kathy Pugh, Deputy City Clerk

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

First Reading:

Second and Final Reading:

Published:

Effective: